



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 12 December 2017

location: council chambers

time: 6:30 p.m.



# mission statement

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

## **How Council Operates**

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

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

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

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

## **Meeting Procedure**

The Mayor is Chairperson of the meeting.

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

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

## **Public Participation**

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

To register, please lodge an application form with Council prior to 3pm on the day of the meeting. The application form is available on Council's website, from the Customer Service Branch or by contacting the Corporate Services and Governance Manager on (02) 4560 4444 or by email at [council@hawkesbury.nsw.gov.au](mailto:council@hawkesbury.nsw.gov.au)

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

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

## **Voting**

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

## **Planning Decision**

Under Section 375A of the Local Government Act 1993, voting for all Planning Decisions must be recorded individually. Hence, the Chairperson will ask Councillors to vote with their electronic controls on planning items and the result will be displayed on a board located above the Minute Secretary.

This will enable the names of those Councillors voting 'for' or 'against' the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

## **Business Papers**

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

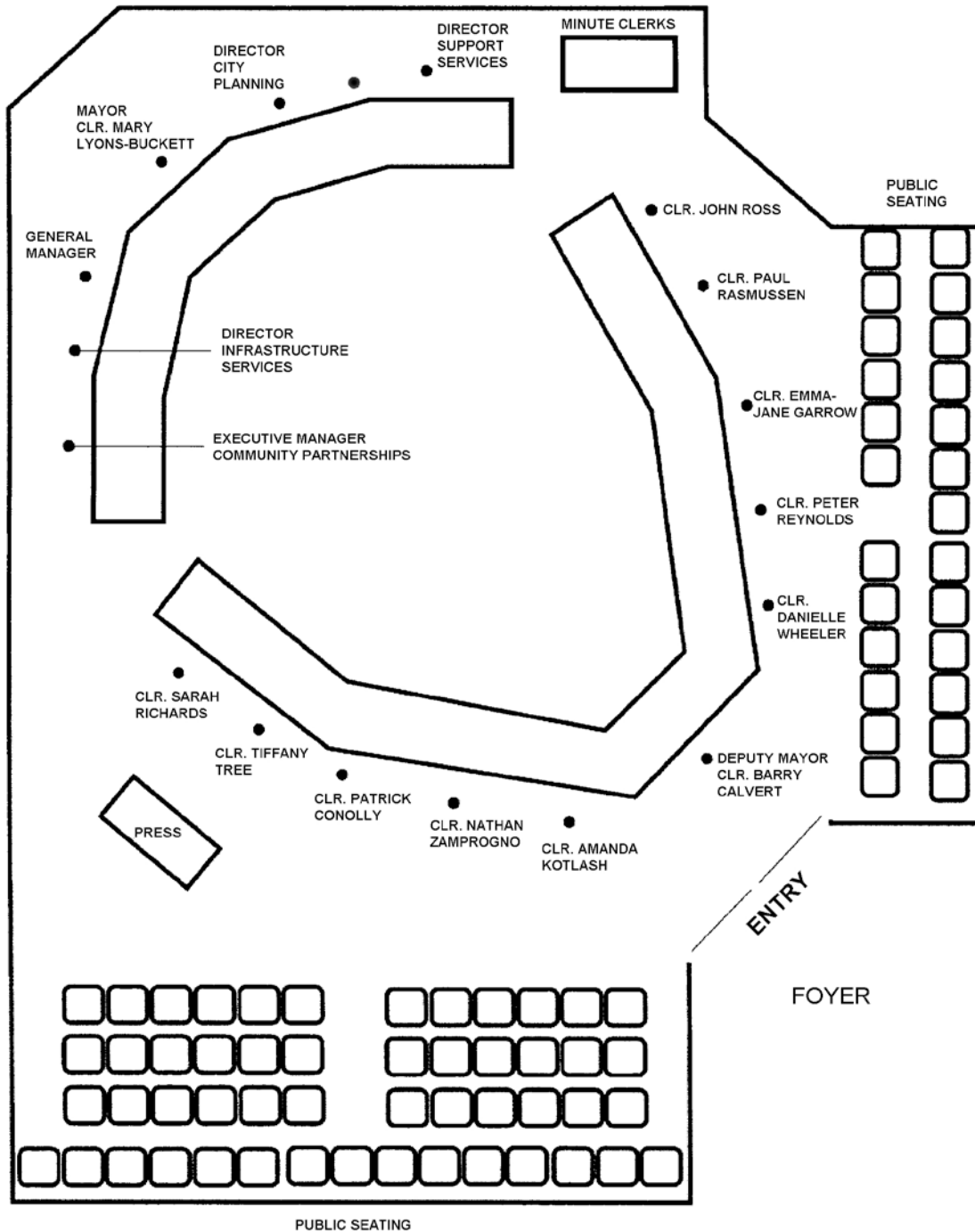
Hard copies of the business paper can be viewed at Council's Administration Building and Libraries after 12pm on the Friday before the meeting. The business paper can also be viewed on the public computers in the foyer of Council's Administration Building.

## **Further Information**

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



# Hawkesbury City Council





**ORDINARY MEETING**

**Table of Contents**

**Meeting Date: 12 December 2017**

**AGENDA**

- **WELCOME**
  - Acknowledgement of Indigenous Heritage**
- **APOLOGIES AND LEAVE OF ABSENCE**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**
- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 3 - Reports for Determination**
  - Planning Decisions**
  - General Manager**
  - City Planning**
  - Infrastructure Services**
  - Support Services**
- **SECTION 4 - Reports of Committees**
- **SECTION 5 - Notices of Motion**
- **QUESTIONS FOR NEXT MEETING**
- **REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION**

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 12 December 2017

**ORDINARY MEETING****Table of Contents****Meeting Date:** 12 December 2017**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>SECTION 1 - Confirmation of Minutes</b>		<b>3</b>
<b>SECTION 3 - Reports for Determination</b>		<b>7</b>
<b>PLANNING DECISIONS</b>		<b>7</b>
Item: 225	CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - Lot E DP 373372, 452 Greggs Road, Kurrajong - (95498, 124414)	7
<b>GENERAL MANAGER</b>		<b>23</b>
Item: 226	GM - Recording of Telephone Calls - Legal Advice - (79351, 105109, 138879)	23
Item: 227	GM - Request for Sponsorship - St Albans Festival 2018 - 2010 - (79351)	26
<b>CITY PLANNING</b>		<b>36</b>
Item: 228	CP - Public Place Recycling Program - Hawkesbury Show 2018 - (124414)	36
Item: 229	CP - Submission on the Draft Greater Sydney Region Plan and Draft Western City District Plan - (95498, 124414)	39
Item: 230	CP - Submission to Various Draft State Environmental Planning Policies and Standard Instrument Amendments - (95498, 124414)	46
<b>INFRASTRUCTURE SERVICES</b>		<b>72</b>
Item: 231	IS - Sustainable Energy Strategy - (95495, 79340)	72
<b>SUPPORT SERVICES</b>		<b>117</b>
Item: 232	SS - Fraud and Corruption Prevention Policy - (95496, 96333)	117
Item: 233	SS - Review of Council's Access to Information Policy - (95496, 96333)	119
<b>SECTION 4 - Reports of Committees</b>		<b>125</b>
ROC	Audit Committee Minutes - 13 September 2017 - (95496, 79351, 91369, 121470)	125
ROC	Human Services Advisory Committee - 9 November 2017 - (123486, 124414))	129
<b>SECTION 5 - Notices of Motion</b>		<b>137</b>
NM	Increased Tree Canopy - (79351, 138882)	137
<b>QUESTIONS FOR NEXT MEETING</b>		<b>138</b>
Councillor Questions from Previous Meeting and Responses - 14 November 2017 - (79351)		138

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 12 December 2017

Councillor Questions from Previous Meeting and Responses - 28 November 2017 - (79351)	140
---	-----

<b>CONFIDENTIAL REPORTS</b>	<b>146</b>
-----------------------------	------------

Item: 234      IS - Current Sullage Collection, Transportation and Disposal Contract - (95495, 112179) CONFIDENTIAL	146
---	-----

ordinary

section 1

confirmation of minutes

**ORDINARY MEETING**  
Confirmation of Minutes



**ORDINARY MEETING**  
Confirmation of Minutes

**SECTION 1 - Confirmation of Minutes**

**ORDINARY MEETING**  
Confirmation of Minutes

ordinary

section

3

reports  
for determination

**ORDINARY MEETING**

**Meeting Date:** 12 December 2017

## ORDINARY MEETING

Meeting Date: 12 December 2017

### SECTION 3 - Reports for Determination

#### PLANNING DECISIONS

**Item: 225**                      **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - Lot E DP 373372, 452 Greggs Road, Kurrajong - (95498, 124414)**

**Previous Item:**              96, Ordinary (31 May 2016)

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<b>Planning Proposal No:</b>	LEP004/16
<b>Property Address:</b>	452 Greggs Road, Kurrajong
<b>Applicant:</b>	Glenn Falson Urban and Rural Planning Consultant
<b>Owner:</b>	N S Hatherly
<b>Proposal Details:</b>	Amend Hawkesbury Local Environmental Plan 2012 to allow subdivision of Lot E DP 373372, 452 Greggs Road, Kurrajong into two large residential lots with a minimum lot size of not less than 4,000m <sup>2</sup>
<b>Date Received:</b>	3 February 2016
<b>Public Exhibition:</b>	1 September 2017 to 2 October 2017
<b>Community Submissions:</b>	Nil
<b>Government Agency Responses:</b>	Five responses
<b>Recommendation:</b>	Council proceed with the making of the LEP amendment and publically exhibit an associated draft Voluntary Planning Agreement

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#### **REPORT:**

##### **Executive Summary**

At its Ordinary Meeting on 31 May 2016, Council considered a report on a planning proposal received from Urban & Rural Planning Consultant (the applicant), 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. Council resolved to forward the planning proposal to the Department of Planning and Environment (DP&E) for a Gateway determination.

In July 2016, the DP&E agreed to proceed with the planning proposal and advised Council to undertake consultation with the community and public agencies as identified in the Gateway determination.

Consultation with the relevant public agencies and the community on the planning proposal was completed in accordance with the relevant statutory and 'Gateway determination' requirements.

The outcome of the consultation does not warrant any amendments to the exhibited planning proposal or the abandonment of the proposal.

In accordance with Council's resolution of 31 May 2016 with respect to contributions planning, the applicant on behalf of the developer/property owner offered to enter into a draft Voluntary Planning Agreement (VPA) with Council to pay developer cash contributions to Council for the purposes of infrastructure facilities and works to the value of \$30,000 for the additional rural residential lot on the subject site. A draft VPA has been prepared and finalised in consultation with relevant Council Officers for public consultation.

It is therefore recommended that Council proceed with the making of a plan in order to permit the subdivision of 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, and place the draft VPA attached to this report on public exhibition for a minimum of 28 Days.

### Consultation

Consultation with the relevant public agencies was completed in August 2016 and the community consultation was completed in early October 2016 in accordance with the relevant statutory provisions and the Gateway requirements.

Council has received responses from all agencies identified in the Gateway determination. In addition, a response was also received from the NSW Department of Primary Industries – Agriculture during the public exhibition period of the planning proposal. The response received from the NSW Department of Industry (Resources & Energy) raised no issues and the other responses raised certain issues. The issues raised in the responses and subsequent comments from the Council Officer are outlined in Attachment 1 of this Report.

Council received no submissions from the community during the exhibition period.

### Subject Site

The subject site has an area of 8,359m<sup>2</sup> and basically rectangular in shape with an approximate frontage of 70m to Greggs Road as shown in Figure 1 below.



Figure 1 Subject Site

The subject site is currently accessed via Greggs Road which is connected to Grose Vale Road.

The subject site contains two dwellings and two outbuildings. Based on the material provided by the applicant one of the dwellings is approximately 90 years old and an attempt was made by the property owner in 2009 for Council to consider this dwelling as a potential heritage item which to date has not occurred. The old dwelling has been used as a studio and for storage purposes associated with use of the new dwelling. When a new dwelling was approved ten years ago there was a condition imposed requiring the conversion of the old house for storage purposes.

The subject site has been identified as having 'connectivity between remnant vegetation and endangered ecological community' being mapped as Shale Sandstone Transition Forest on the Terrestrial Biodiversity Map. Existing vegetation on the subject site is predominantly located along the site boundaries and between the two existing dwellings.

Based on Council's slope mapping, the entire site area, other than a small area of land near the middle of the north-eastern boundary and the north-western corner has a slope less than 15%.

The immediate surrounding area of the site is predominantly characterised by rural residential development. The current lot sizes applicable for the subdivision of the surrounding properties are generally in the range of 450m<sup>2</sup> to 10ha.

### Background

On 31 March 2015, Council considered a report on the proposed large lot residential/rural-residential development within approximately 1km radius of Kurrajong and Kurmond neighbourhood centres and resolved to adopt an investigation area to enable structure planning and development contributions planning for the purposes of large lot residential / rural-residential within Kurrajong and Kurmond. The subject site is located within the Kurrajong and Kurmond Investigation Area (KKIA) referred to in this report as shown in Figure 2 below.

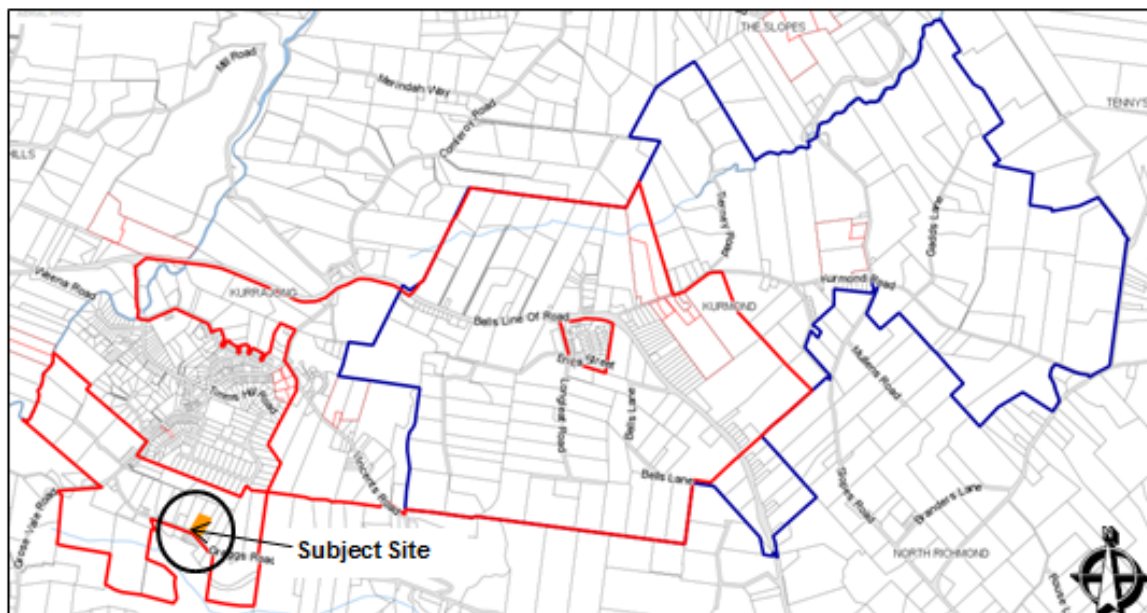


Figure 2 Kurmond Kurrajong Investigation Area

### Council's Previous Resolutions regarding Fundamental Constraints to Development

A number of reports have been presented to Council regarding the KKIA. 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 KKIA.

The result of these reports was that Council adopted the following development principles as an Interim Policy for consideration of planning proposals within the KKIA:

## ORDINARY MEETING

**Meeting Date:** 12 December 2017

- 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 and is shown in Tables 1 and 2 below.

**Table 1: Physical Environment**

Factor	Degree of Constraint to Development	Recommendation
<b>Terrestrial Biodiversity</b>		
Impact of development on threatened or endangered flora and fauna	Fundamental - Major	<p>Legislation applies to threatened and endangered species. OEH concurrence may be required.</p> <p>Removal of significant vegetation is to be avoided.</p> <p>Fragmentation of significant vegetation is to be minimised.</p>
<p><b>Comment:</b> A flora and fauna survey report prepared by UBM Ecological Consultants Pty Ltd concluded that no intact bushland remains on the subject site, which has been developed over many years as a managed garden, and some scattered native canopy trees are retained in the garden and small paddock. The report recommends appropriate tree protection measures should be in place prior to any development works and the use of the recommended minimal disturbance strategies to minimise any adverse impacts on the existing native trees within the subject site. Based on the report recommendations, the likely adverse impacts of the proposed development on the existing native trees will be minimal.</p>		
<b>Watercourses and Riparian Areas</b>		
Impact of development on watercourses and riparian areas	Fundamental - Major	<p>Legislation applies to threatened and endangered species. OEH concurrence may be required.</p> <p>Building envelopes, asset protection zones , driveways and roads (not including roads for the purposes of crossing watercourses) are to be located outside of riparian corridors.</p> <p>Road crossings of watercourses are to be minimised.</p> <p>Fragmentation of riparian areas is to be minimised.</p>
<p><b>Comment:</b> No watercourses traverse the subject site and there are no riparian areas on the subject site.</p>		



# ORDINARY MEETING

Meeting Date: 12 December 2017

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	Legislation applies to threatened and endangered species. OEH concurrence may be required. Removal of dams containing significant aquatic habitat is to be avoided. Minimum required buffer distances for effluent disposal systems are to be adhered to.
<b>Comment:</b> There are no existing dams located within the subject site.		
<b>Bushfire threat</b>		
Impact of the location and management of asset protection zones and perimeter roads	Fundamental - Major	RFS concurrence may be required Building construction and water supply is to comply with NSW Rural Fire Service's <i>Planning for Bushfire Protection 2006</i> , e.g. asset protection zones and roads
<b>Comment:</b> Given the existing two dwellings on the subject site are retained in their current locations, the likely adverse impacts of the future asset protection zones on the existing vegetation would be minimal. However, 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.		
<b>Aboriginal Heritage</b>		
Impact of development on Aboriginal heritage items	Fundamental - Moderate	<i>National Parks and Wildlife Act 1974</i> applies. Council and developers are also to consider relevant provisions of <i>Heritage Act 1977</i> when preparing and considering development applications
<b>Comment:</b> No known aboriginal relics are located on the site. Further consideration will be given to this at development application stage.		
<b>Land Contamination</b>		
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 residential purposes for many years. Council records do not show any past approvals or the use of the subject site for agricultural purposes or any other activities identified in Table 1 – 'Some activities that may cause contamination of Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land. Further consideration will be given to this at development application stage.		
<b>Acid Sulfate Soils</b>		
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.		

# ORDINARY MEETING

Meeting Date: 12 December 2017

**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.
<p><b>Comment:</b> The RMS has not requested a development contribution from this planning proposal for road works and has not raised any objection to the proposal.</p> <p>Council Officers have had detailed discussions with the 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>		
Wastewater		
Capacity of land to cater for on-site effluent disposal	Fundamental	Sydney Water concurrence may be required Developers are to demonstrate that waste water can be disposed of on site in an environmentally sensitive manner. Alternatively developers may provide reticulated sewer service to new lots in accordance with relevant licences and/or authority requirements. Clause 6.7 - Essential Services under LEP 2012 applies.
<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 will be further considered at the development application stage.</p>		
Public Transport Services		
Provision of bus service to cater for the needs of incoming population	Fundamental - Moderate	Transport NSW and RMS concurrence may be required. Possible levying of development contributions for bus services. Clause 6.7 - Essential Services under LEP 2012 applies.
<p><b>Comment:</b> The RMS has not requested a development contribution from this planning proposal for bus services. Council Officers are continuing discussions with the RMS and Transport for NSW regarding public transport services.</p>		

# ORDINARY MEETING

Meeting Date: 12 December 2017

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

On 29 November 2016, Council considered a report on the Survey of residents within the Kurmond and Kurrajong Investigation Area (KKIA), 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.*

## ORDINARY MEETING

Meeting Date: 12 December 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."

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 31 May 2016, and had received a Gateway determination advising to proceed in July 2016.

### Explanation of Proposed LEP Amendment

The current minimum lot size for subdivision of the subject site is 10ha. The exhibited planning proposal sought to amend the Lot Size Map of the LEP in order to permit the subdivision of the subject site into two large residential lots with a minimum lot size of not less than 4,000m<sup>2</sup>.

The Hawkesbury Residential Land Strategy (HRLS) recognises slopes greater than 15% act as a constraint to development, and future subdivision of the site for large rural residential lots would need to be limited to that area of land having a slope less than 15%.

Based on Council's slope mapping, the entire site area other than a small area of land near the middle of the north-eastern boundary and the north-western corner has a slope less than 15%. Therefore, the subject site has the potential to yield two large rural residential lots with a minimum lot size of not less than 4,000m<sup>2</sup>.

An Effluent Disposal Feasibility Report prepared by Barker Ryan Stewart Total Project Solutions and the Flora and Fauna Survey prepared by UBM Ecological Consultants Pty Ltd in support of the planning proposal concluded that appropriate building footprints and On Site Sewerage Management systems can be accommodated on the proposed two lots on the subject site.

Therefore, the planning proposal as exhibited sought an amendment to the Lot Size Map of the LEP to change the current 10ha minimum lot size provision for subdivision of the subject site to 4,000m<sup>2</sup> minimum lot size (W) as shown in Figure 3.

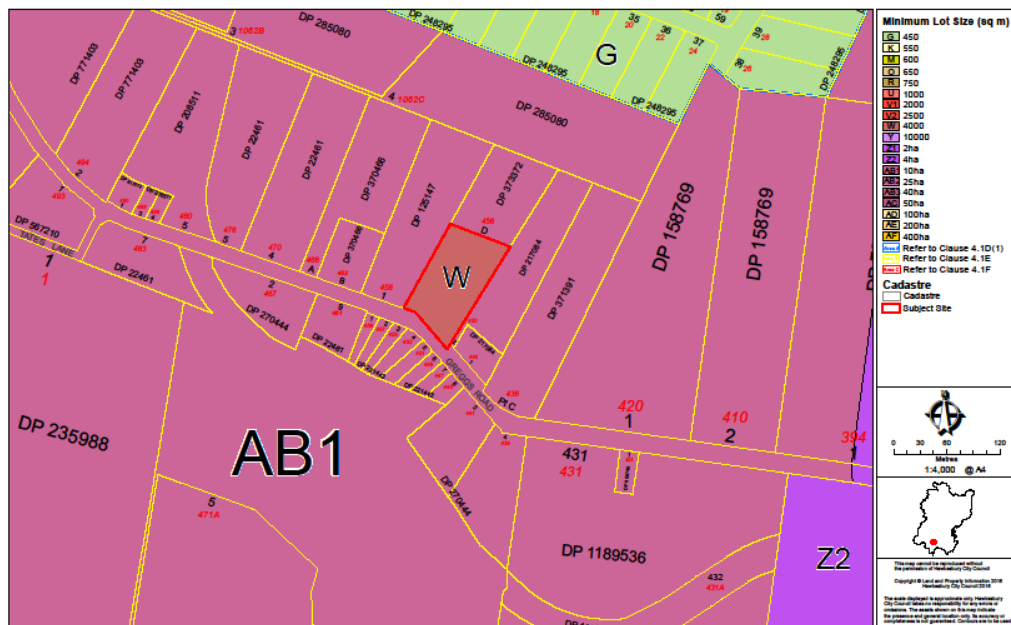


Figure 3: Proposed Lot Size Map

### **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 to make a direct request to the Parliamentary Counsel's Office (PCO) to prepare a draft Local Environmental Plan to give effect to the planning proposal.

Following receipt of an opinion from the PCO that the plan can be legally made, Council may then make the plan. Council delegated this plan making function to the General Manager by resolution on 11 December 2012.

### **Offer of a Voluntary Planning Agreement**

Council considered a report on VPAs for the Kurrajong/Kurmond adopted Investigation Area at its Ordinary Meeting of 10 November 2015, where it was 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 31 May 2016 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 infrastructure facilities and works to the value of \$30,000 for the additional rural residential lot on the subject site. A draft VPA has been prepared and finalised in consultation with relevant Council Officers, and the next step will be the exhibition of the draft VPA attached to this report for public comment in accordance with the relevant statutory provisions prior to reporting to Council for its finalisation and adoption.

### **Conclusion**

The consultation undertaken with the community and the relevant government agencies with respect to the planning proposal do not warrant any amendments to the exhibited planning proposal or the abandonment of the proposal.

In accordance with Part 4 of Council's resolution of 31 May 2016 requiring satisfactory progress towards the completion of either a Section 94 Developer Contributions Plan or a Voluntary Planning Agreement towards resolving infrastructure provision for this planning proposal, the developer has offered to enter into a Voluntary Planning Agreement with Council that would result in the cash payment of \$30,000 for the additional rural residential lot on the subject site.

## ORDINARY MEETING

Meeting Date: 12 December 2017

It is therefore recommended that Council proceed with the making of an LEP that will give effect to the exhibited planning proposal, and that the draft VPA be publically exhibited for a minimum of 28 days.

### **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.

### **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. 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.
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.

## ORDINARY MEETING

Meeting Date: 12 December 2017

### ATTACHMENTS:

- AT - 1 Government Agency Responses and Council Officer Response
- AT - 2 Draft Voluntary Planning Agreement between Hawkesbury City Council and N S Hatherly -  
(*Distributed Under Separate Cover*)
- AT - 3 Explanatory Note - Draft Voluntary Planning Agreement

# ORDINARY MEETING

Meeting Date: 12 December 2017

## AT - 1 Government Agency Responses and Council Officer Response

Agency	Issue	Council Officer Response
Roads & Maritime Services (RMS)	<p><u>Delay in assessing planning proposals</u></p> <p>The RMS suggests that site specific planning proposals be delayed until such time as a structure plan for the Kurrajong and Kurmond Investigation Area (KKIA) and supporting studies are completed. This will ensure that the cumulative impact of residential development in the KKIA is assessed, the necessary infrastructure to support development is identified, and a suitable developer contribution mechanism in place for the provision of infrastructure. This is particularly important for planning proposals which cumulatively contribute to the need for the road network upgrades, but do not individually warrant upgrades.</p>	<p>In November 2016 Council resolved not to accept any new planning proposals within the KKIA until such time as the structure planning for the KKIA is completed and continue processing the planning proposals 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. In line with this Council resolution, this report recommends to proceed with the making of a plan to give effect to the planning proposal.</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. Given Part 4 of Council's previous Resolution of 31 May 2016 requiring a satisfactory progression of a infrastructure provision for this planning proposal and there is no set timeframe for the completion of the S 94 Plan, the applicant on behalf of the developer/property owner has offered to enter into a VPA with Council that would result in the developer paying a cash contribution to Council for the purposes of infrastructure facilities and works.</p>
Office of Environment & Heritage (OEH)	<p><u>A flora and fauna study</u></p> <p>The OEH notes that the Gateway determination requires the preparation of a flora and fauna study prior to public exhibition of the planning proposal. The OEH recommends this study be prepared in accordance with the draft <i>Threatened Biodiversity Survey and Assessment: Guidelines for Development s and Activities</i> (DEC, November 2004).</p>	<p>In accordance with the Gateway determination requirement and the OEH recommendation, a flora and fauna study prepared by UBM Ecological Consultants Pty Ltd was received from the applicant. The study outlined the findings of a flora and fauna survey undertaken by the UBM Consultants and concluded that future development of the subject site for residential purposes will not adversely impact the existing native trees within the subject site provided that the recommended minimal disturbance strategies are implemented.</p> <p>The flora and fauna study formed part of the exhibition package of the planning proposal.</p>
NSW Rural Fire Service (NSWRFS)	<p>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>.</p>	<p>If this plan is made, any future development applications over the subject site will be referred to RFS for comment.</p>



# ORDINARY MEETING

Meeting Date: 12 December 2017

Agency	Issue	Council Officer Response
Department of Primary Industries – Agriculture (DPI Agriculture)	<p><u>Minimum subdivision standard for RU1 Primary Production and rezoning of agricultural land</u></p> <p>The DPI Agriculture does not support the use of minimum subdivision standards to provide further settlement in the RU1 zone and rezoning agricultural land suitable for cropping. It is preferred that rural residential is limited to lower productive capacity agricultural land.</p>	<p>Given the subject site is in close proximity to Kurrajong Neighbourhood Centre, surrounding rural residential development, not being used for intensive agricultural uses for many years and the size of subject site, it is considered that it is unlikely the subject site could be used for a substantial or viable agricultural enterprise in the future.</p>
DPI Agriculture	<p>The DPI suggests the use of rezoning is undertaken at a landscape scale to provide certainty for provision of services and landholders wishing to invest in agriculture</p>	<p>The planning proposal is to amend the Lot Size Map only and it does not propose the rezoning of the subject site.</p> <p>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 a 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 the 1km radius and meets the criteria in general.</p>
DPI Agriculture	<p><u>Agriculture Land Classification</u></p> <p>The Agricultural Suitability Mapping highlights that the site contains agricultural land class 3 suitable for cropping in rotation with pasture.</p>	<p>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>Class 1 and Class 2 have few constraints to agricultural production, so a wide range of crops can be profitably grown, but Class 3 has moderate productivity and is more suited to pasture improvement.</p> <p>However, 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>

# ORDINARY MEETING

Meeting Date: 12 December 2017

Agency	Issue	Council Officer Response
DPI Agriculture	<u>Consistency with the relevant planning policies</u> Planning proposals need to address current planning policies and strategies such as Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean and the Ministerial Directions 117 regarding rezoning rural land.	Consistency of the planning proposal with the relevant State and Local plans/policies and Section was addressed in the previous Council report dated 31 May 2016.
DPI Agriculture	<u>Residential Development in the RU1 Zone</u> Residential Development in the RU1 Zone should not restrict the ability to farm as per the NSW Government's Right to Farm Policy.	The NSW Government has developed and implemented a Right to Farm Policy to support farmers in exercising their right to farm.  As previously mentioned the subject site has not previously been used for agricultural purposes, and is unlikely to be used for such purposes in the future due to its size, proximity to the Kurrajong Neighbourhood centre and the surrounding rural residential development.

## ORDINARY MEETING

Meeting Date: 12 December 2017

### AT - 3 Explanatory Note - Draft Voluntary Planning Agreement

## Hawkesbury City Council



### Explanatory Note – Draft Voluntary Planning Agreement

Lot E DP 373372, 452 Greggs Road, Kurrajong

**This Explanatory Note has been prepared in accordance with clause 25E of *Environmental Planning and Assessment Regulation 2000* (the Regulation).**

The purpose of this Explanatory Note is to provide a plain English summary to support the notification, in accordance with section 93G of the *Environmental Planning and Assessment Act 1979* (the Act), of a draft Voluntary Planning Agreement (draft VPA) under section 93F of the Act.

This Explanatory Note is not to be used to assist in construing the draft VPA.

#### The Parties

The Parties subject to this draft VPA are as follows:

Hawkesbury City Council (ABN 54 659 038 834) ('Council')

Nicole Hatherly, (the Developer)

#### Description of Subject Land

This draft VPA applies to Lot E DP 373372, 452 Greggs Road, Kurrajong.

#### Summary of objectives, nature and effect of the Planning Agreement

The draft VPA is complementary to a proposed amendment to *Hawkesbury Local Environmental Plan 2012* which will enable the subdivision of the subject site into two large Housing lots with minimum lot sizes of not less than 4,000m<sup>2</sup>.

The objective, nature and effect of the draft VPA is for the Developer to provide Council with a cash contribution of \$30,000 for the additional Housing lot created. This amount is to be paid and is subject to consumer price index adjustment as per clauses 3, 6, 7, 8 and 9 of the draft VPA. It is anticipated that contributions collected by Council will be expended on local and district infrastructure and facilities such as, but not necessarily limited to, cycleways, bus shelters, landscape and park embellishments and road improvements to serve the needs of the community as a consequence of the development.

The agreement will only operate if and when Council grants development approval(s) to the proposed development of the site. The agreement excludes the application of section 94A and section 94 of the Act to the proposed development of the site.

#### Assessment of the merits of the Planning Agreement

The merits of the draft VPA are that it will provide Council with cash contributions to provide local and district infrastructure and facilities which are required by the community as a consequence of the development.

The draft VPA will have a positive impact on the public in that it will enable the provision of local and district infrastructure and facilities and for the orderly and economic development of the subject land.

366 George Street (PO Box 146) Windsor NSW 2756 | Phone: (02) 4560 4444 | Facsimile: (02) 4567 7740 | DX: 8601 Windsor  
Hours: Monday to Friday 8:30am - 5pm | Email: council@hawkesbury.nsw.gov.au | Website: www.hawkesbury.nsw.gov.au



Interpreter Service 131 450

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## Hawkesbury City Council



### How does the Planning Agreement promote the public interest and one or more of the objects of the Act?

The draft VPA promotes the public interest by ensuring that a cash contribution is made for the provision of local and district infrastructure and facilities which are required by the community as a consequence of the development.

The draft VPA promotes the following objects of the Act through the provision of cash contributions to be used for the provision of local and district infrastructure and facilities:

- to encourage the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment (Section 5(a)(i))
- to encourage the promotion and co-ordination of the orderly and economic use and development of land (Section 5(a)(ii))
- to encourage the provision and co-ordination of community services and facilities (Section 5(a)(v)).

