



# ORDINARY MEETING

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Date of meeting: 12 December 2023  
Location: Council Chambers  
Time: 6:30 PM

**BUSINESS PAPER**



**ORDINARY MEETING**

**Table of Contents**

**Meeting Date: 12 December 2023**

**Table of Contents**

**TABLE OF CONTENTS ..... 3**

**1. PROCEDURAL MATTERS ..... 5**

**2. CONFIRMATION OF MINUTES ..... 6**

**3. MAYORAL MINUTES..... 7**

**4. REPORTS FOR DETERMINATION ..... 8**

    4.1. PLANNING DECISIONS..... 8

        4.1.1. CP - Planning Proposal - LEP001/21 - 745 Old Pitt Town Road, Oakville - (95498, 124414) ..... 8

        4.1.2. CP - Planning Proposal - LEP005/23 Redbank, North Richmond - (95498, 124414) ..... 36

    4.2. GENERAL MANAGER..... 98

        4.2.1. GM – Media Policy - (79351, 15988) ..... 98

        4.2.2. GM - Ordinary Council Meetings 2024 - (79351) ..... 110

    4.3. CITY PLANNING ..... 117

        4.3.1. CP - Koala Plan of Management Mapping - (95498, 124414) ..... 117

        4.3.2. CP - Draft Disability Inclusion Action Plan 2023-2026 - (95498, 96328) ..... 123

    4.4. CORPORATE SERVICES ..... 127

        4.4.1. CS - Investment Report - October 2023 - (95496, 96332) ..... 127

        4.4.2. CS - Disclosure of Pecuniary Interests and Other Matters Returns - (95496) ..... 134

    4.5. INFRASTRUCTURE SERVICES..... 136

        Nil reports..... 136

**5. REPORTS OF COMMITTEES..... 137**

    5.1.1. ROC - Local Traffic Committee - 13 November 2023 - (95495, 80245)..... 137

**6. NOTICES OF MOTION..... 162**

    6.1.1. NM1 - Councillor Input on Planning Panel Matters - (138884)..... 162

    6.1.2. NM2 – Youth Summit - (138884) ..... 164

    6.1.3. NM3 – Enhancing the Arts in the Hawkesbury Working Group – (125612) ..... 166

**7. QUESTIONS FOR NEXT MEETING ..... 170**

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date: 12 December 2023**

7.1.1. Responses to Councillor Questions Taken on Notice at the Council Meeting 21 November 2023..... 170

**8. CONFIDENTIAL REPORTS ..... 171**

8.1. GENERAL MANAGER..... 171

Nil Reports ..... 171

8.2. CITY PLANNING ..... 171

Nil Reports ..... 171

8.3. CORPORATE SERVICES ..... 171

Nil Reports ..... 171

8.4. INFRASTRUCTURE SERVICES..... 172

8.4.1.IS - General Waste Processing Proposal - Waste Management Facility - (95495, 159578) ..... 172

**ORDINARY MEETING**

**1. PROCEDURAL MATTERS**

**Meeting Date:** 12 December 2023

**1. PROCEDURAL MATTERS**

**Welcome**

The Mayor, Councillor Sarah McMahon will acknowledge the Indigenous Heritage.

The General Manager will address the Council meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones

**Attendance**

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

**Statement of Ethical Obligations**

On 11 January 2022 in accordance with Section 233A of the Local Government Act 1993, Councillors took an oath or made an affirmation of office to undertake the duties of the office of Councillor in the best interests of the people of the Hawkesbury City Council Local Government Area and the Hawkesbury City Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in Councillors under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

Council's Code of Conduct requires Councillors to disclose and appropriately manage conflicts of interest.

**Apologies and Leave of Absence**

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

**Declaration of Interest**

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

**Acknowledgement of Official Visitors to the Council**

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

**ORDINARY MEETING**

**2. CONFIRMATION OF MINUTES**

**Meeting Date:** 12 December 2023

**2. CONFIRMATION OF MINUTES**



# ORDINARY MEETING

---

Date of meeting: 21 November 2023  
Location: Council Chambers  
Time: 6:30 PM

MINUTES





**ORDINARY MEETING**

**Minutes: 21 November 2023**

**Table of Contents**

**1. PROCEDURAL MATTERS ..... 5**

**2. CONFIRMATION OF MINUTES ..... 6**

**4. REPORTS FOR DETERMINATION ..... 7**

    4.1. PLANNING DECISIONS..... 7

        4.1.1.CP - Planning Proposal - LEP005/22 - 6/21 Vincents Road, Kurrajong - Community Title Subdivision - (95498, 124414) ..... 7

    4.2. GENERAL MANAGER..... 8

        4.2.1.GM - 2022/2023 Annual Report and Audited Financial Statements for year ended 30 June 2023 - (79351, 95496)..... 8

        4.2.2.GM - Ordinary Council Meetings 2024 - (79351) ..... 9

        4.2.3. GM - Event Sponsorship Round 1 2023/2024 - (79351, 15988)..... 10

        4.2.4.GM - Draft Event Sponsorship Policy - (79351, 15988)..... 12

    4.3. CITY PLANNING ..... 13

        4.3.1.CP - 2023/2024 Community Sponsorship Program - Round 1 - (95498, 96328) ..... 13

        4.3.2.CP - Draft Surveillance Devices Policy - (95498, 96330) ..... 14

    4.4. CORPORATE SERVICES ..... 15

        4.4.1.CS - September 2023 Quarterly Budget Review Statement - (95496, 96332) ..... 15

        4.4.2.CS - Investment Report - September 2023 - (95496, 96332) ..... 16

        4.4.3.CS - Code of Conduct Complaints Statistics Report - 1 September 2022 to 31 August 2023 - (95496) ..... 17

        4.4.4.CS - Disclosure of Pecuniary Interests and Other Matters Returns - (95496)..... 18

        4.4.5.CS - Proposed Road Closure Part of Irrigator Drive, North Richmond - (95496, 112106, 145771) ..... 19

        4.4.6.CS - Proposed Sale of Part of 7 Fernadell Drive, Pitt Town (112106, 95496)..... 20

    4.5. INFRASTRUCTURE SERVICES..... 21

        4.5.1.IS - Francis and West Market Street Traffic Calming Project - (95495, 82045)..... 21

        4.5.2.IS - Quarterly Capital Projects Update Report - (95495) ..... 22

**5. REPORTS OF COMMITTEES..... 23**

    5.1.1. ROC - Local Traffic Committee - 9 October 2023 - (95495, 80245) ..... 23

**6. NOTICES OF MOTION..... 24**

**ORDINARY MEETING**

**Minutes: 21 November 2023**

6.1.1. NM1 – Fireworks - (125612) ..... 24

6.1.2. NM2 – DA 0173/22 Demolition of Heritage Item Allambie Cottages – (138882) ..... 25

**CONTINUATION OF THE ORDINARY MEETING RECONVENED AT THE COUNCIL CHAMBERS,  
WINDSOR, WHICH WAS ADJOURNED AT 10:59 PM AND RESUMED AT 6:30PM ON TUESDAY,  
28 NOVEMBER 2023**

**5. REPORTS OF COMMITTEES..... 30**

5.1.2. ROC - Audit, Risk and Improvement Committee - 29 September 2023 - (158054, 95496).. 30

5.1.3. ROC - Heritage Committee - 3 August 2023 ..... 31

5.1.4. ROC - Heritage Committee - 5 October 2023 ..... 33

5.1.5. ROC - Heritage Committee - 2 November 2023..... 35

**6. NOTICES OF MOTION..... 40**

6.1.3. NM3 – Rising Main C – (155346) ..... 40

6.1.4. NM4 –Valley Way Road, Glossodia – (155346) ..... 41

**8. CONFIDENTIAL REPORTS ..... 43**

8.1. GENERAL MANAGER..... 45

8.1.1.GM - 2024 Hawkesbury Australia Day Awards - (79351, 15988) ..... 45

8.3. CORPORATE SERVICES ..... 46

8.3.1.CS - Acquisition of Part of 331 Commercial Road, Vineyard – (95496, 159585) ..... 46

8.1. GENERAL MANAGER..... 47

8.1.2.GM - General Manager's Performance Agreement - 2023/2024 - (125610) ..... 47

## ORDINARY MEETING

Minutes: 21 November 2023

### 1. PROCEDURAL MATTERS

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 21 November 2023, commencing at 6:31pm.

#### Welcome

The Mayor, Councillor Sarah McMahon acknowledged the Indigenous Heritage.

The General Manager addressed the Council Meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones

#### ATTENDANCE

**PRESENT:** Councillor Sarah McMahon, Mayor, Councillor Barry Calvert, Deputy Mayor and Councillors Patrick Conolly, Eddie Dogramaci, Amanda Kotlash, Mary Lyons-Buckett, Jill Reardon, Les Sheather, Paul Veigel, Danielle Wheeler and Nathan Zamprogno.

**ALSO PRESENT:** General Manager - Elizabeth Richardson, Director City Planning - Meagan Ang, Director Infrastructure Services - Will Barton, Director Corporate Services - Laurie Mifsud, Chief Financial Officer - Vanessa Browning, Manager Corporate Communications and Events - Suzanne Stuart, Corporate Planning and Performance Strategist - Miles Carter, Manager Strategic Planning - Andrew Kearns, and Council Committee Officer – Amy Birks.

#### APOLOGIES AND LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK

An apology was received from Councillor Shane Djuric.

#### 178 RESOLUTION

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Kotlash that the apology be accepted.

#### DECLARATIONS OF INTEREST

Councillor Conolly declared an interest on Item 4.1.1.

Councillor Lyons-Buckett declared an interest on Item 4.1.1.

Councillor McMahon declared interests on Items 4.1.1, 4.2.3, 4.5.2 and 8.1.1.

Councillor Veigel declared an interest on Item 4.1.1.

Councillor Wheeler declared interests on Items 4.1.1, 4.5.2, 5.1.3, 5.1.4 and 5.1.5.

Councillor Zamprogno declared an interest on Item 4.1.1.

#### Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**2. CONFIRMATION OF MINUTES**

**179 RESOLUTION**

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Veigel that the minutes of the Ordinary Meeting held on 10 October 2023, be confirmed.

**ADJOURNMENT OF MEETING**

The Mayor, Councillor McMahon adjourned the meeting at 9:22pm for a short break. The meeting resumed at 9:40pm.

## ORDINARY MEETING

Minutes: 21 November 2023

### 4. REPORTS FOR DETERMINATION

#### 4.1. PLANNING DECISIONS

**4.1.1. CP - Planning Proposal - LEP005/22 - 6/21 Vincents Road, Kurrajong - Community Title Subdivision - (95498, 124414)**

**Previous Item:** 4.1.1, Ordinary (14 February 2023)

**Directorate:** City Planning

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Councillor Conolly declared a significant non-pecuniary conflict of interest in this matter as the owner of the site is a relative of a friend. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Lyons-Buckett declared a significant non-pecuniary conflict of interest in this matter as the subject site is in the Kurrajong/Kurmond Investigation area and she lives in that area. She is still pursuing reviews around an issue connected to the investigation area which gives rise to a conflict in this matter. She left the Chamber and did not take part in voting or discussion on the matter.

Councillor McMahon declared a pecuniary interest in this matter as the owner is related to her partner. She left the Chamber and did not take part in voting or discussion on the matter.

Councillor Veigel declared a significant non-pecuniary conflict of interest in this matter as he is an acquaintance of a possible party with interest in this item. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Wheeler declared a significant non-pecuniary conflict of interest in this matter as she has a strong personal relationship that prevents her from making an unbiased decision. She left the Chamber and did not take part in voting or discussion on the matter.

Councillor Zamprogno declared a significant non-pecuniary conflict of interest in this matter as he has an ongoing matter. He left the Chamber and did not take part in voting or discussion on the matter.

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In the absence of the Mayor, Councillor McMahon, the Deputy Mayor, Councillor Calvert in accordance of Section 369 (1) of the Local Government Act 1993, acted as Chairperson.

The Deputy Mayor, Councillor Calvert, acknowledged there was not a quorum and asked for advice from the General Manager.

The General Manager advised the quorum for the meeting is seven Councillors however for this item there were only five Councillors present in the Chamber. The General Manager advised that as there is not a quorum present in the Council Chamber for Item 4.1.1, no consideration can be given to this matter.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**4.2. GENERAL MANAGER**

**4.2.1. GM - 2022/2023 Annual Report and Audited Financial Statements for year ended 30 June 2023 - (79351, 95496)**

**Previous Item:** 201, Ordinary (22 November 2022)

**Directorate:** General Manager

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A PROCEDURAL MOTION was moved by Councillor Lyons-Buckett, seconded by Councillor Veigel that Item 4.2.1 be brought forward in the agenda to be dealt with.

The Procedural Motion was carried.

**PRESENTATION – From Council’s Auditors – Financial Statements for Year Ended 30 June 2023.**

A presentation was provided by Council’s Auditors, Mr James Winter from Grant Thornton and Mr Kenneth Leung from the NSW Audit Office in respect to Council’s General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2023.

**MOTION:**

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

***Refer to RESOLUTION***

**180 RESOLUTION**

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

That Council:

1. Adopt the 2022/2023 Annual Report attached as Attachment 1 to this report and forward a copy to the Office of Local Government and place on Council’s website by 30 November 2023.
2. Note the completion of the Audited Financial Statements for the period ended 30 June 2023, attached as Attachment 2 to this report.
3. Thank the representatives from Grant Thornton and the NSW Audit Office for their presentation in respect of Council’s 2022/2023 Financial Statements.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Councillor Dogramaci.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes:** 21 November 2023

**4.2.2. GM - Ordinary Council Meetings 2024 - (79351)**

**Directorate:** General Manager

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**MOTION**

A MOTION was moved by Councillor Sheather, seconded by Councillor Dogramaci.

That:

1. Council set dates for the holding of Ordinary Meetings of Council for 2024 as one meeting every first month and two meetings every second month.
2. Council set Ordinary Meetings for 2024 to commence at 6:30pm and take place in the Council Chambers, or by audio-visual link in accordance with Council's Code of Meeting Practice.
3. Councillor Briefing Sessions for 2024 be held in person.

Councillor Sheather and Councillor Dogramaci withdrew the motion.

**MOTION**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon .

*Refer to RESOLUTION*

**181 RESOLUTION**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon .

That this matter be deferred to the next Councillor Roundtable discussion and be reported back to the Council Meeting on 12 December 2023.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**4.2.3. GM - Event Sponsorship Round 1 2023/2024 - (79351, 15988)**

**Directorate:** General Manager

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Councillor McMahon declared a less than significant non-pecuniary conflict of interest in this matter as the Mayor is a patron of Richmond Lions Club however she is not a member of that Club and no further action is required.

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A PROCEDURAL MOTION was moved by Councillor Reardon, seconded Councillor Veigel that Item 4.2.3 be brought forward in the agenda to be dealt with.

The Procedural Motion was carried.

**MOTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Sheather.

***Refer to RESOLUTION***

**182 RESOLUTION**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Sheather.

That Council:

1. Under Round 1 of the 2023/2024 Event Sponsorship Program, agree to support the following organisations for events at the following level:

No	Event Name	Name of Organisation	Recommended amount (\$) and Inclusions (ExGST)
	<b>Community Applications</b>		
1	St Albans Folk Festival	St Albans Folk Festival	\$4,000
2	Hanna Park Carols	Hawkesbury Valley Baptist Church	\$4,000
3	RuffTREK	RuffTRACK	\$3,500
4	Hawkesbury Show	Hawkesbury District Agricultural Association	\$3,500
5	Heats Jazz Jam	Hawkesbury Entertainers & Artists Regional Theatre Society	\$2,500
6	Kurrajong Community Carols by Candlelight and Family Christmas Fun	Kurrajong Baptist Church	\$2,500
7	Christmas Cheer Alley	Windsor Business Group	\$2,500
8	FIRST Robotics Competition	Faculty of Science and Engineering – Affiliated to Macquarie University	\$2,000
9	Fantasia Showstoppers presents jungle book kids	Fantasia Showstoppers Incorporated	\$2,000
10	Christmas Carols	Richmond Rotary	\$2,000
11	Light up Windsor Street Fair	Windsor Uniting Church	\$1,500



**ORDINARY MEETING****Minutes: 21 November 2023**

No	Event Name	Name of Organisation	Recommended amount (\$) and Inclusions (ExGST)
12	North Richmond Cricket Club Gala Day	North Richmond Cricket Club	\$1,500
13	Pics In The Park Outdoor Christmas Cinema	Lions Club of Richmond	\$1,500
14	2024 Bad Boat National Championship	Upper Hawkesbury Power Boat Club	\$1,500
15	Windsor Experience Gas Lamp Festival	The Windsor Experience Action Group Inc	\$5,000
16	The Secret Dyarubbin River Ride	MPN-Mate Research Foundation	\$2,000
17	Macdonald Valley Association Events	Macdonald Valley Association	\$1,500
	<b>Commercial Applications</b>		
20	Convict 100	Max Adventure Pty Ltd	\$2,000
21	St Albans Village Markets	St Albans Village Markets and Events	\$2,500
22	Richmond Good Food Markets	Richmond Good Food Market	\$1,500

2. Approve the execution of Council's standard Sponsorship Agreement for the applications numbered 1-17 (Community) and 20-22 (Commercial) as identified in Table 1 and Attachment 1 of this report.
3. Advise the applicant Merana Aboriginal Community Association for the Hawkesbury Inc numbered 18 and The Jeremiah Project Inc numbered 19 as identified in Table 1 and Attachment 1 of this report that their application was not successful in accordance with the event sponsorship assessment criteria and to apply for funding under the Community Sponsorship Program.
4. Advise the applicant Lynwood Golf Club numbered 23 as identified in Table 2 and Attachment 1 of this report that their application was not successful in accordance with the event sponsorship assessment criteria matrix.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel and Zamprogno.

**Against the Motion:** Councillor Wheeler.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**4.2.4. GM - Draft Event Sponsorship Policy - (79351, 15988)**

**Directorate:** General Manager

---

**MOTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Calvert.

*Refer to RESOLUTION*

**183 RESOLUTION**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Calvert.

That:

1. The Draft Event Sponsorship Policy, attached as Attachment 1 to this report, be placed on public exhibition for at least 28 days.
2. At the expiration of the public notification period outlined in Part 1 above, the following action be taken:
  - a) Should any submissions be received regarding the Draft Event Sponsorship Policy, a further report be submitted to Council, or
  - b) Should no submissions be received:
    - (i) Council adopt the Event Sponsorship Policy attached in Attachment 1 to this report.
    - (ii) The General Manager be given delegated authority to make minor amendments to the Community Event Matrix Criteria and the Commercial Event Matrix Criteria, that are part of the Event Sponsorship Policy, as required.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**4.3. CITY PLANNING**

**4.3.1. CP - 2023/2024 Community Sponsorship Program - Round 1 - (95498, 96328)**

**Previous Item:** 4.3.2, Ordinary (20 June 2023)

**Directorate:** City Planning

---

**MOTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Veigel.

*Refer to RESOLUTION*

**184 RESOLUTION**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Veigel.

That Council:

1. Approve payments for Section 356 Financial Assistance to the individuals and organisations listed in this report and at the level of funding recommended in this report.
2. Approve the execution of Council's standard Sponsorship Agreement for those applications where the approved level of funding is over \$500.
3. Advise the two applicants, Hawkesbury Racing Club and Hawkesbury Scouts, that their applications were not successful as listed in this report.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**4.3.2. CP - Draft Surveillance Devices Policy - (95498, 96330)**

**Directorate:** City Planning

---

**MOTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Calvert.

*Refer to RESOLUTION*

**185 RESOLUTION**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Calvert.

That:

1. The Draft Surveillance Devices Policy be placed on public exhibition for 28 days.
2. At the expiration of the public exhibition period, the following action be taken:-
  - a) Should any submissions be received regarding the Draft Surveillances Devices Policy, a further report be submitted to Council, or;
  - b) Should no submissions be received, Council adopt the Surveillance Devices Policy, provided as Attachment 1 to this report.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**4.4. CORPORATE SERVICES**

**4.4.1. CS - September 2023 Quarterly Budget Review Statement - (95496, 96332)**

**Previous Item:** 4.2.2, Ordinary (20 June 2023)

**Directorate:** Corporate Services

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**MOTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Kotlash.

*Refer to RESOLUTION*

**186 RESOLUTION**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Kotlash.

That Council receive the information contained in this report regarding the September 2023 Quarterly Budget Review, and that the Budget adjustments, as summarised in the report and detailed in Attachment 1 to the report, be adopted.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**4.4.2. CS - Investment Report - September 2023 - (95496, 96332)**

**Directorate:** Corporate Services

---

**MOTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Calvert.

*Refer to RESOLUTION*

**187 RESOLUTION**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Calvert.

That the Monthly Investment Report for September 2023 be received and noted.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**4.4.3. CS - Code of Conduct Complaints Statistics Report - 1 September 2022 to 31 August 2023 - (95496)**

**Directorate:** Corporate Services

---

**MOTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Kotlash.

*Refer to RESOLUTION*

**188 RESOLUTION**

RESOLVED on the motion of Councillor Conolly , seconded by Councillor Kotlash.

That the report provided under Clause 11.1 of the Council's Procedures for the Administration of the Code of Conduct, in respect of the Code of Conduct complaints statistics for the period from 1 September 2022 to 31 August 2023, be noted.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**4.4.4. CS - Disclosure of Pecuniary Interests and Other Matters Returns - (95496)**

**Previous Item:** 4.4.4. Ordinary (10 October 2023)

**Directorate:** Corporate Services

---

**MOTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Calvert.

*Refer to RESOLUTION*

**189 RESOLUTION**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Calvert.

That Council note that the Disclosures of Pecuniary Interests and Other Matters Returns, lodged with the General Manager, have been tabled.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.



**ORDINARY MEETING**

**Minutes: 21 November 2023**

**4.4.5. CS - Proposed Road Closure Part of Irrigator Drive, North Richmond - (95496, 112106, 145771)**

**Directorate:** Corporate Services

---

**MOTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Calvert.

*Refer to RESOLUTION*

**190 RESOLUTION**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Calvert.

That:

1. Council publicly exhibit and notify adjoining owners of the proposed road closure of an area of approximately 23.07m<sup>2</sup> of Irrigator Drive, North Richmond as shown in the location plan attached as Attachment 1, to this report.
2. At the expiration of the public exhibition period outlined in Part 1, the following action be taken:
  - a) Should any submissions be received regarding the proposed road closure a further report be submitted to Council, or
  - b) Should no submissions be received:
    - (i) Council approve the road closure as shown in Attachment 1 to this report, being part of Irrigator Drive, North Richmond.
    - (ii) Authority be given for the Road Closure Plan, and any documentation in association with the matter to be executed under the Seal of Council.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes:** 21 November 2023

**4.4.6. CS - Proposed Sale of Part of 7 Fernadell Drive, Pitt Town (112106, 95496)**

**Previous Item:** 251, Ordinary (30 October 2018)

**Directorate:** Corporate Services

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Mr Peter Ryan addressed Council, speaking for the recommendation in the business paper.

**MOTION:**

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

***Refer to RESOLUTION***

**191 RESOLUTION**

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

That:

1. Following the subdivision of Fernadell Park, 7 Fernadell Drive, Pitt Town the surplus land known as Lot 1 in Deposited Plan 1291976 be sold at Public Auction.
2. The reserve price be set in accordance with current market valuation prepared by one of Council's Panel Valuers.
3. The Seal of Council be affixed to the Contract for Sale and any other relevant documentation.
4. Any surplus funds after works are completed at Ferndell Park be used for undelivered Pitt Town infrastructure works.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**4.5. INFRASTRUCTURE SERVICES**

**4.5.1. IS - Francis and West Market Street Traffic Calming Project - (95495, 82045)**

**Previous Item:** 4.1.2, Ordinary (10 October 2023)

**Directorate:** Infrastructure Service

---

Ms Jacqueline Leal and Ms Louise Ross addressed Council, speaking against the recommendation in the business paper.

**MOTION:**

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

***Refer to RESOLUTION***

**192 RESOLUTION**

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

That Council:

1. Not proceed with the installation of a roundabout at West Market and Francis Street.
2. Support the provision of other traffic safety and traffic calming treatments which include Speed Humps (Watts Profiles), Speed Cushions, Pedestrian Refuges, with associated linemarking, signage and lighting, to improve the safety and functionality along Francis Street, Richmond between Onus Lane and Toxana Street, Richmond as endorsed by the Local Traffic Committee.
3. Seek to renegotiate the terms of the Blackspot Funding to allow for the other traffic safety and traffic calming treatments to be delivered.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**4.5.2. IS - Quarterly Capital Projects Update Report - (95495)**

**Previous Item:** 4.5.1, Ordinary (18 April 2023)

**Directorate:** Infrastructure Service

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Councillor McMahon declared a less than significant non-pecuniary conflict of interest in this matter as she is a member of the Communications Team at RFS Fire Control and her son plays for the Hawkesbury Hawks at Turnbull Oval and no further action is required.

Councillor Wheeler declared a less than significant non-pecuniary conflict of interest in this matter as she is an RFS member and a volunteer at Fire Control and her son is a member of Wilberforce RFS and no further action is required.

---

**MOTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon.

***Refer to RESOLUTION***

**193 RESOLUTION**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon.

That the Quarter 1 2023/2024 Financial Year Capital Projects Report be received and noted.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogo.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**5. REPORTS OF COMMITTEES**

**5.1.1. ROC - Local Traffic Committee - 9 October 2023 - (95495, 80245)**

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**MOTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Calvert.

*Refer to RESOLUTION*

**194 RESOLUTION**

RESOLVED on the motion of Councillor Conolly , seconded by Councillor Calvert.

That the Council adopt the recommendations contained in the minutes of the Hawkesbury City Council Local Traffic Committee meeting held on 9 October 2023.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**6. NOTICES OF MOTION**

**6.1.1. NM1 – Fireworks - (125612)**

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A PROCEDURAL Motion was moved by Councillor Lyons-Buckett to allow a fourth speaker to address Council speaking for the recommendation.

The Procedural Motion was carried.

Mr Andrew Greuter, Mr Peter Doolin, Ms Diana Thurgood and Ms Kelsey Thurgood addressed Council, speaking for the recommendation in the business paper.

**MOTION:**

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

***Refer to RESOLUTION***

**195 RESOLUTION**

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

That Council:

1. Compile data regarding the number of annual pyrotechnic display licences issued by SafeWork NSW for the Hawkesbury local government area.
2. Prepare a Fireworks (Pyrotechnic) Display Policy which is concerned with the process of notification to Council, which must be followed by licensed pyrotechnicians who plan on conducting fireworks displays within the Hawkesbury local government area. The Policy would require all proposed pyrotechnical displays are reviewed and assessed by Council, and that appropriate controls are imposed to limit their impact in relation to safety, noise and potential to generate pollution.
3. Request that SafeWork NSW revoke the licence for the fireworks event in Berambing on 24 November 2023.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**6.1.2. NM2 – DA 0173/22 Demolition of Heritage Item Allambie Cottages – (138882)**

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Mr Jeremy Braithwaite addressed Council, speaking for the recommendation in the business paper.

A MOTION was moved by Councillor Wheeler, seconded by Councillor Lyons-Buckett.

That Councillors:

1. Strongly objects to Development Application DA 0173/22 Demolition of Heritage Item Allambie Cottages;
2. Note the numerous objections from the community, including the National Trust and Kurrajong-Comleroy Historical Society, along with concerned local community members;
3. Note that Allambie has been allowed to deteriorate to a condition where the land holder, Transport for NSW, now views demolition as the most desirable outcome, contrary to their obligations under the Heritage Act 2004 and the State Agency Heritage Guidelines;
4. Note that Allambie holds an important place in the cultural and built heritage fabric of the Hawkesbury and wider region, including its role in Legacy's support of war widows and their families, its place in the visual amenity of Kurrajong Heights and its relationship to other heritage items in the Kurrajong Heights Heritage Precinct;
5. Prepare a verbal submission to the November meeting of the Sydney Western City Planning Panel strongly recommending against the demolition.

