



Hawkesbury City Council

ordinary  
meeting  
business  
paper

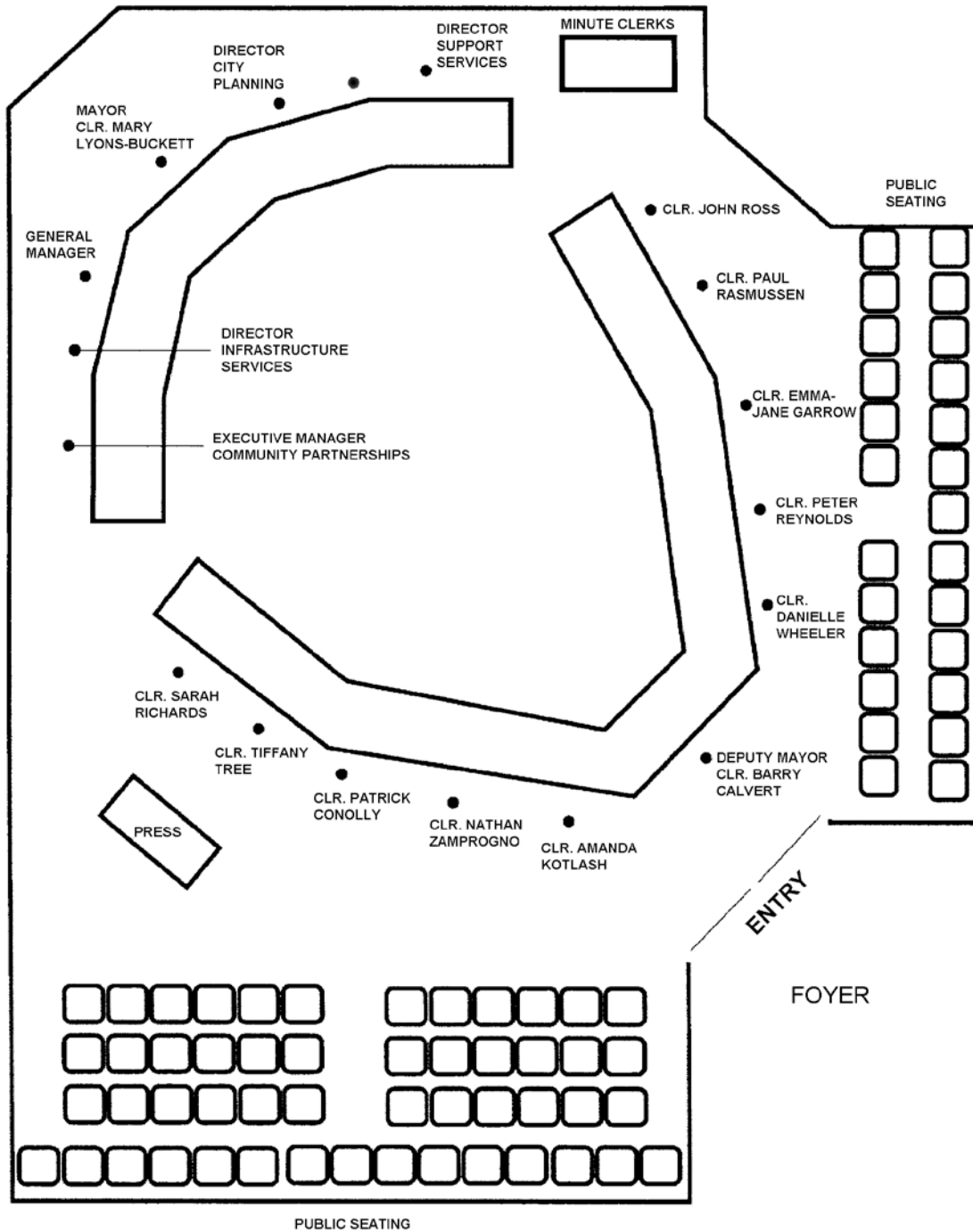
date of meeting: 27 February 2018  
location: council chambers  
time: 6:30 p.m.



# mission statement

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

# Hawkesbury City Council







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**ORDINARY MEETING**  
**Procedural Matters**  
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**PROCEDURAL MATTERS**

**Welcome**

The General Manager will address the Council meeting, mentioning:

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

**Attendance**

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

**Apologies and Leave of Absence**

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

**Declaration of Interest**

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

**Acknowledgement of Official Visitors to the Council**

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

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**Procedural Matters**

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ordinary

section 1

confirmation of minutes

**ORDINARY MEETING**

**SECTION 1 - Confirmation of Minutes**

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**SECTION 1 - Confirmation of Minutes**

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mayoral minutes

**ORDINARY MEETING**  
**SECTION 2 – Mayoral Minute**  
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**SECTION 2 – Mayoral Minutes**

**Item: 036                      MM1 - Sydney West Planning Panel Appointment**

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**REPORT:**

On 12 April 2016 Council resolved to appoint the then Mayor (in lieu of the General Manager) as well as the Director of City Planning to the Sydney West Planning Panel (SWPP). On 29 November 2016 this reappointment was reaffirmed.

Due to the nature of items being brought before the Panel I have withdrawn on several occasions due to the potential of perceived bias in matters which Council has either considered previously, or has made policy decisions relative to the application.

Therefore I do not feel the appointment to the Panel of the Mayor or Councillors is appropriate and as such seek to be replaced on the Panel by the General Manager. This reflects the original appointment made to the Panel.

This Mayoral Minute also seeks to delegate to the General Manager the authority to appoint an appropriate alternate member of the Panel, if necessary.

**RECOMMENDATION:**

That Council:

1. Appoint the General Manager in place of the Mayor on the Sydney West Planning Panel (SWPP).
2. Authorise the General Manager to nominate an appropriate alternate member of the Panel, if necessary.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF MAYORAL MINUTE Oooo**

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**Item: 037**                      **MM2 - Truck and Trailer Parking**

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**REPORT:**

There is an emerging issue with the number of truck and trailers which are offloaded and left at various sites around the Hawkesbury. For example at the large bitumen carpark section on Ham Common between the Visitor Information Centre and the tennis courts, and at the gravel stockpile area near Colo High School.

There are dangers associated this practice. It is acknowledged that this is necessary in some circumstances and that due to the difficulty of getting some vehicles through residential areas that sometimes the trailer section is removed and parked. However when this is in the vicinity of pedestrians, especially children it presents a significant danger.

I am therefore calling for a report to identify the various issues relating to heavy vehicle parking including safety, amenity and commercial transport operations. Such information is necessary to be able to identify strategic responses to manage and balance transport needs and safety.

**RECOMMENDATION:**

That Council investigate and report back on issues associated with heavy vehicles and truck and trailer parking including road rules, safety, amenity and commercial and operational needs of transport operators.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF MAYORAL MINUTE Oooo**

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**Item: 038**

**MM3 - Heavy Vehicle Movement Increase in the Hawkesbury LGA**

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**REPORT:**

I have received multiple representations from residents regarding a progressive increase in the number of heavy vehicle movement across Council's local road network. They have expressed specific concerns about the:

- size / length of the trucks
- frequency of truck movements
- noise associated with the truck movements, including exhaust breaking
- impacts of the heavy vehicles on the road condition
- the cost of maintaining Councils road network.

I understand that Council Officers will soon be receiving a report in relation to traffic movements within the Hawkesbury Local Government Area. If heavy vehicles are using alternative routes - to the main roads, then we need to investigate why, and assess the impacts of this.

Council has also established its Infrastructure Committee to amongst other things, make representations on its behalf regarding relevant "Infrastructure Issues".

**RECOMMENDATION:**

1. Subsequent to the receipt of the soon to be received traffic study, Council officers investigate the potential costs associated with road maintenance for local roads being used as thoroughfares, particularly by heavy vehicles
2. Upon completion of their investigations, Council Officers report their findings to the Infrastructure Committee.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF MAYORAL MINUTE Oooo**

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**SECTION 3 – Reports for Determination**

**PLANNING DECISIONS**

**Item: 039**                      **CP - DA0697/17 - 63 Douglas Street, North Richmond - Lot 17 DP 744230 - Tourist and Visitor Accommodation - Construction of Five Cabins, Filling of Existing Water Storage Facility and Associated Car Parking Area (95498, 142972, 16809, 13057)**

**Directorate:**                City Planning

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**DEVELOPMENT INFORMATION**

**File Number:**              DA0697/17  
**Property Address:**      63 Douglas Street, North Richmond  
**Applicant:**                Daniel Cowley Designs  
**Owner:**                    Mrs KA O'Brien  
**Proposal Details:**      Tourist and Visitor Accommodation - Construction of Five Cabins, Filling of Existing Water Storage Facility and Associated Car Parking Area  
**Estimated Cost:**        \$150,000.00  
**Site Area:**                1.997 ha  
**Zone:**                      RU1 Primary Production under *Hawkesbury Local Environmental Plan 2012*  
**Date Received:**         7/12/2017  
**Advertising:**             20/12/2017 - 17/01/2018  
  
**Key Issues:**               ♦ Bush fire prone land

**Recommendation:**      Approval

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**REPORT:**

**Executive Summary**

This application seeks consent for the erection of five tourist cabins, filling of an existing water storage facility and the construction of a car parking area at 63 Douglas Street, North Richmond.

The proposed development is permitted on the land pursuant to Hawkesbury Local Environmental Plan 2012. An assessment of the proposal reveals that the development is consistent with the relevant planning controls.

Council has received one submission in response to the application. An assessment of the issues raised in the submission has been undertaken and the main concerns of the development relate to increased traffic on Douglas Street and increased stormwater runoff. The information submitted with the application has been reviewed and satisfies concerns raised in the submission received.

Following a detailed assessment of the application it is recommended that the proposal be supported as the development is permissible with Consent within the RU1 primary Production zone and complies with the overall objectives of RU1 zone.

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

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**Description of Proposal**

The proposed development involves the construction of five detached tourist cabins, filling of the existing water storage facility and construction of associated car parking area at 63 Douglas Street North Richmond. An existing dwelling house, a detached garage, a detached carport, a tennis court, a swimming pool and a water storage facility are located on site. A concrete driveway traverses through the middle of the site towards the residential dwelling.

The proposed tourist cabins will each have a studio style living area, a bathroom, storage robe and kitchenette. The cabins will be located on the south eastern part of the property and will be setback approximately 40m from the front boundary. The cabins are proposed to be approximately 28.64m away from the adjacent southern property boundary. The cabins will be oriented south, framing the natural landscape with large panes of glass providing an internal outlook over the natural landscape. The cabins all incorporate a deck area which extends off the access way on the eastern side of each cabin. The deck area is orientated at the rear of each cabin and capitalises on the views of the natural landscape and surrounding setting. No openings or access are provided on the western elevation of the cabins, allowing the nearest cabin to provide access on the eastern side without disturbing its neighbour.

It is proposed to fill the existing water storage facility located above the hill side. The tourist cabins will be partially located above the existing water storage facility which will be levelled to higher natural ground with compact fill. Approximately 350 cubic metres of fill is proposed to be brought to the site.

A new car parking area of 100sqm (12.5m x 8.0m) is also proposed to be constructed in close proximity to the cabins. A new common use driveway will be provided for the five tourist cabins, accessible off the existing driveway. A total of one car space per cabin is to be provided. The new car park will be located north-west, 20-30m distance from the cabins.

The submitted Management Plan indicates that a total of two guests may be accommodated within each cabin.

The proposal is supported by the following:

- Statement of Environmental Effects
- Bushfire Threat Assessment Report
- Preliminary Geotechnical Investigation
- Onsite Waste Water Management Report
- Management Plan for Tourist and Visitor Accommodation

**Background**

A site inspection was held on Wednesday 24 January 2018 attended by the land owners, the Mayor Councillor Lyons-Buckett, Councillor Garrow, Councillor Ross, Councillor Wheeler, the Director City Planning, Manager Development Services and Council's Town Planner.

**History of Approvals**

B0116/82	Floor earth
B1310/95	Swimming pool
M0911/00	Dwelling alterations and addition
M0287/99	Construction of tennis court with night lights
DA0251/03	Single storey dwelling additions
DA0141/04	Detached garage
CDCPC1156/14	Conversion of an existing garage and storage area to a rumpus room and the addition of a freestanding 4 bay carport

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

State Environmental Planning Policy No 44—Koala Habitat Protection (SEPP No. 44)  
State Environmental Planning Policy No 55—Remediation of Land (SEPP No. 55)



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State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)  
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) (SREP No. 20)  
Hawkesbury Local Environmental Plan 2012 (LEP 2012)  
Hawkesbury Development Control Plan 2002 (HDCP 2002)  
Hawkesbury Tourism Strategy - March 2015

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

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

**a. The provisions of any:**

**i. Environmental Planning Instrument:**

**State Environmental Planning Policy No. 44 – Koala Habitat Protection**

SEPP No. 44 applies to land within the Hawkesbury Local Government Area to which a development application has been made and has an area of more than one hectare.

Circular No. B35 was issued by the former Department of Planning (DIPNR) on 22 March 1995. The purpose of the Circular was to provide information relating to the implementation of SEPP No. 44 and to provide the Guidelines made by the Director for the purposes of the Policy. Section 1.5 of the Circular states, inter alia, that:

*"In relation to affected DAs it is the intention of the policy that investigations for "potential" and "core" koala habitats be limited to those areas in which it is proposed to disturb habitat".*

No tree is proposed to be removed as part of this application. The proposed location for tourist cabins is free from any vegetation. In addition, Council's vegetation mapping does not identify any primary or potential koala habitat on the land.

It is therefore considered that SEPP No. 44 does not prevent Council from granting development consent in this instance.

**State Environmental Planning Policy No. 55 – Remediation of Land**

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

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

The property has been used for rural residential purposes. There is no evidence to suggest the site is contaminated and the land is considered suitable for the proposed use.

A condition is proposed to be included in the recommendation requiring certification that any fill material proposed to be imported onto the subject site is free of contamination prior to the placement of any fill material.

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

A BASIX Certificate, Certificate No. 875568M, has been issued for the proposed development and supports the application. A condition of consent will ensure that the development meets the

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necessary performance requirements as set out in the BASIX Certificate, therefore complying with the BASIX SEPP.

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

This Policy aims “to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context”. SREP No. 20 requires an assessment with regard to the general and specific considerations, policies and strategies set out in the Policy.

The property is located within an established rural residential area and it is considered that the development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context.

**Hawkesbury Local Environmental Plan 2012**

An assessment of the proposed development against the relevant provisions of Hawkesbury LEP 2012 follows:

Clause 1.2 – Aim of Plan

The proposal is considered to be consistent with the aims of the Plan as outlined in Clause 1.2(2) of Hawkesbury LEP 2012 in that it will not result in significant environmental impacts.

Clause 2.2 – Zoning of land to which Plan applies

The site is zoned RU1 Primary Production under the Hawkesbury LEP 2012

Clause 2.3 – Zone objectives and Land Use Table

Subclause (2) requires in the determination of a development application that regard is given to the objectives of the zone.

The construction of five detached tourist cabins is proposed within the south eastern part of the site. The cabins are to provide temporary holiday accommodation for a maximum of 10 people at any one time. It is also proposed to fill the existing water storage facility and construct a car parking area in close proximity to the tourist cabins.

The Hawkesbury LEP 2012's Dictionary contains the following definitions related to this proposed development:

**Earthworks** means excavation or filling.

**Fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- b) the use of land as a waste disposal facility.

**Tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- a) backpackers' accommodation,
- b) bed and breakfast accommodation,
- c) farm stay accommodation,
- d) hotel or motel accommodation,
- e) serviced apartments,
- f) but does not include:
- g) camping grounds, or
- h) caravan parks, or
- i) eco-tourist facilities.

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The submitted Management Plan describes the proposal as *‘to provide a short-term, private and self-contained oasis for a maximum of two people per cabin whom may stay up to a maximum of three nights. The cabins are sited in a position where visitors may endure the natural landscapes and surrounding setting the property offers....*

*Designs of the cabins provides a self-contained studio style living, with a bathroom, storage robe and kitchenette; including a bar fridge, microwave and sink. No hospitality i.e. food services are provided’.*

It is therefore considered that the operation of the proposed cabins best falls under the definition of the general tourist and visitor accommodation definition. Tourist and visitor accommodation is permissible within the RU1 Primary Production zone.

Earthworks including filling of the existing water storage facility is considered ancillary to the proposed development.

The proposal is consistent with the overall objectives of the zone in that it would not constrain primary industry or other compatible land uses. Development is to occur in a way that does not have a significant impact on the water catchment of nearby water systems and land surface conditions; and ensures that it retains existing landscape values.

#### Clause 4.3 – Height of Buildings

The new works are below the maximum 10 metre building height with cabins having a maximum height of 3.6m above the natural ground level.

#### Clause 6.2 – Earthworks

This clause allows earthworks to be undertaken with the consent of Council on all land. However, before granting consent Council must consider the following:

- a. *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- b. *the effect of the proposed development on the likely future use or redevelopment of the land,*
- c. *the quality of the fill or of the soil to be excavated, or both,*
- d. *the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- e. *the source of any fill material or the destination of any excavated material,*
- f. *the likelihood of disturbing Aboriginal objects or other relics,*
- g. *proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Council's Development Engineer has not raised any objection to the proposal on stormwater grounds. The development will not impact on existing natural water flows in the immediate area.

#### Clause 6.4 – Terrestrial Biodiversity

The land is identified on the *Hawkesbury Local Environmental Plan 2012 Terrestrial Biodiversity Map* as being partly affected by biodiversity. The vegetation on the land is identified as 'Endangered Ecological Communities'. The proposal does not involve removal of any native vegetation. It is therefore considered that the proposal will not have any adverse impact on existing biodiversity.

#### Clause 6.7 – Essential Services

The proposal makes provisions for the essential services required to be connected to the tourist cabins including water, electricity and sewage management. The existing dwelling has water storage tanks having a total of 152,000 litre capacity. It proposed to install another 22,000 litre underground concrete tank for drinking and rainwater collection.

It is proposed to have an Aerated Wastewater Treatment System (AWTS) for the proposed cabins. An appropriate condition will be recommended to apply for separate sewage management facility for the proposed AWTS.

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It is therefore considered that the available and proposed services are adequate for the proposed development.

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

No Draft Environmental Planning Instruments apply to the subject development.

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

**Hawkesbury Development Control Plan 2002**

The proposal is generally consistent with the aims and objectives of the Hawkesbury DCP 2002. An assessment of the proposal against the relevant provisions of this Plan follows:

*Part A: Chapter 3 – Notification*

The notification of the development was required under Part A Chapter 3 of the Hawkesbury DCP 2002. The application was exhibited from 20/12/2017 to 17/01/2018.

One submission was received, and is discussed below

*Part C: Chapter 2 – Car Parking and Access*

The property fronts Douglas Street, an unsealed road off Crooked Lane. The proposed vehicular entrance for tourist and visitor accommodation use is accessible via the existing front gate.

Part C Chapter 3 of the Hawkesbury DCP 2002 does not outline specific parking rates for tourist and visitor accommodation facilities. The proposed new car park area (12.5mx8m) will accommodate five cars and allow for all vehicles to safely enter and exit the property in a forward direction. A new common use driveway will be provided for the five tourist cabins, accessible off the existing driveway. The proposed tourist accommodation will not interfere with the existing car parking arrangement for the existing dwelling. It is therefore considered that adequate parking space and access have been provided for the existing and proposed development.

*Part C: Chapter 3 – Signage*

Signage will not be required for advertising purposes. The submitted Management Plan states that the tourist accommodation will be advertised in Hawkesbury Tourism Guides, Airbnb and other social media.

*Part C: Chapter 4 – Soil Erosion and Sediment Control*

Silt and sediment control measures are to be installed and will be maintained until the proposed development is completed.

*Part C Chapter 7: Effluent Disposal:*

Council's Environmental Health Officer has raised no objection to the proposal subject to the imposition of conditions.

The proposed tourist cabins are intended to utilise a new Aerated Wastewater Treatment System (AWTS). A suitable condition will be included in the recommendation in this regard.

*Part C: Chapter 9 – Preservation of Trees and Vegetation*

As stated above, no trees are proposed to be removed. Therefore, support of the proposal would not result in any significant impacts to any native flora and fauna habitats or significantly impact the amenity or visual appearance of the locality. The proposal is not in conflict with the objectives of the clause.

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Part D Chapter 7: Landfill

The proposed filling of the existing water storage facility will provide a level area as the tourist cabins will be partially located above this filled area. It is also proposed to install a rainwater tank and AWTs system within this existing water storage facility area prior to back filling.

A 'Preliminary Geotechnical Investigation' prepared by Envirotech Pty Ltd and dated 21 September 2017 was submitted in support of the proposed landfilling. Section 5 subsection 5.1 recommended as below;

*'the dam should be stripped of all vegetation and soil containing organics prior to being filled. It is recommended that the shale bedrock is exposed within the dam with PVC pipe positioned where the piers will be constructed. The granular fill can be placed and compacted around the PVC facilitating the installation of pier after the fill and compaction is compacted'.*

Council's Development Engineer has reviewed the proposal and has recommended the imposition of conditions to ensure compliance with Part D Chapter 7 of the HDCP 2002.

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

Not applicable.

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

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

**vi. Matters prescribed by the Regulations:**

Should the application be supported the EP&A Regulation 2000 outlines that the development is to:

- comply with the National Construction Code/Building Code of Australia (BCA), and
- be levied against Council's S94A Development Contributions Plan (where relevant).

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

The submitted Statement of Environmental Effects indicates that the cabins will provide short-term accommodation for a maximum of ten guests at any one time. Given the low scale nature of the accommodation and the location of the buildings it is considered that the development is unlikely to generate unreasonable amenity impacts for neighbors.

To avoid the use of the cabins as long-term residential accommodation it is recommended that a condition is imposed restricting the maximum length of stay onsite to four weeks.

It is noted that the proposed cabins are to be positioned on the south eastern part of the site, approximately 40m from the front boundary and 20m from the adjacent side boundary. It is therefore considered that the proposed cabins will not generate any adverse visual impact to the existing streetscape. Surrounding land uses predominantly consist of single dwelling houses. The proposal is considered to be compatible with the existing uses and the rural residential character of the locality. The scale and design of the proposed tourist accommodations are compatible with adjoining rural residential development.

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**c. Suitability of the site for the development:**

Council adopted the Hawkesbury Tourism Strategy in 2015 to guide the future direction for tourism in the Hawkesbury Local Government Area and to develop an appropriate management framework to guide development. This strategy has identified six primary tourism hubs being Windsor, Richmond, Kurrajong, Bilpin, Colo and Mount Tomah. It is noted that this strategy provides that priority be given to those areas and that in order to promote these areas the immediate catchments be considered to support tourism growth.

The subject property is situated near the northern fringe of North Richmond centre and is off the Bells Line of Road, the second major route to the Blue Mountains which links Lithgow to Sydney. A number of tourist hubs such as Richmond, Kurrajong and Bilpin are easily accessible from the subject property. The proposal would be expected to have a positive social and economic benefit to the community as the development is considered to be consistent with Hawkesbury Tourism Strategy (March 2015).

The land is identified as bush fire prone. The submitted 'Bush Fire Threat Assessment Report' prepared by Peak Land Management and dated June 2017 has recommended that the development is constructed to BAL 12.5. The proposal was also referred to the NSW Rural Fire Service seeking a Bush Fire Safety Authority under Section 100B of the *Rural Fires Act 1997*. A General Terms of Approval (GTA) has been granted for this development.

There are no other constraints from surrounding land uses that would make this development prohibitive and it is considered that the development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats. Adequate services and utilities are available to the site and access to the site is satisfactory for the intended use.

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

- The application was exhibited from 20 December 2017 to 17 January 2018. One submission was received. The issues raised in the submission and the applicant's response against them are provided below:

I. Increased traffic volume and dust generation from unsealed road

Applicant's response: *The subject property is positioned on the crest of the hill; Mr Ridgewell's property is positioned downslope on the northern side of the property, while the development is proposed for downslope on the southern side of the crest. Any additional traffic that may be generated by the development will turn left from Douglas Street onto the current driveway of the subject property, 63 Douglas Street, which is a sealed driveway. At no point will any traffic generated by the proposed development go down the crest of the hill and towards Mr Ridgewell's property, so there will be no dust generated from the road.*

II. Water run-off towards objector's property

Applicant's response: *Due to topography of the property in question, once again I believe that this concern is not relevant as Mr Ridgewell's property is on the other side of the crest to the proposed development. Any water will run off down the southern side of the subject property, and I see no way in which it can flow towards Mr Ridgewell's property.*

*Comments:* The matters raised in the submission received and the Applicant's responses to those issues have been considered and it is noted that the proposal is consistent with relevant State and Council planning controls affecting the site.

Council's engineer has reviewed the application and considers that the additional movements from the proposed development does not warrant major road upgrades. The ongoing water

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runoff issues as indicated in the submission is not considered relevant to this particular proposed development as the tourist cabins will be located on the southern part of the property.

It is therefore considered that the matters raised in the submission received do not warrant the refusal of the application. Appropriate conditions will be included in the recommendation to minimise any adverse impact to the adjoining properties.

- The application was referred to the NSW Rural Fire Service seeking a Bush Fire Safety Authority under Section 100B of the *Rural Fires Act 1997*. In their letter dated 14 January 2018, the NSW Rural Fire Service has granted General Terms of Approval (GTA) subject to conditions.

**e. The Public Interest:**

The proposed development will provide low scale accommodation options for the travelling public and is consistent with the relevant planning controls which affect the site. It is therefore considered that the proposal is not contrary to the public interest.

**Development Contributions**

**Hawkesbury Section 94A Contributions Plan 2015**

The following development contributions apply to this development - \$750.00. Accordingly, a condition of consent is required to be imposed in this regard.

**Conclusion**

The application has been assessed having regard to the heads of consideration under Section 79C of the EP&A Act. The application is considered to represent a satisfactory form of development and is recommended for approval subject to standard building and development conditions.

**Planning Decision**

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

**RECOMMENDATION:**

That development application DA0697/17 at Lot 17 DP 744230, 63 Douglas Street North Richmond for tourist and visitor accommodation, comprising of the construction of five cabins, filling of existing water storage facility and associated car parking area be approved subject to the following conditions:

**General Conditions**

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

The general terms of approval from the following Authorities, as referred to in Section 93 of the *Environmental Planning and Assessment Act 1979*, and referenced below, are attached and form part of the consent conditions for this approval:

- a) NSW Rural Fire Service - The General Terms of Approval, Reference No. DA17122811028 CC and dated 14 January 2018 are attached and form part of this consent.

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**2. Approved Plans and Supporting Documentation**

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

a) Plans Reference:

Drawing Number/Name	Prepared by	Issue No.	Date
Site Plan, Drawing No. 02 A	Daniel Cowley Designs	A	29/10/2017
Floor Plan, Drawing No. 03 A	Daniel Cowley Designs	A	29/01/2017
North & South Elevation, Drawing No. 04 A	Daniel Cowley Designs	A	29/10/2017
East & West Elevation, Drawing No. 05 A	Daniel Cowley Designs	A	29/10/2017
Cabin Floor Plan, Drawing No. 06 A	Daniel Cowley Designs	A	29/10/2017
Cabin Elevation, Drawing No. 07 A	Daniel Cowley Designs	A	29/10/2017
Cabin Section, Drawing No. 08 A	Daniel Cowley Designs	A	29/10/2017

b) Document Reference:

Document	Reference	Prepared By	Date
Preliminary Geotechnical Investigation	Ref No. REP - 17-5143-A	Envirotech Pty Ltd	21/09/2017
Management Plan for Tourist & Visitor Accommodation	-	Daniel Cowley Designs	6/02/2018
External Finishes Schedule	-	Daniel Cowley Designs	-
BASIX, Certificate No. 875568M	-	Certified Energy	21/11/2017

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

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

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

**3. Appointment of a Principal Certifying Authority**

No work shall commence until:

a) A Building Construction Certificate is issued by:

- (i) Council; or
- (ii) An Accredited Certifier;

b) A Principal Certifying Authority is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:

- (i) name and licence number of the builder undertaking the construction works; or
- (ii) name and permit number of the owner-builder (if relevant);



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

**4. Part 4A Certificates Required**

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

Note: A registration fee applies.

**5. Occupation Certificate Required Prior to The Use of The Building**

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

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

**6. Civil Works Specification Compliance**

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

**7. Sewer Authority - Hawkesbury City Council**

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

**8. Works on Public Land - Not Permitted Without Approval**

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

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

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**9. Prescribed Conditions - Compliance with National Construction Code**

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

**Prior to the Issue of Construction Certificate**

**10. Long Service Levy Payment**

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

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

**11. Access for Persons with a Disability**

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

**12. Section 94A (Monetary) Contributions**

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

a) Contribution Required

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

b) Amount of Contribution

The amount of the contribution is \$750.00.

This fee is based on the supplied value-of-works of \$150,000.00.

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

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

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

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

**13. Overland Flow**

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

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

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

**14. Basic Drainage Plan**

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

- a) drain in a fashion that does not adversely affect neighbouring lots;
- b) be to the satisfaction of the Certifying Authority; and
- c) comply with the Hawkesbury Development Control Plan 2002 - Appendix E and Australian Standard AS 3500 - 'Plumbing and Drainage' unless a variation is specifically noted and approved by the Development Application concept drainage plan.

**15. Erosion and Sediment Control Plan**

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

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

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

**16. Building Sustainability Index (BASIX) Certificate**

The BASIX Certificate approved in conjunction with this development shall be submitted to the Certifying Authority with the Construction Certificate application. All commitments in the BASIX Certificate must be shown on the plans accompanying the application for the Construction Certificate prior to the issue of any Construction Certificate.

The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled.

Where changes are proposed to the BASIX commitments, the applicant must submit a new BASIX Certificate to the Certifying Authority.

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Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, certification of compliance with the BASIX Certificate shall be provided to the Principal Certifying Authority.

Note: If any proposed changes in the BASIX commitments are inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the *Environmental Planning and Assessment Act 1979*.

**17. Structural Engineers Design - Concrete and Structural Steel**

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

**18. Structural Engineers Design - Retaining Walls**

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

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

**19. Council Sewer Authority - Inspection Fees**

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

**20. On-site Sewage Management - Approval Required**

A Sewer Management Facility System application shall be submitted to Hawkesbury City Council for the new tourist cabins and an amended application for the existing system (to reflect the location and size of the proposed irrigation area). The applications shall be submitted to Council together with the design details, site assessment report and payment of the prescribed fee. Evidence of the approval of both the applications must be submitted to the Principle Certifying Authority prior to the issue of a Construction Certificate.

Following installation and prior to use of the approved on-site sewage management system an Application to Operate the system shall be submitted to and approved by Council.

**21. Geotechnical Investigation**

Prior to the issue of a Construction Certificate, the recommendations under Section 5 of the 'Preliminary Geotechnical Investigation' report prepared by Envirotech Pty Ltd, Reference: REP - 17-5143-A dated 21/09/2017 shall be considered and incorporated into the Construction Certificate documentation and Schedule of Works where required.

**22. Car Parking - Space Dimensions**

Non-disabled parking spaces must be in accordance with AS 2890.1. All disabled parking spaces are to be in accordance with AS 2890.6. Details to this effect are to be included on plans prior to issue of a Construction Certificate.

**23. Quantity and Extents of Fill**

The quantity of fill to be imported to the site must be restrained to the filling of the dam and minor batter adjustments in order to make the development functional on the site. Additional fill for the

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purpose of raising levels outside the extents of the proposed tourist cabins and visitor car park are not permitted.

24. A detail landscape plan is to be prepared by a suitably qualified landscaped architect for the proposed development and submitted to Principal Certifier for approval prior to issue of Construction Certificate. The landscape plan shall screen and soften the development to minimise any visual impact from the neighbouring properties.

The landscape plan shall consist of a mixture of native trees, shrubs and groundcover species of local provenance.

**Prior to Any Works Commencing on Site**

**25. Principal Certifying Authority - Details**

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

**26. Toilet Facilities**

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

Each toilet must:

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

**27. Notice of Commencement**

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

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

**28. Prescribed Conditions - Residential Building Work**

- a) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- b) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information.
  - (i) In the case of work for which a principal contractor is required to be appointed:
    - the name and licence number of the principal contractor; and

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- the name of the insurer by which the work is insured under Part 6 of that Act.
- (ii) In the case of work to be done by an owner-builder:
  - the name of the owner-builder; and
  - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under (b) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

**29. Principal Certifying Authority (PCA) Site Sign**

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

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

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

**30. Safety Fencing**

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

**31. Erosion and Sediment Control for Minor Development**

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

**32. Construction Hours**

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

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

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**33. Site Management During Construction**

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

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

**34. Inspections by Certifying Authority**

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

**35. Critical Stage Inspections**

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

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

**36. Termite Treatment**

The development shall be treated for termites in accordance with the National Construction Code and Australian Standard AS 3660.1 - 2014 - 'Termite Management - New Building Work' by a suitably qualified, licenced person.

A Certificate of Compliance is to be provided to the Principal Certifying Authority and a Notice of Treatment is to be provided to the metre box.

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**37. Smoke Detection and Alarm System**

An automatic fire detection and alarm system shall be installed in the building in accordance with the National Construction Code (Building Code of Australia) for Class 1a structures. Alarms and detectors shall be installed by a licenced electrician and multiple alarms shall be interconnected.

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

**38. Inspection and Compliance certificates for sewer works**

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

In the case of internal and external (house service connection) drainage, the inspection must be conducted by Council's Development Services Branch, please phone (02) 4560 4444 to arrange inspections and payment of required fees;

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

**39. Management of Overland Flows**

The works associated with the development shall ensure that:

- a) all natural water flow from adjoining properties is not impeded or diverted; and
- b) surface and subsurface water flows are not redirected or concentrated onto adjoining properties.

**40. Earthworks - General Requirements**

All earthworks on site must comply with the following:

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



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- g) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

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

**41. Earthworks - Removal, Management and Transportation of Fill**

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

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

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

**42. Placing of Fill**

All fill shall be placed in accordance with the standards specified in Table 5.1 of Australian Standard AS 3798 - 'Guidelines on Earthworks for Commercial and Residential Developments'.

**43. Compaction - Landfill**

All fill; including existing fill must be compacted in accordance with a compaction ratio of 98% as specified in Table 5.1 of Australian Standard AS 3798 - 'Guidelines on Earthworks for Commercial and Residential Developments'.

**44. Heritage - Archaeological Discovery During Works**

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

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

**Prior to Issue of Occupation Certificate**

45. All landscaping works as shown on the approved landscape plan are to be completed prior to the issue of a Final Occupation Certificate.

**46. Suitability of Glazing - Windows and Doors**

Glazing materials (e.g. windows, doors, footlights, balustrades and shower screens) are to be installed within the building in accordance with Australian Standards AS 1288 - 'Glass in Buildings - Selection and Installation' and AS 2047 - 'Windows and external glazed doors in buildings'.

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A Certificate of Compliance is required to be provided to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.

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

**47. Suitability of External Use of Timber**

Evidence of the type of timber installed indicating both species and durability as required by Australian Standard AS 1684 - 'Residential Timber-Framed Construction' is required to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Note: This is required for bushfire construction purposes as well as use of timber in decks and balustrades in particular.

**48. Certification of Smoke Detection and Alarm System**

An automatic smoke detection and alarm system shall be installed in residential development by a licensed electrician. Smoke alarms must comply with Australian Standard AS 3786 - 'Smoke Alarms' and be connected to the consumer mains power where supplied to the building.

A Certificate from a licenced electrician shall be provided to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.

**49. BASIX Commitments**

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

**50. Termite Protection - Certificate of Treatment**

The type and method of termite treatment (complying with Australian Standard AS 3660.1 - 2014 - 'Termite Management - New Building Work') provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.

**51. Termite Protection - Notice**

A Termite Protection Notice, in accordance with Australian Standard AS 3660.1 - 'Termite Management - New building work', printed on durable material, shall be affixed at the entrance to a crawl space or in the case of slab on ground construction, in the meter box prior to a Final Inspection being carried out. The notice shall include information on the form of termite protection employed and the expected service life of the barrier before maintenance is required.

**52. Construction Compliance Certificate Required**

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

**53. On-site Sewage Management - Approval to Operate**

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

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**54. Energy Provider Certificate**

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

**55. Compliance Certificate - Connection to On-Site Waste Facility**

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

**56. Swimming Pool Inspection**

Prior to the issue of an Occupation Certificate authorising the occupation of the tourist cabins, the NSW Swimming Pools register is to be updated to indicate the property contains Tourist and Visitor Accommodation. The property will then be subject to additional swimming pool inspection requirements.

**57. Engineers Certification - Retaining Walls**

Any retaining walls over 600mm high are to be certified on completion by a suitably qualified and experienced Structural Engineer. Details are to be provided to the Principal Certifying Authority prior to the issue of the occupation certificate.

**58. Tourist and Visitor Accommodation - Period of Stay**

The tourist and visitor accommodation must not be used for permanent occupation as a residence and shall only be used for short term tourist accommodation for tourists visiting the locality. The buildings shall not to be made available for long term accommodation. In this regard any continuous length of stay is to be restricted to no more than four weeks.

**59. Tourist and Visitor Accommodation - Guest Register**

A copy of the guest register is to be kept from the date of the issue of an Occupation Certificate. This register is to be kept onsite and a copy shall be provided to Council on an annual basis.

**60. Tourist and Visitor Accommodation - Potable Water**

Potable water shall be provided to the development in accordance with the NSW Health Private Water Supply Guidelines. A Quality Assurance Plan covering water supply to residential accommodation amenities, commercial food preparation and drinking water supply associated with the proposed use is to be developed and implemented in accordance with this Guideline. A copy of the Quality Assurance Plan shall be provided to Council.

**61. Tourist and Visitor Accommodation - Private Water Supplier**

The Tourist and Visitor Accommodation business is to be registered with Council as a private water supplier.

**62. Waste Generation**

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

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- b) A waste data file to be maintained for audit purposes during demolition and construction phase of the development works.
- c) A waste removal service to be commenced and maintained for the duration of the ongoing approved use.

**63. Pollution Controls**

- a) Noise generated from the proposed development is not to give rise to the generation of offensive noise, as defined within the *Protection of the Environment Operations Act 1997*.
- b) Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.
- c) In accordance with the requirements of Part 5.7 *Protection of the Environment Operations Act 1997*, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

**Advisory Notes**

**(i) Approval Authority**

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

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

**(ii) Equitable Access**

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

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

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

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

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

**(iv) Site Contamination Discovered During Demolition or Construction**

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

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**(v) Dial Before You Dig**

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

**(vi) Requirements of 88B Instrument**

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

**(vii) Utilities and Services**

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

**ATTACHMENTS:**

- AT - 1**    Location of the Site
- AT - 2**    Aerial View of the Site
- AT - 3**    Site Plan
- AT - 4**    Elevations

### **AT – 1 Location of the Site**



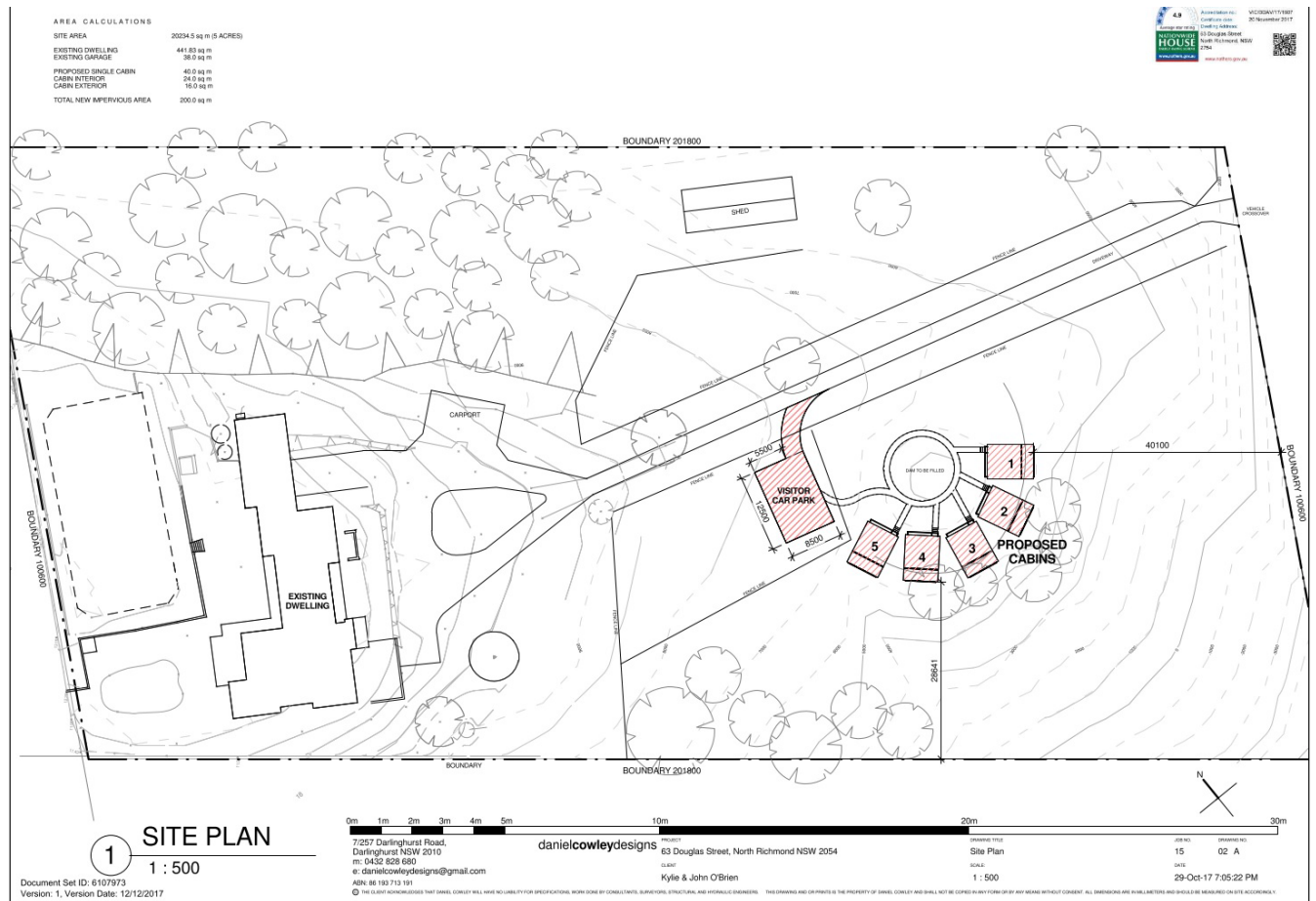
### AT – 2 Aerial View of the Site





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AT - 3 Site Plan





### AT - 4 Elevations



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1 SouthEast  
1 : 200



2 North-West  
1 : 200

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Version: 1, Version Date: 12/12/2017

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**Item: 040**                      **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - Lot 21 DP 806993, 6 Speedwell Place, South Windsor - (95498, 124414)**

**Previous Item:**            2, Ordinary, (3 February 2015)  
75, Ordinary, (26 May 2015)  
144, Ordinary, (29 August 2017)

**Directorate:**              City Planning

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**PLANNING PROPOSAL INFORMATION**

**File Number:**                      LEP004/14  
**Property Address:**              6 Speedwell Place, South Windsor  
**Applicant:**                        Natalie Richter Planning Pty Ltd  
**Owner:**                            MBST Super Pty Ltd  
**Date Received:**                  12 September 2014  
**Current Zone:**                    RU1 Primary Production  
**Proposed Zone:**                  IN1 General Industrial  
**Site Area:**                        11.45ha

**Key Issues:**                      ♦ Site filling and contamination  
   ♦ Contemporary Contamination Land Assessment

**Recommendation:**              Not proceed with the making of the LEP amendment.

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**PURPOSE OF THE REPORT:**

The purpose of this report is to outline actions that have occurred with respect to this planning proposal since the Council resolution of 29 August 2017 to defer the matter to allow the applicant further time to submit a Contemporary Contamination Land Assessment.

Further, based on the fact that Council has not received an appropriate Contemporary Contamination Land Assessment, to make a recommendation not to proceed with the making of an amendment to the *Hawkesbury Local Environmental Plan 2012* (the LEP) to give effect to the exhibited planning proposal.

**EXECUTIVE SUMMARY:**

Council at its Ordinary Meetings on 3 February and 26 May 2015 considered successive reports on a planning proposal from Natalie Richter Planning (the applicant) seeking to amend the LEP to rezone part of Lot 21 DP 806993, 6 Speedwell Place, South Windsor (the subject site) to IN1 General Industrial under the LEP. Council resolved to proceed to a Gateway determination enabling a further assessment of the suitability of the subject site for future industrial purposes.

Following receipt of a Gateway determination from the NSW Department of Planning and Environment (DP&E) advising to proceed with the planning proposal, consultation with the relevant public agencies and the community was undertaken.

A response received from the NSW Environment Protection Authority (EPA) required a Contemporary Contamination Land Assessment as part of the proposed rezoning to determine the suitability of the subject site.

Since that time the applicant has been advised on numerous occasions to prepare and submit a Contemporary Contamination Land Assessment reflecting the current status of the subject site to Council.

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However, the applicant has failed to prepare and submit a Contemporary Contamination Land Assessment for Council's consideration as required by the EPA and requested by Council on numerous occasions. The most recent request for the required Contemporary Contamination Land Assessment followed Council's consideration of the matter at its Ordinary Meeting on 29 August 2017. Council resolved to defer consideration of the matter for two months to enable the applicant to prepare and submit a Contemporary Contamination Land Assessment.

Other than amending the month of preparation of the Assessment to November 2017, the information received from the applicant in response to the Council resolution was exactly the same Assessment received in January 2017 and reported to Council at its Ordinary Meeting of 29 August 2017.

As a consequence, the applicant has failed to comply with the Council resolution by not submitting documentation required by the EPA for Council's consideration. It is therefore recommended not to proceed with the making of the LEP amendment to give effect to the exhibited planning proposal.

**RECOMMENDATION SUMMARY:**

Given the applicant has not provided a Contemporary Contamination Land Assessment as required by the EPA, this report recommends that Council not proceed with the making of an amendment to the LEP to give effect to the exhibited planning proposal.

**REPORT:**

**Context and Background**

This matter was considered by Council at its Ordinary Meeting on 29 August 2017, and a copy of the report to that Meeting has been included as Attachment 1 for reference purposes. The following has been provided as a summary of relevant matters associated with this planning proposal.

Council at its Ordinary Meetings on 3 February and 26 May 2015 considered successive reports on a planning proposal from Natalie Richter Planning (the applicant) seeking to amend the LEP to rezone part of Lot 21 DP 806993, 6 Speedwell Place, South Windsor (the subject site) to IN1 General Industrial under the LEP. Council resolved to proceed to a Gateway determination enabling a further assessment of the suitability of the subject site for future industrial purposes.

Following receipt of a Gateway determination from the NSW Department of Planning and Environment (DP&E) advising to proceed with the planning proposal, consultation with the relevant public agencies and the community was undertaken.

A response received from the NSW Environment Protection Authority (EPA) required a Contemporary Contamination Land Assessment as part of the proposed rezoning to determine the suitability of the subject site.

Land contamination assessment information received from the applicant in April 2016 in response to the EPA requirement was limited, predominantly historic in nature and did not contain a Contemporary Contamination Land Assessment reflecting the current condition of the subject site as required by the EPA.

The applicant has been advised on numerous occasions to prepare and submit a Contemporary Contamination Land Assessment reflecting the current status of the subject site to Council. Council's Environmental Health Section advised that a Contemporary Contamination Land Assessment Report dated January 2017 prepared by DLA Environmental Services failed to reflect the current status of the subject site and demonstrate the suitability of the subject site for all the purposes for which land in the proposed zone is permitted to be used as required by the EPA.

Following a meeting with the applicant and the representatives from DLA Environmental Services and MBST Super Pty Ltd, the applicant was advised to prepare and submit a Contemporary Contamination

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Land Assessment to Council to enable a comprehensive assessment of the suitability of that part of the subject site in its current state (or after remediation) for all the purposes to which the land could be used.

However, the applicant failed to prepare and submit a Contemporary Contamination Land Assessment for Council's consideration as required by the EPA and requested by Council on numerous occasions. Therefore, a report on the outcome of consultation for the planning proposal with a recommendation not to proceed with the making of the plan was put forward for Council consideration at its Ordinary Meeting of 29 August 2017. Council resolved to defer consideration of the matter for two months to enable the applicant to prepare and submit a Contemporary Contamination Land Assessment.

Other than amending the month of preparation of the Assessment to November 2017, the information received from the applicant in response to the Council resolution was exactly the same Assessment received in January 2017 and reported to Council at its Ordinary Meeting of 29 August 2017.

Given the requirements of the State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) and the subject site having a history of filling and contamination due to asbestos, the EPA required a Contemporary Contamination Land Assessment to be undertaken as part of any land use change. The EPA advised that the need for such an assessment was further warranted as the proposed IN1 zoning allows a range of sensitive land uses including health consulting rooms, hospitals and training facilities as permissible development.

As a consequence, the applicant has failed to comply with the Council resolution by not submitting documentation required by the EPA for Council's consideration. It is therefore recommended not to proceed with the making of the LEP amendment to give effect to the exhibited planning proposal.

### **Planning Proposal Process**

A planning proposal is a document prepared to explain the intended effect of a proposed amendment Local Environmental Plan (LEP). In doing so, the proposal provides the justification for the amendment to the LEP.