### How does the Planning Agreement promote the objects of the Local Government Act 1993?

By requiring the payment of cash contributions, the draft VPA provides Council with the ability to provide local and district infrastructure and facilities appropriate to the needs of the incoming community and also provides Council with a role in the management, improvement and development of resources in the area.

In this way, the draft VPA promotes the purposes set out in section 7(e) of the *Local Government Act 1993*.

### How does the Planning Agreement promote the Principles for local government under Chapter 3 of the Local Government Act 1993?

The draft VPA makes provisions for Council to receive cash contributions that can be used for the provision of local and district infrastructure and facilities, hence the VPA promotes the following elements of Principles for local government under Chapter 3 Sections 8A and 8B of the *Local Government Act 1993*:

- 8A (1) (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way
- 8A (1) (g) Councils should work with others to secure appropriate services for local community needs
- 8A (1) (h) Councils should act fairly, ethically and without bias in the interests of the local community
- 8A (2) (b) Councils should consider social justice principles
- 8A (2) (c) Councils should consider the long term and cumulative effects of actions on future generations
- 8B (d) Councils should have regard to achieving intergenerational equity, including ensuring the following: (i) policy decisions are made after considering their financial effects on future generations.

### What are the planning purposes served by the Planning Agreement?

The planning purpose of the draft VPA is to enable the collection of contributions that can be used for the delivery of local and district infrastructure and facilities required as a result of the proposed development.

The agreement will only operate if and when Council grants development approval(s) to the proposed development of the site. If the proposed development does occur then the planning purpose will be achieved. If the proposed development does not occur the planning purpose will not be achieved nor will it be required.

### Does the Planning Agreement conform with Council's Capital Works Program?

It is anticipated that the contributions collected will be used to provide local and district infrastructure and facilities that are supplementary and consistent with Council's current capital work program.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 12 December 2017

### GENERAL MANAGER

**Item: 226**                      **GM - Recording of Telephone Calls - Legal Advice - (79351, 105109, 138879)**

**Previous Item:**              NM2, Ordinary (8 August 2017)

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#### **REPORT:**

##### **Executive Summary**

Council, at its meeting on 8 August 2017, considered a Notice Motion in respect to the recording of telephone calls and resolved to seek legal advice on the matter before proceeding any further.

The legal advice has since been received and the results discussed at a Councillor Briefing Session. During the course of the Briefing a number of related customer service matters were discussed. A report on the matter is now submitted for the Council's information.

##### **Consultation**

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

##### **Background**

Council, at its meeting on 8 August 2017, considered a Notice Motion on the subject matter and resolved as follows:

*"That Council seek legal advice to determine the ramifications of implementing recording of phone calls between Council staff and third parties, including residents and the legal advice be reported back to Council and this information then be used to determine if a further report regarding this matter is required to be brought to Council."*

Accordingly, Council sought legal advice from Pikes & Verekers Lawyers (Pikes) in respect to the ramification of Council implementing the recording of all phone calls between Council Staff and third parties, including residents, visitors, community members/groups, business owners and any other person/s who would be required to contact Council. The advice was to include calls received by Council staff from third parties and made by Council staff to third parties, but not calls between staff.

Pikes provided the advice as requested. As the topic is potentially quite involved and wide-ranging, further advice was sought to clarify Council's requirements under the State Records Act, 1998 and Industrial Relations obligations. Essentially, there are a number of issues to be considered and practices to be put into place should Council proceed with implementing the recording of phone calls between Council staff and third parties, such as:

- Council would be required to comply with the Surveillance Devices Act (NSW) 2007 whereby both parties would need to consent to be recorded. If the other parties, i.e. not a Council staff member, refused to be recorded, then processes would need to be put in place for Council to continue undertaking the business/enquiries required.
- Incoming and outgoing calls would require a fulsome warning advising of the recording as a Council-wide practice and that the information will be maintained as 'Government Information' and would most likely be made available under the Government Information (Public Access) Act 2009 (GIPA Act). A convenient opt-out option would need to be made available to the customer and processes put in place to continue the conversation unrecorded.

## ORDINARY MEETING

Meeting Date: 12 December 2017

The above two points would create inconsistencies and some delay in Council undertaking its business and engaging with the community.

- All recordings would constitute 'Government Information' and under Section 5 of the GIPA Act, would most likely be required to be disclosed to any other interested party if requested, even if the staff member or the third party that was recorded objected to the disclosure.
- Notwithstanding the presumption in favour of disclosure under Section 5 of the GIPA Act, in the event of a GIPA application being lodged for a recording, the principal caller would still need to be consulted to seek their consent or otherwise to the release of the recording as their attitude and reasoning for the being recorded in the first instance could vary over subsequent months/years.

Contacting the principal caller over time would present practical difficulties if they have a change of location or contact numbers. Therefore, controversial decisions on whether to release or withhold the information would need to be made by Council staff.

- As recordings are for business related purposes and not to support short term customer service objectives and the ongoing monitoring of service standards, they would need to be registered appropriately in Council's records management system to ensure compliance with State Records Act and GIPA legislation. Each recording would need to be indexed appropriately and clearly identify the parties involved, the matter discussed and the Council related function, activity, nature of the call, etc.

The abovementioned matters would require additional resources directed to the administration within individual sections or the Records Section, in addition to the investment into the creation of appropriate storage/data capacity of Council. Additional storage capacity would cost approximately \$77,000 per annum.

- If recordings are for "training and monitoring services standards only", there is no requirement for Council to store under the State Records Act and/or the GIPA legislation.
- Processes for staff to consent to every call being recorded and the associated industrial relations issues would need to be considered and implemented.

Initial investigations indicate that the cost for implementation would be approximately \$33,000, with an ongoing cost of approximately \$7,000 per annum for software maintenance and support. This would enable Council to record 30 fixed-line phone calls concurrently, which is considered adequate for an organisation of Council's size.

In the event a Council staff member received or made the '31<sup>st</sup> phone call', it would not be recorded, nor would any calls received or made directly from a Council issued mobile phone. Further investigations into recording mobile phone calls would need to be undertaken by staff in conjunction with Council's telecommunications provider, if the recording service was to be expanded.

If Council was to proceed with the implementation of this practice; procedural, privacy, customer preferences, industrial relations, staffing and storage requirements would need to be addressed. Council currently receives over 60,000 calls per year (fixed-line) and is yet to receive a request for a recording of a phone call. It is unknown how many fixed-line calls are made by staff per year.



## ORDINARY MEETING

Meeting Date: 12 December 2017

### Councillor Briefing Session

The information above was presented at a Councillors Briefing Session held on Tuesday, 21 November 2017. As result of discussions at the Briefing, Council contacted a number of neighbouring councils including The Hills, Blacktown, Hornsby, Central Coast and Parramatta Councils, as well Regional Strategic Alliance (RSA) partners Penrith and Blue Mountains Councils, to ascertain their practice in respect to the recording of telephone calls. All councils recorded a small number of incoming calls received through their customer services department to ensure customer service objectives and standards are met, and for ongoing training purposes.

Council can investigate the utilisation of its existing recording capabilities to monitor and improve the consistency and quality of customer responses and outcomes. Council Management will initiate a review of processes to identify strategies to track and monitor the accuracy of information provided to customers. The proposed strategies will be presented to Councillors.

The information contained within this report is submitted for Council's information.

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

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

#### Our Leadership

1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.

11.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

### Financial Implications

Some of the matters raised in this report have direct financial implications. As detailed above, the implementation of the recording of phone calls will need to be supported by the appropriate framework of processes so as to ensure legal requirements are met. Accordingly, the financial implications include costs associated with the installation of a telephone recording system as well as costs associated with implementation of the necessary framework. Costs are as follows:

- |                                |                              |   |
|--------------------------------|------------------------------|---|
| • Telephone recording system:  | One off purchase             | \$33,000  |
|                                | Ongoing annual cost          | \$7,000   |
| • Additional storage capacity: | Equipment and software lease | \$386,540 for 5 year lease<br>(\$77,308 per year) |
| • Staffing costs:              | Records Staff/Administration | \$TBD<br>Officers per section                     |

### RECOMMENDATION:

That the report be received and noted.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 12 December 2017

Item: 227

GM - Request for Sponsorship - St Albans Festival 2018 - 2019 - (79351)

### REPORT:

#### Executive Summary

The St Albans Writers Festival (The Festival) has been held at St Albans since 2013. The Festival is a contemporary event that brings the local community and lovers of writing from Sydney and the wider Hawkesbury area to the village of St Albans. It is run by a committee of volunteers who work throughout the year in planning and organising the event.

The St Albans Writers Festival Inc is requesting ongoing sponsorship from Council for the 2018, 2019 and 2020 Festival. A copy of the correspondence from St Albans Writers Festival Inc is included as Attachment 1 to this report.

This report outlines details of the 2018, 2019 and 2020 St Albans Writers' Festival and the actions Council can take to assist the event.

#### Consultation

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

#### Background

The St Albans Writers Festival began as a one-day event ('Book Feast') in 2013. There was approximately 130 attendees. Entry was free with only four sessions. There was no event in 2014.

In 2015 the Book Feast became a Festival that ran over a weekend with approximately 300 attendees. In 2015 Council provided \$3,000 of funding through Council's Community Sponsorship Program.

In 2016 The Festival was a three day event with approximately 500 people attending. Council provided \$3,000 of funding through Council's Sponsorship Program.

In 2017 The Festival was held over a long weekend from 8 to 10 September. Council provided contributions totalling \$8,000 which included funding of \$5,000 and \$3,000 in-kind resources. Attendance remained steady from the previous year at around 500, however there was an increase in visitors buying weekend passes and staying overnight in the Valley. The accommodation in the area is no longer able to meet the needs of those attending The Festival.

There were over 50 writers and facilitators who attended a number of sessions over the weekend. A number of the writers are also national and/or international prize winners.

The cost for a one day pass (up to five sessions) to the 2017 Festival was \$120 and for a weekend pass (up to ten sessions) the cost was \$200. Tickets could also be purchased to individual events like opening night, film and dinner and dinner tickets. Writers were not paid to attend the event, however their transport costs, accommodation and food were paid for by The Festival. Local volunteers who gave their time and expertise were offered a half day pass for every four hours of volunteer work, all volunteers were given free books and sponsor materials, local residents were offered a free ticket to the film night. The Festival was an opportunity for engagement and creating resilience within the local community with over 100 residents involved in the event from providing security to setting up marquees.

The 2017 Festival received sponsorship, funding and support from Hawkesbury City Council, Virgin Australia, Berkelouw Books, Coast Design, NSW Publishing and Harper Collins, Woollahra Library, Simone Logue, the Faber Academy at Allen and Unwin and local businesses, the Settlers Arms Inn, Yanada, The Courthouse, Price Morris Cottage, St Josephs and Bandusia Retreat.



**The 2018, 2019 and 2020 St Albans Writers' Festival**

The St Albans Writers' Festival Inc has forwarded to Council correspondence dated 16 November 2017 requesting ongoing sponsorship for the 2018, 2019 and 2020 St Albans Writers' Festival. It is proposed to run over three days and is expected to be held in September each year. A copy of the letter is included in Attachment 1 to this report.

The event organisers have advised Council of the following objectives for The Festival:

- an opportunity to bring locals and the wider community to participate in a quality cultural event and learn about the area's history
- an opportunity for emerging local writers to share their work
- an opportunity for the people of the St Albans area to develop skills in Festival organisation and management through involvement in the many aspects of organising the Festival
- an opportunity for residents of the broader Hawkesbury area to hear and meet new and established Australian writers
- engage the local community in a way that brings economic activity and social cohesion to the area extending beyond the three days of the festival through volunteering and attending The Festival
- enable a wider group to discover the Hawkesbury, enjoy its beauty through the experience of a locally hosted event with potential positive effects on tourism in the area
- produce an event that reflects the uniqueness of the area through the intimacy and the unique atmosphere
- host an event which is both sustainable and a favourite on the local calendar
- expand attendance from the broader Hawkesbury area including both small townships and villages (Wollombi, Ebenezer, Wilberforce) and large towns like Windsor and Richmond
- continue to develop the reputation St Albans is acquiring for being a cultural destination. It used to be primarily known for events such as the Convict 100 bike ride, the Shahzada endurance horse ride and the Folk Festival, but through The Festival, St Albans is building a reputation as a cultural hub of the Hawkesbury (another opportunity to build this reputation is through the creation of writers' retreats in St Albans outside The Festival period)
- developing resilience through inclusive celebrations and involving diverse groups - local Aboriginal representatives, cultural and historical societies, books and writing groups, school fundraising parents and teachers, local businesses (bus drivers), stalls, arts, crafts, etc. The Festival provides a vehicle for locals to host visitors and share activities of agreed values, interests and aspirations. It adds to their sense of belonging
- work with Hawkesbury City Council to continue to develop the relationship with the Cultural Services branch to bring cultural activities to other venues in the Hawkesbury such as the writing workshop in 2017. In the future this may also include author talks and workshops for children and adults in Hawkesbury Central Library, the Hawkesbury Gallery and other venues in the lead up to The Festival and a launch of The Festival program in Windsor.

The Festival organisers are seeking a three year grant of \$10, 000 per year from the Council for 2018, 2019 and 2020. The grant will be spent on the infrastructure that supports The Festival from local suppliers including:

- the hire of high-quality equipment like generators, refrigeration, lighting, the cost of an operator to work alongside volunteers
- the hire of quality marquees, stages, furniture for events
- payment for local accommodation
- 'Portaloo' hire
- contribution towards printing costs.

## ORDINARY MEETING

Meeting Date: 12 December 2017

The Festival organisers are also seeking in-kind funding for a jointly planned campaign of marketing The Festival within the Hawkesbury including:

- events at Council facilities such as Hawkesbury library, the Art Gallery and the Museum
- the joint launch of The Festival at a Council venue.

As assessment has been made of the request by the event organisers and in an effort to support the event Council could provide the following range of in-kind services to the value of \$2,500 and a cash contribution of \$7,500 each year for the next three years.

Assistance	Value 2018	Value 2019	Value 2020	Total Value 2018-2020
Assistance with the promotion of the event through Council's promotion channels including: Inclusion in the Mayoral Column Placements on Council's website Media release Promotion on Hawkesbury Events Facebook page Promotion in Council's newsletter Promotion in Council facilities	\$1,200	\$1,200	\$1,200	\$3,600
Work with Council's Corporate Communication team and Council's Cultural Services Branch to run a launch event at a Council venue	\$1,000	\$1,000	\$1,000	\$3,000
Work with Council's Cultural Service Branch to promote the event through its Facebook page and website	\$300	\$300	\$300	\$900
Monetary contribution for the infrastructure costs of the events	\$7,500	\$7,500	\$7,500	\$22,500
<b>Total</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$30,000</b>

### Sponsorship Policy

Council has previously adopted a 'Sponsorship Policy' to manage the arrangements whereby Council may receive a sponsorship for an event for activity or consider granting a sponsorship to another party "in money or kind, to support an 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 The Festival will provide economic benefits to local businesses and the tourism sector in the Hawkesbury.

It is also considered that the proposal achieves a number of other benefits such as:

- building community capacity in relation to the running of the event
- bringing the local community together to support the running of the event
- running an event that provides all members of the community with an opportunity to both participate in the running of the event and experience the opportunities that the event provides
- supporting local business with the potential to expand that support into the wider Hawkesbury Community
- promoting the rural regions of the Hawkesbury to a wider audience, thereby generating additional tourism opportunities over the balance of the year.

## ORDINARY MEETING

Meeting Date: 12 December 2017

It is anticipated that over the course of the three year sponsorship, St Albans writers Festival Inc. will be working towards becoming a self-sustaining event. A plan will be sought from St Albans Writers Festival Inc., as part of the Sponsorship Policy, which will detail how the event will become increasingly self-sustaining.

### 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

5.6 Instigating Place Making Programs - Celebrate our creativity and cultural expression

5.6.1 Foster and promote an annual program of events, festivals, sporting and cultural activities that allows our communities to connect and celebrate with one another.

### Financial Implications

Funding of \$7,500 can be provided for in the 2018/2019, 2019/2020, 2020/2021 Draft Operational Plans to support events such as the St Albans Writers Festival. In addition, an in-kind contribution by the way of staff time for events and promotion of \$2,500 a year and over three years of \$7,500.

### Conclusion

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, banners, bags etc
- increased coverage in local and metropolitan media regarding the event and the location, including its potential as a weekend tourist destination
- invitations issued to Council representatives to attend official duties.

### RECOMMENDATION:

That:

1. Council agree to support the 2018, 2019 and 2020 St Albans Writers' to be held in September 2018, September 2019 and September 2020 to the value of a \$10,000 a year, with total value of contributions being \$30,000 over three years.
2. Council allocate funding of \$7,500 a year in the 2018/2019, 2019/2020 and 2020/2021 Draft Operational Plan a year and provide in-kind resources to the value of \$2,500 each year for 2018, 2019 and 2020 as outlined in this report to support the St Albans Writers Festival.
3. Council's standard Sponsorship Agreement be executed.

### ATTACHMENTS:

AT - 1 Proposal from St Albans Writers' Festival Inc. requesting support for the St Albans Writers' Festival 2018 - 2010.

## ORDINARY MEETING

Meeting Date: 12 December 2017

### AT - 1 Proposal from St Albans Writers' Festival Inc. requesting support for the St Albans Writers' Festival 2018 - 2010

#### **Proposal from St Albans Writers' Festival Inc. requesting ongoing infrastructure support for the St Albans Writers' Festival 2018, 2019, 2020**

##### **Organisation Details:**

- Name: St Albans Writers Festival Inc
- Organisation type: Incorporated Association
- Postal Address: 1515 St Albans Road, Central Macdonald, 2775
- Contact: Catherine du Peloux Menagé, 0412 517 885  
[catherine@stalbanwritersfestival.com.au](mailto:catherine@stalbanwritersfestival.com.au)  
Jonathan Nolan  
[jonathan@stalbanwritersfestival.com.au](mailto:jonathan@stalbanwritersfestival.com.au)

##### **The event: Description**

The third successful St Albans Writers' Festival took place from 8-10 September 2017, with the support of Hawkesbury Council and the presence of the Mayor who spoke at the opening event of the Festival on Friday 8 September.

The Festival is a vibrant, contemporary and intimate event that brings the local community and lovers of writing from Sydney and the wider Hawkesbury area to the beautiful village of St Albans. It is run by a committee of volunteers who work throughout the year in planning and organising and a team of volunteers who come on board about three months before the event.

Starting from a small-scale day event, the 'book feast' in 2013, the Festival now takes place over a whole weekend and attracts writers of high calibre from NSW and interstate.

This year the Festival hosted a host of national and international Australian prizewinners including Booker prize winner Thomas Keneally who was interviewed by Susan Wyndham and launched the work of new writer Rachel Leary. Pulitzer prize winner Sebastian Smee discussed his witty and insightful **The Art of Rivalry** with State Librarian John Vallance. Fiona McFarlane, Dylan Thomas Prize winner for her short story collection **The High Places** spoke in two sessions as well as reading a story by the fire. The Mark and Evette Moran NIB Literary Award was represented by the overall winner, Rachel Landers, for **Who bombed the Hilton** as well as the People's Choice award winner Melanie Joosten. Finally we had two Academy Award winners – George Miller and Margaret Sixel who presented Miller's acclaimed film **Mad Max: Fury Road**.

Other speakers included Hugh Mackay, Stan Grant, Caroline Baum, Jane Caro, Michael Brissenden, artist and writer George Gittoes, historians such as Tom Griffiths, crime writers like Melina Marchetta and Baz Radburn, travel writers, established novelists like Kathryn Heyman and Nikki Gemmell as well as new writers. The complete list of over 50 writers and facilitators many of whom contributed to more than one session is given at the end of this document.

The Festival is now able to attract the best writers in the country, an extraordinary achievement for an event run entirely by volunteers and the star of the Festival is the setting of St Albans and the Hawkesbury area which many visitors discover for the first time.

## ORDINARY MEETING

Meeting Date: 12 December 2017

### Objectives of the Festival:

Our objectives include to:

- offer people of the St Albans area the opportunity to attend and participate in a high-quality cultural event on their doorstep, learning more about each other and the rich history of our area in the process
- offer the people of the St Albans area the opportunity to develop skills in Festival organisation and management through involvement in the many aspects of organising the Festival over a year and running the event
- offer local writers the opportunity to discuss and present their work, for example, Gil Jones has published his second book and spoken about it at the Festival in 2017; a writers' group was formed and read their work at the 2017 Festival
- give the opportunity to residents of the broader Hawkesbury area to hear and meet new and established Australian writers
- engage the local community in a way that brings economic activity and social cohesion to the area extending beyond the three days of the festival through volunteering and attending the Festival.
- enable a wider group to discover the Hawkesbury, enjoy its beauty through the experience of a locally hosted event with potential positive effects on tourism in the area
- produce an event that reflects the uniqueness of the area through the intimacy and the unique atmosphere
- support emerging and established Australian authors rather than overseas writers
- host an event which is both sustainable and a favourite on the local calendar
- for 2017 we aim expand our attendance from the broader Hawkesbury area including both small townships/villages (like Wollombi, Ebenezer, Wilberforce) and large towns like Windsor and Richmond.
- continue to develop the reputation St Albans is acquiring for being a cultural destination. It used to be primarily known for events such as the Convict 100 bike ride, the Shahzada endurance horse ride and the Folk Festival, but through the festival, it is now it is building a reputation as a cultural hub of the Hawkesbury. We are now also organising and promoting writers' retreats in St Albans outside the Festival period.
- developing resilience through inclusive celebrations and involving diverse groups - local Aboriginal representatives, cultural and historical societies, books and writing groups, school fundraising parents and teachers, local businesses (bus drivers), stalls, arts, crafts, etc. The festival provides a vehicle for locals to host visitors and share activities of agreed values, interests and aspirations. It adds to their sense of belonging.
- work with Hawkesbury Council to expand the relationship now established with the Cultural Services branch of the Hawkesbury Council to bring cultural activities to other venues in the Hawkesbury such as the writing workshop in 2017. In future this might include author talks and workshops for children and adults in Windsor Library, the Art Gallery and other venues in in the lead up to the festival and a launch of the Festival program in Windsor.

## ORDINARY MEETING

Meeting Date: 12 December 2017

### **Funding sought:**

We are seeking a three-year grant of \$10,000 per year from the City of Hawkesbury to help secure the continuation of the Festival from 2018- 2020. This would give us some security on which to continue to build into the future. (We will of course be applying for other grants and sourcing other funding.)

This grant will be spent on the infrastructure that supports the festival. As the Festival's budget has been very limited, we have always had minimum infrastructure at the lowest possible costs and this year faced problems this year with our equipment and our marquees and stages that put an additional load on all volunteers.

With an aim to source locally, this funding will be used to support the costs of:

- hire of high-quality equipment such as generators, refrigeration, lighting , paying for delivery and for an operator to work alongside festival volunteers
- hire of higher quality marquees, stages, furniture for the events
- payment for local accommodation where not provided free of charge
- hire of portaloos
- contribution towards printing costs to be sourced locally if possible

We also seek in-kind assistance through a jointly planned campaign of marketing the Festival within the City of Hawkesbury, including in Council facilities such as local libraries, Museum and the Art Gallery. This could include the launch of the Festival program to be organised jointly by the Council.

### **Social and Economic Benefits:**

Following a successful third year, the St Albans Writers' Festival now has its own distinctive presence on the Australian writers' festival circuit.

Social and economic benefits include:

- strong team work and skills development by members of St Albans Writers' Festival Inc - all locals with a strong connection to the area – and local volunteers including new residents – the new owners of the Courthouse guesthouse have made the Courthouse an intrinsic part of the Festival.
- Local indigenous resident Col and Lully Lyons opened the events each year introducing the attendees to the local Aboriginal people, not only inviting those attending to participate in the welcome to country smoking ceremony but also inviting them to learn about indigenous life
- the Volunteer Rural Fire Service has shown a commitment to the festival for which we are grateful
- the Settlers' Arms became the heart of the festival, with owners Gabrielle and Ian Burns-Woods making this landmark hotel, its kitchen and grounds available for the weekend free of charge
- the festival itself has drawn people from all over New South Wales to a unique event that has grown the local economy but has also touched the hearts of souls of the people who attended.
- the beauty of St Albans has opened the eyes of many to the greater Hawkesbury area.

### **Sustainability**

We have already proved the sustainability of the organisation in terms of finding new members for the onerous duties of the organising committee when members have left the area or the committee for a variety of reasons. We now have a new Treasurer with high level CFO experience and a new Accommodation officer as well as other new volunteers and new local residents offering accommodation.

## ORDINARY MEETING

Meeting Date: 12 December 2017

However, attracting funding remains an problematic issue. Our aim is to make the event more sustainable through ticket sales and sponsorships, both financial and in-kind. All writers' festivals, however, need financial support to survive. With a successful three year track record, we will again approach Arts funding bodies and we that as the event is now more widely known it will attract additional funding.

### Evaluation

The four main strands of evaluating the Festival are in terms of the engagement of the local community as volunteers and attendees, the number of calibre of writers willing to appear, the number of visitors willing to pay for tickets and the financial health of the event

- engagement of local community: over 100 local residents were involved in the 2017 event in ways ranging from providing security to setting up marquees;
- attractiveness to writers: over 50 writers and facilitators participated in 2017, many of them undertaking several sessions over the weekend
- our visitor numbers remained steady at around 500 over the weekend, with an increase in visitors buying weekend passes and staying overnight in the valley (accommodation utilised: the area is no longer able to meet the need of those attending the festival and accommodation wider afield has been used). We estimate our maximum capacity at about 550 in total so that the Festival remains the warm and intimate experience which people love
- The Festival has broken even for the third year leaving some seed funding for 2018.

### Ticket prices

Our prices this year were as follows:

Day pass (five sessions)	\$ 120
Weekend pass (ten sessions)	\$200
Opening night event and dinner ticket	\$75
Film and dinner ticket	\$50
Simmone Logue Dinner with the writers ticket	\$100
1836 dinner ticket	\$75

Free events included the book launch with Tom Keneally, NIB award interview short stories by the fire, readings for children and readings of local writing.

In order to ensure that pricing did not disadvantage people:

- Local residents were offered a free ticket to the film night.
- Volunteers were offered a half-day pass for every four hours of volunteer work. All volunteers were given a tote bag, free books, a free three month subscription to Audible and other free materials from our sponsors
- Volunteer team managers were given a ticket to the opening night address and dinner

### Sponsorships/grants

- Hawkesbury Council provided a grant of \$5000 in cash and other elements in kind
- Virgin Australia made it possible to fly six writers from interstate for a third year
- Berkelouw Books provided 10% of their takings
- Coast Design designed our marketing materials, and designed and managed our very successful website
- Local residents sponsored writer sessions
- New South Publishing and Harper Collins publishers contributed towards the cost of marquees and Harper Collins
- Woollahra Library provided a launch venue free of charge
- Simmone Logue provided food for the launch free of charge
- Faber Academy at Allen and Unwin provided free books for volunteers

## ORDINARY MEETING

Meeting Date: 12 December 2017

- Many local businesses provided accommodation and venues – including the Settlers Arms Inn, Yanada, The Courthouse, Price Morris Cottage, St Josephs, Bandusia retreat and others.

Most of these sponsors with the exception of the publishers whom we have not yet approached have indicated their willingness to continue to sponsor the Festival.

We were not granted funding from Arts NSW, The Copyright Council, the Australia Council or other state or federal government but envisage that this will change after a third successful year of operation. Our expenses reflect this assumption.

### Anticipated Income and Expenses 2017:

INCOME	\$	EXPENSES	\$
Earned income (from ticket sales and book sales commission)	\$40,000	Salaries (volunteer costs only)	\$5000
Donations	\$1,000	Promotion, marketing and advertising	\$25,000
Grants		Materials and Program costs	\$25,000
Other income	\$3,000	Equipment, transport hire	\$20,000
		Marquee and venue hire	\$15,000
Amount requested from Council	10,000	Other costs	\$ 2,000
<b>Total income</b>	<b>\$ 56,500</b>	<b>Total expenses</b>	<b>\$92,000</b>



## ORDINARY MEETING

Meeting Date: 12 December 2017

### LIST OF AUTHORS AND FACILITATORS

Nicole Abadee  
Jane Abbott  
Nigel Bartlett  
Caroline Baum  
Bernadette Brennan  
Michael Brissenden  
Alice Campion  
Jane Caro  
Anna Clark  
Tony Doherty

Nikki Gemmell  
Julie Gibbs  
George Gittoes  
Justin Gleeson  
Madeline Gleeson  
Nick Gleeson  
Roanna Gonsalves  
Stan Grant  
John M Green  
Tom Griffiths

Geoffrey Hawker  
Kathryn Heyman  
David Hill  
Jane Holloway  
Tracey Holmes  
David Hunt  
Paul Irish  
Meredith Jaffé  
Gil Jones  
Melanie Joosten

Leah Kaminsky  
Tom Keneally  
Huw Kingston  
Rachel Landers  
Cassie Lane  
Rachel Leary  
Suzanne Leal  
Isabelle Li  
Hugh Mackay  
Melina Marchetta

Jane McCredie  
Fiona McFarlane  
George Miller  
Margaret Sixel  
Jacqui Newling  
Ailsa Piper  
Baz Radburn  
David Ritter  
Hellen Rose  
Margot Saville

Sebastian Smee  
Arek Sinanian  
Mark Tedeschi  
Rod Tiffen  
John Vallance  
Susan Wyndham

oooO END OF REPORT Oooo

**CITY PLANNING**

**Item: 228 CP - Public Place Recycling Program - Hawkesbury Show 2018 - (124414)**

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**REPORT:**

**Executive Summary**

Council partnered with the Hawkesbury District Agricultural Association (HDAA) to implement public place recycling at the Hawkesbury Show in May 2017. This was the second year a Public Place Recycling Program was implemented by Council in conjunction with the HDAA.

It is recommended that Council, using NSW Environment Protection Authority (EPA) funding, should again work with the HDAA to implement a Public Place Recycling Program for a third year. Council in conjunction with the HDAA will continue to make improvements and use new strategies to ensure that show patrons are better engaged, that the necessary infrastructure is available and that there is improved collaboration and partnerships between key stakeholders. This will result in increased recycling volumes, lower contamination, greater participation and awareness, in addition to ease of logistics.

**Consultation**

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

**Background**

Council and HDAA worked together to implement a large scale Public Place Recycling Program at the 2017 Hawkesbury Show. The Hawkesbury Show is the second largest regional show in Australia attracting over 50,000 patrons each year. Council and HDAA also partnered with EnviroCom, a waste consultancy company who provided staff to engage with the public during the event as *Recycling Rovers* and who helped with the planning of the Public Place Recycling Program.

The Public Place Recycling Program for the 2017 Hawkesbury Show had several positive outcomes which included:

- patrons were very receptive to the recycling message, and it was shown contamination in the recycling bins was low
- EnviroCom was able to reduce contamination in the recycling bins by placing recycling bins adjacent to general waste bins
- contamination was much lower because recycling bins were kept away from vendors who in previous years had heavily contaminated these bins
- over 1,156kg of recycling was collected from the event, compared to 880kg collected in 2016.

There were some issues that arose during the event that affected the outcomes for the Public Place Recycling Program including:

- miscommunication with the general waste contractor, who emptied over 100 of the 150 recycling bins on Saturday morning and emptied 30 of the 150 recycling bins on the Sunday morning. This resulted in the emptying of recycling bins into the general waste compactor at certain times during the daytime.
- 'Un-pairing' of recycling and general waste bins during event set-up and pairing recycling bins back with general waste by EnviroCom throughout the day.

## ORDINARY MEETING

Meeting Date: 12 December 2017

It is proposed that Council will continue to work with the HDAA and EnviroCom to implement the Public Place Recycling Program at the Hawkesbury Show in 2018. Council has identified the following areas where improvements can be made.

- Building a stronger relationship with the Oakville Rural Fire Service volunteers who conduct the litter collections and emptying of bins during the event. This will help the volunteers understand what Council is trying to achieve and how they and Council can help each other.
- Vendor Commitment Statement: This involves surveying and providing information to stall holders and food outlets about the type of waste and recycling they produce, and asking them to switch to more environmentally friendly products and reduce their waste generation.
- Continue to use Recycling Rovers who will approach show patrons and provide information about the Public Place Recycling Program. They will also assist in placing the bins in the best possible locations (e.g. located near eating areas) and placing recycling bins near garbage bins in order to reduce contamination. They also offer rewards to those show patrons doing the right thing (picking up litter, recycling items, etc.). EnviroCom will also manage bin layout and pairing of bins prior to Show commencement each day.
- Develop a stronger partnership between Hawkesbury District Agricultural Association and Council to achieve the common goals - sustainability, reduced landfill and increased recycling.
- Investigate providing a recycling compactor over the whole event to capture all recycling.
- Investigate opportunities for a "Return and Earn" (NSW's 10c refund container deposit scheme) mobile reverse vending machine to be stationed at the Hawkesbury Show.

Further to these identified improvements listed above, the Public Place Recycling Program at the Hawkesbury Show represents an outstanding opportunity for Council and HDAA to be seen as leaders and responsible organisations that are addressing the ever-growing problem of waste and are committed to increasing recycling at such a major event.