A PROCEDURAL MOTION was moved by the Mayor, Councillor McMahon and seconded by Councillor Kotlash, that this item be dealt with in seriatim.

The Procedural Motion was carried.

**MOTION:**

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

***Refer to RESOLUTION***

**196 RESOLUTION**

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

That Councillors:

1. Strongly objects to Development Application DA 0173/22 Demolition of Heritage Item Allambie Cottages;

**For the Motion:** Councillors McMahon, Calvert, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Councillor Conolly.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**MOTION:**

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

*Refer to RESOLUTION*

**197 RESOLUTION**

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

That Councillors:

2. Note the numerous objections from the community, including the National Trust and Kurrajong-Comleroy Historical Society, along with concerned local community members;

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.

**MOTION:**

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

*Refer to RESOLUTION*

**198 RESOLUTION**

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

That Councillors:

3. Note that Allambie has been allowed to deteriorate to a condition where the land holder, Transport for NSW, now views demolition as the most desirable outcome, contrary to their obligations under the Heritage Act 2004 and the State Agency Heritage Guidelines;

**For the Motion:** Councillors Calvert, Dogramaci, Kotlash, Lyons-Buckett, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Councillors McMahon, Conolly and Reardon.

**Absent:** Councillor Djuric.



**ORDINARY MEETING**

**Minutes: 21 November 2023**

**MOTION:**

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

*Refer to RESOLUTION*

**199 RESOLUTION**

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

4. Note that Allambie holds an important place in the cultural and built heritage fabric of the Hawkesbury and wider region, including its role in Legacy's support of war widows and their families, its place in the visual amenity of Kurrajong Heights and its relationship to other heritage items in the Kurrajong Heights Heritage Precinct;

**For the Motion:** Councillors McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Djuric.

**MOTION:**

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

*Refer to RESOLUTION*

**200 RESOLUTION**

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

5. Prepare a verbal submission to the November meeting of the Sydney Western City Planning Panel strongly recommending against the demolition.

**For the Motion:** Councillors Calvert, Dogramaci, Lyons-Buckett, Sheather, Wheeler and Zamprogno.

**Against the Motion:** Councillors McMahon, Conolly, Kotlash, Reardon and Veigel.

**Absent:** Councillor Djuric.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**ADJOURNMENT OF MEETING**

**201 RESOLUTION:**

RESOLVED on the Motion of Councillor Conolly, seconded by Councillor Reardon that the Council Meeting be adjourned to Tuesday, 28 November 2023 at 6:30pm in the Council Chambers, Windsor.

**The meeting adjourned at 10:59pm and was reconvened on Tuesday, 28 November 2023 at 6:30pm in the Council Chambers, Windsor.**

The meeting reconvened on Tuesday, 28 November 2023 at 6:30pm.

## MEETING

Minutes: 21 November 2023

Minutes of the Ordinary Meeting reconvened at the Council Chambers, Windsor, on 28 November 2023, commencing at 6:30pm.

### Welcome

The Mayor, Councillor Sarah McMahon acknowledged the Indigenous Heritage.

The General Manager addressed the Council Meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Mobile phones

### ATTENDANCE

**PRESENT:** Councillor Sarah McMahon, Mayor, Councillor Barry Calvert, Deputy Mayor and Councillors Patrick Conolly, Shane Djuric, Eddie Dogramaci, Amanda Kotlash, Mary Lyons-Buckett, Jill Reardon, Les Sheather, Paul Veigel, Danielle Wheeler and Nathan Zamprogno.

**ALSO PRESENT:** General Manager - Elizabeth Richardson, Director City Planning - Meagan Ang, Director Infrastructure Services - Will Barton, Director Corporate Services - Laurie Mifsud, Chief Financial Officer - Vanessa Browning, Manager Corporate Communications and Events - Suzanne Stuart and Council Committee Officer – Amy Birks.

### APOLOGIES AND LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK

There were no apologies or leave of absences received from Councillors.

### DECLARATIONS OF INTEREST

Councillor Conolly declared an interest on Item 8.1.1.

Councillor McMahon declared interests on Items 5.1.5 and 8.1.1.

Councillor Reardon declared an interest on Item 8.1.1.

Councillor Wheeler declared interests on Items 5.1.3, 5.1.4 and 5.1.5.

### Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

### Mayoral Photograph Gallery Unveiling Celebration

The Mayor, Councillor McMahon, acknowledged the Mayoral Photograph Gallery Unveiling Celebration which occurred on 28 November 2023 welcoming the former Mayors of Hawkesbury City Council. The Mayor, Councillor McMahon, acknowledged former Mayor, John Horrex who attended the Council Meeting.

### ADJOURNMENT OF MEETING

The Mayor, Councillor McMahon adjourned the meeting at 8:45pm for a short break. The meeting resumed at 8:55pm.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**5. REPORTS OF COMMITTEES**

**5.1.2. ROC - Audit, Risk and Improvement Committee - 29 September 2023 - (158054, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**202 RESOLUTION:**

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

That Council receive and note the Minutes of the Audit, Risk and Improvement Committee Meeting held on the 29 September 2023.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Nil.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**5.1.3. ROC - Heritage Committee - 3 August 2023**

---

Councillor Wheeler declared a less than significant non-pecuniary conflict of interest in this matter as she is a part owner of a property in the Slab Barn Study and no further action is required.

---

**MOTION:**

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Sheather.

*Refer to RESOLUTION*

**203 RESOLUTION:**

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Sheather.

That in relation to the Minutes of the Heritage Committee Meeting held on the 3 August 2023:

1. Council receive and note the Minutes of the Heritage Committee in respect to items 3.1.2 and 3.1.8.
2. Council note the advice from the Heritage Committee with respect to item 3.1.1 Mayoral Minute - McQuade Park, Windsor will be included in a report to Council responding to the Mayoral Minute of 31 January 2023.
3. Council endorse the Committee Recommendations in respect of item 3.1.3 (Windsor Bridge Artefacts Working Group Meeting), namely:
  - a) Note the update with respect to the formation of the Windsor Bridge Artefacts Working Group.
  - b) Recommends that the focus of the Working Group should be on the Old Windsor Bridge and interpretation of the Bridge.
  - c) Recommends that Council make representations to both levels of government for funding of interpretation.
4. Council endorse the Committee Recommendations in respect of item 3.1.4 (Thomas James Bridge Conservation Management Plan), namely:

That Council consider the preparation of applications for listing of the Thomas James Bridge on:

- a) Hawkesbury Councils LEP and;
- b) On the NSW State Heritage Register and;
- c) On the Old Great North Road World Heritage Listing using the information provided in the Thomas James Bridge Conservation Management Plan.

## ORDINARY MEETING

Minutes: 21 November 2023

5. Council endorse the Committee Recommendations in respect of item 3.1.5 (Discovery of a Brick Barrel Drain - Pitt Street, Windsor), namely:
  - a) That the Heritage Committee received information from Ms Jan Barkley-Jack regarding the possible location of the brewery from the original survey, and that the Committee consider further information as it becomes available.
6. Council endorse the Committee Recommendations in respect of item 3.1.6 (Local Heritage Assistance Fund 2022/2023 - Minor Maintenance/Conservation Works to Heritage Listed Properties Within the Hawkesbury LGA), namely:
  - a) Receive and note the information contained within the report, and that \$216,865.41 was the contribution from applicants to the program.
  - b) Recommends that Council increase the funding available under the Local Heritage Assistance Fund, noting the need to increase the size of the \$2,000 maximum available funding per applicant.
  - c) Notes that the NSW State Government contribution to the fund of \$5,500 has been unchanged for many years, and that with a higher number of listings compared to surrounding local government areas that representations should be made to Heritage NSW and the State Member for increased funding.
  - d) Recommend that Council consider a special rate for heritage conservation.
7. Council endorse the Committee Recommendations in respect of item 3.1.7 (State Heritage Listing of Singleton's Mill Site Kurrajong), namely:
  - a) Notes the finalisation of the State Heritage Listing of the Singleton Mill Site at 154 Mill Road, Kurrajong.
  - b) Recommends that Council formally thank everyone involved in assisting with the research that led to the finalisation of the State Heritage Listing.
8. Council note that in respect of General Business items:
  - a) A briefing of Heritage Committee members with respect to the Liveability Project was provided ahead of the 5 October 2023 Committee Meeting.
  - b) A report was provided to the 2 November 2023 Committee Meeting with updated Heritage Fact Sheets (Roofs and Rising Damp).
  - c) A report was provided to the 5 October 2023 Committee Meeting detailing the finalisation and progress of outstanding items of the Heritage Committee.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Nil.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**5.1.4. ROC - Heritage Committee - 5 October 2023**

---

Councillor Wheeler declared a less than significant non-pecuniary conflict of interest in this matter as she is a part owner of a property in the Slab Barn Study and no further action is required.

---

**MOTION:**

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

*Refer to RESOLUTION*

**204 RESOLUTION:**

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

That in relation to the Minutes of the Heritage Committee Meeting held on the 5 October 2023:

1. Council receive and note the Minutes of the Heritage Committee in respect to items 3.1.1, 3.1.2, and 3.1.3.
2. Council note the Committee Recommendations in respect of 3.1.4 (Windsor Bridge Artefacts Working Group September Meeting), namely:
  - (i) Receive and note the update on progress of the Windsor Bridge Artefacts Working Group.
  - (ii) Recommends that Council:
    - a) Takes immediate action to undertake an inventory and providence of what artefacts Council has in their possession from the Windsor Bridge Project.
    - b) Considers urgently taking measures to protect the artefacts in Council's possession by storing in shipping containers or adequate protective covering
    - c) Undertake a series of tool box talks with relevant staff to assist them with understanding what the various artefacts from the Windsor Bridge Project are, their significance, and how they should be treated.
    - d) Commission a Heritage Interpretation Strategy, including assessment of material and interpretation.
    - e) Consider consulting engineering heritage experts with respect to the artefacts.
3. Council endorse the Committee Recommendations in respect of 3.1.5, namely:
  - a) That the report on the 2023/2024 Local Heritage Assistance Fund Program be received and noted.
  - b) That Council consider resourcing studies that ensure that heritage items are listed at the right level (local versus state listing) so that owners of heritage items have the opportunity to be better supported financially.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

4. Council note that in respect of General Business items:
- a) An update on the condition, protection and planned improvements to the Council owned barn near Tebbutts Observatory in Windsor will be investigated and reported back to the Heritage Committee at a subsequent Meeting.
  - b) A pre briefing of Heritage Committee members was arranged for Ms Jan Barkley-Jack to present her PhD paper on the Green Hills Village on 2 November 2023.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Nil.



**ORDINARY MEETING**

**Minutes: 21 November 2023**

**5.1.5. ROC - Heritage Committee - 2 November 2023**

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Councillor McMahon declared a less than significant non-pecuniary conflict of interest in this matter as it concerns the Liveability Project however, there is no reference to Richmond and no further action is required.

Councillor Wheeler declared a less than significant non-pecuniary conflict of interest in this matter as she is a part owner of a property in the Slab Barn Study and no further action is required.

---

A MOTION was moved by Councillor Sheather, seconded by Councillor Wheeler .

That in relation to the Minutes of the Heritage Committee Meeting held on the 2 November 2023:

1. Council receive and note the Minutes of the Heritage Committee in respect to item 3.1.4.
2. Council consider the Committee Recommendations in respect of item 3.1.1 (Windsor Bridge Replacement Project Working Group October Meeting), namely:
  - a) The amended recommendations of the Windsor Bridge Replacement Project Working Group October Meeting included as Attachment 2.
3. Council endorse the Committee Recommendations in respect of item 3.1.2 (Heritage Information Sheets Update), namely:
  - a) The Guidelines for Roofs be amended for use based on the feedback from the Committee.
  - b) The Guidelines for Rising Damp be amended based on feedback from the Committee, and presented to the next Committee Meeting.
4. Council endorse the Committee Recommendations in respect of item 3.1.3, namely:
  - a) Lobby the NSW Government for increased funding for this program.
  - b) Notes that an increase in heritage listings provides further justification to seek further NSW Government funding, and increasing the size of the program.

and refers the following recommendation to Council's 2024/2025 Budget/Operational Plan process:

- c) Increases funding of the Local Heritage Assistance Fund to \$100,000, and consider a tiered contributions, and other means to administer the program.
5. Council endorse the Committee Recommendation in respect of Item A in General Business (Liveability Project), namely:
  - a) That the Heritage Committee requests a roundtable discussion between Committee members, Council's Liveability Project consultants, Council's Heritage Advisor and relevant Council Officers that are involved with this project to resolve outstanding issues and avoid deterioration of building fabric as a consequence of the Liveability Project.

A PROCEDURAL MOTION was moved by Councillor Conolly that this item be dealt with in seriatim.

The Procedural Motion was carried.

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## ORDINARY MEETING

Minutes: 21 November 2023

AN AMENDMENT was moved by Councillor Conolly seconded Councillor Reardon

That in relation to the Minutes of the Heritage Committee Meeting held on the 2 November 2023:

1. Council receive and note the Minutes of the Heritage Committee in respect to item 3.1.4.
2. Council consider the Committee Recommendations in respect of item 3.1.1 (Windsor Bridge Replacement Project Working Group October Meeting), namely:
  - a) The amended recommendations of the Windsor Bridge Replacement Project Working Group October Meeting included as Attachment 2.
3. Council endorse the Committee Recommendations in respect of item 3.1.2 (Heritage Information Sheets Update), namely:
  - a) The Guidelines for Roofs be amended for use based on the feedback from the Committee.
  - b) The Guidelines for Rising Damp be amended based on feedback from the Committee, and presented to the next Committee Meeting.
4. Council endorse the Committee Recommendations in respect of item 3.1.3, namely:
  - a) Lobby the NSW Government for increased funding for this program.
  - b) Notes that an increase in heritage listings provides further justification to seek further NSW Government funding, and increasing the size of the program.

and refers the following recommendation to Council's 2024/2025 Budget/Operational Plan process:

- c) Increases funding of the Local Heritage Assistance Fund to \$100,000, and consider a tiered contributions, and other means to administer the program.
5. Council arrange a teleconference between members of the Heritage Advisory Committee, the Liveability consultants and Council staff to provide advice in regard to the paving in Windsor.

**For the Amendment:** Councillors McMahon, Calvert, Conolly, Kotlash, Reardon and Veigel.

**Against the Amendment:** Councillor Djuric, Dogramaci, Lyons-Buckett, Sheather, Wheeler and Zamprogno.

**Absent:** Nil.

The Amendment was carried on the Casting vote of the Mayor, Councillor McMahon.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**MOTION:**

RESOLVED on the Motion of Councillor Sheather seconded Councillor Wheeler

*Refer to RESOLUTION*

**205 RESOLUTION:**

That in relation to the Minutes of the Heritage Committee Meeting held on the 2 November 2023:

1. Council receive and note the Minutes of the Heritage Committee in respect to item 3.1.4.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Councillor Sheather.

**Absent:** Nil.

**MOTION:**

RESOLVED on the Motion of Councillor Sheather seconded Councillor Wheeler

*Refer to RESOLUTION*

**206 RESOLUTION:**

That in relation to the Minutes of the Heritage Committee Meeting held on the 2 November 2023:

2. Council consider the Committee Recommendations in respect of item 3.1.1 (Windsor Bridge Replacement Project Working Group October Meeting), namely:
  - a) The amended recommendations of the Windsor Bridge Replacement Project Working Group October Meeting included as Attachment 2.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Nil.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**MOTION:**

RESOLVED on the Motion of Councillor Sheather seconded Councillor Wheeler

*Refer to RESOLUTION*

**207 RESOLUTION:**

That in relation to the Minutes of the Heritage Committee Meeting held on the 2 November 2023:

3. Council endorse the Committee Recommendations in respect of item 3.1.2 (Heritage Information Sheets Update), namely:
  - a) The Guidelines for Roofs be amended for use based on the feedback from the Committee.
  - b) The Guidelines for Rising Damp be amended based on feedback from the Committee, and presented to the next Committee Meeting.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Nil.

**MOTION:**

RESOLVED on the Motion of Councillor Sheather seconded Councillor Wheeler

*Refer to RESOLUTION*

**208 RESOLUTION:**

That in relation to the Minutes of the Heritage Committee Meeting held on the 2 November 2023:

4. Council endorse the Committee Recommendations in respect of item 3.1.3, namely:
  - a) Lobby the NSW Government for increased funding for this program.
  - b) Notes that an increase in heritage listings provides further justification to seek further NSW Government funding, and increasing the size of the program.

and refers the following recommendation to Council's 2024/2025 Budget/Operational Plan process:

- c) Increases funding of the Local Heritage Assistance Fund to \$100,000, and consider a tiered contributions, and other means to administer the program.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Nil.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**MOTION:**

RESOLVED on the Motion of Councillor Sheather seconded Councillor Wheeler

*Refer to RESOLUTION*

**209 RESOLUTION:**

That in relation to the Minutes of the Heritage Committee Meeting held on the 2 November 2023:

5. Council arrange a teleconference between members of the Heritage Advisory Committee, the Liveability consultants and Council staff to provide advice in regard to the paving in Windsor.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Reardon, Sheather, Veigel and Zamprogno.

**Against the Motion:** Councillors Lyons-Buckett and Wheeler

**Absent:** Nil.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**6. NOTICES OF MOTION**

**6.1.3. NM3 – Rising Main C – (155346)**

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**MOTION:**

RESOLVED on the motion of Councillor Dogramaci, seconded by Councillor Sheather.

*Refer to RESOLUTION*

**210 RESOLUTION:**

RESOLVED on the motion of Councillor Dogramaci, seconded by Councillor Sheather.

That:

1. Council engage an independent and suitably qualified probity investigator, auditor, lawyer or project manager, to investigate and prepare a report on:
  - a) The failure of Rising Main C, following the 2022 flood event;
  - b) The procuring of the contract to repair, replace and reconstruct Rising Main C;
2. The requests for quotations for the investigation be reported to Council for the procurement decision.
3. The terms of engagement for the requisite investigation, shall require, at the least, the engaged investigator to review or examine:
  - a) Council's maintenance schedule and logs specific to the care and maintenance of Rising Main C, prior to the flood events of 2020-2022;
  - b) All or any precautions or damage mitigation measures implemented by Council to protect Rising Main C prior to the flood events of 2020-2022;
  - c) The likely cause for the failure of Rising Main C;
  - d) The procurement process followed by Council when engaging the relevant contractor to repair, replace and reconstruct Rising Main C;
  - e) The efficiency and effectiveness of Council's response.

**For the Motion:** Councillors McMahon, Conolly, Djuric, Dogramaci, Lyons-Buckett, Reardon, Sheather, Wheeler and Zamprogno.

**Against the Motion:** Councillors Calvert, Kotlash and Veigel.

**Absent:** Nil.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**6.1.4. NM4 –Valley Way Road, Glossodia – (155346)**

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A MOTION was moved by Councillor Dogramaci, seconded by Councillor Sheather.

That Council:

1. Promptly/immediately appoint an independent investigator or, a qualified infrastructure surveyor or, an experienced project manager, and/or a qualified all-round maintenance operator or an external auditor to provide the following reports: (The full details of the repair – VALLEY WAY and report to be tabled to the 12 Councillors.)
  - a) Provide the details of the collapse of the road, investigation and repair process.
  - b) Investigate the flood history, particularly the events leading up to the flood incident involving “the collapse” of the road above examining if any precautions taken.
  - c) How did the Council know about the collapse of the road.
  - d) Examine the repair process including the precautions taken by the Council.
  - e) Determine the appointment of the traffic controlling operation and extensive delay in repair.
  - f) Investigate the initial cost estimate \$45K-50K against the delay in repair costing the Council over a million dollars.

An AMEMENDMENT was moved by Councillor Wheeler seconded by Councillor Lyons-Buckett

That Council:

1. Receive a Briefing on the works undertaken on Valley Way, Glossodia to include:
  - a) Provide the details of the collapse of the road, investigation and repair process.
  - b) Investigate the flood history, particularly the events leading up to the flood incident involving “the collapse” of the road above examining if any precautions taken.
  - c) How did the Council know about the collapse of the road.
  - d) Examine the repair process including the precautions taken by the Council.
  - e) Determine the appointment of the traffic controlling operation and extensive delay in repair.
  - f) Investigate the initial cost estimate \$45K-50K against the delay in repair and increased cost.
2. Following the Briefing, determine the actions arising.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**For the Amendment:** Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Amendment:** Councillor Kotlash.

**Absent:** Nil.

**MOTION:**

RESOLVED on the motion of Councillor Dogramaci, seconded by Councillor Sheather.

***Refer to RESOLUTION***

**211 RESOLUTION:**

RESOLVED on the motion of Councillor Dogramaci, seconded by Councillor Sheather.

That Council:

1. Receive a Briefing on the works undertaken on Valley Way, Glossodia to include:
  - a) Provide the details of the collapse of the road, investigation and repair process.
  - b) Investigate the flood history, particularly the events leading up to the flood incident involving “the collapse” of the road above examining if any precautions taken.
  - c) How did the Council know about the collapse of the road.
  - d) Examine the repair process including the precautions taken by the Council.
  - e) Determine the appointment of the traffic controlling operation and extensive delay in repair.
  - f) Investigate the initial cost estimate \$45K-50K against the delay in repair and increased cost.
2. Following the Briefing, determine the actions arising.

**For the Motion:** Councillors McMahon, Djuric, Dogramaci, Lyons-Buckett, Reardon, Sheather, Wheeler and Zamprogno.

**Against the Motion:** Councillors Calvert, Conolly, Kotlash and Veigel.

**Absent:** Nil.



**ORDINARY MEETING**

**Minutes: 21 November 2023**

**8. CONFIDENTIAL REPORTS**

**212 RESOLUTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon.

That:

1. The Council meeting be closed to deal with confidential matters and in accordance with Section 10A of the Local Government Act, 1993, members of the Press and the public be excluded from the Council Chambers during consideration of the following items:

**Item: 8.1.1 GM - 2024 Hawkesbury Australia Day Awards - (79351, 15988)**

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993 and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).*

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

**Item: 8.3.1 CS - Acquisition of Part of 331 Commercial Road, Vineyard**

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993 and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to the purchase of property by the Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

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

**Item: 8.1.2 GM – General Manager’s Performance Agreement – 2023/2024 – (125610)**

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 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 public.*

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).*

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

**ORDINARY MEETING**

**Minutes: 21 November 2023**

3. 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 these matters be withheld from the Press and Public.

**213 RESOLUTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon that open meeting be resumed.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**8.1. GENERAL MANAGER**

**8.1.1. GM - 2024 Hawkesbury Australia Day Awards - (79351, 15988)**

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Councillor Conolly declared a pecuniary interest in relation to Category 3 in this matter as one of the nominees for the awards is a client of his business. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Reardon declared a less than significant non-pecuniary conflict of interest in relation to Category 4 in this matter as she was the nominator of a nominee, and no further action is required.

Councillor McMahon declared a less than significant non-pecuniary conflict of interest in Categories 1, 3 and 4 in this matter as she is the patron of an organisation that has been nominated and no further action is required.

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**MOTION:**

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Veigel, seconded by Councillor Kotlash.

***Refer to RESOLUTION***

**214 RESOLUTION:**

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Veigel, seconded by Councillor Kotlash.

That Council adopt the confidential recommendation developed in closed session of Council in regard to the recipients of the 2024 Australia Day Awards.

**For the Motion:** Councillors McMahon, Calvert, Djuric, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Councillor Dogramaci.

**Absent:** Councillor Conolly.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**8.3. CORPORATE SERVICES**

**8.3.1. CS - Acquisition of Part of 331 Commercial Road, Vineyard – (95496, 159585)**

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**MOTION:**

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon.

***Refer to RESOLUTION***

**215 RESOLUTION:**

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon.

That:

1. Council approve the acquisition of part of 331 Commercial Road, Vineyard, being Proposed Lot 1 in Deposited Plan 1286630, comprising an area of 722.2m<sup>2</sup>, for the purposes of construction of a roundabout and road widening, for the amount detailed in this Report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Council grant delegation to the General Manager to execute any documents on behalf of Council, associated with the acquisition process, which do not require the Seal of Council to be affixed.
4. Details of Council's resolution be conveyed to the affected landowner together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate documentation to put such resolution into effect has been executed.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Nil.

**ORDINARY MEETING**

**Minutes: 21 November 2023**

**8.1. GENERAL MANAGER**

**8.1.2. GM - General Manager's Performance Agreement - 2023/2024 - (125610)**

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**MOTION:**

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Conolly.

***Refer to RESOLUTION***

**216 RESOLUTION:**

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Conolly.

That Council receive and note the General Manager's Performance Agreement for the 2023/2024 Financial Year.

**For the Motion:** Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Nil.

Meeting terminated at 9:27pm.

Submitted to and confirmed at the Ordinary meeting on 12 December 2023.

.....  
Mayor

**ORDINARY MEETING**

**3. MAYORAL MINUTES**

**Meeting Date:** 12 December 2023

**3. MAYORAL MINUTES**

There was no Mayoral Minute at the time of preparing this Business Paper.

Notwithstanding the above, pursuant to Clauses 9.6-9.9 of Council's Code of Meeting Practice, the Mayor may submit a Mayoral Minute to the meeting without notice in relation to any matter or topic that:

- Is within the jurisdiction of the Council
- Council has official knowledge of.

However, a Mayoral Minute must not be put without notice if it relates to a routine or non-urgent matter.

A matter is considered to be urgent when it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

**4. REPORTS FOR DETERMINATION**

**4.1. PLANNING DECISIONS**

**4.1.1. CP - Planning Proposal - LEP001/21 - 745 Old Pitt Town Road, Oakville - (95498, 124414)**

**Directorate:** City Planning

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**PLANNING PROPOSAL INFORMATION**

<b>File Number:</b>	<b>LEP001/21</b>
<b>Property Address:</b>	745 Old Pitt Town Road, Oakville
<b>Applicant:</b>	SLR Consulting Pty Ltd
<b>Owner:</b>	Mr F and Mrs EJ Gatt
<b>Date Received:</b>	6/04/2021
<b>Current Zone:</b>	RU4 Primary Production Small Lots
<b>Site Area:</b>	2.009Ha
<b>Key Issues:</b>	Service Station and neighbourhood shops
	Metropolitan Rural Area
	Proposed additional permitted use clause
	Consistency with relevant State and Local Planning Framework

**PURPOSE OF THE REPORT**

The purpose of this report is to present a proponent-initiated Planning Proposal for 745 Old Pitt Town Road, Oakville to Council for a determination on whether to support and submit the Planning Proposal to the Department of Planning and Environment for a Gateway Determination. The Planning Proposal seeks to amend the Hawkesbury Local Environmental Plan 2012 to enable a service station and neighbourhood shops as additional permitted uses with consent on the south-eastern part of the subject site.

**EXECUTIVE SUMMARY**

Council is in receipt of a Planning Proposal from SLR Consulting Pty Ltd for land legally described as Lot 11, DP 1157046 at 745 Old Pitt Town Road, Oakville (subject site). The Planning Proposal seeks to amend the Hawkesbury Local Environmental Plan (LEP) 2012 to enable a service station and neighbourhood shops as additional permitted uses with consent on the south-eastern part of the subject site.

The Planning Proposal seeks to achieve the above intended outcome by inserting a new local clause in Schedule 1 'Additional permitted uses' of the Hawkesbury LEP 2012 to include a service station and neighbourhood shops as additional permitted uses on south-eastern part of the subject site. Further, the Planning Proposal seeks to amend the Additional Permitted Use Map of the Hawkesbury Local Environmental Plan 2012 to reflect the additional permitted uses on that part of the subject site.