To enable a planning proposal to progress, a 'Gateway' determination, issued by the Minister (or delegate), is required. The purpose of the 'Gateway' determination is to ensure there is sufficient justification early in the process, and to identify those planning proposals that should not proceed due to a lack of strategic merit before time and resources are committed. The 'Gateway' determination confirms the information and consultation required before the LEP can be finalised. It also provides the timeframes in which the various stages of the process for making of the proposed LEP are to be completed.

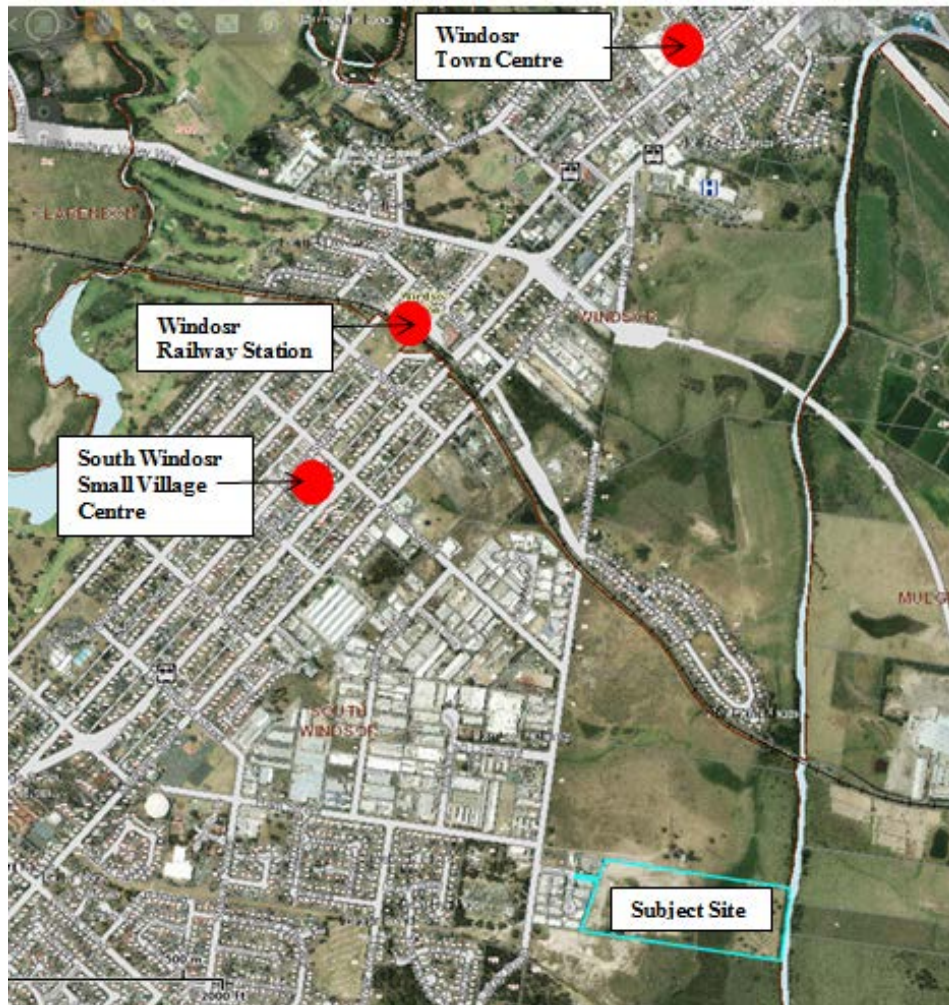
Under Section 58(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), Council may, at any time, vary a planning proposal as a consequence of its consideration of any submission, report or additional information during community consultation or for any other reason.

Council can choose to proceed, proceed in part or not to proceed with the making of an amendment to the LEP.

### **Subject Site and Surrounds**

The subject site is located to the east of the South Windsor shops (a Small Village Centre), and is immediately east of the existing South Windsor industrial area. The subject site is located approximately 1.9kms from the Windsor Railway Station and 2.9kms from the Windsor Town Centre. The subject site has a rear boundary to South Creek as shown in Figure 1 below.

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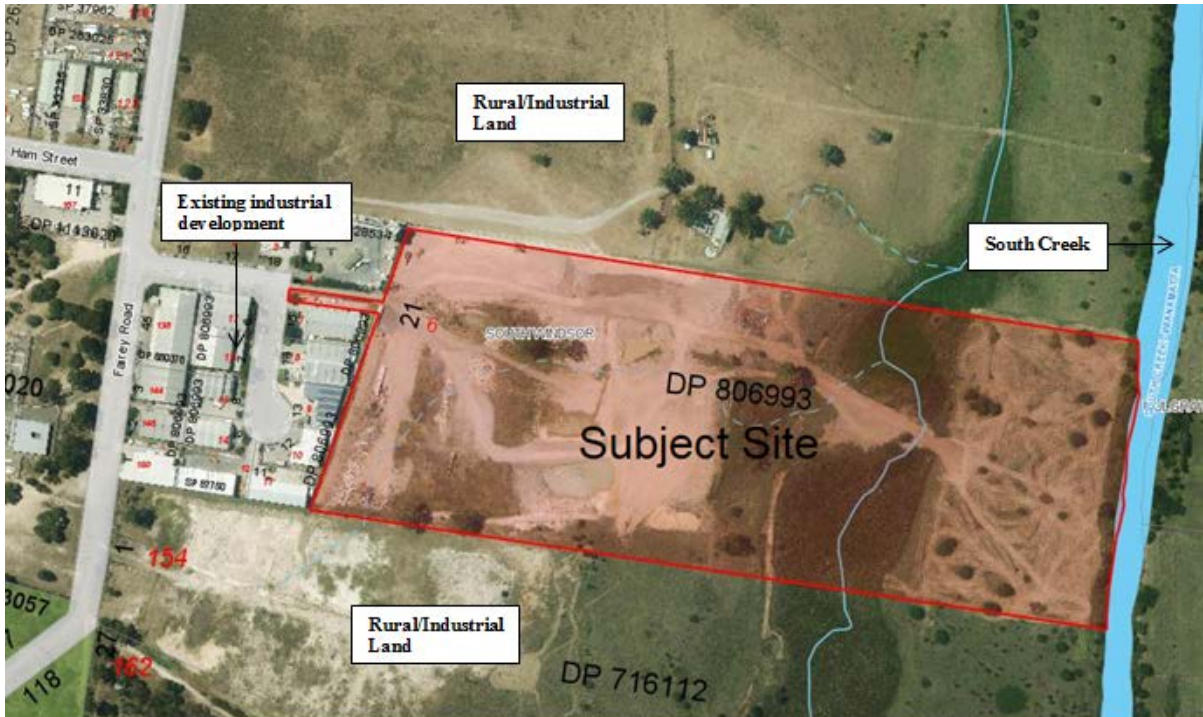


**Figure 1: Locality Map**

The subject site is legally described as Lot 21 DP 806993, 6 Speedwell Place, South Windsor, and has an area of approximately 11.45ha. The overall site is approximately 203m wide and 545m long and is accessed via an approximately 65m long and 8m wide access handle off Speedwell Place which forms part of the subject site as shown in Figure 2 below.



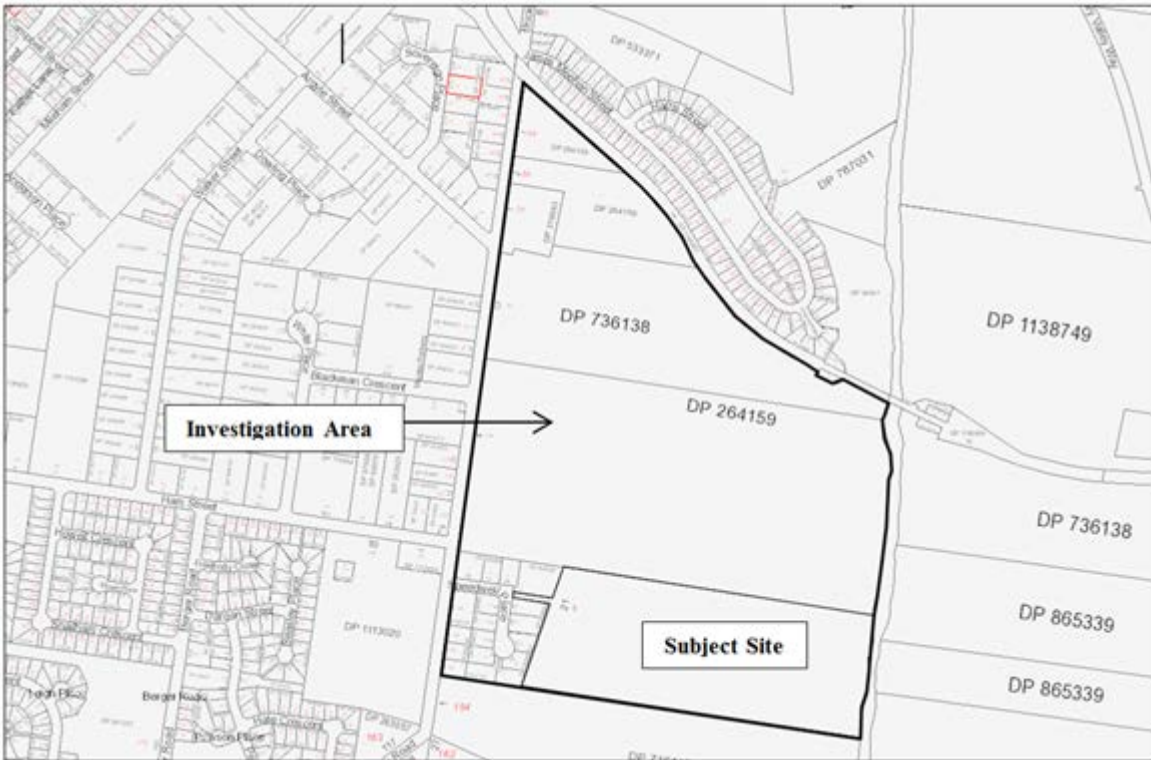
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### Figure 2: Aerial View of Subject Site

The subject site (other than the access handle) is zoned RU1 Primary Production and the access handle with an area of approximately 525m<sup>2</sup> is currently zoned IN1 General Industrial under the LEP.

The subject site is located within the recommended South Windsor Investigation Area of the Hawkesbury Employment Lands Strategy 2008, as shown in Figure 4 below.



### Figure 3: South Windsor Investigation Area

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The subject site has also previously been used as a building materials storing facility, a recycling facility and pasture and grazing land.

In the early 1990's, part of the subject site near the southern boundary was used as a 'borrow pit' to fill the adjoining industrial land that was subsequently subdivided. A 'Borrow pit' is an area where materials (usually soil, gravel or sand) have been excavated for use at another location (in this case the adjoining industrial land).

In 1997 Council approved a dwelling house on the subject site.

In March 2007, Council approved According to Council's records, a development application for the use of the subject site as intensive horticulture, land filling and a wholesale plant nursery (DA 358/06).

### **Consultation**

The consultation with the relevant public authorities and the community on the planning proposal was completed in accordance with the relevant statutory and 'Gateway determination' requirements. The outcome of this consultation is outlined in Attachments 1 and 2 of this Report.

Council has received responses from all agencies. Whilst the submissions received from NSW Department of Industry and Greater Sydney Local Land Services raised no issues, the Office of Environment and Heritage (OEH), NSW Rural Fire Service (RFS) and the EPA raised certain issues. The outcome of this consultation is outlined in Attachments 1 and 2 of this Report.

Council received four submissions from the community during the exhibition period. All the submissions raised issues, but one of them objected to the making of the plan. The issues raised in the submissions and subsequent comments from the Council Officer are outlined in Attachment 2 of this Report and can be summarised as follows:

- flood risks and impacts
- potential air, noise and water quality impacts
- traffic issues
- compliance and site suitability issues associated with previous filling.

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

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

#### Our Future

##### **5.8 Industry**

5.8.1 Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.

5.8.2 Increase the focus on jobs and innovation to build on our strengths and achieve a diverse industry base.

### **Discussion**

A document titled 'Contemporary Contamination Land Assessment November 2017' received from MBST Super Pty has been reviewed by Council's Environmental Health Section. The review has revealed that this information is exactly the same assessment received from the applicant in January 2017 and reported to Council at its Ordinary Meeting of 29 August 2017 other than just changing the month of the preparation of the document to November 2017.

As stated in the previous Council report dated 29 August 2017, the information on the Contemporary Contamination Land Assessment January 2017 was limited and predominantly historic in nature and did



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not contain a Contemporary Contamination Land Assessment reflecting the current condition of the subject site as required by the EPA.

The proposed IN1 General Industrial zoning for part of the subject site permits other land uses than industrial uses including a range of land uses some of which are sensitive land uses such as health consulting rooms, childcare centres, and hospitals. Should that part of the subject site be rezoned to IN1 and developed for industrial purposes, there is no guarantee that industrial uses of that part of the subject site will continue into the future.

However, there was no conclusive evidence, facts or findings in the Contemporary Contamination Land Assessment to confirm that part of the subject site is suitable for any land use including sensitive land uses permitted in the proposed IN1 General Industrial zone.

Given the subject site has a history of filling over many years with no verification records for fill material available for Council, past contamination due to asbestos and potential use of that part of the subject for future sensitive land uses, the EPA considers that the investigation of land contamination is an important consideration that should be delivered through the land use change process.

However, the information currently available to Council is considered inadequate to enable Council to effectively assess the suitability of the subject site in its current state (or after remediation) for all the purposes for which land in that zone concerned is permitted to be used as required by the EPA.

Therefore the suitability of that part of the subject site for any land use including sensitive land uses permitted in the proposed IN1 General Industrial zone remains inconclusive.

Given there is no sufficient and updated information reflecting the current condition of the subject site for Council to carry out its planning functions in good faith in determining the suitability of the subject site against the relevant requirements of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) as required by the EPA and receive statutory protection under s. 145B of the *Environmental Planning and Assessment Act, 1979* (the EP & A Act), Council Officers discussed this matter with the Department of Planning and Environment and explained why the planning proposal cannot be finalised.

The applicant's failure to comply with the requirement of the EPA by not submitting a Contemporary Contamination Land Assessment for Council consideration provides a reasonable justification under Section 59(2)(b) of the EP & A Act for not making of the LEP amendment to give effect to the planning proposal.

Taking all these factors into consideration, it is recommended not to proceed with the LEP amendment.

#### **Financial Implications**

The income applicable is provided for in the 2017/2018 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 has no resourcing implications, outside of Council's adopted 2017/18 Operational Plan, which will adversely impact on Council's financial sustainability.

#### **Conclusion**

The applicant has failed to prepare and submit a Contemporary Contamination Land Assessment for Council's consideration as required by the EPA and requested by Council on numerous occasions. Submission of a Contemporary Contamination Land Assessment recommended by the EPA would have enabled Council to undertake a comprehensive assessment of the suitability of that part of the site for any land use including sensitive lands uses permitted in the proposed IN1 zone.

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The most recent request for the required Contemporary Contamination Land Assessment followed Council's consideration of the matter at its Ordinary Meeting on 29 August 2017. Council resolved to defer consideration of the matter for two months to enable the applicant to prepare and submit a Contemporary Contamination Land Assessment.

Other than amending the month of preparation of the Assessment to November 2017, the information received from the applicant in response to the Council resolution was exactly the same Assessment received in January 2017 and reported to Council at its Ordinary Meeting of 29 August 2017.

As a consequence, the applicant has failed to comply with the Council resolution by not submitting documentation required by the EPA for Council's consideration. It is therefore recommended not to proceed with the making of the LEP amendment to give effect to the exhibited planning proposal.

**Planning Decision**

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

**RECOMMENDATION:**

That Council:

1. Not proceed with the making of the plan in accordance with Section 59 2(b) of the Environmental Planning and Assessment Act 1979 to amend the *Hawkesbury Local Environmental Plan 2012* to rezone part of the subject site from RU1 Primary Production to IN1 General Industrial under the *Hawkesbury Local Environmental Plan 2012* to allow development of the subject site for general industrial purposes.
2. Advise the applicant and the Department of Planning and Environment that the plan has not been made.

**ATTACHMENTS:**

**AT - 1** Ordinary Meeting Report 29 August 2017

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**AT - 1 Ordinary Meeting Report 29 August 2017**

**Previous Item:** 75, Ordinary (26 May 2015)  
2, Ordinary (3 February 2015)

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**Development Information**

<b>File Number:</b>	LEP004/14
<b>Property Address:</b>	6 Speedwell Place, South Windsor
<b>Applicant:</b>	Natalie Richter Planning Pty Ltd
<b>Owner:</b>	MBST Super Pty Ltd
<b>Proposal Details:</b>	Amend Hawkesbury Local Environmental Plan 2012
<b>Date Received:</b>	12 September 2014
<b>Public Exhibition:</b>	19 August 2016 to 19 September 2016
<b>Community Submissions:</b>	Four submissions (with one objection)
<b>Government Agency Responses:</b>	Five submissions (with one objection)

**Recommendation:** Council not proceed with the making of the LEP amendment.

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**REPORT:**

**Executive Summary**

Lot 21 DP 806993, 6 Speedwell Place, South Windsor (the subject site) is currently vacant and zoned RU1 Primary Production under the Hawkesbury Local Environmental Plan 2012 (the LEP). It has been filled and is still being filled following the Council approved development application (DA358/06) for intensive agriculture, land filling, dam construction and a wholesale plant nursery on the subject site.

In February and May 2015, Council considered successive reports on a planning proposal submitted by Natalie Richter Planning (the applicant), seeking to amend the LEP to rezone part of the subject site to IN1 General Industrial under the LEP. Council resolved to proceed to a Gateway determination to allow for the detailed assessment of industrial uses on the subject site.

In September 2015, the Department of Planning and Environment (DP & E) agreed to proceed with the planning proposal and advised Council to undertake consultation with the public agencies including the NSW Environment Protection Authority (EPA) identified in the Gateway determination and consultation with the Community.

Given the past evidence of contamination of the subject site, a submission received from the EPA highlighted the need to prepare a Contemporary Contamination Land Assessment to determine the suitability of the subject site in its current form or after remediation for land uses including sensitive land uses permitted in the proposed IN1 zone.

The applicant has failed to submit the required information to Council to enable an assessment of the suitability of the subject site as recommended by the EPA.

It is therefore recommended not to proceed with the planning proposal.

**Planning Proposal Process**

A planning proposal is a document prepared to explain the intended effect of a proposed amendment Local Environmental Plan (LEP). In doing so, the proposal provides the justification for the amendment to the LEP.

To enable a planning proposal to progress, a 'Gateway' determination, issued by the Minister (or delegate), is required. The purpose of the 'Gateway' determination is to ensure there is sufficient justification early in the process, and to identify those planning proposals that should not proceed due to a lack of strategic merit before time and resources are committed. The 'Gateway' determination confirms the information and

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consultation required before the LEP can be finalised. It also provides the timeframes in which the various stages of the process for making of the proposed LEP are to be completed.

Under Section 58(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), Council may, at any time, vary a planning proposal as a consequence of its consideration of any submission, report or additional information during community consultation or for any other reason.

Council can choose to proceed, proceed in part or not to proceed with the making of an amendment to the LEP.

### **Consultation**

The consultation with the relevant public authorities and the community on the planning proposal was completed in accordance with the relevant statutory and 'Gateway determination' requirements. The outcome of this consultation is outlined in Attachments 1 and 2 of this Report.

Council has received responses from all agencies. Whilst the submissions received from NSW Department of Industry and Greater Sydney Local Land Services raised no issues, the Office of Environment and Heritage (OEH), NSW Rural Fire Service (RFS) and the EPA raised certain issues. The outcome of this consultation is outlined in Attachments 1 and 2 of this Report.

Council received four submissions from the community during the exhibition period. All the submissions raised issues, but one of them objected to the making of the plan. The issues raised in the submissions and subsequent comments from the Council Officer are outlined in Attachment 2 of this Report and can be summarised as follows:

- flood risks and impacts
- potential air, noise and water quality impacts
- traffic issues
- compliance and site suitability issues associated with previous filling.

### **Background**

On 3 February 2015, Council considered a report on a planning proposal that sought to rezone part of the subject site from RU1 Primary Production to IN1 General Industrial under the LEP to allow development of that part of the subject site for general industrial purposes, and retain the balance for rural purposes. The Council resolution on this matter was as follows:

*"That Council defer the matter pending a further report regarding the fill on the site."*

On 26 May 2015, Council considered the further report regarding the filling of the subject site following further information received from the applicant and resolved to support the preparation of a planning proposal to rezone part of the subject site from RU1 Primary Production to IN1 General Industrial under the LEP and forward the planning proposal to the Department of Planning and Environment (DP&E) seeking a "Gateway" determination.

### **Planning Proposal**

The planning proposal submitted by the applicant seeks an amendment to the Land Zoning Map of the LEP to rezone part of the subject site from RU1 Primary Production to IN1 General Industrial under the provisions of the LEP to allow general industrial and ancillary uses on that part of the land.

The planning proposal was supported by the following reports:

- Bushfire Assessment Statement prepared by Building Code & Bushfire Hazard Solutions Pty Ltd.
- Remediation Action Plan/Environmental Assessment prepared by DLA Environmental.

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**Subject Site and Surrounds**

The subject site is located to the east of the South Windsor shops (a Small Village Centre), and is immediately east of the existing South Windsor industrial area. The subject site is located approximately 1.9kms from the Windsor Railway Station and 2.9kms from the Windsor Town Centre. The subject site has a rear boundary to South Creek as shown in Figure 1 below.

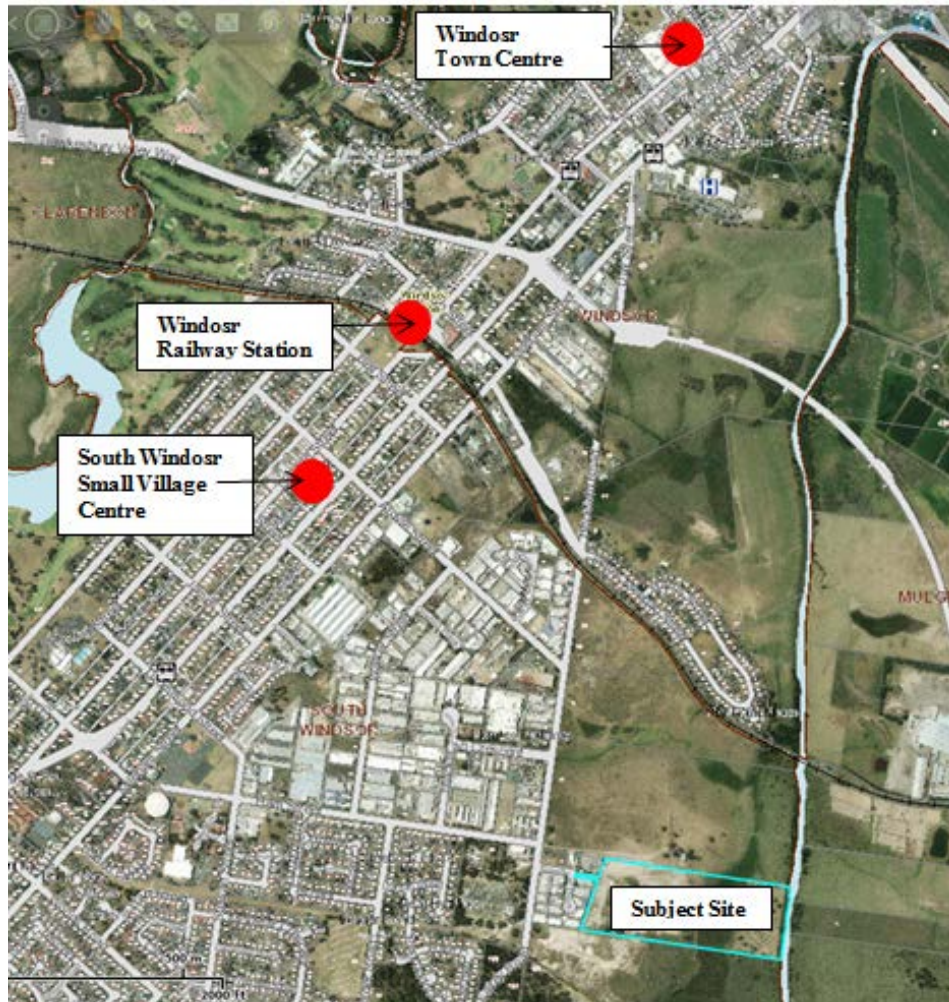
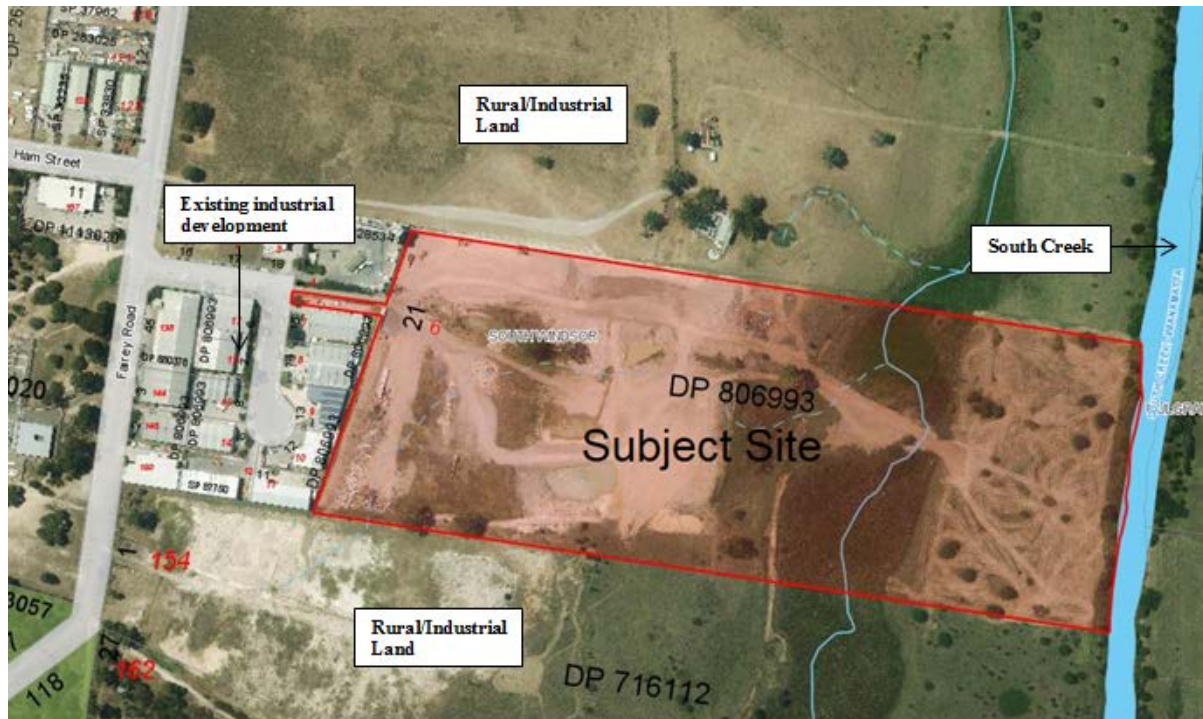


Figure 1: Locality Map



<p><b>ORDINARY MEETING</b></p> <p><b>SECTION 3 – Reports for Determination</b></p> <p><b>Meeting Date: 27 February 2018</b></p>
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The subject site is legally described as Lot 21 DP 806993, 6 Speedwell Place, South Windsor, and has an area of approximately 11.45ha. The overall site is approximately 203m wide and 545m long and is accessed via an approximately 65m long and 8m wide access handle off Speedwell Place which forms part of the subject site as shown in Figure 2 below.



### Figure 2: Aerial View of Subject Site

The subject site (other than the access handle) is zoned RU1 Primary Production and the access handle with an area of approximately 525m<sup>2</sup> is currently zoned IN1 General Industrial under the LEP.

The subject site is located within the recommended South Windsor Investigation Area of the Hawkesbury Employment Lands Strategy 2008, as shown in Figure 4 below.



### Figure 3: South Windsor Investigation Area

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The subject site has also previously been used as a building materials storing facility, a recycling facility and pasture and grazing land.

In the early 1990's, part of the subject site near the southern boundary was used as a 'borrow pit' to fill the adjoining industrial land that was subsequently subdivided. A 'Borrow pit' is an area where materials (usually soil, gravel or sand) have been excavated for use at another location (in this case the adjoining industrial land).

In 1997 Council approved a dwelling house on the subject site.

In March 2007, Council approved According to Council's records, a development application for the use of the subject site as intensive horticulture, land filling and a wholesale plant nursery (DA 358/06).

#### **NSW Environment Protection Authority (EPA) Submission**

Council received a submission from the EPA which raised two key issues, site filling and contamination. The resolution of these issues is considered to be the crucial factor in finalising this planning proposal, and is discussed in detail below.

#### Summary of Agency's Comment

##### *Filling of the subject site*

*The planning proposal states that Development Consent (ref: DA 358/06) was obtained from Hawkesbury City Council for the construction of an industrial shed to be utilised for the purpose of a "Whole Sale Plant Nursery". This consent allowed the filling of the site with Virgin Excavated Natural Material (VENM) and through a later amendment, filling with Excavated Natural Material (ENM). The purpose was to restore the ground levels of the site to be consistent with ground levels of the properties to the north, south and west of the site.*

*It is unclear from the submitted information whether this fill material has been appropriately validated and would be fit for purpose. Further information should be sought from the proponent on this material in particular its source, classification, quantities and its management. This is to ensure it satisfies all legislative requirements for its intended use. This matter should not be left to a post approval process but addressed as part of the current rezoning process.*

#### Officer Response

In March 2007, Council approved a development application (DA 358/06) seeking approval for intensive agriculture, land filling, dam construction and a wholesale plant nursery on the subject site.

The proposed development of the subject site consisted of the filling of the subject site to grade evenly from the western boundary to two elevated storage dams and enable construction of the proposed wholesale plant nursery with associated sales office and car parking area on the graded platform at a level of 16m AHD.

The land fill covers an area of approximately 4.4ha to a maximum depth of 3.26m and average depth of 1.27m. The proposed timeframe for the filling operation was three years based on the likely availability of suitable fill material and climatic conditions.

Condition No 43 of the development consent allowed the filling of the subject site only with uncontaminated virgin excavated natural material (VENM). A later amendment to this condition allowed filling of the site with excavated natural material (ENM). Condition 45 required the land filling to be undertaken in stages to reduce the amount of exposed soil at any one time to reduce dust nuisance. Condition 50 required the construction of the proposed wholesale plant nursery with associated sales office and car parking area upon completion of the filling of part of the site at a level of 16m AHD.

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In July 2010, the EPA, Council Officers and a Director of DJL Management Pty undertook a joint site inspection to investigate the filling of the site, and in January 2011, the EPA undertook a further site investigation and noted that the subject site has filled and compacted with large quantities of fill materials. In February 2011, a further joint site inspection was carried out by the EPA and a Council Compliance Officer and found that large volumes of soil fill containing concrete, tiles, bricks, plastic, metal, glass and terracotta pipes were present.

The applicant advised that the importation of fill to the site commenced soon after a Construction Certificate was received from Fitzgerald Building Certifiers Pty Ltd in September 2008. However, since that time, the site was closed to filling for a period of two years due to technical reasons.

According to the applicant the subject site has been filled with approximately 150,000m<sup>3</sup> of soil to-date, and further filling on the site with approximately 100,000m<sup>3</sup> of soil up to the approved level of 16m AHD is expected to be completed subject to material availability and economic conditions.

As mentioned in a previous Council report dated 3 February 2015, some material used to fill the subject site initially was not VENM as required by the original development consent. As a result, in June 2013, Council received a development application (DA0291/13) for site remediation works supported by a Remediation Action Plan (RAP) prepared by David Lane Environmental to address minor asbestos contamination that occurred on the site as a result of the use of non-recommended fill material. In March 2014, a review of the present land use suitability of the site undertaken by DLA Environmental in accordance with the amended National Environmental Protection (Assessment of Site Contamination) Measures (NEPM) guidelines 2013 stated that:

*"The site is now considered suitable for its intended land use and requires no remedial actions to be undertaken and can be developed in its current state without risk to human health or the environment. The Site identified as Lot 21 DP806993, located at 6 Speedwell Place NSW, complies with the most sensitive health investigation levels, being Residential A - Residential with accessible soils, in accordance with NEPM 2013 and as such complies with the designated Industrial/Commercial land use criteria".*

However, the subject site has been continuously filled over an extended period of time, and filling of the subject site is still being carried out. It is also noted that some soil stockpiles on the subject site are currently under investigation by the EPA.

The last Council report on this matter dated 26 May 2015 recommended that if the planning proposal is to proceed, further consideration of potential contamination be dealt with after DP&E's Gateway determination.

#### *Contaminated Land Management*

*The State Environmental Planning Policy (SEPP) 55 states that as part of any land use change process, the following key considerations should be addressed when preparing an environmental planning instrument:*

- *whether the land is contaminated*
- *if the land is contaminated whether it is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes to which the land will be used*
- *if the land requires remediation, the land will be remediated to be made suitable for any purpose for which the land will be used.*

*In particular SEPP 55 states that it applies to land:*



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- *that is within an investigation area;*
- *on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out; and*
- *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital. The land:*
  - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out*
  - (ii) *on which it would have been lawful carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

*EPA considers that the investigation of land contamination is an important consideration that should be delivered through the land use change process at a local level. A range of activities can result in land contamination and significant environmental and health risks if the land is not appropriately investigated, remediated and validated for its proposed land use. In cases where land is potentially contaminated, the investigation and any remediation and validation work to be carried out in accordance with the guidelines made or approved by EPA under Section 105 of the Contaminated Land Management Act 1997 and be in accordance with the requirements and procedures in the following:*

- *Contaminated Land Management Act 1997*
- *Contaminated Land Management Regulation 2013*
- *State Environmental Planning Policy 55 – Remediation of Land.*

*Given the above SEPP requirements and the site having a history of filling and contamination due to asbestos EPA recommends that a Contemporary Contamination Land Assessment be undertaken as part of any land use change. The need for such an assessment is further warranted as the proposed IN1 zoning allows a range of sensitive land uses including health consulting rooms, hospitals and training facilities.*

*EPA also recommends that Council consider the involvement of an EPA accredited Site Auditor during the contamination management process, including the provision of a Site Audit Statement certifying that the land is suitable for the proposed uses.*

Officer Response

The EPA's recommendation to undertake a Contemporary Contamination Land Assessment for the subject site is considered logical and appropriate due to the following reasons:

- The subject site has been continuously filled over many years and is still being filled following an approval of a development application (DA 358/06) for intensive agriculture, land filling, dam construction and a wholesale plant nursery on the subject site in March 2007. The subject site has been filled with more than 150,000m<sup>3</sup> of material to date.
- Council has no adequate records of such filling and any evidence to confirm that only excavated natural material has been used for filling of the subject site. It should be noted that a joint site inspection carried out by the EPA and a Council Compliance Officer in February 2011 found that large volumes of fill material containing concrete, tiles, bricks, plastic, metal, glass and terracotta pipes was present.
- The submitted land contamination assessment documentation in support of the planning proposal for Council's consideration was prepared several years ago, and therefore the current site conditions and suitability for the proposed and potential future uses are unknown.
- The EPA's awareness of the presence of asbestos on the subject site and past involvement in site investigations.

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- The EPA's current investigations on soil stockpiles on the subject site.
- The permissibility of certain sensitive land uses including childcare centres, health consulting rooms and hospitals in the proposed IN1 General Industrial zone.

#### Contemporary Contamination Land Assessment

In line with the EPA recommendation, the applicant was asked to prepare and submit a Contemporary Contamination Land Assessment for the subject site. In April 2016, the applicant submitted the following documentation in response to the EPA request.

- A copy of Council's Notice of Determination of a Development Application (DA0358/06) for Intensive Agriculture, Landfilling, Dam Construction and a Wholesale Plant Nursery.
- A copy of Land Use Suitability Assessment (March 2014) prepared by DLA Environmental Services.
- A copy of Remediation Action Plan (May 2013) prepared by DLA Environmental Services.
- Monthly Air Quality Dust Monitoring Reports (April 2014, May 2014, June 2014, July 2014, August 2014, September 2014, November 2014, December 2014, January 2015, February 2015, March 2015, April 2015, May 2015, June 2015, July and August 2015, September 2015 and October 2015) prepared by DLA Environmental Services.
- An assessment of in-situ natural material along the north-western site extent (October 2014) prepared by JBS&G Pty Ltd.
- Resource Recovery Characterisation (January 2015) prepared by DLA Environmental Services.
- An assessment of stockpiled and fill materials prepared by DLA Environmental Services.
- Waste Characterisation and Classification (2015) prepared by DLA Environmental Services.
- An analysis of five soil samples and determination of the presence of asbestos on the subject site (January 2015) prepared by Australian Safer Environment & Technology Pty Ltd.

In May 2016, the above information was forwarded to the EPA for comment, and in response the EPA advised Council to undertake a review of the information to ensure the requirements of SEPP 55 had been satisfied, given the site has a history of filling and contamination due to asbestos.

In line with the EPA requirement, Council's Environmental Health Section undertook a review of the information received from the applicant and found that information on land contamination assessment was limited and predominantly historic in nature and did not contain a Contemporary Contamination Land Assessment reflecting the current condition of the subject site as recommended by the EPA.

In January 2017, the applicant was again advised to prepare and submit a Contemporary Contamination Land Assessment in line with the recommendation of the EPA. In February 2017, Council received a Contemporary Contamination Land Assessment dated January 2017 prepared by DLA Environmental Services from the applicant. Council's Environmental Health Section undertook a review of this assessment and provided the following comments:

*"The assessment provided is not considered adequate. Even though previous minimal contamination assessments have been undertaken, these previous assessments would not meet the current contamination guidelines. An email from DLA dated 9 May 2017 advised:*

*"The Remediation Action Plan was developed for the site prior to the update of the National Environment Protection (Assessment of Site Contamination) Measure (NEPM*

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1999). NEPM (2013) included new methods for the investigation and assessment of asbestos contamination. DLA conducted a Land Use Suitability Review of the Site in 2014 to assess the presence of previously identified asbestos fragments in accordance with updated guidelines."

*The consultant has tried to justify minimal sampling advising that this testing was to supplement existing data. However, the previously conducted assessments would not appear to meet the current guidelines.*

*The current contamination assessment appears to be deficient in regard to meeting the contamination guidelines, in respect to the amount of samples taken and the depth of sampling (an assessment through the entire spectrum of imported fill should have been undertaken to assess the fill material, rather than the testing being terminated at 1m below ground level in the fill material).*

*Based on the above, the suitability of the site has not been demonstrated."*

It was noted that the sampling density adopted in the Assessment was less than the minimum sampling density recommended by the Sampling Design Guidelines (NSW EPA, 1195), for the characterisation of a site having a total area of 11.4ha. The only justification provided for the use of the lesser number of test pits than the minimum required was that the Assessment was to supplement existing data and targeted fill areas on-site.

As previously mentioned, the historical data and land contamination investigations submitted for Council's consideration are not considered to be in line with the current land contamination guidelines. It was also considered that 26 test pits used in the assessment were inadequate to cover the land area proposed for rezoning and the selection of their locations appears to be ad hoc with no proper justification. Therefore, it is considered that this Assessment is not an accurate reflection of the current environmental status of the subject site.

The planning proposal seeks to rezone part of the subject site to IN1 General Industrial to allow development of that part of the subject site for general industrial purposes, but it should be noted that the IN1 zone permits other land uses than industrial uses including a range of land uses some of which are sensitive land uses such as health consulting rooms, childcare centres, and hospitals. Should that part of the subject site be rezoned to IN1 and developed for industrial purposes, there is no guarantee that industrial uses of that part of the subject will continue into the future.

Given the above circumstances, a Contemporary Contamination Land Assessment is required to demonstrate that part of the subject site in its current state (or will be suitable, after remediation) for all the purposes for which land in that zone concerned is permitted to be used as recommended by the EPA. However, a review of the Contemporary Contamination Land Assessment January 2017 by Council's Environmental Health Section revealed that it fails to demonstrate the suitability of that part of the subject site for all land uses permitted in the IN1 zoning.

#### SEPP 55 Requirements

The subject site is a landfill site with a history of the presence of asbestos. In accordance with Table 1 - 'Some Activities that may Cause Contamination' of the Managing Land Contamination: Planning Guidelines' published by the (then) Department of Planning and Urban Affairs, land filling and asbestos presence may cause contamination.

The subject site falls within the land classes specified under the following subclause (4)(b) and 4(c)(i) of SEPP 55:

#### ***4(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out***

The subject site is a landfill site and has a history of the presence of asbestos on the subject site.

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Both landfilling and asbestos exposure activities are referred to in Table 1 to the contaminated land planning guidelines.

**4(c) *to the extent to which it is proposed to carry out development it for residential, educational, recreational or childcare purposes, or for the purpose of a hospital – land:***

- (i) in relation to which there is no knowledge (or incomplete knowledge) as whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out.

According to the Remediation Action Plan prepared by DLA Environmental Services May 2013, asbestos containing materials have been left on the subject site during the operation of a former recycling facility on the subject site, but Council's records do not contain information on the use of the subject site for a recycling facility. As previously mentioned, there may be a potential to develop that part of the subject site for sensitive land uses such as hospitals and childcare centres.

Subclause 6(1) of SEPP 55 requires no inclusion in a particular zone any land specified in subclause (4) if the inclusion of the land in that zone would permit a change use of use of the land unless:

- the planning authority has considered whether the land is contaminated
- if the land is contaminated, Council is satisfied that it is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in that zone concerned is permitted to be used
- if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be remediated before the land is used for that purpose.

The Contemporary Contamination Land Assessment January 2017 received from the applicant has not provided adequate and relevant current land contamination assessment details as discussed in this report to enable Council to effectively assess the Contemporary Contamination Land Assessment against the above identified SEPP requirements as recommended by the EPA. There is no conclusive evidence, facts or findings in the Contemporary Contamination Land

Assessment January 2017 to support that part of the subject site proposed for rezoning is suitable for any permitted land use in the IN1 zone, or it will be suitable for any permitted land use after remediation.

**Finalisation of the Planning Proposal**

The next step in the plan making process is to report the matter to Council with a recommendation to make or not to make the plan based on the outcome of the consultation and the merit of the planning proposal.

The EPA has recommended that the applicant prepare and submit a Contemporary Contamination Land Assessment to Council. The purpose of this recommendation is to obtain contemporary data to confirm or otherwise, the suitability of the subject site for the proposed for IN1 General Industrial zoning.

The applicant's failure, despite numerous requests, to prepare and submit a Contemporary Contamination Land Assessment reflecting the current site conditions as recommended by the EPA precludes Council's assessment of the suitability of the site for the lands uses permitted in the proposed IN1 zone.

Under Section 59 2(b) of the EP& A Act, Council can recommend not to make the plan based on the applicant's failure to comply with the EPA recommendation to undertake a Contemporary Contamination Land Assessment for the subject site following consultation with the DP&E. Council Officers have discussed this matter with the DP&E and explained why it is considered that the plan cannot be made.

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### **Conclusion**

In response to the relevant government agency consultation, the EPA recommended to undertake a Contemporary Contamination Land Assessment to assess the suitability of part of the subject site proposed for IN1 General Industrial zoning for any land use permitted in that zone in its current form or after the remediation of the subject site.

Council's Environmental Health Section undertook a review of the Contemporary Contamination Land Assessment January 2017 received from the applicant and found that the information on land contamination assessment was limited and predominantly historic in nature and did not contain a Contemporary Contamination Land Assessment reflecting the current condition of the subject site as recommended by the EPA.

Given the applicant's failure to prepare and submit a Contemporary Contamination Land Assessment reflecting the current site conditions as recommended by the EPA the suitability of that part of the site for any land use including sensitive lands uses permitted in the proposed IN1 zone is inconclusive. Under such circumstances, Council is not able to make the plan.

Council Officers have discussed this matter with the DP&E and have explained why it is considered that the plan cannot be made.

It is therefore recommended that Council not proceed with the making of the plan in accordance with Section 59 2(b) of the EP& A Act.

### **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

##### **5.8 Industry**

- 5.8.1 Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.
- 5.8.2 Increase the focus on jobs and innovation to build on our strengths and achieve a diverse industry base.

### **Financial Implications**

The applicant has paid the planning proposal application fees required by Council's Fees and Charges for the preparation of a Local Environmental Plan.

### **Planning Decision**

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

### **RECOMMENDATION:**

That Council:

1. Not proceed with the making of the plan in accordance with Section 59 2(b) of the Environmental Planning and Assessment Act 1979 to amend the Hawkesbury Local Environmental Plan 2012 to rezone part of the subject site from RU1 Primary Production to IN1 General Industrial under the

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Hawkesbury Local Environmental Plan to allow development of the subject site for general industrial purposes.