It is proposed that Council engage the services of EnviroCom who have conducted Public Place Recycling Programs with other Councils in NSW including the Hawkesbury Show over the past two years, and are experts in this area. Council Officers and EnviroCom have identified the potential improvements in which the program can be made even more successful.

Show patrons and the wider Hawkesbury community have been overwhelmingly supportive of, and engaged with, the Public Place Recycling Program over the past two years and would have expectations for it to be continued.

The Waste Management Advisory Committee which met on 4 October 2017 received a report outlining the achievements and also the areas for improvement for the Public Place Recycling Program at the Hawkesbury Show 2017. The Waste Management Advisory Committee were supportive of the identified improvements.

It has also been raised with the HDAA to consider providing recycling collections at other events held throughout the year at the Showground. HDAA advised that they currently leave this decision about recycling to the individual event organisers. Council Officers have highlighted that there is an existing Sustainable Events Policy that can help guide HDAA to make events they host more sustainable.

## ORDINARY MEETING

Meeting Date: 12 December 2017

### 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

3.2.1 Our community is informed and acts to reduce our ecological footprint.

3.3 We reduce, reuse and recycle

3.3.1 Develop and maintain active partnerships that will result in the innovative management of our community's waste, with an emphasis on resource recovery and waste minimisation.

3.3.2 Undertake community education on best practice environmental sustainability and climate change issues.

3.4 The sustainability of our environment is improved

3.4.1 Work with businesses and tourism operators to promote good practice and sustainability principles.

### Financial Implications

Council has received EPA Funding to implement a Public Place Recycling Program at the Hawkesbury Show in 2018. There will be no additional costs to Council.

### RECOMMENDATION:

That:

1. The report regarding Council's involvement in implementing a Public Place Recycling Program at the Hawkesbury Show in 2018 be received.
2. Approval is given to commence planning for the Public Place Recycling Program for the Hawkesbury Show in 2018 based on identified improvements outlined in this report.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 12 December 2017

**Item: 229**                      **CP - Submission on the Draft Greater Sydney Region Plan and Draft Western City District Plan - (95498, 124414)**

**Previous Item:**              62, Ordinary (28 March 2017)

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### REPORT:

#### Executive Summary

In March 2017, Council resolved to forward a submission to the Greater Sydney Commission (GSC) for the Draft West District Plan as it was at that time. In September 2017, the GSC merged the West and South West Districts in recognition of the Western Sydney City Deal, creating the Western City District. The resulting Draft Western City District Plan was released for public exhibition in October 2017 along with the Draft Greater Sydney Region Plan. The purpose of this report is to seek Council's endorsement to prepare a submission on the Draft Greater Sydney Region Plan and the Draft Western City District Plan, addressing the key issues and considerations contained within this report to the GSC prior to the end of the exhibition period on 15 December 2017.

Whilst the latest draft Plans provide greater recognition of the Hawkesbury in the metropolitan context than the previous Draft West District Plan, it is still considered essential that Council provides a submission to the GSC on the Draft Greater Sydney Region Plan and Draft Western City District Plan, in order to advocate on behalf of the Hawkesbury community.

#### Consultation

The GSC is currently consulting the community with respect to a suite of Metropolitan Planning documents that are currently on public exhibition until 15 December 2017. The submissions will be used by the GSC to inform the final Metropolitan Region Plan and District Plans, including the Western City District Plan.

Given the significant engagement strategy that Council has undertaken with the Hawkesbury community over the past 18 months in terms of Service Levels, the Hawkesbury Community Strategic Plan and Investing in Your Future, it is considered appropriate to inform the GSC of the outcomes of those engagement processes as they relate to the Draft Greater Sydney Region Plan and the Draft Western City District Plan.

#### Background

The GSC in September 2017 embarked on the preparation of five revised District Plans covering Metropolitan Sydney. District Plans previously known as Subregional Plans are subregional strategic planning documents that link up into the overarching Greater Sydney Region Plan. The Plans respond to feedback from the November 2016 to March 2017 public exhibition period during which Council lodged a submission, and are aligned with Future Transport 2056. The Hawkesbury Local Government Area (LGA) is located within the Western City District, along with the Blue Mountains, Penrith, Fairfield, Liverpool, Campbelltown, Camden and Wollondilly LGA's.

This report provides a brief overview of the Draft Western City District Plan, highlights the key issues that are considered relevant to include within a submission (included as an attachment). The report seeks Council's endorsement to prepare a submission to the GSC on the revised Draft Greater Sydney Region Plan and the Draft Western City District Plan, addressing the key issues and considerations contained within this report.

### *Greater Sydney Region Plan*

The Draft Greater Sydney Region Plan is described by the GSC as supporting 'the vision for a metropolis of three cities that will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney'. The Draft Greater Sydney Region Plan presents the overarching vision and strategy for Greater Sydney, and it will be implemented at a local level through District Plans.

District Plans set out how the Region Plan will:

- inform local councils' plans – such as LEP's, DCP's S94 Plans etc
- guide assessment of local planning proposals – amending existing LEP's
- inform infrastructure agencies, the development sector and wider community of expectations for growth, change and infrastructure provision within the District.

Key implications of the adoption of District Plans for Council include:

- Section 75A1 of the Environmental Planning and Assessment Act 1979 requires Councils to give effect to the District Plans through LEPs as soon as practicable after the District Plans are made.
- Draft District Plans will inform the preparation of LEPs and planning proposals, and guide strategic land use, transport, and infrastructure planning decisions.

### **Directions and Planning Priorities**

Through the Draft Greater Sydney Region Plan and the draft District Plans, the metropolitan strategy for Sydney envisions a metropolis of 'three cities' including:

- an 'Eastern Harbour City' (focused around the Sydney CBD)
- a 'Central River City' (focussed around Greater Parramatta)
- a 'Western Parkland City' (focused around the future Western Sydney Airport and Badgerys Creek 'Aerotropolis').

The Draft Western City District Plan proposes a third regional city comprising a network of established and emerging centres including Campbelltown, Liverpool, Penrith and the Badgerys Creek Airport. The Plan lays out actions and priorities against the four key themes of:

- infrastructure and collaboration
- liveability
- productivity
- sustainability.

The Draft Western City District Plan consists of 10 Directions and 20 Western City District Planning Priorities (PP), being:

#### Infrastructure and Collaboration

- Direction: A city supported by infrastructure
  - PPW1: Planning for a city supported by infrastructure
- Direction: A collaborative city
  - PPW2: Working through collaboration

#### Liveability

- Direction: A city of people – celebrating diversity and putting people at the heart of planning
  - PPW3: Providing services and social infrastructure to meet people changing needs
  - PPW4: Fostering healthy, creative, culturally rich and socially connected communities

## ORDINARY MEETING

Meeting Date: 12 December 2017

- Direction: Housing the city – giving people housing choices
  - PPW5: Providing housing supply, choice and affordability, with access to jobs and services
- Direction: A city of great places – designing places for people
  - PPW6: Creating and renewing great places and local centres, and respecting the District's heritage

### Productivity

- Direction: A well connected city – developing a more accessible and walkable city
  - PPW7: Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City
- Direction: Jobs and skills for the city – creating the conditions for a stronger economy
  - PPW8: Levering industry opportunities from Western Sydney Airport and Badgerys Creek Aerotropolis.
  - PPW9: Growing and strengthening the metropolitan city cluster
  - PPW10: Maximising freight and logistics opportunities and planning and managing industrial and urban services land
  - PPW11: Growing investment, business opportunities and jobs in strategic Centres

### Sustainability

- Direction: A city in its landscape – valuing green spaces and landscapes
  - PPW12: Protecting and improving the health and enjoyment of the District's Waterways
  - PPW13: Creating a Parkland City urban structure and identity with South Creek as a defining spatial element
  - PPW14: Protecting and enhancing bushland and biodiversity
  - PPW15: Increasing urban tree canopy cover and delivering green grid Connections
  - PPW16: Protecting and enhancing scenic and cultural landscapes
  - PPW17: Better managing rural areas
  - PPW18: Delivering high quality open space.
- Direction: An efficient city – using resources wisely
  - PPW19: Reducing carbon emissions, and managing energy, water, and waste efficiently
  - PPW20: Adapting to the impacts of urban and natural hazards and climate change

### **Draft Submission**

Preparation of a draft submission will be based upon:

- Discussions that have occurred between Council and GSC representatives:
- Councillors through a workshop session associated with the previous West District Plan and subsequent input
- input from the Hawkesbury community in terms of reflecting the outcomes of Council's recent community engagement processes associated with Service Levels, the Hawkesbury Community Strategic Plan and Investing in Our Future as they relate to both the Region Plan, and the District Plan
- input from staff who have either reviewed the draft Plans or have attended workshops associated with the preparation of the draft Plans or thorough the engagement processes of the GSC
- ongoing work in relation to the finalisation of the Western Sydney City Deal.

## ORDINARY MEETING

Meeting Date: 12 December 2017

Included at Attachment 1 is a Summary of Key Issues to include in the submission to the Greater Sydney Commission regarding the Draft Greater Sydney Region Plan and the Draft Western City District Plan (Distributed Under Separate Cover). This highlights the key issues for consideration as part of Council's submission, and it is from these key points that it is intended to draft the final submission on the Draft Greater Sydney Region Plan and Draft Western City District Plan prior to the end of the exhibition period on 15 December 2017.

It is expected that the draft submission will be comprised of the following components:

- Introduction – including relevant details of Council's new CSP and the outcomes of recent engagement with the Hawkesbury community
- Summary of Key Issues
- General Comments
- Specific Detailed Comments.

In terms of the General and Specific Detailed Comments, the following highlights the main key points contained within the Summary of Key Issues document:

### Infrastructure and Collaboration

A Regional Infrastructure Plan and Transport Linkages Plan could consider a range of 'game changing' plans based on the 3 principles of Productivity, Livability, and Sustainability, including:

- Extending the North-South Rail Link through the District and linking Penrith with the existing rail within the Hawkesbury (Richmond Line)
- Linking the North West Metro with the Richmond Line
- Outer Western Sydney Orbital Road Link with additional flood free crossings of the Hawkesbury River to the west and Bells Line of Road.
- Improve public transport links between the Hawkesbury and Penrith.
- Focus on providing infrastructure for residents, not visitors and industry perceptions, including parking around public transport hubs.
- Plan to include an Implementation Strategy.

Further input into the ongoing District Planning process (now a combination of the previous West and South West Districts) has relevantly included:

- support for the new third city in the metropolitan plan and underpinning the recently release draft District Plan
- the potential for a future Richmond Investigation / Collaboration / Business Incubation Precinct that provides opportunities for:
  - education
  - research
  - aerospace
  - food / agriculture
  - equine
- supporting- complementary land uses around the agglomeration of education and defence uses in Richmond and ... to the adjoining townships of Richmond and Windsor.
- support for Masterplanning processes for Richmond and Windsor that encourage new lifestyle and entertainment uses, employment opportunities, activates streets and places, grows the tourism economy and respects and enhances the significant heritage value and assets.
- facilitating the attraction of office/commercial floor space and provide opportunities to allow commercial and retail activities to innovate, including smart work hubs



## ORDINARY MEETING

Meeting Date: 12 December 2017

- recognising the Importance of access to tourism and recreational opportunities offered in the Hawkesbury.

### Input Into City Deal

Hawkesbury City Council is one of eight Councils participating in the "City Deal" project with Commonwealth and State Government representatives.

The draft future transport strategy needs to have regard to all of these matters.

To date the primary objectives of the City Deal discussions have related to:

- Linking future transport and landuse considerations, so as to ensure that future employment and community service opportunities are located in close proximity to associated housing, recreation and leisure opportunities
- Considering transport as combination of public transport, active transport and road transport
- Moving towards a 30 minute city in terms of the travel times between the various employment, community service, housing, recreation and leisure opportunities
- Establishing a north-south public transport network that:
  - links Rouse Hill to Campbelltown
  - provides for a passenger interchange where the north-south link crosses the Richmond line
  - links key centres including Penrith, Liverpool, Campbelltown and the Badgerys Creek Airport
  - linking land development to infrastructure delivery to avoid the creation of new suburbs isolated from transport and services
  - addressing flooding issues including the need for a third all conditions crossing of the Hawkesbury
  - the need for far greater certainty in terms of location and timing, in relation to critical transport corridors such as north-south road, the outer orbital and the Castlereagh Freeway linking the M7 to Bells Line of Road.

### Peri Urban

- Productivity
  - applaud recognition of rural regional landscape, attractiveness and functionality and support of values such as biodiversity, rural production, scenic amenity, landscape heritage, tourism, open space and outdoor recreation.
  - significant and ongoing loss of productive land, biodiversity and habitat in the metropolitan rural areas. Need further detail regarding measures & monitoring the draft plans implementation on the ground.
- Need for recognition of agricultural precincts
- Need for multiple mechanisms to protect and support activities in the Peri Urban Areas

### Liveability

- A 'Whole of Health' Approach across the Hawkesbury communities.
- 'Village' Lifestyle and Liveability Model with focus on local services and employment.
- Need for a District wide Community Services Strategy to improve liveability outcomes.
- Need for Social Infrastructure and Investment.

## ORDINARY MEETING

Meeting Date: 12 December 2017

- Need for a District wide Housing Strategy that identifies the unique roles that each Local Government Area will undertake to address housing diversity, and affordability.
- More aspirational targets needed for Affordable Rental Housing.
- Need for strategies to reverse the growing Intergenerational Equity and Access.

### **Sustainability**

- Need for greater protection of the Metropolitan Rural Area (MRA).
- Recognise that Open Space areas within the District play a role in the Metropolitan context , but also need to consider the impacts of visitors.
- Whilst a greater emphasis has been placed on Heritage further recognition and response is required.
- How the Blue Green Grid will be implemented and funded.
- Recognise increased emphasis on the South Creek Corridor which is welcomed, but that appears to have been at the expense of the Hawkesbury Nepean System which needs to be addressed.
- Reinforce the need for Floodplain Management on a District Level.

The draft Sydney Region and Western City District Plan needs to have regard to all of these matters and as such these points all need to be included in the response to the suite of documents on exhibition.

### **Next Steps**

The Draft Greater Sydney Region Plan and the Draft Western City District Plan are on exhibition until 15 December 2017. It is then expected that the District Plans will be finalised in conjunction with the updated Greater Sydney Region Plan in early 2018.

Whilst the latest draft Plans provide greater recognition of the Hawkesbury in the metropolitan context than the previous Draft West District Plan, it is still considered essential that Council provides a submission to the GSC on the Draft Greater Sydney Region Plan and Draft Western City District Plan, in order to advocate on behalf of the Hawkesbury community.

### **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 Leadership

- 1.4 Reinforcing and establishing effective strategic partnerships
  - 1.4.1 Foster positive relationships with all tiers of government and peak bodies to ensure a thorough understanding of the challenges and local requirements of the Hawkesbury.

#### Our Community

- 2.4 Community wellbeing and local services
  - 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.

## ORDINARY MEETING

Meeting Date: 12 December 2017

### Our Assets

#### 4.1 Transport infrastructure and connections

4.1.2 Establish and maintain relationships with transport providers and other levels of government to improve and extend public transport services

4.1.4 Provide mobility links throughout the City to connect our centres, parks and facilities.

### **Financial Implications**

There are no direct financial implications applicable to this report.

### **RECOMMENDATION:**

That Council prepare and forward a submission to the Greater Sydney Commission on the Draft Greater Sydney Region Plan and the Draft West District Plan addressing the key issues and considerations contained within Attachment 1 of this report prior to the end of the exhibition period on 15 December 2017.

### **ATTACHMENTS:**

**AT - 1** Summary of Key Issues to include in submission to Greater Sydney Commission regarding the Draft Greater Sydney Region Plan and the Draft Western City District Plan - *(Distributed Under Separate Cover)*

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 12 December 2017

Item: 230

### CP - Submission to Various Draft State Environmental Planning Policies and Standard Instrument Amendments - (95498, 124414)

#### REPORT:

##### Executive Summary

The NSW State Government has recently proposed a number of amendments in relation to State Environmental Planning Policies (SEPPs) and other legislation which have been placed on public exhibition for comment, including:

- Draft State Environmental Planning Policy (Primary Production and Rural Development) 2017
- Proposed Repeal of State Environmental Planning Policy No. 1 - Development Standards & State Environmental Planning Policy (Miscellaneous Consent Provision) 2007
- Draft State Environmental Planning Policy (Environment) 2017
- Proposed Amendment to Standard Instrument - Bulky Goods Premises Definition.

The purpose of this report is to provide:

- a summary of the proposed changes to legislation, including SEPPs, that are currently on exhibition
- a discussion of the implications, if any, of each amendment
- a recommendation, if appropriate, for the submission of comments to the Department of Planning and Environment (DP&E).

##### 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.

These matters have been discussed through the Sydney Peri Urban Network (SPUN) of Councils which Hawkesbury Council is a member. Additionally contact has been made with individual Councils within the Sydney Peri Urban Network including Wollondilly and Camden in order to enable a common understanding of proposed changes as they relate to local government areas in a Peri Urban context.

##### Introduction

The following proposed SEPPs, proposed amendments to existing SEPPs, proposed repeal of existing SEPPs and proposed amendments to legislation have been placed on public exhibition:

Name of Policy	Exhibition Period	
	Start	End
Draft State Environmental Planning Policy (Primary Production and Rural Development) 2017	23/10/2017	18/12/2017
Proposed Repeal of State Environmental Planning Policy No. 1 – Development Standards & State Environmental Planning Policy (Miscellaneous Consent Provision) 2007	27/10/2017	22/12/2017
Draft State Environmental Planning Policy (Environment) 2017	31/10/2017	15/01/2018
Proposed Amendment to Standard Instrument – Bulky Goods Premises Definition	08/11/2017	13/12/2017

## ORDINARY MEETING

Meeting Date: 12 December 2017

The exhibition of the above Policies and amendments is accompanied by explanatory documents, including an Explanation of Intended Effects. The exhibition material for each proposed policy can be viewed at:

- Draft SEPP (Primary Production and Rural Development) 2017:  
[http://planspolicies.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8836](http://planspolicies.planning.nsw.gov.au/index.pl?action=view_job&job_id=8836)
- Draft SEPP (Environment) 2017:  
[http://planspolicies.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8854](http://planspolicies.planning.nsw.gov.au/index.pl?action=view_job&job_id=8854)
- Proposed repeal of SEPP No. 1 - Development Standards & SEPP (Miscellaneous Consent Provision) 2007:  
[http://planspolicies.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8856](http://planspolicies.planning.nsw.gov.au/index.pl?action=view_job&job_id=8856)
- Proposed amendment to Standard Instrument - Bulky Goods Premises Definition:  
[http://planspolicies.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8869](http://planspolicies.planning.nsw.gov.au/index.pl?action=view_job&job_id=8869)

It is noted within the Explanation of Intended Effects for the Draft SEPPs, the DP&E advises that “*in determining the matters that should be addressed by the new SEPP, the reviews have been informed by the guiding principle that a SEPP is to make provision for matters that are of state or regional planning significance. Wherever possible, the matters related to determining the permissibility of development and decision-making processes should be included in LEPs*”.

### Discussion

#### **Draft State Environmental Planning Policy (Primary Production and Rural Development) 2017**

This draft SEPP has been prepared as part of proposed reforms to recognise the significance of primary production and rural lands, and provide planning mechanisms that seek to support investment in sustainable agricultural development, reduce land use conflict and protect environmental values.

This is to be achieved by:

- transferring and amending provisions currently located in existing SEPPs to a new Primary Production and Rural Development SEPP. The existing SEPPs to be replaced that are applicable to the Hawkesbury Local Government Area (LGA) include:
  - State Environmental Planning Policy 30 - Intensive Agriculture; and
  - State Environmental Planning Policy 62 - Sustainable Aquaculture;
- transferring some provisions from existing SEPPs to the Standard Instrument LEP;
- updating various definitions in the Standard Instrument Local Environmental Plan (LEP) and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) to ensure consistency and reflect contemporary practices and understanding;
- repealing some existing SEPP provisions where they are no longer relevant or needed to support planning objectives related to sustainable agriculture and rural land management.

A Summary of the proposed changes from the Explanation of Intended Effects is reproduced in Attachment 1 to this Report.

Particular changes relevant to planning in the Hawkesbury are discussed below:

**Ministerial Direction**

Ministerial Direction 1.5 - *Rural Lands* requires that a planning proposal that affects rural or environmental protection zones must be consistent with the principles of SEPP (Rural Lands) 2008. Currently, this ministerial direction and the provisions of the SEPP (Rural Lands) 2008 do not apply to the Hawkesbury LGA.

It is intended that the planning principles contained within the existing SEPP (Rural Lands) 2008 will be incorporated within Ministerial Direction 1.5 as matters to be considered in the assessment of a planning proposal. However, it is intended that the planning principles and the Ministerial Direction will apply to the same land to which the existing SEPP (Rural Lands) 2008 applies.

*Officer Comment:*

The Explanation of Intended Effects identifies the need to provide strategic direction in land use planning to support the delivery of the NSW Government Right to Farm Policy and to support the rights of farmers to carry out farming activities, and ensure rural land is maintained as a resource for the benefit of current and future generations.

Given the Council and the community has identified the importance of protecting rural land within the Hawkesbury LGA with regard to agricultural production, scenic character and amenity, it is considered that the planning principles represent good planning practice and are applicable in the context of the Hawkesbury LGA. It is therefore proposed that the DP&E be requested to consider applying the new Ministerial Direction 1.5 to all LGAs that contain rural and environmental protection zones.

**Standard Instrument Local Environmental Plan (LEP)**

As a part of the changes it is proposed to update the Standard Instrument LEP in the following manner:

1. *Revise Clause 4.2 of the Standard Instrument LEP to clarify that a lot created as part of a subdivision for primary production purposes, and which contains an existing dwelling, does not need to meet the minimum lot size requirements for the land specified within an LEP.*

*Officer Comment:*

At present Clause 4.2 of the Hawkesbury Local Environmental Plan 2012 (LEP 2012) permits the subdivision of land in Zones RU1 & RU4 for primary production purposes to create a lot of a size that is less than the minimum lot size, but only if the created lot does not contain an existing dwelling house.

Clause 4.2 also prohibits the erection of a dwelling house on the primary production lot. This prohibition can also be reinforced by the imposition of a Section 88b Restriction on the use of the land at the time of subdivision under this Clause.

The proposed change will clarify that subdivision carried out under Clause 4.2 of LEP 2012 can create:

- one lot, below, equal to or above the minimum lot size, can contain an existing lawful dwelling,
- one lot, if below the minimum lot size, must be for primary production purposes only and must not have an existing dwelling, nor can a new dwelling be erected on the lot.

This differs from the current situation where, if a dwelling house is situated on the land, the subdivision would only be permitted if the existing dwelling was located on a resultant lot that met the minimum lot size requirement of the LEP. That is, only lots used for primary production purposes could be undersized.

This has been introduced to support farmers transitioning to retirement and business succession planning by enabling a farmer to stay in their existing dwelling while selling, leasing or making other arrangements for use of the primary production lot. The changes also propose a mechanism to be included in the Standard Instrument LEP to avoid long-term risks of land fragmentation through repeated subdivision over time.

## ORDINARY MEETING

Meeting Date: 12 December 2017

No objection is raised to this change, as subdivision in these circumstances will provide economic support to primary producers, whilst providing a measure of protection in regard to the maintenance of land specifically for agricultural purposes in the longer term.

2. *Include the matters for consideration when determining development applications for rural subdivision or rural dwelling houses contained within Clause 10 of the SEPP (Rural Lands) 2008 in to a new model clause within the Standard Instrument LEP. The Standard Instrument LEP is considered the appropriate mechanism as the provision relates to specific development assessment requirements that should be common to all LEPs. The matters for consideration are as follows:*

- *Existing and approved uses of land in the vicinity of the development;*
- *Whether the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development;*
- *Whether or not the development is likely to be incompatible with the above uses;*
- *If the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone; and*
- *Any measures proposed by the applicant to avoid or minimise any incompatibility referred to above.*

*Officer Comment:*

This proposed change to the Standard Instrument LEP is supported as it will provide a more robust mechanism for the consideration of the potential for rural land use conflicts arising from development, including subdivision.

3. *Amend the definitions of:*

- *Intensive livestock agriculture to include sheep, remove the reference to the source of feed and to replace the term 'piggeries' to 'pig farm';*
- *Extensive agriculture to clarify that grazing and pasture-based dairy operations refer to when animals eat plants growing on the land and that there are standard operations incidental to extensive agriculture, such as supplementary and emergency feeding, temporary penning, dipping or other related purpose; and*
- *Feedlot by removing reference to the type of feed, clarifying that it applies to all activities associated with a feedlot operation and emphasising that it does not include extensive agriculture.*

*Officer Comment:*

The purpose of these changes to the definitions is to clearly distinguish between extensive and intensive agricultural landuses. There are no objections raised to these proposed amendments as the refined definitions will enable the proper categorisation of proposed agricultural uses having regard to incidental and ancillary activities that do not affect the extensive or intensive nature of the predominant use.

4. *Introduce a new model Standard Instrument LEP clause to provide size thresholds for when consent is required, and heads of consideration for intensive livestock agriculture. This will replace the thresholds that are currently in SEPP 30 – Intensive Agriculture (SEPP 30). The new Standard Instrument LEP clause would be compulsory if 'intensive livestock agriculture' is permitted with consent in a council's LEP.*

*It is proposed that development consent will be required for commercial operations involving:*

- *A cattle feedlot or dairy (restricted) able to accommodate 50 or more head of cattle;*
- *A pig farm able to accommodate 200 or more pigs or 20 or more breeding sows;*
- *Sheep or goat feedlots with capacity to accommodate 200 animals or more;*

## ORDINARY MEETING

Meeting Date: 12 December 2017

- *Egg or poultry production facilities able to accommodate 1,000 or more birds; and*
- *Any cattle, sheep or goat feedlot, dairy (restricted), pig farm, or egg or poultry production facility located within 500 metres of a dwelling not associated with the development or in an environmentally sensitive area.*

*Heads of consideration may include:*

- *Impact of odour on residential and other land uses in the vicinity;*
- *Potential for water pollution;*
- *Potential for soil degradation;*
- *Site suitability; and*
- *Measures proposed to mitigate potential adverse impact.*

*Officer Comment:*

Intensive livestock agriculture is permissible with consent within the RU1, RU4, Business, Industrial and E4 zones within the Hawkesbury LGA.

Clause 6 of SEPP 30 - Intensive Agriculture states:

*Development for the purpose of cattle feedlots or piggeries*

(1) *A person must not carry out development for the purpose of:*

- (a) *a cattle feedlot having a capacity to accommodate 50 or more head of cattle, or*
- (b) *a piggery having a capacity to accommodate 200 or more pigs or 20 or more breeding sows,*

*except with the consent of the consent authority.*

(2) *This clause does not apply to development for the purpose of a cattle feedlot or piggery if it is only to be used for one or more of the following:*

- (a) *temporary agistment or housing,*
- (b) *feeding or housing arrangements during or immediately following a drought, flood, fire or similar emergency,*
- (c) *in the case of feedlots only, weaning, dipping or similar husbandry purposes.*

(3) *Nothing in this Policy authorises the carrying out of development on land for the purpose of a cattle feedlot or piggery if that development is prohibited from being carried out on that land by another environmental planning instrument.*

LEP 2012 requires development consent for intensive livestock agriculture regardless of size. Clause 6 of SEPP 30 only applies to cattle feedlots and piggeries, and only provides that if a proposed feedlot is over a certain size threshold, development consent is required.

The interpretation of this Clause in the Explanation of Intended Effects accompanying the exhibition of this draft SEPP, is that development consent is required if it is over the threshold, and therefore any development under this threshold must not require consent. SEPP 30 may have been developed at the time because in some rural council areas feedlots may not have required consent under LEPs, and it was recognised that approval should be sought when over a certain size due to their potential impacts.

Whilst the wording of Clause 6 requires development consent in certain circumstances, it is considered that, conversely, this wording does not restrict feedlots and piggeries under the threshold from requiring approval under another instrument, such as the LEP.



## ORDINARY MEETING

Meeting Date: 12 December 2017

With the introduction of a new model clause within the Standard Instrument LEP, it will be mandatory that the thresholds be applied, and therefore small scale intensive livestock agriculture will be permissible without consent, not only for cattle and pigs, but also sheep, goats and poultry. Given the peri-urban nature of the Hawkesbury, such uses, without controls would have the potential for adverse impacts and, in particular, contribute to landuse conflicts.

It is therefore recommended that the DP&E be advised that this proposed change is not supported for the above reasons and that all proposals for intensive livestock industry should require development consent.

5. *SEPP 62 - Sustainable Aquaculture identifies the zones in which pond-based, tank-based and oyster aquaculture is permitted with consent or prohibited, and also provides site and operational requirements that a development must comply with. It is proposed that these provisions will be incorporated into the Standard Instrument LEP, along with the definitions for pond-based and tank-based agriculture.*

*Officer Comment:*

As the current provisions of SEPP 62 in respect to the permissibility and operational requirements for aquaculture are being maintained no objection is raised to the proposed changes.

6. *SEPP 52 - Farm Dams and Other Works in Land and Water Management Plan Areas currently provides provisions for assessment of artificial waterbodies in identified irrigation areas. It is proposed to transfer the provisions of SEPP 52 into a new model clause within the Standard Instrument LEP for use within these identified irrigation areas.*

*Officer Comment:*

Whilst the Hawkesbury LGA is not within an irrigation area, and is not subject to the provisions of SEPP 52, no objection is raised to these changes given that the current controls are being transferred and maintained within the Standard Instrument LEP.

### **Environmental Planning and Assessment Regulations 2000 (EP&A Regulations)**

It is proposed to amend the EP&A Regulations as follows:

- *The Standard Instrument LEP definition of 'intensive livestock agriculture' is different to the term 'livestock intensive industries' in the EP&A Regulation. It is proposed to amend the Regulations to be consistent with the Standard Instrument LEP.*
- *The designated development thresholds in the Regulations will be updated to include 'egg production' in line with the proposed changes to the Standard Instrument LEP.*
- *The thresholds within SEPP 52 identifying when artificial waterbodies are designated development will be transferred to the Regulations.*

*Officer Comment:*

No objections are raised to these changes as they will provide for consistency between the EP&A Act and Regulation, SEPPs and LEPs, thereby making interpretation and application of these various forms of legislation simpler.

### **Planning Guideline**

It is proposed to introduce a Planning Guideline for Intensive Livestock Agriculture Development that explains when planning approval is required, what types of matters proponents and decision-makers should consider, and how the community and neighbours can have a say.

## ORDINARY MEETING

Meeting Date: 12 December 2017

### *Officer Comment:*

The introduction of guidelines to assist proponents of development, communities and decision makers is supported, as the requirements and expectations for this type of development will be clearer for all stakeholders.

### **Proposed Repeal of State Environmental Planning Policy No. 1 - Development Standards & State Environmental Planning Policy (Miscellaneous Consent Provision) 2007**

The DP&E proposes to repeal State Environmental Planning Policy No. 1 - Development Standards and State Environmental Planning Policy (Miscellaneous Consent Provision) 2007. Both of these SEPPs now only apply to land which has been deferred from the Standard Instrument Local Environmental Plan. Councils that have adopted the Standard Instrument Local Environmental Plan, such as Hawkesbury, already have the equivalent measures in place within their LEP, namely:

- Clause 2.6 - Subdivision - consent requirements
- Clause 2.7 - Demolition requires development consent
- Clause 2.8 - Temporary use of land
- Clause 4.6 - Exceptions to development standards
- Clause 5.8 - Conversion of fire alarms.

### *Officer Comment:*

As the provisions within these SEPPs are currently replicated in LEP 2012, there is no objection to the repeal of SEPP No. 1 and SEPP (Miscellaneous Consent Provisions) 2007.

### **Draft State Environmental Planning Policy (Environment) 2017**

The purpose of the Draft SEPP (Environment) is to incorporate seven existing SEPPs into a simple, modern and accessible planning instrument. It will incorporate revisions of the current SEPPs to remove unnecessary and out-dated policy, address emerging issues and locate provisions in the most appropriate level of the planning system. Of relevance to the Hawkesbury LGA, it is proposed that the following existing SEPPs are to be repealed and replaced by the new SEPP:

- State Environmental Planning Policy No. 19 - Bushland in Urban Areas;
- State Environmental Planning Policy No. 30 - Canal Estate Development; and
- Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (SREP No. 20).

Essentially, the purpose of the new Draft SEPP (Environment) is to consolidate a number of existing SEPPs, transferring and updating the provisions as necessary.

The proposed new Draft SEPP (Environment) aims to deliver a planning framework that:

- Consolidates existing state level planning provisions into a single instrument.
- Is in a format capable of being expanded and amended as future needs dictate.
- Reflects and is consistent with other legislation and environmental planning instruments.
- Maintains and improves environmental protections in existing State Environmental Planning Policies.

A Summary of the proposed changes from the Explanation of Intended Effects is reproduced in Attachment 2 to this Report.

Particular changes relevant to planning in the Hawkesbury are discussed below:

### **Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River (SREP 20)**

The aim of SREP 20 is to protect the Hawkesbury Nepean River and its catchment systems by requiring future uses to consider the regional context and environmental impacts of development. SREP 20 provides general and specific considerations, policies and strategies for the creation of a local environmental plan, the determination of a development application and the carrying out of works that do not require consent.