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

At its Meeting on 20 July 2023, the Hawkesbury Local Planning Panel considered the Planning Proposal and advised that there is insufficient information to make an informed decision or support the Planning Proposal in its current form.

In response to the Hawkesbury Local Planning Panel advice, a short report regarding the subject site, location and the proposed uses on the subject site was received from the applicant on 27 October 2023.

This report provides a detailed assessment of the Planning Proposal against the relevant State and Local planning framework, and concludes that the Planning Proposal fails to demonstrate how it is consistent with the relevant NSW State and Local Planning framework and does not clearly articulate strategic and sited-specific merits. Therefore, the Planning Proposal is not considered worthy of support.

#### RECOMMENDATION

That Council:

1. Not support the preparation of Planning Proposal (LEP001/21) for 745 Old Pitt Town Road, Oakville, to amend the Hawkesbury Local Environmental Plan (LEP) 2012 to enable a service station and neighbourhood shops as additional permitted uses with consent on the south-eastern part of the subject site.
2. Notify the applicant and the Department of Planning and Environment of the Council's resolution not to support the preparation of a Planning Proposal to enable the proposed service station and neighbourhood shops on the subject site.

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#### BACKGROUND

##### Background and History

The subject site has a history of development approvals as shown in Table 1:

**Table 1: Past Development Approvals**

Approved Development/Work	Development Application (DA)	Date of Approval
Dwelling house and attached garage	DA0789/14	10/03/2015
Rural Shed	CDC150062	12/03/2005
Removal of five trees	DA0080/15	20/03/2015
Removal of two trees	DA0311/16	15/06/2016
Structure Ancillary to Dwelling House - Front Fence	DA0739/16	15/11/2016

On 19 September 2021, Council received a Planning Proposal from SLR Consulting Pty Ltd which seeks to insert a new local clause in Schedule 1 'Additional permitted uses' of the Hawkesbury Local Environmental Plan 2012 to enable a service station and neighbourhood shops as additional permitted uses with consent on the south-eastern part of the subject site. A preliminary assessment of the Planning proposal undertaken by Council Officers highlighted that as submitted it was not consistent with the relevant State and Local Planning framework, and did not clearly articulate sufficient strategic and site-specific merits of the proposal. As a result, a meeting was held with the



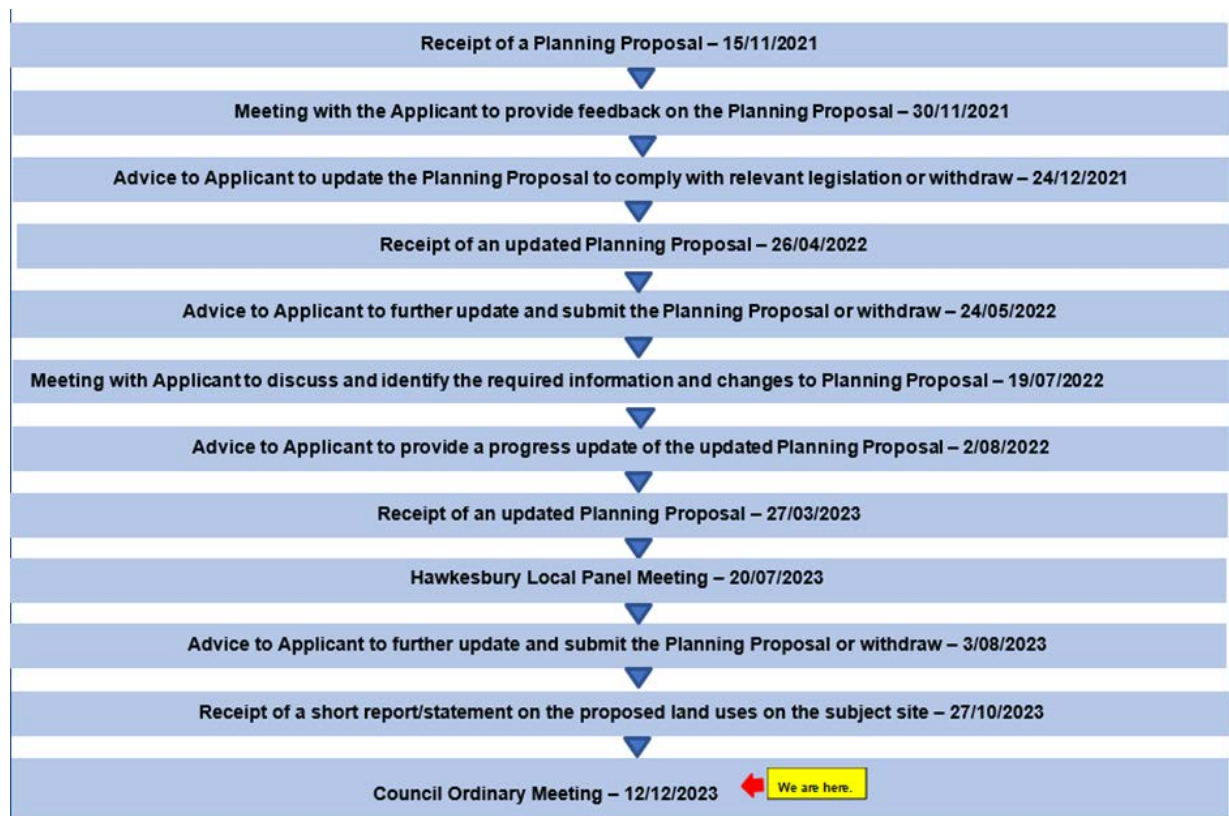
## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

applicant to go through the findings of the preliminary assessment and advise how to address those issues with appropriate justifications in a revised Planning Proposal. On 27 March 2022, the amended Planning Proposal was lodged on the NSW Planning Portal by the applicant. In May 2022, the applicant was advised in writing that the amended Planning Proposal still failed to demonstrate sufficient strategic and site-specific merits, and consistency with the relevant legislation and a further updated proposal satisfactorily addressing those issues needed to be submitted to Council. In July 2022, a further meeting was held with the applicant, and subsequently an updated Planning Proposal was submitted on the Planning Portal on 27 March 2023 which is the latest version (Attachment 1). The Planning Proposal includes the following background information.

#### Timeline: Planning Proposal for 745 Old Pitt Town Road, Oakville



The existing dwelling house and the outbuildings located towards the south-eastern corner were demolished in January 2021 following completion of the construction of the approved dwelling house and attached garage closer to the north-western boundary. This was in accordance with conditions of development consent for the dwelling house and attached garage on the subject site (DA0789/14). The Aerial view (January 2021) shown Figure 1 confirms the demolition.

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**



**Figure 1: Aerial Views – Before and After Construction of the Dwelling House**

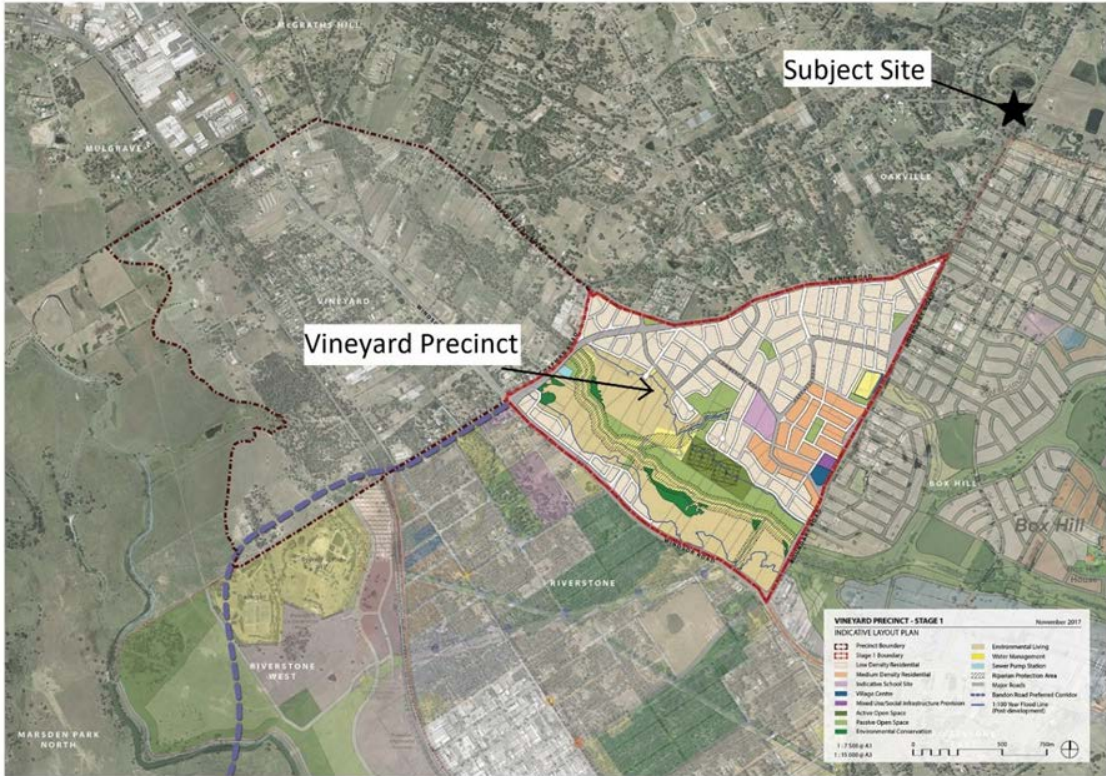
The subject site currently includes a single-storey dwelling, a rural shed, scattered trees mainly along the north-eastern boundary, front fencing and associated driveway providing access from Old Pitt Town Road as shown in Figure 2.



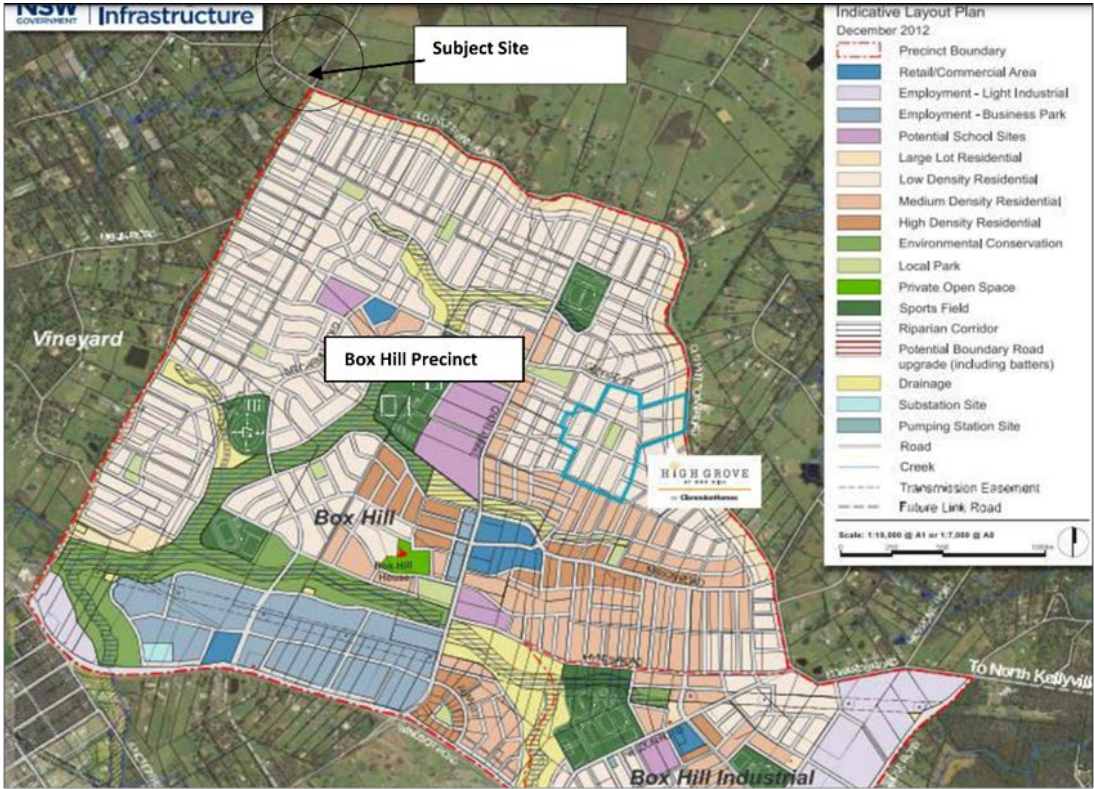
**Figure 2: Existing Development**

The subject site is located approximately 800m north of the Vineyard Precinct - Stage 1 and directly opposite the Box Hill Release Area as shown in Figures 3 and 4 respectively. Further, the subject site is located approximately 3km from the Riverstone West Residential Precinct which forms part of the North-West Growth Centre.

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**



**Figure 3: Subject Site in Relation to Vineyard Precinct Stage 1**



**Figure 4: Subject Site in Relation to Box Hill Residential Precinct**

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

The subject site is legally described as Lot 11, DP 1157046, has an area of 2.009ha and is located at the intersection of Boundary Road/Old Pitt Town Road, Oakville. Figure 5 shows that the subject site is rectangular in shape. The subject site has an approximate frontage to Boundary Road of 130m, and approximately 142m frontage to Old Pitt Town Road with current access via Old Pitt Town Road.



Figure 5: Aerial View of the Subject Site

The subject site is surrounded by residential and primary production/rural agricultural land, and north and west of the subject site, and west of Boundary Road is predominantly residential with some agricultural uses.

**Current Planning Controls**

The subject site is currently zoned RU4 Rural Small Holdings under the Hawkesbury Local Environmental Plan 2012, with a 2ha minimum Lot Size, and 10m maximum height of building provision.

The subject site is identified as being Bushfire Prone (Vegetation Category 3), and is affected by Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the Hawkesbury Local Environmental Plan 2012. The subject site contains Shale Plains Woodland and connectivity between Remnant Vegetation as identified on the Terrestrial Biodiversity Map of the Hawkesbury Local Environmental Plan 2012.

The subject site is not subject to flooding, and is not listed as a heritage item or located within or near a conservation area.

The subject site is identified as containing Agriculture Land Classification 3 in maps prepared by the former NSW Department of Agriculture.

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

The subject site falls within the Middle Hawkesbury-Nepean conservation area sub-catchment of Part 6.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021 and is not shown on the Hawkesbury-Nepean Riverine Scenic Area Map.

#### Justification for the Planning Proposal

The applicant has provided the following justification for the Planning Proposal:

- Neighbourhood shops as an additional permitted use on the subject site will cater for the day-to-day needs of the people who live and work in the surrounding area.
- The site is located to the west of the Box Hill Release Area which has experienced significant residential development within R2 Low Density and R3 Medium Residential zones over the past decade.
- The Box Hill Release Area expects to accommodate an additional 57,000 residents by 2041.
- The predominant land use in the immediate vicinity is residential.
- Significant growth is occurring in the wider precinct.
- The proposed neighbourhood shops and the service station will cater for the growing population within the Riverstone Precinct Stage 1 and Box Hill Release Area.
- The growing population within the Oakville and Box Hill area will create increased demand for local shops and businesses.
- The future service station will meet the increased demand of the new residential population within the Box Hill Release Area.
- The Planning Proposal will enable increased local job opportunities.
- The subject site is connected to the existing local and regional transport network.

#### Planning Proposal

The intended outcome of the Planning Proposal is to permit neighbourhood shops and a service station as additional permitted uses on the south-eastern part of the subject site shown in Figure 6.



Figure 6: Part of the Subject Site Proposed for Additional Permitted Uses

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

The Planning Proposal seeks to achieve this intended outcome by inserting the following new local clause in Schedule 1 'Additional permitted uses' of the Hawkesbury Local Environmental Plan 2012 to include a service station and neighbourhood shops as additional permitted uses on the subject site.

"21 Use of Certain land at 745 Old Pitt Town Road, Oakville:

(1) This clause applies to land at 745 Old Pitt Town Road, being part of Lot 11 DP1157046, identified as "8" on the Additional Permitted Uses Map.

(2) Development Consent for the purposes of a service station and neighbourhood shops are permitted with consent

(3) Development consent under subclause (2) must not be granted—

(a) if the total gross floor area of all neighbourhood shop tenancies within the site is greater than 800m<sup>2</sup>

The Planning Proposal also seeks to amend the Additional Permitted Use Map of the Hawkesbury Local Environmental Plan 2012 to identify the south-eastern part of the subject site to which the proposed additional permitted use clause applies as item "8".

**Development Concept Plan**

The Planning Proposal includes a Development Concept Plan to show how the subject would be developed to achieve the intended outcome of the Planning Proposal.

A Development Concept Plan is shown in Figure 7 in order to highlight how the south-eastern part of the subject site could be developed for the proposed service station and neighbourhood shops.

According to the Development Concept Plan, the south-eastern part of the subject site would be developed to include the following facilities/uses:

- Service station building accommodating 400m<sup>2</sup> convenience store
- Neighbourhood shops – Retail Area 1 and Retail Area 2 (783m<sup>2</sup> total floor area)
- Loading bay adjacent to the service station building
- Six fuel dispensers and a canopy covering the fuel dispensers
- Onsite parking facility (45 spaces)
- Underground fuel tanks
- Air and water bay.

Access to the future development is proposed via Old Pitt Town Road.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

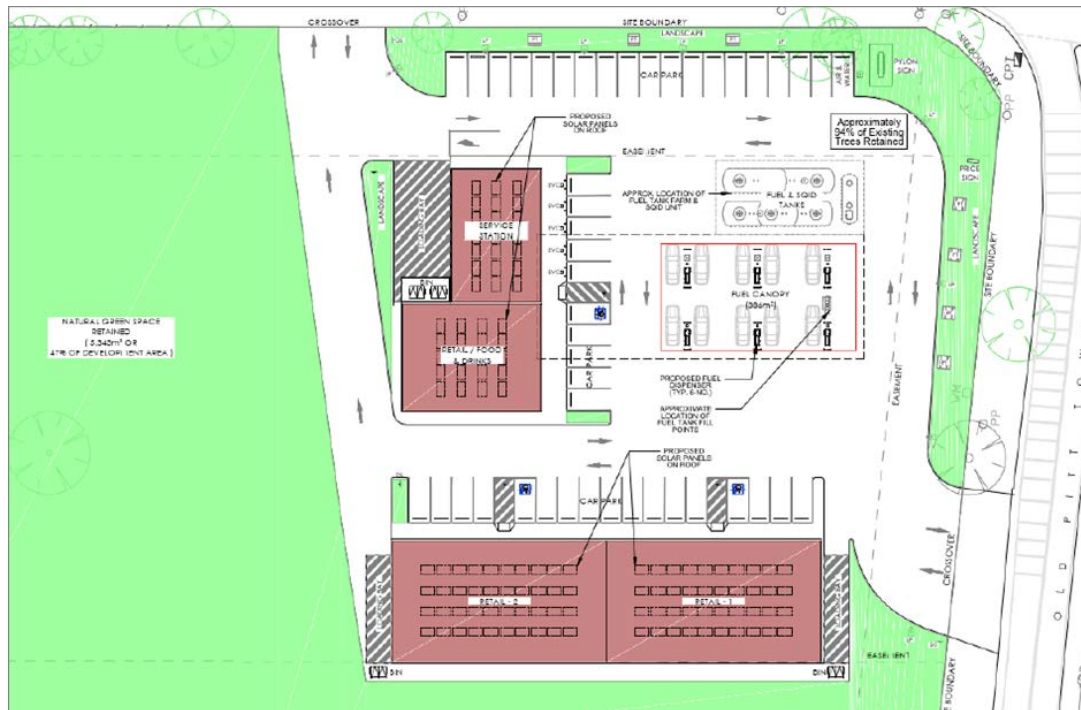


Figure 7: Development Concept Plan

A copy of the Planning Proposal is attached to this report as Attachment 1.

Hawkesbury Local Planning Panel Advice

At its Meeting on 20 July 2023, the Hawkesbury Local Planning Panel considered the Planning Proposal and supporting documentation received from the applicant. The Panel advised Council that there is insufficient information to make an informed decision or support the Planning Proposal in its current form. The minutes of the Hawkesbury Local Planning Panel Meeting on 20 July 2023, included:

*“The Panel unanimously provided the following advice:*

*That while it considers the proposal has potential strategic logic in terms of location and proposed uses, it is considered that there is insufficient information to support the Planning Proposal at this stage.*

*Planning Proposal lacks the required information to make an informed decision in the absence of the following information:*

- 1. A Traffic Impact Assessment that examines potential traffic generation for the proposed additional uses as well as other permitted retail development on the site that takes into account traffic growth out to 2036.*
- 2. Formal advice from Transport for NSW and whether there is any strategic road corridor plan for Boundary Road, and whether Transport for NSW would seek property acquisition for road widening and would seek restrictions on access to Boundary Road.*
- 3. A Social Impact Assessment and Economic Impact Assessment that determines the need for the proposal in this location, and whether any restrictions should be applied to the range of uses, site area and floor area for any retail spaces.”*

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

On 3 August 2023, the Applicant was advised of the Panel's decision above, and in response no updated Planning Proposal responding to the Hawkesbury Local Planning Panel advice and/or clearly articulating and demonstrating strategic and sited-specific merits and how it is consistent with the relevant State and Local Planning framework other than a short report/statement regarding the size and location of the subject site and retail capacity of the proposed uses on the subject site prepared by Urbacity was received from the applicant.

A copy of this short report/statement is attached as Attachment 2 to this report.

#### DISCUSSION

##### Relationship to State and Local Strategic Planning Framework

The following section discusses the consistency of the Planning Proposal with the relevant State and Local planning framework, strategic merits, and site-specific merits and subject site's suitability and capability to achieve the intended outcomes of the Planning Proposal.

##### Greater Sydney Region Plan

On 18 March 2018, the NSW Government released A 'Metropolis of Three Cities' – the Greater Sydney Region Plan. The Greater Sydney Region Plan, along with Transport for NSW's Future Transport 2056, and Infrastructure NSW's State Infrastructure Strategy 2018-36 provide a vision for Greater Sydney as a Metropolis of Three Cities- the Western Parkland City, the Central River City and the Eastern Harbour City where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The strategy outlines 38 objectives, 10 directions, and 42 objectives guiding the future of Sydney.

The subject site is not specifically identified in the Greater Sydney Region Plan.

The Planning Proposal provides the following information to establish that it is consistent with the Greater Sydney Region Plan, 'A Metropolis of Three Cities':

*"The subject site is located within the 'Western Parkland City', which is projected to increase in population by nearly 50 % from 740,000 in 2016 to 1.1 million by 2036. The Planning Proposal is aligned with the strategic vision outlined within the regional plan, with the document prepared with key planning projects in mind.*

*Of relevance to the Planning Proposal is the direction 'Infrastructure supporting new developments.'" With the additional housing capacity in the surrounding area with the urban release areas of Vineyard and Box Hill additional services are required in the surrounding locality or provide for the everyday needs of the residents. The direction highlights the importance of these services being delivered in a timely manner, aligned with the growing population. Objective 1 '*

*Infrastructure supports the three cities', which sits under this direction, outlines the needs for new infrastructure and services to be developed in the growth areas to support in shaping these new places. The intention of this Planning Proposal is to facilitate the future development of key community services, that being 'service station' and 'neighbourhood shop.' The Planning Proposal provides a place based approach by seeking an additional permitted uses for additional community servicing land uses, which will be utilised by the residents of the Hawkesbury LGA, in particular those within the Vineyard Urban Release Area. The Planning Proposal would deliver key services compatible with the surrounding residential and primary industry land uses".*

The Greater Sydney Region Plan sets out four overarching Objectives to improve the planning and provision of infrastructure across Greater Sydney. These Objectives are supported by new and refined Strategies for implementation, in collaboration with Infrastructure NSW, State agencies and



## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

councils. The Plan identifies areas that are forecast to experience significant residential and employment growth. These areas will require new and/or enhanced local and regional infrastructure to support growth.

Across Greater Sydney, significant areas have already been committed to growth and change. At the same time the NSW Government is allocating unprecedented levels of investment in transport, education and health. This is alongside investment in arts and cultural facilities across the region. A growth infrastructure compact new model piloted by the Greater Cities Commission that aims to achieve the best outcome by location and compare this across Greater Sydney. This would provide a tool to determine the most effective and appropriate locations for growth, taking into consideration a wide range of variables within a local context. Taken together, growth infrastructure compact locations could have the potential to form a set of priority locations that inform city-wide planning.

The subject site is not urban land, and not within an identified or planned growth area. It is not identified as a site or area that is forecasts to experience significant residential and employment growth. Therefore, the *'Infrastructure supporting new developments.'* direction in the Plan is not applicable to the subject site and, therefore the Planning Proposal is not considered to be consistent with the Sydney Region Plan.

#### Western City District Plan

The Western City District Plan sets out planning priorities and actions for improving the quality of life for residents of the Western City District as the District grows and changes. The Western City District covers the Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly Local Government Areas. This 20-year Plan is to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney..

The Planning Proposal provides the following information to demonstrate that it is consistent with the Western City District Plan:

*"This Planning Proposal is aligned with the Western City District Plan (WCDP) with the document been prepared with the planning priorities in mind.*

*The Planning Priority W3 'Providing services and social infrastructure to meet people's changing needs' outlines the services and infrastructure requirements to meet the needs of the growing population. As the priority explains, the increasing population will place additional demand on the existing services which are already near capacity. The APUs proposed, that being 'service station' and 'neighbourhood shop' are considered to be a part of the key service infrastructure for communities. Within the immediate locality although there has been and will continue to be a significant increase in residential development, there is an undersupply of the required supporting infrastructure and services. The PP would enable the opportunity to improve accessibility to the fundamental infrastructure and services to cater for the needs of the community. Furthermore, by placing the proposed land uses at the subject site it will contribute to improving the liveability of the local neighbourhood. The PP is aligned with Action 9 of the Planning Priority W3 as it would provide the opportunity for development that reflects the needs of the community now and into the future."*

Social infrastructure is essential to maintaining and improving the quality of life of all Australians. It is critical for social inclusion and cohesion. Social infrastructure provides not only the essential services required for communities to function, but also the services that make places liveable and help improve the quality of life for people living there. Alongside economic infrastructure, it provides direct benefits to individuals, as well as broader social and economic benefits to local communities.

The Western City District Plan states that the District's population grows, major demographic changes are also occurring. Planning needs to recognise the changing composition of population groups in local places and provide services and social infrastructure that meet the changes in people's needs through different stages of life. This requires integrated planning and collaboration, including

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

consideration of the provision of services, and the overall health and wellbeing outcomes for the community and intergenerational equity.

Further, social infrastructure referred to in the Plan is comprised of the facilities, spaces, services and networks that support the quality of life and wellbeing of our communities. It helps the community to be happy, safe and healthy, to learn, and to enjoy their life. Further, Social infrastructure assets are the buildings and spaces that facilitate the delivery of social services by governments and other service providers.

The Planning Proposal seeking to enable neighbourhood shops and a service station on the subject site is not considered to be a social infrastructure and is some form of an economic infrastructure. As such, the Planning Proposal is not considered to be consistent with the Planning Priority W3 'Providing services and social infrastructure to meet people's changing needs'. Further, the Planning Proposal does not provide any other information other than the above information to demonstrate that is consistent with the western City District Plan.

#### **Metropolitan Rural Area**

The Greater Sydney Region Plan and the Western City District Plan identify the whole Hawkesbury Local Government Area (except the Vineyard Precinct in the North West Growth Area) as a Metropolitan Rural Area or protected land (National Park). Objective 29 of The Greater Sydney Region Plan is to protect and enhance the environmental, social and economic values in rural areas. The Greater Sydney Region Plan identifies a number of factors influencing land use in the Rural Metropolitan area, and one of them is local demand to live and work in a rural town or village. The Plan acknowledges that the distinctive towns and villages of the Metropolitan Rural Area offer opportunities for people to live and work in attractive rural or bushland settings, close to a major city. They provide focal points for local communities and rural industries. Ongoing planning and management of rural towns and villages will need to respond to local demand for growth, the character of the town or village and the values of the surrounding landscape and rural activities.