2. Council advise the applicant and the Department of Planning and Environment that the plan has not been made.

**ATTACHMENTS:**

**AT 1** Outcome of Public Authority Consultation

**AT 2** Outcome of Community Consultation

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<b>Agency</b>	<b>Issue</b>	<b>Council Officer Response</b>
<b>NSW Rural Fire Service</b>	No objections to the making of the plan provided that the future subdivision of the subject site shall comply with the requirements of Planning for Bushfire Protection 2006 (PBP 2006).	NSWRFS's comments are matters that are appropriate to the assessment of future Development Applications for the subject site, and not matters to be incorporated into amendments to a local environmental plan.
<b>Office of Environment &amp; Heritage</b>	<p><b>Flooding</b></p> <p>In assessing the planning proposal and any potential development Council will need to ensure compliance with clause 6.3 Flood Planning of Hawkesbury Local Environmental Plan 2012 (the LEP) and the 2012 Development of Flood Liable Land Policy. Council needs to:</p> <ul style="list-style-type: none"> <li>consider the flood risk for the full range of floods up to the PMF for existing and post development conditions</li> <li>the need for a flood emergency response plan to ensure safe refuge or evacuation of occupiers in times flood in consultation with the State Emergency Service (SES)</li> <li>the cumulative impacts from potential full development condition</li> <li>the impact of any potential land filling operations on the subject site and adjacent areas.</li> </ul> <p>The OEH recommends Council to reconsider implementing the recommended town planning principles detailed in the adopted 2012 Hawkesbury Floodplain Flood Risk Management Study and Plan.</p>	<p>Under Section 117 Direction 4.3 Flood Prone Land, Council always takes into consideration clause 6.3 Flood Planning of Hawkesbury Local Environmental Plan 2012 (the LEP) when assessing planning proposals for flood prone land and development of flood prone land.</p> <p>Currently, clause 6.3 of the LEP makes provisions to consider the flood risk for a range of floods up to 1:100 ARI (Average Recurrent Interval). However, Council's current Development of Flood Liable Land Policy (July 2012) is currently being reviewed and an interim Development of Flood Liable Land Policy is being developed to allow Council to consider the full range of floods up to the PMF for existing and post development conditions until such time an amendment to the LEP is made to include provisions in the LEP to consider flood events up to the PMF and include appropriate provisions detailed in the adopted 2012 Hawkesbury Floodplain Flood Risk Management Study and Plan.</p> <p>Council will refer planning proposals and Development Applications for flood prone land to SES for comments and take into consideration any cumulative impacts and land filling operations on the subject site when assessing planning proposals and Development Applications for flood prone land.</p>
<b>Office of Environment &amp; Heritage</b>	<p><b>Section 117 Ministerial Direction</b></p> <p>The planning proposal to rezone part of the subject site to industrial is inconsistent with the direction 4.3 Flood Prone Land.</p>	<p>There is a minor inconsistency with the Direction 4.3 Flood Prone Land. This minor inconsistency was appropriately addressed in Council's previous report dated 3 February 2015. The Gateway Determination acknowledged this minor inconsistency and advised that no further approval is required in relation to this direction.</p>

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Agency	Issue	Council Officer Response
<b>Environmental Protection Authority</b>	<p><b>Noise</b></p> <p>A range of land uses permitted with consent in the IN1 zone have the potential to produce noise and odour impacts on the surrounding development. Appropriate land use planning should ensure possible land use conflict is avoided.</p> <p>The subject site should be rezoned appropriately while taking potential conflicts into account, and management strategies should be developed to address any issues that may arise during the development phase and to manage any cumulative impacts.</p> <p>Any proposed industrial development should be in accordance with the NSW Industrial Noise Policy (EPA 2000). A range of noise mitigation strategies can also be implemented at the subdivision design stage to manage unavoidable noise impacts.</p> <p>Any new roads, road developments or land use developments generating additional road traffic should be assessed in accordance with the NSW Road Noise Policy (DECCW 2011).</p> <p>Any potential noise impacts associated with the construction activities, including any infrastructure and services, should be assessed and any appropriate noise mitigation measures identified and implemented.</p> <p>The EPA recommends Hawkesbury Development Control Plan 2002 (the DCP) includes a provision that requires proponents to consult the Interim Construction Noise Guidelines (DECC 2009) when preparing supporting information for a Development Application.</p>	<p>Noise including any traffic noise and construction noise are not issues in determining planning proposals and those issues can be effectively dealt with at the development application stage.</p> <p>A comprehensive review of Council's DCP is currently being undertaken, and appropriate provisions in relation to noise generation can be included to require development applications to adequately and appropriately address such noise issues in future Development Applications to enable Council an effective assessment of such developments.</p>



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<b>Agency</b>	<b>Issue</b>	<b>Council Officer Response</b>
<b>Environmental Protection Authority</b>	<p><b>Air Quality</b></p> <p>The planning proposal will enable a range of employment/economic activities on the subject site which have the potential to generate noise and odours. To ensure potential land use conflicts are prevented and contemporary environmental standards are met for any new development, the EPA recommends the DCP include the following provisions:</p> <p>Provides measure to ensure noise emissions do not cause adverse impacts upon human health and amenity.</p> <p>Provide measures and approaches that can prevent or minimise commercial and industrial emissions of air pollutants.</p> <p>The development must be designed, operated and maintained so that there are no offensive odours beyond the boundary of the subject site.</p> <p>Details approaches to ensure land use conflicts are prevented.</p> <p>In addition, the DCP can include other mechanisms to ensure the above air quality matters are delivered.</p>	<p>Air quality is not an issue in determining planning proposals and which can be effectively dealt at the development application stage.</p> <p>A comprehensive review of Council's DCP is currently being undertaken, and appropriate provisions in relation to air quality, air pollutants, noise emissions and odours can be included to require development applications to adequately and appropriately address such issues in future Development Applications to enable Council an effective assessment of such developments.</p>
<b>Environmental Protection Authority</b>	<p><b>Water Quality</b></p> <p>It is important that land use changes associated with this planning proposal not only supports on-going improvement in the health of South Creek and Hawkesbury/Nepean River catchments, but also helps achieve the NSW Water Quality Objectives (WQO).</p> <p>Development Consent No 358/06 for the use of the subject site for the purpose of a wholesale plant nursery included conditions requiring design and installation of stormwater outlets and spillways to drain water from the subject site. It is necessary to request the applicant to demonstrate whether these measures are adequate in order to prevent water pollution and will ensure the WQO for the above waterways will be met.</p> <p>An Integrated Management Plan should be prepared for the subject site to support the future development of the subject site.</p>	<p>Water quality is not an issue in determining planning proposals and which can be effectively dealt at the development application stage.</p> <p>A comprehensive review of Council's DCP is currently being undertaken, and appropriate provisions in relation to water quality, air pollutants, noise emissions and odours can be included to require development applications to adequately and appropriately address such issues in future Development Applications to enable Council an effective assessment of such developments.</p>

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Agency	Issue	Council Officer Response
<b>Environmental Protection Authority</b>	<p><b>Sewage Management Plan</b></p> <p>The planning proposal states that the future development on the subject site will be connected to the Council's existing sewage system.</p> <p>Council should determine whether there is adequate capacity in the existing sewage system to accommodate future development on the subject site.</p>	<p>Council can consider whether there is adequate capacity in the existing sewage system to accommodate future development on the subject site when assessing future development applications for the subject site.</p>
<b>Environmental Protection Authority</b>	<p><b>Construction</b></p> <p>The DCP should include provisions to ensure a Soil and Water Management Plan is developed and implemented for any development undertaken at the subject site.</p>	<p>A site specific DCP Chapter for the subject site has not been prepared requiring a Soil and Water Management Plan for any development on the subject site. However, a comprehensive review of Council's DCP is currently being undertaken, and appropriate provisions in relation to soil and water management can be included in the DCP to require development applicants to submit a Soil and Water Management Plan for any future development</p>

**ORDINARY MEETING****SECTION 3 – Reports for Determination****Meeting Date:** 27 February 2018**AT 2 Outcome of Community Consultation**

No	Issue	Council Officer Response
1	<b>Permissible Land Uses</b>  The planning proposal refers to future use of the subject site for animal processing plants. A concern is raised about the possible emission from such plants, and a future development application for such development needs to be supported by an Environmental Impact Statement.	 There is no land use category or a definition in Hawkesbury Local Environmental Plan 2012 (the LEP) for animal processing plants. Also, the planning proposal does not propose to use the subject site for animal processing plants.
2	<b>Local Traffic, Vehicular Access, Road Upgrades and Parking</b>  Vehicular access and parking for future development of the subject site for industrial purposes are not adequately addressed.  At present the road network in the locality experiences heavy traffic during peak periods, and large truck movements cause delays and danger to other road users.  Road surfaces are severely damaged and need upgrades. As Fairey Road south of Speedwell Place is not sealed, vehicular movements cause significant dust issues. As this situation causes a health risk, this road sections needs to be sealed.  Fairey Road between the railway crossing and Speedwell Place is not wide enough for heavy vehicles to pass each other, as many vehicles park on the western side of this road. The unsealed eastern side further aggravates this situation.  Heavy vehicles constantly drive on the wrong side of the roundabout, and all Council signs have been damaged.  Presently, large heavy vehicles are accessing from Ham Street ignoring a development condition restricting large vehicles access to this street.	 The planning proposal seeking rezoning of the subject site is only to allow future development of the subject site for general industrial purposes. If the plan is made to give effect to the planning proposal, the applicant will need to submit separate applications for future development of the subject site for any development activity permitted in the proposed IN1 General Industrial zone.  Issues raised in the submission such as heavy vehicular movements, parking, improvements to existing roads, generation of dust are not matters to be taken into account when assessing planning proposals, but they can be taken into consideration at the development application stage.  Breaching of conditions of consent, damaging Council signs and any driving offences are compliance issues that need to be dealt separately by Council's Compliance Officers.
3	<b>Contamination</b>  The rear boundary of the subject site is South Creek which is a major waterway for local farms located between Windsor and the Hawkesbury-Nepean Catchment. The subject site which is possibly contaminated with asbestos is subject to flooding and there is a grave concern that the local waterway and the neighbouring properties are likely to be contaminated. This will likely affect horticulture and viticulture in the region.  There are no measures in place to prevent contaminated materials flowing onto the	 The subject site has a history of the presence of asbestos on the subject site. The Environment Protection Authority (EPA) requires a Contemporary Contamination Land Assessment to determine the suitability of the subject site for any future land use permitted within the proposed IN1 General Industrial zone. The Council report discusses this matter in detail.  The current stockpiles on the subject site are under investigation by the EPA. Once the investigation is completed, Council's

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No	Issue	Council Officer Response
	<p>downstream properties.</p> <p>Also, the neighbouring residents have a grave concern about the current large stockpiles on the subject site as they have no idea whether there are health risk to them or not. The stockpiles also significantly affect the visual amenity of the locality.</p> <p>Therefore, the planning proposal seeking future development of the subject site for industrial purposes is not acceptable.</p>	<p>Environmental Health &amp; Regulatory Services Section will be able to take appropriate actions in consultation with the EPA.</p>
4	<p><b>Excessive Filling of the Subject Site</b></p> <p>No objection is raised to the proposed rezoning of the subject site to IN1 General Industrial. However, a grave concern is over the possible impacts of the height of filling and excessive filling of the subject site. The excessive filling has substantially altered the natural formation of the subject site. Originally, the natural ground level of the subject site was lower than the adjoining property immediately north of the subject site owned by Evoqua Water Technologies Membrane Systems (EWTMS), and now the subject sites filled level is greater than the ground level of EWTMS property.</p> <p>The Council report dated 26 May 2015 stated that the land fill covers an area approximately 4.4ha to a maximum depth of 3.26m and an average depth of 1.27m. Looking at the subject site from the EWTMS shed located on the northern boundary it appears that the fill is deeper than the maximum stated and thus the subject site is now higher, impacting on the natural disbursement of rainwater runoff.</p> <p>The planning proposal dated 21 October 2015 (page 19) states that this consent also grants approval to the filling of the subject site with VENM and though a later amendment to this consent, filling of the subject site with ENM. The purpose was to restore the ground levels of the subject site to be consistent with the ground levels of the properties to the north, south and west of the subject site.</p> <p>Excessive filling of the subject site may cause increased rainwater runoff and significantly affects EWTMS property which is now located lower than the subject site. Council is requested to undertake a site visit and advise the owner of the subject site install appropriate stormwater drainage system to direct run off towards South Creek and minimise the impacts on neighbouring properties.</p>	<p>The planning proposal seeking rezoning of the subject site is only to allow future development of the subject site for general industrial purposes.</p> <p>In March 2007, Council approved a development application (DA 358/06) seeking approval for intensive agriculture, land filling, dam construction and a wholesale plant nursery on the subject site. The proposed development of the subject site consisted of the filling of the subject site to grade evenly from the western boundary to two elevated storage dams and enable construction of the proposed wholesale plant nursery with associated sales office and car parking area on the graded platform at a level of 16m AHD.</p> <p>Any excessive or illegal filling of the subject site is a compliance matter which needs to be actioned by Council's Regulatory and Compliance Officers.</p> <p>Filling of the subject site is discussed in detail in the Council Report. If the plan is made to give effect to the planning proposal, site filling, stormwater runoff and other amenity issues can be considered at the development application stage.</p>

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5	<p><b>Electricity Easement</b></p> <p>There is an electricity easement over the subject site which is benefitted by Endeavour Energy for high voltage 11,000 volts/11 KV and 33,000 volts/33KV overhead powerlines. In regards to the easement, Endeavour Energy generally does not support the incorporation of the easement into smaller multiple lots which would be permissible under the proposed rezoning. Such lot arrangements which dissect the easement resulting in the overhead powerlines being located over multiple lots results in restriction of access e.g. every lot being potentially fenced on both sides, multiple gates/openings would be required to ensure contiguous /ready access.</p> <p>The incorporation of electricity easements into such privately owned lots is generally problematic for both Endeavour Energy and the future land owners. In other council areas this form of subdivision is discouraged.</p> <p>Endeavour Energy has various access and easement encroachment issues in relation to the existing subdivision layout in Speedwell Place, particularly in relation to the access of the subject site where the easement has been dissected into three sections running parallel with the overhead power lines i.e. within the subject site and Lot 15 DP 806993 and Lot 1 DP 828534.</p> <p>If the proposed works will encroach/affect Endeavour Energy's easements, Endeavour Energy must be consulted.</p> <p>Should the rezoning facilitate subdivision of the subject site the incorporation of Endeavour Energy's easement, not only must the easements, rights and restrictions, covenants etc. be retained over the affected lots and in accordance with the requirements of the Land and Property Management Authority, but Endeavour Energy will need to include additional requirements/restrictions to be registered on titles to each of the lots to ensure it can be reasonably access and manage its existing electricity infrastructure within the easement.</p> <p>The applicant for the future proposed development of the subject site will need to submit an application to Endeavour Energy to determine the load and the method of electricity supply.</p>	<p>The planning proposal is only to allow future development of the subject site for general industrial purposes, and does not allow subdivision of the subject site into smaller lots.</p> <p>The access and easement encroachment issues in relation to the existing subdivision in Speedwell Place are not issues in determining the planning proposal and these need to be considered separately by Council.</p> <p>As previously mentioned, the planning proposal is only to allow future development of the subject site for general industrial purposes, and if the plan is made, potential encroachment into Endeavour Energy's easements, retention of any rights, restrictions and covenants and easy access with respect to such easements need to be taken into consideration at the development application stage.</p> <p>Any future development applications affecting the Endeavour Energy's easement and involving any proposed augmentation to the current electricity supply to the subject site will be referred to Endeavour Energy for comments.</p>

**oooO END OF REPORT Oooo**

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**Item: 041**                      **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - Lot 2 DP 1177011, 377 Bells Line of Road, Kurmond - (124414, 95498)**

**Previous Item:**            205, Ordinary (28 October 2014)

**Directorate:**              City Planning

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**PLANNING PROPOSAL INFORMATION**

**File Number:**                      LEP009/13  
**Property Address:**              377 Bells Line of Road, Kurmond  
**Applicant:**                        Urban & Rural Planning Consultant  
**Owner:**                              Mr J I Henry  
**Date Received:**                  14 November 2013  
**Current Minimum Lot Size:**    10ha  
**Proposed Minimum Lot Size:** 4,000m<sup>2</sup> and 1ha  
**Current Zone:**                    RU1 Primary Production  
**Site Area:**                         10ha

**Key Issues:**                      ♦ Protection of native vegetation  
   ♦ Minimum lot size

**Recommendation:**              Proceed with the making of the LEP amendment and publically exhibit an associated draft Voluntary Planning Agreement

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**PURPOSE OF THE REPORT:**

The purpose of this report is to advise Council of the outcome of the community and relevant public agency consultation for the above planning proposal, and to make recommendations to proceed with the making of an amendment to the *Hawkesbury Local Environmental Plan 2012*. Additionally, to recommend the exhibition of the draft Voluntary Planning Agreement attached to this report for public comment for a minimum of 28 days.

**EXECUTIVE SUMMARY:**

Council at its Ordinary Meeting on 28 October 2014 resolved to forward a planning proposal from Urban & Rural Planning Consultant which sought to amend the *Hawkesbury Local Environmental Plan 2012* (the LEP) in order to allow the subdivision of part of the original Lot 11 DP 633630, 373 Bells Line of Road, Kurmond which is now legally described as Lot 2 DP 117711, 377 Bells Line of Road, Kurmond into large rural residential lots and one community title with minimum lot sizes of not less than 4,000m<sup>2</sup> and 1ha to the then Department of Planning and Infrastructure (DP&I) for a Gateway determination.

In March 2015, the DP&I advised Council to proceed with the planning proposal and undertake consultation with the community and public agencies as identified in the Gateway determination.

Four responses from public agencies and no submissions from the community were received in response to consultation. As a result of the NSW Office of Environment & Heritage (OEH)'s response, the exhibited Lot Size Map has been amended, and also an amendment to the Restricted Lot Yield Map of the LEP restricting lot yield to a maximum of seven rural residential lots on the subject site has been made in order to ensure the protection of native vegetation on the subject site. In December 2017, the Department of Planning and Environment (DP&E) endorsed the post-exhibition amendments to the exhibited planning proposal.

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In accordance with Council's resolution of 28 October 2014, the applicant on behalf of the developer/property owner offered to enter into a Voluntary Planning Agreement (VPA) with Council to pay developer cash contributions for the purposes of infrastructure facilities and works to the value of \$30,000 per vacant housing lot created by subdivision of the subject site.

A draft VPA has now been prepared for public consultation.

**RECOMMENDATION SUMMARY:**

This report recommends that Council proceed with the making of an amendment to the LEP to allow a maximum of seven large rural residential lots and one community title lot on the subject site as detailed in this report, exhibit the Draft VPA attached to this report for public comment and report the outcome of the public exhibition to Council.

**REPORT:**

**Context and Background**

In November 2013, Council received a planning proposal from Urban & Rural Planning Consultant (the applicant), seeking to amend the LEP in order to allow the subdivision of part of the original Lot 11 DP 633630, 373 Bells Line of Road, Kurmond into large rural residential lots and one community lot with minimum lot sizes of not less than 4,000m<sup>2</sup> and 1ha. In October 2014, Council considered a report on this matter and resolved to forward the planning proposal to the then DP&I for a Gateway determination.

Council records show that a Development Application (DA0602/09) for subdivision of the original Lot 11 DP 633630, 373 Bells Line of Road, Kurmond into two Torrens title lots enabling excision of a land area of 3,165m<sup>2</sup> at the north-eastern corner of Lot 11 DP 633630 containing the existing Veterinary Clinic from the remainder of 373 Bells Line of Road as shown in Figure 1 below was approved by Council in September 2010.

However, given the approved two lot subdivision had not been registered with the Land and Property Information at the time of the government agency and community consultation, the planning proposal subject of the consultation identified part of Lot 11 DP 633630, 373 Bells Line of Road, Kurmond as the subject site.



**Figure 1: Approved Two Lot Torrens Title Subdivision**

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On 29 November 2016, Council considered a report on the Kurmond Kurrajong Investigation Area Survey Results and resolved as follows:

*"That:*

- 1. Council receive the results of the Kurmond and Kurrajong Investigation Area Survey.*
- 2. Council Staff identify a number of specific areas (based upon Constraints Mapping, survey results and the preferred approach as outlined in this report) for possible, but not certain, development of additional large lot residential/rural-residential development throughout the Investigation Area and some residential development up to, but not within, the existing villages of Kurmond and Kurrajong.*
- 3. The identified areas be further consulted with the community regarding future development.*
- 4. The results of that further consultation be reported to Council.*
- 5. Council not accept any further planning proposal applications within the Kurmond and Kurrajong investigation area until such time as the structure planning as outlined in this report is completed. Council receive a progress report on the structure planning prior to July 2017.*
- 6. Council continue processing the planning proposals within the investigation area that have received support via a Council resolution to proceed to a Gateway determination and any planning proposals currently lodged with Council as at 29 November 2016."*

The Kurmond Kurrajong Investigation Area referred to in this report includes properties within one kilometre radius of the Kurmond and Kurrajong Neighbourhood Centres. Given the subject site is located within a one kilometre radius of the Kurmond Neighbourhood Centre, it was included in the Kurmond Kurrajong Investigation Area.

In respect of the matter at hand, point 6 of the above resolution is the most relevant in that this particular matter deals with a planning proposal that had been supported by Council at its Meeting on 28 October 2014, and had received a Gateway determination advising to proceed in March 2015.

*Amended Property Description of the Subject Site*

Following registration of a two lot Torrens title subdivision plan with the Land and Property Information and issuing of street numbers for those two lots by Council in June 2017, now that part of the original Lot 11 DP 633630, 373 Bells Line of Road with an area of 10ha is legally described as Lot 2 DP 1177011, 377 Bells Line of Road, Kurmond and the other newly created lot which has an area of 3,165m<sup>2</sup> containing the existing Veterinary Clinic is now described as Lot 1 DP 1177011, 373 Bells Line of Road, Kurmond.

Therefore, the exhibited planning proposal has now been amended to reflect this change of the property description, and the revised planning proposal and this report refers to Lot 2 DP 1177011, 377 Bells Line of Road, Kurmond as the subject site.





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#### Planning Proposal

The planning proposal submitted by the applicant seeks an amendment to the Lot Size Map of the LEP to enable the subdivision of the subject site into six large rural residential lots with a minimum lot size not less than 4,000m<sup>2</sup> and one community title lot. The planning proposal was supported by the following reports:

- Flora and Fauna Assessment Report prepared by Anderson Environmental Pty Ltd
- Bushfire Assessment Statement prepared by Control Line Consulting

The planning proposal also contains a subdivision concept plan depicting six large rural residential lots ranging in size from 7,828m<sup>2</sup> to 2.45ha and a community title lot containing a private access and a vegetated riparian area as shown in Figure 4 below.

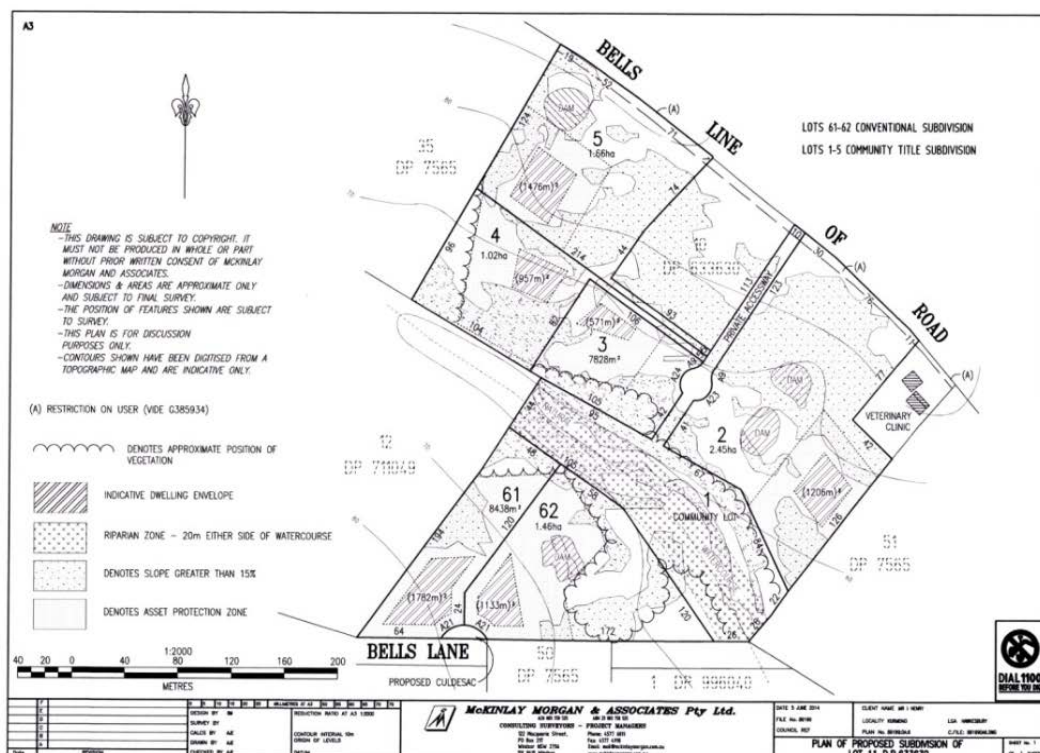
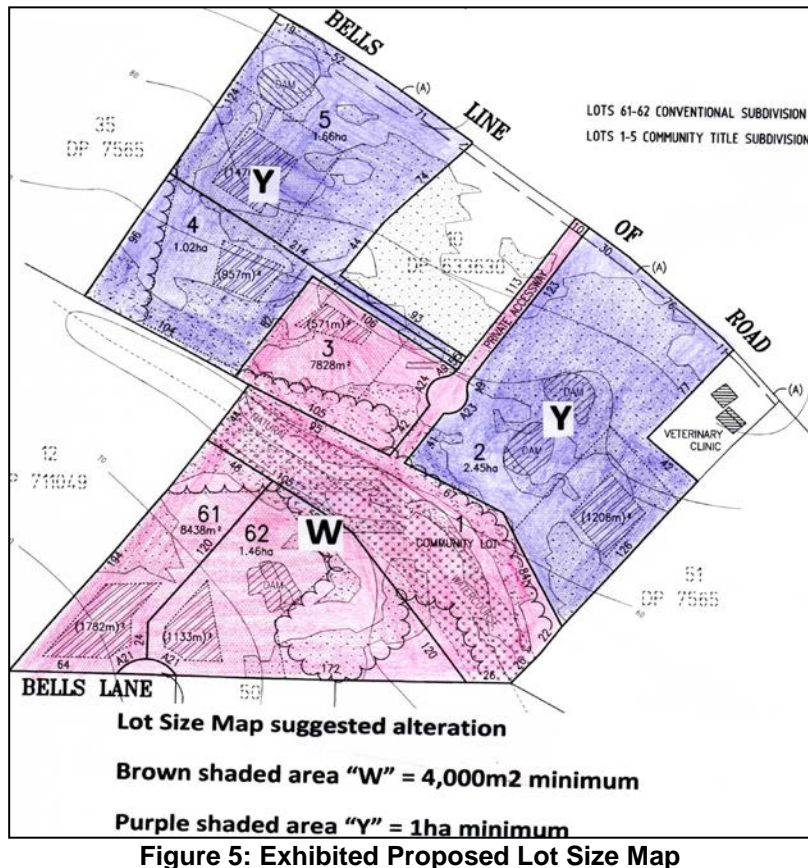


Figure 4: Subdivision Concept Plan

Generally, a subdivision concept plan in support of a planning proposal is only to demonstrate that land has subdivision potential, but it is not a determining factor in the determination of the planning proposal. Also, endorsement/approval of a subdivision concept plan is not part of the plan making process, and is subject to a subsequent Development Application for subdivision of that land if a plan is made to give effect to a planning proposal. Therefore, the subdivision concept plan submitted in support of this planning proposal was not endorsed by Council at its Ordinary Meeting of 28 October 2014. However, having said that it should be noted that the subdivision concept plan has indicated an accessway extending from Bells Line of Road, all be it a private accessway. Should the planning proposal proceed, it is considered that a future development application should assess whether it is appropriate for some form of connection to extend from Bells Line of Road through to Bells Lane, particularly as a pedestrian/cycle connection. A recommendation to this effect has been included.

In line with the subdivision concept plan, the exhibited proposed Lot Size Map identifies a minimum lot size of not less than 1ha for part of the subject site having access to Bells Line of Road and a minimum lot size of not less than 4,000m<sup>2</sup> for the remainder of the subject site as shown in Figure 5 below.

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**Figure 5: Exhibited Proposed Lot Size Map**

#### **Authorisation for Council to Exercise Delegation**

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

#### **Policy considerations**

The DP&E's '*A guide to preparing planning proposals*' August 2016 (the Guidelines) requires the applicant to demonstrate that a planning proposal is consistent with applicable local strategies/strategic plans, State Environmental Planning Policies (SEPPs) and Section 117 Ministerial Directions.

The previous Council report (dated 28 October 2014) which included an assessment of the planning proposal demonstrated that the planning proposal is consistent with the Hawkesbury Residential Land Strategy, the relevant SEPPs and Section 117 Ministerial Directions.

The Gateway determination advising Council to proceed with the planning proposal advised that inconsistencies with Section 117 Ministerial Directions 1.2 and 2.4 and the provisions of *Sydney Regional Environmental Plan No 9 – Extractive Industry* and *Sydney Regional Environmental No 20 – Hawkesbury Nepean River* are of minor significance and no further approval is required in relation to these Directions and Sydney Regional Environmental Plans.

#### **Consultation**

In accordance with the Gateway determination requirements, the community was consulted under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act, 1979* (EP & A Act) during the period

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Friday 6 November 2015 to Monday 23 November 2015, and the relevant public agencies were consulted under section 56(2)(d) of the EP& A Act.

An exhibition notice was placed in the Hawkesbury Courier on 5 November 2015 and letters were sent to adjoining and nearby land owners and occupiers advising of the public exhibition of the planning proposal. The planning proposal and supporting documentation was made available for public viewing during the exhibition period on Council's website and at Council's Administration Office.

Council received responses from all public agencies (other than Telstra and Endeavour Energy) and no submissions were received from the community. The response received from the NSW Department of Industry (Resources & Energy) raised no issues and all the other responses raised certain issues. The response received from OEH warranted an amendment to the exhibited Lot Size Map which is detailed in a subsequent section of this report, and the issues raised in the other responses and subsequent comments from the Council Officer are outlined in Attachment 1 of this Report.

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

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

#### Our Future

#### **5.3 Shaping our Growth**

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

5.8.2 Plan for a balance of agriculture, natural environment and housing that delivers viable rural production and maintains rural character.

### **Discussion**

A response from the OEH received during the public agency consultation raised issues in relation to fragmentation and loss of native vegetation on the subject site and the protection of vegetation through an E2 Environmental Conservation zone.

The OEH response stated that there are no additional planning controls proposed for the protection of native vegetation on the subject site. It is therefore expected that future development will result in the fragmentation and incremental loss of native vegetation through the erection of dwellings and associated Asset Protection Zones, infrastructure, effluent disposal areas, as well as clearing for fencing and ancillary development such as sheds. The OEH advised Council to consider how the protection of native vegetation on the subject site can be achieved.

Native vegetation occurs either side of an unnamed natural watercourse which generally traverses the middle of the subject site and flows in a south easterly direction towards Redbank Creek and along the north-western boundary as shown in Figure 3 above.

As shown in Figure 5 above, Proposed Lot 1 being the community title lot with a minimum lot size of not less than 4,000m<sup>2</sup> does not accommodate the entire native vegetation area shown in Figure 3 above. The remainder of the native vegetation area occupies parts of the land areas proposed for 4,000m<sup>2</sup> and 1ha minimum lots within the subject site.

The OEH submission stressed that this approach will result in fragmentation of the native vegetation area into small areas and loss of vegetation.

#### **Zone Objectives**

The subject site is zoned RU1 Primary Production under the Hawkesbury LEP 2012. In dealing with all other planning proposals within the Kurmond Kurrajong Investigation Area the subsequent amendments to



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the Hawkesbury LEP 2012 agreed to by Council have not altered the zoning of the respective sites, nor the zone objectives.

The Land Use Table of the Hawkesbury LEP 2012 establishes the following zone objectives for the RU1 Primary Production zone:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage agricultural activities that do not rely on highly fertile land.
- To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.
- To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.
- To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.
- To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.

Clause 2.3(2) of Hawkesbury LEP 2012 outlines that Council “must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone”. However, it should be noted that there is no requirement for a subsequent development to be consistent with all the objectives of a zone particularly when the development is permissible and satisfies applicable development standards.

Since this planning proposal was reported to Council on 28 October 2014, a number of reports have been presented to Council regarding the Kurmond Kurrajong Investigation Area. Of primary relevance are the reports to Council on 28 July 2015 and 24 November 2015 which included an analysis of land and environmental constraints within the Kurmond Kurrajong Investigation Area.

The result of these reports was that Council adopted the following development principles as an Interim Policy for planning within the Kurmond Kurrajong Investigation Area:

- services
- building envelopes, asset protection zones, driveways and roads are located on land with a slope less than 15%
- removal of significant vegetation is avoided
- fragmentation of significant vegetation is minimised
- building envelopes, asset protection zones, driveways and roads (not including roads for the purposes of crossing watercourse) are located outside of riparian corridors
- road and other crossings of water courses is minimised
- fragmentation of riparian areas is minimised
- removal of dams containing significant aquatic habitat is avoided.

An assessment against these fundamental principles and associated recommendations that are relevant to this planning proposal has been undertaken for consistency and is outlined in Attachment 2 of this report. In dealing with all planning proposals within the Kurmond Kurrajong Investigation Area that have proceeded to an LEP Amendment, Council has considered the fundamental constraints to development expressed through the Interim Policy. By considering those fundamental constraints the planning proposal addresses the zone objectives associated with vegetation, riparian corridors, landscape values and rural character. The remaining zone objectives essentially deal with land uses that have been in a state of gradual decline within the area for some time with these properties increasingly moving more towards lifestyle parcels of land rather than the traditional agricultural base.

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A future development application over the subject site should this planning proposal proceed will have regard to the zone objectives at the time. However, it should be noted that in dealing with all planning proposals that have proceeded towards an LEP Amendment to date, the specific approach by Council was to amend the minimum lot sizes and where necessary restrict the yield as expressed through the Lot Size Map and Restricted Lot Yield Map respectively. Amendment to zones and zone objectives were viewed as potentially problematic by allowing additional uses into the area through the Standard Instrument that could cause land use conflict. It was for this reason that LEP Amendments processed to date have only amended lot size maps and lot yields.

*An Amendment to the Exhibited Lot Size Map*

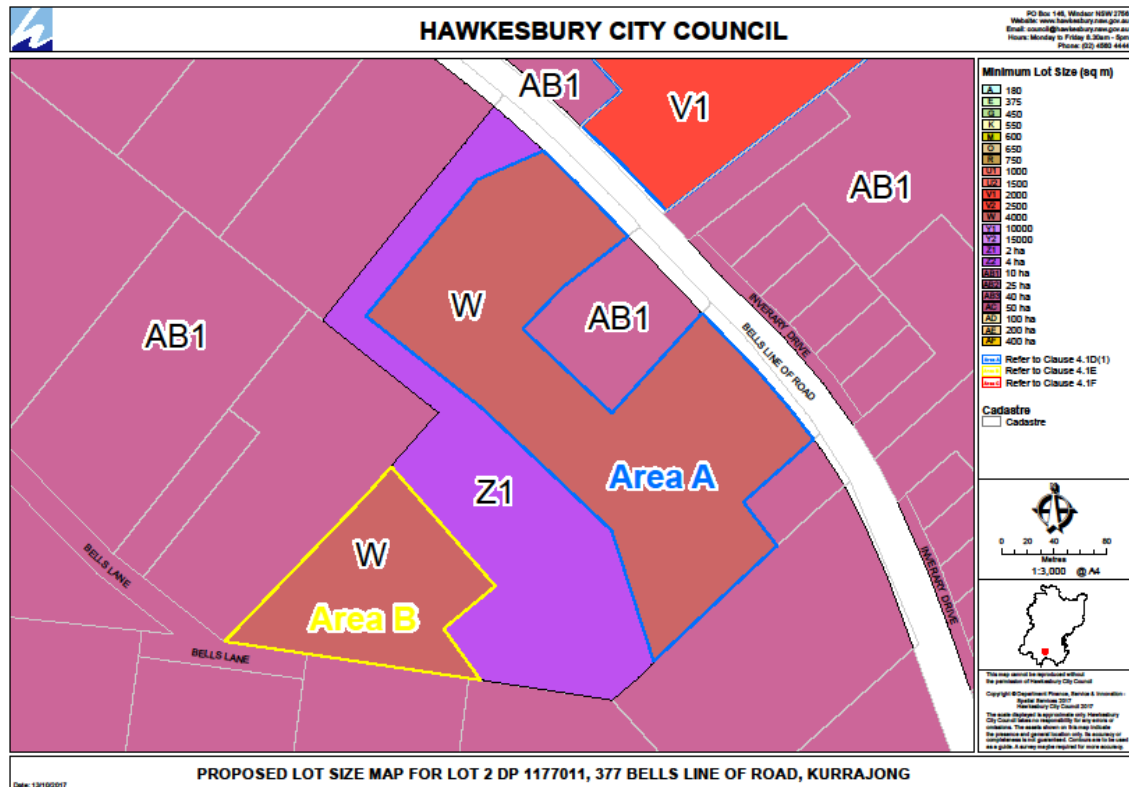
Section 58(1) of the *Environmental Planning and Assessment Act, 1979* (the EP & A Act) makes provision for Council to vary the previous planning proposal as a consequence of its consideration of any submission received during consultation, or for any other reason. If any changes are made to the planning proposal following consultation, Section 58(2) of the EP & A Act requires Council to forward the revised planning proposal to the DP&E for endorsement.

As a consequence of the OEH response, a number of discussions were held with the applicant and the owner of the subject site regarding the existing native vegetation on the subject site and how to minimise fragmentation and loss of native vegetation through an appropriate amendment to the exhibited proposed Lot Size Map.

Following a series of discussions with the applicant and the owner of the subject site, and an assessment of the site constraints, a post exhibition amendment has now been made to the exhibited proposed Lot Size Map through the allocation of approximately of 3.3ha of irregular shaped land area accommodating the existing native vegetation area, two farm dams, the natural watercourse and the associated riparian zone in the middle of the subject site as a community title lot with a minimum lot size of not less than 2ha as shown in Figure 6 below.

As shown in Figure 6 below, a minimum lot size of not less than 4,000m<sup>2</sup> has been specified for subdivision of the remainder of the land area north and south of the proposed community title lot identified as 'Area A' and 'Area B' respectively. Future residential lots within the 'Area A' which has an area of approximately 5.1ha can only be accessed via Bells Line of Road and future lots within the 'Area B' which has an area of approximately 1.6ha can only be accessed via Bells Lane. This arrangement avoids future access roads crossing the natural watercourse traversing the subject site.

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The post-exhibition amendment to the exhibited Lot Size Map would result in a large single lot approximately one third of the site area with no residential development potential being created in the middle of the subject site to accommodate the existing native vegetation, two farm dams, the natural watercourse traversing the subject site and the associated riparian zone.

If the proposed LEP amendment is made as detailed in this report, future subdivision of the subject site incorporating this lot as a community title lot will minimise fragmentation and loss of native vegetation and achieve an improved environmental outcome.

Given the proposed community title lot accommodating the existing native vegetation area with no residential development potential and Council has no intention to acquire and maintain that area of land as a protected area, the applicant will need to lodge a subsequent development application incorporating that lot as a community title lot for the subdivision of the subject site ensuring protection of native vegetation on the subject site, if this plan is made.

In addition, the inclusion of a Vegetation Management Plan as a condition of consent requiring appropriate maintenance and restoration of this community title lot through a combination of naturally assisted regeneration and planting as recommended by the Flora and Fauna Assessment Report prepared by Anderson Environmental Pty Ltd will ensure any ecological loss is compensated for and biodiversity of the subject site is not compromised.

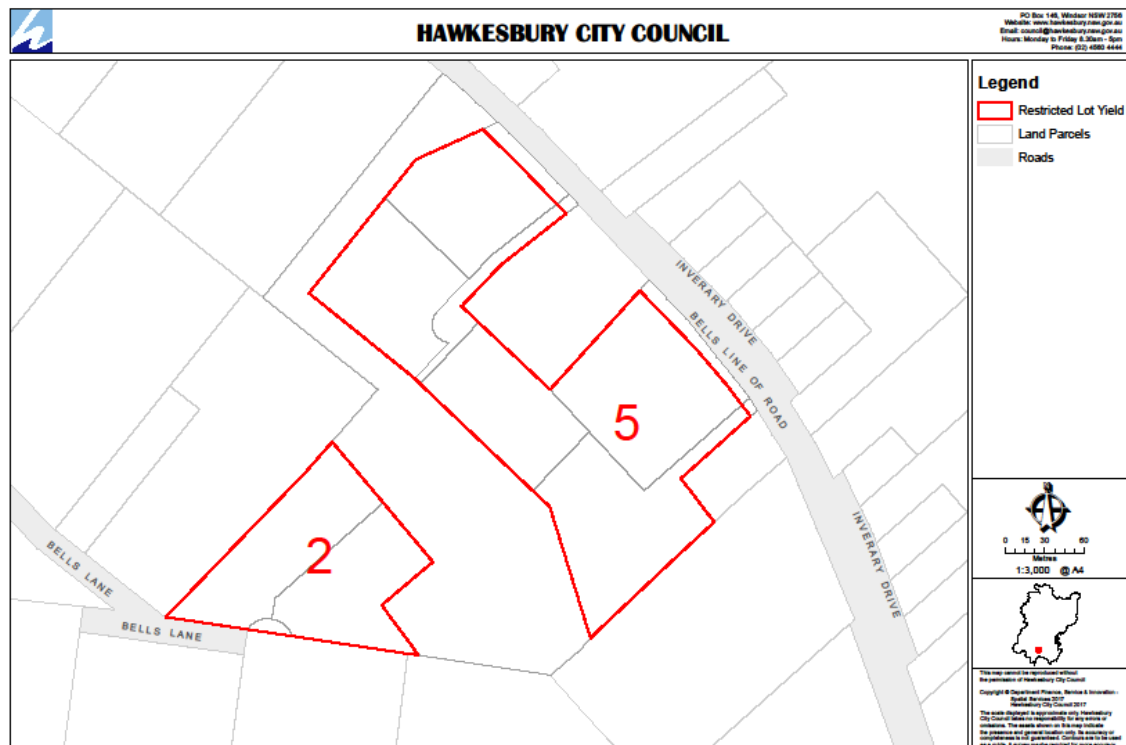
In order to further address the OEH issue in relation to fragmentation and loss of native vegetation, it was considered appropriate to introduce a cap to limit housing lot yield on the subject site to minimise fragmentation of the subject site and any potential loss of native vegetation, and ensure a better environmental and land use planning outcome. This approach is discussed below.

#### *An Amendment to the Restricted Lot Yield Map*

Given the proposed minimum lot size of not less than 4,000m<sup>2</sup> for subdivision of 'Area A' and 'Area B', 'Area A' would potentially be able to yield at least 10 lots after leaving 15% of the land area for future

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access roads subject to Council approval. Similarly, 'Area B' would potentially be able to yield at least 3 lots, totalling 13 residential lots on the subject site. In order to allocate adequate land area for each future lot to accommodate an appropriate on-site effluent disposal system and other necessary services and an asset protection zone with no adverse impacts on the existing vegetation, it is proposed to amend the Restricted Lot Yield Map of the LEP to restrict the lot yield to a maximum of five lots on 'Area A' and two lots on 'Area B' as shown in Figure 7 below. Figure 7 also depicts how 'Area A' and 'Area B' can be subdivided into five and two lots respectively, however the applicant will need to lodge a separate development application for the subdivision of the subject site with Council if this plan is made.



The above approach will enable fairly large rural residential lots at least 8,500m<sup>2</sup> in size on 'Area A' and at least 6,800m<sup>2</sup> lots on 'Area B'. It is therefore considered that the above explained post-exhibition amendment to the exhibited Lot Size Map and the proposed amendment to the Restricted Lot Yield Map ensures improved environmental and land use planning outcomes and also satisfactorily addresses the OEH key concern in relation to fragmentation and loss of native vegetation.

#### **Endorsement of the Post Exhibition Amendments**

Council may, at any time, vary its proposal under Section 58(1) of the *Environmental Planning and Assessment Act, 1979* (the EP & A Act) as a consequence of its consideration of any submission received during consultation, or for any other reason. If any changes were made to the planning proposal following consultation, Section 58(2) of the EP & A Act requires Council to forward the revised planning proposal to the DP&E for endorsement.

A response received from the OEH during public agency consultation resulted in an amendment to the exhibited Lot Size Map and an amendment to the Restricted Lot Yield Map as detailed above. The exhibited planning proposal was amended with the incorporation of these amendments, and the revised planning proposal was forwarded to the DP&E seeking endorsement in accordance with Section 58(2) of the EP&A Act.

In early December 2017, Council received written advice from the DP&E endorsing the post-exhibition amendments. The Department of Planning and Environment acknowledged that the reconfiguration of the minimum lot sizes and the inclusion of a restricted lot yield are consistent with the intent of the original



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planning proposal and the Gateway determination, and therefore an amended Gateway determination or further community consultation was not required. It also acknowledged that the proposed amendment to the Restricted Lot Yield Map is to ensure the future subdivision of the subject site is limited to better reflect the site constraints.

**Offer of a Voluntary Planning Agreement**

Council considered a report on VPAs for the Kurmond Kurrajong Investigation Area at its Ordinary Meeting of 10 November 2015. Council resolved:

*"That:*

- 1. Council agree to offers to enter into negotiations for Voluntary Planning Agreements in the Kurrajong/Kurmond Investigation Area in the absence of an adopted Section 94 developer contributions plan.*
- 2. Any Voluntary Planning Agreement for this locality to be based on CPI adjusted cash contributions on a per lot release basis consistent with the offers discussed in this report.*
- 3. Negotiations for draft VPAs should include consideration of a Clause to terminate the VPA once the Section 94 Plan is adopted with no retrospective provisions should the amended contributions be different to the VPA contribution amount.*
- 4. To reinforce Council's previous resolutions planning proposals that have completed public exhibition are not to be reported to Council for finalisation until a Section 94 Plan is adopted or the report is accompanied by a draft Voluntary Planning Agreement that is proposed to be placed on public exhibition."*

The preparation of a S94 Plan has commenced but the completion of that Plan is not expected to be completed in the short term. Given the above Council Resolution, Part 4 of Council's previous Resolution of 11 November 2014 and there is no set timeframe for the completion of the S.94 Plan, the applicant on behalf of the developer/property owner offered to enter into a VPA with Council that would result in the developer paying a cash contribution to Council for the purposes of community facilities and works to the value of \$30,000 per vacant housing lot. A draft VPA has been prepared and finalised in consultation with relevant Council staff, and is attached to this Report as Attachment 3. The next step is the exhibition of the draft VPA for public comment in accordance with the relevant statutory provisions prior to reporting to Council for its finalisation and adoption.

**Financial Implications**

The applicant has paid the planning proposal application fees required by Council's Fees and Charges for the preparation of a Local Environmental Plan.

The draft Voluntary Planning Agreement attached to this report for Council's consideration requires the Developer to provide Council with a cash contribution of \$30,000 (subject to increase in the Consumer Price Index) per vacant housing lot created on the subject site. Developer contributions collected by Council will be expended on local and district infrastructure facilities including road improvements, cycle ways, landscape and park embellishments to serve the needs of the local community as a consequence of the development.

**Fit For The Future Strategy Considerations**

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

- 5.3 Sustainable Population Growth

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Continued implementation of Hawkesbury Residential Land Strategy to concentrate new residential development around existing urban centres and villages.

**Conclusion**

The consultation undertaken with the community and the relevant public agencies with respect to the planning proposal do not warrant the abandonment of the planning proposal other than amendments to the exhibited Lot Size Map and an amendment to the Restricted Lot Size Map as detailed in this report.

Post-exhibition amendments endorsed by the DP&E ensures an improved environmental and land use planning outcome, and satisfactorily addresses the OEH's key concern.

In accordance with Part 4 of the Council resolution of 28 October 2014, the applicant has offered to enter into a Voluntary Planning Agreement with Council that would result in the cash payment of \$30,000 per vacant housing lot created on the subject site.

It is therefore recommended that Council proceed with the making of an LEP that will give effect to the proposed amendment described in this report, and that the draft VPA be publically exhibited for a minimum of 28 days.

**Planning Decision**

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

**RECOMMENDATION:**

That Council:

1. Proceed with the making of a plan to amend the *Hawkesbury Local Environmental Plan 2012* in order to permit the subdivision of Lot 2 DP 1177011, 377 Bells Line of Road, Kurmond into not more than seven large rural residential lots with a minimum lot size of not less than 4,000m<sup>2</sup> and one community title lot with a minimum lot size of not less than 2ha as detailed in this report.
2. Request that the Parliamentary Counsel's Office prepare a draft Local Environmental Plan to give effect to the planning proposal in accordance with Section 59(1) of the *Environmental Planning and Assessment Act, 1979*.
3. Adopt and make the draft local environmental plan, under the authorisation for Council to exercise delegation issued by the Gateway determination, upon receipt of an opinion from Parliamentary Counsel's Office that the plan can be legally made.
4. Following the making of the Plan, advise the Department of Planning and Environment that the Plan has been made and request to notify the Plan on the NSW Legislation website.
5. Publically exhibit the Draft Voluntary Planning Agreement attached to this report for a minimum of 28 days and the Draft Voluntary Planning Agreement be reported back to Council following public exhibition prior to finalisation.
6. Any future development application over the subject site consider the potential for a pedestrian/cycle connection through the subject site linking Bells Line of Road with Bells Lane.