The changes to the existing SREP 20 as a consequence of being incorporated into the new Environment SEPP include:

- Many of the considerations and development controls contained within SREP 20 are duplicated in other legislation, including LEPs, Ministerial Directions and other SEPPs. As a result, the provisions of SREP 20 that are now satisfactorily addressed in other legislation or planning instruments will be repealed.
- The incorporation of heritage items currently listed within SREP 20 into LEP 2012.
- The provision within SREP 20 which prohibit extractive industry in certain locations will be transferred to SEPP (Mining, Petroleum Production and Extractive Industries).
- Provisions for coastal wetlands will be applied through the proposed SEPP (Coastal Management). However, non-coastal or 'freshwater wetlands' will be managed via the new Environment SEPP.

The Draft SEPP (Coastal Management) proposes, in general, that all development requiring consent within a mapped wetland under this new SEPP is 'designated development', thereby requiring a more rigorous assessment process for this type of development. In addition the Draft SEPP (Coastal Management) provides specific considerations for development within a 100m buffer area of these wetlands, which will provide additional environmental protection when the provisions of this draft SEPP are adopted.

- Provisions within SREP 20 relating to local plan making will be updated and moved to a new Ministerial Direction.
- Principles and policies that are to be retained within the Draft SEPP (Environment) are those that are not addressed elsewhere in the NSW planning system and that aim to provide a consistent whole-of-catchment direction. This will include moving of the existing aims and objectives from SREP 20 to the proposed new Draft SEPP (Environment).

Many of the development types under the land use table section of SREP 20 contain relevant heads of consideration which are similar. These will be consolidated and retained to ensure development assessment and decisions consider the following key issues:

- Water quality and flows within watercourses
- Groundwater and water table
- Soil stability, including bed and banks of watercourses
- Flood risks and flood behaviour
- Biodiversity, aquatic and riparian species, habitats and ecosystems (including wetlands)
- Land reserved or acquired under the National Parks and Wildlife Act 1974 or natural bushland classified as community land under the Local Government Act 1993
- The risk of algal blooms and spread of aquatic weeds and pest species
- Other downstream water users, including commercial, non-commercial and recreational users
- Recreational values and uses, including public access to rivers and foreshore areas
- Scenic and environmental amenity, including protection of visual and landscape quality.

## ORDINARY MEETING

Meeting Date: 12 December 2017

- Review of definitions in regard to consistency with Standard Instrument definitions, and where they cannot be aligned with the Standard Instrument, definitions will be updated and refined to remove ambiguity.

### *Officer Comment:*

As the current provisions of SREP 20 in respect to the protection of the Hawkesbury Nepean River are being maintained, whether in the new Draft SEPP (Environment) or in other legislation, no objection is raised to the proposed changes.

However, whilst the Draft SEPP (Coastal Management) provides specific considerations for development within a 100m buffer area of coastal wetlands, no similar provisions have been proposed to enhance protection of 'freshwater wetlands' under the new Draft Environment SEPP. Given the environmental significance of any wetland, it is recommended that the DP&E be requested to include similar provisions within the new Draft SEPP (Environment) to protect freshwater wetlands.

### **State Environmental Planning Policy No. 19 - Bushland in Urban Areas (SEPP 19)**

SEPP 19 identifies the need to protect the aesthetic and community values, as well as the recreational, educational and scientific values of remnant urban bushland. It focuses on the protection and management of bushland located on public open space and includes controls to minimise development impacts from adjoining land.

Clause 10 of SEPP 19 contains plan making provisions which will now be more appropriately contained within a Ministerial Direction. However, most of the provisions of SEPP 19 are to be updated and retained within the new Draft SEPP (Environment).

### *Officer Comment:*

As the current provisions of SEPP 19 in respect to the protection of bushland on public land are being maintained, whether in the new Draft SEPP (Environment) or in other legislation, no objection is raised to the proposed changes.

### **State Environmental Planning Policy No. 50 - Canal Estate Development (SEPP 50)**

SEPP 50 prohibits new canal estates to ensure coastal and aquatic environments are not affected by these developments.

The SEPP applies to the whole of the State except the land to which Penrith Local Environmental Plan 1998 (Lakes Environs) once applied.

SEPP No. 50 was created to address the significant adverse environmental impacts of canal estates including:

- loss of wetlands, rocky foreshores, mudflats and other habitats supporting a vast array of terrestrial, marine and aquatic biodiversity,
- inadequate hydraulic functioning which may reduce water quality through poor flushing, cause sedimentation or affect structural integrity,
- water pollution caused by stormwater and urban runoff,
- pollution and contamination issues associated with imported fill,
- toxicity caused by disturbing acid sulfate soils that are naturally occurring along the NSW coast,
- pollution by littering and wastes from vessels and vessel maintenance practices,
- ongoing impacts from waterways management, including maintenance dredging of the waterway.

## ORDINARY MEETING

Meeting Date: 12 December 2017

These environmental impacts also have flow-on social and economic costs, such as risks to human health, commercial fisheries and aquaculture, recreational fishing, water quality sufficient for recreational uses, tourism activities, and corrosion of infrastructure.

It is proposed to transfer the policy intent of SEPP 50 to the new Draft SEPP (Environment) with minor amendments including clarification that the intent of the Draft SEPP is to prohibit canal estate development in all waterways, not only natural waterways. Accordingly the definition of canal estate development will be amended and included within the Standard Instrument LEP.

### *Officer Comment:*

As the current provisions of SEPP 50 in respect to canal estate development are being maintained, whether in the new Draft SEPP (Environment) or in other legislation, no objection is raised to the proposed changes.

### **Proposed Amendment to Standard Instrument - Bulky Goods Premises Definition**

The current definition of bulky goods premises within Standard LEPs incorporates a two-part requirement. A bulky goods premise must provide a large area for handling, display or storage of goods AND direct vehicle access for customers to load or unload their purchases to meet the definition.

The proposed amendment will remove the requirement to provide both a large floor area and direct vehicular access. This means that bulky goods retailers will only need to provide one of the requirements to satisfy the definition, but may choose to provide both.

### *Officer Comment:*

No objection is raised to this amendment given that it supports current industry requirements and has no implications on the assessment requirements of bulky goods development in respect to the provision of access, car parking, loading and unloading areas, and the design of buildings.

### **Conformance to the Hawkesbury Community Strategic Plan (CSP)**

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

#### **Our Leadership**

- 1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance
  - 1.5.1 Undertake Council initiatives within a clear and fair framework of strategic planning, policies, procedures and service standards as required under all regulatory frameworks
  - 1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council

### **Financial Implications**

There are no financial implications applicable to this report.

## **ORDINARY MEETING**

**Meeting Date:** 12 December 2017

### **RECOMMENDATION:**

That Council endorse the forwarding of submissions, addressing the matters outlined in the report, to the Department of Planning and Environment for consideration in respect to:

- a) Draft State Environmental Planning Policy (Primary Production and Rural Development) 2017
- b) Draft State Environmental Planning Policy (Environment) 2017

### **ATTACHMENTS:**

**AT - 1** Draft SEPP (Primary Production and Rural Development) 2017 - Summary of Key Policy Proposals

**AT - 2** Draft SEPP (Environment) 2017 - Summary of Proposed Approach

AT - 1 Draft SEPP (Primary Production and Rural Development) 2017 -Summary of Key Policy Proposals

## Attachment B – Summary of key policy proposals

Priority issues	Response	Change to current approach or policy	Planning outcome
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### STRATEGIC PLANNING PROVISIONS

#### Recognise the significance of rural land uses and rural land

Planning principles are currently in the Rural Lands SEPP.

Yes - the principles will be revised.

Proposals to amend existing LEPs or prepare a new LEP affecting rural lands will have to be consistent with the principles. That will include planning proposals seeking to change minimum lot sizes.

#### Support sustainable industry development

These will be updated and included in Ministerial Direction 1.5.

The proposed principles are outlined in Part 3 of this EIE. They will apply to the same LGAs that are currently subject to the provisions of the Rural Lands SEPP.

This avoids duplication between the SEPP and Ministerial Directions. It ensures that requirements for LEPs are in one location.

#### Minimise risks of land use conflict and rural land fragmentation

The updated planning principles will also be extended to include rural lands in the Central Coast LGA. These areas are currently excluded from the Rural Lands SEPP.

Yes – the principles are being extended to rural lands in the Central Coast

As above, this will remove duplication across planning instruments and ensure that the Ministerial Directions are the key source of guidance for LEPs.

Clause 11 of SREP 8 will then be repealed as all requirements related to the preparation of LEPs will be in the Ministerial Directions.

## Attachment B – Summary of key policy proposals (cont'd)

25

Priority issues	Response	Change to current approach or policy	Planning outcome
<b>Enable identification of important state significant agricultural lands.</b>	The existing mechanism to identify agricultural lands of state significance will be included in the new SEPP. A similar provision is currently in the Rural Lands SEPP.	No	This will maintain scope for the SEPP to identify and protect agricultural land of state significance as required in the future, building on the outcomes of Regional Plans and on-going agricultural land mapping.

### DEVELOPMENT ASSESSMENT PROVISIONS

<b>Minimise risks of land use conflict and rural land fragmentation</b>	<p>Clause 9 of the Rural Lands SEPP and clause 4.2 in the Standard Instrument LEP both currently provide flexibility in subdivision for agricultural purposes in rural zones.</p> <p>Clause 9 of the Rural Lands SEPP will be repealed. Clause 4.2 of the Standard Instrument LEP will be retained.</p> <p>Clause 4.2 will be revised to clarify that a lot created by a subdivision which contains an existing dwelling does not need to meet the minimum lot size.</p>	Clarification of the minimum lot size for a lot containing an existing dwelling will be provided, and a mechanism to prevent 'double-dipping' will be included.	<p>Future proposals for agricultural subdivision will be dealt with by standard provisions in all LEPs.</p> <p>This will remove duplication between the existing SEPP and the Standard Instrument LEP and clarify application of the clause.</p>
	<p>Matters to be considered in development applications for rural subdivision and rural dwellings are currently in cl.10 Rural Lands SEPP. These will be transferred to the Standard Instrument LEP (and remaining non-standard LEPs).</p> <p>The proposed matters to be considered are outlined in Part 3.</p>	No	<p>All LEPs will require future development applications for rural subdivision and rural dwellings to consider and take into account the identified matters.</p> <p>This will ensure consistency in approach and provide clarity to communities and industry.</p>

Explanation of Intended Effect

Primary Production and Rural Development



## Attachment B – Summary of key policy proposals (cont'd)

26

Priority issues	Response	Change to current approach or policy	Planning outcome
	<p>Existing provisions in SREP 8 deal with the assessment of development applications on prime agricultural land, extractive industries, rural tourist facilities, land clearing and rural residential development.</p> <p>Apart from clause 11, SREP 8 will remain in place until new LEPs for the Central Coast are proposed. Clause 11 of SREP 8 will be repealed as it deals with plan making issues already addressed through Ministerial Directions.</p>	No	The relevance of these provisions, and related existing mapping, will be considered during forthcoming local strategic planning.
<b>Support sustainable aquaculture development</b>	<p>Clauses 7 and 7A of SEPP 62 identify permissible zones for pond-based and tank-based aquaculture, with site location and operational requirements in Schedules 1 and 1A. These and related definitions will be transferred to the Standard Instrument LEP.</p> <p>Part 3 of this EIE has more information.</p>	No	<p>Pond-based and tank-based aquaculture will continue to be permissible in the applicable zones in all LEPs state-wide, subject to meeting the location and operational requirements.</p> <p>This will ensure consistency in approach and ensure communities and industry understand the requirements in their local areas.</p>
	<p>Provisions to guide the assessment of aquaculture projects based on risk, and advertising and referral requirements are currently in SEPP 62. These will be transferred to the new SEPP.</p>	No	<p>Requirements related to assessing environmental risk and determining assessment and consultation pathways will be appropriately located in the new SEPP.</p>
	<p>Provisions for natural water-based aquaculture will be moved from SEPP 62 to the new SEPP.</p> <p>Marine waters aquaculture will be recognised as a type of natural water-based aquaculture. Locational criteria will be considered for inclusion in a Schedule to the SEPP once identified in the forthcoming NSW Marine Waters Sustainable Aquaculture Strategy.</p>	No	<p>Natural water-based aquaculture proposals, including marine waters aquaculture, will be permissible with consent (for proposals from private individuals or organisations) or without consent (activities by public authorities) if they comply with the locational criteria, once these are included in a Schedule to the SEPP following finalisation of the NSW Marine Waters Sustainable Aquaculture Strategy.</p>

Explanation of Intended Effect

Primary Production and Rural Development

## Attachment B – Summary of key policy proposals (cont'd)

27

Priority issues	Response	Change to current approach or policy	Planning outcome
<p><b>Ensure key definitions are consistent and reflect contemporary industry practice</b></p>	<p>Revise the Standard Instrument LEP definitions of 'intensive livestock agriculture', 'extensive agriculture', 'feedlot', 'water reticulation system' and 'water storage facility'.</p> <p>The proposed changes are discussed in Part 3 of this EIE.</p>	Yes	<p>The definitions will recognise relevant industries, clarify that the source of feed is not a key criterion, and avoid duplication of terms for water infrastructure projects.</p>
<p><b>Ensure development assessment requirements for intensive livestock agriculture apply fairly and reflect environmental risk</b></p>	<p>A new model clause in the Standard Instrument LEP will clarify development consent thresholds for intensive livestock agriculture. Some thresholds (for cattle feedlots and piggeries) are currently in SEPP 30.</p> <p>The provisions in the Standard Instrument LEP will clarify that egg and poultry meat production, sheep and goat feedlots, and dairy (restricted) are uses requiring development consent when certain thresholds are met.</p> <p>The proposed thresholds will ensure that small-scale, low-risk enterprises do not require consent, subject to satisfying locational criteria.</p> <p>For example, poultry farms below 1,000 birds will not require consent unless they are located in sensitive areas.</p> <p>Consequential amendments to the designated development provisions of the EP&amp;A Regulation will be undertaken.</p> <p>These proposals are discussed in Part 3.</p>	Yes	<p>All LEPs that provide for intensive livestock agriculture will include common provisions that identify thresholds for when development consent is required.</p> <p>This will provide clear guidance on those enterprises that do not require development consent, avoiding unnecessary regulation of low-risk projects.</p> <p>This will ensure consistency in approach and provide clarity to communities and industry.</p>

Explanation of Intended Effect

Primary Production and Rural Development

## Attachment B – Summary of key policy proposals (cont'd)

28

Priority issues	Response	Change to current approach or policy	Planning outcome
<b>Support industry and communities during emergency or weather-related events</b>	<p>SEPP 30 currently provides that temporary livestock feeding and housing arrangement following droughts, fire or similar events do not require development consent.</p> <p>The new SEPP will retain the intent of this provision, but differentiate between emergency events and planned uses. It will also clarify that consent is not required for stock containment facilities to assist with pasture management during dry periods, and the capture and holding of feral goats.</p>	Yes – with respect to goats.	<p>Rural industries and local communities will be supported during periods of weather and emergency event-related stress.</p> <p>Environmental values will be protected by specified limits.</p>
<b>Enable timely undertaking of essential low-risk irrigation work</b>	<p>Provisions to enable irrigation corporations to carry out maintenance and emergency works without requiring development consent will be included in the new SEPP. This is consistent with existing provisions in SEPP 52.</p>	No	<p>Irrigation corporations will continue to be able to undertake essential maintenance and emergency works without development consent. Corporations will still have to comply with any other applicable regulatory requirements.</p>
<b>Enable appropriate assessment of artificial waterbodies</b>	<p>Provisions identifying artificial waterbodies in irrigation areas and districts that require consent will be included in the Standard Instrument LEP. These are currently in SEPP 52.</p> <p>The designated development provisions of the EP&amp;A Regulation will be revised to take account of thresholds currently in SEPP 52.</p>	No	<p>LEPs that apply to irrigation areas and districts will have standard provisions identifying development consent requirements for artificial waterbodies in these locations.</p> <p>Designated development provisions will be located in a single location in the EP&amp;A Regulation.</p>

Explanation of Intended Effect

Primary Production and Rural Development

**AT - 2 Draft SEPP (Environment) 2017 - Summary of Proposed Approach**

## Attachment B – Proposed approach – clause by clause

### State Environmental Planning Policy No. 19 – Bushland in Urban Areas

Clause	Recommendation
1. Name of Policy	DELETE
2. Aims, objectives etc	Update and TRANSFER to proposed SEPP
3. Application of Policy	Update and TRANSFER to proposed SEPP
4. Interpretation	Update and TRANSFER to proposed SEPP DELETE reference to 'Main Road' and 'the Act'
5. Relationship with other environmental planning instruments	Update and TRANSFER to proposed SEPP
6. Consent to disturb bushland zoned or reserved for public open space	Update and TRANSFER to proposed SEPP
7. Public Authorities	Update and TRANSFER to proposed SEPP
8. Plans of Management	Update and TRANSFER to proposed SEPP
9. Land adjoining land zoned or reserved for public open space	Update and TRANSFER to proposed SEPP
10. Preparation of local environmental plans	TRANSFER to Ministerial Direction
Schedule 1 – Areas and part areas to which the Policy applies	Update to include the entire Central Coast Council REPLACE with a land application map in the proposed SEPP

*Explanation of Intended Effect – SEPP (Environment)*

**Attachment B**

60

**State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

Clause	Recommendation
<b>Part 1 Preliminary</b>	
1. Name of Policy	DELETE
2. Commencement	DELETE
3. Aims of Policy	TRANSFER to proposed SEPP
4. Definitions	TRANSFER to proposed SEPP except for 'the Act' which is defined in the Standard Instrument
5. Land to which Policy applies	TRANSFER to proposed SEPP
6. Maps	TRANSFER to proposed SEPP
7. Declaration of Sydney drinking water catchment	TRANSFER to proposed SEPP
8. Relationship with other environmental planning instruments	TRANSFER Subclause 1 to proposed SEPP DELETE Subclause 2 TRANSFER Subclause 3 intent to proposed SEPP
<b>Part 2 Assessment and approval of development and activities</b>	
9. Recommended practices and performance standards of the Sydney Catchment Authority	TRANSFER to proposed SEPP
10. Development consent cannot be granted unless neutral or beneficial effect on water quality	TRANSFER to proposed SEPP
11. Development that needs concurrence of Chief Executive	TRANSFER to proposed SEPP
<b>Part 3 Miscellaneous</b>	
12. Public authorities to consider effect on water quality	TRANSFER to proposed SEPP
13. Savings	DELETE
Schedule 1 (Repealed)	Previously DELETED

**Explanation of Intended Effect – SEPP (Environment)**



**Attachment B**

61

**State Environmental Planning Policy No.50 – Canal Estate Development**

Clause	Recommendation
1. Name of Policy	DELETE
2. Aims, objectives etc	Update and TRANSFER to proposed SEPP
3. Definition	DELETE
4. Land to which this Policy applies	Update and TRANSFER to proposed SEPP
5. Canal estate development prohibited	Update and TRANSFER to proposed SEPP
6. Development to which this Policy does not apply	Update and TRANSFER to proposed SEPP
7. Relationship to other environmental planning instruments	Update and TRANSFER to proposed SEPP

**Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment**

Clause	Recommendation
<b>Part 1 Introduction</b>	
1. Name of Policy	DELETE
2. Where plan applies	REPLACE with a land application map in the proposed SEPP
3. Relationship to other environmental planning instruments	DELETE
4. Definitions	DELETE
5. Aims and objectives	Update and TRANSFER to proposed SEPP and Ministerial Direction, as appropriate
6. Savings	DELETE
<b>Part 2 Planning Principles</b>	
7. When planning principles are to be applied	Update and TRANSFER to proposed SEPP and Ministerial Direction
8. General principles	Update and TRANSFER to proposed SEPP and Ministerial Direction
9. Specific planning principles	Update and TRANSFER to proposed SEPP, except for outdated and duplicated provisions, which will be DELETED
<b>Part 2 Planning Requirements</b>	
10. (Repealed)	Previously DELETED
11. Planning control table	Update and TRANSFER to proposed SEPP, except for outdated and duplicated provisions, which will be DELETED
Dictionary	Update and TRANSFER to proposed SEPP, except for outdated and duplicated definitions, which will be DELETED

**Explanation of Intended Effect – SEPP (Environment)**

**Attachment B**

62

**Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River**

Clause	Recommendation
<b>Part 1 Introduction</b>	
1. Name of plan	DELETE
2. Where plan applies	REPLACE with a land application map in the proposed SEPP
3. Aim of this plan	Update and TRANSFER to proposed SEPP and Ministerial Direction
<b>Part 2 General planning considerations, specific planning policies and recommended strategies</b>	
4. Application of general planning considerations, specific planning policies and recommended strategies	Update and TRANSFER to proposed SEPP and Ministerial Direction
5. General planning considerations	Update and TRANSFER to proposed SEPP and Ministerial Direction
6. Specific planning policies and recommended strategies	Update and TRANSFER to proposed SEPP, except for outdated and duplicated provisions, which will be DELETED
7. Effect of Part 2	DELETE
<b>Part 3 Development controls</b>	
8. Development controls	Update and TRANSFER to proposed SEPP
9. (Repealed)	Previously DELETED
10. Excepted land	Previously DELETED
11. Development controls	Update and TRANSFER to proposed SEPP and Ministerial Direction, except for outdated and duplicated provisions, which will be DELETED
<b>Part 4 Miscellaneous</b>	
12. Relationship to other environmental planning instruments	Update and TRANSFER to proposed SEPP
13. Definitions	DELETE
14. Savings	DELETE
Schedule 1 Items of non-Aboriginal heritage	Update and TRANSFER to proposed SEPP, except for outdated and duplicated provisions, which will be DELETED
Schedule 2 Places where extractive industry is prohibited	Update and TRANSFER to SEPP (Mining, Petroleum Production and Extractive Industries)
Schedule 3 (Repealed)	Previously DELETED
Dictionary	Update and TRANSFER to proposed SEPP, except for outdated and duplicated definitions, which will be DELETED

*Explanation of Intended Effect – SEPP (Environment)*

**Attachment B**

63

**Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

Clause	Recommendation
<b>Part 1 Preliminary</b>	
1. Name of plan	DELETE
2. Aims of Plan	Update and TRANSFER to proposed SEPP TRANSFER references to the catchment to the new Catchment section in proposed SEPP AMEND references to working harbour to reflect a modern working harbour and the role of recreational and tourism uses AMEND to refer to Sydney Harbour
3. Land to which plan applies	Update and TRANSFER to the proposed SEPP UPDATE APPLICATION to apply provisions to the area currently shown as the Foreshores and Waterways Area Update and TRANSFER specific areas in Subclause 2
4. Interpretation	DELETE
5. Consent authority	TRANSFER to proposed SEPP
6. Maps	Update and TRANSFER to proposed SEPP
7. Relationship to other environmental planning instruments	Update and TRANSFER to proposed SEPP
8. Repeal of previous planning instruments	DELETE as it is no longer required
9. Repealed	Previously DELETED
10. Public Utilities	DELETE as clause has been superseded by the Infrastructure SEPP
11. Transitional provision	Update and TRANSFER to proposed SEPP and Ministerial Direction
<b>Part 2 Planning Principles</b>	
12. Objective	Update and TRANSFER planning principles to Ministerial Direction
13. Sydney Harbour Catchment	Update and TRANSFER to Ministerial Direction
14. Foreshores and Waterways Area	Update and TRANSFER to Ministerial Direction
15. Heritage Conservation	Update and TRANSFER to Ministerial Direction
<b>Part 3 Foreshores and Waterways area</b>	
Division 1 Development Control	Update and TRANSFER to proposed SEPP

**Explanation of Intended Effect – SEPP (Environment)**



## Attachment B

64

Clause	Recommendation
16. Zones indicated on zoning map	<p>Update and TRANSFER to proposed SEPP</p> <p>RENAME and align with the Standard Instrument Local Environmental Plans equivalents:</p> <ul style="list-style-type: none"> <li>• Zone No W1—Maritime Waters to become Standard Instrument LEP W3 Working Waterways</li> <li>• Zone No W2—Environment Protection to become Standard Instrument LEP W1 Natural Waterways</li> <li>• Zone No W5—Water Recreation to become Standard Instrument LEP W2 Recreational Waterway</li> <li>• Zone No 8a – National Parks to become Standard Instrument LEP E1 as per the current Standard Instrument Local Environmental Plan zone for National Park land</li> </ul>
17. Zoning Objectives	<p>Updated and TRANSFER to proposed SEPP</p> <p>UPDATE zone objectives for zones being renamed and align objectives with Standard Instrument Local Environmental Plan equivalents as outlined above. Include additional objectives specific to Sydney Harbour as required</p>
18. Development Control in the Waterways	Update the land use table and TRANSFER to proposed SEPP (adopt the Standard Instrument Local Environmental Plan format and wording)
18A. Subdivision in the waterways	TRANSFER to proposed SEPP and amend to allow Roads and Maritime Services, who is the owner and consent authority of Sydney Harbour, to undertake its existing policy of subdivision on the Sydney Harbour foreshore for the purposes of managing lawfully reclaimed Harbour land
19. Development control within national parks	DELETE as this clause has been superseded by the Infrastructure SEPP
Division 2 Matters for Consideration	
20. General	TRANSFER to proposed SEPP
21. Biodiversity, ecology, and environment protection	<p>TRANSFER to proposed SEPP and update to focus on protecting and enhancing aquatic and foreshore species and communities of Sydney Harbour</p> <p>UPDATE to align to Coastal Management SEPP Coastal Environment Area provisions</p> <p>TRANSFER references to catchment management and water quality to new Catchment section in proposed SEPP</p>
22. Public access to, and use of, foreshores and waterways	<p>TRANSFER to proposed SEPP and update to align to Coastal Management SEPP Coastal Use Areas provisions</p> <p>Retain provisions relating to access to and from waterways and amend provisions to consider potential public access routes identified in the maps in the development control plan</p>
23. Maintenance of a working harbour	TRANSFER to proposed SEPP and consolidate with Clause 24
24. Interrelationship of waterway and foreshore uses	TRANSFER to proposed SEPP and consolidate with Clause 23

*Explanation of Intended Effect – SEPP (Environment)*

## Attachment B

65

Clause	Recommendation
25. Foreshore and waterways scenic quality	TRANSFER to proposed SEPP, retain provisions relating to protecting the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries and consolidate with Clause 26 UPDATE to align to Coastal Management SEPP Coastal Use Area provisions
26. Maintenance, protection and enhancement of views	TRANSFER to proposed SEPP and consolidate with Clause 25
27. Boat storage facility	TRANSFER to proposed SEPP
Division 3 Foreshores and waterways planning and development advisory committee	
28. Foreshores and Waterways Planning and Development Advisory Committee	DELETE - Foreshores and Waterways Planning and Development Advisory Committee to be disbanded
29. Consultation required for certain development applications	DELETE as above
30. Consultation available for other matters	DELETE as above
31. Referral of development proposals not requiring development consent	DELETE as above
Division 4 Special provisions	
32. (Repealed)	DELETE
33. Commercial marinas within Zone No W1	TRANSFER to proposed SEPP and update to align with revised zone framework
34. Boat repair facilities and commercial marinas in Zone No W2	TRANSFER to proposed SEPP and update to align with revised zone framework
35. Homebush Bay—Rhodes Peninsula bridge	DELETE - no longer necessary as Homebush Bay—Rhodes Peninsula bridge is adequately managed by Infrastructure SEPP
36. Development on land comprising acid sulfate soils	TRANSFER to proposed SEPP and update to align with the relevant Standard Instrument Local Environmental Plan Clause
37. Development within 20 metres of boundary of Zone No W2	TRANSFER to proposed SEPP
38. Development on land in waterways adjoining national parks	TRANSFER to proposed SEPP and align to Infrastructure SEPP
39. Development and activities in vicinity of national parks	TRANSFER to proposed SEPP and align to Infrastructure SEPP
Part 4 Strategic foreshore sites	
Division 1 Requirement for master plan	
40. Application of Division	TRANSFER to proposed SEPP
41. Requirement for master plans	TRANSFER to proposed SEPP and update to require a site-specific development control plan in place of a master plan

Explanation of Intended Effect – SEPP (Environment)

## Attachment B

66

Clause	Recommendation
Division 2 Master plans	
42. Master plans to which Part applies	TRANSFER to proposed SEPP and update as above
43. Appropriate authority	TRANSFER to proposed SEPP and update as above
44. Nature of master plans	TRANSFER to proposed SEPP and update as above
45. Land for which master plan to be prepared	TRANSFER to proposed SEPP
46. Preparation of master plans	Update and TRANSFER to proposed SEPP
47. Consultation	UPDATE and ALIGN to requirements for development control plans as set out in the Act
48. Adoption of master plans	UPDATE and ALIGN to requirements for development control plans as set out in the Act
49. Amendment of master plans	UPDATE and ALIGN to requirements for development control plans as set out in the Act
50. Availability of master plans	UPDATE and ALIGN to requirements for development control plans as set out in the Act
51. Master plans not required for land dedicated or reserved under <i>National Parks and Wildlife Act 1974</i>	Update and TRANSFER to proposed SEPP
Part 5 Heritage provisions	
Division 1 General	
52. General	TRANSFER to proposed SEPP
53. Objectives	TRANSFER to proposed SEPP and update to align with the relevant Standard Instrument Local Environmental Plan Clause. Add an objective to address underwater cultural heritage
Division 2 Protection of heritage items	
54. Land to which part applies	TRANSFER to proposed SEPP
55. Protection of heritage items	TRANSFER to proposed SEPP and update to align with the relevant Standard Instrument Local Environmental Plan Clause
56. Advertised development	TRANSFER to proposed SEPP
Division 3 Protection of places of potential heritage significance	
57. Development affecting matters of Aboriginal heritage significance	TRANSFER to proposed SEPP and update to align with the relevant Standard Instrument Local Environmental Plan Clause
58. Development affecting matters of non-Aboriginal heritage significance	TRANSFER to proposed SEPP and update to align with the relevant Standard Instrument Local Environmental Plan Clause
Division 3A Sydney Opera House	
58A. Land to which Division applies	TRANSFER to SEPP (State Significant Precincts) with other Opera House provisions

*Explanation of Intended Effect – SEPP (Environment)*

## Attachment B

67

Clause	Recommendation
58B. Protection of world heritage value of Sydney Opera House	TRANSFER to SEPP (State Significant Precincts) with other Opera House provisions
58C. Minor development	TRANSFER to SEPP (State Significant Precincts) with other Opera House provisions
Division 4 Miscellaneous	
59. Development in vicinity of heritage items	TRANSFER to proposed SEPP and update to align with the relevant Standard Instrument Local Environmental Plan Clause
60. Conservation incentives	TRANSFER to proposed SEPP and update to align with the relevant Standard Instrument Local Environmental Plan Clause
Part 6 Wetlands protection	
61. Objectives	TRANSFER to proposed SEPP and update to align to Coastal Management SEPP  AMEND terminology from 'wetland' to 'rocky foreshore'  INSERT new provisions based on CI 61 for seagrasses and reference to maps for Rocky Foreshores and Seagrasses
62. Requirement for development consent	TRANSFER to proposed SEPP and update as above
63. Matters for consideration	TRANSFER to proposed SEPP and update as above
Schedule 1 Maps incorporated in plan	RETAIN and update as per recommendations for Clause 3
Schedule 2 Development to be referred to Foreshores and Waterways Planning and Development Advisory Committee	DELETE
Schedule 3 Minor development	TRANSFER to proposed SEPP and update to link to new development control plans provisions Clause 41(5)
Schedule 4 Heritage items	TRANSFER to proposed SEPP (linked to Clause 54)
Schedule 5 (Repealed)	Previously DELETED
Dictionary	Update and TRANSFER to proposed SEPP, except for outdated and duplicated definitions, which will be DELETED

## Willandra Lakes Regional Environmental Plan No.1 – World Heritage Area

Clause	Recommendation
Part 1 Preliminary	
1. Name of plan	DELETE
2. Land to which plan applies	Update and REPLACE with a land application map in the proposed SEPP
3. Aim of plan	Update and TRANSFER to proposed SEPP, except for outdated and duplicated provisions, which will be DELETED

Explanation of Intended Effect – SEPP (Environment)

**Attachment B**

68

Clause	Recommendation
4. How this plan affects other environmental planning instruments	DELETE
5. Definitions	Update and TRANSFER to proposed SEPP, except for outdated and duplicated definitions, which will be DELETED
6. Strategic plans of management	DELETE
7. Operational plans	DELETE
8. Individual Property Plans	DELETE
<b>Part 2 Planning considerations and consultation</b>	
9. When this Part applies	Update and TRANSFER to proposed Standard Instrument, SEPP (Infrastructure) 2007 and Ministerial Directions, except for outdated and duplicated provisions, which will be DELETED
10. Planning considerations	Update and TRANSFER to Standard Instrument and Ministerial Directions
11. Consultation	Update and TRANSFER to proposed SEPP, Standard Instrument, SEPP (Infrastructure) 2007 and Ministerial Directions, except for outdated and duplicated provisions, which will be DELETED

*Explanation of Intended Effect – SEPP (Environment)*

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 12 December 2017

### INFRASTRUCTURE SERVICES

**Item: 231**                      **IS - Sustainable Energy Strategy - (95495, 79340)**

**Previous Item:**            219, Ordinary (28 November 2017)  
                                 NM1, Ordinary (29 August 2017)  
                                 MM2, Ordinary (30 May 2017)  
                                 NM3, Ordinary (13 December 2016)

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#### **REPORT:**

##### **Executive Summary**

This matter has been included in the business paper following its deferral from the Council Meeting on 28 November 2017.