Further, the Greater Sydney Region Plan acknowledges that maintenance and enhancement of the distinctive character of each rural and bushland town and village is a high priority. Ongoing planning and management of rural towns and villages will need to respond to local demand for growth, the character of the town or village and the values of the surrounding landscape and rural activities.

The Planning Proposal provides the following information to demonstrate that it is consistent with the objectives of the Metropolitan Rural Area:

*"The Western City District Plan reinforces the objectives outlined in the Metropolis of Three Cities in seeking to better manage and protect the metropolitan rural areas. The District Plan emphasises the importance of the rural areas, with the western districts rural land producing egg production, dairy activities, irrigated horticulture, nurseries for cut flowers and turf and extractive industries for construction material resources. The Plan states the need to prevent 'inappropriately dispersed urban activities in rural areas.' This PP is aligned with the District Plan in seeking to preserve the rural areas within the western district, demonstrated by the proposal seeking an APU and not a spot rezoning. The Regional Plan has a strong emphasis on protection of MRA land to safeguard Sydney's agricultural areas. It is noted that the site and its immediate surrounding properties are not utilised for agricultural purposes. By enabling the APU of 'service station' and 'neighbourhood shop' on the site there will not be any significant impact on important agricultural land.*

*The plan highlights the need to maintain and enhance the distinctive rural character in the western district. It is key to note that the site's location is on the immediate boundary of a regional growth area. The future proposal would seek to redevelop only the southern component of the site, whilst still retaining the existing rural residential property to the north. By retaining the rural dwelling, it provides a buffer from the development into the rural area, therefore providing a screening barrier for the rural areas to the north from the urban growth*

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

*area to the south. The development is oriented to the west, facing the adjacent residential development of the Box Hill urban growth area.*

*An important focus of MRAs is the rural towns and villages. The development of the service station and neighbourhood shops would service the surrounding villages and towns, including Oakville, Maraylya, Pitt Town, Pitt Town Bottom and Cattai. Under the Hawkesbury LEP 2012, a Neighbourhood Shop is defined as a 'premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area.' The future development of the neighbourhood shops will provide a local service to the identified surrounding rural towns and villages, reducing local residents need to travel far for day-to-day needs".*

The subject site is not located within any rural town or village and is away from approximately 9km from the Richmond- Windsor Strategic Centre and 7km from the McGraths Hill Neighbourhood Centre. Therefore, the Planning Proposal would not be able to achieve the expected outcomes for rural towns or villages referred to in the Greater Sydney Region Plan and the Western City District Plan and therefore it not considered to be consistent with the Metropolitan Rural Area.

#### **State Environmental Planning Policies (SEPP)**

The Planning Proposal's consistency with the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 6: Water Catchment (6.13 Hawkesbury-Nepean conservation area sub-catchments)

Chapter 6 requires Council to consider the following matters when determining a development application for a land within the Hawkesbury-Nepean conservation area sub-catchments:

- (a) whether the development will minimise human interference with the condition of the sub-catchment,
- (b) whether the development will maintain and enhance the structure and floristics of native vegetation in the sub catchment,
- (c) whether the development will maintain or enhance the scenic quality of the locality,
- (d) whether development has previously been carried out on the development site.

It is considered that the future use of south-eastern part of the subject site for the purposes of a service station and neighbourhood premises would be able to satisfy the above development provisions or be able to appropriately minimise any impacts.

#### **State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4: Remediation of land**

Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated prior to granting consent to carrying out any development on that land and, if the land is contaminated, be satisfied that the land is suitable in its current state or will be after remediation for the purpose for which the development is proposed to be carried out.

According to Council's records, the subject site has not been used for agricultural purposes or any other purpose referred to in Table 1 of the contaminated land planning guidelines. A Site Investigation Report prepared by SMEC Testing Services Pty Ltd, dated 28 July 2014 which formed part of the previous Development Application (DA0789/14) has been submitted in support of the Planning Proposal. However, this report focuses on the soil bearing capacity or the land capability to withstand a dwelling house, and is not a contamination assessment.

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

#### **State Environmental Planning Policy (Resources and Energy) 2021 Chapter 3: Extractive Industries in Sydney**

The subject site is not within the vicinity of land described in Division 1, 4, 6, 7, 8 or 9 of Schedule 3 of the State Environmental Planning Policy (Resources and Energy) 2021. The Planning Proposal is therefore consistent with this State Environmental Planning Policy. The Planning Proposal is generally considered to be consistent with this policy.

Relevant to the Planning Proposal are the following ministerial directions:

**Direction 1.1 Implementation of Regional Plans** As outlined in the early part of this report, the Planning Proposal is not considered to be consistent with the relevant regional plans.

**Direction 1.3 Approval and Referral Requirements** The Planning Proposal does not require concurrence, consultation or referral of a development application to a minister or public authority, and therefore the Planning Proposal is consistent with this direction.

**Direction 1.4 Site Specific Provisions** The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The Planning Proposal is generally consistent with Direction 1.4 as the proposal seeks an amendment to Schedule 1 Additional Permitted Uses of the Hawkesbury Local Environmental Plan 2012 only, and does not propose any site specific development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

**Direction 4.3 Planning for Bushfire Protection** The subject site is identified as being bushfire prone, containing Vegetation Category 3 on the NSW Rural Fire Service's Bushfire Prone Land Map. This Direction requires consultation with the NSW Rural Fire Service following receipt of a Gateway Determination under section 3.34 of the Environmental Planning and Assessment Act 1979, and prior to undertaking community consultation in satisfaction of Schedule 1, clause 4 of the Act.

The Planning Proposal is not accompanied by a Bushfire Assessment Report. Therefore, it is unable to confirm that the Planning Proposal is consistent with this direction.

**Direction 4.4 Remediation of Contaminated Land** The subject site is not within an investigation area within the meaning of the Contaminated Land Management Act 1997. According to Council's records, the subject site has not been used for agriculture purposes or any other purpose referred to in Table 1 of the contaminated land planning guidelines.

The Planning Proposal is not accompanied by a preliminary Site Investigation Assessment. However, should the Planning Proposal proceed, the Department of Planning and Environment will consider this as part of the Gateway Determination, and if required will request further information/consideration of this matter. The Planning Proposal is considered to be generally consistent with this Direction.

**Direction 4.5 Acid Sulfate Soils** This Direction requires that a relevant planning authority must not prepare a Planning Proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.

The subject site is identified as containing Class 5 acid sulfate soils on the Acid Sulphate Soils Planning Maps, and as such any future development on the land will be subject to Clause 6.1 Acid Sulfate Soils of the Local Environmental Plan 2012 which has been prepared in accordance with the 'Acid Sulfate Soils Model Local Environmental Plan provisions within the Acid Sulfate Soils' Planning Guidelines adopted by the Director General.

**Direction 8.1 Mining, Petroleum production and Extractive Industries.** The objective of this direction is to ensure that future extraction of State or Regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. The Planning Proposal is consistent with this direction as the subject site is not located within an Identified

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

Resource Area, Potential Resource Area or the Transition Area which is adjacent to Identified Resource Areas as identified by mineral resource maps provided by the NSW Resource and Energy Division of NSW Trade & Investment. Additionally, the subject site is not located within or in the vicinity of land described in Schedule 1, 2 and 5 of the State Environmental Planning Policy (Resources and Energy) 2021.

**Direction 9.1 Rural Zones** The objective of this direction is to protect the agricultural production value of rural land.

This Direction requires that planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). The Planning Proposal seeks to amend Schedule 1 Additional Permitted Uses of the Hawkesbury Local Environmental Plan 2012 and does not propose to rezone the subject site to a different zone to permit the proposed development on the subject site.

As the Planning Proposal does not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and does not contain provisions that will increase the permissible density of land within a rural zone, it is considered to be consistent with this Direction.

#### **Direction 9.2 Rural Lands**

This direction applies when a relevant planning authority prepares a planning proposal that:

- (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) changes the existing minimum lot size on land within a rural or environment protection zone.

The Planning Proposal is only to amend Schedule 1 Additional Permitted Uses of the Hawkesbury Local Environmental Plan 2012, and does not propose to amend the minimum lot size provision applying to the subject site. The land has not previously been used for agricultural purposes other than for rural residential purpose. Therefore, the Planning Proposal is not considered to be inconsistent with this direction.

**Local Planning Framework** The following section describes the Planning Proposal's consistency with the relevant Local Planning framework:

#### **Hawkesbury Community Strategic Plan 2022-2042**

The Hawkesbury Community Strategic Plan 2022-2042 is the core document underpinning Council's future planning, and determines its strategies. The Plan reflects the Hawkesbury community's priorities and aspirations for the future and focuses on four key Outcome areas - Great Place to Live, Protected Environment and Valued History, Strong Economy and Reliable Council. Under each Outcome area, Long term Objectives and Success Indicators are identified in order to meet the Community's expectations and aspirations.

The Planning Proposal provides the following information to demonstrate that it is consistent with the Plan:

*"The strategy has been developed through community consultation contains four (4) community outcomes which will guide development and decisions. Of the four (4) community outcomes, Community Outcome 2 'Protected*

*Environment and Valued History' and Community Outcome 3 'Strong Economy', is of relevance to the Planning Proposal.*

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

*The intent of Community Outcome 2 is to protect the existing natural and build environment within the region, which is sought to be done through integrating sustainability principles in all aspects of the LGA. This PP is aligned with this Outcome as it will assist in achieving the long term objective 2.4 'Encourage and enable our community to make more sustainable choices', and objective 2.6 'achieve net zero emissions target.'*

*Currently, the automotive industry in Australia is transitioning, with the adoption of new technologies transforming peoples travel with the increase of electric vehicles (EVs). The NSW State government in their Electric Vehicle Strategy stated that the vast majority of new car sales will be EVs by 2035. As shown in the concept plan (Appendix A), a future service station would be able to assist the community in transitioning towards EVs by providing electric charging stations. Although to be finalised at the DA stage, the concept plans have demonstrated that a minimum of five (5) EV charging stations could be provided on site. With the site's close proximity to the Sydney Outer Orbital Corridor and the new urban release area of Vineyard, the provision of EV charging stations will provide the infrastructure to assist and encourage the residents of the Hawkesbury LGA to transition to more sustainable choices to achieve the target of net zero emissions. The future development of the service station and neighbourhood shops would also encourage green energy solutions in addition to the EV charging stations, such as solar panels on the roof of the building and solar light poles. Other environmentally sustainable development items will be adopted at the DA and detailed design stage.*

*Community Outcome 3 seeks to ensure there is a strong economy for the Hawkesbury LGA by focusing on economic development that takes the region forward, whilst balancing future growth against the unique identity of the region. One of the key considerations identified under the HCCCSP for this outcome is to 'support diversity in local jobs to reduce residents need to commute.' By enabling neighbourhood shops as a permitted land use, it will provide an opportunity for employment for local residents within the Hawkesbury LGA, reducing the requirements for commuting. Therefore, it is considered a PP is aligned with the HCCCSP."*

The Planning Proposal is not considered inconsistent with the Hawkesbury Community Strategic Plan 2022-2042.

#### **Hawkesbury Local Strategic Planning Statement 2040**

Council adopted the Hawkesbury Local Strategic Planning Statement 2040 in January 2021 which identifies the Hawkesbury Community's economic, social and environmental land use needs over the next 20 years and sets out clear planning priorities about what will be needed in terms of jobs, homes, services and recreational needs. The Hawkesbury Local Strategic Planning Statement identifies short medium, and long-term actions to deliver the priorities for the Hawkesbury Community's future vision, and is a key document to guide Local Strategic Planning in the Hawkesbury Local Government Area.

The Planning Proposal includes the following statement to demonstrate that it is consistent with the Hawkesbury Local Strategic Planning Statement 2040:

*"Planning Priority 1 'Ensure infrastructure aligns with current needs and future growth' is of importance to the PP. The Priority states that new infrastructure and development is required to support the urban release area of the Vineyard Precinct. The infrastructure required to assist with the Vineyard precinct includes transport infrastructure, stormwater drainage infrastructure and social infrastructure. The intended APU's will provide transport and social infrastructure which will service the Vineyard precinct, through enabling the future development of local neighbourhood shops and a service station which will meet the day to day needs of the residents.*

*The PP has also addressed Planning Priority 5 'Managing Rural Areas.' This objective is based of Objective 29 of the Great Sydney Regional Plan and W17 of the Western City District Plan north which have been addressed earlier in this report. It is reiterated that the site is not*

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

*currently utilised for agricultural purposes and due to its location on the fringe of urban release area and surrounding land uses, it is considered that the land holds minimal agricultural value.*

*Planning Priority 7 of the LSPS seeks to 'promote and support all sectors of industry and business in the Hawkesbury to meet current and future demands and trends.' As the surrounding targeted urban growth areas continue to be developed there will be an increased demand for service stations and local shops to meet the daily needs of the growing population. Furthermore, the proposal will provide additional job opportunities for residents within the Hawkesbury LGA which is another indicator of the LSPS. As such, this proposal directly addresses these requirements and aligns with planning priority 7.*

*Planning Priority 10 'An aware and resilient city that can adapt to natural hazards of flood, bushfire and climate change' is also applicable to this PP. The priority's objective is to make the Hawkesbury community more resilient to natural disasters, through providing the necessary infrastructure and services. During the 2021 floods around the region the site was utilised as an evacuation point for the State Emergency Services (SES), due to its strategic location and minimal risk to flooding. It is anticipated that this site will continue to be utilised by the SES as an evacuation and meeting point during natural emergencies as required. Future development of this site will take into account the site's utilisation by the SES. As outlined in the concept plan, a significant component of the site would be maintained as natural green space that can be utilised by the SES.*

*With the ability to provide a minimum of 5 EV charging stations as well as adopting environmentally sustainable principles with solar panels and solar light poles the PP is also aligned with Planning priority 12 "Champion, educate and support a transition to renewable energy and reduced waste.' Action 12.1 of the LSPS is to 'undertake and promote solar energy initiatives to future proof its buildings to renewable energy', which is achieved through this PP. "*

As previously commented under the Greater Sydney Region Plan, the Planning Proposal seeking to enable neighbourhood shops and a service station on the subject site is not considered to be a social infrastructure and is some form of an economic infrastructure. As such, the Planning Proposal is not considered to be consistent with the Planning Priority 1 'Ensure infrastructure aligns with current needs and future growth'. The Planning Proposal is not totally inconsistent with the other Planning Priorities 5, 7, 10 and 12 outlined above..

#### **Hawkesbury Rural Lands Strategy**

The Planning Proposal provides the following information to justify that it is consistent with the Hawkesbury Rural Land Strategy:

*"The strategy outlines the key planning considerations for individual localities within the LGA including Oakville. With regard to Oakville, future long-term planning is required to consider infrastructure especially noting TfNSW's future plans for the Outer Sydney Orbital Corridor. It is considered that this PP would provide a daily service that meets the needs of the locality whilst also servicing the additional traffic from the proposed Outer Sydney Orbital Corridor*

*Data from the strategy revealed 87.2% of land in Oakville is for rural residential use and the area is considered of not great significant to agricultural supply. Furthermore, the strategic plan outlines that the Primary Production Small Lots are mainly made up of rural residential development with 91.7% of the zone rural residential use as shown in Figure 9. The data reveals that the majority of the RU4 land in Oakville is for rural residential and not agricultural farming. As such the PP is considered not to impact on rural farming land."*

Council adopted the Hawkesbury Rural Lands Strategy in March 2021 which identified five broad land use units - Agriculture Production, Rural Landscape, Native Vegetation, Rural Residential and Towns and Villages within the Hawkesbury Local Government Area as shown in Figure 8. These broad land use units have been designated using a sieve methodology which is generally a soil and land

**ORDINARY MEETING**

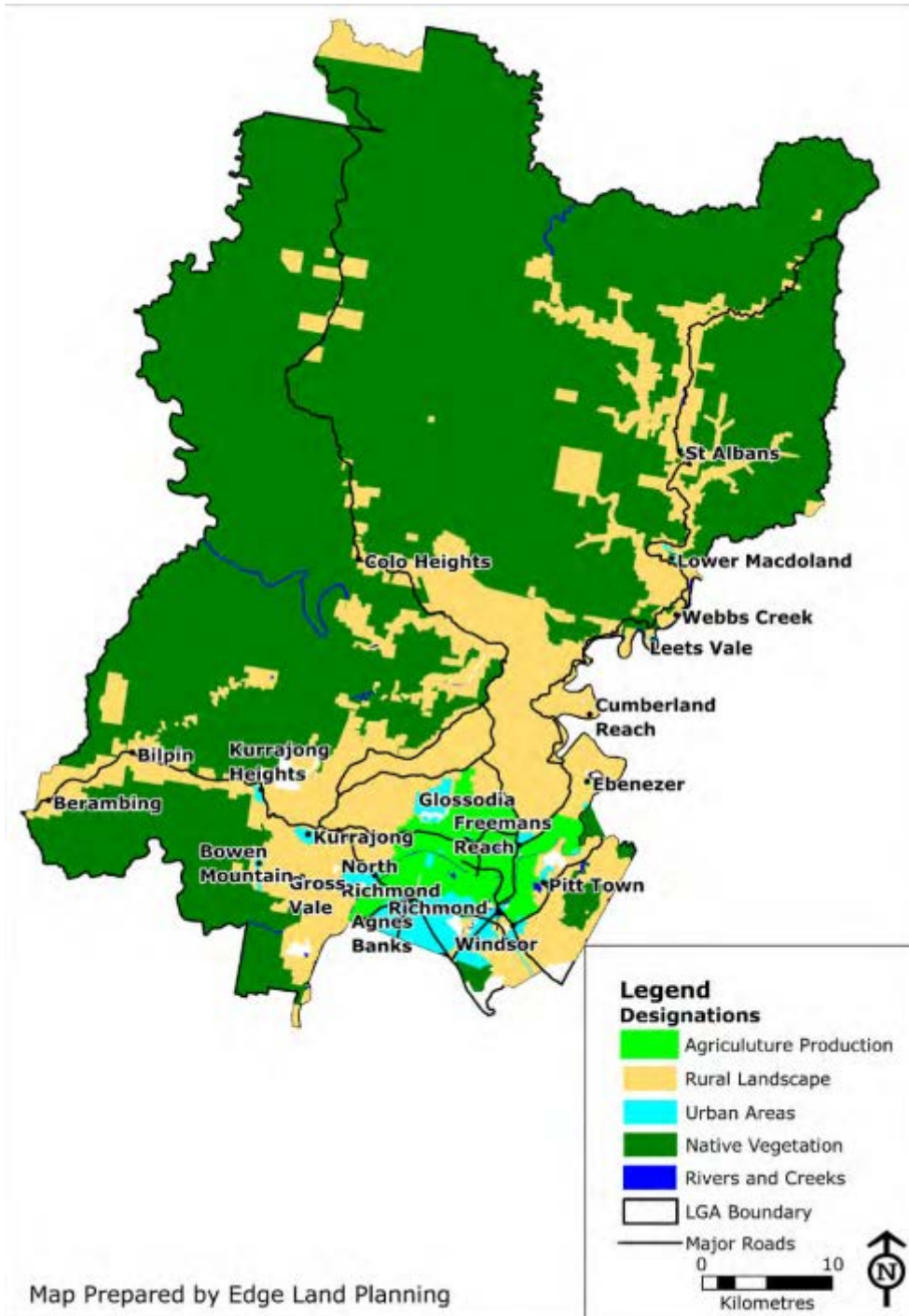
**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

capability assessment, and findings of a recent land use survey undertaken as part of the Hawkesbury Rural Lands Strategy. The Strategy states that these land units can be translated into land use designations, and recommends two broad designations of Agriculture Production and Rural Landscape for rural land within the Hawkesbury Local Government Area.

As shown in Figure 8, lands that are zoned RU4 Primary Production Small Lots within Oakville, Maraylya, Pitt Town, Cattai, Vineyard and McGraths Hill are designated as Rural Landscape and shown in yellow. The Strategy states that RU4 Primary Production Small Lots zoning was not considered necessary because its objectives are not as robust as the RU1 Primary Production zone. However, the Strategy is a guiding document for better management and protection of Hawkesbury's rural land, and does not rezone or transform RU4 Primary Production Small Lots zoned lands to RU2 Rural Landscape zone which is a matter for Council's consideration during a major review of the Hawkesbury Local Environmental Plan 2012.





**Figure 8: Land Units within the Hawkesbury LGA**

**Hawkesbury Employment Land Strategy**

The Planning Proposal includes the following information to demonstrate that it is consistent with the Hawkesbury Employment Land Strategy:

“This PP would enable a future mixed use development of multiple neighbourhood shops and a service station. This mix of land uses would provide convenience to surrounding residents with the multiple shops , while also providing a service station to meet the daily needs as well. By

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

incorporating carefully considered landscaping and unique built form it can provide an experience which is considered to bring pedestrian moment back, which is aligned with the strategic plan.

Furthermore, the strategic plan states that service stations should be located typically on main roads and busy road corridors. Boundary Road is experiencing increasing vehicle movements due to the residential developments associated with the Sydney Regional Growth SEPP, whilst the Outer Sydney Orbital Road Corridor is anticipated to pass through Oakville. It is therefore considered the subject site is in a strategic location for a service station which is aligned with the plan.”

Furthermore, the strategic plan states that service stations should be located typically on main roads and busy road corridors. Boundary Road is experiencing increasing vehicle movements due to the residential developments associated with the Sydney Regional Growth SEPP, whilst the Outer Sydney Orbital Road Corridor is anticipated to pass through Oakville. It is therefore considered the subject site is in a strategic location for a service station which is aligned with the plan.

As stated in the Hawkesbury Employment Land Strategy, Hawkesbury’s employment lands are mostly located in the southern part of the Local Government Area within the Centres of Windsor, South Windsor, Richmond, North Richmond, Pitt Town, Bligh Park and Mulgrave. Currently, employment lands within the above-mentioned centres are accommodated within the following Zones:

- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- E4 General Industrial

The Western City District Plan identifies a base line target of 12,000 Jobs and a higher target of 16,500 jobs within the Richmond-Windsor Strategic Centre Catchment by 2036. There are no such set targets identified for other rural towns, neighbourhoods or villages or rural land within the Hawkesbury Local Government Area. The subject site which is zoned RU4 Primary Production could not be classified as employment land. Therefore, Planning Proposal is considered to be inconsistent with the Hawkesbury Employment Land Strategy.

#### **Hawkesbury Net Zero Emissions + Water Efficiency Strategy**

Council is committed to becoming a net zero emissions organisation by 2030, if not sooner, and adopted the Hawkesbury City Council Net Zero Emissions and Water Efficiency Strategy on 30 March 2021. The strategy outlines a plan to guide Council, and the community to achieve emission and water reduction across Council’s operations and the broader local government area. The strategy will assist to deliver a climate resilient community with economic benefits for Council and the community through decreased operational costs and environmental benefits. The implementation of the strategy requires collaboration and coordination across Council, and stakeholders, including residents, businesses, and state government agencies.

The strategy has been developed with the following six (6) key strategies to help make Hawkesbury more sustainable and resilient into the future. These six strategies are:

- A more resilient and renewable powered grid
- Greener suburbs and better design
- Low carbon and local transport
- Towards a zero-waste community
- Drought resilient, green centres

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

- Council leading by example

The Planning Proposal includes the following information to demonstrate that it is consistent with the Hawkesbury Net Zero Emissions + Water Efficiency Strategy:

*"The PP is aligned with several of these key strategies. The future built form will incorporate solar PV panels on the roof of the building to generate greener energy and reduce emissions whilst increasing the community's energy security. The concept plan (Appendix A) provides an indicative footprint for the future development, which would enable the retention of 47% of the site as green space, with a tree retention rate across the site of 94%. This will enable new development to be delivered that retains green areas to assist in retaining greener suburbs.*

*In addition, the service station would seek to utilise modern innovations and technologies in keeping with the changing patterns of the automotive industry. A minimum of five (5) EV charging stations would be provided with the potential for additional stations as the market evolves. Although not indicated on the plans, the site could have future hydrogen capability which would allow the site to easily transition into hydrogen dispensing at the appropriate time in the future. By providing this green infrastructure it will assist the Hawkesbury LGA in achieving net zero and demonstrates the PP and future development is aligned with Council's Net Zero Emissions strategy."*

The Planning Proposal is considered to be generally consistent with the Hawkesbury Net Zero Emissions + Water Efficiency Strategy.

Hawkesbury Local Environmental Plan 2012

The subject site is currently zoned as RU4 Primary Production Small Lots under the provisions of the Hawkesbury Local Environmental Plan 2012 as shown in Figure 9.

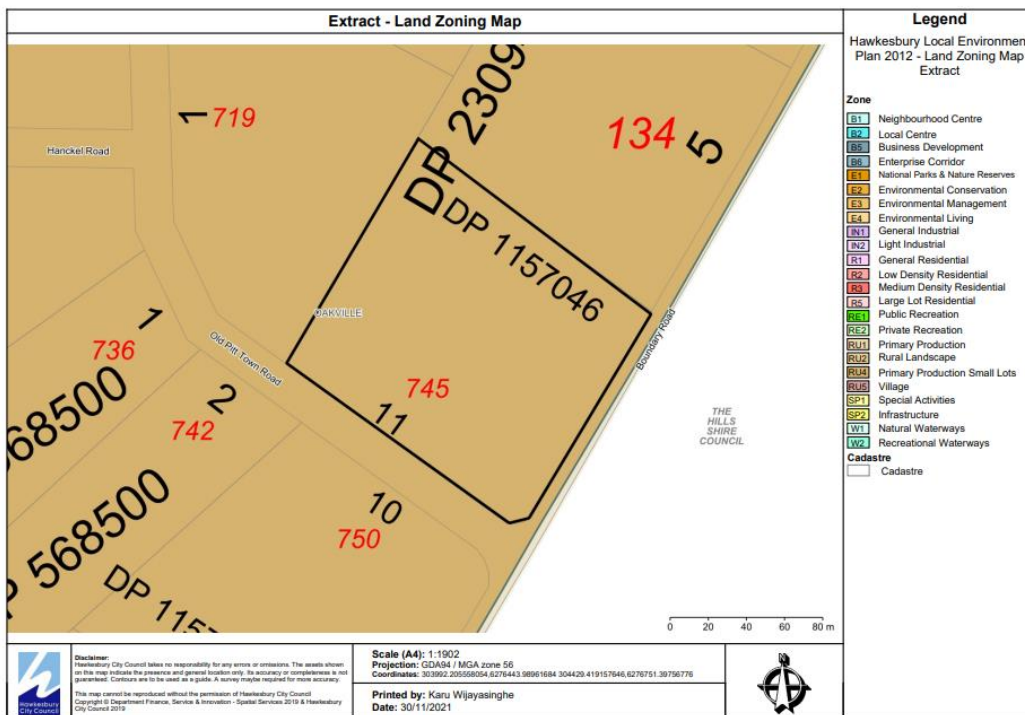


Figure 9: Extract of the Land Zoning Map

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

**Proposed Amendments**

Neighbourhood shops and service stations are prohibited land uses within the RU4 Primary Production Small Lots zone.

The LEP Practice Note (Ref No PN 11 -001) states that listings in the LEP Schedule 1 should be minimised, with appropriate justification provided to the Department for any inclusions. Wherever possible, land uses should be governed by the Land Use Table and Schedule 1 should only be used where Council has demonstrated why this cannot be achieved.

Rezoning of the subject site to a business or an industrial zone to allow the proposed development on the subject site is not considered to be an appropriate alternative as the immediate vicinity is predominantly zoned RU4 Primary Production Small Lots and would create a zoning anomaly at the locality. Also, a business or an industrial zone allows a range of land uses that are not considered to be appropriate at this location. There are no other alternatives available under the provisions of the Hawkesbury Local Environmental Plan 2012 to allow the proposed development on the south-eastern part of the subject site. Therefore, the proposed amendment to Schedule 1 Additional Permitted Uses of the Hawkesbury Local Environmental Plan 2012 is the only option available to allow development of the subject site for the proposed purposes.