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**ATTACHMENTS:**

- AT - 1** Summary of Government Agency Submissions and Responses
- AT - 2** An Assessment Against the fundamental Constraints and Associated Recommendations
- AT - 3** Draft Voluntary Planning Agreement between Hawkesbury City Council and John Ian Henry

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### AT - 1 Summary of Government Agency Submissions and Responses including Appendix 1

Agency	Issue	Council Officer Response
Roads & Maritime Services (RMS)	<p><u>Road Widening Reservation</u></p> <p>The RMS raised no objection to the planning proposal provided that part of the subject site along Bells Line of Road identified for future widening of Bells Line Road as shown in Appendix 1 of this Attachment is maintained.</p>	<p>If this plan is made, the applicant will need to lodge a development application seeking approval for the subdivision of the subject site. The applicant will be advised to show that part of the subject site identified for future road widening in the Appendix 1 of this Attachment as a separate lot in the proposed subdivision plan for the subject site. This will enable Council to impose a condition of consent for the development application ensuring that lot is reserved and maintained for future road widening purposes.</p> <p>It was noted that the RMS proposed road widening has not been included in the current Land Reservation Acquisition Map of <i>Hawkesbury Local Environmental Plan 2012</i> (the LEP). It is also noted that 1420 Kurmond Road, Kurmond is also subject to the RMS proposed road widening and not identified in the current Land Reservation Acquisition Map of the LEP. Therefore it is recommended to address this matter at a subsequent house-keeping amendment to the LEP in consultation with the RMS.</p>
	<p><u>Cumulative Impact</u></p> <p>The RMS raised concern over the cumulative impacts of the growing number of site specific planning proposals for rural residential developments in the locality, but understands that Council is undertaking a broader investigation of the impacts of rural residential development within the Kurmond Kurrajong and Investigation Area on the existing road network and infrastructure needs.</p> <p>The RMS recommended that this investigation includes a traffic study to investigate the impacts to the surrounding road network and individual intersections that are likely to be adversely impacted by the increase in traffic as a result of these planning proposals within the Kurmond Kurrajong Investigation Area.</p>	<p>In accordance with Council Resolution of 29 November 2016 Council is not accepting any new planning proposals within the Kurmond Kurrajong Investigation Area until such time the Structure Plan for the Kurmond Kurrajong Investigation Area is completed and continuing with processing the planning proposals within the Kurmond Kurrajong Investigation Area that have received support via Council resolution to proceed to a Gateway determination and any planning proposals currently lodged with Council as at 29 November 2016.</p> <p>Once the Structure Plan is completed and the potential dwelling yield within the Kurmond Kurrajong Investigation Area is known, Council will be able to commence a local traffic study to assess the likely impact of the increased dwelling yield on the surrounding road network and individual intersections within the Kurmond Kurrajong Investigation Area in close consultation with the RMS.</p> <p>It should also be noted that Council's broader LGA wide traffic study has commenced.</p>

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Agency	Issue	Council Officer Response
RMS	<p><u>Funding Mechanism for Road Improvements</u></p> <p>The RMS suggested Council where possible in the development of a suitable funding mechanism like a Section 94/94A plan for the Kurmond Kurrajong Investigation Area or planning agreements to require contributions for local and State road improvements in the locality.</p>	<p>Council at its Ordinary Meeting of 10 November 2015 resolved to agree to enter into negotiations for Voluntary Planning Agreements (VPAs) in the Kurmond Kurrajong Investigation Area in the absence of an adopted Section 94 developer contributions plan.</p> <p>The preparation of a S94 Plan has commenced, but the completion of that Plan is not expected to be completed in the short term.</p> <p>Given the above Council Resolution and that there is no set timeframe for the completion of the S.94 Plan, a draft VPA incorporating \$30,000 monetary contribution per additional lot created on the subject site be acceptable to Council to fund local and State road improvements in the locality was received from the applicant. This report includes a recommendation to place the draft VPA on public exhibition and report back to Council following exhibition prior to finalisation. If the proposed LEP Amendment outlined in this report is made to give effect to the planning proposal, a monetary contribution for future subdivision of the subject site will be required as per the draft VPA which is included as Attachment 3 of the Report.</p>
Transport for NSW (TfNSW)	<p><u>The Bells Line of Road – Castlereagh Connection Corridor</u></p> <p>The NSW Government has commenced planning to identify and preserve the Bells Line of Road – Castlereagh Connection Corridor, and the subject site is within the Bells Line of Road – Castlereagh Connection Corridor Investigation Area. The subject site cannot be ruled out as a possible location for the Bells Line of Road – Castlereagh Connection Corridor until Corridor Investigation Study has been finalised. In the interim, TfNSW would not object to development within the study area.</p>	<p>It is noted that the Bells Line of Road – Castlereagh Connection Corridor is a corridor to provide a connection from Kurrajong to Sydney's motorway network and thereby allowing an alternate network across the Blue Mountain to improve road connectivity and transport efficiency within Western Sydney and to regional areas west of Sydney.</p> <p>The TfNSW recently briefed Council Officers about the Bells Line of Road – Castlereagh Connection Corridor and discussed its preferred route. Council Officers requested the TfNSW to finalise the corridor earlier to provide certainty for the Community and enable Council to appropriately plan the area with effective integration between land use and transport and advise the affected land owners accordingly.</p> <p>However, given the Bells Line of Road – Castlereagh Connection Corridor is not yet finalised and there are no set time frames for statutory protection and acquisition of properties affected by this corridor, it is not considered warranted delaying the plan making process.</p>

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Agency	Issue	Council Officer Response
Transport for NSW (TfNSW)	<p><u>Integrating Land Use and Transport</u></p> <p>The planning proposal should consider Ministerial Directions in accordance with Section 117 of the <i>Environmental Planning &amp; Assessment Act, 1979</i> (EP&amp;A Act). Direction 3.4 – Integrating Land Use and Transport which indicates that a planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for Planning and Development (DUAP 2001)</i>.</p> <p>A key objective of this document is for every household to be within 400m walking distance of a bus route (accessing such a node) served at least every 30 minutes. This requirement should be addressed in the planning proposal.</p>	<p>Direction 3.4 – Integrating Land Use and Transport applies when Council prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes, but the planning proposal applies to rural land. Therefore, this direction does not apply to the planning proposal.</p>
	<p><u>Cumulative Impacts</u></p> <p>TfNSW has recently reviewed several planning proposal referrals from Council for similar larger lot residential subdivisions in the surrounding area (particularly in Kurmond). It is recommended that a Strategic Planning Study is undertaken to determine the potential residential lot increase in the surrounding area and assess the cumulative impacts on the local and regional traffic and transport infrastructure and identify mitigation measures.</p>	<p>This issue is addressed in the early part of this Attachment.</p>



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Agency	Issue	Council Officer Response
Office of Environment & Heritage (OEH)	<p><u>Zoning and Planning Controls</u></p> <p>There are no additional planning controls proposed for the protection of native vegetation on the subject site. It is therefore expected that future development will result in the fragmentation and incremental loss of vegetation through the erection of dwellings and associated Asset Protection Zones, infrastructure, effluent disposal areas, as well as clearing for fencing and ancillary development such as sheds. Council will need to consider how the protection of the vegetation can be achieved.</p>	<p>The exhibited proposed Lot Size Map has now been amended to minimise fragmentation and potential loss of vegetation and ensure better protection of native vegetation with high biodiversity values through the identification of a land area containing the existing native vegetation, the riparian corridor and the watercourse as a separate allotment. This matter is discussed in detail in the Council Report.</p>
Agency	Issue	Council Officer Response
OEH	<p><u>Split Zoning</u></p> <p>Council should consider split zoning for the subject site allowing rezoning of that part of the subject site with high biodiversity values to E2 Environmental Conservation.</p>	<p>In addition to the existing provisions in the LEP applying to the subject site to maintain terrestrial biodiversity, Council would be able to impose a condition of consent for future subdivision application over the subject site requiring the preparation of a Vegetation Management Plan for that part of the subject site identified as a separate lot accommodating existing native vegetation to ensure the biodiversity on the subject site is protected, maintained and enhanced. Given these circumstances, a split zoning enabling rezoning of part of the subject site to a E2 Environmental Conservation zone is not considered necessary.</p>

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Agency	Issue	Council Officer Response
NSW Rural Fire Service (NSWRFS)	The RFS raised no objection to the making of the plan subject to a requirement that the future subdivision of the subject site complies with <i>Planning for Bushfire Protection 2006</i> .	If this plan is made, any future development applications for the subject site will be referred to RFS for comment.
Department of Primary Industries – Agriculture (DPI Agriculture)	The DPI Agriculture generally does not support ad-hoc planning proposals which have tenuous relationship to housing supply for the Hawkesbury and do not follow sound planning principles.	<p>Council does not support any planning proposals that allow fragmentation and alienation of sustainable agricultural land, and always assess them against their merits, relevant planning legislation and the Local planning framework to ensure potential and productive agricultural land are maintained for sustainable primary industry production and agricultural activities.</p> <p>However, the Hawkesbury Residential Land Strategy (HRLS) recognises the importance of maintaining the viability of existing rural villages and therefore focuses large lot rural residential development within 1km radius of existing rural villages/neighbourhood Centres that satisfactorily meet other rural residential criteria specified in the HRLS. The subject site is located within 1km radius and meets the criteria in general.</p> <p>Further, the subject site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture. These lands are described by the Classification system as:</p> <p><i>"Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production rate is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown, or other factors, including climate, may limit the capacity for cultivation".</i></p> <p>Given the subject site is in close proximity to the Kurmond Neighbourhood Centre, surrounding rural residential development and it not being used for intensive agricultural uses for many years it is considered that it is unlikely the subject site could be used for a substantial or viable agricultural enterprise.</p>



## Appendix 1



**Note:** A narrow strip of land along the frontage of 77 Bells Line of Road, Kurrajong shown in pink colour in the above image is subject to future widening of Bells Line of Road.

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**AT - 2 An Assessment Against the fundamental Constraints**  
**and Associated Recommendations**

**Table 1: Physical Environment**

<b>Factor</b>	<b>Degree of Constraint to Development</b>	<b>Recommendation</b>
<b>Terrestrial Biodiversity</b>		
Impact of development on threatened or endangered flora and fauna	Fundamental - Major	Legislation applies to threatened and endangered species. OEH concurrence may be required. Removal of significant vegetation is to be avoided. Fragmentation of significant vegetation is to be minimised.
<p><b>Comment:</b> Shale Sandstone Transition Forest (High Sandstone Influence) occurs along an un-named watercourse and the north-western boundary, which is outside of the proposed development area. The amended proposed Lot Size Map identifies a separate lot with a minimum lot size of not less than 2ha containing Shale Sandstone Transition Forest, the un-named watercourse and the associated riparian corridor within the subject site. This lot can be identified as a community title lot on a future community title subdivision application for part of the subject site with access to Bells Line of Road as proposed by the applicant. Therefore the likely adverse impacts of the proposed minimum lot sizes and the likely location of future lots on flora and fauna will be minimal.</p>		
<b>Watercourses and Riparian Areas</b>		
Impact of development on watercourses and riparian areas	Fundamental - Major	Legislation applies to threatened and endangered species. OEH concurrence may be required. Building envelopes, APZs, driveways and roads (not including roads for the purposes of crossing watercourses) are to be located outside of riparian corridors. Road crossings of watercourses are to be minimised. Fragmentation of riparian areas is to be minimised.
<p><b>Comment:</b> The amended proposed Lot Size Map identifying a separate lot with a minimum lot size not less than 2ha containing Shale Sandstone Transition Forest, the un-named watercourse and the associated riparian corridor within the subject site is able to comply with the above recommendations for minimising impact of development on watercourses and riparian areas.</p>		

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Factor	Degree of Constraint to Development	Recommendation
<b>Dams</b>		
Impact of development on aquatic habitat. Proximity of dams to effluent disposal systems	Fundamental - Minor	<p>Legislation applies to threatened and endangered species. OEH concurrence may be required.</p> <p>Removal of dams containing significant aquatic habitat is to be avoided. Minimum required buffer distances for effluent disposal systems are to be adhered to.</p>
<p><b>Comment:</b> There are two existing farm dams located within the proposed community tile lot and a dam located south of this lot within the subject site which are to be retained.</p>		
<b>Bushfire threat</b>		
Impact of the location and management of APZs and perimeter roads	Fundamental - Major	<p>RFS concurrence may be required</p> <p>Building construction and water supply is to comply with NSW Rural Fire Service's <i>Planning for Bushfire Protection 2006</i>, e.g. APZs and roads</p>
<p><b>Comment:</b> In line with OEH comments, the exhibited Proposed Lot Size Map was amended to ensure the likely adverse impacts of the future APZ's on the significant existing vegetation would be minimal. It is considered this issue can also be satisfactorily dealt with at development application stage by way of referral to the RFS and conditions of consent.</p>		
<b>Aboriginal Heritage</b>		
Impact of development on Aboriginal heritage items	Fundamental - Moderate	<p><i>National Parks and Wildlife Act 1974</i> applies.</p> <p>Council and developers are also to consider relevant provisions of <i>Heritage Act 1977</i> when preparing and considering development applications</p>
<p><b>Comment:</b> No known aboriginal relics are located on the site. Further consideration will be given to this at development application stage.</p>		

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Factor	Degree of Constraint to Development	Recommendation
Land Contamination		
Suitability of land to be developed given potential for land to be contaminated	Fundamental - Minor	Remediation action plans and validation may be required.  Council and developers are to consider relevant provisions of <i>State Environmental Planning Policy No 55—Remediation of Land</i> when preparing and considering development applications.
<b>Comment:</b> Council records show the land has been used for cattle grazing for many years but that there are no records to suggest that any activities have occurred on the land which would give rise to contamination. Further consideration will be given to this at development application stage.		
Acid Sulfate Soils		
Impact of disturbance of acid sulfate soils on the environment and development	Fundamental to Minor	Development proposals and land class are to be assessed with respect to Clause 6.1 Acid Sulfate Soils of LEP 2012. Acid sulfate soils management plans required.
<b>Comment:</b> The subject site is within the Acid Sulfate Soils Class 5 categorisation which is the least restrictive of the 5 classifications. Further consideration, if required, will be given to this at development application stage.		

**Table 2: Infrastructure and Services**

Factor	Degree of Constraint to Development	Recommendation
Road network		
Capacity and safety of existing road network	Fundamental - Major	RMS concurrence may be required Development contributions are to be levied for road improvements.  Council and developers are to consider relevant provisions of <i>State Environmental Planning Policy (Infrastructure) 2007</i> when preparing and considering development applications.

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Factor	Degree of Constraint to Development	Recommendation
<p><b>Comment:</b> RMS has not requested a development contribution from this planning proposal for road works and have not raised any objection to the proposal, provided that Council make provisions to limit the maximum lot yield on the subject to seven.</p> <p>Council Officers have had detailed discussions with RMS regarding the road network and the developer contribution mechanism for future residential development within the Investigation Area. A draft VPA has been finalised as part of this planning proposal to contribute to general infrastructure upgrades, and the Report recommends to place the draft VPA on exhibition for public comment. The detail as to where those contributions are to be expended will be the subject of a separate report to Council.</p>		
<b>Wastewater</b>		
Capacity of land to cater for on-site effluent disposal	Fundamental	<p>Sydney Water concurrence may be required  Developers are to demonstrate that waste water can be disposed of on site in an environmentally sensitive manner.</p> <p>Alternatively developers may provide reticulated sewer service to new lots in accordance with relevant licences and/or authority requirements.  Clause 6.7 - Essential Services under LEP 2012 applies.</p>
<p><b>Comment:</b> Initial assessment of the subject site and proposed lot sizes suggested that a suitable on-site effluent disposal system to accommodate future development on the subject site could be achieved. This can be further considered at the development application stage.</p>		
<b>Public Transport Services</b>		
Provision of bus service to cater for the needs of incoming population	Fundamental - Moderate	<p>Transport NSW and RMS concurrence may be required.  Possible levying of development contributions for bus services.  Clause 6.7 - Essential Services under LEP 2012 applies.</p>
<p><b>Comment:</b> The RMS suggests to use sustainable modes of travel including buses, bicycles and walking. The Hawkesbury Residential Land Strategy requires that any rural land subject to a planning proposal enabling rural housing should be within a 1km radius of a rural village or neighbourhood centre identified in the Hawkesbury Residential Land Strategy. This is to enable sustainable development with reasonable access to the required infrastructure and services including sustainable modes of transport. It is therefore considered that this locational criterion generally satisfies the RMS suggested sustainable travel modes.</p>		

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Factor	Degree of Constraint to Development	Recommendation
Stormwater drainage		
Quantity and quality of stormwater run-off entering watercourses	Fundamental - Moderate	<p>Developers are to demonstrate that stormwater can be captured, treated and released in an environmentally sensitive manner.</p> <p>Possible levying of development contributions for stormwater purposes            Clause 6.7 - Essential Services under LEP 2012 applies.</p>
<b>Comment:</b> It is considered this can be satisfactorily dealt with at development application stage by way of the assessment of drainage designs and conditions of consent.		
Water Supply		
Provision of reticulated water supply to new lots	Fundamental - Moderate	<p>Sydney Water concurrence may be required.</p> <p>A reticulated water service is to be provided to new lots by developers in accordance with relevant authority requirements            Clause 6.7 - Essential Services under LEP 2012 applies</p>
<b>Comment:</b> Reticulated water can be provided to the subject site.		
Electricity		
Provision of electricity service to new lots	Fundamental	<p>Electricity provider concurrence may be required.</p> <p>Electricity services are to be provided to new lots by developers in accordance with relevant authority requirements            Clause 6.7 - Essential Services under LEP 2012 applies</p>
<b>Comment:</b> Electricity is available to the subject site.		

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**AT - 3 Draft Voluntary Planning Agreement between**  
**Hawkesbury City Council and John Ian Henry**

Voluntary Planning Agreement  
377 Bells Line of Road, Kurmond

THIS PLANNING AGREEMENT is made on the 14<sup>th</sup> day of January 2018  
BETWEEN:

HAWKESBURY CITY COUNCIL ("the Council")

AND:

JOHN IAN HENRY (known as "the Developer")

**Introduction**

- A. The Developer is the registered proprietor of the Development Land.
- B. On 14<sup>th</sup> January 2015 the Council lodged a Planning Proposal Application with the Department of Planning and Environment to amend the *Hawkesbury Local Environmental Plan 2012* Lot Size Map to facilitate subdivision of the Development Land.
- C. The Developer proposes to make Development Applications to Council for Development Approval to carry out the Proposed Development if the Lot Size Map for the Development Land is altered generally in accordance with the Planning Proposal Application.
- D. The Developer has offered to provide a Developer's Contribution in the form of a Cash Contribution on the terms and conditions contained in this agreement if Development Approval is granted to the Proposed Development.

**And it is agreed as follows**

**1 Definitions and Interpretation**

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

- 1.1 "Act" means the *Environmental Planning and Assessment Act 1979* (NSW) (as amended from time to time).
- 1.2 "Approval" means any approvals, consents, modifications, certificates (of all types) permits, endorsements, licenses, conditions or requirements (and any variation to them) which may be required by Law for the Proposed Development including road works.
- 1.3 "Authority" means a government, semi-government, local government, statutory, public, ministerial, civil, administrative, fiscal or judicial body, commission, department, agency, tribunal or other authority or body.
- 1.4 "Base CPI" means the CPI number for the quarter ending immediately before the commencement of this Agreement.
- 1.5 "Business Day" means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the place where an act and thing is to be performed or a payment is to be made.
- 1.6 "Cash Contribution" means, subject to clause 5 and clause 6, an amount calculated on the basis of \$30,000 per vacant Housing Lot.
- 1.7 "Completion Certificate" means the release of the subdivision, either in whole or in stages, to enable the lodgement to and issue of Housing Lot titles by the LPI.



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- 1.8 "CPI" means the Consumer Price Index released by the Australian Bureau of Statistics for "Sydney - All Groups" or such other consumer price index that might replace it.
- 1.9 "CPI Review Date" means each quarterly anniversary of the date of this agreement.
- 1.10 "Current CPI" means the CPI number for the quarter ending immediately before the relevant CPI Review Date.
- 1.11 "Developer's Contribution" has the meaning given in clause 5 and 6.
- 1.12 "Development Application" means an application under Part 4 of the Act for Development Approval.
- 1.13 "Development Approval" means a development consent issued under the Act with respect to all or part of the Proposed Development.
- 1.14 "Development Land" means the land comprising Lot 2 DP 1177011, 377 Bells Line of Road, Kurmond.
- 1.15 "Dispute" in connection with this agreement means an argument, a controversy, a difference, a dispute including of opinion or interpretation.
- 1.16 "Event of Insolvency" means anyone or more of the following occurrences:
- (a) the Developer becomes bankrupt, is served with a bankruptcy notice or a bankruptcy petition, has committed an act of bankruptcy or has entered into an arrangement within and under the meaning of the *Bankruptcy Act 1976* (Cth); or
  - (b) the Developer becomes subject to any order or declaration under the *Mental Health Act 2007* (NSW) or is otherwise incapable of managing his or her own affairs.
  - (c) if the Developer is a company, if:
    - (i) a resolution is passed for the winding up or liquidation of that company
    - (ii) a liquidator, provisional liquidator, receiver, receiver manager, controller, controlling manager, administrator, voluntary administrator or official manager is appointed to the Developer or a resolution is passed for the purposes of placing that party in the control of an external administrator
    - (iii) it suspends payment of its debts or is unable to pay its debts including of money payable under this agreement or is deemed insolvent
    - (iv) it fails to or is taken as having failed to comply with a statutory demand under the *Corporations Act 2001* (Cth);
    - (v) if anything analogous or having substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction with respect to the Developer.
- 1.17 "GST" has the same meaning as the GST Act and other words or expressions used in the GST Act which have a particular defined meaning (including any applicable legislative determinations and Australian Taxation Office public rulings) have the same meaning.
- 1.18 "GST Act" means *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (as amended from time to time).



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- 1.19 "Housing Lot" means a lot approved by a Development Consent comprising part of the Development Land that is intended to be used for the purposes of a single dwelling house without being further sub-divided.
- 1.20 "Housing Lot Contribution" means subject to clause 5 cash to the value of \$30,000 per vacant Housing Lot arising from a Development Consent of the Development Land.
- 1.21 "Law" means:
- a) the common law and principles of equity;
  - b) the requirements of legislation, regulations and by-laws; and
  - c) a binding order made by an Authority.
- 1.22 "LPI" means Land and Property Information or any other government agency replacing it.
- 1.23 "Lot Size Map" means the maps with a corresponding name and forming part of Hawkesbury Local Environmental Plan 2012.
- 1.24 "Party" means a party to this agreement, including their successors and assigns.
- 1.25 "Proposed Development" means the alteration of the Lot Size Map and subdivision of the Development Land into housing lots and a community lot containing a new road and the existing environmental features.
- 1.26 "Planning Proposal Application" means the application to alter the Hawkesbury Local Environmental Plan 2012 Lot Size Map to allow the Proposed Development on the Development Land.
- 1.27 "Subdivision Certificate" means a certificate issued under section 109C(d) of the Act with respect to the Proposed Development.
- 1.28 "Transfer" means to settle, assign, transfer, convey, alienate, otherwise dispose of or part with possession of.
- 2 Interpretation:**
- In this agreement unless the contrary intention appears:
- 2.1 One gender includes the opposite gender.
- 2.2 The singular includes the plural and the plural includes the singular.
- 2.3 A party includes that party's executors, administrators, successors, permitted assigns, permitted legal representatives and substitutes.
- 2.4 Dollars or \$ means Australia dollars and all money payable under this agreement is payable in that currency.
- 2.5 "Including" and similar expressions are not words of limitation.
- 2.6 Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- 2.7 Headings, any table of contents or index are for convenience only and do not affect interpretation of this agreement.
- 2.8 An explanatory note which relates to this agreement does not affect the interpretation of this agreement.

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- 2.9 A provision of this agreement must not be construed to the disadvantage of a party merely because that party was responsible wholly or partly for the preparation of this agreement or the inclusion of a term or condition in this agreement.
- 2.10 If an act and thing must be done on a specific day which is not a business day, it must be done instead on the next business day.
- 2.11 A person means and includes a person, a body corporate, Authority, firm, body of persons, association, trust, joint venture or other legal commercial entity or undertaking recognized by law whether or not incorporated.
- 3 Planning Agreement**
- 3.1 This agreement:
- 3.1.1 applies to the Development Land;
  - 3.1.2 is a planning agreement within the meaning set out in section 93F of the Act;
  - 3.1.3 is to be registered on the title of the Development Land under section 93H of the Act;
  - 3.1.4 is not a confidential document and may be exhibited without restriction by either party.
- 3.2 Subject to clause 3.3, this Agreement operates from the date it is executed.
- 3.3 This agreement will only operate if and when Council grants Development Approval (or Development Approvals as the case may be) to the Proposed Development on the Development Land.
- 4 Application of s94 and s94A of the Act to the Development**
- 4.1 This agreement excludes the application of section 94A and section 94 of the Act to the Proposed Development. Should this agreement be terminated section 94A and section 94 of the Act will apply to the Proposed Development.
- 4.2 Notwithstanding Clause 4.1, should a Section 94 Plan which applies to the land come into force prior to the issue of any development consent for subdivision of the land, this Agreement shall be terminated immediately and the adopted contribution rate within such Section 94 Plan shall be applied in place of the Developer's Contribution cited within this Agreement.
- 4.3 Clause 4.2 does not allow the Council or the Developer to retrospectively apply a Section 94 contribution for the additional allotment for which development contributions have been paid in accordance with this Agreement.
- 4.4 Subject to Clause 16 should this Agreement be terminated in accordance with clause 17, Section 94A or Section 94 of the Act, whichever is applicable, will apply to the Proposed Development.
- 5 Registration of this Agreement**
- 5.1 Within 30 days from the commencement of this Agreement the Developer must take all reasonable steps to procure the registration of the Agreement, in accordance with Section 93H of the Act on the relevant folios of the register held by the LPI pertaining to the Development Land.

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**5.2 The Council agrees:**

- a) to provide a release and discharge of this Agreement with respect to the Development Land or the additional lot created on subdivision of the Development Land on satisfaction by the Developer of the obligation to provide the Developer's Contribution; and
- b) to do all things reasonably necessary, including the execution of any documents, to enable the Developer to remove the notation of this Agreement on the relevant folios of the register, held by the LPI pertaining to the Land.

**5.3 The Council acknowledges that the registration of this Agreement on the relevant folios of the register held by the LPI pertaining to the Development Land constitutes suitable means of enforcement of this Agreement for the purposes of s93F(3)(g) of the Act.**

**6 Developer's Contribution**

**6.1 Subject to the terms of this Agreement, including clause 3.3, the Developer agrees to provide the Developer's Contribution, subject to clause 8, in the form of the Cash Contribution via a condition of Development Consent at the rate of \$30,000, subject to clause 9, for the creation of each additional vacant Housing Lot on the Development Land.**

**6.2 For the avoidance of doubt, the parties agree and acknowledge that the Maximum Cash Contribution is calculated on the basis of \$30,000, subject to clause 8, per additional Housing Lot created by subdivision of the Development Land. The existing Development Land allotment does not attract a Cash Contribution through this Agreement by virtue of there being on the land prior to any additional subdivision one lawfully existing dwelling.**

**7 CPI Adjustment of Developer's Contributions**

**7.1 On each CPI Review Date the Housing Lot contribution will be calculated as follows:**

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

Where:

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

RAC C = Adjusted Housing Lot contribution at CPI review date.

**8 Staged Provision of Subdivision**

**8.1 The parties acknowledge that the Proposed Development can be undertaken in stages.**

**8.2 For each stage the Developer must provide a Cash Contribution in accordance with this Agreement for each vacant Housing Lot created within the particular stage.**

**9 Payment of Cash Contribution**

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

**10 G.S.T**

**10.1 Unless otherwise expressly stated all money or other sums payable or consideration to be provided under this agreement is inclusive of GST.**

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

**11 Dispute Resolution**

**11.1 Reference to Dispute**

If a dispute arises between the Parties in relation to this Agreement, then the Parties must in a reasonable time endeavour to resolve that dispute.

**11.2 Notice of Dispute**

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

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

**11.3 Representatives of Parties to Meet**

- a) The representatives of the Parties must promptly (and in any event within 15 Business Days of the written notice provided in accordance with clause 12.2 meet in good faith to attempt to resolve the notified dispute
- b) The Parties may, without limitation:
  - (i) ~~resolve~~ the dispute during the course of that meeting
  - (ii) ~~agree~~ that further material, expert determination in accordance with clause 12.5 or consideration is needed to effectively resolve the dispute (in which event the Parties will, in good faith, agree to a timetable for resolution)
  - (iii) ~~agree~~ that the Parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

**11.4 No party may constrain**

If:

- a) ~~at~~ least one meeting has been held in accordance with clause 12.3
- b) ~~the~~ Parties have been unable to reach an outcome identified in clause 12.3
- c) ~~any~~ of the Parties, acting in good faith, forms the view that the dispute is reasonably unlikely to be resolved in accordance with a process agreed under clause 12.3(b)(iii), then, that Party may, by 15 Business Days written notice to the other Party, terminate the dispute resolution process in respect of that dispute. The termination of the process set out in this clause does not of itself amount to a breach of this Agreement.

**11.5 Expert Determination of Dispute**

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- (a) If a Dispute arises between Parties to this Agreement, the Parties may agree to refer the Dispute to expert determination in Sydney, New South Wales administered by the Australian Commercial Dispute Centre (ACDC).
- (b) The expert determination will be conducted in accordance with the ACDC Rules for Expert Determination (Rules) in force at the date of this Agreement. The Rules set out the procedures to be adopted, the process of selection of the expert and the costs involved, including the Parties' respective responsibilities for the payment of the expert's costs and other costs of the expert determination.
- (c) The expert determination will be final and binding on the Parties.
- (d) This clause survives termination of this Agreement.

**11.6 Urgent Relief**

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

**12 Agreement of the Developer**

**12.1 The Developer warrants that it:**

- 12.1.1 ~~is~~ the legal and beneficial owner of part of the Development Land
- 12.1.2 ~~will~~ take all practicable steps and use best endeavours and do all acts and things required to procure:
  - 12.1.2.1 ~~the~~ execution of any documents necessary to effect registration of this Agreement with LPI
  - 12.1.2.2 the production of the relevant certificates of title for the Development Land and the registration of this Agreement at LPI on the title of the Development Land within 30 days of the date of the commencement of this Agreement.

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

**13 Enforcement by any party**

- (a) Without limiting any other remedies available to the Parties, this Agreement may be enforced by any Party in any court of competent jurisdiction.
- (b) Nothing in this Agreement prevents:
  - (i) a Party from bringing proceedings in a court of competent jurisdiction to enforce any aspect of this Agreement or any matter to which this Agreement relates, subject to compliance with clause 15.
  - (ii) ~~the~~ Council from exercising any function under the Act or any other Act or law.

**14 Assignment and Dealings**

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- 14.1 The Developer is not to:
- 14.1.1 ~~sell~~, transfer, mortgage or charge the Land, or
  - 14.1.2 ~~assign~~ the Developer's rights or obligations under this Deed, or ~~novate~~ this Deed, to any person unless:
    - 14.1.2.1 the Developer has, at no cost to the Council, first procured the execution by the person to whom the Land or part is to be sold, transferred, mortgaged or charged or the Developer's rights or obligations under this Deed are to be assigned or ~~novated~~, of a deed in favour of the Council on terms reasonably satisfactory to the Council, and
    - 14.1.2.2 ~~the~~ Council has given written notice to the Developer stating that it reasonably considers that the purchaser, transferee, mortgagee, charge, assignee or ~~novatee~~, is reasonably capable of performing its obligations under this Deed, and
    - 14.1.2.3 ~~the~~ Developer is not in breach of this Deed, and
    - 14.1.2.4 ~~the~~ Council otherwise consents to the transfer, mortgage, charge, assignment or novation, such consent not to be unreasonably withheld.
- 14.2 Clause 14.1 does not apply in relation to any sale, transfer, mortgage or charge of the Land if this Deed is registered on the title to the Land at the time of the sale.
- 14.3 Upon the commencement of this Deed, the Council is deemed to have acquired, and the Developer is deemed to have granted, an equitable estate and interest in the Land for the purposes of section 74E(1) of the *Real Property Act 1900* (NSW) and consequently the Council has a sufficient interest in the Land to lodge and maintain with the Land and Property Management Authority a caveat notifying that interest.
- 14.4 The Developer consents to the Council lodging a caveat on the Land where this Deed is not registered on the title to the Land due to a breach by the Developer of its obligations 11.2.1 Agreement to comply with this Agreement as if the transferee was the Developer with respect to that part of the Development Land transferred, including in relation to obligations which arose before the Transfer; and
- 15 Release**
- When the Developer has satisfied all of the obligations imposed on it under this agreement in respect of that part of the Development Land for which a Subdivision Certificate has been issued and for which the Developer's Contribution has been delivered then the Council must promptly at the request and at the reasonable expense of the Developer do all acts and things necessary to remove this agreement from the title of that part of the Development Land.
- 16 Termination**
- 16.1 This agreement may be terminated by the Council by written notice to the Developer if:
- 16.1.1 the Developer commits a breach of any of the terms and conditions of this agreement and fails to remedy such a breach within fourteen (14) days of receipt of a written notice (which specifies the breach and requires the Developer to remedy the breach) whereupon the date of such termination will be effective on the 15th day from receipt of such written notice; or
  - 16.1.2 ~~an~~ Event of Insolvency occurs.



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**17 Review Procedures**

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

**18 Notices**

18.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this agreement is only given or made if it is in writing and sent in one of the following ways:

- a) ~~delivered~~ or posted to that Party at its address set out below
- b) ~~faxed~~ to that Party at its fax number set out below.

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

The Developer:

John Ian Henry

Address: 373 Bells Line of Road, ~~Kurmond~~ 2757

Email: [ijhenry42@yahoo.com.au](mailto:ijhenry42@yahoo.com.au)

Telephone: 0405 182314

Council

Address: Hawkesbury City Council

Attention: General Manager  
366 George Street,  
WINDSOR NSW 2571

| Email: [council@hawkesbury.nsw.gov.au](mailto:council@hawkesbury.nsw.gov.au)

Telephone: (02) 4560 4444

18.3 If a Party gives the other Party three business days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

18.4 Any notice, consent, information, application or request is to be treated as given or made at the following time:

- a) If it is delivered, when it is left at the relevant address
- b) If it is sent by post, two business days after it is posted
- c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

18.5 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

**19 Proper Law and Jurisdiction**

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

**20 Severance**

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

**21 Waiver**

- 21.1 No failure on the part of a party to exercise and no delay in exercising and no cause of dealing with respect to, any condition and the rights, powers or remedies of that party under this Agreement will impair any of those rights, powers or remedies, nor constitute a waiver of any of those rights, powers or remedies.
- 21.2 No single or partial exercise by a party of any condition and rights, powers or remedies under this agreement will preclude any other or further exercise of those or exercise of any other conditions rights or remedies.
- 21.3 Any condition and the rights, powers or remedies under or relating to this agreement are cumulative and will not exclude any other rights, powers or remedies under or relating to this agreement at Law.
- 21.4 No waiver of any of the conditions of this agreement will be effective unless in writing signed by the party against whom such waiver is sought to be enforced.
- 21.5 Any waiver of the conditions of this agreement will be effective only in the specific instance and for the specific purpose given and the waiver will not be deemed a waiver of such obligations or of any subsequent breach of the same or some other obligation.

**22 Approvals and Consent**

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

**23 Entire Agreement**

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

**24 No Fetter**

- 24.1 Nothing in the agreement is to be construed as requiring the Council to do anything
- 24.1.1 ~~that~~ would cause it to be in breach of any of its obligations at Law
- 24.1.2 ~~limiting~~ or fettering in any way the exercise of any statutory discretion or duty; at Law
- 24.1.3 ~~imposing~~ any obligations to grant an Approval.

**25 Representatives and Warranties**

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

**26 Costs**

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

Executed as an agreement on

2017

**Execution by Council**

THE COMMON SEAL of HAWKESBURY CITY COUNCIL was hereunto affixed on the ____ <sup>th</sup> day of _____ 2017 pursuant to a resolution passed on the ____ <sup>th</sup> day of _____ 2017 in the presence of:	) ) ) ) )
---	-----------------------

General Manager of Council

Clr Mary Lyons-Buckett - Mayor

**Execution by JOHN IAN HENRY**



Signed by:	
Signature of Developer Given Name Initial and Last Name	Signature of Developer Given Initial and Last Name
Print name	Print name

□

oooO END OF REPORT Oooo

**ORDINARY MEETING**  
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**GENERAL MANAGER**

**Item: 042**                      **GM - Digital Communication Strategy - (79351, 79356)**

**Directorate:**                General Manager

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**PURPOSE OF THE REPORT:**

The purpose of this report is to seek Council's endorsement of the Hawkesbury Digital Communication Strategy, January 2018.

**EXECUTIVE SUMMARY:**

Digital communication is a key element of a larger Information Technology Strategy that is being developed by Council. The Hawkesbury Digital Communication Strategy, January 2018 (attached as Attachment 1 to this report) has been prepared to identify and foster new communication programs and services. The Strategy will be implemented over the next four years and has been directed by the Hawkesbury Community Strategic Plan, 2017-2036.

**RECOMMENDATION SUMMARY:**

This report recommends Council endorsement of the Hawkesbury Digital Communication Strategy, January 2018.

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**REPORT:**

**Context and Background**

Corporate Digital Information Technology Strategy

The preparation of the over-arching Corporate Digital Information Technology Strategy is currently being investigated. This Strategy will encompass IT infrastructure, corporate applications and business tools, the establishment of a corporate knowledge base whilst identifying primary stakeholders and interactions. This Strategy will also include compliance with legislation and security, use of evolving technology whilst ensuring the capability and readiness of the organisation. In order to satisfy the current demand to incorporate digital communications in Council's operations, the release of the Digital Communications Strategy has been fast tracked.

Hawkesbury Digital Communication Strategy

The need for improved communication was recognised during the preparation of Hawkesbury Community Strategic Plan 2017–2036. The Hawkesbury Digital Communication Strategy has been prepared in response to the key directions and strategies in the Hawkesbury Community Strategic Plan and will be implemented over the next four years.

The purpose of the Hawkesbury Digital Communication Strategy is to provide strategic direction and guidance on future digital communication for Council. The Hawkesbury Digital Communication Strategy was prepared with the assistance of consultant's People, Place and Partnerships.

The preparation of the Hawkesbury Digital Communication Strategy was undertaken in stages:

Stage 1 - Development of overall digital framework.

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Stage 2 - Community engagement during the preparation of the Hawkesbury Community Strategic Plan 2017–2036 in November 2016 and February 2017 which involved the identification of enhanced digital communication being a priority for the community and Councillors.

Stage 3 - Staff engagement which involved a workshop with more than 20 staff in March 2017. Preparation of the Strategy during the course of 2017 with input from community, workshops and preparation of the Hawkesbury Community Strategic Plan.

Stage 4 - Staff information sessions about implementation of the Hawkesbury Digital Communication Strategy and Facebook update in November 2017.

The Hawkesbury Digital Communication Strategy has identified three Strategic Directions to guide the implementation of the Strategy:

1. Open and Innovative Government	
Use technology to deliver increased transparency of Council operations	e.g. recording, podcasting and/or webcasting Council meetings
Provide a community focused service experience, personalised and conveniently delivered via customers preferred communication channels	Initiatives to increase community access to council information via smart phones/tablets Improved customer service approach Expanded online services provided by Council
Take advantage of new technologies to deliver improved services, derive efficiencies and drive innovation	Develop mobile solutions for Council's workforce to improve responsiveness and efficiencies.
2. A Connected Community	
Use online and social media to engage with, and co-create Council policies, services and projects with the community	Further develop online community engagement using Your Hawkesbury Your Say
Facilitate the growth of the 'new' digital economy across the business, cultural, artistic, recreational and educational sectors	Promote the use of economic digital initiatives to support local businesses
Work harder to bridge the digital divide	Provide classes for community members to build digital knowledge and capacity in the community
Facilitate the creation of a social media database	Create database and notification of councils activities
3. A Digital Delivery	
Better use of technology in assisting the growth of Council's own digital economy	Develop and implement a Social Media Implementation Plan. Facebook will be the first form of social media implemented.
	Create a dedicated Facebook page
	Review existing Council social media to ensure it is coordinated with Social Media Implementation Plan
	Evaluate and analyse the results of Facebook and tailor approach of other forms for digital engagement.
Utilise digital media and social channels to drive community engagement and communication with the community	Review Council's website
	Develop digital media communication
	Collaborate with the community on digital communication methods
	Develop the council newsletter digitally
Investigate opportunities to create smart technology infrastructure solutions across Council's services	Investigate opportunities to utilise smart technology in physical upgrade works
	Investigate installation of smart technology for Council owned assets

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Implementation of the Hawkesbury Digital Communication Strategy began with the launch of the Corporate Hawkesbury City Council Facebook page on Tuesday 12 December 2017. The page now has more than 1,300 likes.

**Detailed History, including previous Council decisions**

No previous Council decisions applicable to this report.

**Policy considerations**

The Media Policy should be considered as part of this report.

**Consultation**

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

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

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

Our Leadership

- 1.2 Communication and engagement - Encourage an informed community and enable meaningful engagement.
  - 1.2.1 Provide open and clear lines of communication with the community that use the most current forms of digital technology.
  - 1.2.2 Council's communication will be enhanced to ensure community awareness and understanding of the role Council plays in everyday life in the Hawkesbury.

**Financial Implications**

The matters raised in this report have direct financial implications. The expenditure applicable is provided for in the 2017/2018 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**

Council endorse the Hawkesbury Digital Communication Strategy. The adoption of the Hawkesbury Digital Communication Strategy, in accordance with the Hawkesbury Community Strategic Plan, will provide additional opportunities for open and clear communication with the community.

**RECOMMENDATION:**

That Council endorse the Hawkesbury Digital Communication Strategy, January 2018, attached as Attachment 1 to the report.

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**ATTACHMENTS:**

**AT - 1** Hawkesbury Digital Communication Strategy, January 2018

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AT - 1 -Hawkesbury Digital Communication Strategy - January 2018



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## MESSAGE FROM THE MAYOR



Advancements in digital technology has allowed our community to benefit from easier access to more efficient services, improved connectivity, and more accountability.

The digital age continues to influence our every day lives - the choices we make, the opportunities we have, and the ways in which we interact with the world around us. Current technologies will assist us in catering to both our environmental and economical needs while supporting innovation and diversity.

New technology opportunities provide an excellent platform for local businesses and residents to explore a wide range of opportunities which assist the needs of both individuals and the entire Hawkesbury community.

This strategy highlights how we will approach the challenges and opportunities ahead. It outlines the needs of residents and how technology will help to not only meet these needs, but allow Hawkesbury to prosper both economically and socially. Embracing technological change can assist us all.

I am excited for a future that will see us create a new platform to engage and provides opportunity and choice for Hawkesbury's residents.

We look forward to the opportunity that this strategy presents for us to work in partnership to create a prosperous future for all.

Mary Lyons-Buckett  
Mayor Hawkesbury City Council



## OUR VISION AND STRATEGIC DIRECTION

### THE DIGITAL COMMUNICATION STRATEGY

This Digital Communication Strategy provides a platform to identify and foster new projects and services. This strategy will be implemented over a four year timeframe and has been directed by the Community Strategic Plan (CSP) 2017 - 2036. The digital technology environment is dynamic and rapidly developing and likewise, the Digital Communication Strategy will continually evolve to adapt to changes and priorities over its lifetime.

The Digital Communication Strategy was developed to ensure we continue to take advantage of new technologies with a focus on delivering internal efficiency, and most importantly by providing relevant and effective services to the community. The strategy clarifies a number of technology initiatives currently underway, as well as providing a clear direction for future projects and services.

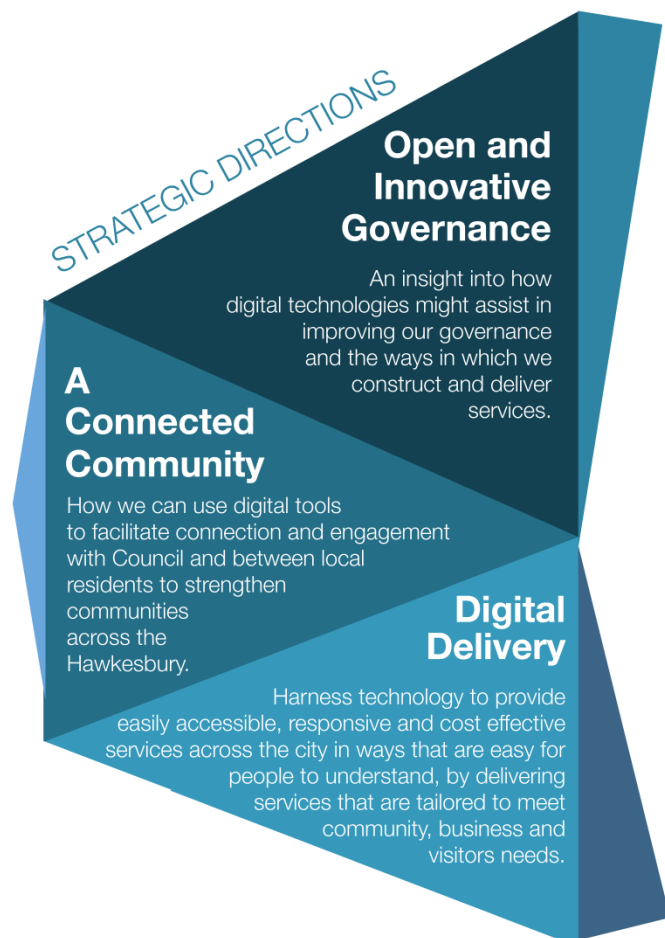
### KEY AIMS AND STRATEGIC DIRECTIONS

Over the next four years, we will use the following principles to guide how we plan, make decisions and allocate resources, in order to appropriately use technologies to create open efficient government, empowered communities, and connect the city in smart ways.

We have directed our focus to three strategic directions in the development of this strategy:

- Open and Innovative Governance
- A Connected Community
- Digital Delivery

We will base our approach to each area in a number of guiding principles. We have outlined ways in which we aim to facilitate partnerships, encourage innovation and creativity, and we highlight how technology might improve quality of life in the Hawkesbury.





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## WHY WE NEED A STRATEGY

Technology has become very much a part of our daily lives and will continue to shape the way we live. Council must continue to leverage and adapt to changes in new technology to provide the best possible public service to our community, businesses and visitors.

Advancements in digital technology have made it easier than ever to connect with the community. This is made possible by the rollout of the national broadband network (NBN), mobile broadband, smart phones and other devices, and social media platforms such as Facebook, Twitter, LinkedIn and others.

The Digital Communication Strategy will give Council key focus areas to continue to review, create and implement initiatives which are appropriate for the Hawkesbury local government area.

### WE ARE TARGETING

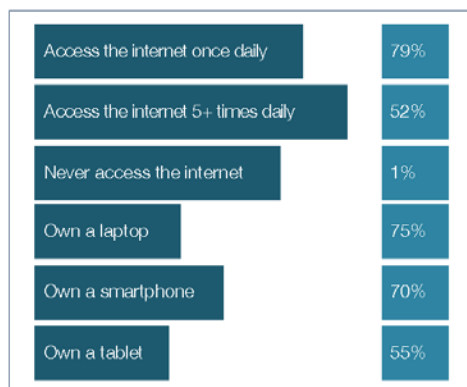
For the Digital Communication Strategy to be effective it is critical that consideration is given to a number of key target groups; the local community, business, visitors and the local media. An overview of each target group is provided to ensure that The Digital Communication Strategy and the relevant initiatives reflect the needs of each target group.

1	<b>Local Community</b> <ul style="list-style-type: none"> <li>Estimated population 66,134 in 2015</li> <li>Working age group (25-59 years) was 46.8% in 2011</li> <li>7,848 of population born overseas, 7% arrived in Australia between 2006-2011</li> </ul>
2	<b>Business</b> <ul style="list-style-type: none"> <li>Construction, Manufacturing and Retail Trade - top 3 industries in 2011</li> <li>39% of mid-sized businesses have a social media strategy</li> <li>27% return of investment (ROI) of social media</li> </ul>
3	<b>Visitors and Tourism</b> <ul style="list-style-type: none"> <li>17 small towns and villages</li> <li>5 local rivers</li> <li>Use of social media to promote events and festivals</li> <li>\$225.775 million tourism output</li> </ul>
4	<b>Media</b> <ul style="list-style-type: none"> <li>Hawkesbury Gazette</li> <li>Hawkesbury Courier</li> <li>Hawkesbury District The Independent</li> <li>Hawkesbury Way</li> <li>Hawkesbury Radio 89.6fm</li> </ul>
5	<b>Technology</b> <ul style="list-style-type: none"> <li>National Broadband Network (NBN) rollout will give Council and community greater ability to adapt to digital media</li> </ul>

## THE NEED FOR A STRATEGY

A rapid increase in internet and social media use has enabled businesses to improve, communities to engage, and economies to develop. Hawkesbury intends to embrace this growing digital age while making sure that our goal is to always create a better place to live, work, visit, and play in.

Outlined below is the current understanding of internet usage within Australia, together with an understanding of social media usage and the relevant tools that Australians are engaged with online.



Facebook	16 million	monthly active
YouTube	14.8 million	UAVs
Wordpress	5 million	UAVs
Instagram	5 million	monthly active
Snapchat	4 million	daily active
Tumblr	4 million	monthly active
LinkedIn	3 million	monthly active
WhatsApp	3 million	monthly active

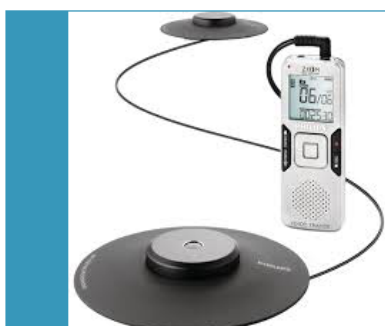
All figures represent Unique Australia Visitors Jan 2017

## STRATEGIC DIRECTION 1

### OPEN AND INNOVATIVE GOVERNMENT

An insight into how digital technologies might assist in improving our governance and the ways in which we construct and deliver services.

Strategies	What we aim to do
1.1 Use technology to deliver increased transparency of Council operations	<p><b>Recording and podcasting Council Meetings</b> Council will initiate the recording of all Council Meetings and to make these publicly available and work towards the future webcasting of Meetings.</p> <p><b>Open Data</b> Develop an Open Data Strategy that will lead to the development of a web portal to make available Council-held public data that does not have privacy or confidentiality requirements in digital machine readable and standard open format, enabling innovative use of data and the development of applications to deliver services in new ways.</p> <p><b>New technology to improve service delivery internally and externally</b> In line with national digital transformation service standards, we will migrate the services we can onto digital channels to improve accessibility and efficiency, provided it does not disadvantage those most in need.</p>
1.2 Provide a community-centric service experience, personalised and conveniently delivered via our customers preferred communication channels	<p><b>Initiatives to Increase Community Access to Council Information via Smart Phones / Tablets</b> Develop a range of community-centric solutions accessed from mobile devices such as smartphones and tablets, to encourage community involvement in local events and activities, increase use of facilities, and showcase the Hawkesbury. Development or use of existing mobile applications could provide ongoing access and inclusion to disadvantaged members of the community.</p> <p><b>Customer Service Approach</b> Further enhance Council's customer service approaches in order to consistently deliver customer service across Council. Services will be based on customer needs, and will be available to all ratepayers in a fair and equitable manner.</p> <p><b>Online Services</b> Expand the range and user-friendliness of Council online services.</p>
1.3 Take advantage of new technologies to deliver improved services, derive efficiencies and drive innovation	<p><b>Workforce Mobility Solutions</b> Increase the range of mobile solutions to provide Council's mobile workforce with enhanced capability to improve the responsiveness and efficiency of our services.</p>



#### PRIORITY PROJECT 2017 - 18

##### Podcasting Council meetings

We will use digital tools to record Council meetings. This will ensure that a true and accurate account of the discussions at meetings is readily available to the public.

##### How does it work?

Digital recording devices will be in place for the duration of each Council meeting. The recordings will then be posted to a public platform where people can easily access and keep track of them. This will allow community members to be kept in the know about Council issues.

## STRATEGIC DIRECTION 2

### A CONNECTED COMMUNITY

Creating opportunities for digital tools to facilitate connections as well as engagement with Council and between local residents to strengthen communities across the Hawkesbury.

Strategies	What we aim to do
2.1 Use online and social media to engage with, and co-create Council policies, services and projects with the community.	<b>Online Community Engagement</b> Continue to utilise and further develop yourhawkesbury-yoursay.com.au engagement site to provide online opportunities for the community to get involved and have their say in shaping Hawkesbury City Council. Council to investigate expanding online opportunities to facilitate wider community engagement and participation in decision making.
2.2 Facilitate growth of the 'new' digital economy across the business, cultural, artistic, recreational and educational sectors.	<b>Economic Digital Initiatives</b> Council will advocate and promote use of digital technologies to support city businesses to transition and capitalise on the rapidly emerging online e-commerce and global digital economy.
2.3 We will work hard to bridge the 'digital divide'.	<b>Tech Savvy Local Community</b> Recognising that there are different levels of digital literacy in our Council area, we will make sure all of our digital communications are understood and accessed by all, regardless of digital capacity.  We will continue to offer technology classes targeting specific members of the community including seniors and disadvantaged groups in order to build digital knowledge and capacity in the community.  We will continue to provide access to technology from the Council Libraries in order to support Life Long Learning.  We will continue to offer a free Wifi service from Council Libraries.
2.4 Facilitate the creation of a social media database.	<b>Social Media Release and Database</b> Council will create and maintain a social media database of existing local pages, organisations and groups. Council will seek to create a new form of notification of Council's activities, events and news releases by a social media release that will be distributed to all contacts on the database.