This report responds to a number of Council requests related to Council taking positive action to pursue energy savings and investment in renewable energy.

Council has, for over 12 years, sought to reduce its energy and water consumption and has invested substantial funding - through both grants and its own resources, to reduce consumption and reduce costs below market trends.

Council is currently investigating a new range of projects including conversion of 1,400 old mercury vapour street lights to LED lamps, and the installation of approximately 700kW of distributed solar generation across community owned buildings and facilities.

These projects are in detailed investigation and feasibility phase, with strong financial benefits being identified at this stage. A further report will be presented to Council on this program.

The report also provides broad information on financing and other issues associated with actions that Council may take to reduce its costs and environmental impacts.

Further investigations will be undertaken into other renewable energy generation options, as opportunities arise or as market and regulatory frameworks and risks become clearer.

##### **Consultation**

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

##### **Background**

In order to achieve reductions in the emissions, the environmental footprint of Council and improve our financial position, Council has sought to investigate and implement various works and initiatives that contribute to these goals. Whilst Council has routinely implemented actions to incorporate contemporary technology and practices to achieve these goals over many years, there is a growing imperative to accelerate improvements.

Council has made a number of resolutions to further these goals, namely:

1. Resolution 383, Ordinary (28 November 2017)

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

## ORDINARY MEETING

Meeting Date: 12 December 2017

### 2. 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 Committee, with a presentation by Ironbark Sustainability. Detailed investigation has not yet taken place in regard to item 3, with the priority as recommended by Ironbark Sustainability to focus on distributed, "behind the meter" installations where significant financial benefits exists. This has been embodied in a range of actions detailed in this report.

### 3. Resolution 157, Ordinary (30 May 2017) (in part)

- "2. A report be presented to Council within six months, outlining options available to Council recommending five actions for Council to focus on in relation to activities such as renewable energy, energy efficiency, transport and advocacy."*

This report addresses the renewable energy and energy efficiency aspects of that resolution.

### 4. Resolution 267, Ordinary (29 August 2017)

*"That a report be provided to Council by 24 October 2017, that:*

- 1. Gives an update on the status of the scheduled or recommended measures outlined in the Energy Savings Action Plan 2013, for each of the top ten energy consuming Council-controlled facilities/areas identified in the plan.*
- 2. Gives options for comprehensively updating the Plan. This should include, but not be limited to:*
  - a) collecting, analysing and reporting energy consumption data to compare with 2008 and 2013 data*
  - b) updating the status of the co-generation plant housed under the Deerubbin Centre*
  - c) reviewing and updating the recommendations for greater energy savings and efficiencies based on the latest technology and best practices*
  - d) reviewing the need for an internal working group, comprised of staff from a wide range of Divisions within Council*
  - e) identifying additional facilities/areas controlled by Council that could be included in a revised plan."*

This report includes the requested data and current actions.

The following commentary on key issues and actions is provided.

**NSW Water and Energy Saving Action Plan**

This program introduced and implemented in 2005 by the NSW Government, was the first regulatory requirement for Council to systematically address its water and energy consumption. Council responded to this by adopting a Water and Energy Savings Action Plan, which identified 66 measures for investigation and implementation subject to feasibility.

Of these measures:

- 24 were completed at a cost of \$1.226M
- 10 are currently in progress at a cost of \$0.5M
- 13 are included for future budget consideration
- three were actions that are tenant responsibilities
- five measures were ultimately considered not feasible.

A detailed list of projects and current status is included as Attachment 1.

The plan was last revised in 2013, being the final year of that regulatory requirement.

Having regard for the various actions now being proposed, it is recommended that a Sustainable Energy Strategy be developed to replace the former Energy Saving Action Plan. Reporting on our performance can continue to be done through the Planet Footprint methodology.

**Deerubbin Centre Tri/Co-generation Plant**

At the time of construction of the Deerubbin Centre in November 2006, the project included a tri-generation plant for the generation of cooling, heating and electricity for the centre's use.

Following the rapid escalation in gas pricing following its construction, the operation of the plant was no longer financially viable. The plant was put into a standby mode to provide the opportunity to provide back-up power for the site.

A report was prepared for Council on 8 December 2015, at which time it was resolved to continue the maintenance/standby mode.

A copy of the report is included as Attachment 2.

**Light Years Ahead - Phase 1**

This project, carried out under the auspices of WSROC, utilised a Commonwealth Grant to subsidise the conversion of 14,491 streetlights across nine Council areas from older style mercury vapour and other lights to energy efficient LED lights.

Hawkesbury Council carried out conversion of 562 lights under this program which is resulting in a current electricity cost saving of \$32,000 per annum.

This program reduced Council's energy consumption by 207,731 kWh and reduced carbon emissions by 199.42 tonnes per annum.

**Current Regulatory and Energy Market Position**Incentives for Energy Efficiency and Renewable Energy

Both the energy market and government policy and regulatory response are currently subject to extensive debate and political positioning. Most recently the announcement of the National Energy Guarantee (NEG) to replace the existing Renewable Energy Target (RET) will directly impact Council's proposed renewable energy installation program. The RET currently results in a capital cost reduction of around 20-30% for the scoped 700kW renewable energy on Council facilities.



The NEG aims to support the reliability of the energy market and to achieve the Paris climate change goals. As such it is expected there will be some incentive for lower emission technologies.

The NEG is planned to begin in 2020, which means the current certainty of funding available under the RET will be available to Council only if it implements the projects prior to this time.

The NSW Government currently provide incentives for the completion of relevant energy efficiency projects through the Energy Saving Scheme. Council was able to generate funding for the LYA1 street lighting replacement program through this scheme and plans to access this funding for any future projects. There are no plans to scrap this scheme and it has been functioning effectively since 2009.

### **Street Lighting key regulatory issues**

- Future determinations by Australian Energy Regulator on charging and tariffs by energy distributors. This includes street lighting charges.
- Currently the Endeavour Energy Street Lighting Use of System (SLUoS) tariffs for LEDs is around double that of other jurisdictions. The structure of the tariffs is such that around  $\frac{3}{4}$  of the cost of the LED tariff is a smeared maintenance cost. This means all the maintenance for lighting is charged equally across different technologies, despite LEDs resulting in significantly lower maintenance requirements.
- The Australian Energy Regulator supports moves to a more consistent approach for maintenance tariffs. The public Victorian models average \$25 per LED light compared to over \$60 for equivalent Endeavour lights.
- Through the Light Years Ahead Program WSROC is currently advocating on behalf of councils to have changes made by Endeavour to the tariff structures. This advocacy is being made through the WSROC Energy Forum which includes Endeavour Energy as well at state level and through formal regulatory processes. If successful this will reduce ongoing costs for Council significantly.

### **Energy - Market Forecasts**

Both gas and electricity pricing have increased significantly over the last few years, with infrastructure costs, regulatory changes, market dynamics and consumption all contributing.

The forecast for electricity prices (which are comprised of both supply and distribution charges) are likely to remain relatively flat for the next three years, with large increases in network charges already built in.

The impacts of the recently released Federal Government's National Energy Guarantee Policy and responses to the Policy are currently being actively debated.

A similar situation exists with gas pricing with both State and Commonwealth Governments currently reviewing a range of policies and market interventions.

The complexity of these issues also impacts on the net cost of solar / renewable energy installation and operation.

Electricity and gas prices are not likely to decrease significantly over the life of the projects scoped in this report. The business case and savings outlined are conservative and savings could be greater if prices continue to increase. Short term price movements are less important than long term price movements, which have been trending upwards for many decades.

**Current Initiatives**

Council's focus is principally directed to achieving and maximising reduction in its energy consumption.

Council utilises Planet Footprint to measure our total performance as well as site by site assessment.

Key indicators include:

- total energy consumption for Quarter 4 2016/2017 decreased by 6% compared to previous year Quarter 4, with cost decreasing by \$36,000
- the largest 10 sites account for 86% of building electricity usage
- gas consumption has decreased by 22% Quarter 4 2016/2017 to previous year Quarter 4, with actual cost decreasing by 7%.

A detailed report is included as Attachment 3.

This reporting allows emphasis and priority to be given to those sites that have the highest return. For example the introduction of new sensors and pumps at the Sewer Treatment Plant has allowed a reduction of 2% of electricity consumption, but this small percentage has resulted in a 50,000kWh saving.

Site Managers are also provided with energy performance statistics to ensure any anomalies or excess use are identified and resolved. This includes the introduction of live "Energy Dashboards" for eight key sites.

**Light Years Ahead - Phase 2**

This project, again auspiced by WSROC, was designed to explore the potential for additional LED relamping of the street light network across nine local government areas. The project has developed to more broadly incorporate energy generation and efficiency projects such as photovoltaics, lighting and air conditioning. By collaborating through a single consultancy, negotiations on financing and procurement as well as discussions with providers and regulators has occurred on a regional basis.

For Hawkesbury Council a range of potential projects has been identified, with sound potential to deliver economic and environmental benefits. These are grouped into two areas, being:

- LED street lighting - replacing approximately 1,400 mercury vapour lights with LEDs
- Photovoltaic cell installations - this provides solar power installations with approximately 0.7MW of generation capacity at 12 sites.

A list of currently proposed works is included as Attachment 4.

**Feasibility**

A feasibility and financial analysis has been carried out by both WSROC (via Ironbark Sustainability) and reviewed / assessed by Council, using a Net Present Value (NPV) Analysis.

Based on the following assumptions of:

- 10 year loan term
- 2.8% fixed interest rate
- electricity indexed at 3.3%
- full recovery of electricity generation income from tenants.

shows that (whilst further analysis is being finalised), over a 25 year period, the estimated NPV is approximately \$2.1M (positive).

## ORDINARY MEETING

Meeting Date: 12 December 2017

This review indicated that each of the two elements of the program would have a positive Net Present Value over the 20-25 year life of the projects, with only street lighting having a negative cash flow in years 1 to 10. However, when both elements are combined they are cash flow positive from year 1.

### Financing Alternatives

The foregoing financial analysis is based on Council directly borrowing, and utilising a T-Corp subsidised interest loan facility.

Alternative financing operations were examined.

These include:

- Borrowing from Clean Energy Finance Corporation as part of a WSROC consortium of Councils.

This was considered early in the project, however as alternate lower cost financing was available, there was no incentive to pursue this. It should be noted that this would also require a minimum loan of \$5M.

- Off-balance sheet funding. This included two proposals.

a) Managed Service Provider Model for street lighting.

Under this arrangement Council would simply enter into a long term agreement with a third party to fund the upfront cost, with Council paying a monthly "service fee" which incorporates all financing and associated management costs for an agreed contract period.

This option would not technically being considered a loan, would attract a higher financing cost and would not maximise the long term benefits to Council. Such arrangements can be suitable where a neutral or positive cash flow is required from day one.

b) Power Purchase Agreement (PPA)

A PPA is an arrangement where the supplier (in this case of a solar system) meets the cost of the infrastructure and installation, and then sells the generated power back to the premises on which it is installed. This is generally done over a 10 to 15 year period. It is a variation on the management service provider model in that Council would be contracted to purchase the generated power rather than pay a monthly fee.

Again the financing and administrative costs are higher than otherwise currently available to Council.

- Community Financing

This typically involves either the sourcing of loans from community investors to install renewable energy generation. Whilst having significant community and social benefits due to ongoing involvement, the financial return to investors is not significant, given the low cost of finance otherwise available to Council.

Alternatively, direct investment under a power purchase agreement is possible, where the community investors would retain a share of the "profits". Where the installation involves a Council owned facility, this can involve probity issues where the use of a public asset is used to benefit individuals, notwithstanding environmental benefits. Community investment has been limited by regulatory restrictions on power sharing across individual sites (as this results in no payment for use of the distribution grid)

## **Large Scale Solar Farms**

Whilst the current economics strongly favour the use of distributed solar generation, where the use of power on site does not require the use and cost of a distribution network, there is significant interest in development of large scale, grid connected solar installations.

A number of major projects are underway or completed.

An overview of the Lismore and Sunshine Coast Council projects was provided by Ironbark to Council's Sustainability Committee. This presentation also outlined the investigations being undertaken by Melbourne City Council into Power Purchase Agreements. This project is seeking to enter into a contract with external market providers to provide renewable energy on a long term contract, with a requirement for power to be delivered from new investment.

This arrangement does provide the potential to leverage scale, and locate generation sites at optimal locations, unconstrained by local government boundaries.

It is understood that tender evaluation is currently being undertaken, and the outcome of this will be of high value to Council's further consideration. It is possible that a similar regional project could be considered as part of the investment and funding being developed for the Western Sydney Regional City.

There is a strong financial case to continue with the planning and implementation of the distributed solar installation program. Although the initial cost of the LED streetlight refit program is such that the payback period is longer, with a negative cash flow in the first 10 years, the project has a positive net value over its 20 year life.

There are a number of issues and risks that need to be further evaluated prior to a final decision to proceed to installation.

These include:

- current network infrastructure locations and accessibility
- actual financing costs at time of borrowing
- regulatory changes
- possible lower than anticipated increases in electricity
- technology advances
- agreement and continuity of use with tenants/users of facilities.

As outlined previously risk assessment and management actions are currently being assessed as part of the project development, and it is intended that a further report will be presented to Council on this project in the near future.

## **Conclusion**

In order to consolidate the direction of Council in investigating, developing and implementing practical and sustainable actions relating to energy efficiency and sustainability, it is proposed to prepare a Sustainable Energy Strategy which will provide high level guidance, and ensure that available resourcing is directed to support that strategy. It is envisaged that this strategy would be reflected in Council's annual Operational Plan. This will enable funding and reporting to be considered and embedded in Council's normal operations, ensuring it becomes a key part of our business practice.

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

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

Our Environment

- 3.2 To live sustainably and reduce our ecological footprint - Identify and make best use of our local resources and awareness of contribution to the environment
  - 3.2.2 Alternative forms of energy are embraced throughout the Hawkesbury.
- 3.3 We reduce, reuse and recycle - Identify ways for our community to reduce, reuse and recycle waste
  - 3.3.2 Undertake community education on best practice environmental sustainability and climate change issues.
- 3.4 The sustainability of our environment is improved - Encourage and enable our community to make sustainable choices
  - 3.4.2 Development is functional, attractive and sympathetic with the environment, and avoids unnecessary use of energy, water or other resources.

**Financial Implications**

The recommendation arising from this report does not have direct financial implications outside of the current Operational Plan at this stage. Subsequent reports to Council may recommend works or actions.

**RECOMMENDATION:**

That:

- 1. Council note the information and actions underway in relation to sustainable energy.
- 2. Further investigations be undertaken, within the framework of the Western Sydney City planning and funding frameworks to pursue energy sustainability.
- 3. A further report be brought to Council detailing a Sustainable Energy Strategy for Council.

**ATTACHMENTS:**

- AT - 1** NSW Water and Energy Saving Action Plan - Hawkesbury Council List of Projects and Current Status
- AT - 2** Report to Council - Deerubbin Centre Plant
- AT - 3** Planet Footprint Formal Performance Review Q1-Q4 Financial Year 2016/2017
- AT - 4** Light Years Ahead - Phase 2 - Hawkesbury Council Currently Proposed Works

# ORDINARY MEETING

Meeting Date: 12 December 2017

## AT - 1 NSW Water and Energy Saving Action Plan - Hawkesbury Council List of Projects and Current Status

Action Number	Site	Cost effective opportunities	Cost to Implement \$	Dollar Savings \$	Electricity Savings KWh/yr	Electricity Savings GJ/yr	Gas Savings MJ/yr	Pk-AVA	Saving in tonnes CO2e per yr	Payback in years	Completion Date	Comments as at 2017
1	All pumps	Install variable speed drives on irrigation pumps and aim to reduce operational flow-rate as much as possible	\$10,000	\$6,600	26,400	95			23	1.5	Completed	Completed
2	All pumps	Upgrade to more efficient units (some pump stations)	\$15,000								Completed	Completed
3	All pumps Sewer Services	Ensure all pump stations are upgraded as required to more efficient units	Ongoing								in future budget	Under investigation.
4	Council Administration Building and Old Library	Investigate and address irregular operation of power factor correction equipment									Completed	Completed
5	Council Administration Building and Old Library	Replace BMS to include controls for genset to loadshed using the genset - saving 4 kva.	\$75	\$2	7					42.9	Underway	Budgets have been approved. To be completed BMS in 2017 across all large sites and with metering commissioning this will be investigated.
6	Council Administration Building and Old Library	Upgrade building's HVAC systems - Stage 2 (Chambers areas)	\$350,000								Underway	Still require to complete chambers side of admin building. To be funded by W&SIP.
7	Council Administration Building and Old Library	Data Centre energy efficiency works ( a/c replacement - \$45K; UPS replacement - \$80K; cable management - \$10K; Data Centre management software - \$35K).	\$150,000	\$39,420	157,680	568			140	3.8	Completed	Refer to energy audit of the centre. These works are currently in planning stages and budget exists Associated works include fire rating and protection \$75K, security \$3K, relocation \$20K, switchboard for n+1 10K and genset resizing \$50K (these additional works in 2013-14 budget bid) and infrastructure changes by IT incl cabling \$25K and switches \$75K.
8	Council Administration Building and Old Library	Investigate automatic controlled louvers in Main Atrium.	\$45,000	\$3,750	15,000	54			13	12.0	in future budget	no budget
9	Council Administration Building and Old Library	Thermoshield for improved roof insulation in the Dight Street Building.	\$36,000	\$17,109	68,435	246			61	2.1	in future budget	Administration has been completed, but no funding available to carry out works at Dight Street.
10	Council Administration Building and Old Library	Upgrade fire exit lighting to LED.	\$60,000	\$10,000	40,000	144			36	6.0	Completed	Existing timco is being upgraded as fittings fail: ongoing across portfolio
11	Council Administration Building and Old Library	Installation of energy efficient lighting and sensor switching in the Function Centre.	\$60,000	\$7,500	30,000	108			27	8.0	by tenant	Awaiting funding decision but is a tenant responsibility really
12	Council Administration Building and Old Library	Stage 1 of 2 upgrade of building's HVAC systems (8-12 reverse cycle units)	\$350,000	\$25,000	100,000	360			89	14.0	Underway	Under investigation Part completed. Still require to complete chambers side of admin building estimated at \$300,000 (see below), \$88K in 2017 budget
13	Council Administration Building and Old Library	Upgrade lighting in old library (including de-lamping and day-lighting glare reduction)	\$4,000	\$1,000	4,000	14		2	4	4.0	Completed	T5 retrofit completed in 2008. New vertical blinds installed for glare reduction in 2012. Delamping to be done in 2013 in a revamp of the admin building (due 3/06/13). New LEDs fitting in 2017 as Council pays bill
14	Council Administration Building and Old Library	Investigate opportunities for improved roof insulation in the administration building.	\$30,000								Completed	Roof insulation painting completed 11/12
15	Council Administration Building and Old Library	Installation of solar PV panels	\$110,000	\$17,630	70,518	254			63	6.2	Completed	Completed. Project included a 29 kw system on the admin building plus a 17kw system on the Oasis Aquatic Centre
16	Council Administration Building and Old Library	Installation of sensor switching in the basement and halls.	\$1,750	\$546	2,184	8			2	3.2	Completed	Completed for basement, halls and meeting rooms.
17	Council Administration Building and Old Library	Targeted 4kW reduction in building standby (after-hours audit, install timing devices etc)	\$3,000	\$440	1,760	6			2	6.8	Underway	Submetering installed. Awaiting commissioning in 2017
18	Willerforce Depot	Investigate power factor correction equipment	\$14,000								not suitable	Investigated but site not suitable

# ORDINARY MEETING

Meeting Date: 12 December 2017

Action Number	Site	Cost effective opportunities	Cost to implement \$	Dollar Savings \$	Electricity Savings kWhpa	Electricity savings GJ/tpa	Gas Savings MJ/tpa	PL-kVA	Saving in tonnes CO2e peryr	Payback in years	Completion Date	Comments as at 2017
19	Wilberforce Depot	Install energy efficient hi-bay replacements.	\$20,000	\$6,844	27,375	99		15	24	2.9	Completed	1/02/13
20	Wilberforce Depot	Carry out a lighting refit to a T5 LL MT adaptor system.	\$19,000	\$47,045	183,179	677			167	0.4	Completed	1/02/13
21	Wilberforce Depot	Install a thermoshield reflective insulation coating to the roof over the small store.	\$10,000								Completed	1/06/12
22	Deerubbin Centre Precinct	Replace the current BMS to gain efficiencies.	\$110,000	\$12,500	50,000	180			45	8.8	underway	In current budget 2012-13. \$50k incl old hospital. Peppercom. Johnson building.
23	Deerubbin Centre Precinct	Place the library's central up- lights on a light sensor override (so they are always off when sufficient day-lighting is available)	\$25,000	\$1,752	7,008	25			6	14.3	underway	Currently getting quotes to do this and other lighting works on site including carpark lights and sensor switching through building
24	Deerubbin Centre Precinct	Installation of dehumidification reheats for the gallery during off peak periods.	\$40,000	\$5,000	20,000	72			18	8.0	underway	BMS controls to be incorporated through current \$50k funding. See 20. Now looking at purchase of CRACK unit to run the at store during afterhours
25	Deerubbin Centre Precinct	Recommissioning of Dynalite and Fanco controls and PES.	\$40,000	\$5,000	20,000	72			18	8.0	Completed	Completed with replacements in LEDs. Of faulty or when replacements are required, portfolio wide
26	Deerubbin Centre Precinct	Set up net metering or electricity sale contract with energy provider to account for electricity generated by the co-gen system.	\$10,000								not suitable	Under investigation. Shall be finalised for 1/7/13. Benefit to grid to reduce demand peaks Possible income \$30k pa Investigated and not available
27	Deerubbin Centre Precinct	Resolve co-gen operational issues (with energy reduction a priority given the site's unusually high energy consumption)									in future budget	Recommissioning undertaken, including feasibility to start tri-gen plant up to run during shoulder and peak demand times on site. Report to Council done 2015
28	Deerubbin Centre Precinct	Carry out a compressed air audit to identify leaks. Consider installing electronic controls to valves.	\$2,000	\$1,250	5,000	18			4	1.6	in future budget	To be completed
29	Deerubbin Centre Precinct	Recommission shading blinds to athlum and sun loures.	\$15,000								Completed	Completed
30	Wilberforce Fire Control Headquarters	Investigate installation of power factor correction equipment	\$14,000								Completed	Under investigation. Not required at the site.
31	Wilberforce Fire Control Headquarters	Install domestic heat pump hot water system for building	\$4,500	\$730	2,920	11			3	6.2	in future budget	Under investigation. Dependent on the age of the unit.
32	Wilberforce Fire Control Headquarters	Insulate ceiling (minimum R3.5) and under floor (where accessible)	\$7,000	\$2,281	9,125	33			8	3.1	Completed	2010
33	Hawkesbury Indoor Sports Stadium	Investigate installation of power factor correction equipment	\$14,000								Completed	complete 2015
34	Hawkesbury Indoor Sports Stadium	Carry out a lighting refit to all T5 LL MT Adaptor System.	\$35,806	\$15,367	61,466	221			55	2.3	Completed	31/12/13
35	Hawkesbury Indoor Sports Stadium	Install domestic heat pump hot water system for change rooms.	\$4,500	\$730	2,920	11		2	3	6.2	in future budget	Investigate ventilation of new units.
36	Hawkesbury Indoor Sports Stadium	Install energy efficient hi-bay replacements (~10 ft fittings)	\$40,000	\$11,406	45,625	164		25	41	3.5	Completed	28/02/12
37	Hawkesbury Indoor Sports Stadium	Place non- perishable drinks fridge and vending machines on timer switches (off 11pm to 7am)	\$100	\$375	1,500	5			1	0.3	by tenant	To be undertaken in counter upgrade to begin 1/6/13
38	McGraths Hill Shopping Centre	Install thermoshield to roof	\$10,000	\$750	3,000	11			3	13.3	by tenant	No budget currently available. Effects to be undertaken by the YMCA.
39	McGraths Hill Sewerage Treatment Plant	Install domestic heat pump hot water system for building and amenities.	\$4,500	\$730	2,920	11		2	3	6.2	in future budget	No budget currently available. Effects to be undertaken by the YMCA.
40	North Richmond Neighbourhood Centre	Install energy efficient lighting and sensor switching through the centre	\$20,000	\$5,000	20,000	72			18	4.0	Completed	15 upgrade

# ORDINARY MEETING

Meeting Date: 12 December 2017

Action Number	Site	Cost effective opportunities	Cost to Implement \$	Dollar Savings \$	Electricity Savings KWh/yr	Electricity savings GJ/yr	Gas Savings MJ/yr	Pk-kVA	Saving in tonnes CO <sub>2e</sub> per yr	Payback in years	Completion Date	Comments as at 2017
41	Oasis Centre	Replace the current EMS to gain efficiencies.	\$55,000	\$7,500	30,000	108			27	4.7	underway	Included in 2013-14 budget bid. Replace BMS using BACnet including integration of controls to 5 standalone roof mounted package units. \$35K plus centralisation of the energy management of all building controls to through fibre network, enabling reporting for sustainable outcomes with use.
42	Oasis Centre	Install solar water heating system on available roof space for outdoor pool with winter changeover for indoor pool	\$146,355	\$19,500	100,000	360	500,000		89	7.5	Completed	Included in 2013-14 budget
43	Oasis Centre	Install lighting occupancy sensors in the aerobic room (note: additional opportunities may exist)	\$1,000	\$438	1,752	6			2	2.3	Completed	Implemented.
44	Oasis Centre	Replace kiosk halogen lighting with 20W IRC halogens	\$100	\$38	153	1				2.6	Completed	Implemented, but subject to review.
45	Oasis Centre	Install automatic doors to minimise heat loss	\$51,000								Completed	Air lock installed to lobby with separate new AC unit. Savings in gas around 30% including solar hot water to showers and spa. Completed 1/6/12. Outdoor pool doors still manual doors. Entry and exit cannot be automated, but under investigation.
46	Oasis Centre	Investigate new low air replacement method for ventilation system (currently being implemented at Gosford Council)	\$150,000								not suitable	This action is not to be implemented. Other works have been completed that returned better savings and improved the usage of the site.
47	Oasis Centre	Install power factor correction equipment at this site	\$14,000	\$4,706				53		3.0	Completed	Implemented.
48	Oasis Centre	Install Variable Speed Drives on main circulation pumps (eg 80% of usual flow rate over night)	\$10,000	\$3,942	32,850	118			29	2.5	Completed	Main circulation pumps replaced and main VSD drives installed.
49	Oasis Centre	Install solar hot water system and replace gas fired hot water systems with more efficient heating	\$100,000	\$3,942	32,850	118			29	25.4	Completed	Completed - resulted in 30% reduction in gas on site, included metering of gas and water to spa and shower hot water, plus removal of additional hot water service by extending the ring main through the complex. 1/6/12
50	Oasis Centre	Reduce pool temperature set points by 1c (26-27C)		\$9,750	50,000	180	250,000		45		not suitable	This action was implemented, but reversed following customer complaints. Council to continue to work with YMCA to resolve.
51	Richmond Park	Install energy efficient carpark floodlighting.	\$43,500	\$5,000	20,000	72			18	8.7	Completed	Other work done on whole of Park \$150K completed 2016
52	Richmond Senior Citizens Centre	Install BMS to site to run AC	\$50,000	\$4,750	19,000	68			17	10.5	Completed	Include in project costs - \$1.7M
53	Richmond Senior Citizens Centre	Install energy efficient lighting and sensor switching to refurbishment extensions	\$50,000	\$5,250	21,000	76			19	9.5	Completed	Include in project costs - \$1.7M
54	Richmond Senior Citizens Centre	Install 20 kW PV system with storage batteries	\$70,000	\$10,000	40,000	144			36	7.0	in future budget	Include in project costs - \$1.7M
55	South Windsor Tennis Courts	Install energy efficient floodlights (LEDs)	\$21,000	\$2,500	10,000	36			9	8.4	in future budget	No budget available.
56	South Windsor Sewerage Treatment Plant	Install power factor correction equipment at this site for old control room	\$20,000					50			in future budget	confirmed to be feasible
57	South Windsor Sewerage Treatment Plant	Install domestic heat pump hot water system for building	\$4,500	\$730	2,920	11		2	3	6.2	in future budget	Will be replaced with new heat pump when the existing pump needs upgrading.
58	South Windsor Sewerage Treatment Plant	Install soft starters on key equipment									Completed	Completed
59	South Windsor Sewerage Treatment Plant	Install power factor correction equipment at this site	\$14,000					50			Completed	2009



# ORDINARY MEETING

Meeting Date: 12 December 2017

Action Number	Site	Cost effective opportunities	Cost to implement \$	Dollar Savings \$	Electricity Savings KWh/yr	Electricity savings GJ/yr	Gas Savings MJ/yr	Pk-kVA	Saving in tonnes CO2e per yr	Payback in years	Completion Date	Comments as at 2017
60	South Windsor Sewerage Treatment Plant	Set air conditioning in control room to minimum 24C- 21C	\$50	\$500	2,000	7		2	2	0.1	Completed	2008
61	South Windsor Sewerage Treatment Plant	Install variable speed drives on other key variable demand equipment									Completed	Stage 1 completed and out to tender. Stage 2 also completed.
62	South Windsor Sewerage Treatment Plant	Use dissolved oxygen (or other process-specific) sensors linked to VSD's for improved operation of blower motors	\$160,000	\$12,000	48,000	173			43	2.5	in future budget	Contract for the VSDs to be issued in September 2013. Expect completion in December 2013.
63	Other various sites	Upgrade BMS to small sites to backnet with remote access and efficient controls	\$60,000	\$5,000	20,000	72			18	12.0	underway	Wilberforce offices \$20K, South Windsor Family Centre \$10K, Museum \$15K, McMahons Park Community Centre \$15K
64	Other various sites	Install submetering and reporting for water and power, for light, power and separate plant - portfolio wide	\$360,000	\$50,000	200,000	720			178	7.2	underway	\$3k per meter includes controls and reporting on site or tenancy i.e. 40 sites x 3 meters per site including depot, Wilberforce offices, Oasis, indoor stadium, treatment works x2, admin, senior citizens. Includes all sites where major a/c plant is run.
65	Other various sites	Initial load shedding to genset to reduce power bills	\$100,000								not suitable	Across 11 genset sites. No budget but in Capex requests. Apply to Depot, Wilberforce Offices, tip, treatment works and pump stations to reduce peak demand on these sites. Site managers did not want to put at risk the availability of standby power including tank capacities were small to run this project
66	Other various sites	Install domestic heat pump hot water system for buildings	\$130,500	\$21,170	84,880	305			75	6.2	Completed	Install to Council sports sites, upper Colo reserve, community centres, depot, childcares and function centre. Grant received in 2015 and undertook 8 sites including Depot, McQuade park, Colonial Reserve, Benson Lane sports

## ORDINARY MEETING

Meeting Date: 12 December 2017

### AT - 2 Report to Council - Deerubbin Centre Plant

**Item:** IS - Deerubbin Centre Plant - (79351, 95495, 105109, 125612)

**Previous Item:** NM1, Ordinary (30 June 2015)

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#### REPORT:

##### Executive Summary

Council sought advice regarding the status of the trigeneration/cogeneration plant located at the Deerubbin Centre. This report provides details on the operation and cost of this plant.

In basic terms the Deerubbin Precinct was designed in the early 2000's to be supplied with power from a natural gas fired generator with the waste heat from that being reused to provide cooling through an "absorption chiller".

This was supplemented with a gas fired boiler for heating and cooling. The plant also includes a separate electric chiller to meet the full cooling load for the buildings within the precinct.

With the rapid rise in gas prices relative to electricity, the operation of the plant in cogeneration mode is not financially viable at the current time.

The report recommends that the generator be operated/maintained in standby mode to provide backup/emergency power to the precinct.

##### Consultation

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

##### Background

Council at its meeting of 30 June 2015 resolved that:

*"Council prepare a report on the options of what to do with the cogeneration plant at the Deerubbin Centre."*

The Deerubbin Centre in George Street, Windsor was constructed in 2004 and as part of that project the building plant room and equipment was designed to service this building as well as other adjoining buildings in the precinct including the café, old Hospital Building, Peppercorn Building and the Johnson Building.

Whilst commonly referred to as a cogeneration facility, the plant installed is more correctly described as "trigeneration" as the plant includes a gas fired generator, absorption chiller and a gas fired boiler that produces electricity, heating water and cooling water.

In simple terms the natural gas powered electrical generator is designed to produce electricity for use in the precinct and to the external grid. Waste heat from the generator is transferred through heat exchangers to provide energy to the absorption chiller unit which provides cooling for air conditioning. It also provides heating for the precinct.

At the time of construction certain assumptions were used in sizing and selecting the plant. This included the price of gas, which in the early 2000's was less expensive than electricity and feed in tariffs for excess electricity were also assumed. Air conditioning loading and power usage was also based on estimates. Since that time significant changes, particularly in gas prices, have affected the operating costs.