Therefore, the Planning Proposal seeks to amend the Hawkesbury Local Environmental Plan 2012 to allow neighbourhood shops, and a service station as additional permitted uses on the south-eastern part of the subject site as follows:

(a) Amendment to Schedule 1 Additional Permitted Uses

The Planning Proposal proposes seeks to amend Schedule 1 Additional permitted uses as follows:

Insert the following clause after Clause 20 of Schedule 1:

21 Use of Certain Land at 745 Old Pitt Town Road

- (1) This clause applies to land at 745 Old Pitt Town Road, Oakville, being part of Lot 11 DP 1157046, identified as "8" on the Additional Permitted Uses Map.
- (2) Development consent for the purposes of a service station and neighbourhood shops are permitted with consent.
- (3) Development consent under subclause (2) must not be granted –
  - (a) if the total gross floor area of all neighbourhood shop tenancies within the site is greater than 800m<sup>2</sup>.

The proposed land uses are defined in the Hawkesbury Local Environmental Plan 2012 as follows:

*"neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area but does not include neighbourhood supermarkets or restricted premises".*

*"service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—*

- a) the ancillary sale by retail of spare parts and accessories for motor vehicles,*
- b) the cleaning of motor vehicles,*
- c) installation of accessories,*

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

- d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),*
- e) the ancillary retail selling or hiring of general merchandise or services or both".*

#### Neighbourhood Shops

Based on the above proposed clause, the maximum total gross floor area of all neighbourhood shops should be less than 800m<sup>2</sup>. In response to the advice from the Hawkesbury Local Planning Panel, Council received a short report/statement regarding the proposed neighbourhood shops and service station prepared by Urbacity in support of the Planning Proposal. The assessment of this report reveals that there is no demonstrated evidence, supportive arguments/facts, or a detailed retail needs assessment in support of the proposed 783m<sup>2</sup> neighbourhood shops and 400m<sup>2</sup> convenience store attached to the proposed service station on the subject site other than the following short statements:

- The size of the attached and unattached retail is not unusual;
- The location of the unattached retail is normal; and
- The distance of the surveyed service stations with these kinds of ancillary activities is similar to the distances of the proposed site to Local Centres in the area.

The above proposed clause with no sound justification and retail needs analysis demonstrating the proposed gross floor areas of neighbourhood shops and the convenience store attached to the service station on the subject site cannot be supported.

#### (b) Proposed Amendment to Additional Permitted Use Map

The Planning Proposal seeks to make an amendment to the Additional Permitted Use Map of the Hawkesbury Local Environmental Plan 2012 to identify the south-eastern part of the subject site to which the proposed additional permitted use clause 21 applies as item "8" on the Additional Permitted Uses Map.

In addition to the above proposed amendments, the current Clause 2.5 of the Hawkesbury Local Environmental Plan 2012 will apply to the subject site:

*"2.5 Additional permitted uses for particular land*

*(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—*

*(a) with development consent, or*

*(b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.*

*(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan".*

The following section discusses the strategic and site specific merits.

#### Strategic Merits

According to the Department of Planning and Environment's Local Environmental Plan Making Guideline (August 2023), Strategic merit means a proposal has alignment with the NSW strategic planning framework and government priority. In order to demonstrate that a Planning Proposal has strategic merits, the following need to be satisfactorily met:

1. Is the Planning Proposal a result of an endorsed LSPS strategic study or report?

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?
3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?
4. Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?
5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?
6. Is the Planning Proposal consistent with applicable SEPPs?
7. Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The assessment of the Planning Proposal against the State and Local Strategic Planning Framework under the heading - Relationship to State and Local Strategic Planning Framework outlined above reveals that the Planning Proposal is not consistent with all the relevant State Plans/Policies and Local Strategies and therefore, it is considered to be that the Planning Proposal does not hold clear strategic merits Site Specific Merits.

The subject site has strategic merits due to the following reasons:

- The subject site has strategic merit with respect to the location of the proposed service station at the corner of Old Pitt Town Road and Boundary Road which links to the regional road network.
- The subject site is located in close proximity to major urban release areas namely Vineyard Precinct Stage 1 and Box Release Area within the NSW Growth Centre.
- The Planning Proposal states that the subject site has been used as a shelter-in-place by the State Emergency Service during major flood events given its elevation above the Probable Maximum Flood (PMF) level.

#### **Site Specific Merits**

##### Topography

The subject site varies in elevation from approximately 60m AHD at Old Pitt Town Road to 53m AHD at the rear of the subject site. The subject site is relatively flat with a gentle slope towards the rear of the property, and as such is favourable to the proposed development.

##### Public Infrastructure and Services

The subject site has access to all the required infrastructure services including electricity, telephone and reticulated water other than reticulated sewerage to accommodate the planned development on the subject site.

##### Flora and Fauna

The Terrestrial Biodiversity Map of the Hawkesbury Local Environmental Plan 2012 identifies some areas/patches of land along the south-eastern and south-western boundaries as 'endangered ecological community' and the rest of the subject site as 'connectivity between remnant vegetation' as illustrated in Figure 10 below.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

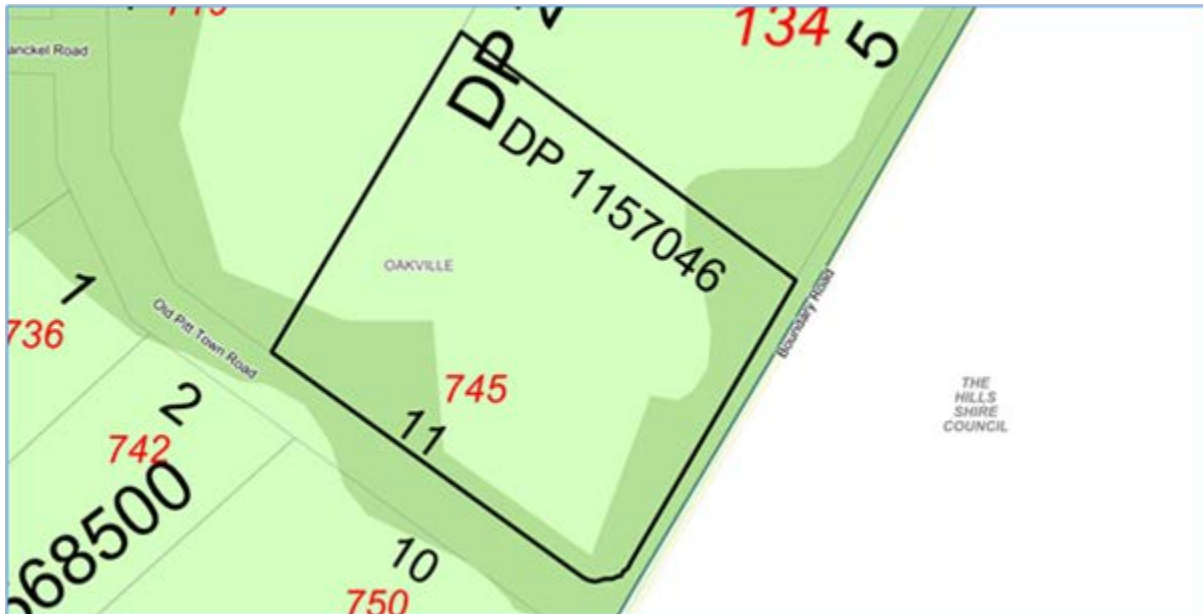


Figure 10: Extract of Terrestrial Biodiversity Map

Council vegetation mapping shows the subject site as containing Shale Plains Woodland along the South-Eastern and South-Western boundaries. Shale/Gravel Transition Forest which is listed as a Critically Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995 and under the Environment Protection and Biodiversity Conservation Act 1999.

The Planning Proposal is accompanied by a Flora and Fauna Assessment (July 2021) prepared by Bosis Pty Ltd. Approximately 0.37ha of Exotic pasture consists of a highly degraded understorey of grazed grasses and herbs occurs throughout the remainder of the study area. Cumberland Plain Woodland in the study area is low in condition due to altered structural integrity, low native species diversity and moderate levels of weed incursion resulting from historical vegetation clearing and pastoral grazing.

The Assessment concludes that: *“The current proposal indicates that 0.11ha of Cumberland Plain Woodland meeting Biodiversity Act listing criteria and highlighted in the Biodiversity Value Map.*

*In this case, where the Planning Proposal is seeking to alter the land use, the Biodiversity Act requires that the assumption of total clearance of the land. Any impacts to land mapped as biodiversity values will trigger the Biodiversity Offset Schemes and the preparation of a Biodiversity Development Assessment Report is required to accompany the development application (as per Table 2 below)”:*

Table 2: Biodiversity Offset Scheme assessment

BOS Trigger	Yes/No	Justification
Clearing threshold	No	The total clearing of native vegetation (0.11 ha) does not exceed the minimum clearing threshold of 0.5 ha, based on a minimum lot size of 2 ha.
BV Map	Yes	The project will impact on areas mapped within the BV Map.
Significant impact	No	The project is unlikely to result in a significant impact on threatened species, populations or communities listed under the BC Act.

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

*"It recommended that an application for the refinement Biodiversity Values mapping within the study area is undertaken as the current mapping covers the majority of the subject site including exotic pasture. If the Biodiversity Values mapping is amended and the development can demonstrate avoidance impacts to the Cumberland Plain Woodland, Biodiversity Development Assessment Report will not be required, and a Flora and Fauna Impact Assessment should be prepared to support the development application."*

#### Site Access and Traffic Generation

Although the subject site is a corner block with frontages to Old Pitt Town Road and Boundary Road, the current vehicular access to the subject site is from Old Pitt Town Road. Boundary Road is a State classified road which forms part of the Main Road 655 which extends from Pennant Hills Road, Pennant Hills to Old Northern Road, Dural. The subject site has a reasonable access to the regional road network via Boundary and Windsor Roads.

Given Boundary Road is a State classified road, future access to the subject site needs to be maintained via Old Pitt Town Road given that Transport for New South Wales generally restricts direct access from a classified road where considered necessary.

The proposed retail premises with an area of more than 1,000m<sup>2</sup> in total and a service station with an area of 178.5m<sup>2</sup> as shown in Figure 7 above would likely increase the traffic volume in the locality and impact on the traffic flow along Boundary Road and the regional road network. Given the subject site fronts a classified road, Transport for New South Wales will need to be consulted on the proposed development. Generally, Transport for New South Wales requires a traffic statement in support of the Planning Proposal for its consideration.

Character of the Area The immediate locality of the subject site is predominantly characterised by rural residential development and the approximate lot size within the immediate vicinity is 2ha. As shown in Figure 11, the properties immediately North, South and West are rural residential development, and the Box Hill Release Area to the East. In summary, the area immediately surrounding the subject site has two distinct visual characteristics. One area having a rural-residential character, and the other area having an urban low to medium density residential developments.

Immediately west of the proposed development on the subject site is a single-storey five-bedroom house which could potentially be incompatible with the proposed development which is in retail nature. Should the Plan be made to give effect to the Planning Proposal, this will need to be addressed at the development application stage.

The Planning Proposal enabling neighbourhood shops and a service station on the subject site is generally a single-storey development and therefore is consistent with the immediate vicinity which is predominantly characterised by a low rise development. The scale of development is not considered to be a key factor determining a Planning Proposal.

However, a maximum gross floor for neighbourhood shops and maximum total land area for the development are included in order to ensure that the proposed development will not adversely impact the visual character of the locality.



ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023



Figure 11: Subject Site and Surround

Agricultural Land Classification

The subject site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture. This land is described by the classification system as being:

*"3. Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown and other factors including climate may limit the capacity for cultivation; and soil conservation or drainage works may be required."*

Agricultural land classification and development history showing a rural residential use and not showing as prime agricultural land as well as the proximity of the subject site to the Vineyard and Box Hill Residential Release Areas, it is considered that it is unlikely the subject site could sustain a commercially sustainable agricultural business.

Heritage

The subject site is not listed as a heritage item under Schedule 5 Environmental Heritage of the Hawkesbury Local Environmental Plan 2012, and not located within the vicinity of any heritage listed items where future development of part of the subject site may have an impact on the significance of these items.

In addition, the subject site is not within or adjoining a heritage conservation area and not identified as an archaeological site.

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

#### Conclusion

An assessment of the Planning Proposal contained in this report highlights that the Planning Proposal is not fully consistent with the relevant State and Local Planning framework and thus the subject site lacks strategic merits other than site specific merits.

The applicant failed to forward an updated Planning Proposal in response to the Hawkesbury Local Planning Panel advice other than a short report/statement on the proposed land uses on the subject site which fails to clearly demonstrate or justify the proposed uses and their gross floor areas on the subject site.

It is therefore recommended that Council not support the preparation of a Planning Proposal to amend the Hawkesbury Local Environmental Plan 2012 to enable the proposed service station and neighbourhood shops on the subject site.

#### COMMUNITY ENGAGEMENT

Should Council resolve to forward (not recommended) the Planning Proposal to the Department of Planning and Environment for a Gateway Determination and the proposal proceeds, consultation with the Community and relevant government agencies will be undertaken in accordance with the Gateway Determination and relevant statutory requirements.

#### CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The Planning Proposal is consistent with the following Long-Term Community Objectives set out within the Hawkesbury Community Strategic Plan:

##### Strong Economy

- 3.3 Provide our community as the place to visit, work and invest.
- 3.4 Support revitalisation of our town centres and growth our business

#### FINANCIAL IMPACT

There are no financial implications applicable to this report.

#### 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.

#### ATTACHMENTS

- AT - 1 The Planning Proposal - (*Distributed under separate cover*).
- AT - 2 Short Report/Statement on the Proposed Neighbourhood Shops and Service Station on the Subject Site- (*Distributed under separate cover*).

oooO END OF REPORT Oooo

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

**4.1.2. CP - Planning Proposal - LEP005/23 Redbank, North Richmond - (95498, 124414)**

**Directorate:** City Planning

**PLANNING PROPOSAL INFORMATION**

<b>File Number:</b>	<b>LEP005/23</b>
<b>Property Address:</b>	Redbank North Richmond (various lots)
<b>Applicant:</b>	HATT PTY LTD & MARARCH DEV (RICHMOND) PTY. LTD. & REDBANK UNIT TRUST & WENGOR DEV (RICHMOND) PTY. LTD.
<b>Owner:</b>	BDNSW (MR) Project 0007 Pty Ltd
<b>Date Received:</b>	30 August 2023
<b>Current Minimum Lot Size:</b>	Various
<b>Proposed Minimum Lot Size:</b>	N/A
<b>Current Zone:</b>	R2 Low Density Residential R3 Medium Density Residential RE1 Public Recreation E1 Local Centre
<b>Site Area:</b>	180 ha
<b>Key Issues:</b>	<ul style="list-style-type: none"> <li>• Resolving zoning inconsistencies that have arisen through the subdivision design development process of the subject site</li> <li>• Adjustment of the R3 Medium density zone adjacent to the Redbank Village Centre to reflect the approved subdivision layout</li> <li>• Expansion of the E1 Local Centre zone for the Redbank Village Centre</li> <li>• Adjustment of boundaries of R3 Medium Density Residential zone and RE1 Public Recreation zone north of seniors living development to reflect privately owned land</li> </ul>

**PURPOSE OF THE REPORT**

The purpose of this report is to present this Planning Proposal to Council for determination on whether to submit the proposal to the Department of Planning and Environment for a Gateway Determination. The purpose of the Planning Proposal is correct anomalies that have occurred as a process of the development of the Redbank development in North Richmond. To correct these anomalies, the Planning Proposal is seeking to rezone several lots across the Redbank development.

**EXECUTIVE SUMMARY**

Council is in receipt of a Planning Proposal from Ethos Urban, on behalf of Hatt Pty Ltd and Mararch Dev (Richmond) Pty Ltd and Redbank Unit Trust and Wengor Dev (Richmond) Pty Ltd, to resolve zoning inconsistencies that have arisen through the subdivision design development process of the

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

individual lots, which now require adjustments to the RE1 Public Recreation zone, E1 Local Centre zone, R2 Low Density Residential zone, R3 Medium Density Residential zone, and R5 Large Lot residential zone boundaries.

In addition to the above, the Planning Proposal also proposes to expand the existing E1 Local Centre zone for the Redbank Village Centre to provide greater flexibility for future uses.

The Planning Proposal will not increase the overall density or affect the delivery of the approximately 1,400 dwellings originally envisaged in the 2012 Master Plan for the Redbank development.

#### RECOMMENDATION

That:

1. Support the Planning Proposal LEP005/23 for Redbank, North Richmond with the following amendment:-
  - Proceed with RE2 Private Recreation zoning for rezoning the land north of the seniors' living development.
2. Council forward the Planning Proposal LEP005/23 to the Department of Planning and Environment for a Gateway Determination.

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#### BACKGROUND

The Redbank Development site has been the subject of ongoing consideration over several years, with an original submission made in 2009 requesting the site to be listed on the Metropolitan Development Program. The Metropolitan Development Program (as of 2001) was the NSW Government's key program for tracking and managing housing supply. The program developed a ten year dwelling supply forecast for tracking the likely future availability of land for housing purposes, ensuring the housing market's demand could be adequately met and therefore the affordability of housing maintained.

In May 2011, Council adopted a Residential Land Strategy for the Hawkesbury Local Government Area, which identified the Redbank site as a 'High Priority' Future Investigation area for urban release. The Redbank Development was subject to a Planning Proposal that re-zoned this former rural land to primarily allow for residential purposes. Indicative plans submitted with the Planning Proposal detailed that the overall Redbank site would accommodate approximately 1,400 dwellings. The resultant Local Environmental Plan Amendment was gazetted on 11 April 2014.

The timeline for this history is as follows:

- **2011:** In May 2011, Council adopted the Hawkesbury Residential Land Strategy (RLS), which identified the subject site and other surrounding properties as having potential for residential development subject to the provision of shops, transport infrastructure, community infrastructure and services.
- **2012:** In response to the Residential Land Strategy, the owner/proponent consulted with Council staff and state government agencies and commissioned various studies in support of a Planning Proposal (PP-2020-2977/Hawkesbury Local Environmental Plan 2012 (Amendment No 6) - Redbank at North Richmond (1,400 dwellings).

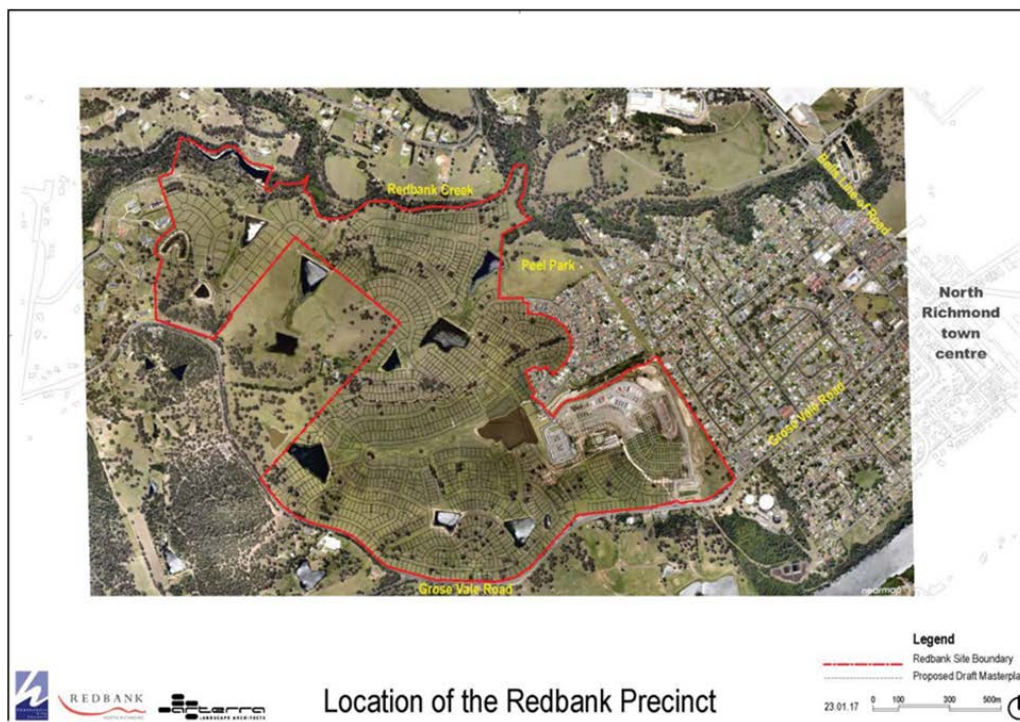
**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

- **2014:** The rezoning, which was gazetted on 11 April 2014, facilitates the delivery of approximately 150 dwellings on the site per annum from early 2015. To date, all residential lots have been approved via DAs, and over 1000 urban lots have been registered.
- **2014:** A Development Control Plan (DCP) was prepared for the subject site under Part E, Chapter 8 of the Hawkesbury DCP 2002. This DCP was prepared in close consultation with the NSW Heritage Branch and is consistent with the endorsed Conservation Management Plan for the subject site. Council adopted the final agreed version of the DCP on 25 November 2014 as Part E, Chapter 8 of the DCP, and is still current.
- **2014:** At the Council meeting on 1 July 2014, Council resolved to execute the Voluntary Planning Agreement (VPA) for the site. The VPA prescribes the timing of infrastructure delivery across the entire Redbank site as it is developed. Importantly, the Planning Proposal which is the subject of the report does not affect the infrastructure delivery required by the VPA.

Figure 1 shows the location of the Redbank Development site.



**Figure 1 Redbank Development Site**

Major development applications (DA) that have been determined as part of the Redbank Development site to date include:

**Table 1: Major development applications (DA) determined**

DA	Description	Determination
DA0092/22	Subdivision – Land Clearing, Earthworks, Decommissioning of Water Storage Facility, Construction of Roads and service Infrastructure, Upgrade and Intersection Works on Grose Vale Road, Associated Landscaping, Torrens Title Subdivision to Create 375 Residential Lots, one super lot and four open space lots.	Approved (29/05/2023)

**ORDINARY MEETING****4. REPORTS FOR DETERMINATION****Meeting Date:** 12 December 2023

<b>DA</b>	<b>Description</b>	<b>Determination</b>
DA0498/18	Subdivision – Torrens title subdivision of Lot 548 to create 254 residential lots, four open space lots and a residual lot.	Approved by the Land and Environment Court (LEC) of NSW (24/09/2020)
DA0334/18	Concept Masterplan for the Redbank Village Centre and detailed design of commercial building.	Approved by LEC (31/10/2019)
DA0430/19	Subdivision – Torrens title subdivision of Lot 548 to create 25 residential lots.	Approved (29/07/2020)
DA0412/17	Subdivision – Torrens title subdivision of Lot 796 to create 50 residential lots.	Approved (31/01/2019)
DA0284/17	Subdivision – Torrens title subdivision of Super Lots 795 and 796 to create 19 residential lots.	Approved (11/01/2018)
DA0216/16 (S960071/17 and S960144/17)	Subdivision – Earthworks, alterations to four dams, the construction of roads and a Torrens title subdivision to create 244 residential lots, one neighbourhood centre lot, six open space lots, two super lots and two residual lots forming a precinct known as ‘Yeomans’.	Approved (22/12/2016)
DA0467/15	Subdivision – Torrens title subdivision to create 59 residential lots, two open space lots and one residual lot known as ‘Belmont’.	Approved (5/05/2016)
DA0451/14 (S960154/16)	Subdivision – Torrens title subdivision to create 12 additional residential lots.	Approved (9/06/2015)
DA0452/14	Subdivision – Torrens title subdivision to create one additional residential lot.	Approved (02/06/2015)
DA0471/14	Subdivision – Torrens title subdivision to create 237 additional residential lots, forming three precincts known as ‘Yobarnie Rise’, ‘Mountain View’ and ‘The Gallery’.	Approved (12/03/2015)
DA0450/14	Subdivision – Torrens title subdivision to create 13 additional residential lots to be included in the ‘Yobarnie Rise’ precinct (DA0471/14).	Approved (28/01/2015)
DA0434/14 (S960042/15)	Subdivision – Torrens title subdivision to create one super lot.	Approved (30/12/2014)
DA0439/14	Subdivision – Torrens title subdivision to create one additional residential lot	Approved (24/12/2014)
DA0437/14	Subdivision – Torrens title subdivision to create two additional residential lots.	Approved (11/12/2014)
DA0440/14	Subdivision – Torrens title subdivision to create one additional residential lot.	Approved (11/12/2014)
DA0852/08	Seniors Housing Development comprising 197 independent living units and an 80-bed aged care facility. The approval has been subject to multiple modification applications.	Approved (15/09/2009)

A series of attachments have been included as part of this report, including:-

- Attachment 1 - Assessment Against State Environmental Planning Policies
- Attachment 2 - Assessment Against Local Planning (Ministerial) Directions

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

- Attachment 3 - Planning Proposal Report - Redbank, North Richmond - (Distributed under separate cover)
- Attachment 4 - Proposed LEP Map
- Attachment 5 - Aboriginal Heritage Statement
- Attachment 6 - Heritage Statement
- Attachment 7 - Stormwater and Flooding Statement
- Attachment 8 - Biodiversity Statement
- Attachment 9 - Bushfire Statement
- Attachment 10 - Traffic Statement
- Attachment 11 - Plans Demonstrating Change from Existing to Proposed Land Zoning - (Distributed under separate cover)

#### DISCUSSION

##### Objectives and Provisions of the Planning Proposal

The objective of the Planning Proposal is to amend the Hawkesbury Local Environmental Plan (LEP) 2012, to amend the Land Zoning Map (sheet LZN\_008AA), in order to:-

- Resolve zoning discrepancies that have arisen throughout the subdivision design development process;
- Adjust the medium density zone adjacent to the Redbank Village Centre to reflect the subdivision layout of the Southern Valley development approved under DA0092/22;
- Expand the E1 Local Centre zoning for the Redbank Village Centre, and;
- Adjustment of boundaries of R3 Medium Density Residential zone and RE1 Public Recreation zone north of seniors living development to reflect privately owned land.

Additional information is provided in the following section to further expand on these points:-

##### Resolve zoning discrepancies

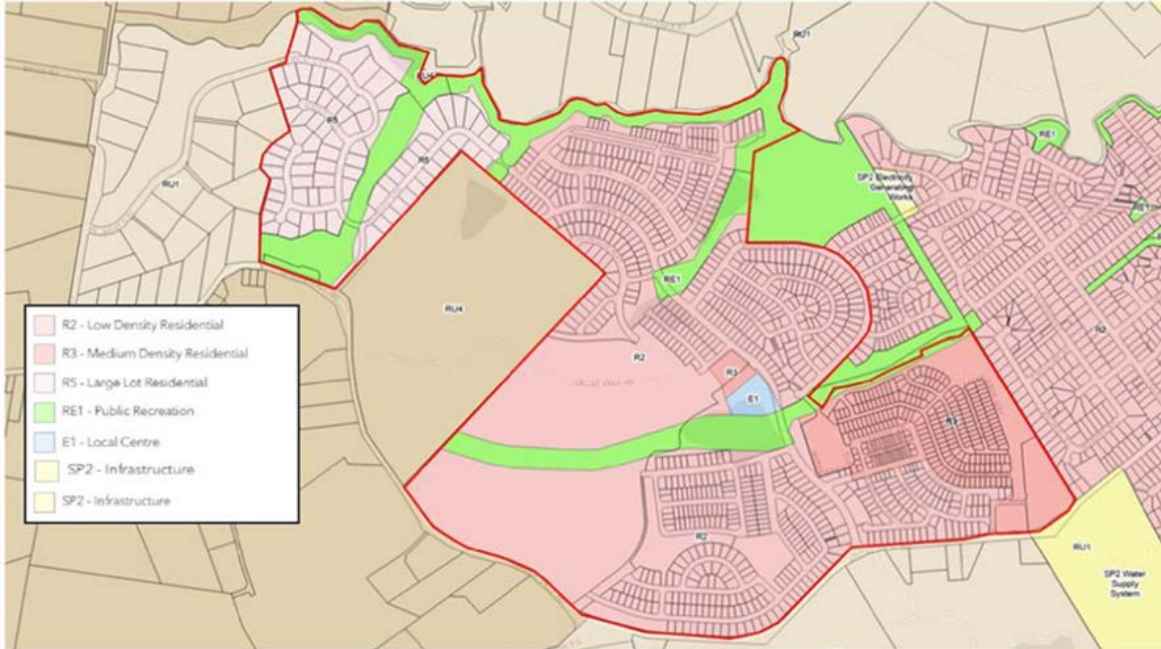
The Planning Proposal aims to rectify zoning discrepancies that have emerged during the subdivision design process of individual lots. This requires adjustments to the boundaries of the RE1 Public Recreation, E1 Local Centre, R2 Low Density Residential, R3 Medium Density Residential and R5 Large Lot Residential zones.