#### PRIORITY PROJECT FOR 2017

##### Celebrating local events

Council's "events" Facebook Page will be reviewed and enhanced as part of an Events Strategy and the implementation of a corporate Hawkesbury City Council Facebook page.

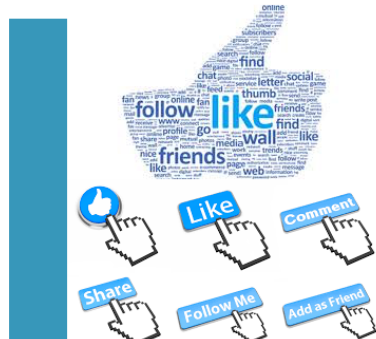
The Council will continue to coordinate a specific "events" Facebook Page which will outline all the community events that are taking place throughout the Hawkesbury region. It will aim to provide both residents and visitors quick, easy access to information on how they can get involved. Council will seek to review, enhance and raise awareness of the page to increase visitation, likes, follows and ongoing engagement.

## STRATEGIC DIRECTION 3

### A DIGITAL DELIVERY

Harness technology to provide easily accessible, responsive and cost effective services across the city in ways that are easy for people to understand, by delivering services which are tailored to meet community, business and visitors needs.

Strategies	What we aim to do
3.1 We will better utilise technology in assisting the growth of the Council's own digital economy.	<p><b>Social Media Implementation Plan</b> Develop an implementation plan to guide the use of Social Media for Council's activities. As a priority Facebook will be the first social media channel to be implemented for Council to interact and engage with the community.</p> <p><b>Dedicated Council Facebook Page</b> Creating a Facebook Page to facilitate sharing of information to residents, local businesses and visitors to the Hawkesbury.</p> <p><b>Review existing services Facebook Pages</b> Review of the existing Council operated service Facebook pages to ensure that they are coordinated with the Social Media Implementation Plan and dedicated Council Facebook Page.</p> <p><b>Evaluate and analyse results</b> Assess the results of the Facebook campaign and use these learnings to tailor Council's approach to other social media platforms such as Snapchat, Instagram and Twitter.</p>
3.2 We will utilise digital media and social channels to drive community engagement and more effective, efficient communication with the people of Hawkesbury.	<p><b>Online Strategy</b> Review Council website(s) with a focus on customer experience, mobility, clear information which is easy to access, relevance, and accessibility needs such as language, audio, and vision requirements.</p> <p><b>Media Communications</b> Further develop and expand Council's range of digital media communications and explore the use of social media platforms, e.g. Twitter, Instagram, Snapchat and Facebook's live streaming capabilities.</p> <p><b>Collaborating with external stakeholders and local community</b> Council will investigate methods such as co-creation and interactive content driven by ideas from the community.</p> <p><b>Actively promote Council newsletter digitally</b> Introduce a newsletter opt-in link on all digital platforms, including the Council Facebook page and Council's website to promote subscription, while actively generating a database of resident email addresses.</p>
3.3 We will ensure that the opportunities to create smart technology infrastructure solutions will be investigated across Council's services, infrastructure and assets.	<p><b>Smart Technology City Infrastructure</b> Council will investigate any opportunities to utilise smart technology in any physical upgrade works.</p> <p><b>Smart Technology City Integration in Council Assets</b> Council will investigate installation of smart technologies for Council owned assets.</p>



#### PRIORITY PROJECT

##### Dedicated Facebook Page

We will develop an online presence through creating a Hawkesbury City Council Facebook Page. Our aim is to use Facebook to improve communication between Council and the local community, by sharing information and gaining feedback from residents. The core value of our page will be to add value to Council's Corporate Communications and Engagement.

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**Item: 043**                      **GM - Application for Sponsorship - Australian Orchid Council Conference and Show (79351, 84730)**

**Directorate:**                General Manager

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**PURPOSE OF THE REPORT:**

The purpose of this report is to present a request by the Orchid Society of NSW for sponsorship of the 21<sup>st</sup> Australian Orchid Council Conference and Show scheduled from 19 to 22 July, 2018 at the Hawkesbury Indoor Stadium.

**EXECUTIVE SUMMARY:**

The 21<sup>st</sup> Australia Orchid Council Conference and Show is scheduled to be held at the Hawkesbury Indoor Stadium, South Windsor in July 2018.

The Orchid Society of NSW approached Council in December 2017 with a proposal for Council to provide funding to assist with the costs of the 21<sup>st</sup> Australia Orchid Council Conference and Show 2018. A copy of the proposal is attached as Attachment 1 to this report.

This report outlines details of the Conference and Show and the actions Council can undertake to assist the event.

This report recommends support to the 21<sup>st</sup> Australia Orchid Council Conference and Show 2018 by way of sponsorship and in-kind support.

**RECOMMENDATION SUMMARY:**

Council approval of the sponsorship of the Orchid Society of NSW 21<sup>st</sup> Australian Orchid Council and Show.

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**REPORT:**

**Context and Background**

The first Australian Orchid Council Conference and Show was held more than 50 years ago. The event is held in a different location across Australia every three years comprising a large display of plants with an accompanying conference program and experts speakers.

Annual orchid shows are also held in north, south, east and west of Sydney each year. 'Orchids Out West', is held at Hawkesbury Racecourse and is organised by Orchid Society of NSW, Hawkesbury Orchid Society, Blacktown City Orchid Society, and Blue Mountains and Penrith Districts Orchid Society. The event has been held for the past 10 years with over 1,000 people attending. At the 'Orchids Out West' shows, there are no conference programs or expert speakers at these shows.

**Detailed History, including previous Council decisions**

The Orchid Society of NSW is holding the Australian Orchid Council Conference and Show from 18 to 22 July 2018 at the Hawkesbury Indoor Stadium, South Windsor. The location has been selected because of the excellent facilities, including the significant undercover secure space and available parking.

The five day Australian Orchid Council Conference and Show will include:

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- A display of international and Australian Orchid species
- A conference program of speakers from Australia and overseas
- A orchid growing and flowering plant competition
- Social events including the opening ceremony at the Hawkesbury Indoor Stadium and a conference dinner at the Windsor Function Centre

The objectives of the event include:

- Displaying a range of international and Australian orchid species and hybrids not often seen by the public
- Educating the public about the environmental fragility of native orchid species and potential threats to their future viability
- Targeting the aging population and giving them an opportunity for increased social interaction and connection, often across different cultural, social and economic backgrounds
- Creating interest in the Hawkesbury as a tourist destination during winter with a particular focus on the local plant nurseries in the region.

Registration for the event is underway, with approximately 2,000 day visitors and 200 to 350 delegates expected to attend, purchasing full five day tickets.

The cost of a five day ticket is \$300 with a one day ticket costing \$100. Tickets can also be purchased to individual events like the opening ceremony, scientific program and show.

The Orchid Society of NSW is a not-for-profit volunteer organisation. They are seeking \$20,000 in sponsorship from Council to meet the costs of venue hire, associated infrastructure and sound systems as well as marketing and publicity. A one off donation for the event has been received from Bendigo Bank. A submission has also been made to Destination NSW for an Incubator Event Fund Grant (Round 2).

The Orchid Society of NSW have advised of the following anticipated income and expenses for the 21<sup>st</sup> Australian Orchid Council Conference and Show.

<b>Income</b>	<b>\$</b>	<b>Expenses</b>	<b>\$</b>
Bendigo Bank donation	\$500	Exhibition Hall/Opening Ceremony rental	\$23,250
Earlybird registration (<31 Dec 2017) 101 tickets @ \$250-\$370	\$23,189	Conference dinner venue hire	\$500
Full 5 day registrations 150 tickets @ \$300	\$45,000	Sound system hire	\$6,112
Day visitors to exhibition hall 2, 000 tickets @ \$10	\$20,000	Hire chairs, tables, boards	\$10,000
Day registrations 30 @ \$100	\$3,000	Name badges, satchels, lanyards	\$2,600
Opening Ceremony 19 July only 10 tickets @ \$50	\$500	Marketing and publicity	\$10,000
Conference Dinner 21 July only 30 tickets @ \$120	\$3,600	Printing flyers, programs, awards, certificates	\$10,000
Sponsorship suggested by Council	\$1,000	Banners, signage, posters	\$1,000
		Prize money/display payment/research	\$29,000
		Shuttle bus for delegates to stadium	\$2,304
<b>Total Income</b>	<b>\$96,789</b>	<b>Total Expenses</b>	<b>\$94,866</b>

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An assessment has been made of the \$20,000 request by the event organisers and in an effort to support the event it is suggested that Council provide financial assistance to the value of \$1,000 and range of in-kind services to the value of \$1,000 and for the event as set out in the following table.

Assistance	Value
Assistance with the promotion of the event through Council's promotion channels including: <ul style="list-style-type: none"><li>• inclusion in the Mayoral Column</li><li>• placement on Council's 'Discover the Hawkesbury' website</li><li>• promotional on Hawkesbury Events Facebook page</li><li>• promotion in Council newsletter</li></ul>	\$1,000
Monetary contribution for the costs of the event	\$1,000
<b>Total</b>	<b>\$2,000</b>

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

- Council logo and recognition of support be included on all promotional material but not limited to flyers, posters, banner, bags, etc.
- Invitations issued to Council representatives for official activities, including opening the event.

#### **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."*

It is considered that the above proposal meets the above definition in that 21<sup>st</sup> Australian Orchid Council and Show provide economic benefits to local businesses and the tourism sector in the Hawkesbury.

It is also considered that the proposal achieves a number of the 'Sponsorship Principles' contained in the Council's Sponsorship Policy.

#### **Consultation**

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

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

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

#### Our Future

- 5.5 Reinforcing our dynamic places - Support the revitalization of our town centres and growth of our business community:

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- 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

**Discussion**

It is anticipated that there will be economic and social benefits created by the event. The event will attract people from the Hawkesbury region and beyond as the number and variety of orchids has not been shown in the Hawkesbury previously. The social benefit of the event will be the education of the community about the value of conserving the habitat of orchids, to prevent the further loss of species.

Many orchid growers come from diverse ethnic backgrounds and are generally retired. The event will attract the senior age group, providing opportunities for this group to connect and improve social interaction and cohesion.

The event will act as a catalyst for economic development with there being an economic benefit to the local area including an influx of visitors seeking accommodation, catering, and sightseeing. The event also has the potential to create future economic benefits by the promotion of the region as a centre of excellence for plant based technology, using existing horticultural infrastructure. The 'Honour the Vanilla Orchid' challenge over the next six months is expected to increase patronage at restaurants in the region.

An assessment has been made of the \$20,000 request by the event organisers and in an effort to support the event it is suggested that Council provide financial assistance to the value of \$1,000 and range of in-kind services to the value of \$1,000 and for the event as set out in the previous table.

Council has allocated within its 2017/2018 Operational Plan an amount of \$60,000 for the support of major flagship events. There is currently a commitment of \$30,000 to the Blues and Roots Sponsorship (year three of a three year agreement). The remaining \$30,000 is available to support other major flagship events during the year.

During 2017/2018 Council has committed to sponsor the St Albans Writer's Festival, Hawkesbury Garden Competition, Kurrajong-a Buzz, the Christmas Sponsorship Program, the St Matthews Birthday Bash, Golf NSW Women's Country Meeting, We Are Hawkesbury Photographic Competition and the We Are Hawkesbury Singing Competition. The allocated budget of \$30,000 has almost been expended with the sponsorship of these local events. It is for this reason that it is recommended that Council provide financial assistance to the value of \$1,000 and range of in-kind services to the value of \$1,000.

**Financial Implications**

The matters raised in this report have direct financial implications. The expenditure applicable is provided for in the 2017/2018 Adopted Operational Plan. In addition, an in-kind contribution, totalling \$1,000 will be provided.

**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**

That Council approve the sponsorship funding to the Orchid Society of NSW in regard to the holding of the 21<sup>st</sup> Australian Orchid Council and Show.



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**RECOMMENDATION:**

That:

1. Council approve sponsorship funding to the Orchid Society of NSW in regard to the holding of the 21<sup>st</sup> Australian Orchid Council and Show, to the total value of \$2,000, comprising of financial assistance of \$1,000 and in-kind services to the value of \$1,000, as outlined in the report.
2. Council enter into the standard Sponsorship Agreement with the Orchid Society of NSW for the 21<sup>st</sup> Australian Orchid Council and Show.

**ATTACHMENTS:**

- AT - 1** Proposal from the Orchid Society of NSW requesting funding for the 21<sup>st</sup> Australian Orchid Council and Show

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**AT - 1 -Proposal from the Orchid Society of NSW requesting funding for the  
21<sup>st</sup> Australian Orchid Council and Show**

**Funding Proposal: 21<sup>st</sup> Australian Orchid Council Conference & Show**



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**Funding Proposal: 21<sup>st</sup> Australian Orchid Council Conference & Show**



We offer an exciting opportunity to support the 21<sup>st</sup> Australian Orchid Council Conference & Show, hosted by the Orchid Society of NSW at Hawkesbury Indoor Stadium, 16 Stewart St, South Windsor NSW from 18<sup>th</sup>-22<sup>nd</sup> July 2018. This unique event showcasing sensational international and local orchids, includes a conference program and a large display area. Eminent speakers will share their scientific expertise, international experts will provide insights into the art of orchid growing and culture, and there will be special topics targeting orchid hobbyists. It will attract leaders in the international and Australian orchid industry, as well as keen collectors and avid growers.

1. **Name of Organisation** Orchid Society of NSW (OSNSW)
2. **Organisation Type** Incorporated Association
3. **Organisation Postal Address** P.O.Box 5396 Chullora NSW 2190
4. **Is the Organisation based in the city of Hawkesbury?** No (Hawkesbury Orchid Society is affiliated to OSNSW)
5. **Briefly Describe the Event**

This international event will bring thousands of people into the Windsor region to admire a sensational collection of hundreds of strikingly beautiful orchids at Hawkesbury Indoor Stadium. Among the orchids being showcased, there will be exotic flowers with characteristics and colours not often seen by the public. Fierce competition between orchid societies presenting plants for judging is expected to attract a lot of local interest. In a concurrent 2-day lecture program, international experts will provide insights into the art of orchid growing and culture, eminent speakers will share their scientific expertise, and there will be special topics targeting orchid hobbyists.

Many of these experts have not yet been heard in this country. While the entire program is not yet finalised, we have confirmation of:

  - Fred Clarke, Sunset Valley Orchids, Vista California USA
  - Tim Yam, Singapore Botanic Gardens, National Parks Singapore
  - Andrea Nissen, Orquivalle Orchid Nursery, Cali, Columbia
  - Masayoshi Takahashi, Tokyo Orchid Nursery, Tokyo Japan
  - Alek Zaslawski, AWZ Orquideas, Brazil

In addition, eminent Australian experts include:

  - Scott Tan, Engineer and Orchid Species Specialist, Sydney NSW
  - Greg Bryant, Bryant's Orchids, Sydney NSW
  - Stephen Monkhouse, Stephen Monkhouse Orchids, SA
  - Nicky Zurcher, Nicky's Slippers, SA
  - Kevin Butler, Ezi-Gro Nursery, Perth WA
  - Paul Sloan and Barry Taylor, *Lycastes*, Mid-North Coast NSW
  - Ken Siew and expert panel on breeding orchids

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## **Funding Proposal: 21<sup>st</sup> Australian Orchid Council Conference & Show**

The glamorous social program includes an Opening Ceremony on Thursday 19th July at the Hawkesbury Indoor Stadium, 16 Stewart St, South Windsor, and a Conference Dinner on Saturday 21st July at the Windsor Function Centre, 2 Dight St Windsor.

### **6. What are the Objectives?**

- To showcase orchids and provide the public with a unique insight into the Orchid plant family, by presenting a sensational range of eye catching Australian native and exotic orchids.
- To educate the public about the environmental fragility of native orchid species, and potential threats to their future viability.
- To encourage all those members of the community who are interested in participating in orchid growing as a hobby.
- To target the ageing population who are avid orchid growers, providing a rare opportunity to connect and improve social interaction, while sharing the joy of beautiful flowers.
- To generally promote community well-being and friendship-building opportunities among the public, regardless of the participant's cultural, social or economic background.
- To drive interest in the Hawkesbury Valley/Windsor area as a tourist destination during winter, and to encourage orchid hobbyists to spend a few days exploring local plant nurseries in the region.
- To promote the Hawkesbury district as a centre of excellence for plant-based technology through the scientific programme, and build on the existing horticultural infrastructure.
- To celebrate the contribution of the vanilla orchid to cuisine throughout history

### **7. Indicate the amount of funding and/or details of in-kind assistance sought.**

An amount of \$20,000 is sought to meet the cost of venue hire, associated infrastructure and sound systems, as well as marketing and publicity.

### **8. How will the Event provide social and economic benefits for the people of the Hawkesbury?**

A group of dedicated volunteers from the not-for-profit Orchid Society of NSW who support and value community contact have organised this event. It will attract the people of the Hawkesbury region, as they may never have seen such a collection of orchids of this magnitude and variety. The main social benefit will be education about the value of conserving the habitat of orchids, to prevent further loss of species and the ecological communities in which they occur.

Many orchid growers come from diverse ethnic backgrounds and are generally retired. It will therefore attract the senior age group, providing opportunities to connect and improve social interaction. This event will promote community wellbeing and friendship building opportunities, regardless of the participant's cultural, social or economic background.

Economic benefits relate to the influx of visitors seeking accommodation, catering, sightseeing and related services. This event will create future benefits, by promoting the district as a centre of excellence for plant-based technology through the scientific programme, and by building on the existing horticultural infrastructure. The "Honour the Vanilla Orchid" Challenge over the next 6 months will increase customers to cafes and restaurants in the region.

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**9. Is there scope to develop this proposal into an annual event which no longer requires Council's financial support?**

The annual orchid show "Orchids Out West" was established 10 years ago by the Orchid Society of NSW, Hawkesbury Orchid Society, Blacktown City Orchid Society, and Blue Mountains and Penrith Districts Orchid Society at Hawkesbury Race Club, Clarendon Rd, Clarendon. It is a successful event not requiring Council's financial support, with attendance of around 1000.

**10. How will you evaluate the success of your event?**

An Entry Survey (attached) will be conducted by volunteers to assess how visitors found out about the event. In addition, a one page Assessment Survey (attached) will be distributed to attendees at the conclusion of the event, asking where visitors are from, if they stayed overnight, where else they visited in the area, as well as a numeric rating for different aspects of venue, program, transport, catering, accommodation and regional attractions.

**11. Will you be charging a Fee?**

**EARLY BIRD FULL REGISTRATION IF PAY BEFORE 31<sup>st</sup> DECEMBER 2017**

*(5 days attendance 18<sup>th</sup>-22<sup>nd</sup> July 2018 includes Opening Ceremony, Scientific Program & Show)*

Primary Registrant	\$A250.00
Accompanying Judge (Partner)	\$A150.00
Accompanying Registrant (Partner)	\$A80.00

**FULL REGISTRATION IF PAY 1<sup>st</sup> JANUARY - 9<sup>th</sup> JULY 2018**

*(5 days attendance 18<sup>th</sup>-22<sup>nd</sup> July 2018 includes Opening Ceremony, Scientific Program & Show)*

Primary Registrant	\$A300.00
Accompanying Judge (Partner)	\$A200.00
Accompanying Registrant (Partner)	\$A100.00

<b>DAY REGISTRATION FRID 20<sup>th</sup> and/or SAT 21<sup>st</sup> JULY</b>	\$100 per day
Conference Dinner Sat 21 <sup>st</sup> July	\$120 per person
Daily admission, Show only	\$10 per person

**12. How many people will attend the Event?**

Registrations are underway, with approximately 2,000 day visitors and 200-350 delegates expected to attend.

**13. Does your organisation receive grants or sponsorship from another body?**

We have received a one-off donation of \$500 from Bendigo Bank.

**14. Has your organisation applied to other bodies for sponsorship for your proposal?**

With Council support, we hope to approach Destination NSW for an Incubator Event Fund (2018 Round 2) Grant.



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**Funding Proposal: 21<sup>st</sup> Australian Orchid Council Conference & Show**

**15. Estimated Income and Expenditure**

**21<sup>st</sup> Australian Orchid Council Conference & Show  
EXPENSES (estimated)**

Item	\$
Exhibition Hall/Opening Ceremony rental	23250
Conference Dinner Venue rental	500
Sound system hire	6112
Hire of chairs, tables, partitions	10000
Name badges, lanyards, satchels	2600
Marketing and publicity	10000
Printing: flyers, programs, award certificates	10000
Banners, signage, posters	1000
Attendee research (Entry/End)	100
Prize Money/display payments	29000
Shuttle Bus for delegates to Stadium	2304
<b>TOTAL</b>	<b>94866</b>

**21<sup>st</sup> Australian Orchid Council Conference & Show  
INCOME (estimated)**

			<i>Additional registrations</i>		
<b>Registration Income</b>	Rate \$	No. (s)	If 100	If 150	If 200
Bendigo Bank Donation			500	500	500
Earlybird Registrations (<31 Dec 2017)	\$250-370	101	23189	23189	23189
Full Registrations (1 Jan-9 July 2018)	\$300		30000	45000	60000
Day Visitors to Exhibition Hall only	\$10	2,000	20000	20000	20000
Day Registrations (Show/lectures)	\$100	30	3000	3000	3000
Opening Ceremony 19 July only	\$50	10	500	500	500
Conference Dinner 21 July only	\$120	30	3600	3600	3600
<b>TOTAL (\$)</b>			<b>80789</b>	<b>95789</b>	<b>110789</b>

**PUBLIC LIABILITY INSURANCE**

Please refer to [http://www.orchidsocietynsw.com.au/Documents/CCPublicLia17\\_18.pdf](http://www.orchidsocietynsw.com.au/Documents/CCPublicLia17_18.pdf)  
(copy attached)

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 27 February 2018**

**Funding Proposal: 21<sup>st</sup> Australian Orchid Council Conference & Show**

**2018 Australian Orchid Conference**  
**Profit & Loss statement 1 July 2016 to 30 June 2017**

**Income**

Registration fees	1310
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**Less Expenses**

Advertising	504
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<b>Net income</b>	<b>806</b>
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**Balance Sheet as at 30 June 2017**

Cash at bank	8028
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Venue, equipment hire, function deposits	4778
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12806
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**Represented by**

Partnership investment interest*	12000
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Retained earnings	806
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<b>Total</b>	<b>12806</b>
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\* Seed money provided by affiliated Orchid Societies

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**Funding Proposal: 21<sup>st</sup> Australian Orchid Council Conference & Show**

**Table 1: Survey of Visitors at Entry**

**HOW DID YOU FIND OUT ABOUT US?**

Orchid Society newsletter/meeting			
Orchid Society Show			
Web Site (OSNSW)			
Friend/family			
Poster/flyer			
Cafe/restaurant Vanilla Menu Challenge			
Local Courier/magazine			
Australian Chinese Daily			
Dan Viet Weekly			
Online 'What's On Sydney?'			
Online 'Eventbrite'?			
Radio			
Banner/Signage on road			
Facebook			
Retirement Village PR			
Other (name)			



**ORDINARY MEETING**  
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**Meeting Date: 27 February 2018**

**Funding Proposal: 21<sup>st</sup> Australian Orchid Council Conference & Show**

**Table 2: Survey of Visitors at End**

**ATTENDEE SURVEY**

Type of Registration (CIRCLE)	FULL	JUDGE	PARTNER	DAY ONLY	VOLUNTEER	SOCIAL
Where are you from?	North	South	East	West	Overseas	Interstate
Main reason for attending	as a Partner	Networking	Speakers	Vendors	General interest	Social events
Did it fulfil your expectations?	YES	NO				
Rating (SCORE 1 LOW - 10 HIGH)	LOW				HIGH	
Relevance of Content	1 2	3 4	5 6	7 8	9 10	
Quality of presentation	1 2	3 4	5 6	7 8	9 10	
Networking Opportunity	1 2	3 4	5 6	7 8	9 10	
Organisation Standard	1 2	3 4	5 6	7 8	9 10	
Information given about AOCC2018	1 2	3 4	5 6	7 8	9 10	
Venue	1 2	3 4	5 6	7 8	9 10	
Catering provided	1 2	3 4	5 6	7 8	9 10	
Transport provided	1 2	3 4	5 6	7 8	9 10	
Parking available	1 2	3 4	5 6	7 8	9 10	
Value for Money	1 2	3 4	5 6	7 8	9 10	
How useful/enjoyable was it?	1 2	3 4	5 6	7 8	9 10	
Would you recommend it to others in the future?	1 2	3 4	5 6	7 8	9 10	
Accommodation (if stayed overnight)	1 2	3 4	5 6	7 8	9 10	
Where did you stay?						
Where else did you/will you visit?						
What was the most valuable part?						
What was the least valuable part?						
Why would you attend next time?						
Email address for future mailings						

Any other comments:

oooO END OF REPORT Oooo

**ORDINARY MEETING**  
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**Item: 044**                      **GM - Smart Cities Conference/Master Class - (79351)**

**Directorate:**                General Manager

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**PURPOSE OF THE REPORT:**

The purpose of this report is to consider the nomination of a councillor and appropriate staff at the Smart Cities Conference/Master Class to be held 8 March, 2018.

**EXECUTIVE SUMMARY:**

Due to the Conference topic and its relevance to Council's business, Council may wish to consider representation at the Conference should be considered.

**RECOMMENDATION SUMMARY:**

Approval of a nominated Councillor and staff as considered appropriate by the General Manager, at the Smart Cities Conference/Master Class to be held in Sydney on 8 March, 2018 be approved.

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**REPORT:**

**Context and Background**

Consideration is required regarding attendance at the Smart Cities Conference/Master Class which will be held in Sydney on 8 March, 2018.

**Detailed History, including previous Council decisions**

The Smart Cities Conference/Master Class will be held in Sydney on 8 March, 2018.

The Conference will provide training to build capacity to secure smart city funding, to integrate smart technology into existing initiatives, and to successfully implement smart city projects.

Cost of attendance at the Smart Cities Conference/Master Class will be approximately \$800 plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made:

Total Budget for Financial Year 2017/2018	\$48,000
Expenditure to date	\$12,907
Outstanding Commitments	\$4,330
Budget balance as at 15 February 2018 (approx. including outstanding commitments)	\$30,763

It should be noted that the outstanding commitments referred to above are in relation to Councillor attendance at the following conferences, previously authorised by Council.

- 2018 Local Government Tourism Conference to be held in March, 2018
- 2018 Housing Ends Homelessness Conference to be held in March 2018.
- Local Government NSW International Women's Day Luncheon to be held in March, 2018.

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**Policy considerations**

The Policy regarding payment of Facilities and Provision of Facilities to Councillors should be considered as part of this report.

**Consultation**

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

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

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

Our Leadership

- 1.2 Communication and engagement - Encourage an informed community and enable meaningful engagement.
  - 1.2.1 Provide open and clear lines of communication with the community that use the most current forms of digital technology.
- 1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.
  - 1.3.2 Meet the needs of the community now and into the future by managing Council's assets with a long-term focus.
  - 1.3.3 Decisions relating to determining priorities will be made in the long term interests of the community.

**Discussion**

Consideration should be given in regard to the relevance of the Conference to Council's business and available budget to cover costs of attendance.

Staff are currently required to prepare and circulate a report regarding findings from conferences, study trips etc. In recognition of the above and the points discussed during the last Council Meeting regarding "reporting back the findings from conferences", the following point has been included in the recommendation:

"Where relevant, after returning from the Conference, delegates are requested to provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and /or the local community."

**Financial Implications**

The matters raised in this report have direct financial implications. The expenditure applicable is provided for in the 2017/2018 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 has no resourcing implications, outside of Council's adopted 2017/18 Operational Plan, which will adversely impact on Council's financial sustainability.

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**Conclusion**

That attendance of a nominated Councillor and staff as considered appropriate by the General Manager, at the Smart Cities Conference/Master Class at an approximate cost of \$800 plus travel expenses per delegate be approved.

**RECOMMENDATION:**

That:

1. Attendance of a nominated Councillor and staff as considered appropriate by the General Manager, at the Smart Cities Conference/Master Class at an approximate cost of \$800 plus travel expenses per delegate be approved.
2. Where relevant, after returning from the Conference, delegates are requested to provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and /or the local community.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
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**Item: 045**                      **GM - The Climate Leadership Conference - (79351)**

**Directorate:**                General Manager

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**PURPOSE OF THE REPORT:**

The purpose of this report is to consider the nomination and attendance of a councillor and appropriate staff at the Climate Leadership Conference to be held on 15 and 16 March 2018.

**EXECUTIVE SUMMARY:**

Due to the conference topic and its relevance to Council's business, Council may wish to consider representation at the conference should be considered.

**RECOMMENDATION SUMMARY:**

Approval of a nominated Councillor and staff as considered appropriate by the General Manager, at the Climate Leadership Conference to be held on 15 and 16 March, 2018 be approved.

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**REPORT:**

**Context and Background**

Consideration is required regarding attendance at the Climate Leadership Conference which will be held in Sydney, on 15 and 16 March, 2018.

**Detailed History, including previous Council decisions**

The Climate Leadership Conference will be held in Sydney on 15 and 16 March 2018.

The Climate Leadership Conference will bring together Australia's top climate and sustainability professionals to discuss the latest developments, opportunities and best practice case studies in climate change mitigation and adaption.

The Conference will provide critical and timely insights into COP23, which clarified Australia's obligations and responsibilities under the Paris Agreement, including transparency, adaption, emission reductions, provision of finance, capacity-building and technology.

Cost of attendance at the Climate Leadership Conference will be approximately \$1,395 plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made:

Total Budget for Financial Year 2017/2018	\$48,000
Expenditure to date	\$12,907
Outstanding Commitments	\$4,330
Budget balance as at 15 February 2018 (approx. including outstanding commitments)	\$30,763

It should be noted that the outstanding commitments referred to above are in relation to Councillor attendance at the following conferences, previously authorised by Council.

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- 2018 Local Government Tourism Conference to be held in March, 2018
- 2018 Housing Ends Homelessness Conference to be held in March 2018.
- Local Government NSW International Women's Day Luncheon to be held in March, 2018.

**Policy considerations**

The Policy regarding payment of Facilities and Provision of Facilities to Councillors should be considered as part of this report.

**Consultation**

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

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

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

Our Environment

- 3.2 To live sustainably and reduce our ecological footprint - Identify and make best use of our local resources and awareness of contribution to the environment
- 3.2.1 Our community is informed and acts to reduce our ecological footprint.
- 3.2.2 Alternative forms of energy are embraced throughout the Hawkesbury.
- 3.2.3 Become a carbon neutral Local Government Area.

**Discussion**

Consideration should be given in regard to the relevance of the Conference to Council's business and available budget to cover costs of attendance.

Staff are currently required to prepare and circulate a report regarding findings from conferences, study trips etc. In recognition of the above and the points discussed during the last Council Meeting regarding "reporting back the findings from conferences", the following point has been included in the recommendation:

"Where relevant, after returning from the Conference, delegates are requested to provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and /or the local community."

**Financial Implications**

The matters raised in this report have direct financial implications. The expenditure applicable is provided for in the 2017/2018 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 has no resourcing implications, outside of Council's adopted 2017/18 Operational Plan, which will adversely impact on Council's financial sustainability.

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**Conclusion**

That attendance of a nominated Councillor and staff as considered appropriate by the General Manager, at the Climate Leadership Conference at an approximate cost of \$1,395 plus travel expenses per delegate be considered.

**RECOMMENDATION:**

That:

1. Attendance of a nominated Councillor and staff as considered appropriate by the General Manager, at the Climate Leadership Conference at an approximate cost of \$1,395 plus travel expenses per delegate be approved.
2. Where relevant, after returning from the Conference, delegates are requested to provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and /or the local community.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
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**CITY PLANNING**

**Item: 046**                      **CP - Modification of Restriction as to User - 227 Bull Ridge Road, East Kurrajong - (95498, 124414)**

**Directorate:**                City Planning

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**PURPOSE OF THE REPORT:**

The purpose of this report is to seek Council's endorsement to modify restrictions on the use of the land on Lot 223 in DP623304 at 227 Bull Ridge Road, East Kurrajong.

**EXECUTIVE SUMMARY:**

Council has received a request from Visionstream to modify restrictions on the title of Lot 223 in DP623304 at 227 Bull Ridge Road, East Kurrajong, which prevents any parts of the property from being separately leased. The modifications nominated by Visionstream would allow for the restrictions to only apply to the severed portions of the properties which is consistent with the original intent of the restrictions.

The suitability of the property to accommodate a telecommunications facility would be subject to the satisfaction of relevant complying development criteria or the consideration of a future development application. Accordingly there are no planning grounds for the retention of the restrictions in their current format.

**RECOMMENDATION SUMMARY:**

That Council agree to the modification of restrictions over Lot 223 in DP623304 at 227 Bull Ridge Road 227, East Kurrajong.

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**REPORT:**

**Context and Background**

The restrictions over the property were registered in response to Development Consent No. D0137/80 for a three lot subdivision which created 191, 211 and 227 Bull Ridge Road. These properties are intersected at the rear by a Crown Road and accordingly a condition of the consent was imposed that outlined that the severed portions of the allotments were only to be developed and used in accordance with the main portions of the allotments. Condition 4 of Development Consent No. D0137/80 stated the following:

*The completion of an agreement, by caveat or other, that is acceptable to Council's solicitor that will ensure that that part of each of the proposed allotments that is severed by the Reserve Road that traverses the land shall only be developed in conjunction with the main body of the allotment from which it is severed.*

The Section 88B 'Restriction on the Use of Land' was registered on the title of the property which prevents the landowner from leasing any part of their property. The relevant terms of this restriction state:

2.     *No lot shall be sold, conveyed, transferred, leased, mortgaged, devised or alienated except as one undivided allotment.*
3.     *No part of any lot shall be sold, conveyed, transferred, leased, mortgaged, devised or alienated separately from the whole of any lot.*



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Hawkesbury City Council is the authority empowered to release, vary or modify the restriction.

The current restriction that has been registered on the titles has the effect of restricting all of the property rather than, as required by the abovementioned Condition 4 of the development consent, restricting the severed portions of the allotments.

The resulting restrictions prevent NBN Co Limited, via the application by Visionstream, from leasing a portion of the subject property to allow for the construction and establishment of a telecommunications facility onsite.

**Detailed History, including previous Council decisions**

The restrictions over the property were created as part of a subdivision approved with Development Consent No. D0137/80. This consent was issued by Colo Shire Council on 12 December 1980 and the subdivision was registered on 12 February 1981.

The subject property currently operates as a sandstone quarry in conjunction with the neighbouring properties at 191 and 211 Bull Ridge Road. Colo Shire Council issued the approval for the operation of the quarry on 21 November 1976.

**Policy considerations**

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

Any future proposals for telecommunications may be subject to the Telecommunications Act 1997, Mobile Phone Base Station Deployment Code C564:2011, Infrastructure SEPP and Part D Chapter 5 - Telecommunications Chapter - of the Hawkesbury Development Control Plan (DCP) 2002.

**Consultation**

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

In the event that Visionstream seek, as a separate application, to construct the telecommunications facility under the complying development provisions of the Infrastructure SEPP, the notification of the proposal would be undertaken in accordance with the Mobile Phone Base Station Deployment Code. Alternatively, should the submission of a development application be required for the telecommunications facility the proposal would be notified in accordance with Part A Chapter 3 - Notification of Development Applications Chapter – of the Hawkesbury DCP 2002.

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

The proposal is consistent with the following Focus Area, Direction and Strategies within the Community Strategic Plan (CSP):

Our Assets

4.2 Utilities

4.2.1 Our community's current and future utility infrastructure needs (water, sewer, waste, stormwater, gas, electricity and telecommunications) are identified and delivered.

4.2.2 New development and infrastructure provision is aligned and meets community needs.

**Discussion**

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This report has been prepared for Council's consideration of the submitted Section 88E Variation. The suitability of the property to accommodate a telecommunications facility is not the subject of this report. Telecommunications facilities may be constructed as exempt or complying development, or require the submission of a development application.

The National Broadband Network (NBN) is the Commonwealth Government's high speed broadband network. It is intended that the network will utilise a combination of optical fibre, fixed wireless and satellite technology to offer broadband services to properties across Australia. Visionstream has been engaged by the government-owned corporation NBN Co Limited to undertake preliminary environmental, design and site acquisition investigations in relation to the construction and establishment of radio base station infrastructure for the network.

Visionstream have indicated that the proposed facility would be located centrally in the property and would likely comprise of a 50m lattice tower with NBN panel antennas and be painted in a light grey colour. The mechanism for the approval of the structure has not been confirmed at this stage. However, Visionstream have suggested that the telecommunications facility may be considered under the complying development provisions of Clause 116A of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP). Should the facility fail to satisfy any relevant criteria under the Infrastructure SEPP the submission of a development application would be required for Council's consideration.

As part of their investigations within the Hawkesbury, Visionstream have been looking at suitable options for the deployment of a radio base station to service East Kurrajong and its surrounding area. After investigating several sites, Visionstream have identified a potential location at 227 Bull Ridge Road, East Kurrajong that meets NBN's technical requirements to service the area. At present Visionstream are unable to consider such a facility in this location on account of the existing Section 88B Restrictions which prevent portions of the property to be individually leased.

As Council is the authority empowered to release, vary or modify the restrictions, Visionstream has prepared a Section 88E Variation to modify the terms of the existing restrictions to clarify that any leasing restrictions only apply to the severed portion of the allotments. The proposed Section 88E 'Variation or Modification of Restriction on the Use of Land' has been lodged for Council's endorsement.

The proposed variation to the restriction would delete items 2 and 3 of the restriction (as referred to previously in this report) and replace with the following:

*Where a lot is severed by a reserved road, the severed portion shall not be sold conveyed transferred leased mortgaged devised alienated or otherwise separated from the main portion of the lot.*

The proposed modification to the restrictions is consistent with Condition 4 of Development Consent No. D0137/80 and will not necessitate a Section 96 modification application to that consent. The condition required the part of the properties that were *severed by the Reserve Road that traverses the land* to be restricted. However, the restriction that was registered on the title essentially restricts the entire property.

The intent of the original condition was not to prohibit the development of a telecommunications facility on the subject property and there are no planning grounds for the retention of the restrictions in their current format.

### **Financial Implications**

There are no financial implications for Council relating to this request as all legal costs will be at the applicant's expense.

### **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

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of Council's adopted 2017/18 Operational Plan, which will adversely impact on Council's financial sustainability.

**Conclusion**

There are no planning grounds for the retention of the restrictions in their current format and the proposed Section 88E Variation would not be contrary to Condition 4 of Development Consent No. D0137/80. Council's endorsement of the modified restrictions is therefore recommended.

**RECOMMENDATION:**

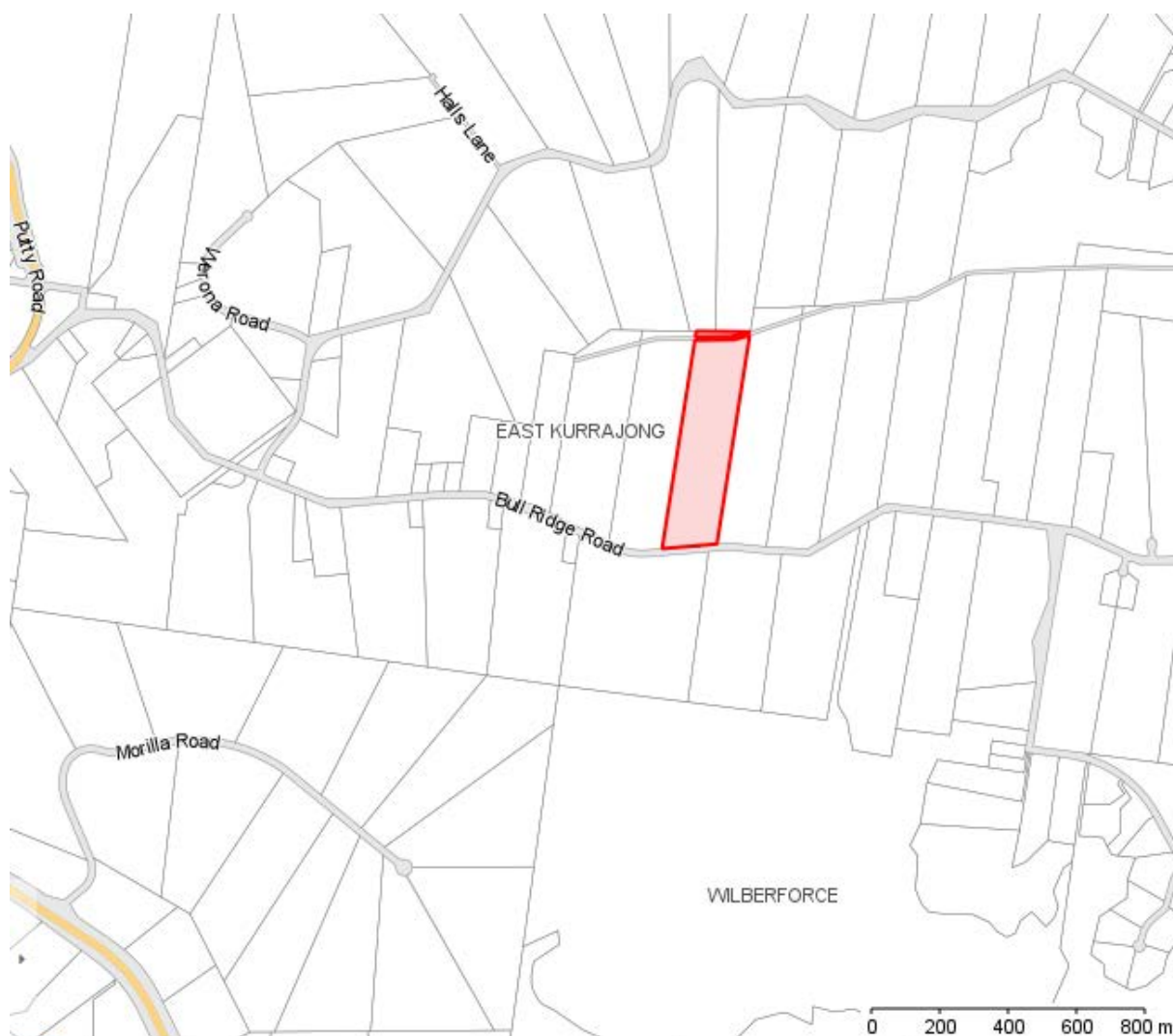
That Council endorse the modification of the restrictions prepared for Lot 223 in DP 623304, known as 227 Bull Ridge Road, East Kurrajong, and authority be given for the Section 88E 'Variation or Modification of Restriction on the Use of Land' to be executed by an authorised officer on behalf of Council.

**ATTACHMENTS:**

- AT - 1**    Locality Plan
- AT - 2**    Aerial Photograph Plan
- AT - 3**    Draft Plans of the Proposal

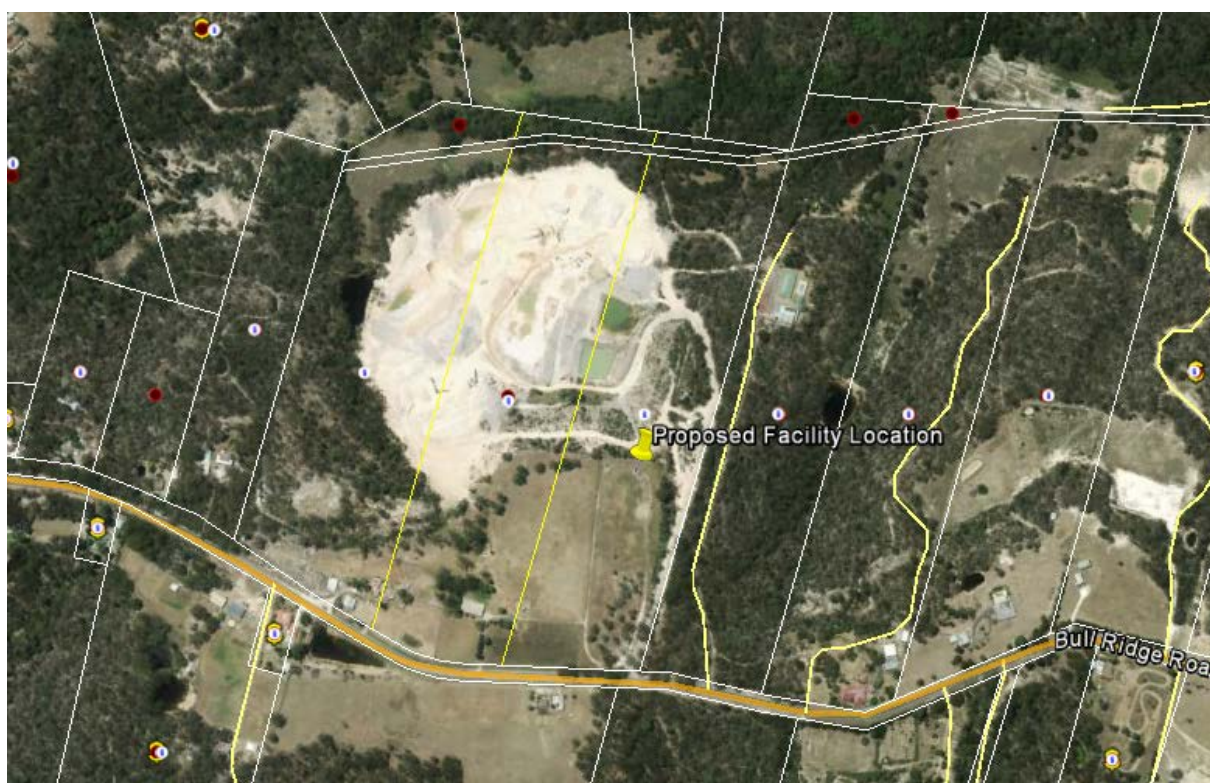
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**AT - 1 Locality Plan**

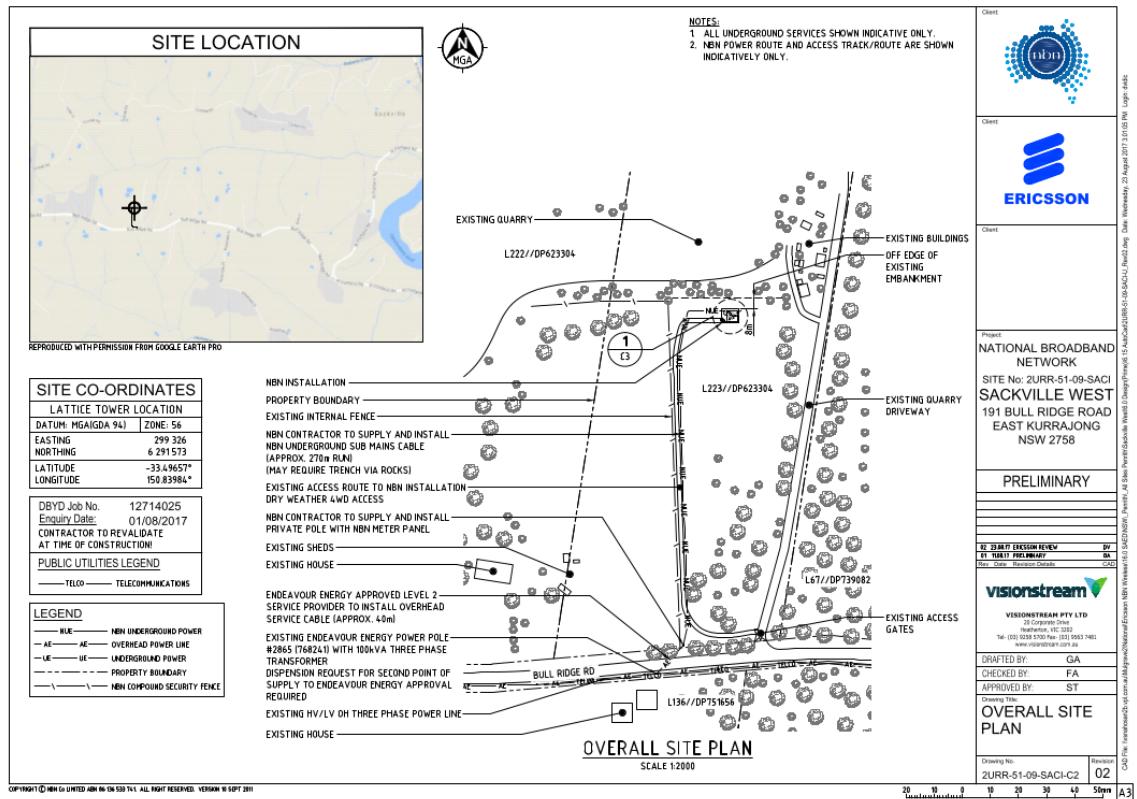


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**AT - 2    Aerial Photograph Plan**



### **AT - 3 Draft Plans of the Proposal**



oooO END OF REPORT Oooo

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**Item: 047**                      **CP - Potential Heritage Value of Former Dwelling at 452 Greggs Road, Kurrajong - (95498, 124414)**

**Previous Item:**            225, Ordinary (12 December 2017)  
                                 96, Ordinary (31 May 2016)

**Directorate:**              City Planning

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**PURPOSE OF THE REPORT:**

The purpose of this report is to report back to Council on the outcome of consideration and discussion associated with the potential heritage value of the former dwelling at 452 Greggs Road, Kurrajong as required by Council's resolution at its Ordinary Meeting on 12 December 2017.