The generator is kept in an operational state, with periodic operation and maintenance being undertaken however the current price of gas is such that the precinct is principally cooled using the electric chiller, and heated using the gas boiler with electricity supplied by the grid.

A detailed review of the Deerubbin plant was undertaken by an external party. This review concluded that based on current gas pricing the costs of operation of the plant in "cogeneration mode" far exceeded the cost of grid power supply.

By way of illustrating the costs, at the present time the cost of generating power using the gas powered generator, is approximately \$0.242/kWh compared to grid supply of \$0.154/kWh.

The system would only be viable at a sale price for generated electricity of \$0.60/kWh back to the grid to cover the maintenance costs and efficiently run the absorption chiller. Current price for sale to the grid is \$0.07/kWh, almost one tenth of breakeven.

The provision of the generator does however provide a significant benefit for the precinct by providing a backup/emergency power source. This includes the backup data centre for Council, and for the commercial tenancies.

The review also emphasised the need to improve the efficiency of plant to dehumidify the Gallery in winter months and at night when the main chiller is operating at low output. Design is underway to install a small chiller for the dehumidification unit, to meet the Gallery requirements

#### **Conformance to the Hawkesbury Community Strategic Plan**

The proposal is consistent with the Linking the Hawkesbury Directions Statement;

- Plan for, maintain and renew our physical infrastructure and community services, facilities and communication connections for the benefit of residents, visitors and businesses

#### **Financial Implications**

There are no financial implications arising from this report.

#### **Conclusion**

The plant currently installed at the Deerubbin Centre is not designed or sized to enable it to be currently operated cost effectively, in cogeneration mode. This is due both to design issues and current gas pricing. The retention of the generator, and its maintenance in a standby mode, is recommended as it can provide a backup power supply for the site. Once reconfigured, this would change the sites operational modes to exclude cogeneration.

The installation of a smaller chiller for a dehumidifier for the Gallery this year will provide a more cost effective solution for maintaining that facility. Should changes occur to either gas or electricity pricing, or if carbon pricing/grant schemes change the economics of the plant operation, the operating principles will be reviewed.

#### **RECOMMENDATION:**

That:

1. The information in this report on the Deerubbin Centre Plant be noted.
2. The generator continue to be operated in maintenance mode to provide for standby power to the whole site.

**ORDINARY MEETING**

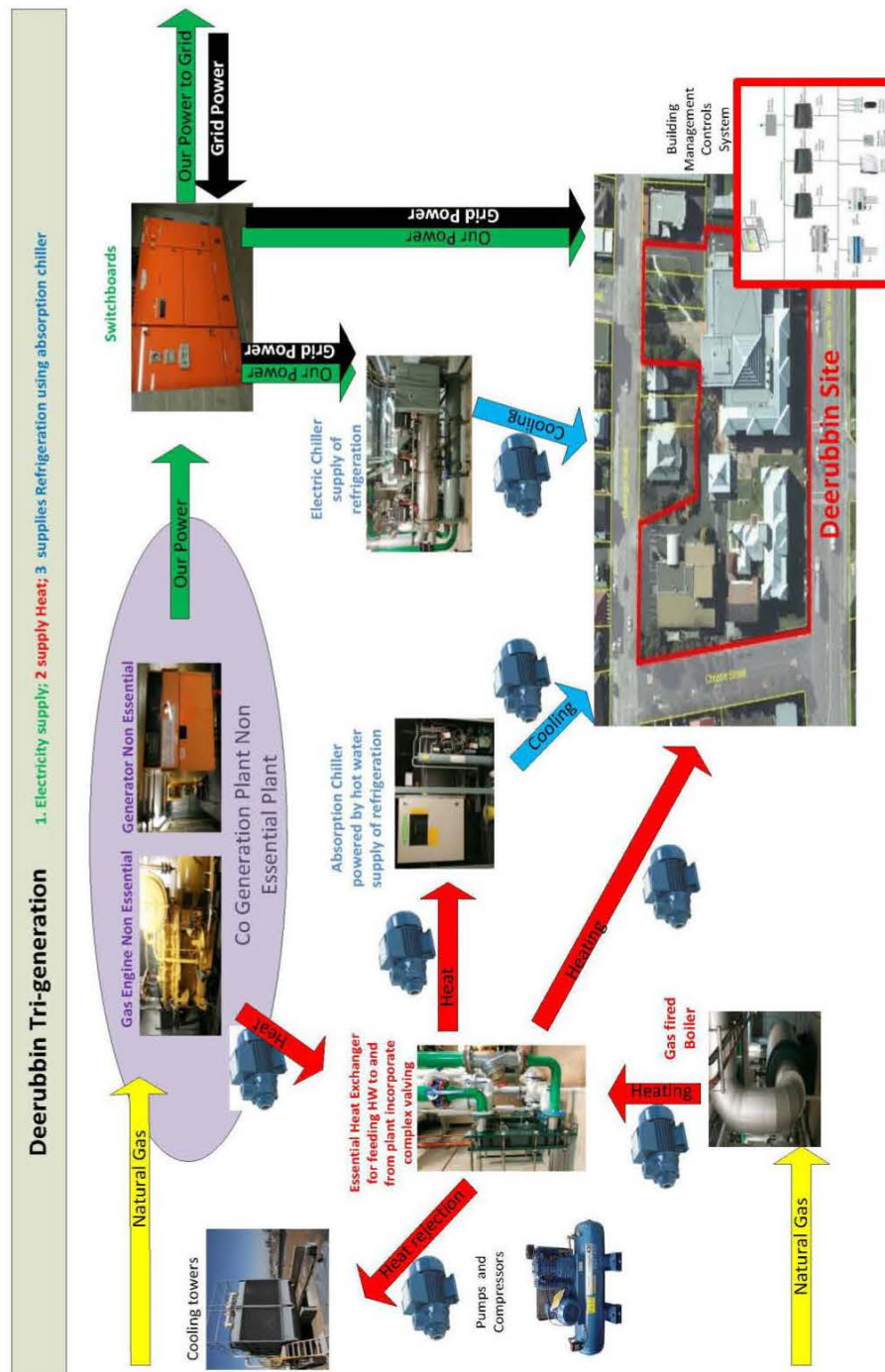
**Meeting Date:** 12 December 2017

3

**ATTACHMENTS:**

**AT - 1** Deerubbin Trigeneration Diagram

**AT - 1 Deerubbin Trigeneration Diagram**



AT - 3 Planet Footprint Formal Performance Review Q1-Q4 Financial Year 2016/2017





## AGENDA

- Overall trends: Energy
- Electricity performance
  - Increases and Decreases
- Gas performance
  - Increases and Decreases
- Water performance
  - Increases and Decreases





# ENERGY

How is the Organization performing overall?

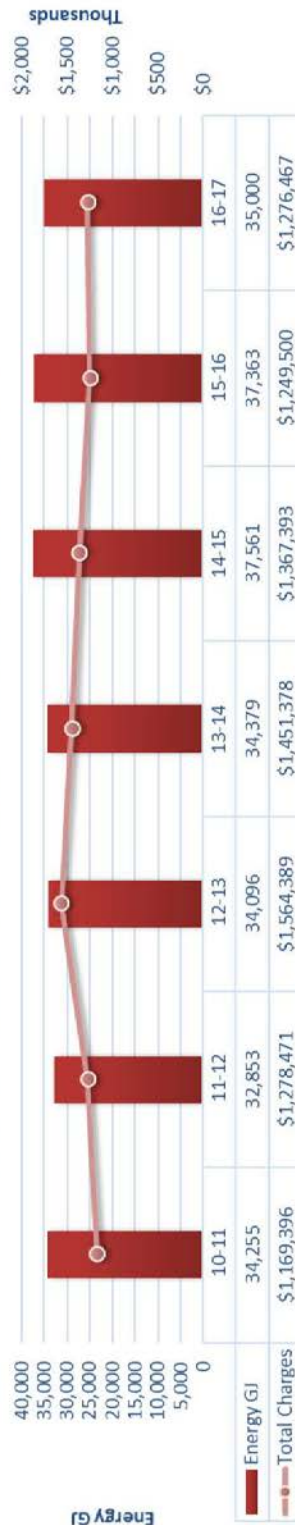






# ENERGY: QUARTERLY & ANNUAL SUMMARY

## Annual Consumption & Costs to End of Q4, FY 16-17



## Quarterly Energy Consumption to End of Q4, FY 16-17



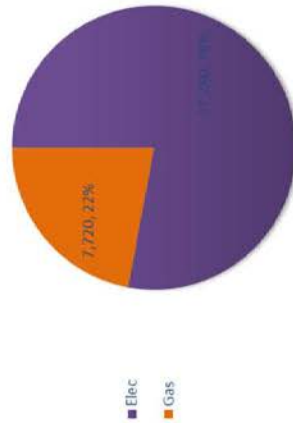
➤ At the end of Q4, FY 16-17, organisation wide energy consumption decreased by 6% compared to the same period previous financial year

➤ Electricity has decreased by 1% and gas has decreased by 22%

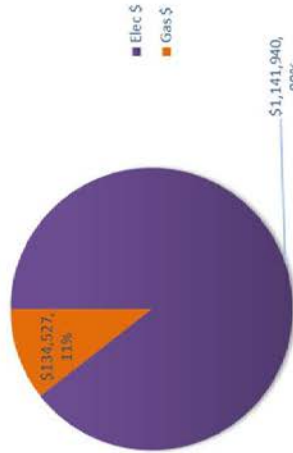
# ENERGY: QUARTERLY & ANNUAL SUMMARY



Elec vs Gas GJ: Q1 - Q4, FY 16-17



Elec vs Gas \$: Q1 - Q4, FY 16-17



Quarterly Energy Consumption to End of Q4, FY 16-17



Gas accounted for 22% of energy consumption and 11% of energy cost.



# ELECTRICITY

How is electricity consumption tracking? Where are the anomalies?

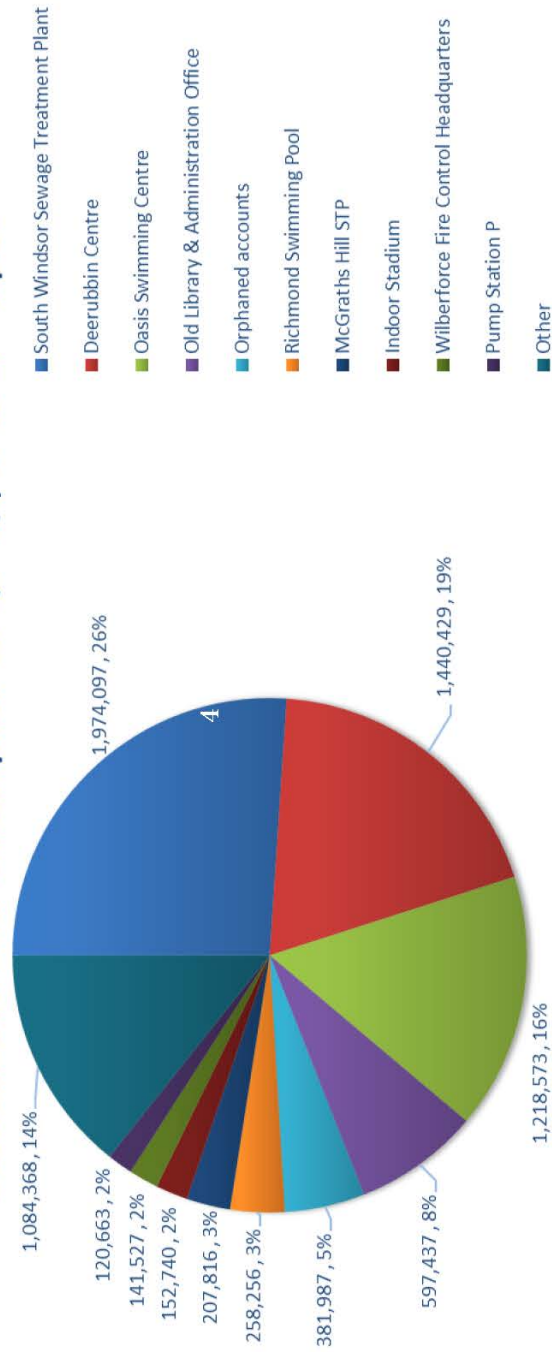


6

# ELECTRICITY: TOP SITES



**% Breakdown Elec. Consumption for Q1 - Q4, FY 16-17 - Top 10**

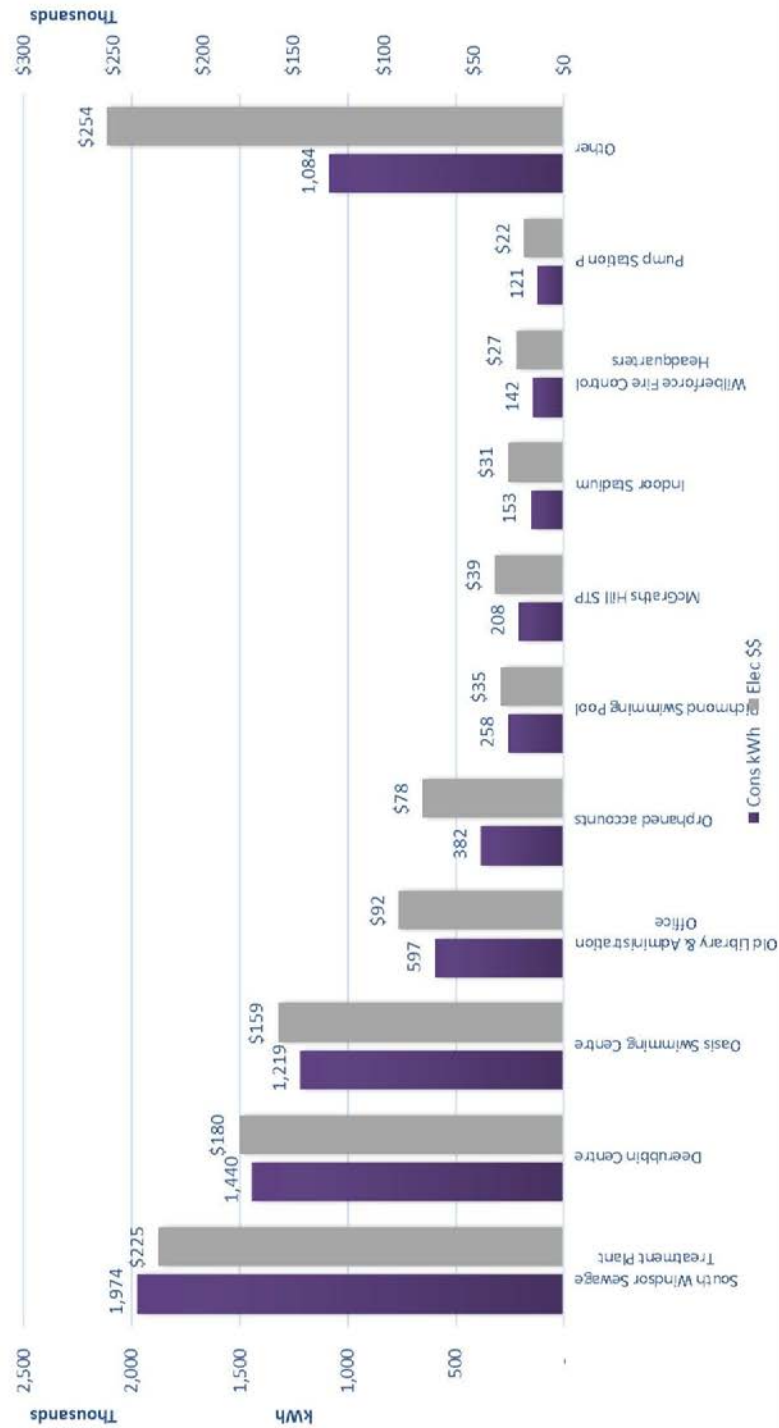


- At the end of Q4, FY 16-17, Council's top 10 sites accounted for 86% of organisation wide electricity consumption
- Movement in the top 10 site compared to last year shows that the Indoor Stadium and Wilberforce Fire Control Headquarters have swapped positions with the Stadium moving up one place and the Fire Control Headquarters moving down one place.



# ELECTRICITY: TOP SITES

Elec. Consumption & Costs for Q1 - Q4, FY 16-17



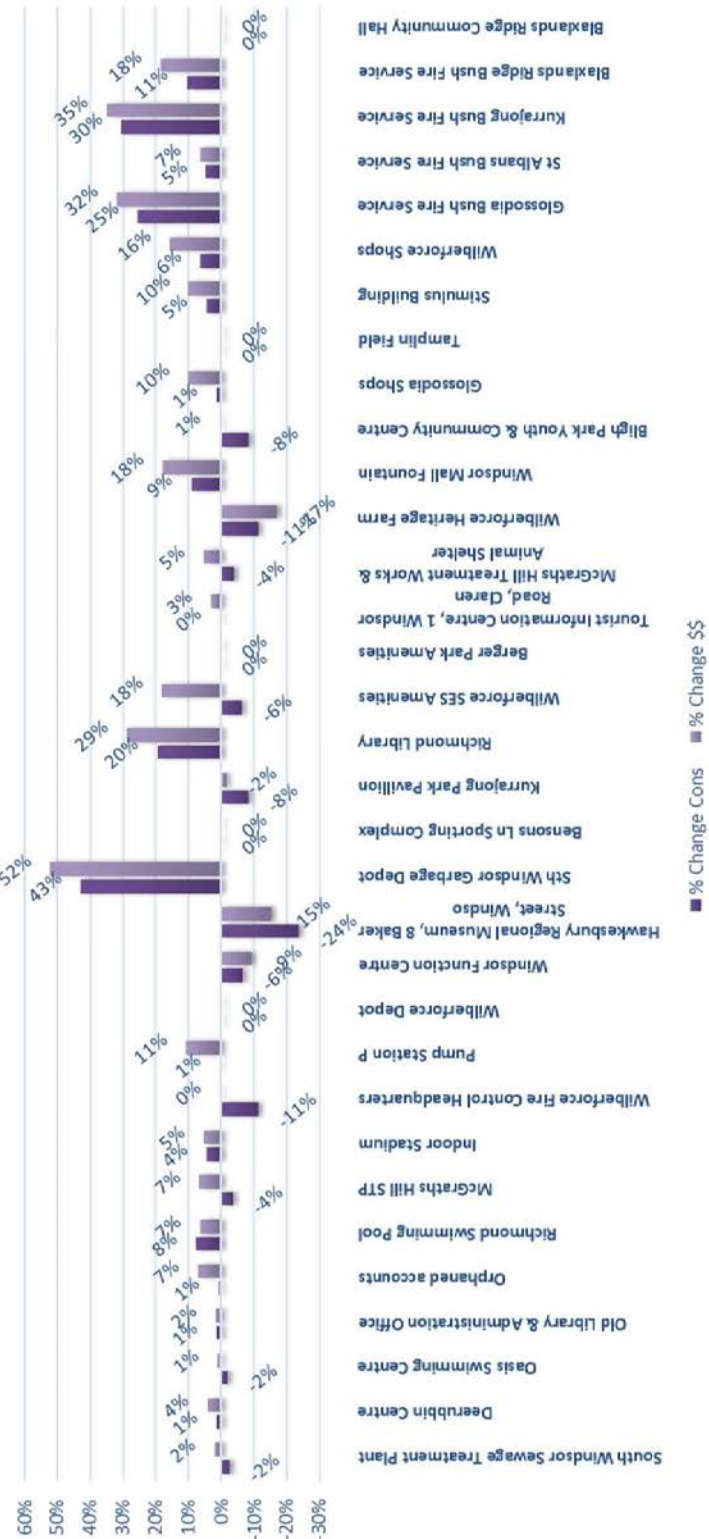
At the end of Q4, FY 16-17, organisation wide electricity expenditure was \$1.1M





# ELECTRICITY: PERCENTAGE CHANGES

% Change Cons. & Cost: Q1 - Q4, FY 16-17 Compared to Same Period Previous Year

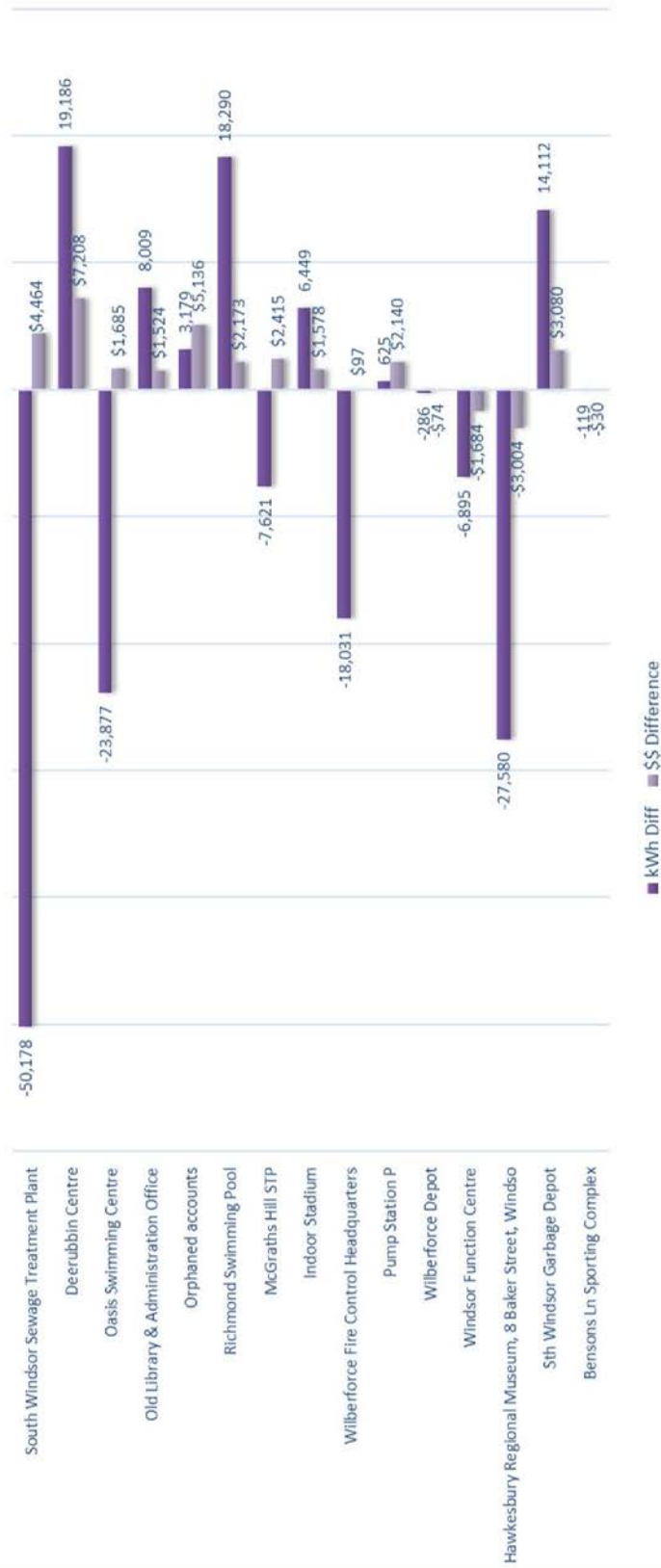


At the end of Q4, FY 16-17, organisation wide electricity consumption had decreased by 1% compared to same period previous year

## ELECTRICITY: ACTUAL CHANGES



## Cons. &amp; Cost Difference: Q1 - Q4, FY 16-17 Compared to Same Period Previous Year

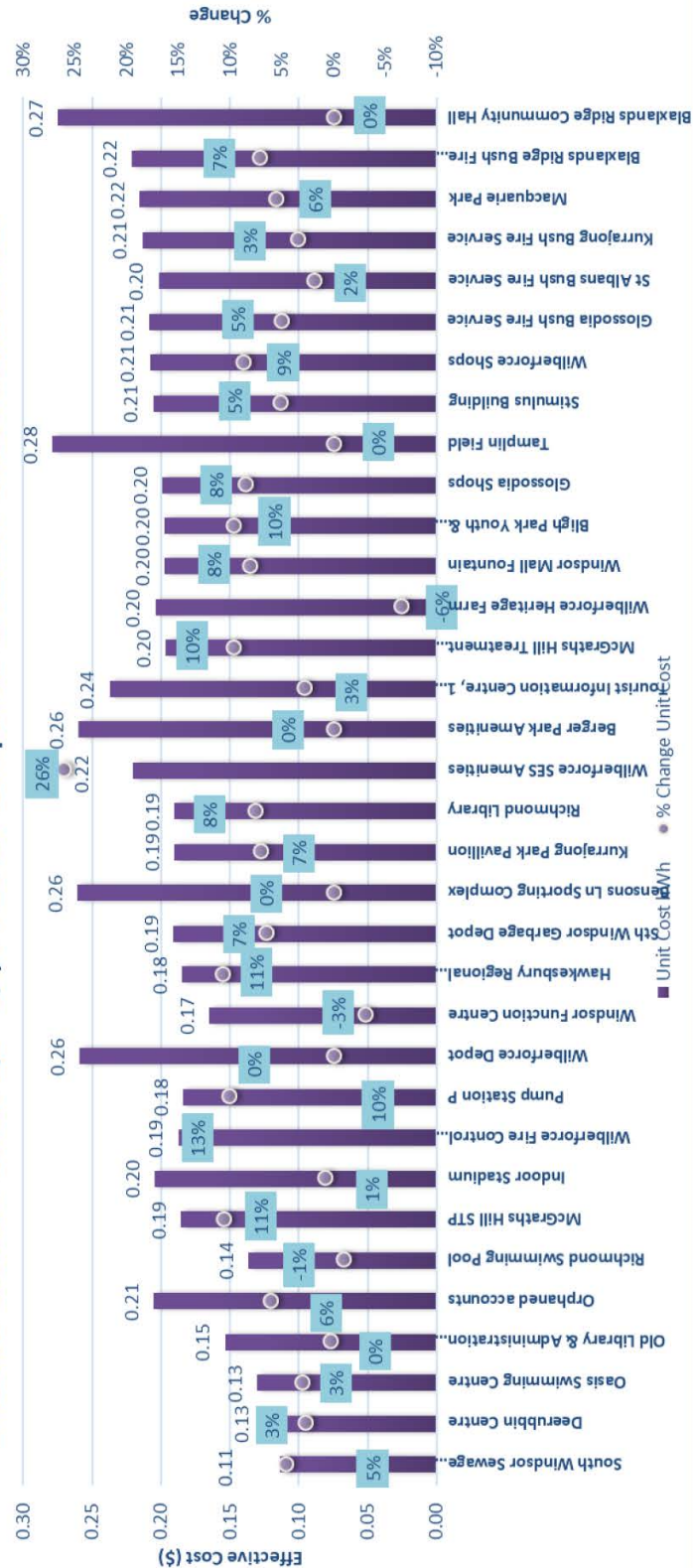


➤ At the end of Q4, FY 16-17, organisation wide electricity costs had decreased by \$36K compared to same period previous year



# ELECTRICITY: COST OF POWER

Effective Cost of Power: Q1 - Q4, FY 16-17 Compared to Same Period Previous Year



At the end of Q4, FY 16-17, the average effective cost of power was \$0.21 per kWh  
This is a 6% increase compared to the same period previous year





# NATURAL GAS

How is natural gas consumption tracking? Where are the anomalies?

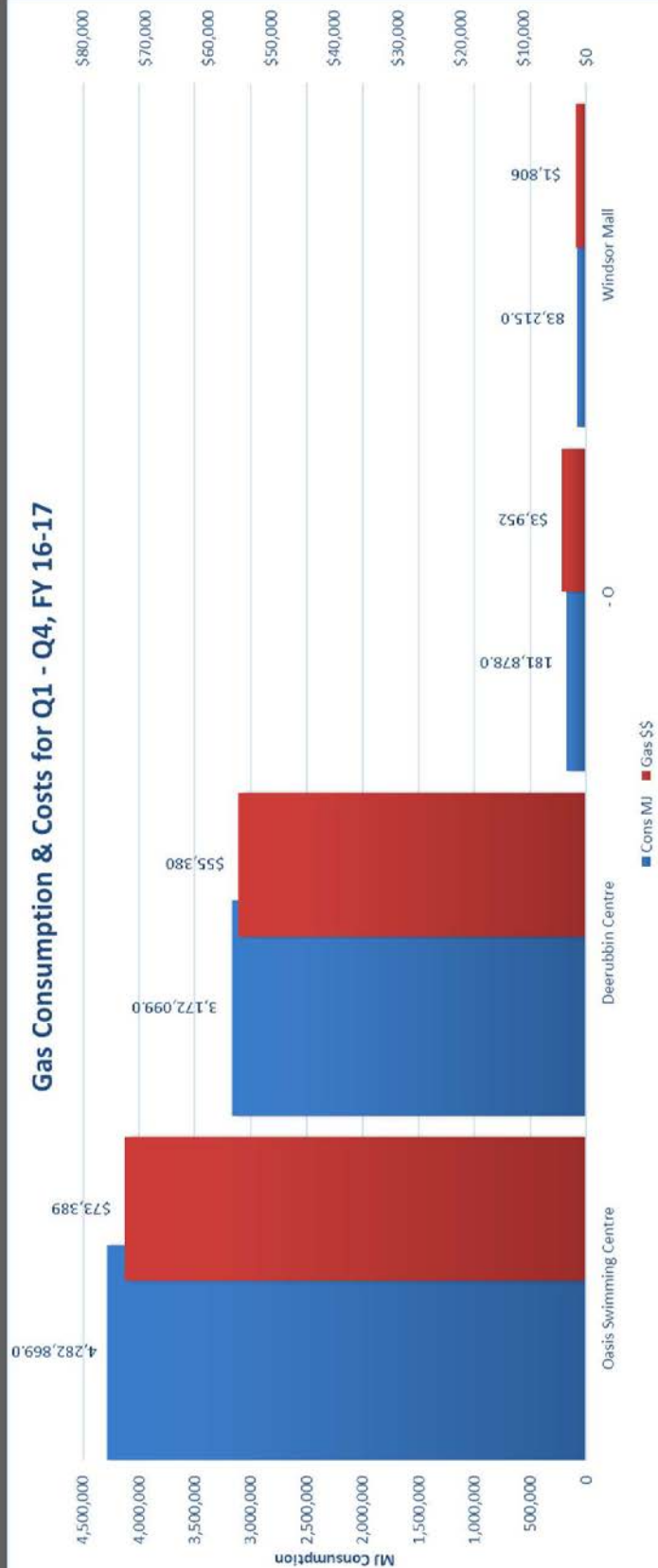


12



# GAS: TOP SITES

Gas Consumption & Costs for Q1 - Q4, FY 16-17

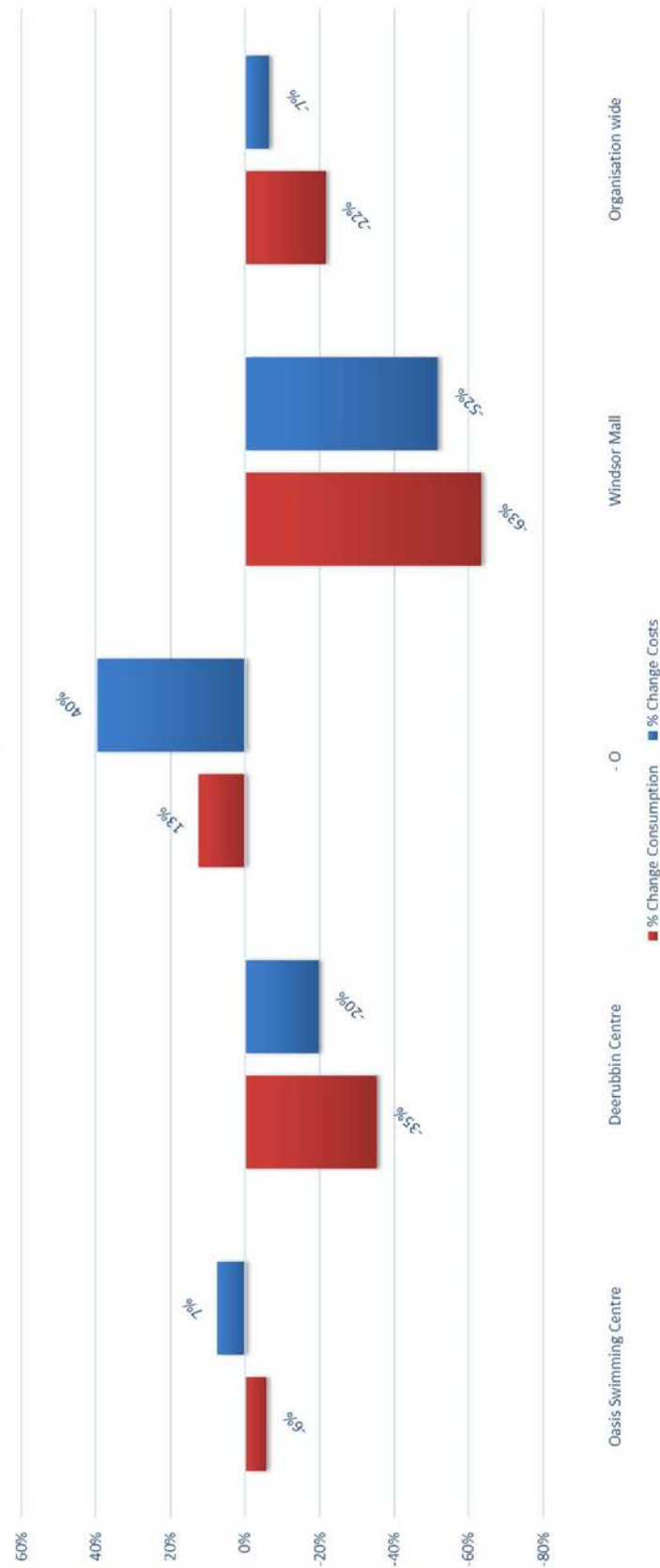


At the end of Q4, FY 16-17, organisation wide natural gas expenditure was \$134k.