The overarching purpose of the Planning Proposal is to realign zoning boundaries to reflect the approved subdivision of the Redbank development and achieve the envisaged number of dwellings on the Redbank site. Figure 2 shows the current land use zoning, while Figure 3 illustrates the proposed zoning changes for the subject site.

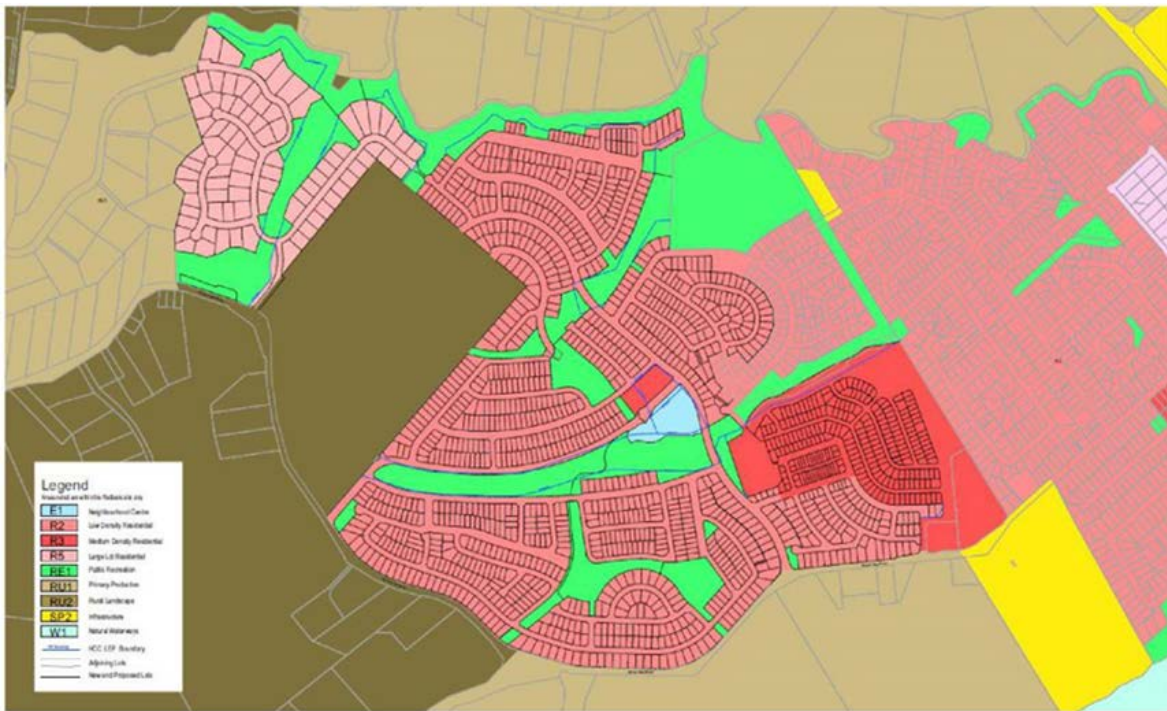
Tables 2, 3, and 4 of the report provide specific details regarding the proposed amendments, whilst Attachment 11 presents a visual representation of each amendment, including the exact areas that will be subject to change.

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

The proposed amendments are intended to create a more effective and streamlined zoning structure that promotes growth and development within the Redbank community. By ensuring that the zoning boundaries align with the approved subdivision of the Redbank development, the proposed amendments will provide a clear framework for future development.



**Figure 2: Existing Zoning Map**



**Figure 3: Proposed zoning map**



**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

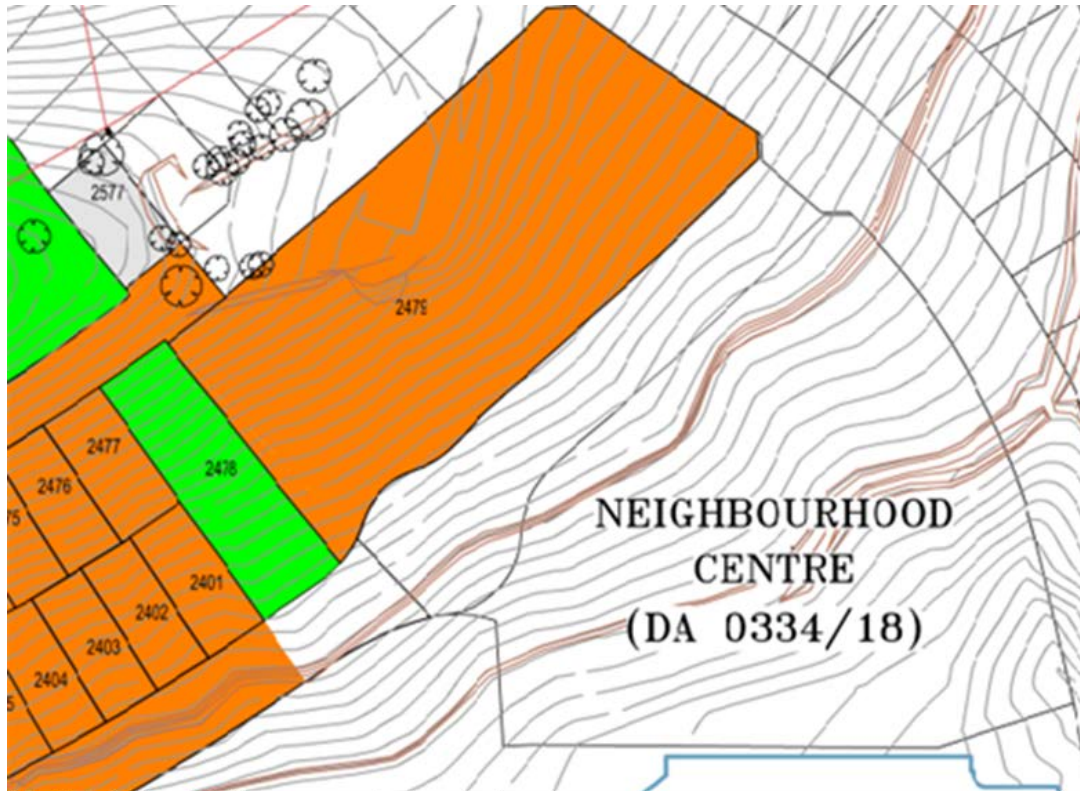
To rezone the medium density zone adjacent to the Redbank Village Centre to align with the subdivision layout of the Southern Valley Development approved under DA0092/22

The subdivision layout of the Southern Valley Development was approved by DA0092/22. As per the approved plan, an R3 Medium Density zoned 'super lot' was approved north of the existing E1 Local Centre zone. In order to align the zoning with the approved subdivision plan for Proposed Lot 2479, as outlined in Figures 4 and 5, it is required to proceed with the proposed rezoning of the surrounding area.

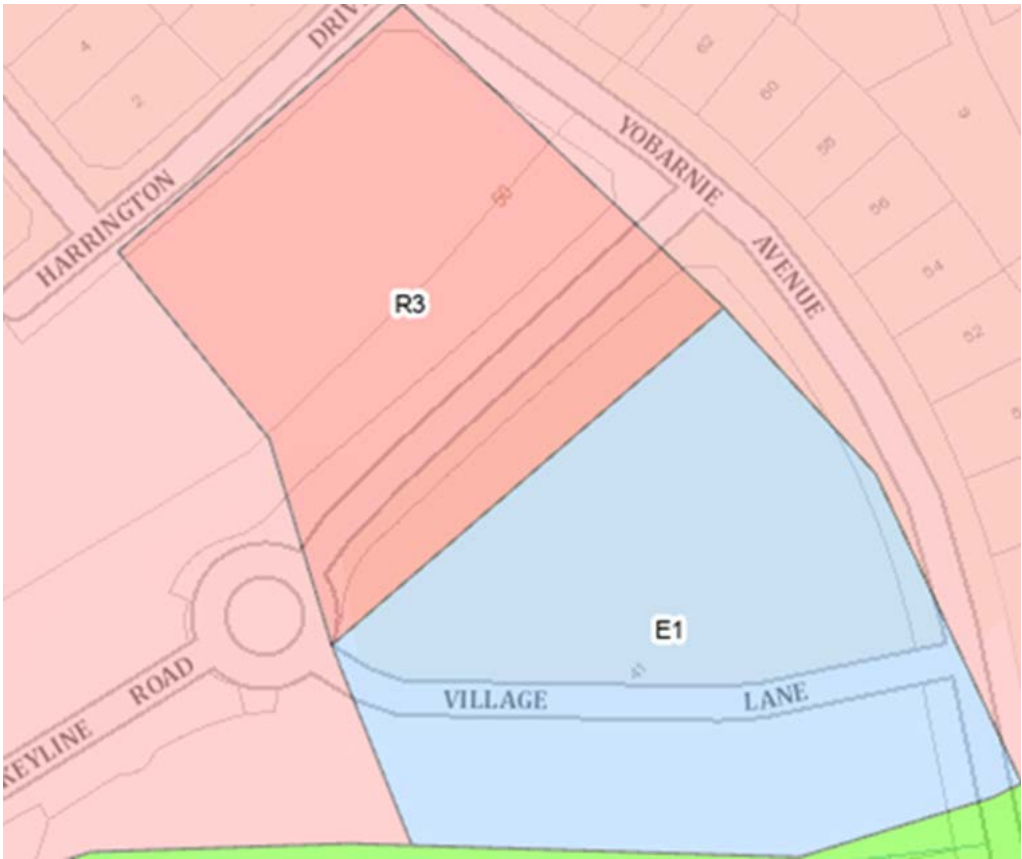
The following amendments are proposed for the area surrounding the Village Centre (referred to as the Neighbourhood Centre in the Development Application - as shown in refer to Figure 6):

- To provide a broader range of housing options, the R3 Medium Density Residential zone will be expanded to the west, aligning with the approved subdivision plan. This will involve converting 2,941m<sup>2</sup> of land from R2 Low Density to R3 Medium Density Residential.
- To maintain consistency with the approved subdivision plan and existing zoning along Keyline Drive, a portion of the R3 Medium Density Residential zone south of the existing R3 Medium Density zone will be converted to R2 Low Density Residential zoning, involving an area of 2,215m<sup>2</sup>.
- A part of the R3 Medium Density Residential zone will be converted to E1 Local Centre zoning, covering an area of 1,164m<sup>2</sup>.

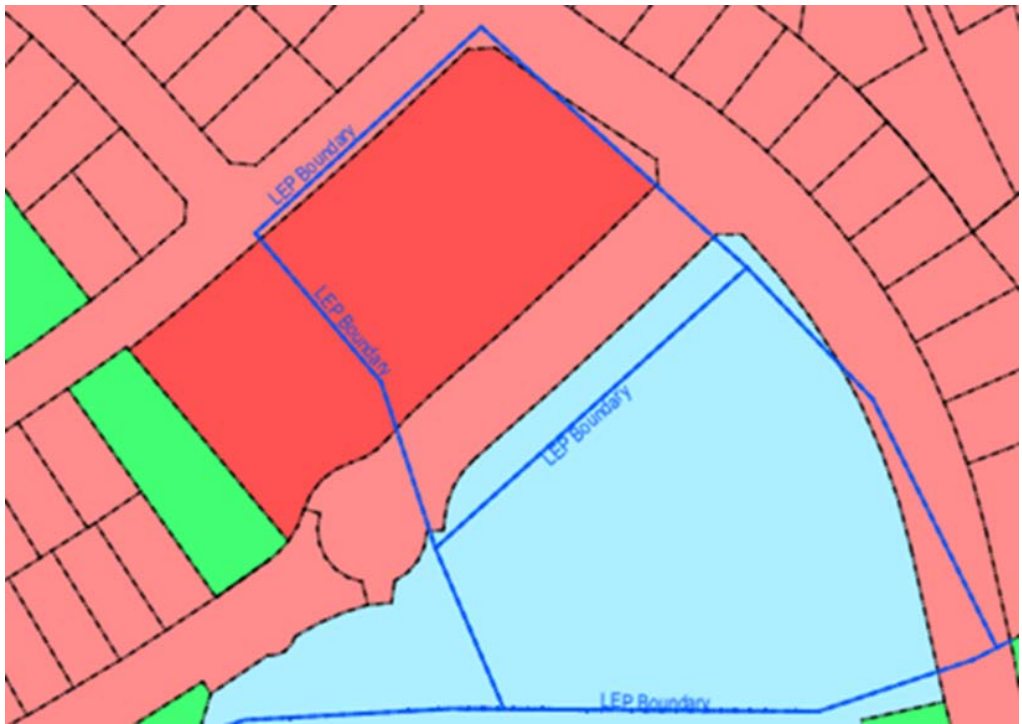
This rezoning will ensure that the zoning of the surrounding areas aligns with the approved subdivision plan and supports the overall vision for the development.



**Figure 4: Approved lot layout of the R3 Medium Density Residential zone (as shown in orange super lot 2749 adjacent to the green open space) - approved via DA0092/22**



**Figure 5: Map of the existing R3 Medium Density Residential zone**



**Figure 6: Proposed map of R3 Medium Density Residential zone to align with an approved super lot.**

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

#### Expansion of the E1 Local Centre

As shown in Figures 7 and 8, this component involves:-

- The current E1 Local Centre zone at the Redbank Village Centre encompasses a temporary playground as an ancillary element to the retail offerings. This proposal seeks to expand the E1 Local Centre zone to enhance flexibility in future land uses as the surrounding residential areas develop.
- The existing E1 Local Centre zone currently covers an area of approximately 11,323m<sup>2</sup>. The proposed amendment aims to add an additional area of 4,490 m<sup>2</sup>, which will include the conversion of 1,065m<sup>2</sup> of R2 Low Density zoned land and 2,525m<sup>2</sup> of RE1 Public Recreation zoned land to E1 Local Centre.

The existing playground, constructed by Redbank, serves as an interim amenity to activate the Village Centre while the remaining development is undertaken. It is a small-scale facility with three slides, three swings, a fountain, and a climbing rope (refer to Figures 9 and 10). As the Village Centre develops, the playground can be repurposed for retail, business, or other community uses to better serve the growing community's evolving needs; Redbank's retention of playground ownership will allow for this flexibility.

The Village Centre's proximity to Peel Park, a large public open space with sports facilities, and four additional playgrounds within the Redbank development, will ensure there is ample provision of public recreation areas for residents. It is important to note that, apart from the reduction in the RE1 Public Recreation zone to increase the E1 Local, the remaining RE1 zoned land located south of the Village Centre is proposed to be expanded through the other proposed amendments in the Planning Proposal.

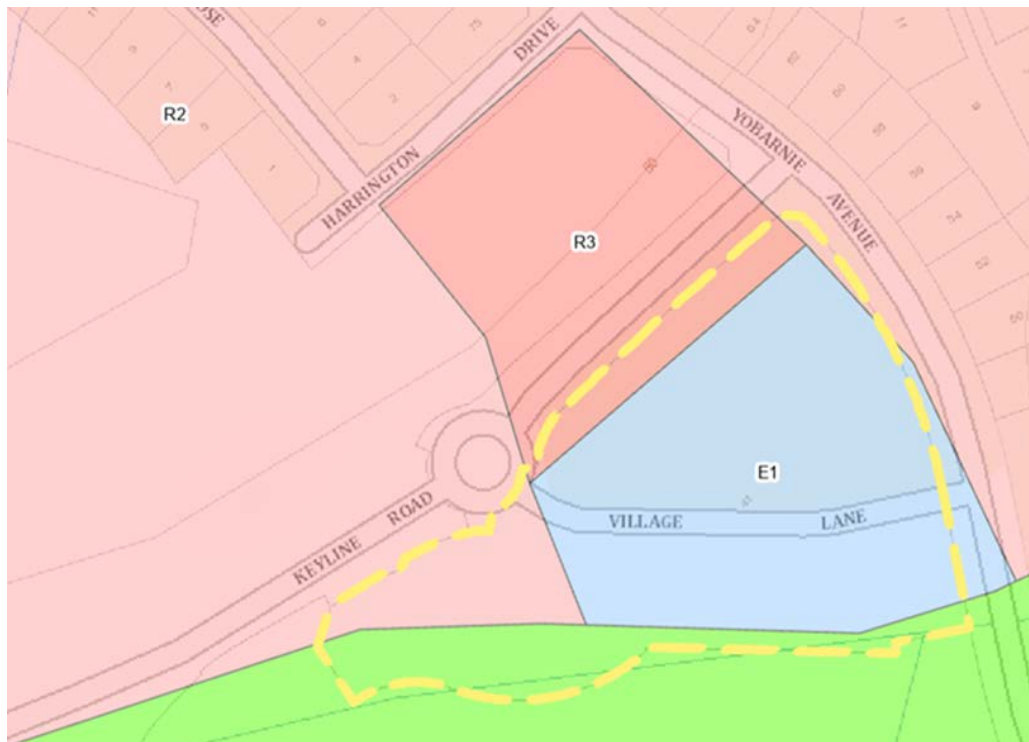
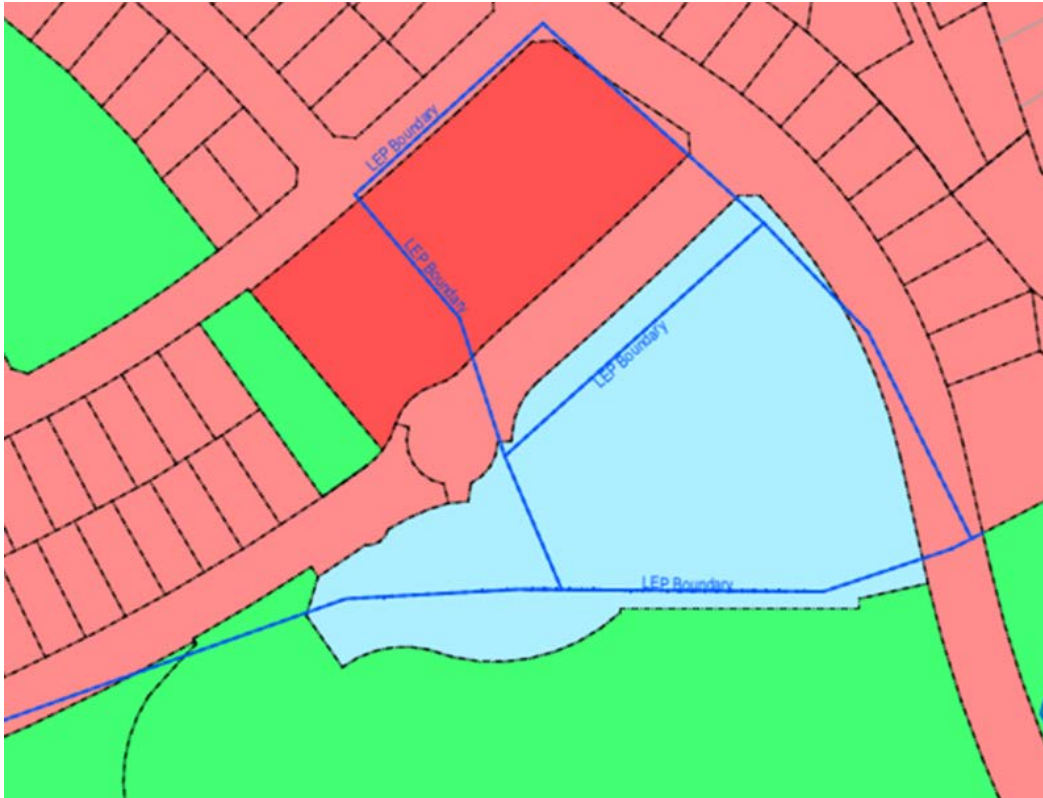


Figure 7: Map of existing E1 Local Centre zone (Blue)

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**



**Figure 8: Map of proposed E1 Local Centre zone expansion (Blue)**



**Figure 9: Aerial image of the playground adjacent to the Village Centre (E1 Local Centre zone)**

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

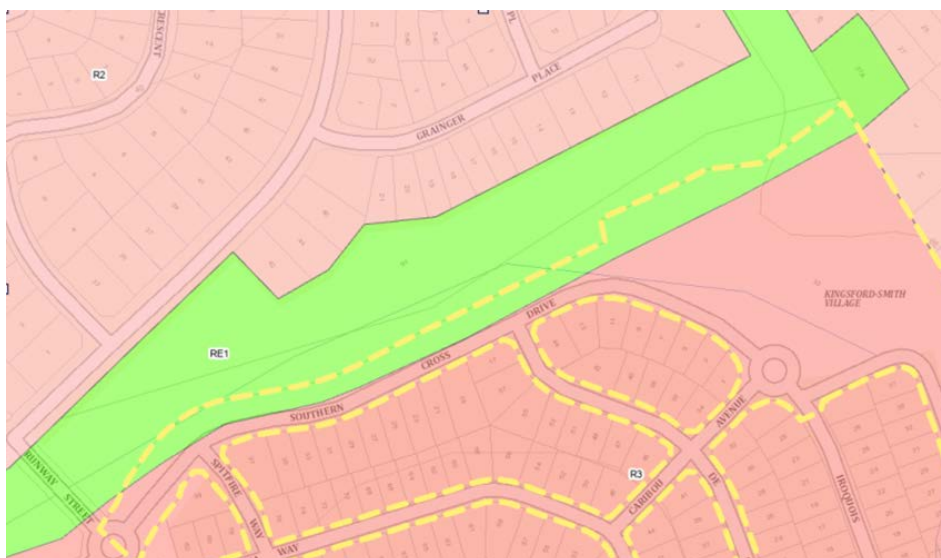


**Figure 10: Image of the playground**

Adjustment of boundaries of R3 Medium Density Residential zone and RE1 Public Recreation zone north of seniors living development to reflect privately owned land

The Planning Proposal aims to realign the RE1 Public Recreation zone located north of the existing seniors living development in the Redbank site (refer to Figures 11 and 12). The need for realignment has arisen due to the seniors living development owning part of the land that is currently zoned RE1 Public Recreation. A new fence has been installed, along with a public path which was constructed in consultation with Council (refer to Figure 13). The area south of the fence/path is proposed to be rezoned from the RE1 Public Recreation zone to the R3 Medium Residential zone. This area contains landscaped space for seniors living residents, private property, and several stormwater management rain gardens and basins that service run-off from the existing independent living units. The area north of the fence and path will remain zoned RE1 Public Recreation.

The proposed realignment will result in the rezoning of approximately 11,113m<sup>2</sup> of land that is currently zoned as RE1 Public Recreation to R3 Medium Density Residential. This proposal aims to reflect the new fence that now marks the boundary between the public open space and the privately owned land of the existing seniors living development.



**Figure 11: Map of the existing zoning, with the seniors living development (R3 Medium Density Residential) and the RE1 Public Recreation zone to the north.**



**Figure 12: Map of the proposed zoning, with the seniors living development (R3 Medium Density Residential) shown in red and the RE1 Public Recreation zone to the north, shown in green.**



**Figure 13: Aerial image of the public open space north of the seniors living development. There is a fence directly adjacent to the south of the path that demarcates the seniors living development and open space.**

Table 2 outlines the lots affected by the Planning Proposal. A detailed visual representation of each proposed rezoning, included the changes in area is provided in Attachment 11.

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

**Table 2: Lots Affected by the Planning Proposal**

Stage	DA Ref	Lot	DP	Current zoning	Proposed Zoning	Area Subject of Proposed Re-Zoning (m2)		
Belmont	DA0467/15	601	DP1294768	RE1 & R5	RE1	2,257		
		602	DP1294768	RE1 & R5	RE1	13,164		
		61	DP1255164	RE1 & R5	RE1	7,977		
		Belmont Grove		R5 & RE1	R5	1,078		
Ploughmans	DA0412/17	869	DP1294769	RE1 & R5	RE1	2,721		
		869	DP1294769	RE1 & R2	RE1	11,494		
		Pansy Crescent		R2 & RE1	R2	252		
		Platypus Place		R2 & RE1	R2	1,232		
		870	DP1294769	RE1 & R5	RE1	217		
		Yeomans North	DA0216/16	1	DP1294770	RE1 & R2	RE1	5,836
		Yobarnie Avenue			R2 & RE1	R2	1,794	
		2	DP1294770	RE1 & R2	RE1	7,085		
Yeomans Entry	Yeomans Entry	788	DP1233055	R2	RE1	6,080		
		3	DP1294770	RE1 & R2	RE1	4,206		
		3	DP1294770	RE1 & R3	RE1	892		
		547	DP1233056	R2	RE1	1,178		
		Yobarnie Avenue		R2 & R3	R2	4		
		Yobarnie Avenue		R2 & RE1	R2	2,113		
		Mountain View and The Gallery	DA0471/14	172	DP1199658	R2 & R3	R2	6
				173	DP1199658	R2 & R3	R2	205
Seniors Northern Boundary		3	DP786671	RE1	RE1 & R3	657		
		Proposed lots 31 & 32	Proposed DP TBC					
		274	DP1156792	RE1 & R3	RE 1 & R3	4,388		
		Proposed lots 2741 & 2742	Proposed DP TBC					

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

Stage	DA Ref	Lot	DP	Current zoning	Proposed Zoning	Area Subject of Proposed Re-Zoning (m2)
		1	DP270758	RE1 & R3	RE 1 & R3	6,118
Southern Heights	DA0498/18	10	DP1294771	R2	RE1	21,067
		11	DP1294771	R2	RE1	15,012
		12	DP1294771	R2	RE1	1,183
		1916	DP1290691	R2	RE1	6,340
		3	DP 1290060	R2	RE1	745
Neighbourhood Centre	DA0334/18	2	DP1290060	RE1	E1	2,525
		2	DP1290060	R2	E1	2,143
		2	DP1290060	R3	E1	1,164
		Yobarnie Avenue		E1	R2	691
		Keyline Road		R3	R2	2,215
		Harrington Drive		R3	R2	240
		Yobarnie Avenue		R2	R3	106
		3	1290060	R2	R3	2,941
		3	1290060	R2	RE1	1,551
	Dam 13	1	DP1290060	RE1 & R2	RE1	5,924
		1	DP1290060	RE1 & R2	R2	1

Table 3 summarises the proposed rezoning across the subject site:

**Table 3: Proposed Rezoning Across the Subject Site**

Existing Zoning	Proposed Zoning	Area (m2) Subject to Proposed Rezoning
E1 Local Centre	R2 Low Density Residential	691
R2 Low Density Residential	E1 Local Centre	2,143
R2 Low Density Residential	RE1 Public Recreation	109,545
R2 Low Density Residential	R3 Medium Density Residential	3,047
R3 Medium Density Residential	E1 Local Centre	1,164
R3 Medium Density Residential	RE1 Public Recreation	892
R3 Medium Density Residential	R2 Low Density Residential	2,670
R5 Large Lot Residential	RE1 Public Recreation	26,335
RE1 Public Recreation	E1 Local Centre	2,525
RE1 Public Recreation	R2 Low Density Residential	8,845



**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

Existing Zoning	Proposed Zoning	Area (m2) Subject to Proposed Rezoning
RE1 Public Recreation	R3 Medium Density Residential	11,163
RE1 Public Recreation	R5 Large Lot Residential	1,078

Table 4 provides the summary of net changes to zone areas:

**Table 4: Net Changes to Zone Areas**

Zone	Proposed increase (m2)	Proposed decrease (m2)	Proposed net change (m2)
E1 Local Centre	5,832	691	+5,141
R2 Low Density Residential	12,206	114,735	- 102,159
R3 Medium Density Residential	14,210	4,726	+ 9,484
R5 Large Lot Residential	1,078	26,335	- 25,257
RE1 Public Recreation	136,772	23,611	+ 113,161

**EXISTING PLANNING CONTROLS**

**Hawkesbury Local Environmental Plan 2012**

The following table outline the existing planning controls for the site in the Hawkesbury Local Environmental Plan (LEP) 2012:-

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date: 12 December 2023**

**Table 5: Existing Planning Controls**

Zone	<p>The subject site currently comprises a combination of recreational and residential zones, including:</p> <ul style="list-style-type: none"> <li>• RE1 Public Recreation</li> <li>• R2 Low Density Residential</li> <li>• R3 Medium Density Residential</li> <li>• R5 Large Lot Residential; and</li> <li>• E1 Local Centre</li> </ul>
Minimum Lot Size	<p>The subject site currently comprises a combination of lot of minimum lot sizes across the Redbank development, including:</p> <ul style="list-style-type: none"> <li>• 1,500m<sup>2</sup></li> <li>• 375m<sup>2</sup></li> <li>• 180m<sup>2</sup></li> <li>• 600m<sup>2</sup></li> </ul>
Height of Buildings	10m
Acid Sulfate Soils	Class 5 – Acid Sulfate Soil
Flood	The subject site is above the 1 in 100 ARI flood level and above the Probable Maximum Flood level.
Biodiversity	The subject site contains vegetation classified endangered ecological communities, conservation significance and connectivity between Remnant Vegetation.
Bushfire Prone Land	The subject site's northwestern and southern boundaries are considered bushfire prone. The areas are shown to be a combination of Category 1 vegetation zone along the northern boundary of the Redbank site, and Category 3 vegetation zone in the northwestern corner and along the site's southwestern and southern boundaries. As a result of previous subdivision approvals, the subject site has been cleared from its former agricultural use, with the development areas relatively vegetation-free.
Sewer Scheme	The subject site is connected to the sewer system (Sydney Water).