**EXECUTIVE SUMMARY:**

Following consideration of a planning proposal to amend the Hawkesbury Local Environmental Plan 2012 in order to allow the subdivision of Lot E DP 373372, 452 Greggs Road Kurrajong into two large rural residential lots, Council also resolved that consideration be given to the potential heritage value of the former dwelling located on the subject site.

This report provides details of the consideration and discussion that has occurred since the Council resolution on 12 December 2017 and recommends that the former dwelling on the subject site be included for assessment as part of a Hawkesbury wide Heritage Study.

**RECOMMENDATION SUMMARY:**

That following consideration and investigation of the potential heritage value of the former dwelling at 452 Greggs Road, Kurrajong that the former dwelling be included as a site for investigation as part of a Hawkesbury wide Heritage Study.

---

**REPORT:**

**Context and Background**

At its Ordinary Meeting on 12 December 2017, Council considered a report on a planning proposal seeking to amend the Hawkesbury Local Environmental Plan 2012 (the LEP) in order to allow the subdivision of Lot E DP 373372, 452 Greggs Road, Kurrajong into two large rural residential lots. Following consideration of the matter, Council resolved the following:

*"That Council:*

- 1. Proceed with the making of a plan to amend the Hawkesbury Local Environmental Plan 2012 in order to permit the subdivision Lot E DP 373372, 452 Greggs Road, Kurrajong into two large rural residential lots with a minimum lot size of not less than 4,000m<sup>2</sup> as detailed in this report.*
- 2. Request that the Parliamentary Counsel's Office prepare a draft Local Environmental Plan to give effect to the exhibited planning proposal in accordance with Section 59(1) of the Environmental Planning and Assessment Act 1979.*

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3. *Adopt and make the draft local environmental plan, under the authorisation for Council to exercise delegation issued by the Gateway determination, upon receipt of an opinion from Parliamentary Counsel's Office that the plan can be legally made.*
4. *Following the making of the Plan, advise the Department of Planning and Environment that the Plan has been made and request to notify the Plan on the NSW Legislation website.*
5. *Publically exhibit the Draft Voluntary Planning Agreement attached to this report for a minimum of 28 days and the Draft Voluntary Planning Agreement be reported back to Council following public exhibition prior to finalisation.*
6. *Officers initiate discussions with the land owner with a view to confirming the heritage value of the former dwelling located on 452 Greggs Road, Kurrajong and reporting the outcome of those discussions to Council in February 2018."*

This report has been prepared in response to part 6 of the above resolution, and particularly the consideration of the potential heritage value of the former dwelling located on the subject site.

Following the Council resolution, an initial heritage assessment of the interwar buildings on the site was undertaken on 2 February 2018 by Council's Heritage Advisor, and relevant Council Officers with the property owner also present. Contact was also made with relevant historical societies in an attempt to source information relevant to consideration of the heritage value.

The sites two buildings were inspected externally and internally and the following has been reported by the Heritage Adviser as a result of that inspection:

- *There was no historical information available for the site inspection.*
- *The main building on the site is a single story weatherboard building with galvanised custom orb steel roof sheeting. The buildings appear to have undergone a series of additions. Its nucleus consists of a simple two roomed cottage with gable end roof. This section has intact V jointed boarding on its ceiling with fibro walls and 100mm hardwood T & G floorboards. The simplicity of these rooms and their small scale suggests either a returned-soldier property or a building constructed under frugal conditions such as the 1929 Great Depression.*
- *The building around the central nucleus has had additions constructed to both the front and rear of the building. The additions appear to have started early with some external boarding being very similar to the original rusticated boarding. The original and later extensions still have a sufficient design integrity to provide an overall acceptable composition.*
- *The adjacent simple galvanised custom orb sheeted shed with gable ends and with hardwood poles and timbers indicate that the shed is likely contemporary with the main building.*
- *The buildings though simple and vernacular appear to have sufficient built form characteristics that may form part of a Heritage Study. The historical associations with Lieutenant Greggs and Greggs Road likely reinforce the heritage importance of the site.*
- *Hence, it is recommended that as a first step Council undertake further historic research to establish the associations of Greggs Road with the site. Also, the role of the adjacent Pansy Railway with the site and Lieutenant Greggs.*

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

As detailed above.

#### **Policy considerations**

No direct policy considerations applicable to the matter discussed in this report.



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**Consultation**

Discussion has occurred with various individuals, including the property owner and contact with relevant historical societies in order to source background material to assist in the assessment of the potential heritage value of the former dwelling on the subject site.

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

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

Our Community

2.5 Cultural Development and Heritage

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

**Discussion**

Following initial consideration which included a site inspection of the two buildings on the site, it is considered that there is potential heritage value which should be investigated further. This potential heritage value should be investigated further as part of a Hawkesbury wide Heritage Study.

**Financial Implications**

There are no direct financial implications applicable to matters discussed in this report.

**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 2017/18 Operational Plan, which will adversely impact on Council's financial sustainability.

**Conclusion**

Based on the investigations including site visit by Council's Heritage Adviser and relevant Council Officers, it is considered that the buildings on the subject site including the former dwelling and shed has potential heritage value which should be investigated further as part of a Hawkesbury wide Heritage Study.

**RECOMMENDATION:**

That the:

1. Information be received and noted.
2. Two buildings (former dwelling and shed) on Lot E DP 373372, 452 Greggs Road, Kurrajong be included for further consideration as part of a Hawkesbury wide Heritage Study.

**ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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**Item: 048**                      **CP - Sustainable Energy Strategy - (95498, 124414, 126363)**

**Previous Item:**        231, Ordinary (12 December 2017)  
                              219, Ordinary (28 November 2017)  
                              NM1, Ordinary (29 August 2017)  
                              MM2, Ordinary (30 May 2017)  
                              NM3, Ordinary (13 December 2016)

**Directorate:**            City Planning

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**PURPOSE OF THE REPORT:**

The purpose of this report is to report back to Council on the further work and discussion that has occurred with the Environmental Sustainability Advisory Committee following the resolution of Council at its Ordinary Meeting on 12 December 2017 regarding the Sustainable Energy Strategy.

**EXECUTIVE SUMMARY:**

A report was prepared for Council's Ordinary Meeting on 12 December 2017 responding to a number of Council requests related to Council taking positive action to pursue energy savings and investment in renewable energy.

Following consideration of the matter, Council resolved that a Sustainable Energy Strategy for Council be developed in close consultation with the Energy Working Group that reports to the Sustainability Advisory Committee. Further, that a Table of Contents for the Sustainable Energy Strategy be developed, reviewed by the Energy Working Group and reported to Council at its Ordinary meeting of 27 February 2018.

This current report has been prepared as required by the Council resolution to report back to Council on 27 February 2018 following consideration by the Environmental Sustainability Advisory Committee.

**RECOMMENDATION SUMMARY:**

The advice from the Committee at this stage is to not proceed with the Sustainable Energy Strategy, but to focus efforts towards providing solar on numerous Council buildings and facilities. As such it is recommended that advice be sought from the Committee in terms of the best way forward with such an approach.

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**REPORT:**

**Context and Background**

A report was prepared for Council's Ordinary Meeting on 12 December 2017 responding to a number of Council requests related to Council taking positive action to pursue energy savings and investment in renewable energy.

That report highlighted that Council has, for over 12 years, sought to reduce its energy and water consumption and has invested substantial funding through both grants and its own resources, to reduce consumption and reduce costs below market trends.

Council is currently investigating a new range of projects including conversion of 1,400 old mercury vapour street lights to LED lamps, and the installation of approximately 700kW of distributed solar generation across community owned buildings and facilities.

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These projects are in detailed investigation and feasibility phase, with strong financial benefits being identified at this stage. A further report will be presented to Council on this program.

The report to the 12 December 2017 Ordinary Meeting also provided broad information on financing and other issues associated with actions that Council may take to reduce its costs and environmental impacts.

The previous report also highlighted that further investigations will be undertaken into other renewable energy generation options as opportunities arise or as market and regulatory frameworks and risks become clearer.

Following consideration of the matter, Council resolved as follows:

*That:*

1. *Council note the information and actions underway in relation to sustainable energy.*
2. *A Sustainable Energy Strategy for Council be developed in close consultation with the Energy Working Group that reports to the Sustainability Advisory Committee.*
3. *A Table of Contents for the Sustainable Energy Strategy be developed early in the new year, reviewed by the Energy Working Group and reported to Council at its Ordinary meeting of 27 February 2018.*

This current report has been prepared as required by the Council resolution to report back to Council on 27 February 2018 following consideration by the Environmental Sustainability Advisory Committee.

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

A detailed history was provided as part of the report to Council at its Ordinary Meeting on 12 December 2017 and should be referenced if required.

[https://www.hawkesbury.nsw.gov.au/\\_data/assets/pdf\\_file/0006/104757/Item-048-Business-Paper-27-Feb-2018-Sustainable-Energy-Strategy.pdf](https://www.hawkesbury.nsw.gov.au/_data/assets/pdf_file/0006/104757/Item-048-Business-Paper-27-Feb-2018-Sustainable-Energy-Strategy.pdf)

Following the Council resolution on 12 December 2017, a report was prepared for the Environmental Sustainability Advisory Committee on 5 February 2018. A copy of that report is included as Attachment 1 and additionally at that Committee Meeting copies of the presentation provided by Ironbark were provided to committee members. (See Attachment 2).

#### **Policy considerations**

Council has no specific policy in relation to sustainable energy however, as outlined below the Hawkesbury Community Strategic Plan does contain a number of objectives in relation to this policy area.

#### **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, Directions and Strategies within the CSP.

#### Our Environment

- 3.2 To live sustainably and reduce our ecological footprint - Identify and make best use of our local resources and awareness of contribution to the environment.

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- 3.2.2 Alternative forms of energy are embraced throughout the Hawkesbury.
- 3.3 We reduce, reuse and recycle - Identify ways for our community to reduce, reuse and recycle waste.
  - 3.3.2 Undertake community education on best practice environmental sustainability and climate change issues.
- 3.4 The sustainability of our environment is improved - Encourage and enable our community to make sustainable choices.
  - 3.4.2 Development is functional, attractive and sympathetic with the environment, and avoids unnecessary use of energy, water or other resources.

### **Discussion**

Discussion was held at the Environmental Sustainability Advisory Committee Meeting on 5 February 2018 regarding the drafting of a Table of Contents for a Sustainable Energy Strategy as required by Council's resolution of 12 December 2017. Following discussion at the Committee Meeting and subsequent dialogue between Committee members it was felt that with the funds currently available that there were problems with pursuing a Sustainable Energy Strategy at this stage.

Committee members felt that there was more value and potentially more traction in terms of focussing efforts towards what was termed 'Low Hanging Fruit' in the form of solar options on various Council owned buildings and facilities.

As such it is considered that the matter should be referred back to the Environmental Sustainability Advisory Committee to advise in terms of a way forward with respect to the various solar options on Council buildings and facilities.

### **Financial Implications**

There are no immediate financial implications applicable to the matters discussed in this report. Subsequent reports to Council may recommend works or actions.

### **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**

As required by the Council resolution of Council's Ordinary Meeting on 12 December 2017, the preparation of a Sustainable Energy Strategy has been discussed with the Environmental Sustainability Advisory Committee. The advice from the Committee at this stage is to not proceed with the Sustainable Energy Strategy, but to focus efforts towards providing solar on numerous Council buildings and facilities. As such it is recommended that advice be sought from the Committee in terms of the best way forward with such an approach.

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**RECOMMENDATION:**

That the:

1. Information be received and noted.
2. Matter be referred to the Environmental Sustainability Advisory Committee to provide advice on implementation of an approach relating to the provision of solar on nominated Council buildings and facilities.

**ATTACHMENTS:**

- AT - 1** Report to Environmental Sustainability Advisory Committee - Sustainable Energy Strategy
- AT - 2** Presentation from Ironbark to Sustainability Advisory Committee - (*Distributed Under Separate Cover*)

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**AT - 1 Report to Environmental Sustainability Advisory Committee**

**Sustainable Energy Strategy**

**Previous Item:** 2, SAC (4 September 2017)  
1, SAC (27 November 2017)

**Directorate:** City Planning

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**PURPOSE OF THE REPORT:**

The purpose of this report is to update the Sustainability Advisory Committee (SAC) on the current status of the proposed Sustainable Energy Strategy for Council.

**EXECUTIVE SUMMARY:**

This report seeks to inform the SAC of the current progress on the preparation of a Sustainable Energy Strategy for Council.

**RECOMMENDATION SUMMARY:**

That the information contained in this report be received and noted.

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**REPORT:**

**Context and Background**

This item is further to the previous report to the SAC on 27 November 2017 where it was recommended and resolved that Council Officers would provide to Council via the SAC a further report detailing the preparation of a Sustainable Energy Strategy for Council.

This report covers what actions have been undertaken so far in addressing the resolution of the SAC regarding this matter which was:

*“A further report be brought to Council via the Sustainability Advisory Committee detailing a Sustainable Energy Strategy for Council”*

This matter was considered by Council at its Ordinary Meeting on 12 December 2017 with the following resolutions being adopted:

1. Council note the information and actions underway in relation to sustainable energy.
2. A Sustainable Energy Strategy for Council be developed in close consultation with the Energy Working Group that reports to the Sustainability Advisory Committee.
3. A Table of Contents for the Sustainable Energy Strategy be developed early in the new year, reviewed by the Energy Working Group and reported to Council at its Ordinary meeting of 27 February 2018.

The Manager, Buildings and Associated Services is currently assessing a submission received from Ironbark Sustainability Consultants for the preparation of a brief to prepare a Sustainable Energy Strategy prior to consultation with the Energy Working Group that reports to the SAC.

As per the resolution of Council on 12 December 2017, it is proposed that a Table of Contents for the Sustainable Energy Strategy be developed which will be reviewed by the Energy Working Group prior to it

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being reported to Council early this year. The consultants have suggested the following be considered as a starting point for the table of contents:

1. Executive Summary
2. Introduction
  - a) Energy Management in Hawkesbury
  - b) Regional, National and International policy and approaches
3. Energy Reduction and Generation Targets
4. Current Emissions and Energy Consumption
5. Opportunities for action
6. Implementation Plan

An example of the type of sustainability strategy that the consultants have previously produced for Mitchell Shire Council titled "Sustainable Resource Management Strategy 2011" has been provided to Council as background material and can be viewed as Attachment -1 to this report.

**Detailed History, including previous Council decisions**

Council has made a number of resolutions in relation to this matter:

**1. NM3 - Council Owned Solar Farm - Initial Investigation - (79351, 105109, 13881)**

Resolution 435, Ordinary (13 December 2016)

*"That a report be provided to Council that:*

- 1. Outlines the opportunities and barriers to inform Council of the possibilities of owning solar farms to generate revenue as well as decreasing electricity costs. The report should include but not be limited to addressing characteristics such as - reduction in carbon emissions, energy output, capital costs and return on investment.*
- 2. An investigation into all avenues available to Council for support, grants and funding to assist in the development, construction and operation of such projects.*
- 3. The possibility of forming an arrangement with the Department of Defence to develop, construct and operate a solar farm on the RAAF site at Richmond be investigated.*
- 4. Identification of other suitable sites for solar farms in the Hawkesbury."*

This was reported through Council's Sustainability Advisory Committee, with a presentation by Ironbark Sustainability. Detailed investigation has not yet taken place in regard to item 3, with the priority as recommended by Ironbark Sustainability to focus on distributed, "behind the meter" installations where significant financial benefits exists.

**2. MM2 - Cities Power Partnership - (79353, 105109, 125612)**

Resolution 157, Ordinary (30 May 2017) (in part)

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"2. A report be presented to Council within six months, outlining options available to Council recommending five actions for Council to focus on in relation to activities such as renewable energy, energy efficiency, transport and advocacy."

**3. NM1 - Status Update on Energy Savings Action Plan - (79351, 105109, 128881)**

Resolution 267, Ordinary (29 August 2017)

*"That a report be provided to Council by 24 October 2017, that:*

1. *Gives an update on the status of the scheduled or recommended measures outlined in the Energy Savings Action Plan 2013, for each of the top ten energy consuming Council-controlled facilities/areas identified in the plan.*
2. *Gives options for comprehensively updating the Plan. This should include, but not be limited to:*
  - a) *collecting, analysing and reporting energy consumption data to compare with 2008 and 2013 data*
  - b) *updating the status of the co-generation plant housed under the Deerubbin Centre*
  - c) *reviewing and updating the recommendations for greater energy savings and efficiencies based on the latest technology and best practices*
  - d) *reviewing the need for an internal working group, comprised of staff from a wide range of Divisions within Council*
  - e) *identifying additional facilities/areas controlled by Council that could be included in a revised plan."*

**4. Item: 219 IS - Sustainable Energy Strategy - (95495, 79340)**

Resolution 383, Ordinary (28 November 2017)

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

**Consultation**

It is proposed that a Table of Contents for the Sustainable Energy Strategy be developed based on the following headings and sub headings, which will be reviewed in consultation with the SAC Energy Working Group prior to it being reported to Council early in 2018:-

1. Executive Summary
2. Introduction
  - a) Energy Management in Hawkesbury
  - b) Regional, National and International policy and approaches
3. Energy Reduction and Generation Targets
4. Current Emissions and Energy Consumption
5. Opportunities for action
6. Implementation Plan

Feedback from SAC members would be welcomed.



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

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

Our Environment

- 3.2 To live sustainably and reduce our ecological footprint - Identify and make best use of our local resources and awareness of contribution to the environment
  - 3.2.1 Our community is informed and acts to reduce our ecological footprint.
  - 3.2.2 Alternative forms of energy are embraced throughout the Hawkesbury.
  - 3.2.3 Become a carbon neutral Local Government Area
- 3.4 The sustainability of our environment is improved - Encourage and enable our community to make sustainable choices
  - 3.4.1 Work with businesses and tourism operators to promote good practice and sustainability principles.
  - 3.4.2 Development is functional, attractive and sympathetic with the environment, and avoids unnecessary use of energy, water or other resources.

**Financial Implications**

There are no financial implications associated with this report.

**Fit For The Future Strategy Considerations**

The proposal is aligned to the following Fit For The Future Strategy/Strategies.

- 4.3b Energy Efficiency Borrowings Program
  - Loan facility to invest in energy efficiency infrastructure.
  - Costs recovered through energy savings would be used to fund loan borrowings.

**Conclusion**

The information contained within this report forms the basis for consultation with the SAC Energy Working Group in the preparation of a Table of Contents for a Sustainable Energy Strategy for Council.

**RECOMMENDATION:**

That the report be received and noted.

**ATTACHMENTS:**

- AT - 1 Mitchell Shire Council – Sustainable Resources Management Strategy 2011 - (Distributed Under Separate Cover)

**oooO END OF REPORT Oooo**

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**Item: 049**                      **CP - Submission on State Significant Development Application for Hurlstone Agricultural High School (Hawkesbury) at the Western Sydney University site 2 College Street, Richmond - (95498, 124414)**

**Directorate:**                City Planning

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**PURPOSE OF THE REPORT:**

The purpose of this report is to:

- Advise Councillors that a State Significant Development Application has been lodged with the Department of Planning and Environment for an agricultural high school within the grounds of the Western Sydney University at Richmond;
- Provide a summary of the proposed development;
- Provide a discussion of matters identified for further consideration prior to any determination of the application by the Department of Planning and Environment; and
- A recommendation for the submission of comments to the Department of Planning and Environment in respect to the matters discussed within this Report.

**EXECUTIVE SUMMARY:**

On 21 January 2018 the Department of Planning and Environment commenced the public exhibition of State Significant Development Application SSD 17\_8614 in relation to a proposed development for the construction of the new Hurlstone Agricultural High School (Hawkesbury) within the Western Sydney University site at 2 College Street, Richmond.

As State Significant Development, the Application will be assessed and determined by the Department of Planning and Environment.

The proposal was exhibited from 21 January 2018 to 23 February 2018, with comments being required to be lodged by the close of exhibition. As a consequence, the matters discussed in this Report have been provided to the Department of Planning and Environment along with a statement that Council is formally considering this matter at its Ordinary Meeting on 27 February 2018 and that should there be any changes based on Council's consideration of the matter then the Department of Planning and Environment will be notified.

In general, the proposed development for the school is supported for economic and social reasons. However, following a detailed review of the proposal, Council Officers have identified a number of matters that require further clarification, information and/or assessment prior to a determination of the Application being made by the Department of Planning and Environment. These matters relate to the following, which are discussed further in this report:

- Approval pathways for other associated works
- Built form
- Traffic and car parking
- Flooding
- Contamination
- Social impacts
- Safety
- Noise

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**RECOMMENDATION SUMMARY:**

It is recommended that Council endorse Council Officers comments provided to the Department of Planning and Environment for consideration in the assessment of State Significant Development Application SSD 17\_8614 for Hurlstone Agricultural High School (Hawkesbury) at 2 College Street, Richmond.

**REPORT:**

**Context and Background**

State Significant Development Application SSD 17\_8614 seeks approval for the construction of an agricultural high school to be located within the Western Sydney University at Lot 2 DP 1051798, 2 College Street, Richmond.

The Application was exhibited between 21 January 2018 and 23 February 2018.

The exhibited application, including an Environmental Impact Statement can be viewed at:

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8614](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8614)

Attachment 1 to this report provides a locality plan showing Western Sydney University and the location of the proposed school in relation to the University campus. Attachment 2 to this report provides the site plan for the proposed development whilst Attachment 3 provides an artist's impression of the appearance of the proposed school.

The Application seeks consent for:

1. Use of the site for a high school
2. Construction of five buildings
3. Construction of central assembly area
4. Construction of a sports court
5. Establishment of outdoor learning spaces
6. Landscaping

Table 1 below summaries the characteristics of each component of the development:

**Table 1 - Summary of development characteristics**

Component	Gross Floor Area (m <sup>2</sup> )	No. of Storeys	Maximum Height (m)	Use
Building 1	1,260	1	4.95	main entry desk, offices, meeting rooms, staff study and lounge areas, toilets and storerooms
Building 2	2,660	3	14	Ground floor library, student amenities, canteen Level 1 – Senior learning centre, student forum spaces, staff office. Level 2 – general learning spaces, learning hub, outdoor roof terrace.

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Building 3	7,300	3	14.235	Ground level – wood & metal, food & textiles, visual arts facilities Level 1 – senior science laboratories, main chemical prep room and general learning spaces Level 2 – greenhouse spaces, junior science laboratories, general learning spaces
Building 4	2,460	1	11	Hall/Gymnasium, mobile stage, performance and fitness workshop spaces and associated general learning spaces, amenities, change rooms and stores.
Assembly Court (Building 5)		Elevated walkway	8.5	Assembly space and thoroughfare
Building 6		1	4.7	One single storey agricultural learning classroom, one workshop shed building, above ground water tanks and chicken coop. Co-located with vegetable plots
Sports Court			N/A	One hardstand multipurpose court. (proposed to share university's oval and soccer fields.
Outdoor Learning Spaces			N/A	Agricultural narrative present on the roof of building 1, dedicated outdoor learning space adjacent to building 3, greenhouse, great lawn, food forest/bush tucker areas.

The Environmental Impact Statement accompanying the Application states that site clearing, earthworks and associated early works will be subject to a separate application.

Council has recently received correspondence dated 24 January 2018 from RPS (the Applicant) seeking comments from Hawkesbury City Council in relation to a Review of Environmental Factors under Part 5 of the *Environmental Planning and Assessment Act, 1979* and as provided under State Environmental Planning Policy (Infrastructure) 2007 for early works. It is understood from this correspondence that the 'early works' entail the following:

- Utilities services - potable water, fire water, sewer drainage, power supply and substation.
- Stormwater
- Flooding - implementation of flood mitigation measures including culverts, channels, pipes and swale.
- Road infrastructure

### **Policy considerations**

#### **State Environmental Planning Policy (State and Regional Development) 2011**

In accordance with State Environmental Planning Policy (State and Regional Development) 2011, the proposal, being for the purposes of a new school, is identified as State Significant Development. As a consequence an Environmental Impact Statement is required to accompany the development application, and the development application will be assessed by the Department of Planning and Environment as the consent authority.

On 8 August 2017, the Department of Planning and Environment issued the Secretary's Environmental Assessment Requirements under Section 78A(8A) of the *Environmental Planning and Assessment Act, 1979* and Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*. The Requirements outline the matters that must be addressed within the Environmental Impact Statement for the proposed development. The Secretary's Environmental Assessment Requirements are provided in Attachment 4 to this report.

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The review undertaken has included an assessment as to whether or not the Environmental Impact Statement addresses those matters identified within the Requirements. Where it is considered that they have not been addressed adequately, those matters have been included in the Discussion below.

**State Environmental Planning Policy (Infrastructure) 2007**

The Secretary's Requirements stipulated that consideration of State Environmental Planning Policy (Infrastructure) 2007 is to be undertaken. However, such a consideration has not been included within the Environmental Impact Statement.

In particular, Clause 101 of this Policy provides the requirements for development with frontage to a classified road:

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
  - (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
  - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
    - (i) *the design of the vehicular access to the land, or*
    - (ii) *the emission of smoke or dust from the development, or*
    - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
  - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposed school is to be sited within the Western Sydney University Richmond Campus which has frontage to Londonderry and Blacktown Roads, which are classified roads.

Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 relate to traffic-generating development. In accordance with Schedule 3 to the Policy, any development having ancillary parking accommodation of 200 or more motor vehicles is identified as traffic-generating development. The proposed development includes the extension of an existing car park to cater for 220 cars plus a bus area for five buses. As a consequence, the application is required to be referred to the Roads and Maritime Services for comment.

It is noted that State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 also have provision for traffic- generating development as detailed below.

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

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and child care facilities across the State.

Part 2 Division 1 of the Policy provides the consultation and notification requirements for educational establishments (including schools). Clause 12, in particular, requires consultation with the State Emergency Services for development on flood liable land. This clause defines flood liable land to mean '*land that is susceptible to flooding by the probable maximum flood event*'. Section 4.4 of the Environmental Impact Statement provides an assessment of the proposal against the provisions of this Policy, however does not address the consultation and notification requirements and how they should be met.

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In addition, the Application does not identify that the subject site has land levels below the probable maximum flood level, or the consequences of this. This is discussed further in this Report.

Part 4 of this Policy relates to development for the purposes of schools. Clause 35 (6) requires consideration of the following before determining the Application:

- (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and
- (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.

The Application provides an assessment of the proposed development against the design quality principles, which is discussed further in this Report.

The Environmental Impact Statement has identified that the proposal is defined as traffic-generating development under this Policy, and therefore referral to the Roads and Maritime Services is required.

### **Consultation**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy given they are matters about which the NSW State Government is undertaking community consultation.

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

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

#### Our Environment

- 3.1 The natural environment is protected and enhanced
  - 3.1.1 Encourage effective management and protection of our rivers, waterways, riparian land, surface and ground waters, and natural eco-systems through local action and regional partnerships.
  - 3.1.2 Act to protect and improve the natural environment including working with key agency partners.
  - 3.1.4 Minimise our community's impacts on habitat and biodiversity and protect areas of conservation value.
- 3.4 The sustainability of our environment is improved
  - 3.4.2 Development is functional, attractive and sympathetic with the environment, and avoids unnecessary use of energy, water or other resources.

#### Our Future

- 5.1 Strategic Planning Governance - Encourage informed planning, balanced growth and community engagement
  - 5.1.2 Council's decision making on all matters is transparent, accessible and accountable.
- 5.2 Management of Aboriginal and Non Aboriginal and the Built Environment - Value, protect and enhance our built environment as well as our relationship to Aboriginal and Non Aboriginal history

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- 5.2.1 Our planning and actions will ensure that Aboriginal and Non Aboriginal heritage are integral to our City.
- 5.2.2 Encourage and implement progressive urban design, sensitive to environment and heritage issues.
- 5.2.3 Sympathetic adaptive and creative uses for heritage sites and buildings across the City will be encouraged and promoted.
- 5.8 Industry - Increase the range of local industry opportunities and provide effective support to continued growth
- 5.8.5 Plan for the continuance and growth of agricultural industry uses within the Hawkesbury.

**Discussion**

Following is a discussion of the matters that Council Officers have identified as requiring additional information and further consideration prior to determination of the development application for Hurlstone Agricultural School (Hawkesbury). The Department of Planning and Environment has been requested to consider these matters.

**Approval pathways for other associated works**

The Applicant proposes to commence certain works, including site clearing, earthworks and 'early works', whilst seeking approval for the use of the land for a school and associated buildings to facilitate the completion of the school by 2020.

In this regard, it needs to be ensured that the works for which the Applicant is seeking approval under Part 5 of the *Environmental Planning and Assessment Act, 1979*, are works that can be carried out without consent under an environmental planning instrument.

For example, it would appear that the widening and upgrading of Vines Drive and Maintenance Drive, and the provision of access roads, and stormwater drainage within the subject site would require development consent under State Environmental Planning Policy (Infrastructure) 2007.

In this regard, it is requested that the Applicant provide additional information clearly demonstrating how the ancillary and 'early' works can be carried out independently of the school development.

In addition, there is a need to ensure that these ancillary works are appropriate to support the development, and there is a legal means by which to ensure that these works are carried out. Whilst approval of these necessary works have not been sought by the development application, any approval needs to provide conditions of consent to ensure these works are actually carried out, and to the standard required to support the development.

**Built form**

The philosophy of the layout and design of the school is based on Nature and the historic use of the Hawkesbury for agriculture and food production. In this regard, the layout of the buildings alludes to the structure and anatomy of flowering plants. The design of the buildings seek to reflect the simplicity of agricultural building forms.

The Design Verification Statement provides an assessment of the development against the Design Quality Principles of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. Relevantly, the following Principles apply:

*Principle 1- context, built form and landscape*

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*Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.*

*Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.*

#### *Principle 7- aesthetics*

*School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.*

*The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.*

It is considered that the Design Verification Statement does not adequately address the suitability of the design of the development within the context of the locality and having regard to the Design Quality Principles identified above. An assessment of the compatibility of the development to the existing built environment in the locality, both that of the University and of the adjoining residential areas, and the existing rural/agricultural character of the area should be undertaken.

The Design Statement identifies that “*the scale of the proposed new school buildings in relation to the neighbouring building, is significant. Most of the campus buildings are 1 to 2 storeys high & spread out across the WSU (Western Sydney University) site.*” This Statement further justifies how the visual impact of the development has been mitigated when viewed from Vines Drive and from within the University site. However, the Application does not provide a consideration of the visual impact of the development when viewed from outside of the University site, especially when viewed from Londonderry Road, or its impact on the streetscape of Londonderry Road.

#### **Traffic and car parking**

An existing car park area, associated with the University is located adjacent to the proposed school. It is intended to modify this existing car park to cater for buses (5 bus spaces), provide a drop off facility (10-12 spaces) and to increase the number of car parking spaces from 142 to 220.

Hawkesbury Development Control Plan requires the proposed school development to provide 276 spaces. A total of 220 car spaces are to be provided, which is a deficit of 56 spaces. In addition, the existing car park is currently associated with the University, resulting in 142 spaces being lost to the University.

The Environmental Impact Statement justifies the provision of less car spaces as follows:

- A comparison of the demand for car parking for the existing Hurlstone Agricultural High School at Glenfield, and applied to the proposed number of staff and students for the subject development indicates a need for 225 spaces based on a 95% usage rate for staff and a 10% usage rate for students.
- In accordance with the NSW Department of Education's Educational Facilities Standards and Guidelines, the number of car parking spaces for the proposed development is 130 spaces.
- The existing capacity at the University of 1,516 car spaces is sufficient to cater for University demand and any overflow requirements.

Given the above, Council Officers consider that provision for car parking to cater for the new school is satisfactory, and that the loss of parking to the University will have no adverse impact on the demand for parking for the University.



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The Traffic Impact Assessment states:

*“Traffic modelling for the future travel demand has been modelled for 10 years of background growth and a total population of 1,200 travelling students and 100 staff. Intersections are shown to continue to operate at acceptable Levels of Service. The most critical delays occur at the intersection of Campus Drive and Blacktown Road, however all delays are internal to the site and it is anticipated that users will avoid this intersection as high levels of delay occur. Any traffic impacts within the Campus related to the School operation are expected to occur over only a short period of time, say 30 minutes or less.”*

The Secretary's Environmental Assessment Requirements stipulated that the Environmental Impact Statement address *“the impact of trips generated by the development on nearby intersections, with consideration of the cumulative impacts from other approved developments in the vicinity, and the need/associated funding for upgrading or road improvement works, if required”*.

Whilst the Traffic Impact Assessment has predicted the future Levels of Services for road intersections surrounding the University site, no consideration of the impacts of the development has been given to traffic safety at these intersections. In particular, concern is raised in respect to increased traffic at the intersections of Londonderry Road/Southee Road and Londonderry Road/Vines Drive given the close proximity of these intersections to each other, and the fact that Londonderry Road is a classified road. It was requested that consideration be given to providing separate access to the proposed school directly from Londonderry Road to the south of these intersections.

Safety concerns are also raised for the Campus Drive/Blacktown Road intersection given traffic volumes on Blacktown Road, and the fact that Blacktown Road is a classified road, especially when making a right hand turn from Campus Drive.

In addition, no discussion has been provided in respect to the need, or otherwise, for the upgrading of public roads and intersections in the vicinity of the University, based on the predicted impacts arising from the development. It would appear that attention has been predominantly given to the impacts of traffic within the University site and the upgrading of roads and parking areas within the University site, and not those on public roads. It should be noted that roads within the University site are private roads, owned and maintained by the University to service the campus.

#### **Flooding**

The Civil Engineering Report and Stormwater Management Plan provides a flood risk assessment for the development. However, it should be noted that this assessment only relates to flooding as a consequence of stormwater runoff in storm events, and not an assessment of the impacts of riverine flooding from the Hawkesbury River.

The development is located on land that has a level above the 1 in 100 year flood level of 17.5m AHD for the locality, and consequently flood consideration under Clause 6.4 of Hawkesbury Local Environmental Plan 2012 do not apply. However, the land is below the probable maximum flood level.

Recently Infrastructure NSW released the *Resilient Valley, Resilient Communities - the Hawkesbury-Nepean Valley Flood Risk Management Strategy*. This Strategy provides nine key Outcomes with associated Actions to be taken, including the development of a regional land use and road planning framework to assist in the future development of the Hawkesbury Nepean Floodplain in relation to flood risks and the capacity for regional flood evacuation. The timeframes for the completion of the Actions are unknown at this time.

Given this Strategy considers flood impacts on land affected by flood events up to and including the probable maximum flood, it is considered that the impact of the proposed development on the capacity for regional flood evacuation needs to be assessed. It is also considered that any favourable determination of the proposal should require a flood evacuation management plan to be developed and implemented when required.

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**Contamination**

Clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land prevents the granting of development consent unless it is established whether a site is contaminated or not, to what degree at site is contaminated, and whether or not the site is suitable for its proposed use in its contaminated state, or whether the site will be remediated to be made suitable.

The Preliminary Site Investigation Report submitted with the Application states that the frequency of soil sampling carried out on the site was below the recommended level required by the NSW Environment Protection Authority for full site characterisation. Therefore, a Detailed Site Investigation is required to properly determine whether or not the site is contaminated. As this Detailed Site Investigation has not been finalised, approval cannot be granted in accordance with Clause 7 of State Environmental Planning Policy No. 55 - Remediation of Land.

**Social impact**

It is considered that the social impacts of the school development on the locality have not been adequately addressed. In this regard it has been requested that additional information be sought in respect to:

- The impacts of the development on community services in the locality such as youth services; and
- The management measures required to be implemented to avoid potential issues associated with school aged students being in close proximity to university accommodation.

**Safety**

The Crime Prevention through Environmental Design Statement highlights that “*Access from the school car park ‘drop off’ zone and bus stop, to the school entrance gate, need to be carefully considered*”, however no further discussion is provided within the Environment Impact Study in respect to the appropriateness, or otherwise of the pedestrian access from the car park to the school entrance in terms of safety. An assessment needs to be undertaken having regard to the following consideration:

- The separation of the car park from the school;
- The nature/frequency of use of the rooms within Building 1 and the adequacy of surveillance of the car park and pedestrian access from these rooms;
- Adequacy of surveillance from other buildings within the school;
- Whether areas where surveillance can be carried out are being occupied at critical times.

**Noise**

It is noted that the Noise and Vibration Assessment report states:

*“Operational noise emission criteria have been set in accordance with the NSW INP (Industrial Noise Policy) and apply predominantly to the proposed non-emergency period alarm, children at play and limited mechanical services noise emissions from the site. As the design progresses, noise mitigation measures will need to be incorporated into the design of the buildings and the surrounding landscape to ensure that noise from the operation of the school can comply with the INP noise emission criteria at neighbouring noise-sensitive land uses.”*

In addition to those listed above, noise criteria has also been determined for sporting and concert events to be carried out within Building 4.

Prior to the determination of any application, it should be demonstrated that measures can be incorporated into the design of the development to meet the noise emission criteria.

**Financial Implications**

There are no financial implications applicable to matters discussed in this report.

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**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 2017/18 Operational Plan, which will adversely impact on Council's financial sustainability.

**RECOMMENDATION:**

That Council endorse Council Officers comments that were outlined in the report, and provided to the Department of Planning and Environment for consideration in the assessment of State Significant Development Application SSD 17\_8614 for Hurlstone Agricultural High School (Hawkesbury) at 2 College Street, Richmond.

**ATTACHMENTS:**

- AT - 1**    Locality Plan
- AT - 2**    Site Plan
- AT - 3**    Artist Impression
- AT - 4**    Department of Planning and Environment's Secretary's Environmental Assessment Requirements

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**AT - 1    Locality Plan**

**Proposed Hurlstone Agricultural High School**

**2 College Street, Richmond**



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AT - 2 Site Plan

Proposed Hurlstone Agricultural High School

2 College Street, Richmond





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AT - 3 Artist Impression

Proposed Hurlstone Agricultural High School

2 College Street, Richmond



AERIAL PERSPECTIVE

ARTIST IMPRESSION IMAGE IS INDICATIVE ONLY. SOME ASPECTS MAY NOT BE REPRESENTATIVE OF THE INTENDED FINAL PRODUCT.

CLIENT/APPLICANT	PROJECT MANAGER	ARCHITECT	PROJECT	DRAWING	DRAWING NO.
			HURLSTONE AGRICULTURAL HIGH SCHOOL (HAWKESBURY)	Aerial Perspective	HASH - 00 - DD - AR - 9901 - A
				DRAWINGS NOT TO SCALE	
					© CONRAD GARRETT ANCHER MORTLOCK WOOLLEY mail@conradgarrett.com.au ABN 49 225 121 250 NOMINATED ARCHITECT: BRUCE WOLFE NSW Reg #889

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**AT - 4 Department of Planning and Environment's Secretary's**  
**Environmental Assessment Requirements**

**Proposed Hurlstone Agricultural High School – 2 College Street, Richmond**

**Secretary's Environmental Assessment Requirements**

**Section 78A(8A) of the *Environmental Planning and Assessment Act*  
Schedule 2 of the *Environmental Planning and Assessment Regulation 2000***

Application Number	SSD 8614
Proposal Name	Hurlstone Agricultural High School (Hawkesbury)
Location	Western Sydney University (2 College Street, Richmond)
Applicant	Department of Education
Date of Issue	8 August 2017
General Requirements	<p>The Environmental Impact Statement (EIS) must be prepared in accordance with, and meet the minimum requirements of clauses 6 and 7 of Schedule 2 the <i>Environmental Planning and Assessment Regulation 2000</i> (the Regulation).</p> <p>Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</p> <p>Where relevant, the assessment of the key issues below, and any other significant issues identified in the risk assessment, must include:</p> <ul style="list-style-type: none"> <li>adequate baseline data;</li> <li>consideration of potential cumulative impacts due to other development in the vicinity (completed, underway or proposed); and</li> <li>measures to avoid, minimise and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment.</li> </ul> <p>The EIS must be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> <li>a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>) of the proposal, including details of all assumptions and components from which the CIV calculation is derived;</li> <li>an estimate of the jobs that will be created by the future development during the construction and operational phases of the development; and</li> <li>certification that the information provided is accurate at the date of preparation.</li> </ul>
Key Issues	<p>The EIS must address the following specific matters:</p> <p><b>1. Statutory and Strategic Context</b> – including:  Address the statutory provisions contained in all relevant environmental planning instruments, including:</p> <ul style="list-style-type: none"> <li><i>State Environmental Planning Policy (State &amp; Regional Development) 2011</i>;</li> <li><i>State Environmental Planning Policy (Infrastructure) 2007</i>;</li> <li><i>State Environmental Planning Policy No.55 – Remediation of Land</i>;</li> <li><i>State Environmental Planning Policy No. 64 – Advertising and Signage</i>;</li> <li><i>Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i>; and</li> <li><i>Hawkesbury Local Environmental Plan 2012</i>.</li> </ul>

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#### *Permissibility*

Detail the nature and extent of any prohibitions that apply to the development.

#### *Development Standards*

Identify compliance with the development standards applying to the site and provide justification for any contravention of the development standards.

#### **2. Policies**

Address the relevant planning provisions, goals and strategic planning objectives in the following:

- NSW State Priorities;
- A Plan for Growing Sydney;
- NSW Long Term Transport Master Plan 2012;
- Sydney's Cycling Future 2013;
- Sydney's Walking Future 2013;
- Sydney's Bus Future 2013;
- Crime Prevention Through Environmental Design (CPTED) Principles;
- Healthy Urban Development Checklist, NSW Health; and
- Greater Sydney Commission's Draft West District Plan.

#### **3. Built Form and Urban Design**

- Address the height, density, bulk and scale, setbacks of the proposal in relation to the surrounding development, topography, streetscape and any public open spaces.
- Address design quality, with specific consideration of the overall site layout, streetscape, open spaces, façade, rooftop, massing, setbacks, building articulation, materials, colours and Crime Prevention Through Environmental Design Principles.
- Detail how services, including but not limited to waste management, loading zones, and mechanical plant are integrated into the design of the development.

#### **4. Environmental Amenity**

- Detail amenity impacts including solar access, acoustic impacts, visual privacy, view loss, overshadowing and wind impacts. A high level of environmental amenity for any surrounding residential land uses must be demonstrated.
- Detail any proposed use of the school grounds out of school hours (including weekends) and any resultant amenity impacts on the immediate locality and proposed mitigation measures.

#### **5. Transport and Accessibility**

Include a transport and accessibility impact assessment, which details, but not limited to the following:

- accurate details of the current daily and peak hour vehicle, public transport, pedestrian and cycle movement and existing traffic and transport facilities provided on the road network located adjacent to the proposed development;
- an assessment of the operation of existing and future transport networks including the bus network and their ability to accommodate the forecast number of trips to and from the development;
- details of estimated total daily and peak hour trips generated by the proposal, including vehicle, public transport, pedestrian and bicycle trips based on surveys of the existing and similar schools within the local area;
- the adequacy of public transport, pedestrian and bicycle networks and infrastructure to meet the likely future demand of the proposed development;



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- the impact of the proposed development on existing and future public transport infrastructure within the vicinity of the site in consultation with Roads and Maritime Services and Transport for NSW and identify measures to integrate the development with the transport network;
- details of any upgrading or road improvement works required to accommodate the proposed development;
- details of travel demand management measures to minimise the impact on general traffic and bus operations and to encourage sustainable travel choices and details programs for implementation;
- the impact of trips generated by the development on nearby intersections, with consideration of the cumulative impacts from other approved developments in the vicinity, and the need/associated funding for upgrading or road improvement works, if required. Traffic modelling, using, but not limited to, SIDRA network modelling for current and future years, is to be undertaken of the following signalised intersections:
  - Londonderry Road at Vines Drive and Southee Road;
  - Lennox Street/Paget Street;
  - Blacktown Road/Bourke Street;
- the proposed active transport access arrangements and connections to public transport services;
- details of any proposed school bus routes along bus capable roads (i.e. travel lanes of 3.5 m minimum) and infrastructure (bus stops, bus layovers etc.);
- the proposed access arrangements, including car and bus pick-up/drop-off facilities, and measures to mitigate any associated traffic impacts and impacts on public transport, pedestrian and bicycle networks, including pedestrian crossings and refuges and speed control devices and zones;
- measures to maintain road and personal safety in line with CPTED principles;
- proposed bicycle parking provision, including end of trip facilities, in secure, convenient, accessible areas close to main entries incorporating lighting and passive surveillance;
- proposed number of on-site car parking spaces and corresponding compliance with existing parking codes and justification for the level of car parking provided on-site;
- details of emergency vehicle access arrangements;
- an assessment of road and pedestrian safety adjacent to the proposed development and the details of required road safety measures;
- service vehicle access, delivery and loading arrangements and estimated service vehicle movements (including vehicle type and the likely arrival and departure times);
- in relation to construction traffic:
  - assessment of cumulative impacts associated with other construction activities (if any);
  - an assessment of road safety at key intersection and locations subject to heavy vehicle construction traffic movements and high pedestrian activity;
  - details of construction program detailing the anticipated construction duration and highlighting significant and milestone stages and events during the construction process;
  - details of anticipated peak hour and daily construction vehicle movements to and from the site;
  - details of access arrangements of construction vehicles, construction workers to and from the site, emergency vehicles and service vehicle;
  - details of temporary cycling and pedestrian access during construction;

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- details of proposed construction vehicle access arrangements at all stages of construction; and
- traffic and transport impacts during construction, including cumulative impacts associated with other construction activities, and how these impacts will be mitigated for any associated traffic, pedestrian, cyclists, parking and public transport, including the preparation of a draft Construction Traffic Management Plan to demonstrate the proposed management of the impact.

→ Relevant Policies and Guidelines:

- *Guide to Traffic Generating Developments (Roads and Maritime Services)*
- *EIS Guidelines – Road and Related Facilities (DoPI)*
- *Cycling Aspects of Austroads Guides*
- *NSW Planning Guidelines for Walking and Cycling*
- *Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development*
- *Standards Australia AS2890.3 (Bicycle Parking Facilities)*

#### 6. Ecologically Sustainable Development (ESD)

- Detail how ESD principles (as defined in clause 7(4) of Schedule 2 of the Environmental Planning and Assessment Regulation 2000) will be incorporated in the design and ongoing operation phases of the development.
- Demonstrate that the development has been assessed against a suitably accredited rating scheme to meet industry best practice.
- Include a description of the measures that would be implemented to minimise consumption of resources, water (including water sensitive urban design) and energy.

#### 7. Social Impacts

Include an assessment of the social consequences of the schools' relative location.

#### 8. Biodiversity

Biodiversity impacts related to the proposed development are to be assessed and documented in accordance with the Framework for Biodiversity Assessment, unless where otherwise agreed by the OEH, by a person accredited in accordance with s142B(1)(c) of the *Threatened Species Conservation Act 1995*.

#### 9. Heritage

Include a Heritage Impact Statement that addresses the significance of, and provides an assessment of the impact on the heritage significance of any heritage items on the site and in the vicinity, and/or conservation areas and/or potentially archaeologically significant areas, in accordance with the guidelines in the NSW Heritage Manual.

#### 10. Aboriginal Heritage

Address Aboriginal Cultural Heritage in accordance with the *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011)* and *Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW)*.

#### 11. Noise and Vibration

Identify and provide a quantitative assessment of the main noise and vibration generating sources during construction and operation, including consideration of any public address system, school bell and use of any school hall for concerts etc. (both during and outside school hours), and outline measures to minimise and mitigate the potential noise impacts on surrounding occupiers of land.

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- Relevant Policies and Guidelines:
- *NSW Industrial Noise Policy (EPA)*
  - *Interim Construction Noise Guideline (DECC)*
  - *Assessing Vibration: A Technical Guideline 2006*
  - *Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008)*

**12. Sediment, Erosion and Dust Controls**

Detail measures and procedures to minimise and manage the generation and off-site transmission of sediment, dust and fine particles.

- Relevant Policies and Guidelines:
- *Managing Urban Stormwater – Soils & Construction Volume 1 2004 (Landcom)*
  - *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA)*
  - *Guidelines for development adjoining land and water managed by DECCW (OEHL, 2013)*

**13. Contamination**

Assess and quantify any soil and groundwater contamination and demonstrate that the site is suitable for the proposed use in accordance with SEPP 55.

- Relevant Policies and Guidelines:
- *Managing Land Contamination: Planning Guidelines - SEPP 55 Remediation of Land (DUAP)*

**14. Utilities**

- Prepare an Infrastructure Management Plan in consultation with relevant agencies, detailing information on the existing capacity and any augmentation requirements of the development for the provision of utilities including staging of infrastructure.
- Prepare an Integrated Water Management Plan detailing any proposed alternative water supplies, proposed end uses of potable and non-potable water, and water sensitive urban design.

**15. Contributions**

Address Council's Section 94A Contribution Plan and/or details of any Voluntary Planning Agreement, which may be required to be amended because of the proposed development.

**16. Drainage**

Detail drainage associated with the proposal, including stormwater and drainage infrastructure.

- Relevant Policies and Guidelines:
- *Guidelines for development adjoining land and water managed by DECCW (OEHL, 2013)*

**17. Flooding**

Assess any flood risk on site (detailing the most recent flood studies for the project area) and consideration of any relevant provisions of the NSW Floodplain Development Manual (2005), including the potential effects of climate change, sea level rise and an increase in rainfall intensity.

**18. Waste**

Identify, quantify and classify the likely waste streams to be generated during construction and operation and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. Identify appropriate servicing arrangements (including but not limited to, waste management, loading zones, mechanical plant) for the site.