# GAS: PERCENTAGE DIFFERENCES

Gas Consumption % Change: Q1 - Q4, FY 16-17

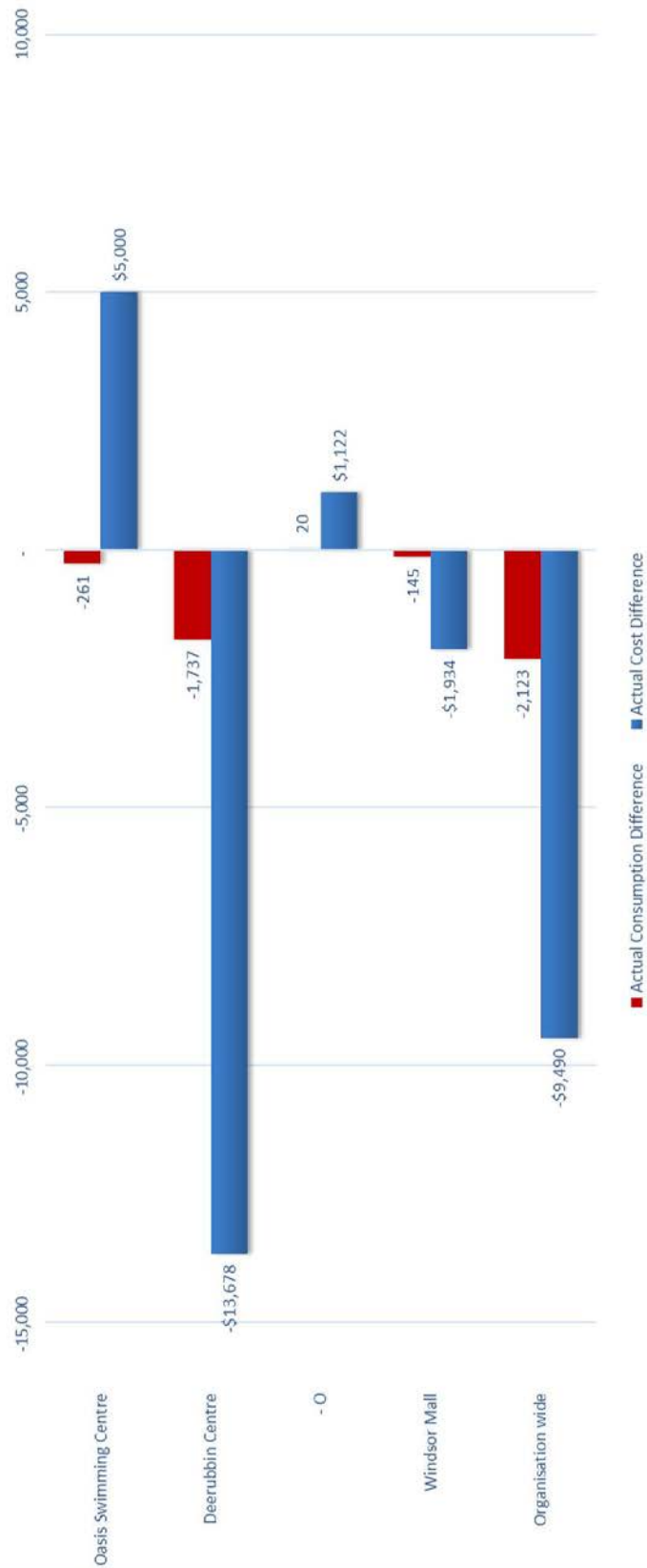


➤ At the end of Q4, FY 16-17, gas consumption decreased by 22% compared to the same period previous year.



# GAS: ACTUAL DIFFERENCES

Gas Consumption (GJ) & Costs Actual Difference: Q1 - Q4, FY 16-17

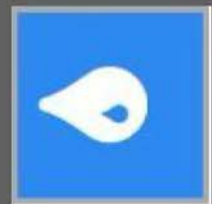


➤ At the end of Q4, FY 16-17, gas costs had decreased of \$9.5k compared to same period previous year



# WATER

How is water consumption tracking? Where are the anomalies?



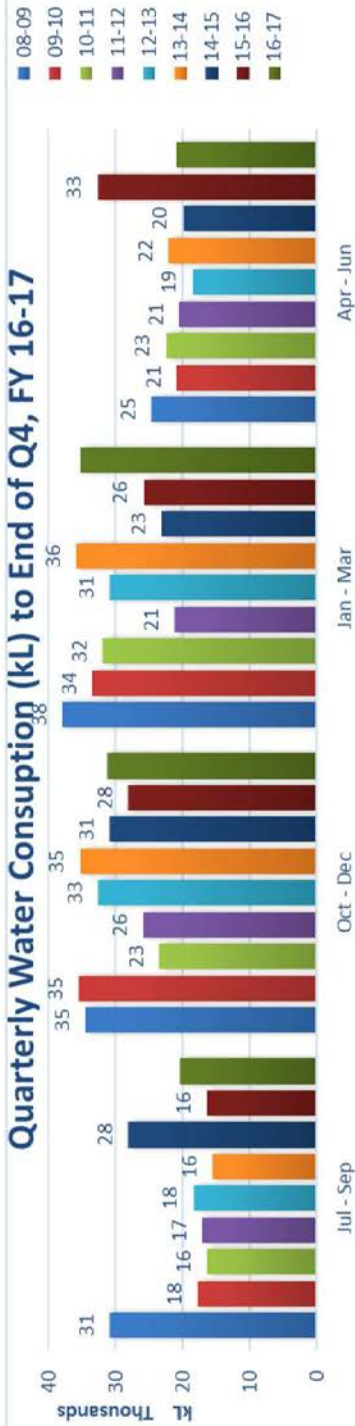


# WATER: QUARTERLY & ANNUAL SUMMARY

Annual Water Consumption (kL) to End of Q4, FY 16-17



Quarterly Water Consumption (kL) to End of Q4, FY 16-17

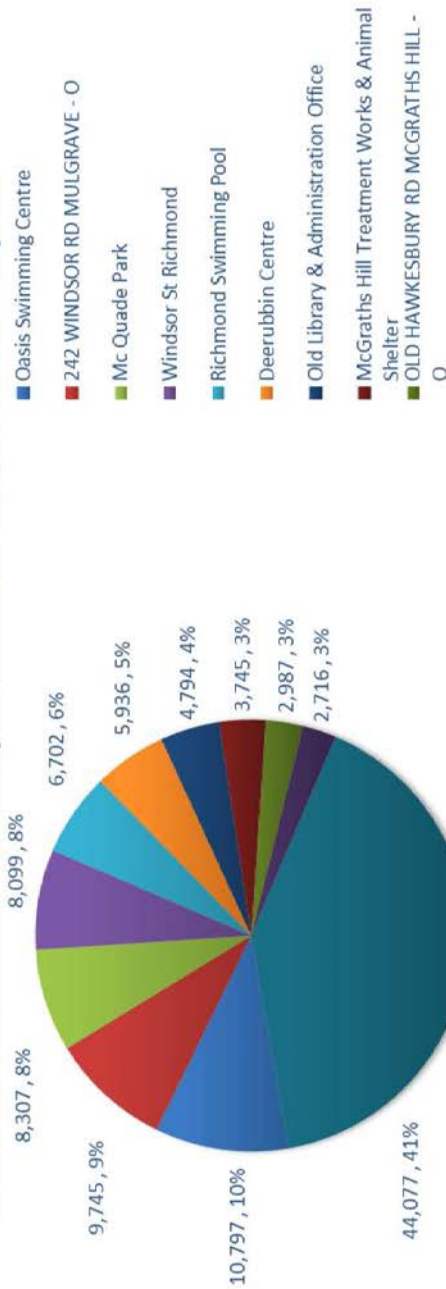


At the end of Q4, FY 16-17, organisation wide water consumption increased by 5% compared to the same period previous financial year



# WATER: TOP 10

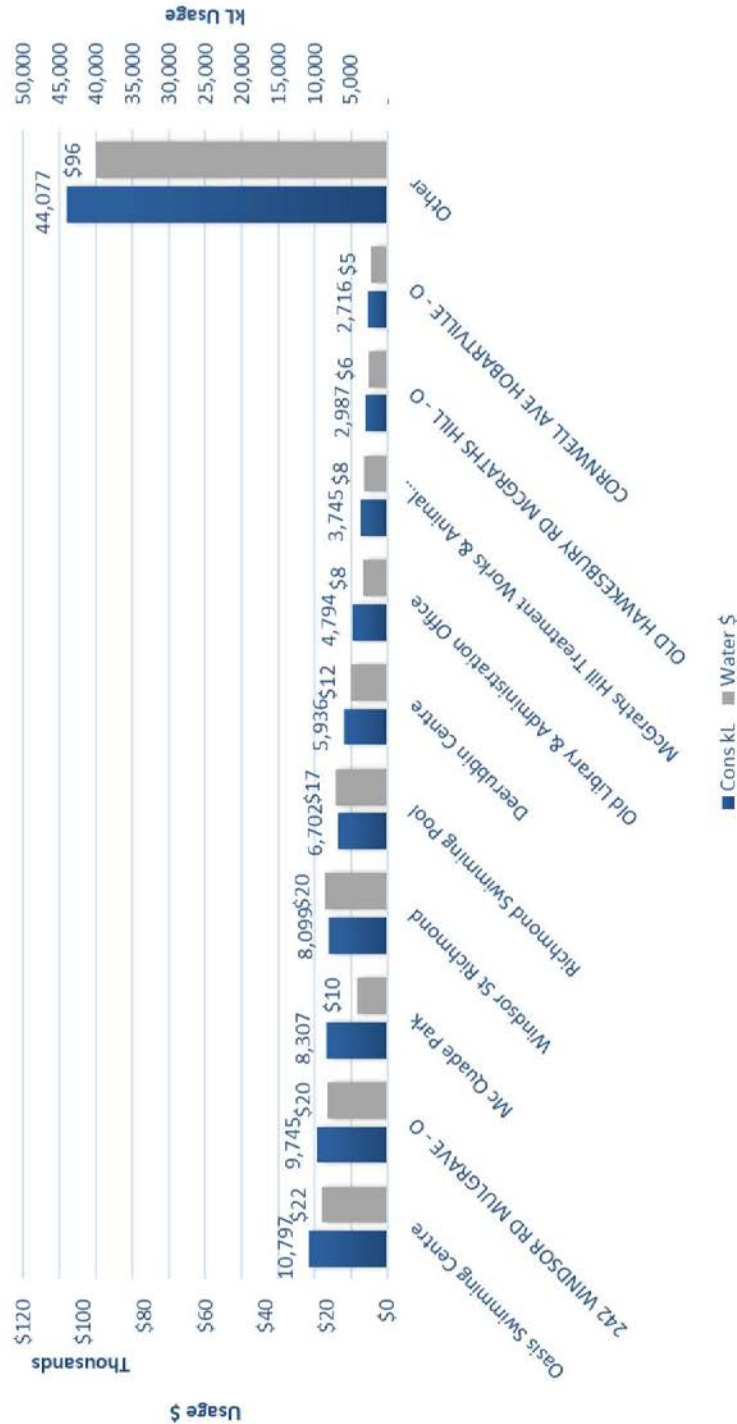
**% Breakdown Water Consumption for Q1 - Q4, FY 16-17 - Top 10**



- At the end of Q4, FY 16-17, Council's top 10 sites accounted for 59% of organisation wide water consumption.
- Movement in the top 10 site compared to last year shows McQuade Park and Deerubbin Centre moved down two places and MaGarths Hill Treatment Works have moved up 2 places.
- Cornwell Ave Hobartville is a new entry into the top 10.

# WATER: TOP SITES

Water Consumption & Costs for Q1 - Q4, FY 16-17

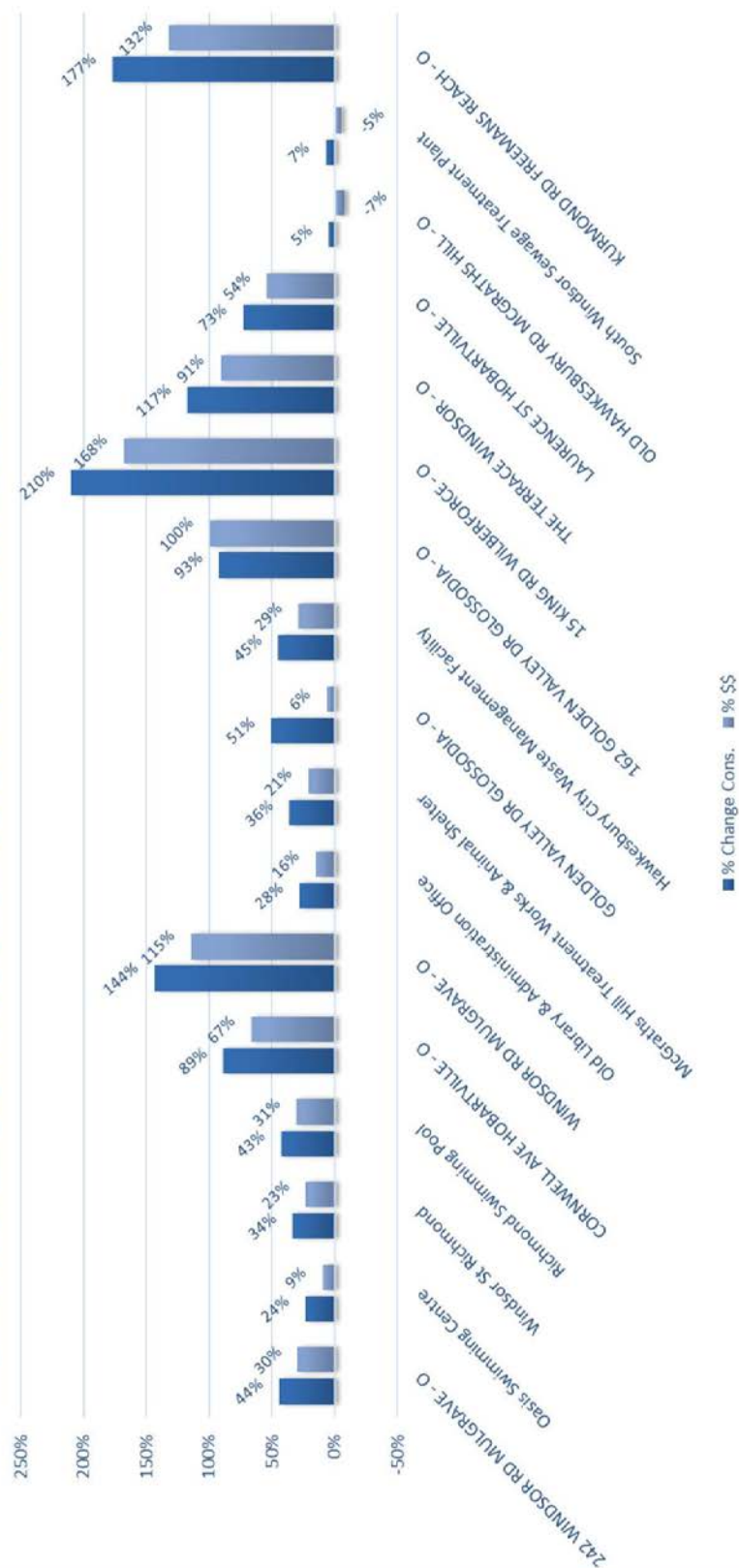


At the end of Q4, FY 16-17, organisation wide electricity expenditure was \$224k



# WATER: PERCENTAGE INCREASES

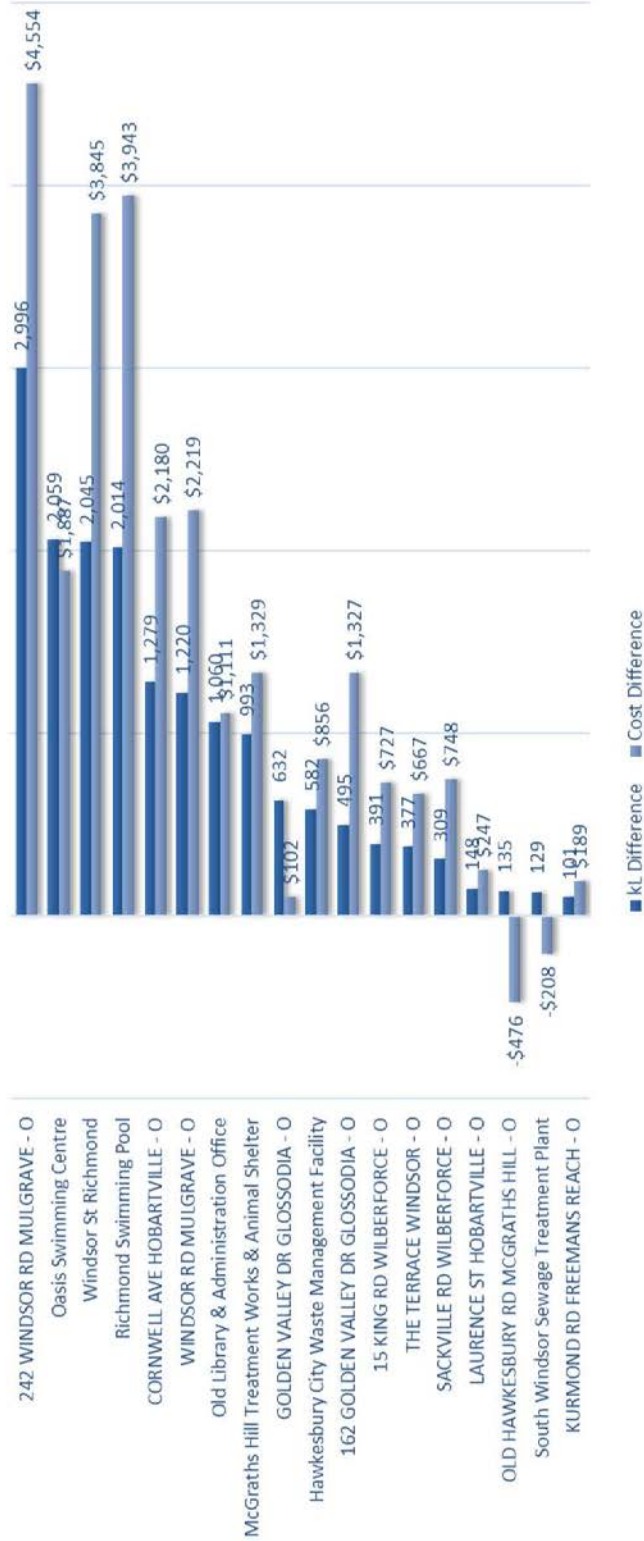
% Increase Cons. & Cost: Q1 - Q4, FY 16-17 Compared to Same Period Previous Year



At the end of Q4, FY 16-17, organisation wide water consumption has increased by 5% compared to the same period previous year.

# WATER: ACTUAL INCREASES

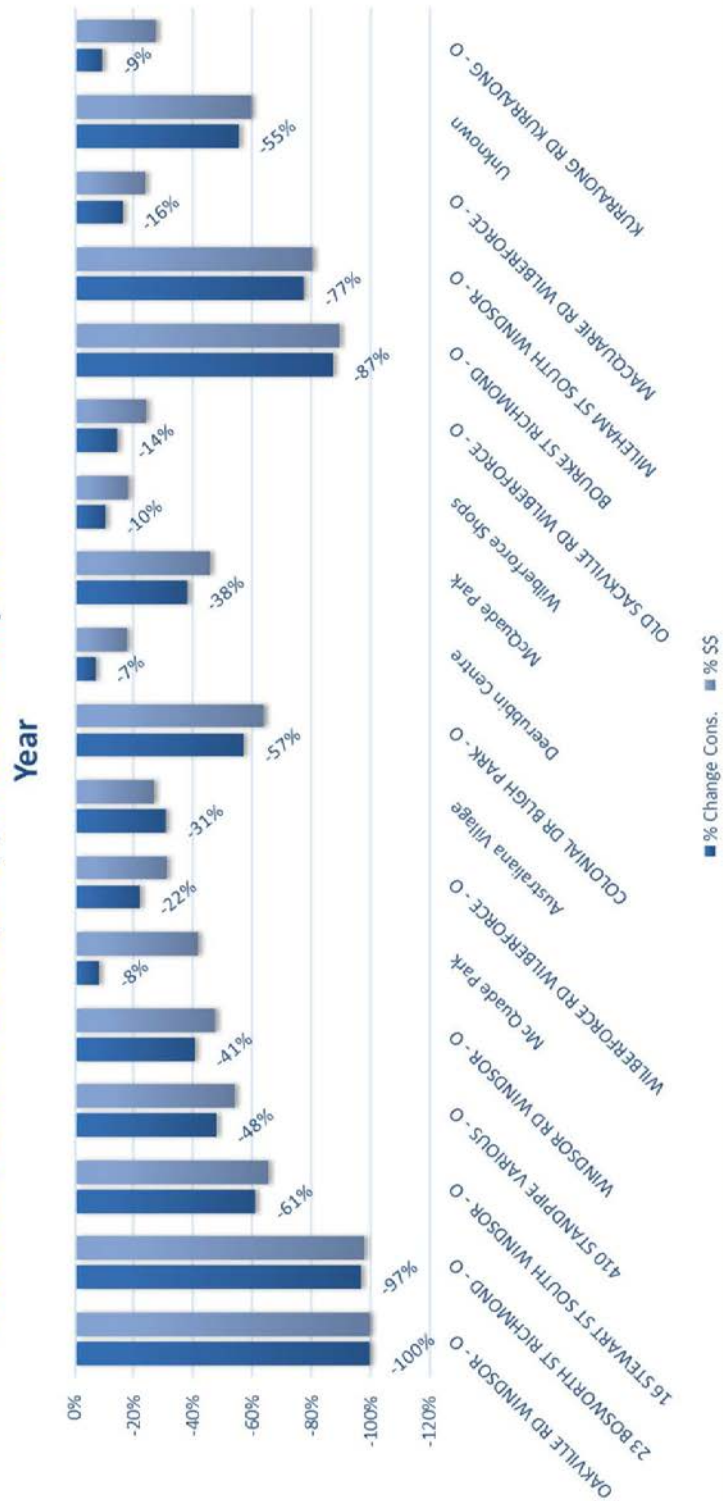
**Cons. Variation Q1 - Q4, FY 16-17 Compared to Same Period Previous Year**



➤ These are the sites that have increased their consumption compared to the same time last year

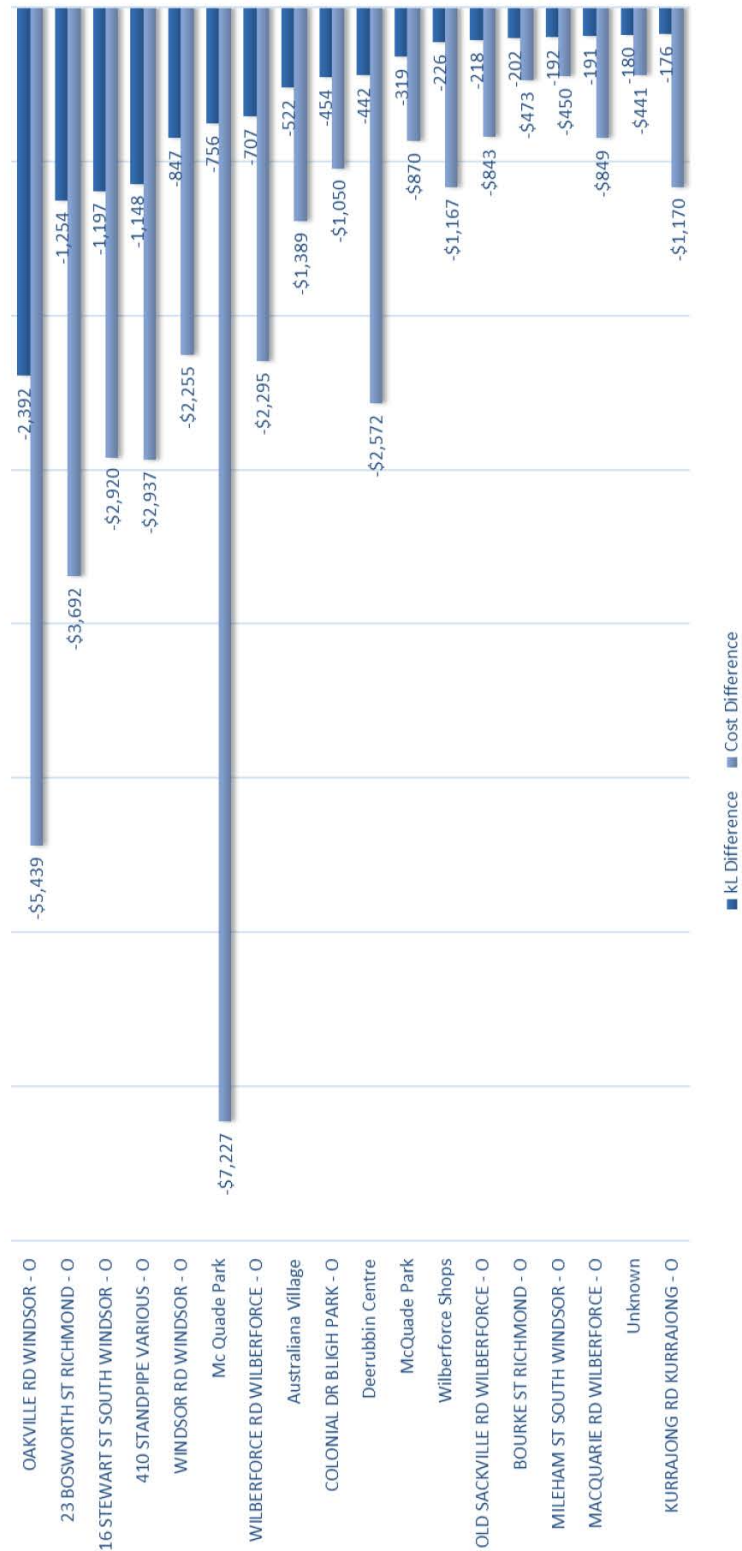
# WATER: PERCENTAGE DECREASES

% Decrease Cons. & Cost: Q1 - Q4, FY 16-17 Compared to Same Period Previous Year



# WATER: ACTUAL DECREASES

Cons. Variation Q1 - Q4, FY 16-17 Compared to Same Period Previous Year



These are the sites that have decreased their consumption compared to the same time last year.



# YOUR OPPORTUNITIES

Where are your guaranteed savings?



24



## Getting a great start

New staff training on working with Planet Footprint

A quick 4 hour session to keep your energy and water management running seamlessly



### The history of Planet Footprint and your Council including:

- The scope of previous reporting to Council
- Opportunities your predecessor was pursuing
- Past and current energy, water and GH projects and the role Planet Footprint plays



### Learn how to configure and navigate [my.planetfootprint.com](http://my.planetfootprint.com):

- Maintain the organisational 'map' of Council's utility accounts and facilities
- Communicate with management on Council's energy performance
- Establish organisation-wide accountability for energy and water use



### Reporting and Datasets – learn what you should be:

- Reporting – like submitting your annual GHG emissions
- Monitoring – like responding to leaks or anomalies
- Analysing – like implementing SMART goals or simply just to explore the data

For as little as \$900 your new staff member will quickly learn the skills they need to keep Council on track to save energy and money.

## Get it right, Keep it right

Chart your organisational 'map' and take control of your energy and water management.



Mapping & Meaning Project

### We know you're busy

Let Planet Footprint map your organisation from the top-down to make sure every account you pay

- belongs to your organisation
- is linked to a facility and
- is in turn linked to a 'responsible officer' in one of your organisation units

all on my.planetfootprint.com.

Council will have a clear picture of which utility accounts belong to which facilities and have confidence that this information is consistently maintained.

The right information to the right people



## Sharpen Your Skills

A comprehensive training day to strengthen skills and make the most out of your Planet Footprint subscription



### Administrator Training

Learn to configure and navigate my.planetfootprint.com to actively manage your energy & water usage. Learn basic skills of data manipulation and analysis for easy reporting.



### Asset Managers Training

Consumption trends, efficiency projects and consumption anomalies are all accessible on my.planetfootprint.com. In this session the meter data, monitoring tools and reporting datasets will be reviewed to ensure your facilities stay on track with performance.



### Resource Review

In this session your Service Manager will present Council's overall energy & water performance, business as usual, anomalies, trends and savings for key areas.



### Emissions Targets & Reporting

A must for any organisation reporting greenhouse gas emissions or implementing energy or carbon reduction action plans.



### Utility Control Training

This session is for accounts, finance and procurement to learn the tools available to process, investigate and fix accounts so that the financial risk of managing multiple sites is significantly reduced.



### Advanced Analysis & Monitoring

Learn more advanced skills in excel data analysis, data manipulation and creating reporting templates.



Customise the training day to suit your staff and take their skills to a higher level





## Planet Footprint Contact Details

E-mail:

[support@planetfootprint.com](mailto:support@planetfootprint.com)

Phone:

1300 721 113



**ORDINARY MEETING****Meeting Date:** 12 December 2017**AT - 4 Light Years Ahead - Phase 2 - Hawkesbury Council Currently Proposed Works**

<b>Project</b>	<b>Preliminary Capital Cost</b>	<b>Avg Annual Cost Savings</b>	<b>Avg Energy Savings (kWh/yr)</b>	<b>Avg Emissions Reductions (tCO<sub>2</sub>-e/yr)</b>
Street Lighting – LED installation	\$629,767	\$55,887	446,932	429.00
Deerubin Precinct	\$116,853	\$25,656	119,583	114.80
Glossodia Long Day Care	\$24,674	\$5,543	10,573	10.15
Hawkesbury Leisure & Learning Centre	\$38,810	\$10,923	26,198	25.15
Hawkesbury Regional Museum	\$52,910	\$9,497	41,354	39.70
Indoor Sports Stadium	\$67,629	\$10,338	39,688	38.10
North Richmond Community Centre	\$30,419	\$8,229	78,000	14.45
Oasis Aquatic Centre	\$51,966	\$7,593	24,000	41.45
Richmond Library	\$26,760	\$6,219	14,896	14.30
Windsor Pre-School	\$24,673	\$4,350	9,427	9.05
Sewer Treatment Plant McGraths Hill (MHSTP)	\$82,202	\$10,666	60,573	58.15
Sewer Treatment Plant South Windsor (SWSTP)	\$504,143	\$67,923	336,510	323.05
South Windsor Family Centre	\$29,077	\$7,045	17,188	16.50
Wilberforce Depot	\$36,835	\$7,939	19,688	18.90
Wilberforce Long Day Care Centre	\$23,643	\$4,708	9,219	8.85
Windsor Function Centre	\$129,095	\$19,856	80,990	77.75
Windsor Landfill	\$28,443	\$5,932	14,792	14.20
<b>Grand Total</b>	<b>\$1,897,900</b>	<b>\$268,306</b>	<b>1,349,609</b>	<b>1,253.55</b>

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 12 December 2017

### SUPPORT SERVICES

**Item: 232**                      **SS - Fraud and Corruption Prevention Policy - (95496, 96333)**

**Previous Item:**            179, Ordinary (26 September 2017)

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#### **REPORT:**

##### **Executive Summary**

Council, at its meeting on 26 September 2017, resolved to place a draft Fraud and Corruption Prevention Policy on public exhibition. The Policy was formulated by Council staff in response to Council's Promoting Better Practice Review, and recommendations from the Independent Commission Against Corruption (the ICAC) investigation into the former City of Botany Bay (Operation Ricco).

No submissions were received during the public exhibition period. Accordingly, this report recommends that the Fraud and Corruption Prevention Policy be adopted in its current form.

##### **Consultation**

Community consultation regarding the Fraud and Corruption Prevention Policy was conducted in accordance with Council's Community Engagement Policy. The Fraud and Corruption Prevention Policy was advertised on Council's website, in the Hawkesbury Courier and at Council's Customer Service Centre from Wednesday, 11 October 2017 to Friday, 17 November 2017, and no submissions were received.

##### **Background**

Following Council's Promoting Better Practice Review, and recommendations from the Independent Commission Against Corruption (the ICAC) investigation into the former City of Botany Bay (Operation Ricco), Council staff undertook a review of Council's relevant operations to prevent corrupt conduct of a similar nature. This review identified the need for Council to develop a new Fraud and Corruption Prevention Policy (the Policy), which is included as Attachment 1 to this report.

The Policy will supplement and enhance Council's Code of Conduct and provide guidelines to prevent fraudulent and corrupt behaviour by Councillors, Council Staff, committee members and other people who perform functions on behalf of Council. It will achieve this by outlining the expectations and responsibilities of all Council employees and other people who perform functions on behalf of Council, and by providing a mechanism for reporting suspected fraud, misconduct and corrupt conduct.