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

Sydney Water	The subject site is not entirely connected to the Sydney Water supply; however, augmentation to potable water and sewerage-specific infrastructure to support later stages of the project can readily occur and will be subject to an ongoing commercial agreement with Sydney Water.
Heritage	<p>The subject site was formerly a grazing property known as 'Yobarnie', where the Yeoman's Keyline system of agriculture was first developed, trialled, and demonstrated. Therefore, the whole of the broader Redbank Development site is listed on the State Heritage Register (listing number 01826) under the Heritage Act 1977 for its historic, associative, and aesthetic values and its research potential and rarity relating to the Keyline farming system. Multiple dams associated with this irrigation method remain onsite (reinterpreted as part of the landscape design), and most of the land is located within the Peel Farm (Kemsley Park) area.</p> <p>Notwithstanding the above, the subject site is not identified as a local heritage item per Schedule 5 of the Hawkesbury LEP 2012.</p>

**Hawkesbury Development Control Plan 2002**

The Hawkesbury Development Control Plan 2002 (Hawkesbury DCP 2002) provides detailed guidance on development matters beyond the development standards within the Hawkesbury LEP 2012. Part E: Specific Area of the Hawkesbury DCP 2002, Chapter 8, covers Redbank at North Richmond and includes detailed development objectives and controls for the Redbank development. These controls guide development precincts, subdivision, heritage conservation, open space, water management, environmental management, movement networks, residential lot parameters, utility services, and built form and character. The DCP Chapter also outlines the desired future character of the area.

**Site Location and Characteristics**

The subject site has an area of 180 ha and predominantly consists of cleared undulating land with a central saddle running approximately east-west, creating two distinct valleys. The land is located on the northern side of Grose Vale Road, and immediately to the west of the North Richmond residential area and Peel Park, east of the Belmont Grove rural residential area, and south of Redbank Creek.

The broader Redbank Development site is in the process of being progressively subdivided. When complete, it will accommodate approximately 1,400 dwellings.

The broader Redbank Development site varies in height from approximately 60-90m AHD along Grose Vale Road down to Redbank Creek at approximately 20-40m AHD, and it varies in slopes from reasonably flat terrain to land in excess of 15%. The undulation of the broader Redbank development site results in a central saddle running approximately east-west, creating two distinct valleys. It is above the 1 in 100-year Hawkesbury River flood event.

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

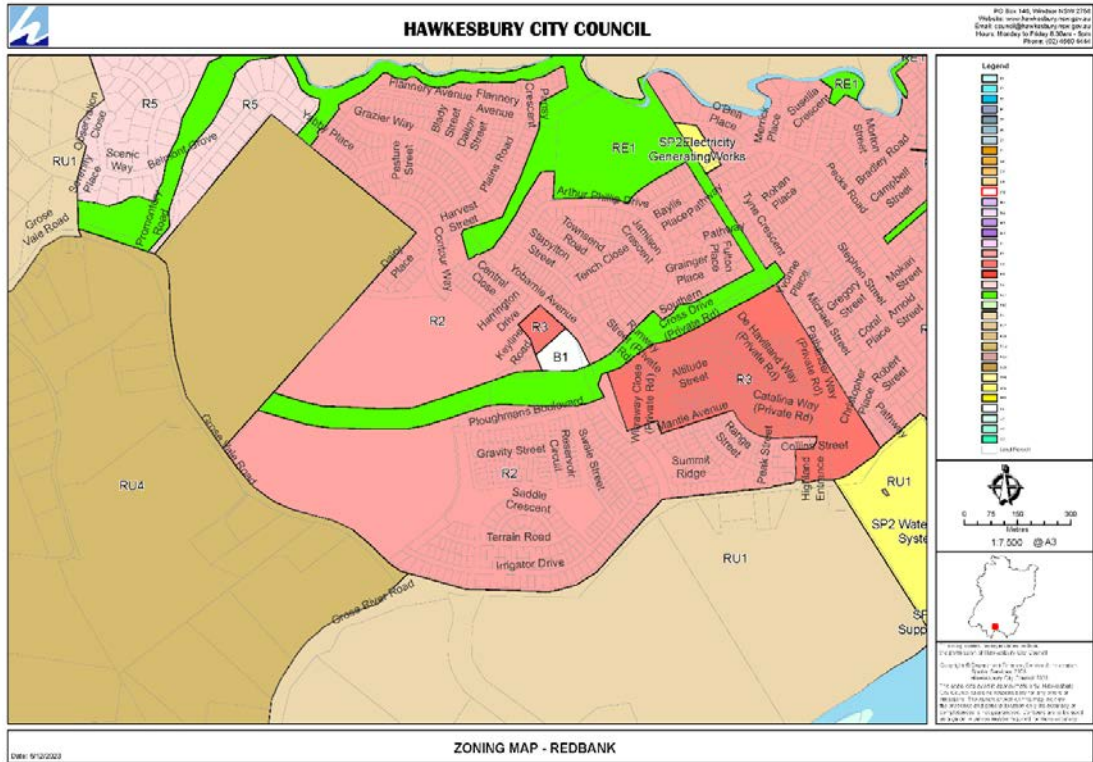
This Planning Proposal relates to land located within these 180 hectares, as shown in Figure 22 below. The site is within the following precincts of the broader Redbank site:-

- Southern Valley
- Southern Heights
- Mountain View
- The Gallery
- Village Centre
- Ploughmans
- Yobarnie Rise
- Yeomans
- Belmont

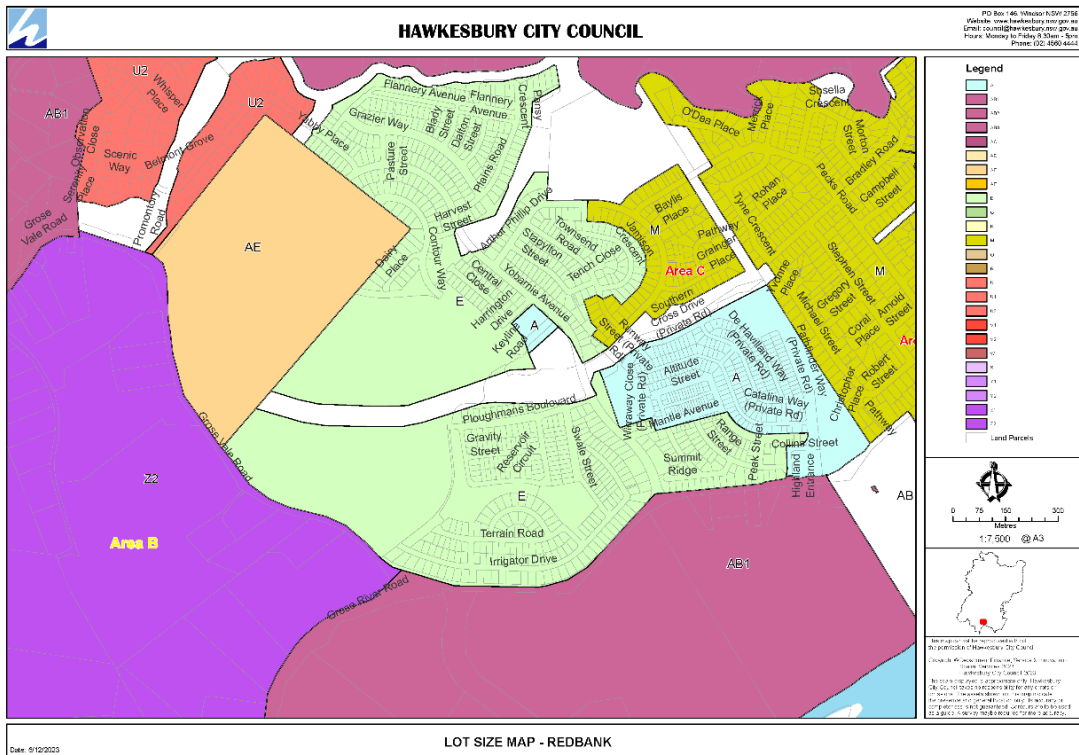
The subject site is now relatively cleared of vegetation as a consequence of previous subdivision approvals. Development has begun on a portion of the site, as highlighted in Figure 14. To the north and east of the subject site, development within the Redbank site has been progressively completed in the form of low rise, single storey housing. A seniors living development is also located east of the subject site. To the northwest, the Belmont Precinct has low-rise, single-storey houses, while the south (on the opposite side of Grose Vale Road) and west are primarily rural, agricultural properties. To the east, the development consists of detached housing, similar to that within the Redbank site.

The following maps highlight the subject site.