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	<p><b>19. Construction Hours</b> Identify proposed construction hours and provide details of the instances where it is expected that works will be required to be carried out outside the standard construction hours.</p> <p><b>20. Bushfire</b> Address bushfire hazard and if required, prepare a report that addresses the requirements for Special Fire Protection Purpose Development as detailed in Planning for Bush Fire Protection 2006 guidelines.</p>
<b>Plans and Documents</b>	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i>. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include the following:</p> <ul style="list-style-type: none"> <li>• Architectural drawings (dimensioned and including RLs);</li> <li>• Site Survey Plan, showing existing levels, location and height of existing and adjacent structures / buildings and boundaries;</li> <li>• Site Analysis Plan;</li> <li>• Stormwater Concept Plan;</li> <li>• Sediment and Erosion Control Plan;</li> <li>• Shadow Diagrams;</li> <li>• View Analysis / Photomontages;</li> <li>• Landscape Plan (identifying any trees to be removed and trees to be retained or transplanted);</li> <li>• Preliminary Construction Management Plan, inclusive of a Preliminary Construction Traffic Management Plan detailing vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures;</li> <li>• Geotechnical and Structural Report;</li> <li>• Accessibility Report;</li> <li>• Arborist Report;</li> <li>• Salinity Investigation Report (if required);</li> <li>• Acid Sulphate Soils Management Plan (if required); and</li> <li>• Schedule of materials and finishes.</li> </ul>
<b>Consultation</b>	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular, you must consult with:</p> <ul style="list-style-type: none"> <li>• Hawkesbury City Council;</li> <li>• Transport for NSW; and</li> <li>• Roads and Maritime Services.</li> </ul> <p>Consultation with TfNSW and RMS should commence as soon as practicable to agree the scope of investigation.</p> <p>The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
<b>Further consultation after 2 years</b>	<p>If you do not lodge a development application and EIS for the development within two years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.</p>
<b>References</b>	<p>The assessment of the key issues listed above must consider relevant guidelines, policies, and plans as identified.</p>

oooO END OF REPORT Oooo

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**SUPPORT SERVICES**

**Item: 050**                      **SS - December 2017 Quarterly Budget Review Statement - (95496, 96332)**

**Previous Item:**            100, Extraordinary (13 June 2017)

**Directorate:**               Support Service

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**PURPOSE OF THE REPORT:**

The purpose of this report is to inform Council of the current and projected financial performance and financial position and to seek adoption of proposed changes required to the Budget within the 2017/2018 Adopted Operational Plan.

**EXECUTIVE SUMMARY:**

In accordance with legislation, within two months of the end of each quarter, Council is required to review its progress in achieving the financial objectives set out in its Operational Plan. This report and the relevant attachment provide information on Council's financial performance and financial position for the second quarter of the 2017/2018 financial year, and the resulting financial position including the Budget variations proposed.

The Quarterly Budget Review Statement - December 2017 recommends a number of variations that result in an overall balanced budgeted position being maintained. Whilst the variations have a negative impact on the Operating Performance Ratio, Council remains in a satisfactory short term financial position.

**RECOMMENDATION SUMMARY:**

That Council receive the information contained in this report and that the Budget adjustments, as summarised in the report and detailed in Attachment 1 to the report, are adopted.

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**REPORT:**

**Context and Background**

Clause 203 of the Local Government (General) Regulation 2005 stipulates that the Responsible Accounting Officer of a council must prepare and submit to the Council a Budget Review Statement within two months after the end of each quarter (except the June quarter).

The December 2017 Quarterly Budget Review Statement has been prepared in accordance with the Division of Local Government Circular 10/32 dated 10 December 2010 and is attached as Attachment 1 to this report.

The Quarterly Budget Review Statement recommends budgetary adjustments that result in a balanced overall budget position being maintained. Whilst the adjustments have a negative impact on the Operating Performance Ratio, in the opinion of the Responsible Accounting Officer, Council remains in a satisfactory short term financial position.

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**Detailed History, including previous Council decisions**

Council adopted its Operational Plan for 2017/2018 on 13 June 2017. Subsequently, on 29 August 2017, Council adopted budgets to be carried forward from 2016/2017 to the 2017/2018 financial year. Accordingly, the amounts carried forward were added to the Budget included within the Adopted 2017/2018 Operational Plan. Further adjustments to the adopted Budget were adopted by Council on 28 November 2017 as part of the September 2017 Quarterly Budget Review Statement.

**Policy considerations**

There are no policy considerations applicable to the matter discussed in this report. However, Clause 203 of the Local Government (General) Regulation 2005 requires a revised estimate of income and expenditure for the year to be prepared by reference to the estimate of income and expenditure set out in the Operational Plan for the year.

**Consultation**

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

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

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

Our Leadership

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

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

1.3.2 Meet the needs of the community now and into the future by managing Council's assets with a long-term focus.

**Discussion**

Financial Position

The Quarterly Budget Review Statement (QBRs) recommends budgetary adjustments that result in a balanced overall budget position being maintained. Whilst the adjustments have a negative impact on the Operating Performance Ratio, Council remains in a satisfactory short term financial position.

The attachment to this report includes an executive summary of Council's financial performance as at the end of the second quarter of 2017/2018, and provides further details within financial reports provided.

The attachment also details all the major budget variations proposed in this QBRs. The majority of the proposed variations are minor or not operationally significant in nature. Variations that are considered more significant and that require Council's attention are listed below.

The more significant items of the December 2017 QBRs include:

- ***Reinstatement of NSW Rural Fire Service Bush Fire Fighting Fund – Favourable Variance \$162K***

As a consequence of the deferment of the implementation of the Fire and Emergency Services Levy, advice has been received that the NSW Rural Fire Service Bush Fire Fighting Fund has been reinstated. In line with this advice, a favourable adjustment of \$162K has been incorporated in this QBRs.

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- ***Insurance Claim for Storm Damage Oasis Aquatic and Leisure Centre – Favourable Variance \$119K***

A storm event in March 2017 caused electrical damage at the Oasis Aquatic and Leisure Centre. Expenditure associated with the repairs were incurred in, and accounted for within the 2016/2017 financial year. Council's associated insurance claim, in the amount of \$119K has been accepted and will be accounted for in the current financial year. Insurance claims are not budgeted due to uncertainty of the outcome of the claim. Accordingly the receipt of the compensation results in a favourable variation to the adopted budget.

- ***Unbudgeted Sale of Plant – Favourable Variance \$47K***

Included in this QBRs is a favourable adjustment of \$47K for the sale of a public works vehicle, which was replaced in the 2016/2017 financial year. The sale of this plant occurred later than projected.

- ***Administration Fee for Management of Lower Portland Ferry – Favourable Variance \$31K***

Council manages the Lower Portland Ferry on behalf of the Hawkesbury and The Hills Councils. To recover the costs associated with this activity, Council recovers 50% of the costs of operating the Ferry and charges a 10% administration fee. The income from the administration fee was omitted from the Original Budget. The budgeted cost recovery needs to be increased to include the administration fee, resulting in a favourable variance of \$31K.

- ***Development Services Income – Net Unfavourable Variance \$187K***

At the time of developing the 2017/2018 Budget, assumptions were made in relation to the number of subdivisions and development applications resulting from the Redbank development. The timing of the development has been delayed, awaiting upgrades in Sydney Water infrastructure. The upgrade works have now commenced and are scheduled to be completed in April 2018. A net unfavourable variance of \$187K has been incorporated in this QBRs, based on the new projected timing of subdivisions and development applications. Should further delays occur, additional variances may be required.

- ***Extension of Glossodia Rural Fire Brigade Shed – Unfavourable Variance \$45K***

As a result of additional requirements to ensure compliance with the associated development application for the extension of the Glossodia Rural Fire Brigade Shed, a further \$45K than budgeted was expended. An unfavourable variance to cover the additional expenditure is proposed as part of this QBRs. The Hawkesbury Rural Fire Service is currently considering alternative means of funding and if received, will be included in future QBRs.

- ***Western City Deal Contribution – Unfavourable Variance \$30K***

Council is participating in the Western City Deal, which is a collaborative partnership between the three levels of government to realise the potential of Sydney's outer west. Each council participating, being Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith, the Blue Mountains and Wollondilly, have been asked to contribute towards the costs of this collaboration. The total contribution is unknown at this stage. An estimated amount is proposed to be budgeted, resulting in an unfavourable variance of \$30K.

- ***Rural Fire Service Allocation – Net Unfavourable Variance \$25K***

In line with advice from the NSW Rural Fire Service regarding the State Government approved budget for 2017/2018, an unfavourable variance of \$25K has been incorporated in this QBRs.

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- ***Sustainable Energy Strategy – Unfavourable Variance \$12K***

In accordance with the Council Resolution of 12 December 2017, an unfavourable variance of \$12K has been included in this QBRS to fund the preparation of a Sustainable Energy Strategy.

- ***Grants – Additional works and programs totalling \$205K***

A number of adjustments relating to grant funding successfully secured by Council, are included in this QBRS. These adjustments have a nil effect on the Budget position, as amounts included for income have a corresponding amount for expenditure. The securing of grant funding assists Council to undertake works otherwise not funded through Council's available funds.

The major adjustments relating to grant funding are outlined below:

- *2017/2018 Active Transport Program - Walking Communities* – Council has been successful in obtaining a \$128K grant for the development of detailed designs of kerb ramps at the following intersections:
  - Macquarie and Day Streets, Windsor
  - Lennox and East Market Streets, Richmond
  - March and East Market Streets, Richmond
- *New Play Equipment at Bligh Park Neighbourhood Centre Precinct* – Council has received additional funding of \$50K from the Social Housing Community Infrastructure Fund to install new play equipment at the Bligh Park Neighbourhood Centre Precinct.
- *Contributions towards Australia Day Celebrations* – Council received contributions from Windsor RSL Club Limited, Richmond Club Limited and The Hawkesbury Race Club totalling \$27K to sponsor the Australia Day celebrations. An in kind contribution by the Crowne Plaza to cover the full cost of the fireworks was received.

- ***Reserve Funded Adjustments***

The following adjustments are within internally or externally restricted funds, and consequently have nil impact on Council's overall position:

- *Section 64A Plan Reserve* – In line with contributions received for Section 64 Sewer (\$70K) and Section 64 Drainage (\$158K), adjustments have been incorporated in this QBRS.
- *Section 94 Plan Reserve* – Council has received \$941K more than projected for Section 94 Plan developer contributions, therefore requiring adjustment.
- *Section 94A Plan Reserve* – An additional \$148K of Section 94 Plan contributions have been received as at the end of the reporting period. Subsequently an adjustment of this amount is included.
- *Waste Management Facility* – Included in this QBRS, are unfavourable variances of \$76K for a shade sail and disposal costs related to the Community Recycling Centre; plant hire usage greater than projected of \$70K and Commercial Waste income less than projected of \$44K.
- *Sewerage Reserves* – Unfavourable variances are included in this QBRS for use of agency staff (\$64K), and disposal costs related to the upgrade of Pump Station C. A favourable variance of \$64K due to savings arising from a review of operational processes is also included. Adjustments were made to capital works due to reactive breakages (\$20K).

The Quarterly Budget Review Statement includes a number of minor adjustments and reallocation of funds that have not been detailed above. Further details can be found in the attachment to this report.



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Performance against Financial Sustainability Benchmarks

The table below provides an update of Council's performance against the Financial Sustainability Benchmarks, as determined as part of the Fit for the Future Framework.

**Table 1**

Financial Sustainability Ratio	Benchmark	Original Budget 17/18	Amended Budget 17/18	Amended Budget 17/18 After December QBRS
Operating Performance	>= 0	-0.069	-0.133	-0.137
Own Source Revenue	> 60%	85.2%	83.6%	81.44%
Asset Renewal	> 100%	72.4%	103.3%	101.92%
Infrastructure Backlog	< 2%	2.50%	2.46%	2.46%
Asset Maintenance	> 100%	97.8%	104.2%	104.7%
Debt Service	0%-20%	1.1%	1.2%	1.2%
Real Operating Expenditure per Capita	Decrease	Decrease	Decrease	Decrease

As shown in table above, the proposed amendments included in the December QBRS will result in changes to the projected Financial Sustainability Ratios. Overall, the number of the seven benchmarks achieved has been maintained at 5, and the Operating Performance Ratio has deteriorated slightly. The main strategy that will improve the Operating Performance Ratio is the proposed Special Rate Variation, which, if pursued and implemented, will commence in 2018/ 2019.

An outline of the impacts on each ratio is provided below:

- a. The Operating Performance Ratio deteriorates by \$0.3M due to reductions in income and increases in expenditure, as outlined earlier in this report.
- b. The Own Source Revenue reduces as a result of unbudgeted non-cash dedications and grant.
- c. The Asset Renewal Ratio deteriorates due to reprioritisation of works, but remains above the benchmark.
- d. The Infrastructure Backlog remains stable, but needs improvement.
- e. The Asset Maintenance Ratio remains stable and meets the benchmark.
- f. The Debt Service Ratio remains stable and meets the benchmark.
- g. The Real Operating Expenditure per Capita deteriorates as a result of increases in expenditure, as outlined earlier in this report; but continues to meet the benchmark.

**Financial Implications**

The matters in this report have direct financial implications. If adopted, the budget adjustments proposed will be added to the 2017/2018 Adopted Operational Plan.

**Fit For The Future Strategy Considerations**

The subject of this report does not directly align with a specific Fit For The Future (FFTF) Strategy, but does impact on the overall FFTF objectives, being to attain financial sustainability and meet all FFTF benchmarks by 2020/2021.

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**Conclusion**

The Quarterly Budget Review Statement recommends budget adjustments that result in an overall balanced adjustment for the quarter. Variations proposed are necessary to ensure appropriate budget allocations are available to deliver Council's Adopted Operational Plan.

**RECOMMENDATION:**

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – December 2017 be adopted.

**ATTACHMENTS:**

**AT - 1** The Quarterly Budget Review Statement – December 2017 - *(Distributed under separate cover)*

**oooO END OF REPORT Oooo**

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**Item: 051**                      **SS - Monthly Investments Report - January 2018 - (95496, 96332)**

**Previous Item:**            97, Ordinary (30 May 2018)

**Directorate:**              Support Services

**PURPOSE OF THE REPORT:**

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

**EXECUTIVE SUMMARY:**

This report indicates that Council held \$50.5 million in investments at 31 January 2018 and outlines that all investments were made in accordance with the Act, the Regulation and Council's Investment Policy.

**RECOMMENDATION SUMMARY:**

It is recommended that the Monthly Investments Report for January 2018 be received and noted.

**REPORT:**

**Context and Background**

The following table indicates that Council held \$50.5 million in investments as at 31 January 2018. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
<b>On Call</b>								
CBA	A1+	AA-			1.25%	1,000,000	1.98%	
Tcorp*					2.14%	3,036,679	6.01%	
<b>Total On-call Investments</b>								<b>4,036,679</b>
<b>Term Investments</b>								
Bankwest	A1+	AA-	22-Nov-17	19-Sep-18	2.55%	1,000,000	1.98%	
Bankwest	A1+	AA-	22-Nov-17	21-Nov-18	2.55%	1,500,000	2.97%	
CBA	A1+	AA-	02-Mar-17	02-Mar-18	2.65%	1,000,000	1.98%	
CBA	A1+	AA-	17-Mar-17	14-Mar-18	2.71%	1,500,000	2.97%	
CBA	A1+	AA-	27-Apr-17	27-Apr-18	2.63%	1,500,000	2.97%	
CBA	A1+	AA-	28-Jun-17	09-May-18	2.60%	1,500,000	2.97%	
CBA	A1+	AA-	03-Aug-17	18-Jul-18	2.54%	2,000,000	3.96%	
CBA	A1+	AA-	13-Dec-17	13-Dec-18	2.57%	3,000,000	5.94%	
CBA	A1+	AA-	21-Dec-17	21-Dec-18	2.61%	1,000,000	1.98%	
CBA	A1+	AA-	12-Jan-18	16-Jan-19	2.63%	1,500,000	2.97%	
CBA	A1+	AA-	31-Jan-18	31-Jan-19	2.65%	2,500,000	4.95%	
CBA	A1+	AA-	24-Aug-17	23-Aug-19	2.72%	3,000,000	5.94%	

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Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
NAB	A1+	AA-	08-Feb-17	07-Feb-18	2.60%	2,000,000	3.96%	
NAB	A1+	AA-	08-Nov-17	07-Feb-18	2.45%	500,000	0.99%	
NAB	A1+	AA-	22-Nov-17	18-Apr-18	2.45%	500,000	0.99%	
NAB	A1+	AA-	13-Dec-17	16-May-18	2.45%	2,000,000	3.96%	
NAB	A1+	AA-	16-Aug-17	16-Aug-18	2.52%	1,500,000	2.97%	
St George	A1+	AA-	22-Feb-17	22-Feb-18	2.61%	1,000,000	1.98%	
Westpac	A1+	AA-	30-Mar-17	04-Apr-18	2.70%	500,000	0.99%	
Westpac	A1+	AA-	30-Mar-17	04-Apr-18	2.70%	1,000,000	1.98%	
Westpac	A1+	AA-	14-Apr-17	18-Apr-18	2.70%	1,000,000	1.98%	
Westpac	A1+	AA-	31-Oct-17	02-May-18	2.50%	1,000,000	1.98%	
Westpac	A1+	AA-	31-May-17	31-May-18	2.65%	1,000,000	1.98%	
Westpac	A1+	AA-	14-Jun-17	14-Jun-18	2.65%	2,000,000	3.96%	
Westpac	A1+	AA-	28-Jun-17	28-Jun-18	2.65%	2,000,000	3.96%	
Westpac	A1+	AA-	05-Jul-17	05-Jul-18	2.65%	2,500,000	4.95%	
Westpac	A1+	AA-	03-Aug-17	03-Aug-18	2.60%	800,000	1.58%	
Westpac	A1+	AA-	03-Aug-17	03-Aug-18	2.60%	1,000,000	1.98%	
Westpac	A1+	AA-	03-Aug-17	03-Aug-18	2.60%	1,000,000	1.98%	
Westpac	A1+	AA-	16-Aug-17	16-Aug-18	2.65%	500,000	0.99%	
Westpac	A1+	AA-	24-Aug-17	24-Aug-18	2.70%	400,000	0.79%	
Westpac	A1+	AA-	24-Aug-17	24-Aug-18	2.70%	800,000	1.58%	
Westpac	A1+	AA-	09-Oct-17	09-Oct-18	2.70%	2,000,000	3.96%	
Westpac	A1+	AA-	08-Nov-17	08-Nov-18	2.60%	500,000	0.99%	
<b>Total Term Investments</b>								<b>46,500,000</b>
<b>TOTAL INVESTMENT AS AT 31 January 2018</b>								<b>50,536,679</b>

\*Tcorp is wholly owned by the NSW State Government

**Performance by Type**

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	3,036,679	1.92%	Reserve Bank Cash Reference Rate	1.50%	0.42%
Term Deposit	46,500,000	2.62%	UBS 90 Day Bank Bill Rate	1.78%	0.84%
<b>Total</b>	<b>50,536,679</b>	<b>2.56%</b>			

**Restricted/Unrestricted Funds**

Restriction Type	Amount \$
External Restrictions -S94	10,762,686
External Restrictions - Other	4,493,172
Internal Restrictions	18,954,703
Unrestricted	16,326,118
<b>Total</b>	<b>50,536,679</b>

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

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

Funds subject to an internal restriction refer to funds kept aside for specific purposes, or to meet future known expenses. This allows for significant expenditures to be met in the applicable year without having a significant impact on that year. Internally restricted funds include funds relating to Tip Remediation, Workers Compensation, and Elections.

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

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

#### **Policy considerations**

According to Clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether or not investments have been made in accordance with the Act, the Regulation and the Council's Investment Policy.

#### ***Investment Certification***

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

#### **Consultation**

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

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

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

#### Our Leadership

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

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

1.3.2 Meet the needs of the community now and into the future by managing Council's assets with a long-term focus.

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**Discussion**

During the reporting period, the investment portfolio decreased by \$1.09 million reflecting funds received, payments made, and redemption of invested funds and lodging of new term deposits, which is driven by cash flow requirements.

The investment portfolio currently involves a number of term deposits and on-call accounts. Council's current investment portfolio is not subject to share market volatility.

As at 31 January 2018, Council's investment portfolio is all invested with major Australian trading banks or wholly owned subsidiaries of major Australian trading banks and in line with Council's Investment Policy.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Independent advice is sought on new investment opportunities, and Council's investment portfolio is independently reviewed by Council's investment advisor each calendar quarter.

**Financial Implications**

The matters raised in this report have direct financial implications. The income applicable is provided for in the 2017/2018 Adopted Operational Plan.

**Fit For The Future Strategy Considerations**

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

**Conclusion**

Council has investments totalling \$50.5M as at 31 January 2018, invested in accordance with Council's Investment Policy.

**RECOMMENDATION:**

That the Monthly Investments Report for January 2018 be received and noted.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**Item: 052**                      **SS - Community Sponsorship Program - 2017/2018 - Round 2 - (96596, 96328)**

**Previous Item:**            131, Ordinary (25 July 2017)  
                                 262, Ordinary (29 November 2016)

**Directorate:**              Support Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to advise Council of applications for financial assistance to be determined under Round 2 of the Community Sponsorship Program for 2017/2018.

**EXECUTIVE SUMMARY:**

The report lists the 16 applications received under Round 2 of the 2017/2018 Community Sponsorship Program, the outcome of their assessment under the relevant guidelines, and the proposed level of financial assistance for the applications. The report also provides a brief description of how the Program was established and highlights a number of matters which are impacting on the financial sustainability and objectives of the Program.

The report notes that the total level of financial assistance sought under Round 2 of the 2017/2018 Community Sponsorship Program exceeds the balance of budgeted funds available under the Program by \$10,562. The report canvases options for addressing this shortfall as well as measures which may be required over the longer term to sustain the viability of the Program.

**RECOMMENDATION SUMMARY:**

The report recommends that Council approve the payment of financial assistance to organisations and individuals who have applied under Round 2 of the 2017/2018 Community Sponsorship and that Council give consideration to approving a budget variation in the March 2018 Quarterly Budget Review to cover the shortfall in budgeted funds that will be required to provide the level of financial assistance requested by applicants.

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**REPORT:**

**Context and Background**

The Community Sponsorship Program provides the opportunity for community groups and individuals to seek financial assistance from Council under five categories of assistance:

- Minor Assistance (up to \$500)
- Seeding Grants (for community based programs - up to \$3,000)
- Access to Community Facilities (50% subsidy for hire of community facilities to a maximum of \$500)
- Improvements to Council Facility (reimbursement of Development Application fees for renovations or additions to Council owned buildings or facilities to a maximum of \$800).
- Accessibility Improvements – up to \$3,000)

**Detailed History, including previous Council decisions**

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The current Community Sponsorship Program commenced in 2007/2008 following a review of the previous Community and Cultural Grants and Donations Program (CCGDP). A part of this review, a Discussion Paper was prepared which evaluated the administrative integrity, equity, and financial sustainability of the CCGDP.

The Discussion Paper noted that the stated purpose of the CCGDP was to provide non-recurrent grants and donations to local community groups (with no access to state or federal funding) for new programs, activities or events. Over time, the CCGDP had evolved into a fixed program of financial assistance which supported the annual operations of the same pool of community groups. This pattern of distribution progressively reduced the pool of funds which could be made available to other organisations and for other purposes. In practice, there was little opportunity within the CCGDP for Council to financially support new community groups or to respond to emerging community needs.

The Discussion Paper identified 15 broad principles which were proposed to be adopted and incorporated in a revised grant program. The Discussion Paper was placed on public exhibition and distributed to past and current recipients of donations under the CCGDP for comment. The results of the public exhibition indicated that respondents were supportive of the intent of the 15 principles which identified the need to:

- consolidate financial assistance programs and establish common administrative requirements including guidelines for different categories of financial assistance
- move away from the provision of annual operating subsidies towards the funding of specific projects consistent with the community priorities identified in Council plans
- give priority to local community groups with limited access to other sources of funding and provide all eligible organisations with the same opportunity to apply for financial assistance
- discourage open-ended and long term funding commitments to promote the long-term sustainability of projects with an expectation that applicants should demonstrate some capacity to secure other sources of revenue or sponsorship over time

On 13 March 2007, Council adopted a Community Sponsorship Policy based on the outcomes of the review of CCGDP, guidelines issued by the Independent Commission Against Corruption for public sector sponsorship, and the provisions of Section 356 of the *NSW Local Government Act 1993*. Criteria and administrative arrangements for the Community Sponsorship Program (CSP) were subsequently developed with implementation commencing in 2007/2008.

Since the adoption of the Community Sponsorship Policy and guidelines, Council has made two resolutions to facilitate the provision of ongoing financial assistance to organisations which would ordinarily have been precluded under Council's adopted Community Sponsorship framework (the framework does provide Council with this policy discretion).

In April 2008, Council resolved to enter into a long-term sponsorship agreement to fund the annual staging of the Hawkesbury Eisteddfod as a 'flagship cultural event'. In October 2016 Council also resolved to enter into a long-term sponsorship agreement to cover the rental costs for the Womens Cottage as a 'special' category of financial assistance under the Community Sponsorship Program. These resolutions effectively quarantined a portion of the annual budget allocation for Community Sponsorship Program to fund these agreements.

Accordingly, \$44,717 of Council's 2017/2018 total budget allocation of \$71,866 for the Community Sponsorship Program has been set aside to meet the Eisteddfod and Womens Cottage commitments. As outlined below the quarantining of these funds has impacted on Council's capacity to provide financial assistance for other projects with most of the available funding allocated in July 2017 under Round 1 of the Program



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**Community Sponsorship Program (2017/2018)**

Summary of payments year-to-date:

Total Budget for Financial Year 2017/2018	\$71,866
Allocation for Hawkesbury Eisteddfod	\$22,318
Allocation for The Women's Cottage	\$22,399
<u>Approved by Council under Round 1 (25 July 2017)</u>	\$24,137
Balance remaining	\$3,012

In accordance with Council's Community Sponsorship Policy, applications for community sponsorship under Round 2 of the Community Sponsorship Program 2017/2018 were called for and 16 applications were received.

In total 16 applications have been presented for Council's consideration under Round 2 of the 2017/2018 Community Sponsorship Program. Table 1 summarises the applications received and the proposed level of financial assistance. A more comprehensive analysis of each application against the Community Sponsorship Program criteria is provided in Attachment 1.

Applicant	Type <sup>(1)</sup>	Proposal	Recom. Amount \$
1. Colo Shire Family History Group Inc	SG	Publication of book on Belmont and Philip Charley	3,000
2. Alyssa Thomson	MA	Representative Futsal	150
3. Hawkesbury Division – Legacy NSW	CF	Hire of Hawkesbury Leisure & Learning Centre	500
4. The Hawkesbury Creative Arts Centre Inc	MA	"Young Artist in the Making" Exhibition	500
5. Meeri Lee	MA	Representative Equestrianism	150
6. Richmond Girl Guides	MA	Minor upgrade of clubhouse facilities	500
7. Vaughn Murray	MA	Representative Junior Rugby Union	150
8. Hawkesbury City Junior Rugby League Club	MA	Team tour of Fiji	750
9. Windsor Public School	AC	Hire of Windsor Function Centre	412
10. Noah Tamayo	MA	Representative Cricket	150
11. Rachele Griffin	MA	Representative Powerlifting	150
12. Greenhills Child Care Centre	ICF	Air-conditioning unit	3,000
13. Richmond High School P&C Association	SG	Breakfast Club	600
14. Kurmond Public School	AC	Hire of Windsor Function Centre	412
15. Sandy Freeman	MA	Representative Open Water Swimming	150
16. Pitt Town ANZAC Day Planning Committee	SG	ANZAC Day ceremony	3,000
		<b>TOTAL</b>	<b>13,574</b>

(1) MA = Minor Assistance SG = Seeding Grant CF = Access to Community Facilities  
 ICF = Improvements to Council owned Community Facilities AI = Accessibility Improvements

Applications Recommended for Funding which may not satisfy assessment criteria

*Application 16: Pitt Town ANZAC Day Planning Committee* – amount requested \$3,000. Applicant is seeking funding to coordinate an ANZAC day commemorative ceremony. Under the Community Sponsorship Criteria, an organisation applying for funding for a public activity is required to provide details of their public liability insurance and their most recent audited financial statements. The Pitt Town ANZAC Day Planning Committee have been unable to comply with these requirements as they are a newly formed organisation that has yet to formally incorporate as an Association and do not have audited financial statements or public liability insurance cover. It should be noted that one of the purposes of the requested financial assistance is to secure public liability insurance. For these timing reasons, staff have recommended this application for funding.

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Balance of Funds Available for Community Sponsorship.

In total the financial assistance sought by the 16 applications received under Round 2 of the 2017/2018 Community Sponsorship Program amounts to \$13,574. There are \$3,012 remaining in the Community Sponsorship Program for this financial year - a shortfall of \$10,562 should Council determine to fund the applications in total.

The options that Council could consider in determining the applications received under Round 2 of the 2017/2018 Community Sponsorship Program include:

- a. determining applications on the basis of the date they were received – under this option the remaining funds within the 2017/2018 Community Sponsorship Program would be allocated to Applicant 1 – the Colo Shire Family History Group Inc. The remaining 15 applicants would be advised that their applications were not successful as funding under the Community Sponsorship Program has been fully allocated for this financial year
- b. the funding of one of more applications (as determined by Council) to the amount of \$3,012 with the remaining applicants advised that their applications will be carried forward to be determined under Round 1 of the 2018/2019 Community Sponsorship Program. This option may be problematic for applicants due to the delay in the receipt of the requested financial assistance (Round 1 applications for 2018/2019 are to be reported to Council on 31 July 2018)
- c. Council approve the Round 2 applications in total with the shortfall of \$10,562 to be covered through a budget variation in the March 2018 Quarterly Budget Review. Ordinarily this option is not ideal. However given the circumstances outlined above which has impacted on the funds available under Round 2 and the reasonable expectations of applicants that in meeting the relevant criteria that financial assistance would be approved by Council, this option is recommended for consideration by Council.

Meeting future commitments under the Community Sponsorship Program

The quarantining of a substantial proportion of the annual Community Sponsorship Program budget allocations to meet long-term sponsorship agreements has reduced the balance of funds available for distribution to other applicants for Section 356 financial assistance.

To redress this issue, should Council's application for a Special Rate Variation be approved by the Independent Pricing and Regulatory Tribunal, the allocation of additional funds for this Program has been proposed. The proposed modest increase in funding (\$15,000 in 2018/2019, \$20,000 in 2019/2020 and \$30,000 from 2020/2021 onwards) would be consistent with the priorities identified by residents during Council's Fit for the Future community engagement - in particular Council's support for volunteerism within the community.

In the interim it is proposed that Council authorise staff to advise prospective applicants for financial assistance that no further funding is available under the 2017/2018 Community Sponsorship Program and that any further applications received for 2017/2018 will be carried forward for determination under Round 1 of the 2018/2019 program following the adoption of the 2018/2019 Operational Plan.

**Policy considerations**

The Council Policy relevant to Council's decision on this matter is the Community Sponsorship Policy (and the related sponsorship guidelines) which were adopted by Council on 13 March 2007. The recommendations within the report are consistent with the Policy and guidelines - apart from the administrative variation highlighted in the report with respect to one of the applicants, which, under the circumstances outlined, is not considered to be a material variation to the Policy and guidelines.

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### **Consultation**

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

### **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 Community

- 2.3 Community partnerships continue to evolve - Increase the range of local partnerships and plan for the future
  - 2.3.1 Encourage and facilitate community partnerships.
- 2.4 Community wellbeing and local services - Build on a sense of community and well being
  - 2.4.1 Work in partnership with government and community organisations to improve services and facilities for disadvantaged and vulnerable groups, and to build stronger and more cohesive communities.

### **Discussion**

The applications received under Round 2 of the 2017/2018 Community Sponsorship Program have been assessed against the sponsorship assessment criteria with all applications recommended for funding. The proposal to cover the shortfall in available funding under the Program, through a budget variation in the March 2018 Quarterly Budget Review, will enable Council to meet the reasonable expectations of applicants that financial assistance would be provided in accordance with the relevant criteria. The implications of the funding shortfall on the financial sustainability of the Program can be addressed through a modest increase in funding in future years through the revenue derived from the proposed special rate increase (if approved).

### **Financial Implications**

The matters raised in this report have direct financial implications. The full expenditure applicable is not provided for in the 2017/2018 Adopted Operational Plan and will need to be addressed as part of the next Quarterly Budget Review.

The sum of \$10,562 will need to be considered for appropriation by Council as part of the next Quarterly Budget Review.

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

The proposal is not currently aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal will require the allocation of additional financial and staffing resources which are currently not budgeted for in the Long-Term Financial Plan.

### **Conclusion**

In assessing the 16 applications received under Round 2 of the 2017/2018 Community Sponsorship Program a number of matters have arisen which touch on the financial sustainability of the program. In the short term, it is proposed to address this through a quarterly budget variation to enable the applications to be determined by Council and, if approved, for financial assistance to be provided to the applicants. Over the longer term, provision for funding increase for the program will need to be considered as part of a program of service enhancements to be funded through the additional revenue generated by the proposed special rate increase (if approved).

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Approval of the applications received under Round 2 will enable Council to maintain its commitment to providing financial assistance to volunteer groups and community organisation for works and projects which benefit residents and deliver on the community priorities identified in Council's adopted Plans.

**RECOMMENDATION:**

That Council:

1. Approve payments of Section 356 Financial Assistance to the organisations and individuals listed, and at the level recommended in Table 1 of this report.
2. Approve the execution of Council's standard Sponsorship Agreement for the applications 1, 8, 12, 13 and 16 identified in Table 1 of this report.
3. Approve the allocation of an additional amount of \$10,562 for the 2017/2018 Community Sponsorship Program and for these funds to be covered through a budget variation in the March 2018 Quarterly Budget Review.
4. Authorise staff to advise applicants that any further applications under the Community Sponsorship Program for 2017/2018 will be carried forward for determination under Round 1 of the 2018/2019 Program following the adoption of the 2018/2019 Operational Plan.

**ATTACHMENTS:**

**AT - 1** Assessment of Applications under Round 2 Community Sponsorship Program 2017/2018

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**AT - 1 Assessment of Applications under Round 2 Community Sponsorship Program 2017/2018**

**Attachment 1** - Assessment of Applications under Round 2 Community Sponsorship Program 2017/2018

Applicant	Dated lodged	Sponsorship Type (1)	Description	Assessment Criteria								Amount requested (or previously approved for ES Sponsorship)	Amount recommended	Comments
				Local service	Not-for-profit	Not funded by State/Federal Agency	Co-contribution provided	Reflects agreed community priority	Meets sponsorship criteria	Financially sustainable	Documentation provided			
1. Colo Shire Family History Group Inc	17/7	SG	Publication of a book on the history of "Belmont" and Philip George Charley	✓	✓	✓	✓	✓	✓	✓	✓	3,000	3,000	Meets requirements of Seeding Grant category
2. Alyssa Thomson	27/7	MA	Representative Futsal – Futsal Oz Junior National Championships, Melbourne, Vic, January 2018	✓	✓	✓	✓	✓	✓	n/a	✓	150	150	Meets requirements of the Minor Assistance category
3. Hawkesbury Division – Legacy NSW	7/8	CF	Hire of Hawkesbury Leisure & Learning Centre for Legacy Week, 2017	✓	✓	✓	✓	✓	✓	n/a	✓	500	500	Meets requirements of the Access to Community Facilities category
4. The Hawkesbury Creative Arts Centre Inc	18/8	MA	"Young Artist in the Making" Exhibition	✓	✓	✓	✓	✓	✓	n/a	✓	500	500	Meets requirements of the Minor Assistance category
5. Meeri Lee	6/9	MA	Representative Equestrianism – Australian Interschod Equestrian Championships, Toowoomba, Qld, 25-30 Sept 2017	✓	✓	✓	✓	✓	✓	n/a	✓	150	150	Meets requirements of the Minor Assistance category
6. Richmond Girl Guides	20/9	MA	Upgrade of clubhouse facilities – new hot water system, sinks & taps, storage units	✓	✓	✓	✓	✓	✓	n/a	✓	500	500	Meets requirements of the Minor Assistance category
7. Vaughn Murray	4/10	MA	Representative Junior Rugby Union – NSW Junior Rugby Union State Championships, Narrabeen, NSW, July 2017	✓	✓	✓	✓	✓	✓	n/a	✓	150	150	Meets requirements of the Minor Assistance category
8. Hawkesbury City Junior Rugby League Club	13/10	MA	Hawkesbury City Junior Rugby League Under 14's Team tour of Fiji, 2018	✓	✓	✓	✓	✓	✓	n/a	✓	500	500	Meets requirements of the Minor Assistance category
9. Windsor Public School	30/10	CF	Annual Presentation Day at Windsor Function Centre – 12 December 2017	✓	✓	✓	✓	✓	✓	n/a	✓	412	412	Meets requirements of the Access to Community Facilities category
10. Noah Tamayo	1/11	MA	Representative Cricket – Hawkesbury Under 11 Creak Shield Team	✓	✓	✓	✓	✓	✓	n/a	✓	150	150	Meets requirements of the Minor Assistance category

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Applicant	Dated lodged	Sponsorship Type (1)	Description	Assessment Criteria								Amount requested (or previously approved for ES Sponsorship)	Amount recommended	Comments
				Local service	Not-for-profit	Not funded by State/Federal Agency	Co-contribution provided	Reflects agreed community priority	Meets sponsorship criteria	Financially sustainable	Documentation provided			
11. Rachele Griffin	2/11	MA	Representative Powerlifting – Oceania Championships, Singapore 7 - 10 December 2017	✓	✓	✓	✓	✓	✓	n/a	✓	150	150	Meets requirements of the Minor Assistance category
12. Greenhills Child Care Centre Inc	10/11	ICF	Purchase and installation of air-conditioner	✓	✓	✓	✓	✓	✓	✓	✓	3,000	3,000	Meets requirements of Seeding Grant category
13. Richmond High School Parents & Citizens Association	17/11	SG	Breakfast Club each Tuesday morning during school terms	✓	✓	✓	✓	✓	✓	✓	✓	600	600	Meets requirements of Seeding Grant category
14. Kurmond Public School	22/11	CF	Annual Presentation Day at Windsor Function Centre – 11 December 2017	✓	✓	✓	✓	✓	✓	n/a	✓	412	412	Meets requirements of the Access to Community Facilities category
15. Sandy Freeman	11/1	MA	Representative Open Water Swimming – Special Olympics National Games, Adelaide – 15-21 April 2018	✓	✓	✓	✓	✓	✓	n/a	✓	150	150	Meets requirements of the Minor Assistance category
16. Pitt Town ANZAC Day Planning Committee	16/1	SG	Regulatory and safety expenses associated with ANZAC Day ceremonies at Pitt Town	✓	✓	✓	✓	✓	✓	✓	✗	3,000	3,000	Documentation not provided as the organisation is in the process of being established..
(1) MA = Minor Assistance SG = Seeding Grant CF = Access to Community Facilities ICF = Improvements to Council owned Community Facilities AI = Accessibility Improvements												13,574	TOTAL	

oooO END OF REPORT Oooo

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**Item: 053**                      **SS - Outcome of Consultations with LGBTQI Community on the Promotion of Inclusion and the Recognition of Relationship Diversity - (95496, 96328)**

**Previous Item:**            72, Ordinary (28 February 2017)

**Directorate:**      Support Services

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**PURPOSE OF THE REPORT:**

This report has been prepared to advise Council of the feedback and recommendations received from Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTQI) community in response to a Notice of Motion in which Council resolved to investigate options for participating in the Sydney Gay and Lesbian Mardi Gras Festival or hosting an event in conjunction with the Festival to promote inclusion and acceptance of diversity.

**EXECUTIVE SUMMARY:**

This report has been prepared to advise Council of the outcomes of consultations with local groups representing the LGBTQI community regarding options for how Council could best promote inclusion through the recognition of the diversity of relationships that exist within the community. The report summarises the proposals that the LGBTQI community have suggested would promote inclusion and the acceptance of diversity and provides details of how these proposals can be best implemented based on advice received from, LGBTQI groups, organisations involved in LGBTQI advocacy, and service providers.

**RECOMMENDATION SUMMARY:**

The report recommends that Council support the proposals put forward by the LGBTQI community for implementation and that if necessary funding for these proposals be considered in conjunction with the development of Council's 2018/2019 financial estimates.

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**REPORT:**

**Context and Background**

At its Ordinary Meeting of 28 February 2017 Council resolved as follows:

*"That Council:*

- 1. Show its support for the LGBTQI community and reaffirm its support for marriage equality by flying the rainbow flag for the Mardi Gras period each year, beginning March 1 2017 and including the day of the annual Sydney Gay and Lesbian Mardi Gras Parade*
- 2. Investigates participating in the annual Sydney Gay and Lesbian Mardi Gras Festival with the aim of hosting one event each year as part of the Festival.*
- 3. Also fly the rainbow flag on 17 May 2017, which is the International Day Against Homophobia, Transphobia and Biphobia.*

Parts 1 and 3 of Council's resolution have been implemented. In order to provide Council with advice in relation to Part 2 of the resolution, Council staff consulted with local groups representing the LGBTQI

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community and have also liaised with training providers, peak bodies and signage companies to investigate options for responding to these recommendations.

Council staff met with two local LGBTQI groups - Hawkesbury Queer Collective, and BLUSH (Bi and Lesbian United Sisters in Hawkesbury) - to canvass their views on how Council could best show support for the LGBTQI community, how such support for the community should be delivered, and how Council might participate in the annual Sydney Gay and Lesbian Mardi Gras Festival.

The feedback received from each group is detailed below:-

#### **BLUSH** (Bi and Lesbian United Sisters in Hawkesbury),

- Place rainbow flag in publicly accessed spaces (e.g. outside Council building, foyer, on website)
- Council should provide training to staff on Lesbian, Gay, Bisexual, Transgender, Queer and Intersex awareness and inclusion
- Hawkesbury Gazette should promote support groups such as P-Flag
- Council should consider placing all-gender toilet signage on public toilets currently able to be accessed by both genders (i.e. accessible toilets). Council should also investigate if there's been any increased incidence of assaults to individuals where this signage is currently in place
- Council should review it's training and policies and where applicable, use gender-neutral language and rainbow family case studies
- Council should provide support for groups to operate such as men's groups or transgender support groups
- Great that Council wants to show public support for (Lesbian, Gay, Bisexual, Transgender, Queer and Intersex) community, but capacity should be developed in organisation to support this.

#### **Hawkesbury Queer Collective**

- Current training on mental health and suicide does not reflect Lesbian, Gay, Bisexual, Transgender, Queer and Intersex issues
- Council should install all-gender or gender-neutral toilet signage on public toilets currently able to be accessed by both genders (i.e. accessible toilets) and where new toilets are being built, create gender neutral toilet facilities
- More parent support is needed
- If training is being sourced can a queer person be involved?
- Council should investigate ally training to all staff
- If Council is coordinating/funding delivery of training to schools ensure it includes a Lesbian, Gay, Bisexual, Transgender, Queer and Intersex awareness and ally component
- Council should host an event for IDAHOBIT (International Day Against Homophobia, Biphobia and Transphobia)



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- The organisation should train staff to help them not to be inadvertently offensive or not inclusive when interacting with (Lesbian, Gay, Bisexual, Transgender, Queer and Intersex) community.

**Summary of Principal Recommendations from Hawkesbury LGBTQI Community**

Both the Hawkesbury Queer Collective and BLUSH, were invited to suggest how Council might best participate in the Mardi Gras Festival. Both groups suggested that their preference would be for Council to establish or support a local event in conjunction with IDAHOBIT Day (International Day Against Homophobia, Biphobia and Transphobia) to serve as a celebration of community diversity and a public declaration that Council stands as an ally with the LGBTQI community against discrimination.

Both groups viewed Council's public declarations of support for the LGBTQI community as positive but noted that this should not be a single strategy and that Council should invest in LGBTQI inclusion training for Councillors and staff to enable Council to 'lead by example'. Both groups indicated that investment in LGBTQI awareness training would be a critical pre-requisite for building Council's capacity to engage appropriately with the LGBTQI community and demonstrate Council's commitment to inclusion and the recognition of diversity.

Both groups also indicated that the signing unisex amenities as gender neutral would serve as an acknowledgement of community diversity and afford members of the LGTBQI equal access to appropriate public amenities.

Both groups also identified a need for Council to support LGBTQI awareness and inclusion activities.

The outcomes of staff investigations of how these principal recommendations could be enacted and supported by Council are outlined below for Council's consideration.

International Day Against Homophobia, Transphobia and Biphobia (IDAHOBIT) Day

During the course of the consultations and investigations undertaken in response to Council's resolution of 28 February 2017, the opportunity arose for Council to progress the intent of Council's recognition of IDAHOBIT Day through a partnership with local community groups. Council staff have worked with the community service sector to plan and hold an IDAHOBIT Day event on Thursday, 17 May at McMahon Park, Kurrajong to promote and demonstrate whole of community support for LGBTQI equality. The event is being held in conjunction with Hawkesbury Community Outreach Services, Ability Links and Hawkesbury Community Interagency and is primarily being funded by Ability Links. Council's role has been to participate on the planning group and to produce promotional material and to offer community transport to the event.

Gender-Neutral Toilet Signage

Currently there is no reference to all-gender or gender neutral toilet signage in the Building Code of Australia. Council staff consulted with companies that produce toilet signage as well as reviewed a study undertaken into this subject by Equal Access Australia (a national peak access consultancy that specialises in Universal Design). The key findings of the review suggested that:

- Governing bodies have a responsibility to provide equitable access to public sanitary facilities
- People who identify outside of a gender binary can be seen as discriminated against where only male, female, or unisex facilities are available.
- The provision of toilets where signage is non-gender specific supports a more-inclusive approach where designated public facilities can be used by any member of the community.

Discussions with two companies who produce gender inclusive toilet signs indicates that signage for gender-neutral accessible toilets should include both a tactile raised symbol and text and include braille translation. The most recent design elements for signage for these toilets includes the term 'All Gender'.

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Gender neutral signage is generally being installed on unisex designated accessible toilets and in simple terms the term 'All Gender' would replace the current 'Unisex' designation. Possible toilet signage which is consistent with this approach is provided in Figure 1.

It is proposed that Council consider installing gender neutral toilet signage on amenities in key locations to test the concept and design. Council's existing accessible toilets and baby change facilities are designated for unisex use and would therefore serve as ready sites for installation of all gender toilet signage. Feedback on the gender inclusive signage would be obtained from relevant groups including any comments or complaints that may be received and the outcomes reported to Council to determine if a further roll out of gender neutral toilet signage is required.



Figure 1: Gender neutral toilet signage

Suggested sites for piloting the installation of gender neutral toilet signage are:

Windsor: Kable Street  
Deerubbin Centre

Richmond: Richmond Park

Clarendon: Ham Common Reserve

These sites have high utilisation which will assist to publicise the signage as well as provide natural security.

#### LGBTQI Awareness Training

ACON Health Limited (ACON) a New South Wales based health promotion organisation funded by NSW Government were put forward by both LGBTQI representative groups as a peak provider of LGBTQI awareness and inclusion training.

ACON is a Quality Improvement Council organisation with National Accreditation offering a range of services covering:

- Sexual health

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- Mental health
- Alcohol and drugs
- Safety and inclusion
- Domestic and family violence
- Ageing
- Training and consulting
- Policy and research

ACON offers 'Pride in Diversity' membership, providing organisations active in LGBTQI inclusion, or those starting to introduce LGBTQI inclusion into their diversity strategy with support, resources, networking opportunities, training, consulting and advice via a dedicated account manager and interaction with other LGBTQI diversity practitioners. ACON also offers training to non-members as a consultancy service.

Council can deliver on recommendations made by LGBTQI community by engaging ACON in one of two ways (including associated costs):

**Option 1 - Training only**

Cost \$2,500. Details: Face to face training – 8 hours to up to 60 staff. Typically comprises of LGBTQI inclusion and awareness. Can be divided up into separate sessions e.g. Executive Management, frontline staff, Councillor sessions, Human Resources.

**Option 2 - Membership**

Cost \$5,750: Details – Annual membership to 'Pride in Diversity' with ACON. Access to

- support, resources, networking opportunities, consulting
- advice via a dedicated account manager
- review of Council policies
- national promotion as an LGBTQI organisation
- Face to face training - 6 hours unlimited staff - can be divided up into separate sessions e.g. Executive Management, frontline staff, Councillor sessions, HR Topics and can include strategic planning assistance
- Online training – unlimited staff.

Option 2 would seem to provide a more flexible and adaptable tool for LGBTQI awareness training for Council and could possibly be extended to include staff and management of local non-government organisations who may wish to participate in the face to face training sessions.

**Support for LGBTQI awareness and inclusion activities**

This can be delivered through Council's existing Community Sponsorship Program under which financial assistance is provided to community organisations for projects or activities which promote inclusion and the recognition and celebration of diversity.

**Detailed History, including previous Council decisions**

This report has been prepared in response to a resolution made by Council.

At its Ordinary meeting on 28 February 2017, Council resolved as follows:

*"That Council:*

1. *Show its support for the LGBTQI community and reaffirm its support for marriage equality by flying the rainbow flag for the Mardi Gras period each year, beginning March 1 2017 and including the day of the annual Sydney Gay and Lesbian Mardi Gras Parade*

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2. *Investigates participating in the annual Sydney Gay and Lesbian Mardi Gras Festival with the aim of hosting one event each year as part of the Festival*
3. *Also fly the rainbow flag on 17 May 2017, which is the International Day Against Homophobia, Transphobia and Biphobia.”*

**Policy considerations**

The proposal outlined in this report is consistent with Council Access and Inclusion Policy as well as state and federal anti-discrimination legislation including the Sex Discrimination Act 1984, Australian Human Rights Commission Act 1986 and Anti-Discrimination Act 1977.