The implementation of the Policy will be a key milestone in promoting good governance and transparency in all activities undertaken by Council.

Council first reviewed the Policy at its meeting of 26 September 2017, and resolved:

*"That:*

- 1. The Fraud and Corruption Prevention Policy, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.*
- 2. The outcome of the public exhibition period be further reported to Council."*

The proposed Fraud and Corruption Prevention Policy was placed on public exhibition from Wednesday, 11 October 2017 to Friday, 17 November 2017.

As no submissions were received during the exhibition period, no amendments to the draft Policy are required and it is now appropriate for the Council to adopt the Policy, as attached to this report.

## ORDINARY MEETING

Meeting Date: 12 December 2017

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

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

#### Our Leadership

1.5 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 significant financial implications applicable to this report.

### RECOMMENDATION:

That the Fraud and Corruption Prevention Policy, attached as Attachment 1 to this report, be adopted.

### ATTACHMENTS:

AT - 1 Fraud and Corruption Prevention Policy - (*Distributed under separate cover*)

**oooO END OF REPORT Oooo**

**Item: 233****SS - Review of Council's Access to Information Policy - (95496, 96333)**

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**REPORT:****Executive Summary**

Council has an Access to Information Policy that describes Council's principles regarding public access to information, and provides guidance on the processing of requests for access to information in accordance with the Government Information (Public Access) Act 2009 (GIPA Act) and other relevant legislation.

Council staff have recently completed a major review of this Policy, with the aim of improving the Policy to be more in line with the GIPA Act and other guidelines published by the NSW Information and Privacy Commission (IPC). Council staff have now drafted a revised Access to Information Policy containing a much wider range of information than the current Policy.

This report recommends that the draft revised Access to Information Policy be placed on public exhibition, and the outcome of the public consultation be reported to a later meeting of Council.

**Consultation**

As the amendments to the Access to Information Policy are quite extensive, community consultation regarding the revised Policy is required.

Accordingly, the revised Access to Information Policy will be placed on public exhibition for 28 days.

The community engagement process proposed in this report meets the criteria for the minimum level of community engagement required under Council's Community Engagement Policy.

**Background**

Council has had in place an Access to Information Policy since 2000. The last major review and revision of the Policy was conducted in 2010 in response to the introduction of the Government Information (Public Access) Act 2009 (GIPA Act), which superseded the Freedom of Information Act 1989.

Since the introduction of the GIPA Act, the NSW Information and Privacy Commission (IPC), which is the responsible agency for the administration of the GIPA Act, has released a range of guidelines and supplementary materials in order to assist government agencies, including local councils, in processing access to information requests made under the Act.

There is no requirement under the GIPA Act for local councils to have an Access to Information Policy. However, the Act does require councils to publish an "information guide", containing at least the following information:

- the structure and functions of the agency;
- the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;
- specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions;
- the various kinds of government information held by the agency;
- the kinds of government information held by the agency that the agency makes (or will make) publicly available;
- the manner in which the agency makes (or will make) government information publicly available; and
- the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

## ORDINARY MEETING

Meeting Date: 12 December 2017

Council already publishes an Information Guide containing the above information, which is reviewed annually as required by the GIPA Act. Council's Access to Information Policy is intended to supplement the Information Guide.

Council staff have completed a project to review the materials supplied by the IPC, in conjunction with Council's existing publications, and have made extensive amendments and additions to the existing Access to Information Policy, as included as Attachment 1 to this report. As part of the revision process, Council's existing Policy was also compared with other access to information policies from other councils, including Hawkesbury Council's neighbours Penrith, The Hills, Blue Mountains, and Blacktown Councils. The proposed changes to Council's Policy will achieve a range of different outcomes, as detailed below.

Firstly, the revised Policy incorporates a large amount of information which was previously contained within a number of different documents, including Council's existing Access to Information Policy, Council's Information Guide, Council's Formal and Information Access Request Fact Sheets, the GIPA Act, and other IPC publications. Whilst all of these sources still exist separately, by consolidating all of this information into a single source, the revised Access to Information Policy will be a more valuable reference resource both for Council officials and members of the public. The revised Policy also contains some definitions and other requirements drawn from tangentially related Acts such as the State Records Act 1998 and the Copyright Act 1968. A list of the source documents used in compiling the revised Policy is included in the Policy as Section 1.6 Other Government Policy Provisions.

In addition to the definitions of technical terms mentioned above, the revised Policy also contains an expanded list of the Roles and Responsibilities of Council officials, and a new section regarding Approval Arrangements for the release of information under the GIPA Act. Most importantly, the Policy clearly identifies the General Manager as the principal officer of Council, a fact which is not included in the current Policy. The incorporation of the clear requirements for all Council officials to supply information to the officers processing an access to information request will reduce the risk of important information being omitted from Council's response to a request, in which case Council is liable to suffer embarrassment and possibly become involved in legal proceedings.

Part 2 of the revised Policy contains a greatly expanded amount of content in relation to Council's procedures when processing formal and informal requests for information. The Policy explains in detail the different methods in which information may be requested; the requirements for the different types of request; and the procedures which Council will undertake once a request has been received, such as an explanation of the public interest test, which is the test that Council undertakes when deciding whether or not to release information in response to an access application. The public interest test has been the basis of Council's decisions on access applications since the introduction of the GIPA Act, however, a detailed explanation of the test has not previously been available to the public.

Part 2 of the revised Policy also contains detailed information about the grounds on which Council may refuse to process an access to information request, or refuse to release certain information in response to a request. An explanation of the various avenues for customers to request a review of Council decisions on access to information requests has also been included. By providing clear guidance to customers regarding what information is not obtainable through an access to information request, or which requests Council is likely to refuse on legislative grounds, the burden on Council resources in responding to unacceptable or invalid requests may be reduced.

Finally, the new version of the Policy is formatted in a manner that is consistent with other recently developed policies dealing with governance matters. This format includes subheadings clearly outlining aspects of the Policy such as Purpose, Objectives, Reporting Requirements, Definitions, and Roles and Responsibilities. These subheadings make the Policy much easier to interpret, for example by providing clear definitions for technical terms used within the Policy, and also ensure that key information, such as responsibilities of particular Council positions, can be quickly located.

## ORDINARY MEETING

Meeting Date: 12 December 2017

In conclusion, the revised Access to Information Policy will be a valuable resource for members of the public to learn about Council's access to information procedures, and for Council officials to ensure that they are complying with required legislation and Council's adopted practices. The revised Policy also compares favourably with comparable policies from other councils. Therefore, it is proposed that the Access to Information Policy be placed on public exhibition for a period of 28 days and the matter be reported back to Council after the consultation period, along with any feedback received.

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

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

#### Our Leadership

1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.

1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

### **Financial Implications**

There are no financial implications applicable to this report.

### **RECOMMENDATION:**

That:

1. The Access to Information Policy, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.
2. The outcome of the public exhibition period be further reported to Council.

### **ATTACHMENTS:**

**AT - 1** Draft Access to Information Policy - (*Distributed under separate cover*)

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date:** 12 December 2017



ordinary

section 4

reports  
of committees

**ORDINARY MEETING**  
**Reports of Committees**

**ORDINARY MEETING**  
**Reports of Committees**

**SECTION 4 - Reports of Committees**

**ROC**                      **Audit Committee Minutes - 13 September 2017 - (95496, 79351, 91369, 121470)**

The meeting commenced at 4pm.

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**Present:**                      Councillor Paul Rasmussen, Hawkesbury City Council  
Mr Craig Bennett, Community Representative  
Ms Ellen Hegarty, Community Representative  
Ms Nisha Maheshwari, Community Representative

**In Attendance:**              Mr Peter Conroy, Hawkesbury City Council  
Mr Laurie Mifsud, Hawkesbury City Council  
Ms Emma Galea, Hawkesbury City Council  
Ms Vanessa Browning, Hawkesbury City Council  
Mr Mark Upcroft - PricewaterhouseCoopers (Teleconference)  
Mr Alexio Chibika - PricewaterhouseCoopers (Teleconference)  
Ms Jan Readford - Minute Secretary, Hawkesbury City Council

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**REPORT:**

**Attendance Register of Audit Committee**

Member	12/10/16	15/3/2017	14/6/2017	13/9/2017
Councillor Paul Rasmussen	A	✓	✓	✓
Councillor John Ross	✓	✓	✓	A
Councillor Patrick Conolly (Alternate)	N/A	N/A	N/A	N/A
Mr Craig Bennett	A	✓	✓	✓
Ms Ellen Hegarty	✓	✓	A	✓
Ms Nisha Maheshwari (Chair)	✓	✓	✓	✓

**Key:**    **A** = Formal Apology    ✓ = Present    **X** = Absent - no apology

It was noted that the minutes of the meeting held on 14 June 2017 will be submitted to the next Audit Committee meeting.

**SECTION 3 - Reports for Determination**

**Item: 1      AC - Unaudited Annual Financial Statements for the Year Ended 30 June 2017 - (95496, 91369, 79351)**

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**DISCUSSION:**

- Ms Galea advised the NSW Audit Office have indicated that some aspects of the Local Government Code of Accounting Practice and Financial Reporting do not align with the Australian Accounting Standards, and that the Accounting Standards have precedence. Specifically, there is a misalignment in regard to the methodology to be used for the valuation of Community Land and Land Under Roads. It is the Audit Office's view that the methodology used by some councils to date is not in accordance with the Standards and prior year error adjustments should be processed and reported accordingly. This will impact on all councils.

In Council's view, complying with the Audit Office, as advised by PricewaterhouseCoopers (PwC), and using the changed methodology of a 90% discount for Land Under Roads, with Council's valuation reported as a Prior Year Error, is incorrect. It is really a change in accounting policy. The risk is that if Council does not comply it is likely it will receive a Qualified Audit Opinion.

- Ms Hegarty suggested that in treating this as an error infers it has been done incorrectly previously.
- Ms Maheshwari enquired about the impact on other councils. Ms Galea advised that The Hills Council submitted their Financial Statements early prior to holding a Council election. Penrith City Council have made the requested change, and Parramatta City Council had not valued Land Under Roads previously.
- Mr Upcroft advised the Audit Office is taking a hard line in its first year and intend to make sure all councils are operating under the same standards, with the same rules applied. Mr Upcroft is aware of another council that refused the changes imposed by the Audit Office, and even though management had discussions with the Audit Office, the Audit Office would not back down on their decision.
- Mr Bennett suggested that the Financial Statements be prepared, following the advice of PricewaterhouseCoopers, as required by the NSW Audit Office, and apply the 90% discount to the Land Under Roads value and then show a Prior Year Error, and then Council can make the decision.
- Mr Upcroft suggested that if Council chooses not to follow the valuation of the Land Under Roads on the Englobo rule, it can come up with a reassessment that can be supported and have it applied.
- Councillor Rasmussen enquired if Council receives a Qualified Audit Report, will it place a black mark on this Council in terms of its Financial Statements. Mr Upcroft suggested any impact may depend on how other Sydney metropolitan councils deal with the change.
- Councillor Rasmussen noted that as Council has been declared Fit For The Future, it now has access to low interest loans. If Council does not comply with the instruction of the NSW Audit Office, would the negative audit report impact on its ability to acquire a loan in future. Mr Upcroft advised it may well present a risk.
- Mr Conroy enquired if there was scope for adding a Note in the Financial Statements to indicate that Council, and other Councils in NSW, have followed the process that the auditors PricewaterhouseCoopers and the Office of Local Government (OLG) have required for past audits, and that this has never been raised as an issue previously.

**ORDINARY MEETING**  
**Reports of Committees**

- Mr Mifsud noted that if a Note is added to the front of the Financial Statements, then additional information can be provided in the Notes, where necessary.
- Mr Conroy advised that if there are any grey areas, that they be discussed with the Audit Office before November 2017.
- Mr Upcroft indicated he understands why the Audit Office decided on this process, however, does not agree with the course of action. Mr Upcroft indicated the issue is an OLG one, not Council, and that Council has followed the Accounting Code correctly.
- Mr Upcroft advised that the NSW Audit Office has asked the OLG to issue a Year-End Account Update to include the value of Land Under Roads. The OLG have not responded to various attempts to discuss the matter.
- Mr Conroy suggested that Council could lobby the Minister.
- Mr Conroy suggested that the Auditor General i.e. NSW Audit Office be invited to attend the Council meeting in November 2017.
- Ms Galea advised that the next report to go to Council in September 2017, will be to refer the Financial Statements to audit, and will say this is how we prepared them.
- Mr Bennett had forwarded a number of questions prior to the meeting to Ms Galea and these, together with answers, were circulated at the meeting. Ms Galea requested that if there are any further questions, the Committee could email her directly.

**RECOMMENDATION TO COMMITTEE:**

That:

1. The information concerning the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2017 be received.
2. The Audit Committee provide guidance to staff in regard to the preferred option for the treatment of Land Under Road.
3. The Audit Committee endorse the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2017, as attached to this report, to be submitted to Council to be referred to Audit at its meeting on 26 September 2017. Due to timing restrictions, any change arising from Part 2 above will be addressed as part of the audit process and reflected in Statements submitted to Council for adoption at its meeting on 14 November 2017.

**ORDINARY MEETING**  
**Reports of Committees**

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr Craig Bennett, seconded by Councillor John Ross.

That:

1. The information concerning the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2017 be received.
2. The Audit Committee endorse the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2017, as attached to this report, to be submitted to Council, to be referred to Audit, at its meeting on 26 September 2017.
3. A statement by the General Manager be included in the front of the Financial Statements indicating that the change required by the NSW Audit Office in relation to Land Under Roads is a change in reporting, and is not an error by Council, and that any disclosures required be added to Note 1.
4. The change arising from Part 3 above be reflected in the Statements submitted to Council for adoption at its meeting on 14 November 2017.

**SECTION 4 - General Business**

There were no matters raised.

The meeting terminated at 5:40pm.

Submitted to and confirmed at the meeting of the Audit Committee held on 6 December 2017.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**Reports of Committees**

**ROC**                      **Human Services Advisory Committee - 9 November 2017 - (123486, 124414))**

The meeting commenced at 9:32am.

**Present:**                      Councillor Barry Calvert, Chairperson  
Councillor Mary Lyons-Buckett, Hawkesbury City Council  
Councillor Emma-Jane Garrow, Hawkesbury City Council  
Councillor Sarah Richards, Hawkesbury City Council  
Mr Strephon Billinghamurst, Hawkesbury District Health Services  
Mr Simon Griffin, Community Representative  
Mr Ben Jackson, Community Representative  
Ms Birgit Walter, North Richmond Community Centre  
Mr Peter Webb, Community Representative  
Ms Kerry Dolaghan, Wentworth Community Housing

**Apologies:**                      Ms Vickie Shackley, Deputy Chairperson  
Ms Stephanie Oatley, Platform Youth Services  
Ms Leonnie Carroll, Wentworth Community Housing  
Mr Matthew Owens, Hawkesbury City Council  
Mr Joseph Litwin, Hawkesbury City Council

**In Attendance:**                      Mr Andrew Kearns, Hawkesbury City Council  
Mr Michael Laing, Hawkesbury City Council  
Ms Megan Ang, Hawkesbury City Council  
Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council

**REPORT:**

**RESOLVED** on the motion of Ms Dolaghan and seconded by Councillor Richards that the apologies be accepted.

*9:34am - Ms Walter arrived at the meeting.*

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Mr Jackson and seconded by Mr Griffin that the Minutes of the Human Services Advisory Committee held on the 27 July 2017, be confirmed.

**Attendance Register of Human Services Advisory Committee**

Member	09.02.17	04.05.17	27.07.17	09.11.17
Councillor Barry Calvert	✓	✓	✓	✓
Councillor Mary Lyons Buckett	✓	✓	✓	✓
Councillor Emma-Jane Garrow	✓	✓	✓	✓
Councillor Sarah Richards	✓	✓	✓	✓
Ms Vickie Shackley	✓	A	A	A
Mr Peter Webb	✓	✓	✓	✓
Mr Simon Griffin	✓	✓	✓	✓
Mr Strephon Billinghamurst	(Scott Dazoko in lieu)	(Scott Dazoko in lieu, via teleconference)	✓	✓
Ms Karen Kobler (unable to attend during business hours - resigned 30.05.17)	A	A	n/a	n/a
Mr Ben Jackson	✓	✓	✓	✓
Ms Birgit Walter	✓	A	✓	✓
Ms Stephanie Oatley	A	A	A	A
Ms Leonnie Carroll (joined as at 29.05.17)	n/a	n/a	A	A
Ms Kerry Dolaghan (joined as at 31.05.17)	n/a	n/a	✓	✓

Key: A = Formal Apology

✓ = Present

X = Absent - no apology

**SECTION 3 - Reports for Determination**

**Item: 1**                      **HSAC - Working Groups - Update from the Affordable Housing Working Group - (123486, 124414)**

**Previous Item:**        1, HSAC (27 July 2017)

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*9:36am - Ms Ang arrived at the meeting.*

- Council is currently developing a strategy for Affordable Housing and including in Council's Residential Land Strategy.
- Expertise and assistance from Wentworth Community Housing will help identify possible sites for the initial project.
- Models in other Local Government areas are being reviewed to ascertain what other councils are doing in relation to affordable housing.
- Amendments to Land Use Policy being reviewed.
- "Rent a room" arrangements and other online models to be considered.

*9:47am - Councillor Garrow arrived at the meeting.*

**RECOMMENDATION TO COMMITTEE:**

That the:

1. Update regarding the formation and progress of the Affordable Housing Working Group be received.
2. Committee give consideration to commencing formation of a 'Health Working Group' as the second priority area for 2017/2018.

**MOTION:**

RESOLVED on the motion of Mr Webb, seconded by Mr Griffin.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. The update regarding the formation and progress of the Affordable Housing Working Group be received.
2. A report be brought back to the HSAC meeting in February 2018 for discussion on the formation of a Community Wellbeing Working Group.



**ORDINARY MEETING**  
**Reports of Committees**

**Item: 2**                      **HSAC - Release for Comment of Greater Sydney Commission's Revised Draft Western City District Plan - (124414, 123486)**

**Previous Item:**        4, HSAC (9 February 2017)

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**DISCUSSION:**

- Committee members were invited and encouraged to forward their comments to Mr Kearns or Mr Laing by 20 November 2017 for inclusion in Council's submission to the Revised Draft Western District Plan. It was noted members had previously contributed to the Liveability section of the initial Plan.

**RECOMMENDATION TO COMMITTEE:**

That:

1. Human Services Advisory Committee members review the Greater Sydney Commission's Revised Draft Western District Plan at the link provided.
2. Human Services Advisory Committee members forward comments to council staff by Monday 20 November 2017 for consideration of inclusion in Council's submission on the Greater Sydney Commission's Revised Draft Western City District Plan.

**MOTION:**

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Garrow.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. Human Services Advisory Committee members review the Greater Sydney Commission's Revised Draft Western District Plan at the link provided.
2. Human Services Advisory Committee members forward comments to council staff by Monday 20 November 2017 for consideration of inclusion in Council's submission on the Greater Sydney Commission's Revised Draft Western City District Plan.

**SECTION 4 - Reports for Information**

**Item: 3**                      **HSAC - Review of Delegations of Authority under Section 377 of the Local Government Act 1993 in relation to the Human Services Advisory Committee of Council and Objectives of the Committee - (124414, 123486)**

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**RECOMMENDATION TO COMMITTEE:**

That the information be received and noted.

**MOTION:**

RESOLVED on the motion of Councillor Garrow, seconded by Ms Dolaghan.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the information be received.

**Item: 4**                      **HSAC - ABS 2016 Census of Population and Housing - First Release of LGA Data - (123486, 124414)**

**Previous Item:**            4, HSAC (27 July 2017)

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**DISCUSSION:**

The first data set from the Australian Bureau of Statistics 2016 Census of Population and Housing has been released and highlights from the Community Profile of the Hawkesbury area were discussed. Issues raised by the Committee included:

- Housing affordability - need to facilitate medium density housing and incentives to build secondary dwellings in the Hawkesbury LGA.
- Transport issues - need to lobby for better access to transport. Car dependency is an issue in the Hawkesbury. The flow-on effect from increases in rental accommodation means green slips for car registration are becoming unaffordable. In the past assistance was received from the community transport disadvantage funding which no longer exists.

Peppercorn Services Inc. is the community provider for transport in the Hawkesbury.

Ms Ang to provide an update at the next meeting.

- Data from the Australian Bureau of Statistics will continue to be uploaded to Council's website and transferred to Council's Community Profile and Atlas site.

Training in the Community Profile and Social Atlas tool is proposed for early 2018 and will be the subject of a future Briefing to Councillors. Training will be open to community leaders and Committee members.

**RECOMMENDATION TO COMMITTEE:**

That the report regarding the ABS 2016 Census of Population and Housing - First Release of LGA Data be received and noted.

**MOTION:**

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Reynolds.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the:

1. Report regarding the ABS 2016 Census of Population and Housing - First Release of LGA Data be received and noted.
2. Committee be invited to attend a future training session in the use of Community Profile and Social Atlas tool, proposed for early 2018.

**Item: 5                      HSAC - Disability Inclusion Action Plan - (123486, 124414)**

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**DISCUSSION:**

- Ms Ang tabled an extract from the Disability Inclusion Action Plan (DIAP) which outlined the status of various actions within the Plan.
- Councillor Richards referred to a Social Inclusion event to be held on 2 December 2017 (co-ordinated by NDIS) and asked if it was possible for all Councillors to be invited to all events booked.
- Councillor Garrow asked if it was possible for a (disability) accessible community garden in the Hawkesbury LGA to be included in the Plan. A site at Windsor Station has been identified as a potential location.

It was advised a community garden was proposed for McLeod Park.

*11am - Councillor Lyons-Buckett left the meeting.*

*11:05am - Councillor Richards left the meeting.*

**RECOMMENDATION TO COMMITTEE:**

That the report on the Disability Inclusion Action Plan and implementation of the plan be received and noted.

**ORDINARY MEETING**  
**Reports of Committees**

**MOTION:**

RESOLVED on the motion of Mr Griffin, seconded by Mr Jackson

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the report on the Disability Inclusion Action Plan and implementation of the plan be received and noted.

**SECTION 5 - General Business**

Verbal Update on discussions associated with a co-ordinated approach in relation to the delivery of services in the Hawkesbury, including Celebration Morning Tea (**9:30am to 11am on Wednesday 6 December 2017 in the Tebbutt Room, Windsor Library**) to mark the Final Report of Council's Hawkesbury Homelessness Action Plan and what has been achieved over the last 4 years.

- The celebration is to acknowledge the achievements of the Working Group which was formed in 2013 and the group has been meeting on a quarterly basis for the past 4 years. Invitations will be emailed to members.
- The Chair advised he unfortunately is not available to attend the celebration.
- HSAC meeting dates for 2018 will be forwarded to members, once settled.

The meeting closed at 11:05pm.

**oooO END OF REPORT Oooo**

ordinary

section 5

notices of motion

**ORDINARY MEETING**

Notices of Motion

**ORDINARY MEETING**

Notices of Motion

**SECTION 5 - Notices of Motion**

**NM**                      **Increased Tree Canopy - (79351, 138882)**

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**Submitted by:** Councillor Wheeler

**NOTICE OF MOTION:**

That Council receive a report on policy and methods of increasing the tree canopy in residential areas including but not limited to:

1. Review of Blacktown's "Cool Streets" program and its relevance to the Hawkesbury LGA, and the work done by Penrith City Council in conjunction with The University of Technology Sydney
2. Development of a recommended species list in conjunction with the Hawkesbury Environment Network
3. Specific actions to increase tree canopy on Council controlled land, especially footpaths and car parks
4. Actions to maintain and improve existing and mature canopy
5. Clarification of the Greater Sydney Commission's canopy cover calculations.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

**ORDINARY MEETING**  
Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

**Councillor Questions from Previous Meeting and Responses - 14 November 2017 - (79351)**

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**REPORT:**

**Questions - 14 November 2017**

#	Councillor	Question	Response
1	Richards	Enquired if Council can confirm if the protestors at Windsor Bridge on 13 November 2017 were asked by NSW Police to remove themselves and also move on from the area to allow work to proceed, allowed time to do so and failed to do so.	The Director Infrastructure Services advised that protestors were given a number of warnings to move on prior to Police intervention.
2	Richards	Enquired if Council can confirm if the NSW Police was required to call a special operations vehicle from another Local Area Command (LAC) to safely remove the protestors at Windsor Bridge on 13 November 2017, as Hawkesbury LAC did not have a suitable vehicle available.	The Director Infrastructure Services advised that Blue Mountains Rescue Squad were called to assist due to their specialised equipment and training.
3	Richards	Enquired if, in regard to the protest at Windsor Bridge on 13 November 2017, Council could confirm that if there had been an incident requiring the presence of the specialist vehicle from the Local Area Command (LAC) it came from, innocent people may have had to wait in dangerous situations for the vehicle to travel back to its LAC.	The Director Infrastructure Services advised that NSW Police prioritise calls for assistance and direct resources accordingly. Pressing or urgent matters take priority over non urgent calls for assistance.



**ORDINARY MEETING**  
Questions for Next Meeting

#	Councillor	Question	Response
22	Lyons-Buckett	Requested an investigation to have a 'Stop' sign installed at the corner of Francis and Chapel Streets, Richmond.	<p>The Director Infrastructure Services advised that investigation has been carried out and found that a 'Stop' control is not warranted. However, to improve the visibility for vehicles travelling along Chapel Street approaching Francis Street the following measures will be implemented:</p> <ul style="list-style-type: none"> <li>• Installation of two Giveway signs</li> <li>• Installation of two Giveway Ahead signs</li> <li>• Painting of a holding line and some intersection double lines.</li> </ul> <p>Implementation of the above will improve driver awareness of the approaching intersection. For consistency, these measures will be undertaken at other similar roads intersecting with Francis Street such as East Market, Bosworth and West Market Streets, Richmond.</p> <p>Due to the high level of vegetation along Chapel Street, if the signs are not visible after installation, there may be a need to install an intersection chevron. The need for this will be assessed following the changes are made at the intersection.</p>

oooO END OF REPORT Oooo

**ORDINARY MEETING**  
Questions for Next Meeting

**Councillor Questions from Previous Meeting and Responses - 28 November 2017 - (79351)**

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**REPORT:**

**Questions - 28 November 2017**

#	Councillor	Question	Response
1	Calvert	Enquired if any protection measures have been put in place in relation to the change of ownership of Tebbutts Observatory, in relation to the heritage conservation.	The Director City Planning advised that Tebbutt's Observatory is located at 50 Palmer Street, Windsor (Lot 1, DP 731655) and is currently listed as an item of State significance under Schedule 5 Environmental Heritage of the Hawkesbury Local Environmental Plan 2012. The item is listed as Peninsula House and Observatory, and protection of the item under the listing remains regardless of whether a change of ownership occurs.

**ORDINARY MEETING****Questions for Next Meeting**

#	Councillor	Question	Response
2	Calvert	Enquired if any protection measures have been put in place in relation to the change of ownership of Tebbutt's Observatory and Council's telescope.	<p>The Director Support Services advised that Council staff have contacted the real estate agent responsible for selling the property located at 50 Palmer Street, Windsor (Lot 1, DP 731655) known as Tebbutt's Observatory. The real estate has advised that no offers have been accepted, the property remains unsold and ownership has not been transferred. Council has previously advised the agent that the Grubb Telescope (1886) (large telescope) should not be included as an inclusion in the listing or the contract of sale.</p> <p>In regard to the telescope located at the property, in 1985 Hawkesbury Shire Council paid for and organised for the Grubb Telescope to be transported from New Zealand to Windsor. In 1995 the telescope was moved to Tebbutt's Observatory where it has remained since. Having regard to the its historic significance of the Hawkesbury, Council staff will continue to work with the current and any prospective new owners to ensure the valuable asset is protected and adequate public access is provided to the telescope.</p>
3	Zamprogno	Requested that Council confirm if Relay for Life was denied use of the main oval at the Hawkesbury Showgrounds, relegated to a less suitable venue or charged for the use of that space, for the 2017 Relay for Life event.	<p>The General Manager advised that whilst Council Staff participate, the Relay for Life is run by the Cancer Council and Hawkesbury Council are not a party to the arrangements for the event.</p> <p>Enquiries have been made with the Agricultural Society and any additional information will be provided in due course.</p>
4	Zamprogno	Requested that Council's arborist tend to the London Plain trees lining the boulevard of Hawkesbury Valley Way, alongside the RAAF Base and remove sucker growth from the boles of the trees.	<p>The Director Infrastructure Services advised that instructions had been given for the London Plain trees to be tended to.</p>

**ORDINARY MEETING****Questions for Next Meeting**

#	Councillor	Question	Response
5	Zamprogno	Requested that Council enquire of the Office the NSW Valuer General and obtain statistical information on the number of properties in the Hawkesbury LGA that have made an application for a review of their land valuation in the current round, and that the enquiry include the number of such applications ongoing and concluded, and the outcome of those reviews in regard to success or the quantum of the revised valuation.	<p>The Director Support Services advised that as at 28 November 2017, the Valuer General of NSW had received 95 objections in respect of the 2016 land valuations for properties in the Hawkesbury LGA.</p> <p>Of the 95 objections lodged, 65 objections had been disallowed, six objections had been allowed and 24 objections were still pending.</p> <p>In regard to the six objections that had been allowed, the land values had been revised down by \$40,000, \$62,000, \$85,000, \$99,000, \$110,000 and \$470,000 respectively.</p>

**ORDINARY MEETING****Questions for Next Meeting**

#	Councillor	Question	Response
6	Zamprogno	Requested comments on the status of the development at 24 Bridge Street, Windsor, and a claim that an apprehension of heritage issue caused a 'stop work' order to be made, which necessitated the commission of a report that has cost the applicant an additional \$60,000.	<p>The Director City Planning advised development approval for a two storey dwelling, detached garage and secondary dwelling at 24 Bridge Street, Windsor was issued on 3 April 2014, with a Construction Certificate approved on 6 May 2015. The property is not currently listed in Schedule 5 Environmental Heritage of the Hawkesbury LEP 2012. Following receipt of a complaint regarding the commencement of work in March 2017 without an archaeological study being undertaken the matter was investigated. The main concerns raised by the complainant were in respect to the boundary fence being part of the Barrack Wall of the former Police Station and Barracks site, and any relics that may be disturbed as part of building works.</p> <p>The Office of Environment and Heritage were contacted and on 27 April 2017 and a Direction to Cease Works was issued by Council to the Owner/Builder. Subsequent meetings were held on site between relevant officers from Council, the Office of Environment and Heritage, and the owner/builder. As a consequence of those meetings the Office of Environment and Heritage issued correspondence to the owner/builder requiring them to engage an archaeologist to prepare a baseline historical archaeology survey and to identify how to manage any identified archaeological items.</p>

**ORDINARY MEETING**

## Questions for Next Meeting

#	Councillor	Question	Response
6			<p>The owner/builder engaged an archaeologist and a report was submitted to the Office of Environment and Heritage, who advised on 26 May 2017 that they were satisfied that construction work (up to slab level only) may proceed. On 29 May 2017 the Direction to Cease Work was lifted and an instruction issued to the owner/builder that works shall not proceed past slab level without Heritage Act approval being in place.</p> <p>On 2 June 2017 the Office of Environment and Heritage issued a Notification of Exception under section 139 of the Heritage Act allowing the owner/builder to proceed with all approved construction works. Works have now proceeded to frame stage, with inspections having been undertaken for the piers, drainage and slab.</p> <p>The cost of engaging an archaeologist to undertake the required works is not known as they were engaged directly by the owner/builder.</p>

**ORDINARY MEETING****Questions for Next Meeting**

#	Councillor	Question	Response
7	Zamprogno	<p>Requested comments relating to the challenges faced for vehicle egress of 24 Bridge Street, Windsor in respect of:</p> <ul style="list-style-type: none"><li>• the legality of vehicles turning right towards Thompson Square intersection</li><li>• the potential for the issue of a permit to allow to turn left and left again into Court Street, which is currently illegal during certain hours</li><li>• the absence of this permit necessitates a journey to McGraths Hill and back to Windsor during peak hour.</li></ul>	<p>The Director Infrastructure Services advised the following:</p> <ul style="list-style-type: none"><li>• The matter regarding the legality of right turn vehicular access to and from this property has been referred to the RMS for a response as this property is located at the T-Junction of a signalised intersection of two State roads.</li><li>• The potential to obtain a permit to enable a left turn into Court Street during restricted hours has previously been discussed at Local Traffic Committee meetings with NSW Police and RMS and was not supported. The RMS intend to remove the left turn ban into Court Street upon completion of the Windsor Bridge project.</li><li>• A left turn access into this property is not restricted however a left turn into Court Street is restricted between the hours of 4pm to 6pm Monday to Friday.</li></ul>
8	Richards	<p>Requested an update on the survey in relation to Argyle Reach Road, Freemans Reach.</p>	<p>The Director Infrastructure Services advised that the survey is scheduled to be carried out in February 2018.</p>

oooO END OF REPORT Oooo

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**CONFIDENTIAL REPORTS**

**Item: 234**                      **IS - Current Sullage Collection, Transportation and Disposal Contract - (95495, 112179) CONFIDENTIAL**

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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 the current Sullage Collection, Transportation and Disposal Contract and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*





ordinary  
meeting

end of  
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