**Consultation**

The report has been prepared to advise Council of the outcomes of consultations undertaken with respect to a Council resolution.

**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 Community

- 2.1 Community safety is improved - Enable a shared responsibility for community safety and disaster management
  - 2.1.2 Make the Hawkesbury a friendly place where people feel safe.
- 2.3 Community partnerships continue to evolve - Increase the range of local partnerships and plan for the future
  - 2.3.3 Advocate and facilitate constructive and productive partnerships with residents, community groups and institutions.
- 2.4 Community wellbeing and local services - Build on a sense of community and well being
  - 2.4.1 Work in partnership with government and community organisations to improve services and facilities for disadvantaged and vulnerable groups, and to build stronger and more cohesive communities.
  - 2.4.2 Provide flexible services that can adapt to changing community needs and service demands.
- 2.5. Cultural Development and Heritage - Enable broad and rich celebration of our local culture and significant heritage
  - 2.5.1 Encourage and support all residents to participate in all aspects of community, cultural and civic life.

**Discussion**

The intent of Council's resolution of 28 February 2017 was to show support for the LGBTQI community and to investigate options for promoting inclusion through the recognition of the diversity of relationships that exist within the community. In determining which options to pursue, Council staff have consulted with local groups representing the Hawkesbury LGBTQI community. The suggestions and recommendations offered by these groups have been investigated by Council staff and advice on their implementation has been sought from peak groups representing the LGBTQI community and the suppliers of gender neutral signage and LGBTQI awareness training providers. Council can be confident that the proposals outlined in this report reflect the outcomes of consultations with the LGBTQI community and service providers.

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**Financial Implications**

The matters raised in this report have direct financial implications. The implementation of the proposals outlined in this report would require expenditure of up to \$7,250. These costs can be incorporated within the existing Councillor and Staff Development and Building Maintenance budget allocations but may require additional budget allocations which can be considered in conjunction with the development of Council's 2018/2019 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 proposals outlined in this report have been formulated following consultation with LGBTQI groups, organisations involved in LGBTQI advocacy, and service providers. Council's consideration of the recommendations of these groups, as outlined in this report, will give practical effect to Council's resolution of 28 February 2017 and the relevant Action within Council's 2017/2018 Operational Plan.

The proposals are consistent with the provisions of Council's Access and Inclusion Policy and the process by which the proposals have been formulated are also consistent with the principles of Council's Community Engagement Policy.

The LGBTQI representative groups who have been consulted to prepare this report viewed Council's public demonstration of support of the LGBTQI community, and the recent 'Vote Yes' marriage equality campaign as positive. Both groups suggested that while these high profile public gestures are encouraging, systemic change to improve community inclusion should start with Council first through the political process, and the staff and the infrastructure over which it holds responsibility. LGBTQI representative groups believe that Council can lead real change for the LGBTQI community through the proposals that they have put forward.

**RECOMMENDATION:**

That:

1. Council pilot the design and installation of gender neutral toilet signs as outlined in this report at the four locations identified.
2. A further report be prepared for Council following the pilot program to provide feedback from LGBTQI groups on the impact of the installation of the gender neutral signage together with any comments or complaints which may be received from members of the community to determine the need and suitability for the further roll out of gender neutral toilet signage.
3. Council subscribe to the ACON Health Limited 'Pride in Diversity' employer support program to assist Council in the design and implementation of a LGBTQI awareness and inclusion program.
4. Council promote the International Day Against Homophobia, Transphobia and Biphobia (IDAHOBIT) Day event to be held at McMahon Park Kurrajong on Thursday, 17 May through its media channels including Facebook, events calendar, and Mayoral Column.

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**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**Item: 054**                      **SS - Submission to the Office of Local Government - Draft Councillor Induction and Professional Development Guidelines - (95496)**

**Directorate:**                Support Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to obtain Council's endorsement to make a submission to the Office of Local Government in support of the Draft Councillor Induction and Professional Development Guidelines, which are currently on public exhibition.

**EXECUTIVE SUMMARY:**

On 6 December 2017, Council received a Circular from the Office of Local Government (OLG), accompanied by a Consultation Draft for the new Councillor Induction and Professional Development Guidelines (the Guidelines).

A copy of the Consultation Draft for the new Councillor Induction and Professional Development Guidelines is attached as Attachment 1 to this report.

The proposed new draft Guidelines are currently on public exhibition, and the OLG has invited councils to make submissions on the document. The closing date for submissions is 16 March 2018.

A submission in response to the exhibition draft has been prepared for Council's consideration and is attached as Attachment 2 to this report.

**RECOMMENDATION SUMMARY:**

That the prepared submission be forwarded to the Office of Local Government before the end of the consultation period of 16 March 2018.

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**REPORT:**

**Context and Background**

In December 2016, the Office of Local Government advised local councils that it would be working on developing a set of regulations for induction and professional development for Councillors in NSW, as required by amendments made to the Local Government Act 1993 in August 2016.

The amended Section 232 of the Local Government Act identifies that all Councillors have a responsibility *"to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor."* The Guidelines have been developed with the aim of assisting councils to ensure that their Councillors have the opportunity to fulfill this responsibility. The Guidelines have been issued under Section 23A of the Act and accordingly, Council must take the Guidelines issued into consideration when undertaking these activities.

**Policy considerations**

The Guidelines have been designed to reflect the requirements of proposed amendments to the *Local Government (General) Regulation 2005*, which have not yet been introduced. These proposed amendments are summarised below:

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- The general manager is to ensure that an induction program is delivered for all Councillors, along with a supplementary program for the Mayor, within six months of their election.
- The general manager is to ensure that an ongoing professional development program is delivered for all Councillors over the term of the council. The content of the program is to be determined in consultation with the Councillors.
- All Councillors must make all reasonable efforts to participate in the induction and professional development programs.
- The participation in and completion of both the induction and professional development programs by all Councillors is to be reported at public council meetings by the General Manager.

Council's proposed submission is overall in favour of the draft Guidelines. Some of the ideas presented in the Guidelines will be of benefit to Councillors and staff during future Council terms. However, incorporation of these ideas into Council's existing induction process will require the commitment of additional resources to future Council Election working groups.

For example, the Guidelines encourage but do not require councils to conduct at least one pre-election information session, at which Council staff and existing Councillors will provide information to prospective candidates prior to nomination. A pre-election session will be a valuable community engagement tool, and will also mean that new Councillors will be more prepared to assume their duties upon being elected, as they will have some understanding of their responsibilities before attending Council's internal induction sessions.

The Guidelines also include as appendices checklists for the required content of the Councillor Program and Induction Manual, or in Hawkesbury City Council's case, the Councillor Handbook. The content of these checklists is in line with Council's existing materials, although there are several areas in which we will need to include more detailed information. For example, there would be requirements to explain to Councillors in detail:

- Legislation such as the *Environmental Planning and Assessment Act*, *Protection of the Environment Operations Act*, *Work Health and Safety Act*, and the *State Records Act*.
- The roles and responsibilities of agencies such as the Office of Local Government, Department of Planning and Environment, Environment Protection Authority, and others.
- Council's land use and planning procedures, including the development application assessment process, and how to interpret environmental planning instruments.
- Council's public land management responsibilities and regulations.
- Council's complaints handling process and how Councillors should respond to customer complaints.
- Councillor's responsibilities in the areas of records management, privacy, and access to information legislation.

As part of the induction process, Councillors will also be required to participate in a range of "team building activities".

The Guidelines also recommend that Councillors participate in a mock council meeting prior to the first ordinary meeting of the council to demonstrate the order of proceedings.

### **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, Directions and Strategies within the CSP:



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Our Leadership

- 1.1 Local Leadership and effective governance - Provide representative, responsive and accountable governance.
  - 1.1.1 Council's elected leaders will actively connect and collaborate with the community.
- 1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.
  - 1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

**Financial Implications**

There are no financial implications applicable to matters discussed in this report.

Direct financial implications in the form of resources expenditure may arise as a consequence of the requirement for Council to implement the Guidelines, once the final version of the Guidelines has been adopted by the Office of Local Government.

**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 2017/18 Operational Plan, which will adversely impact on Council's financial sustainability.

**Conclusion**

Overall, Council's submission is supportive of the proposed draft Councillor Induction and Professional Development Guidelines. Some of the ideas presented in the Guidelines will require the commitment of additional resources. However, incorporation of these ideas will be of benefit to Councillors and staff in the long term, and there is adequate time for new induction materials to be developed before the next election.

Once the final Guidelines have been adopted by the State Government, the General Manager will have to discuss options for the implementation with Councillors.

**RECOMMENDATION:**

That the Councillor Induction and Professional Development Guidelines Consultation - Hawkesbury City Council submission, as attached as Attachment 2 to this report, be forwarded to the Office of Local Government.

**ATTACHMENTS:**

- AT - 1** Consultation Draft for the new Councillor Induction and Professional Development Guidelines - *(Distributed Under Separate Cover)*
- AT - 2** Councillor Induction and Professional Development Guidelines Consultation - Hawkesbury City Council submission

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**AT - 2 Councillor Induction and Professional Development Guidelines Consultation -**

**Hawkesbury City Council submission**

**Consultation on draft of the new Councillor Induction and Professional Development Guidelines**

**Hawkesbury City Council Submission**

Council has reviewed the consultation draft for the Councillor Induction and Professional Development Guidelines (the Guidelines), in conjunction with Council's existing Councillor induction materials, including the Councillor Handbook.

Council appreciates the opportunity to make a submission regarding the proposed amendments, and would like to indicate that we are overall in favour of the proposed Guidelines.

In particular, the introduction of pre-election candidate sessions is likely to be of benefit to our and other councils. Pre-election candidate sessions may also have secondary value as a community engagement tool, as the associated advertising will raise local awareness and interest in the election. In the Hawkesbury Local Government Area it seems likely that active members of the community will attend these pre-election candidate sessions in order to discuss, ask questions and learn more about the responsibilities of Councillors, even if they themselves are not intending to nominate.

The Induction Program Content Checklist and Councillor Induction Manual Content Checklist which have been provided as Appendices D and E in the Guidelines are broadly in line with the contents of Council's existing Induction Program and Councillor Handbook, although there are some topics identified in the Checklists which we have not covered in any appreciable detail. Following the September 2016 election, Council conducted three evening induction sessions for elected Councillors, each covering different topics. With the incorporation of new material as outlined in the Checklists, it seems that this will need to be extended to four evening sessions, or two full day sessions.

It may be difficult to cover all the required induction material before the first Ordinary Meeting of the new Council, however we appreciate that prospective candidates can be informed of the induction session times during the pre-election candidate sessions, thereby allowing them to make attendance arrangements as soon as possible.

We also consider that the introduction of a reported professional development program will be a valuable tool to ensure that training and development opportunities are fairly distributed amongst Councillors, whilst also emphasizing the responsibility of all Councillors to be active participants in council business. The requirement for councils to report on participation will also provide reassurance to the public with regard to the allocation of council funds towards useful training opportunities.

**oooO END OF REPORT Oooo**

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**Item: 055**                      **SS - Submission to the Office of Local Government - Draft Model Code of Meeting Practice - (95496)**

**Directorate:**                Support Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to obtain Council's endorsement to make a submission to the Office of Local Government in support of the Draft Model Code of Meeting Practice, which is currently on public exhibition.

**EXECUTIVE SUMMARY:**

On 6 December 2017, Council received a Circular from the Office of Local Government (OLG), accompanied by a Consultation Draft for the new Model Code of Meeting Practice for Local Councils in NSW (the draft Model Code).

The proposed new the draft Model Code is currently on public exhibition, and the OLG has invited councils to make submissions on the document. The closing date for submissions is 16 March 2018.

A submission in response to the exhibition draft has been prepared for Council's consideration.

**RECOMMENDATION SUMMARY:**

That the prepared submission be forwarded to the Office of Local Government before the end of the consultation period of 16 March 2018.

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**REPORT:**

**Context and Background**

In November 2016, the Office of Local Government advised local councils that it would be working on developing a Model Code of Meeting Practice for Local Councils in NSW, as required by amendments made to the Local Government Act 1993 in August 2016. Previously, the document available from the OLG regarding conduct of council meetings was the Meetings Practice Note, which was published by the former NSW Department of Local Government in August 2009. Hawkesbury Council's existing Code of Meeting Practice is based on this document, and the requirements outlined in the Local Government Act.

The Consultation Draft for the new Model Code of Meeting Practice for Local Councils in NSW (the draft Model Code) that has now been released is attached as Attachment 1 to this report. The draft Model Code is mostly consistent with Council's existing Code of Meeting Practice and consists of two elements:

- It contains mandatory provisions (indicated in black font) that reflect the existing meetings provisions of the Act and adapt those currently contained in the Regulation. The existing meetings provisions of the Regulation have been updated and supplemented to reflect contemporary meetings practice by councils and to address ambiguities and areas of confusion in the existing provisions based on feedback from councils.
- It contains non-mandatory provisions (indicated in red font) that cover areas of meetings practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions will also operate to set a benchmark based on what OLG sees as being best practice for the relevant area of practice.

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In making submissions on the draft Model Code, OLG has asked for feedback from councils on whether any of the proposed non-mandatory provisions should be mandated. If there is a sufficient body of support for these from councils, these may be made mandatory in the final version of the Model Meeting Code.

**Policy considerations**

Council's submission is overall supportive of the proposed draft Model Code, in particular the inclusion of Clause 10.9, requiring that *"A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure..."*, which we believe will be of great assistance to our Council in achieving our Fit For the Future operational goals in the coming years.

However, there are two sections in particular which may affect Council's meeting practice and therefore require clarification.

The first matter which Council has requested clarification on is **Part 4 - Public forums**.

The entirety of the Public Forums section of the draft Model Code is marked as optional, and it is not clear whether the section is intended to be considered as a whole, or whether councils are at liberty to consider certain clauses in isolation.

The Public Forums section of the proposed draft Model Code indicates that public forums are to be held *"prior to each ordinary meeting of the council"*, with all speakers on all items being required to address the council prior to commencement of the meeting. It would appear that this order of business is inconvenient both for members of the public and for Councillors, for a number of reasons which are outlined in the attached submission.

Aside from the matter above regarding order of business, it is suggested that Clause 4.6, which states that *"Legal representatives acting on behalf of others are not permitted to speak at a public forum unless their identify their status as a legal representative ..."*, may be used to increase the fairness of the application to address Council process, and that Council support this particular clause.

The second matter which Council has requested clarification on is **Part 5 - Coming together - Webcasting of meetings**.

The draft Model Code specifies in Clause 5.8 that *"All meetings of the council and committees of the council are to be webcast."* No further clarification is supplied regarding the requirements of "webcasting", for example whether the webcasting must be 'live', whether there must be video as well as audio content, and for how long the webcast should be available for download.

As Council only introduced podcasting of Council meetings in November 2017, it would be costly and inconvenient for Council to be required to upgrade our technology so quickly after it was introduced, if live or video webcasting is required.

Council's submission requests further information from the OLG regarding the requirements of the webcasting clauses, and suggests that podcasting should be adopted as an acceptable alternative.

**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, Directions and Strategies within the CSP:

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Our Leadership

- 1.1 Local Leadership and effective governance - Provide representative, responsive and accountable governance.
  - 1.1.1 Council's elected leaders will actively connect and collaborate with the community.
- 1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.
  - 1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

**Financial Implications**

There are no financial implications applicable to matters discussed in this report.

Direct financial implications in the form of resources expenditure, in particular potential upgrades to audio/visual equipment to enable webcasting, may arise as a consequence of the requirement for Council to implement the new Model Code of Meeting Practice, once the final version of the Model Code has been adopted by the Office of Local Government.

**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 2017/18 Operational Plan, which will adversely impact on Council's financial sustainability.

**Conclusion**

In conclusion, Council's submission is overall supportive of the proposed draft Model Code. Clarification from the Office of Local Government of the points mentioned above relating to public forums and webcasting will assist Council incorporating the new Model Code into Council's existing Code of Meeting Practice.

**RECOMMENDATION:**

That the Model Meeting Code Consultation - Hawkesbury City Council submission, as attached as Attachment 2 to this report, be forwarded to the Office of Local Government.

**ATTACHMENTS:**

- AT - 1** Consultation Draft for the new Model Code of Meeting Practice for Local Councils in NSW - *(Distributed Under Separate Cover)*
- AT - 2** Model Meeting Code Consultation - Hawkesbury City Council Submission

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**AT - 2    Model Meeting Code Consultation - Hawkesbury City Council Submission**

**Consultation on the draft Model Code of Meeting Practice for Local Councils in NSW**

**Hawkesbury City Council Submission**

Council has reviewed the Consultation Draft for the new Model Code of Meeting Practice in NSW (the Model Code), in conjunction with Council's existing Code of Meeting Practice. Council appreciates the opportunity to make a submission regarding the proposed Code, and would like to offer the following comments.

In general, Hawkesbury City Council is in favour of the new Model Code. The high level of detail and clear definition of key terms in most sections makes it easy to interpret, both for Council officials and members of the public who have an interest in Council Meeting conduct. The majority of clauses in the proposed Model Code are already included within Council's internal Code of Meeting Practice (the Code), or are already part of Council's standard meeting practice without explicitly being included within the Code. However, some aspects of the new Model Code will need to be incorporated into Council's existing Code. In addition, Councillors and other Council officials will need to be provided with information sessions and possibly training in order to fulfill the requirements of the new Model Code. Despite this, Council believes that the new Model Code, once implemented, will be a valuable tool to improve the integrity and productivity of council meetings, and will make the council meeting process more accessible and understandable for members the public.

Although Council is generally in favour of the new Model Code as stated above, Council's review of the documentation has raised some points which Council believes require clarification.

**Part 4 – Public Forums**

Hawkesbury City Council currently allows members of the public to address the Council on any agenda item which is not a confidential item. Council's current order of business has all speakers for a particular item address the Council directly before that item is discussed and voted upon by Councillors. Development Application items, and on occasion other items likely to attract a high number of speakers, are placed at the beginning of the agenda for the convenience of the public, who are able to address the Council, learn the outcome of the vote, and then leave the meeting at a reasonable hour, particularly as meetings are held on weeknights and speakers may have work or school commitments.

The Public Forums section of the proposed Model Code indicates that public forums are to be held "prior to each ordinary meeting of the council", with all speakers on all items being required to address the Council prior to commencement of the meeting. Council suggests that this order of business is illogical and inconvenient. Councillors need to keep the arguments of speakers in mind when having their own discussion and voting on the item. If all speakers are required to address the Council prior to the meeting, and there are a number of speakers on different items, it may be difficult for Councillors to recall the precise points of each speaker when the time comes to vote on the item.

In addition, this order of business is inconvenient for the public, as instead of being able to leave once their item has been voted on; members of the public will be required to listen to all speakers on all items. At the conclusion of Public Forum, the public would then have to listen to the discussion and voting on all items prior to their matter on the agenda before they are able to leave, if they wish to know the outcome of their particular item on the night.

Council acknowledges that the entirety of this section is marked as optional, and we suggest that Hawkesbury City Council and possibly other Councils are unlikely to adopt any part of this section.

Aside from the above, we are in favour of Clause 4.6, which states that "*Legal representatives acting on behalf of others are not permitted to speak at a public forum unless they identify their status as a legal representative ...*". In our experience, groups of people (for example, an objector, a building consultant, and a member of the objector's family) often submit individual applications to speak, in order to "fill the

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roster” for a particular item. As the applications to speak are accepted on “first in best dressed” basis, this often results in two or three speakers reiterating the same arguments. We suggest that a requirement for speakers to declare relationships such as legal representative may allow for a more fair evaluation of applications to speak, resulting in a wider range of perspectives from the community.

## **Part 5 - Coming together**

### **Webcasting of meetings**

Hawkesbury City Council introduced podcasts of Council meetings in November 2017, and a small number of Council meetings have now been made available via links on Council’s website. Council resolved that the podcast recordings would be available for public download for a period of one year from the date of the meeting. Prior to the introduction of podcasting, customers requesting a copy of the audio meeting recording were required to lodge an informal access request under the *Government Information (Public Access) Act 2009* (GIPA Act), following which the recording could be listened to at Council offices free of charge, or a CD copy would be supplied subject to a processing fee.

Council requests some clarification regarding the requirements of ‘webcasting’ as described in the Code, in particular:

- Are meetings required to be webcasted in video, or is an audio-only webcast acceptable?
- Are the meetings required to be webcasted ‘live’, and if so, are the recordings required to be made available to the public after the conclusion of the meeting?
- Are there any restrictions regarding the software involved to make the recordings available to the public? For example, the distribution platform that Council currently uses for its podcasts is accessible on a PC, however if accessed through a mobile device it requires users to download and app and supply an email address to log in. This may not be accessible for all members of the public.

Council’s implementation of podcasting has been a success. The distribution platform keeps a record of how many times a track (Council meeting item) has been listened to, and these numbers indicate that many more people are listening to Council meeting podcasts compared to the number of people who formerly requested CD copies of Council meetings. Council suggests that the OLG consider podcasting as an acceptable alternative to live webcasting of meetings.

### **Conclusion**

In conclusion, Council overall supports the proposed Model Code, which we believe will be a valuable tool to improve the integrity and productivity of council meetings, and will make the council meeting process more accessible and understandable for members the public. In particular, Council would like to draw attention to Clause 10.9, relating to *Motions requiring the expenditure of funds*, requiring that “A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council’s current adopted operational plan must identify the source of funding for the expenditure...”, which Council believes will be very helpful for councils trying to meet their Fit For the Future operational goals in the coming years.

Clarification of the points mentioned above relating to public forums and webcasting will assist Council incorporating the new Model Code into Council’s existing Code of Meeting Practice.

**oooO END OF REPORT Oooo**

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**SECTION 4 – Reports of Committees**

**Item: 056**                      **ROC - Local Traffic Committee - 12 February 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 12 February 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 12 February 2018 and discussed the following items:

- Special Event Traffic - Q60 Endurance Ride Weekend - Upper Colo - July 2018
- Special Event Traffic - Pitt Town Anzac Day Memorial Service 2018

**RECOMMENDATION:**

That the minutes of the Local Traffic Committee held on 12 February 2018 be received and the recommendations therein be adopted and noted.

**ATTACHMENTS:**

**AT - 1**     Minutes - Local Traffic Committee - 12 February 2018

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**AT - 1 Minutes - Local Traffic Committee - 12 February 2018**

Minutes of the Meeting of the Local Traffic Committee held in the Ground Floor Meeting Room, Windsor, on Monday, 12 February 2018, commencing at 3pm.

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**Present:** Mr Christopher Amit, Hawkesbury City Council (Chairman)  
Councillor Peter Reynolds, Hawkesbury City Council  
Mr Steve Grady, Busways

**Apologies:** Ms Tina Kaur, Roads and Maritime Services  
Inspect Peter Jenkins, NSW Police Force

**In Attendance:** Ms Judy Wong, Community Safety Coordinator  
Ms Kaysie Cordi, Hawkesbury City Council  
Ms Cathy Mills, Hawkesbury City Council

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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 Mr Christopher Amit, 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 Mr Christopher Amit, that the minutes from the previous meeting held on Monday, 13 November 2017 be confirmed.

**Item 1.2 Business Arising**

There was no Business Arising from the previous minutes.

**SECTION 2 - Reports for Determination**

**Item: 2.1 LTC - Q60 Endurance Ride Weekend - July 2018 - Upper Colo - (Hawkesbury) - (80245, 85005)**

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**REPORT:**

An application has been received from Zone One of The NSW Endurance Riders' Association seeking approval (in traffic management terms) to conduct the Q60 Endurance Ride Weekend on Saturday, 28 and Sunday, 29 July 2018, in and around the Central Colo, Mountain Lagoon, Upper Colo and Wheeny Creek area.

The event organiser has advised:

- The event has been held in previous years.

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- The event consists of Endurance, Training and Introductory Horse riding and is conducted over distances of 100, 80, 40, 20 and 10 Kilometres.
- The event is timed and not a race.
- The event will be undertaken between 7am and 5pm on the Saturday and between 4am and 5pm on the Sunday.
- The Ride Base will be at the Ararat Lodge located at No. 1055 Upper Colo Road, Upper Colo.
- Parking will be available at the Ride Base located at Ararat Loge.
- The course is generally similar to previous years.
- Approximately 100 participants are expected for the event.
- Route for the Endurance, Training and Introductory Rides are:

Leg 1 - 40 Kilometres:

- Commence from the Ride Base located at the Ararat Lodge at No. 1055 Upper Colo Road and enter the course by turning right onto Upper Colo Road,
- Travel for a distance of approximately 15.5 kilometres along Upper Colo Road, crossing Wheeny Creek Bridge, Under Putty Road and into Lower Colo Road to the turn-around point,
- Turn around and return for a distance of approximately 6 kilometres along Lower Colo Road and Upper Colo Road, crossing Wheeny Creek Bridge,
- Turn left and travel through private property (Atkinson property), and into the Wollemi National Park (Gees Arm Trail) and turn right into Comleroy Road,
- Travel along Comleroy Road down to the Upper Colo Road junction and turn right into Upper Colo Road,
- Travel back along Upper Colo Road, to the Ride Base.

Leg 2 - 40 Kilometres:

- Commence from the Ride Base located at the Ararat Lodge at No. 1055 Upper Colo Road and enter the course by turning left onto Upper Colo Road,
- Travel for a distance of approximately 5.5 kilometres along Upper Colo Road to the turn-around point,
- Turn around and return for a distance of approximately 3.5 kilometres to the start of Comleroy Road and turn right into Comleroy Road,
- Travel along Comleroy Road and turn right into Mountain Lagoon,
- Travel along Mountain Lagoon Road and turn right into Sams Way,
- Travel along Sams Way and turn left into Gaspers Fire Trail into Wards Trail to the Upper Colo Road junction and turn right into Upper Colo Road,
- Travel back along Upper Colo Road, to the Ride Base.,

Leg 3 – 20 Kilometres:

- Commence from the Ride Base located at the Ararat Lodge at No. 1055 Upper Colo Road and enter the course by turning left onto Upper Colo Road,
- Travel for a distance of approximately 10 kilometres along Upper Colo Road to the end of Upper Colo Road,
- Turn around and return along Upper Colo Road, to the Ride Base.

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- Where the course covers trafficable roads, as with previous years, the following will be in place:
  - A Marshall is to be in place to stop horses crossing whilst vehicles pass,
  - At any junction where horses cross or access roads that are main access gates, the Marshall is to notify Traffic of the conditions ahead,
  - Signage shall be in place stating the following: Horses on Road, Horses crossing. In areas where the road narrows or is windy; Drive Slowly Horses on Road is to be provided.
- Road Inventory
  - Comleroy Road – Unsealed,
  - Lower Colo Road – Sealed/Unsealed,
  - Mountain Lagoon Road – Sealed/Unsealed,
  - Sams Way – Unsealed,
  - Upper Colo Road – Sealed/Unsealed,
  - Roads on private property and within the National Park,
  - The Colo River will not be crossed as part of the route.

Refer to Attachments 1 to 3: "Event Course Maps - Q60 Endurance Ride Weekend 2018".

**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 is a low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to the event: Attachment 4 (ECM Document Set ID No: 6124022):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Event Course Maps,
5. Copy of Insurance Policy which is valid to 01 January 2017,
6. Copy of Consultation letter to Residents,
7. Copy of the application to the NSW Police Force,
8. Copy of the application to the National Parks and Wildlife Service (Office of Environment and Heritage),
9. Copies of correspondence forwarded to the NSW Ambulance Service, NSW Rural Fire Service, Fire and Rescue NSW 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

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and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package.

2. The Q60 Endurance Ride Weekend event in and around the Central Colo, Mountain Lagoon, Upper Colo and the Wheeny Creek area, planned for Saturday, 28 and Sunday, 29 July 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 and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation’s web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA) for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4e. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4f. 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;

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- 4g. the event organiser is to ensure that dust along the unsealed sections of road utilised for the event and by the event competitors and 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;
- 4h. the event organiser is to obtain approval from the National Parks and Wildlife Service (Office of Environment and Heritage) for the use of the Wollemi National Park; a copy of this approval to be submitted to Council;
- 4i. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4j. 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;
- 4k. 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;
- 4l. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4m. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 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 to the resident 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;
- 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;



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- 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 for the event and by the event competitors and 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:**

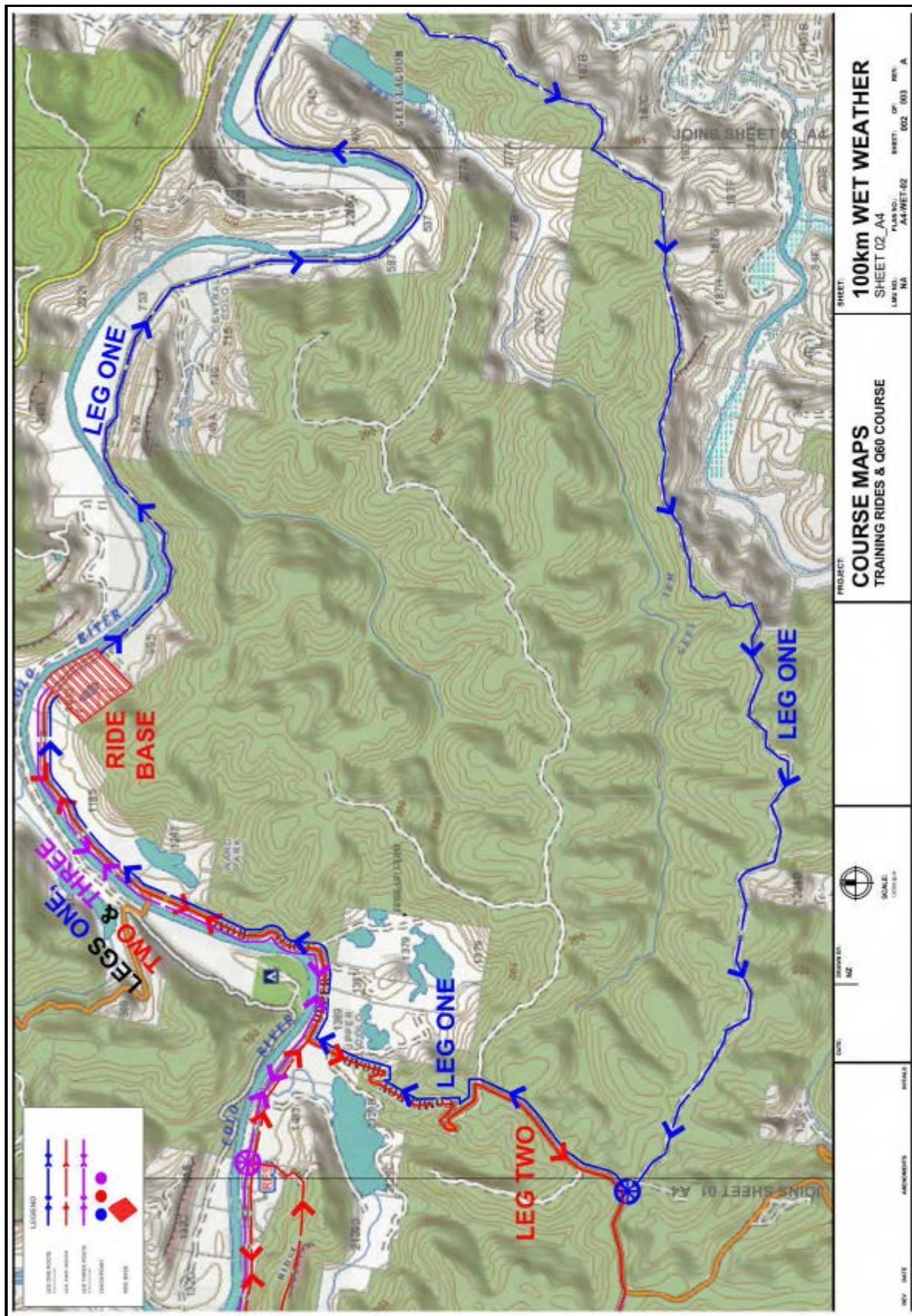
- AT - 1** Event Course Map - Q60 Endurance Ride Weekend 2018 – (Sheet1-3)
- AT - 2** Event Course Map - Q60 Endurance Ride Weekend 2018 – (Sheet 2-3)
- AT - 3** Event Course Map - Q60 Endurance Ride Weekend 2018 – (Sheet 3-3)
- AT - 4** Special Event Application - (ECM Document Set ID No. 6124022) - *see attached.*





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**AT - 2    Event Course Map - Q60 Endurance Ride Weekend 2018 – (Sheet 2-3)**







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**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Mr Christopher Amit.

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 Q60 Endurance Ride Weekend event in and around the Central Colo, Mountain Lagoon, Upper Colo and the Wheeny Creek area, planned for Saturday, 28 and Sunday, 29 July 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 and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;

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- 4d. the event organiser is to submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA) for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4e. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4f. 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;
- 4g. the event organiser is to ensure that dust along the unsealed sections of road utilised for the event and by the event competitors and 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;
- 4h. the event organiser is to obtain approval from the National Parks and Wildlife Service (Office of Environment and Heritage) for the use of the Wollemi National Park; a copy of this approval to be submitted to Council;
- 4i. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4j. 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;
- 4k. 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;
- 4l. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4m. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 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 to the resident 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;

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**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. 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 for the event and by the event competitors and participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

**Item: 2.2 LTC - Pitt Town Anzac Day Memorial Service 2018 - (Hawkesbury) - (80245, 80293)**

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**REPORT:**

An application has been received from the Pitt Town Progress Association seeking approval (in traffic management terms) to conduct the Pitt Town Anzac Day Memorial Service 2018, on Wednesday, 25 April 2018.

The event organiser has advised;

- The event is a Memorial Service commemorating Anzac Day.
- This is the ninth year the event is being run and is the first instance an application relating to traffic management has been provided to Council.
- Approximately 450 spectators/participants are expected for the event.
- The event will be conducted between 7am and 11:30am, which includes set up and packdown.
- The event location is adjacent to No. 81 Bathurst Street, Pitt Town (The Bird in The Hand – Inn).
- It is anticipated that the majority of people attending the event will walk to the site from surrounding residences and any parking of vehicles will be undertaken in surrounding streets.

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- The following Road Closures are proposed;
  - Bathurst Street extending from Church Street for approximately 77 metres in a southerly direction from Eldon Street, past No.81 Bathurst Street (The Bird in The Hand – Inn).
  - Eldon Street at Grenville Street.
  - Grenville Street at Eldon Street
  - Bathurst Street at Chatham Street.
  - Bathurst Street at Buckingham Street.
  - Traffic will be detoured around the event site.
  - Road Closures will be between 7am and 11:30am.
- Authorised Traffic Controllers will be used to implement all traffic control measures.
- Consultation has been undertaken with adjoining property owners along the proposed road closures with concurrence provided by the property owners.
- Existing access to private properties affected by the event shall be maintained during the event or alternative access arrangements acceptable to the property owners/tenants shall be made.

Details of the traffic control measures are contained in Attachment 1.

**Discussion:**

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

The following Road Closures are proposed for Wednesday, 25 April 2018, between 7am and 11:30am;

- Bathurst Street extending from Church Street for approximately 77 metres in a southerly direction from Eldon Street, past No.81 Bathurst Street (The Bird in The Hand – Inn).
- Eldon Street at Grenville Street.
- Grenville Street at Eldon Street.
- Bathurst Street (Local road section) at Chatham Street - Bathurst Street traffic travelling in a northerly direction along the State road towards Chatham Street will not be permitted to turn left into Bathurst Street (Local road section).
- Bathurst Street at Buckingham Street - Bathurst Street traffic travelling in a southerly direction from Bottles Lane towards Eldon Street will be detoured into Buckingham Street towards Chatham Street. Traffic from Church Street and Bathurst Street between Church Street and Buckingham Street will be permitted to travel in a northerly direction towards Buckingham Street.
- Traffic will be detoured around the event site utilising Buckingham Street and Chatham Street.
- Hostile Blocks are to be implemented at the four main road closure points.
- Road Closures will be between 7am and 11:30am.
- Adjoining property owners have been consulted and are supportive of the event.
- Access to adjacent properties will be maintained where possible in consultation with the property owners.
- The speed limit in the vicinity of the event site for the local roads is 50km/h, with Bathurst Street and Chatham Street within the state network being 60km/h.



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The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document Set ID No: 6116427):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Transport Management Plan – referred to in the application as Traffic Management Plan (TMP),
5. Traffic Control Plan for the proposed road closures,
6. Copy of the application to the NSW Police Force,
7. Copy of correspondence forwarded to the NSW Ambulance Service and SES.

The Transport Management Plan (TMP) and the associated Traffic Control Plan (TCP) are to be submitted to the Transport Management Centre (TMC) for authorisation due to the proposed road closures.

**RECOMMENDATION TO COMMITTEE:**

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <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 Pitt Town Anzac Day Memorial Service event planned for Wednesday, 25 April 2018 between 7am and 11:30am be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following road closures and traffic control measures;
  - Road Closure; Bathurst Street, Pitt Town extending from Church Street for approximately 77 metres in a southerly direction from Eldon Street, past No.81 Bathurst Street (The Bird in The Hand – Inn).
  - Road Closure; Eldon Street, Pitt Town at Grenville Street.
  - Road Closure; Grenville Street, Pitt Town at Eldon Street.
  - Road Closure; Bathurst Street, Pitt Town (Local road section) at Chatham Street - Bathurst Street traffic travelling in a northerly direction along the State road towards Chatham Street will not be permitted to turn left into Bathurst Street (Local road section).

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- Road Closure; Bathurst Street, Pitt Town at Buckingham Street - Bathurst Street traffic travelling in a southerly direction from Bottles Lane towards Eldon Street will be detoured into Buckingham Street towards Chatham Street.
- Road Closures only permitted for Wednesday, 25 April 2018, between 7am and 11:30am.
- No other road closures are permitted.

and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC as road closures are proposed; a copy of the Transport Management Centre – TMC approval to be submitted to Council;
- 4e. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4f. as the event involves the closure of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4g. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4h. the event organiser is to notify the details of the event to Fire and Rescue NSW and the NSW Rural Fire Service at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4i. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi

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companies operating in the area which may be affected by the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;

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

**During the event:**

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

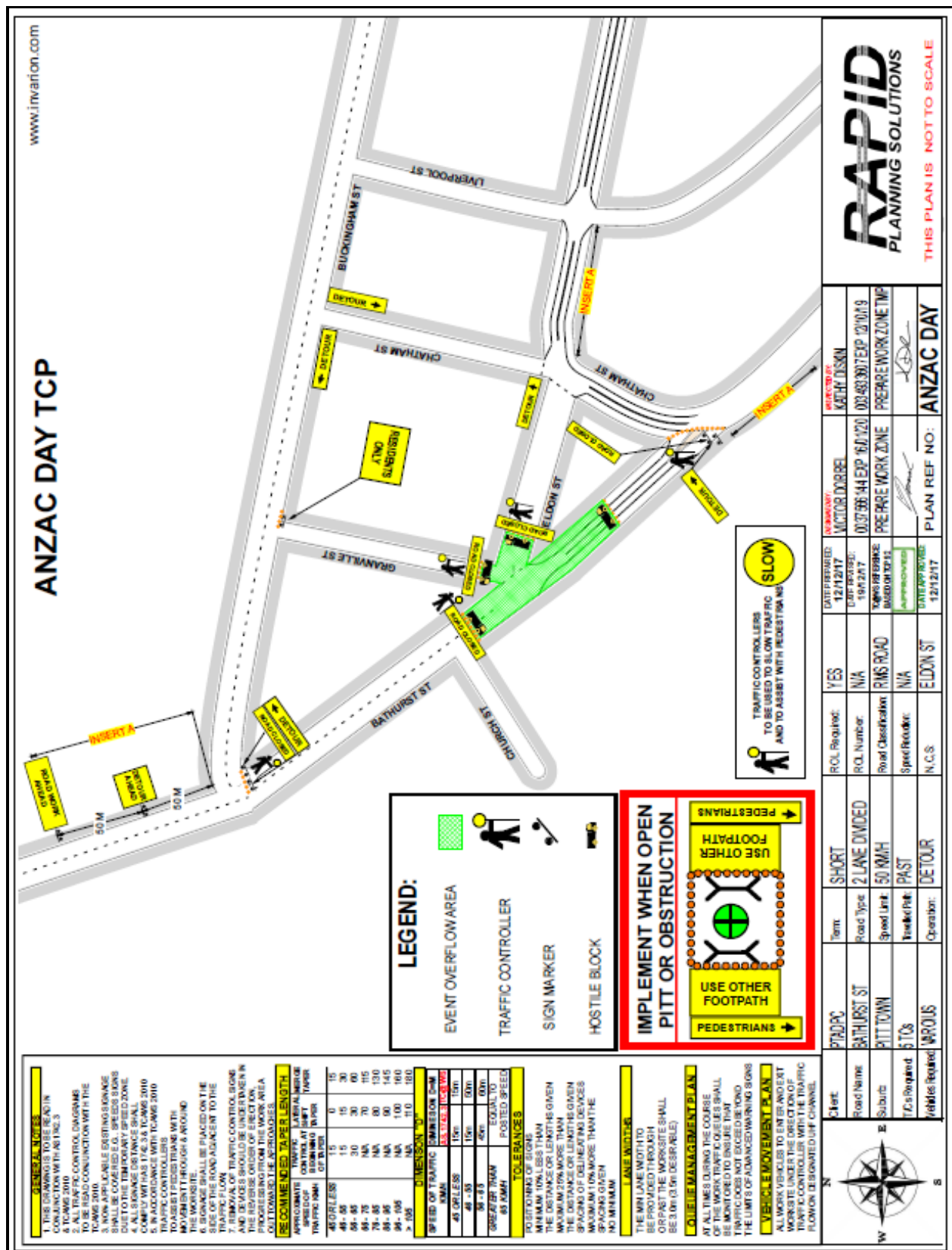
**APPENDICES:**

**AT – 1** Pitt Town Anzac Day 2018 – Traffic Control Plan

**AT – 2** Special Event Application - (ECM Document Set ID No: 6116427) - *see attached*

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**AT – 1 Pitt Town Anzac Day 2018 – Traffic Control Plan**



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**Meeting Date: 27 February 2018**

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Mr Christopher Amit.

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 Pitt Town Anzac Day Memorial Service event planned for Wednesday, 25 April 2018 between 7am and 11:30am be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following road closures and traffic control measures;
  - Road Closure; Bathurst Street, Pitt Town extending from Church Street for approximately 77 metres in a southerly direction from Eldon Street, past No.81 Bathurst Street (The Bird in The Hand – Inn).
  - Road Closure; Eldon Street, Pitt Town at Grenville Street.
  - Road Closure; Grenville Street, Pitt Town at Eldon Street.
  - Road Closure; Bathurst Street, Pitt Town (Local road section) at Chatham Street - Bathurst Street traffic travelling in a northerly direction along the State road towards Chatham Street will not be permitted to turn left into Bathurst Street (Local road section).
  - Road Closure; Bathurst Street, Pitt Town at Buckingham Street - Bathurst Street traffic travelling in a southerly direction from Bottles Lane towards Eldon Street will be detoured into Buckingham Street towards Chatham Street.
  - Road Closures only permitted for Wednesday, 25 April 2018, between 7am and 11:30am.
  - No other road closures are permitted.

and the following conditions:

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**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC as road closures are proposed; a copy of the Transport Management Centre – TMC approval to be submitted to Council;
- 4e. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4f. as the event involves the closure of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4g. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4h. the event organiser is to notify the details of the event to Fire and Rescue NSW and the NSW Rural Fire Service at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4i. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;

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

**During the event:**

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

**SECTION 3 - Reports for Information**

There were no Reports for Information.

**SECTION 4 - General Business**

There was no General Business.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Monday, 12 March 2018 at 3pm in the Small Committee Room.

The meeting terminated at 3:55pm.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**SECTION 4 – Reports of Committees**

**Meeting Date:** 27 February 2018



ordinary

section 5

notices of motion

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date:** 27 February 2018

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

No Notices of Motion.

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**Questions for Next Meeting**  
**Meeting Date: 27 February 2018**

**QUESTIONS FOR NEXT MEETING**

**Item: 057                      Councillor Questions from Previous Meetings and Responses - (79351)**

**REPORT:**

**Questions – 13 February 2018**

#	Councillor	Question	Response
1	Richards	Referred to a question she asked last year in relation to the School Education Program as she had hoped it would be up and running in 2018 and enquired when that report will be coming to Council.	The General Manager advised that contact has been made with a number of universities regarding the possibility of tertiary students studying to become teachers, assisting Council with the development of an "off the shelf" study module in relation to the role and functions of Council. Further information will be provided to Council in due course.
2	Zamprogno	Referred to a previous question last year about the legality of a fence that the Johnson Property Group erected around part of 43 Bootles Lane, Pitt Town and the advice received was that it was not legal and would have required a Development Application. Councillor Zamprogno asked what action is going to occur on the presence of that fence and can any directive be made to not have the parcel mowed, but returned to bush.	The Director City Planning advised that compliance action is commencing in relation to the mowing of the land. This will involve collection of evidence and interviewing whoever undertook the work. Appropriate action will be taken depending on the available evidence. This action is being pursued in relation to the slashing of the area behind the second fence dividing the cleared area and the vegetation line. In relation to the fence the owner has been contacted and has been given 28 days to submit a development application for the fence.
3	Calvert	Advised that there had been some slight damage caused to National Serviceman's Memorial at Ham Common, and that the damage may have been caused by Council lawn mowers. He asked for the matter to be investigated.	The Director Infrastructure Services advised that repairs would be carried out to minor damage.

**ORDINARY MEETING****Questions for Next Meeting****Meeting Date:** 27 February 2018

#	Councillor	Question	Response
4	Calvert	Referred to a previous request to have the carpark area near the National Serviceman's Memorial at Ham Common named. He asked if this request could be followed up.	The Director Infrastructure Services advised that it is not possible to formally name a carpark within a reserve under Geographic Names Board protocols. It is noted that the memorial itself does not show up on mapping databases commonly used for GPS. Options to create "pins" or place identification will be investigated along with onside signage.
5	Calvert	Referred to the Masterplan for Peel Park asked what the process is to consider and give effect to any changes arising from the community consultation.	The Director Infrastructure Services advised that public consultation will commence in early March and that all input and comments will be assessed and reported to Council for consideration.
6	Wheeler	Referred to her previous question from last year in relation to having the 60km/h sign on Sackville Road moved up so the area where the café, would be covered by that speed. She asked if this request had been forwarded to the Traffic Committee and where this matter is at.	The Director Infrastructure Services advised that this request had previously been raised at a Local Traffic Committee meeting. RMS reviewed the speed limit of Sackville Road and advised that the speed limit of 80km/h was found to be appropriate for the road environment. This review included the section of road adjacent to 828 Sackville Road, Ebenezer.
7	Garrow	Requested a progress report on the building on the corner of Baker Street and George Street where a health hazard had previously been reported due to the pigeon droppings on the footpath on a regular occurrence.	The Director City Planning advised action will be undertaken to clean up the pigeon droppings on the footpath on a regular basis. Staff have liaised with the owner of the building in relation to the requirements to replace the roof and guttering as the building is a heritage listed building. Staff will follow up with the owner to progress the works.

**ORDINARY MEETING****Questions for Next Meeting****Meeting Date:** 27 February 2018

#	Councillor	Question	Response
8	Rasmussen	Referred to advise he had received about there being no power substation west of the river causing an issue if something happened east of the river. Can Council confirm if there is a power substation west of the river that would keep power up to those on the west of the river is something did happen on the east of the river.	The Director Infrastructure Services advised that contact will be made with Endeavour Energy to confirm status, reliability and adequacy of electricity supply in this area, with a request to provide a presentation to Council's Infrastructure Committee.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**Confidential Reports**  
**Meeting Date: 27 February 2018**

**CONFIDENTIAL REPORTS**

**Item: 058**                      **GM - Western Sydney City Deal - (79351, 140984)**

**Directorate:**                General Manager

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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)(d) of the Act as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

*By way of example, if a Commonwealth Public Servant releases this type of information without authority, it is a crime liable for up to 2 years prison under s.70 of the Crimes Act 1914.*

*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.*

*Councillors are also advised that in addition to the application of the confidentiality provisions of the Local Government Act, the City Deal process remains subject to a Cabinet-in-Confidence process. If Cabinet in Confidence information is revealed, that action may bring the relevant Council into disrepute if it is subsequently found that that action has breached other legislation and in doing so also becomes a breach of the Code of Conduct.*

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**ORDINARY MEETING**

**Confidential Reports**

**Meeting Date:** 27 February 2018

**Item: 059**                    **CP - Replacement of Community Representative on the Environmental Sustainability Advisory Committee - (124414, 126363))**

**Previous Item:**            275, Ordinary (13 December 2016)

**Directorate:**              City Planning

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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)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).*

*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: 27 February 2018**

**Item: 060**                      **CP - Hawkesbury Independent Hearing and Assessment Panel - (95498)**

**Previous Item:**            034, Ordinary (13 February 2018)

**Directorate:**              City Planning

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**REASON FOR CONFIDENTIALITY**

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*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).*

*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: 27 February 2018**

**Item: 061**                      **SS - Legal Advice - Hawkesbury House Pty Ltd - (95496, 112106, 131726)**

**Previous Item:**            196, Ordinary (31 October 2017)

**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 Sections 10A(2)(c) and 10A(2)(g) 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 also, as it relates to legal advice concerning a commercial lease and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, 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

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