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

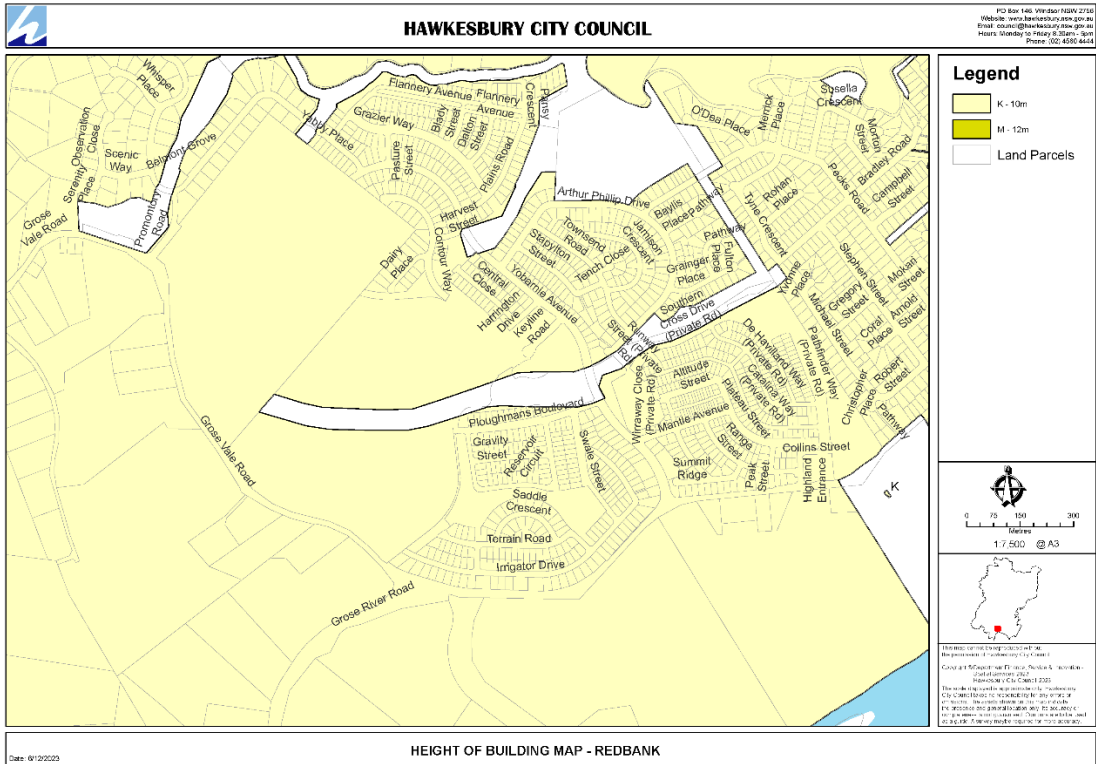


**Figure 14 Land Zoning**

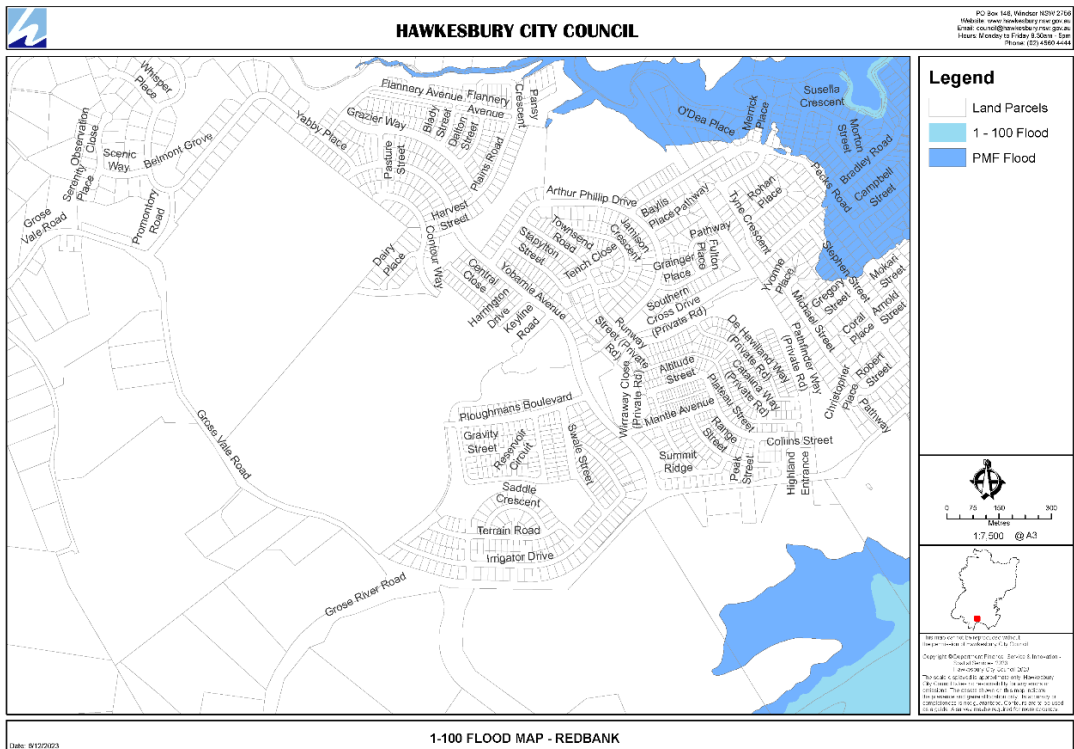


**Figure 15 Minimum Lot Size - The subject site has a variety of minimum lot sizes across Redbank**

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

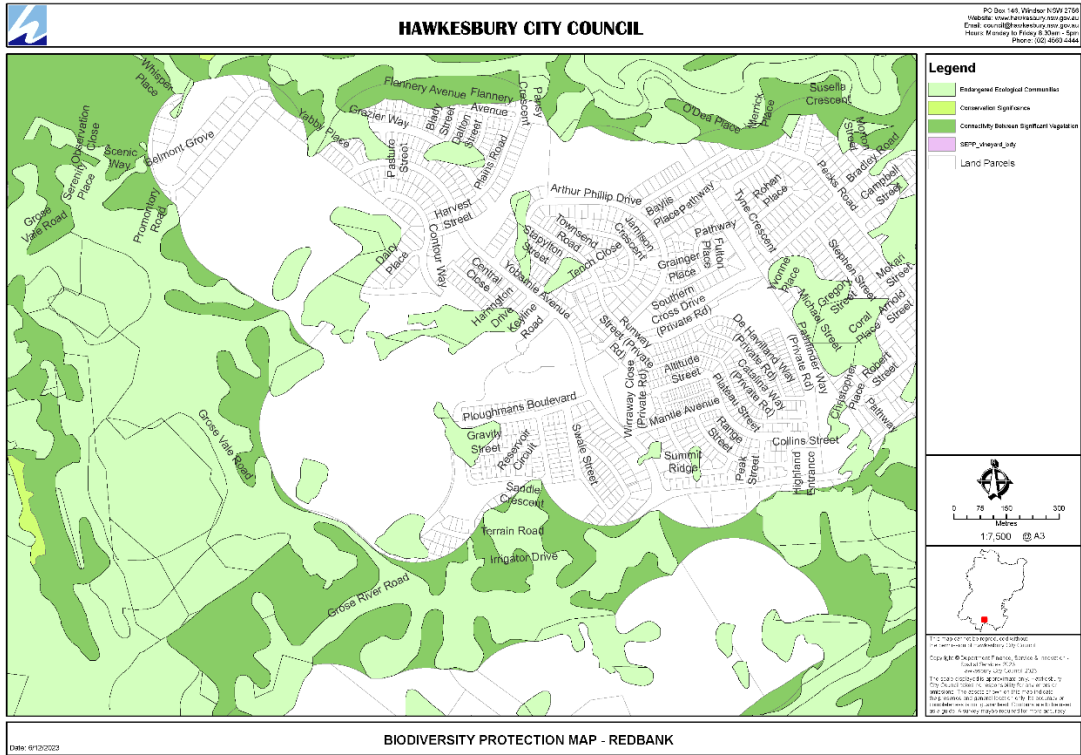


**Figure 16 Height of Building**

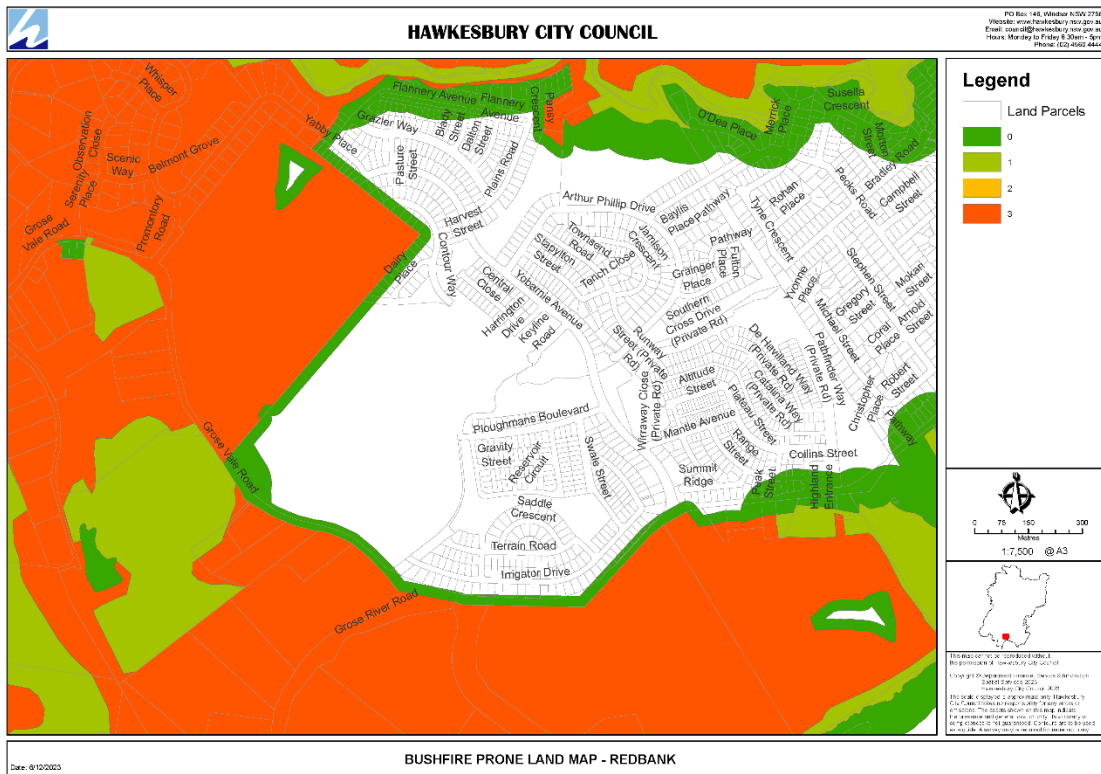


**Figure 17 Flood Extents (1:100 and PMF) – the site is above the 1 in 100-year flood event and PMF**

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

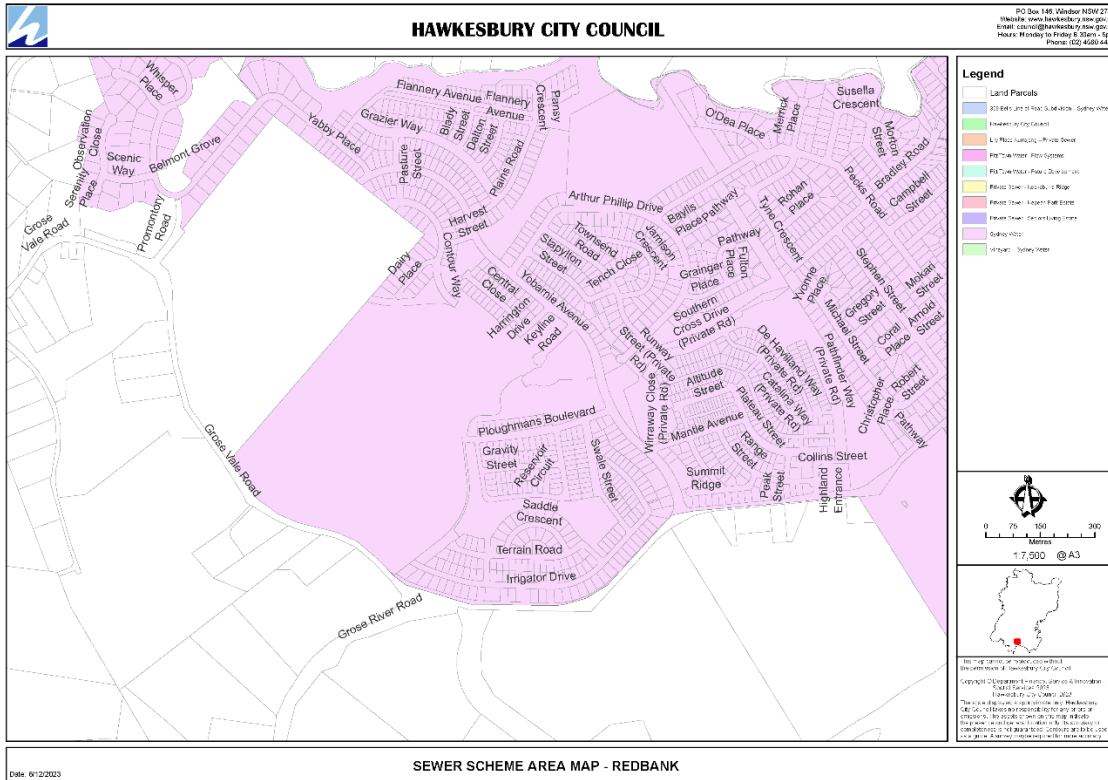


**Figure 18 Biodiversity Protection**

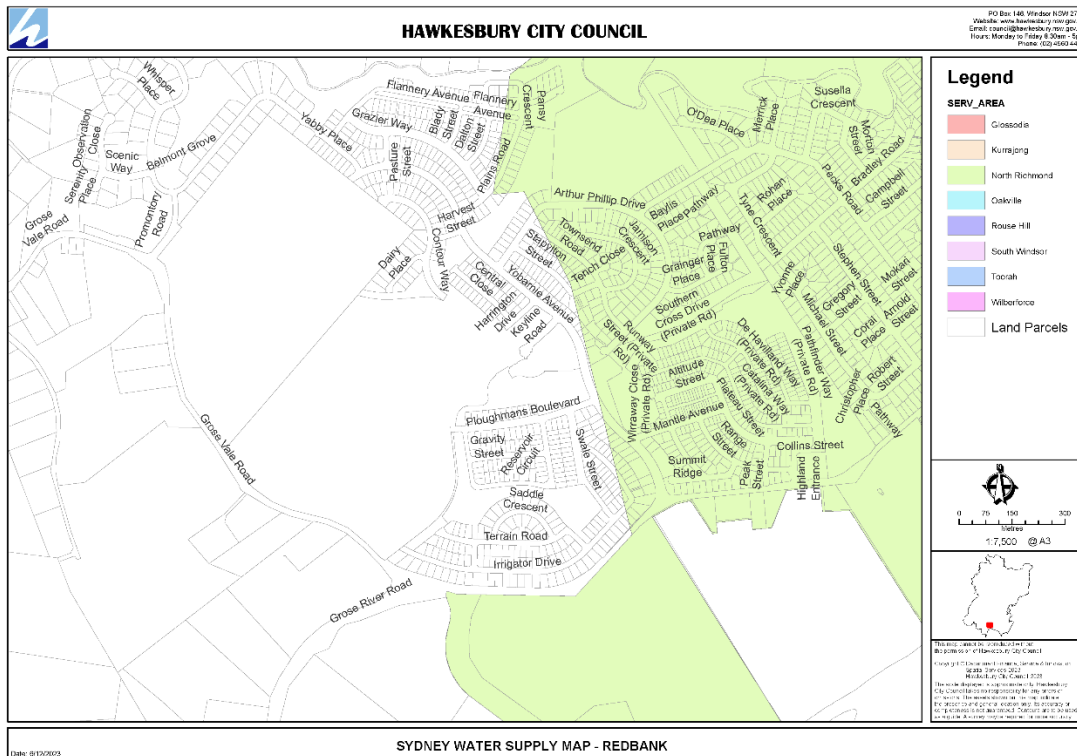


**Figure 19 Bushfire Prone Land**

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**



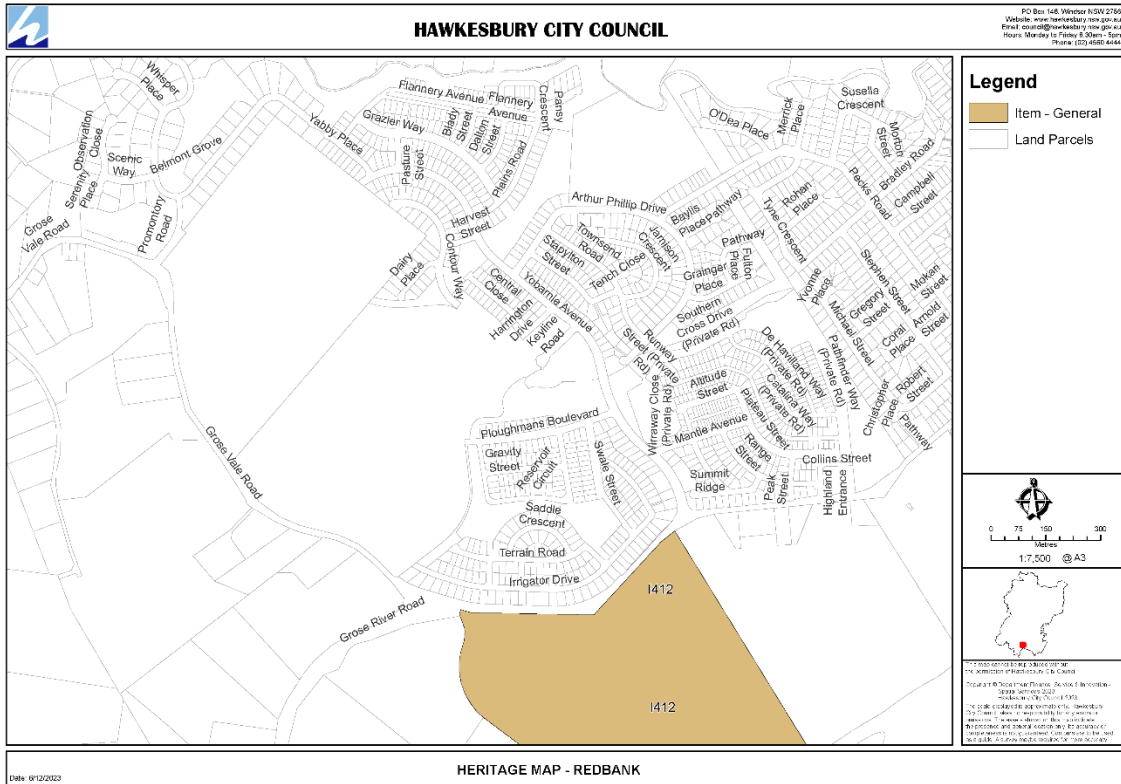
**Figure 20 Sewer Scheme Map**



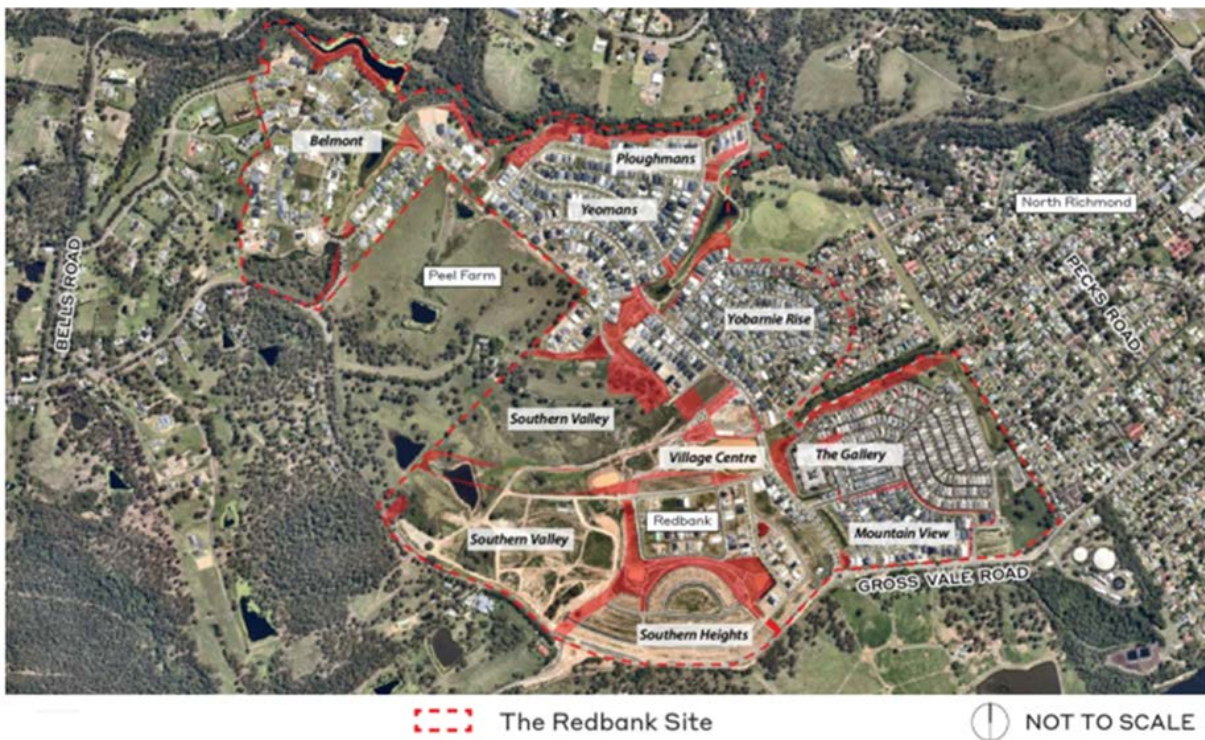
**Figure 21 Sydney Water Supply Map**



**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**



**Figure 22 Heritage Map**



**Figure 23 The Redbank Development Site.**

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

**JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT**

Information in this section and in Table 6 outlines the matters for consideration for evaluating and justifying the Planning Proposal:

**Table 6: Justification of Planning Proposal**

#	Question	Considerations
	Section A – need for the planning proposal	
1	Is the planning proposal a result of an endorsed LSPS, strategic study or report?	Yes, refer to the discussion about the Hawkesbury Residential Land Strategy 2011.
2	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Yes  The Planning Proposal is the best way to achieve the objectives or intended outcomes. Rezoning is the only way to achieve the approved subdivision layout, ensure that zoning anomalies are fixed, and ensure that the zoning is appropriate for all parcels of land. The rezoning will bring about several positive outcomes, including alignment with the subdivision plan, elimination of zoning anomalies, appropriate zoning for all parcel and support for approved uses
	Section B – relationship to the strategic planning framework	
3	Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	Yes, refer to discussion below.
4	Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?	Yes, refer to discussion below.
5	Is the planning proposal consistent with any other applicable State and regional studies or strategies?	Yes, refer to discussion below.
	Section B – relationship to the strategic planning framework	
6	6 Is the planning proposal consistent with applicable SEPPs?	Yes, refer to discussion below.  Additionally, a full assessment has been provided as an attachment.
7	7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key	Yes, refer to discussion below.  Additionally, a full assessment has been provided as an attachment.

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

#	Question	Considerations
	government priority?	
	Section C – environmental, social and economic impact	
8	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	No, refer to discussion below.
9	Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	No, the Planning Proposal will result in zoning and boundary adjustments in a largely developed site.
10	Has the planning proposal adequately addressed any social and economic effects?	Yes, refer to discussion below.
	Section D – Infrastructure (Local, State and Commonwealth)	
11	Is there adequate public infrastructure for the planning proposal?	Yes, the Planning Proposal will not result in any additional dwellings.
	Section E – State and Commonwealth Interests	
12	What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	Given the minimal scope of the Planning Proposal and its lack of impact on the planned housing density for the Redbank development, public consultation with relevant authorities was not undertaken. The proposed rezoning largely aligns with the approved subdivision plan, eliminates existing zoning anomalies, and ensures that the zoning for all parcels of land is appropriate for the intended uses. It also supports the successful delivery of the approved uses for the site and does not adversely impact the natural environment. The site is adequately serviced by utilities and infrastructure to support the approved uses and density, ensuring that the rezoning will not strain existing infrastructure capacity

Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan, established by the Greater Sydney Commission, is the key strategic plan governing the direction and objectives of the future of Sydney. The Plan envisions a 'City of Three Cities', a multicentred future for Sydney that facilitates and coordinates the growth of Greater Sydney. The plan outlines ten directions and 42 objectives guiding the future of Sydney. The Planning Proposal is consistent with the objectives of the Greater Sydney Region Plan, as it contributes to objectives centred around providing increased housing stock, helping to meet housing targets, and preserving and continuing the social and environmental values of the area.

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

The Greater Sydney Region Plan forecasts that between 2016 and 2036, the Western City District is expected to grow by 740,000 people in 2016 to 1.1 million by 2036.

The Planning Proposal is consistent with the Greater Sydney Region Plan in that it will not affect the approved development to be delivered on the site and will support the realisation of the Redbank development in accordance with Objective 10, 'Greater housing supply' and Objective 12, 'Great places that bring people together'.

Specifically, the Planning Proposal will:-

- Facilitate the supply of housing by appropriate rezoning the site in alignment with approved subdivision plans.

Overall, the Planning Proposal is consistent with the Greater Sydney Region Plan in that it will support the delivery of a vibrant and connected community with a mix of housing types, community facilities, and services.

#### Western City District Plan

The Western City District Plan elaborates on the directions of the Greater Sydney Region Plan, giving effect to the Plan by creating district-specific priorities. The Planning Proposal is consistent with the objectives of the Western City District Plan, with comparable evaluations of Greater Sydney Region Plan as previously outlined.

The Planning Proposal remains consistent with the Western City District Plan in that it will:

- Contribute to the minimum 20-year housing target of 184,500 dwellings for the whole Western City District to support the predicted district population of approximately 464,000 by 2036.
- Increases the delivery of permanent high quality open space accessible by the surrounding residential population.

Planning Priority W6 Creating and renewing great places and local centres, and respecting the District's heritage

The Western City District Plan emphasises that Local centres are focal points of neighbourhoods. While local centres are diverse and vary in size, they provide essential access to day to-day goods and services close to where people live. The Planning Proposal will result in an increase in the E1 Local Centre zone to support the growing Redbank community. Additionally, the expansion is keeping with the aim of the Western City District Plan as Local centres also have an important role in providing local employment to local residents.

The Western City District Plan also emphasises that Local Centres will need to grow to provide for the required goods and services of the community.

#### Hawkesbury Local Strategic Planning Statement 2040

The Hawkesbury Local Strategic Planning Statement (LSPS) 2040 aligns with the Greater Sydney Region Plan and Western City District Plan and outlines Council's intended actions in delivering the planning objectives. The Planning Proposal is consistent with community-based planning priorities to preserve the local heritage and character of Hawkesbury's towns and villages whilst improving housing stock.

The Local Strategic Planning Statement identifies the Redbank site as a key area for housing development, with the potential to deliver 1,400 lots. As part of Planning Priority 3, 'Provide a diversity of housing types to meet the needs of the changing population', Council is committed to providing an

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

attractive and affordable alternative lifestyle option to inner city living and offering a range of housing products in convenient, walkable locations. The proposed zone boundary realignments will enable the development of total 1,400 lots at Redbank, consistent with the approved subdivisions and the objectives of the Hawkesbury Local Strategic Planning Statement.

#### Hawkesbury Community Strategic Plan 2022-2042

The Hawkesbury Community Strategic Plan 2022-2042 is the central strategic plan for Council, outlining the key aspirations and setting the direction for future Council activities and decision making. The Hawkesbury Community Strategic Plan 2022-2042 provides broad objectives for the future of the Hawkesbury community over the next 20 years. The objectives are categorised into four community outcomes:

- A Great Place to Live
- Protected Environment and Valued History
- Strong Economy
- Reliable Council

The Planning Proposal is assessed as being consistent with the following objectives of the Community Strategic Plan 2022-2042:

#### **Community outcome 1: A great place to live –**

- Long term objective 1.2: Encourage and enable our community to participate in a healthy lifestyle – this will be achieved by rezoning residential land that does not comprise dwelling lots to RE1 Public Recreation zoned land to ensure permanent public open space that will encourage and enable a healthy lifestyle for the Redbank development.

#### **Community outcome 3: Strong economy**

- Consideration for our future: Ensuring our place and identity in Metropolitan Sydney West District Plan and managing future growth targets linked to State and Regional plans – this Planning Proposal is consistent with the housing targets, informed by population growth targets, set by the Greater Sydney Region Plan and Western City District Plan.
- The expansion of the E1 Local Centre zoned land will also enable the ongoing management and flexibility of commercial land to promote strong economic growth.

#### Hawkesbury Local Housing Strategy 2020

The Hawkesbury Local Housing Strategy (HLHS) is a 20-year strategic document that outlines Council's vision for housing in the Hawkesbury Local Government Area. It sets out key goals to meet the growing housing needs of the community in a sustainable and orderly manner, provide a diverse range of housing options, create vibrant and liveable communities, and protect Hawkesbury's unique environment and cultural heritage.

The Hawkesbury Local Housing Strategy, adopted by Council in accordance with the Local Strategic Planning Statement, identifies the Redbank urban release area as an opportunity for housing growth. This development is expected to deliver 1,400 lots, contributing a net dwelling yield of 1,396 dwellings to the Local Government Area's overall housing supply, with 35 hectares of open space.

This Planning Proposal to resolve the misalignment between the zone boundaries and approved/proposed subdivisions and increase the area zoned for R3 Medium Density Residential

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

housing is consistent with the following principles, strategies, and actions of the Hawkesbury Local Housing Strategy:

Principles:

- 2. Plan for delivery of up to around 4,000 new dwellings between 2016-2036 while balancing character and environmental considerations – The Planning Proposal will facilitate the sale and development of residential lots on the subject site, which were originally subdivided for residential purposes, while simultaneously rezoning surplus residentially-zoned land to RE1 Public Recreation zoning to augment the amount of permanent public open space.
- 8. Refine planning controls to address current issues and encourage increased housing diversity in selected locations – Adjusting the boundary of the R3 Medium Density Residential zone will support the delivery of increased housing diversity and allow for the achievement of the planned 1,400 new lots in a location immediately adjacent to the Village Centre. The Village Centre contains retail, commercial, office, food and beverage offerings, a function centre, and a variety of open spaces that will serve the needs of a denser population.
- Strategies and actions:
  - 6.3.1 Focus new housing growth in urban release areas – The Planning Proposal will facilitate the orderly and continuous development of new housing in the Redbank development.

#### Hawkesbury Draft Employment Lands Strategy

The Draft Hawkesbury Employment Lands Strategy is a plan to guide the future development and management of employment land in the Hawkesbury Local Government Area (LGA) of New South Wales, Australia. It was developed by Hawkesbury City Council in response to the Greater Sydney Region Plan and the Western City District Plan.

The Strategy proposes "activating" local centres within the LGA. This Strategy aims to attract more commercial development, thereby improving residents' access to facilities, jobs, and services, as outlined in the Western City District Plan directives.

The proposed expansion of the E1 Local Centre zone aligns with this recommendation.

#### State Environmental Planning Policies

The Planning Proposal is generally consistent with the State Environmental Planning Policies, as detailed in Attachment 1.

#### Local Planning Direction (Ministerial Directions)

The Planning Proposal is generally consistent with the Ministerial Directions, as detailed in Attachment 2.

#### Strategic Merit

The Planning Proposal for the Redbank Development site has a strong strategic merit, as it aligns with the objectives of the Greater Sydney Region Plan, Western City District Plan, and local planning objectives and strategies. The proposal seeks to facilitate the realisation of the approved Redbank subdivision and contribute to the local housing stock, which is essential to meet the needs of the growing population. Additionally, the expansion of the E1 Local Centre zoning and the resolution of zoning inconsistencies will create a more attractive and liveable environment for residents, which will help to attract new residents and businesses to the area, boosting the local economy.

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

#### **Environmental, Social and Economic Impact**

The Planning Proposal will result in predominantly administrative boundary adjustments to the zoning map. It will not significantly change the outcomes of the approved development. The expansion of E1 Local Centre zoned land will not result in any additional environmental effects, and the Planning Proposal will have no additional impacts on threatened species and ecological communities. This expansion aims to provide additional land for a diverse range of retail, business, and community services that cater to the needs of the local residents. By encouraging investment in local commercial development, generating employment opportunities, and promoting economic growth in the area, this expansion is expected to have positive social and economic impacts.

An Ecological Statement prepared by Eco Logical Australia confirms that the Planning Proposal will not negatively impact biodiversity values, and that no further assessment is required.

The Planning Proposal will not result in any adverse social or economic impacts. Instead, it will ensure the effective delivery of the planned redevelopment of the site, of which the social and economic impacts have been adequately addressed through the initial Planning Proposal for the subject site (PP-2020-2977/Hawkesbury Local Environmental Plan 2012 (Amendment No 6) - Redbank at North Richmond (1,400 dwellings).

#### **Additional Considerations**

##### **Heritage**

The subject site is listed as a state heritage item under the Heritage Act 1977 but is not listed as a local heritage item under Schedule 5 of the Hawkesbury LEP 2012. The development of this land for residential purposes was anticipated in the Conservation Management Plan approved with the 2012 Planning Proposal, and this has informed the subdivision layouts detailed in Part E, Chapter 8 of the Hawkesbury DCP 2002.

##### **Stormwater**

The Planning Proposal will not require the provision of any additional stormwater infrastructure. It will not alter the existing stormwater management system approved under previous development applications over the subject site.

##### **Bushfire**

Portions of the subject site are identified as bushfire prone land. However, the Planning Proposal is supported by a Bushfire Statement that concludes that the Planning Proposal will not result in any negative effect on the bushfire risk assessments previously undertaken.

##### **Traffic**

The proposed amendments will not be expected to generate additional traffic and will not require additional road infrastructure.

##### **Biodiversity**

A Biodiversity Statement prepared by Eco Logical Australia has confirmed that the Planning Proposal will not negatively impact biodiversity values and that no further biodiversity assessment is required. The Planning Proposal will not result in further fragmentation or habitat loss for threatened species or ecological communities.

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

#### Planning Proposal

This Planning Proposal was considered by the Hawkesbury Local Planning Panel at its meeting on 30 November 2023 where the following advice was unanimously provided:-

The Panel was satisfied in terms of the overall intent of the Planning Proposal, and considers that it has strategic merit and site specific merit, subject to the further consideration of specific areas as follows:

- “1. The conversion of RE1 Public Recreation zoned land to R3 Medium Density Residential adjacent to the seniors living development. That there should be further justification and clarification in terms of heritage view lines, the impact on significant features and curtilage and potential development outcomes, particularly in relation to the interface with the adjoining public open space corridor. It is recommended that the Planning Proposal be referred to Heritage NSW to consider the potential impact on the identified values and significance of the State Heritage listed item known as Yobarnie. Further consideration should be given to a potentially more appropriate zoning such as the RE2 Private Recreation zone. This is to reflect the proponent’s statements in the meeting that there was no intention to develop this portion of the site for further residential development, and the Panel’s concerns about the consequences of any such development.*
- 2. With respect to the increase of the E1 Local Centre zoned land, Council should consider the need for an economic feasibility study to confirm that there is demonstrated demand for additional employment zoned land.*
- 3. Additionally the Panel recommends that updates to Chapter 8 – Redbank at North Richmond of the Hawkesbury Development Control Plan 2002 should be undertaken (as necessary) to reflect the LEP amendments.”*

Council Officers requested that the proponent provide a response to the recommendations. The following response was provided:

- “1. The proponent stated that heritage view lines were not a point of discussion or consideration for the specific section in question. This stems from its low elevation, well below the contours of dams and irrigators. This response is further supported by the NSW Heritage Office, confirming the senior's living site holds no items of heritage significance.*

*Additionally, the proponent emphasised that the land belongs jointly to Hawkesbury City Council and RSL Lifecare (seniors living development). This shared ownership necessitates careful analysis when considering any boundary adjustments. Before development application approvals, Hawkesbury City Council requested Redbank build a fence and connecting pathway along the northern boundary for community access. The proponent confirms this construction is complete and meets the agreed specifications.*

*Recently, Hawkesbury City Council discovered ownership of portions of on-site detention (OSD) basins and rain gardens, leading to concerns about future maintenance costs. To address this, they proposed modifying the boundaries between themselves and RSL, ensuring RSL ownership of OSD and rain gardens, while Hawkesbury City Council assumes ownership of the newly constructed shared pathway.*

*The proponent clarified that the requested zone boundary amendment simply aims to distinguish between Hawkesbury City Council-owned open space and the RSL Lifecare village. They emphasise that this amendment has no impact on their operations and they hold no preference for it to proceed or not. However, they acknowledge that it may pose a future legacy issue between Hawkesbury City Council and RSL (resulting in privately owned land with a public RE1 Public Recreation zoning).*



## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

- The proponent acknowledges that the additional land area, when factoring in carpark and floor space ratio (FSR) requirements, would yield a relatively modest increase in building space. However, they express a strong belief in the area's longer-term growth potential, citing Kemsley Park's flood-free status and the potential for development on other surrounding lands. They advise that additional employment land, even if currently limited in scope, could be highly beneficial in the long term, positioning the E1 Centre for future expansion and solidifying its role as a key employment hub in a flood-resilient area.*
- The proponent is in agreement with the Panel regarding the need to update Chapter 8 - Redbank at North Richmond of the Hawkesbury Development Control Plan 2002."*

#### **Recommendation from Staff**

- Proceed with the conversion of RE1 Public Recreation zoned land to RE2 Private Recreation zoning for the land adjacent to the seniors living development (not convert to R3 Medium Density Residential as included in the original Planning Proposal).

Taking into consideration the advice of the HLPP, the proponents response, and the State Heritage listing of the site, it is recommended that Council proceed with RE2 Private Recreation zoning for rezoning the land north of the seniors' living development, not RE1 Public Recreation Zoning as included in original Planning Proposal.

The RE2 Private Recreation zoning is generally intended to cover a wide range of recreation areas and facilities on land that is privately owned or managed. This reflects the current use and aligns with the proponents non-development intent, addressing Hawkesbury Local Planning Panel's concerns about future impact. This zone will provide a defined distinction between private and public areas.

It is important to note that comprehensive heritage assessments were conducted for previous development applications, including the seniors living development on the subject site. These development applications were referred to Heritage NSW for comment. Due to the Redbank Site being State Heritage listed, Heritage NSW will inevitably be involved in the review process during the Gateway stage. This involvement will include a detailed assessment of the proposal's impact on the site's heritage values and any necessary mitigation measures. Therefore a referral to Heritage NSW is not necessary to initiate it at the current stage.

- E1 Local Centre zoned land

Taking into consideration the Hawkesbury Employment Strategy's emphasis on "activating" local centres to attract commercial development, thereby enhancing access to facilities, employment opportunities, and services for residents, and in line with the directives of the Western City District Plan, it is recommended that Council proceed with the Planning Proposal as is. This approach allows for a comprehensive assessment by the Department of Planning and Environment to determine the necessity of an economic feasibility study or any additional studies necessary for the Planning Proposal to proceed at the Gateway determination stage.

#### **Conclusion**

In summary, the Planning Proposal seeks to amend Hawkesbury Local Environmental Plan 2012 zone mapping to resolve zoning misalignments and inconsistencies that have arisen through the Redbank development's design and subdivision process. The proposed amendments are largely consistent with the Redbank site's various structure plans and approved subdivisions, and they will facilitate the development of this land for residential uses, public recreation, and a local centre. They are also consistent with relevant Local and State Strategic Plans, including the Hawkesbury Local Strategic Planning Statement, and will facilitate the intended built form outcome for the subject site.

The proposed amendments are necessary to ensure the orderly and consistent development of the Redbank Development site in accordance with the approved plans and relevant strategic planning

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

framework. They will enable the development of the site for its intended uses, while also ensuring that the development is consistent with the broader strategic planning framework. Overall, the Planning Proposal represents an important step forward in the ongoing development of the Redbank Development site.

#### COMMUNITY ENGAGEMENT

Should the Planning Proposal proceed after receiving Gateway Determination from the Department of Planning and Environment, the Planning Proposal will undertake a public exhibition period of a minimum of 28 days, unless otherwise stipulated in the Gateway Determination.

#### CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

##### Reliable Council

4.7 Encourage informed planning, balanced growth and community engagement.

#### FINANCIAL IMPACT

There are no financial implications applicable to this report.

#### 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.

#### ATTACHMENTS

AT - 1 Assessment Against State Environmental Planning Policies.

AT - 2 Assessment Against Local Planning (Ministerial) Directions.

AT – 3 Planning Proposal Report - Redbank, North Richmond - (*Distributed under separate cover*).

AT - 4 Proposed LEP Map.

AT – 5 Aboriginal Heritage Statement.

AT – 6 Heritage Statement.

AT - 7 Stormwater and Flooding Statement.

AT – 8 Biodiversity Statement.

AT – 9 Bushfire Statement.

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

**AT – 10** Traffic Statement.

**AT - 11** Plans Demonstrating Change from Existing to Proposed Land Zoning - (*Distributed under separate cover*).

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date: 12 December 2023**

**AT 1 – Assessment Against State Environmental Planning Policies**

**Attachment 1 – State Environmental Planning Policies**

State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Vegetation in Non-Rural Areas	The aims of this Chapter are— a. to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and b. to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	The Planning Proposal will not include any provisions that conflict with or impede the implementation of this chapter.
Koala habitat Protection 2020	This Chapter aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline— a. by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and b. by encouraging the identification of areas of core koala habitat, and c. by encouraging the inclusion of areas of core koala habitat in environment protection zones.	Not applicable, as the Planning proposal rezoning is largely boundary realignment. The Planning Proposal will not impact any identified koala habitats.
Koala habitat Protection 2021	This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	Consistent  While Chapter 4 Koala Habitat Protection 2021 applies to the entire Hawkesbury LGA, no approved koala plan of management exists for the land subject to this Planning Proposal, and previously undertaken biodiversity assessments have concluded that the site is unlikely to have any impact on koalas or koala habitat.
River Murray Lands	The aims of this Chapter are to conserve and enhance the riverine environment of the River Murray for the benefit of all users.	Not applicable to Hawkesbury LGA
Water Catchments	This Chapter applies to land in the following catchments—  the Sydney Drinking Water Catchment, the Sydney Harbour Catchment, the Georges River Catchment,	Consistent  The Planning Proposal does not have any adverse impacts on the Hawkesbury-Nepean River

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

	the Hawkesbury-Nepean Catchment.	or its sub catchments.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004		
Chapter	Aims	Comment
Building Sustainability Index: BASIX	<p>Regulations under the Act have established a scheme to encourage sustainable residential development (<i>the BASIX scheme</i>) under which:</p> <ul style="list-style-type: none"> <li>a. application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and</li> <li>b. the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.</li> </ul>	<p>The Planning Proposal will not include any provisions that conflict with or impede the implementation of this chapter.</p> <p>The Planning Proposal will not preclude future compliance with SEPP (BASIX) 2004.</p>
State Environmental Planning Policy (Exempt and Complying Development) 2008		
Exempt and Complying development Codes	This Policy aims to provide streamlined assessment processes for development that complies with specified development standards	The Planning Proposal will not include any provisions that conflict with or impede the implementation of this chapter.
State Environmental Planning Policy (Housing) 2021		
Affordable Housing	<ul style="list-style-type: none"> <li>a. enabling the development of diverse housing types, including purpose-built rental housing,</li> <li>b. encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</li> <li>c. ensuring new housing development provides residents with a reasonable level of amenity,</li> <li>d. promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</li> <li>e. minimising adverse climate and environmental impacts of new housing development,</li> <li>f. reinforcing the importance of designing housing in a way that reflects and enhances its locality,</li> <li>g. supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</li> </ul>	The Planning Proposal will not include any provisions that conflict with or impede the implementation of this chapter.

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date: 12 December 2023**

	h. mitigating the loss of existing affordable rental housing.	
Diverse Housing	<ul style="list-style-type: none"> <li>a. enabling the development of diverse housing types, including purpose-built rental housing,</li> <li>b. encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</li> <li>c. ensuring new housing development provides residents with a reasonable level of amenity,</li> <li>d. promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</li> <li>e. minimising adverse climate and environmental impacts of new housing development,</li> <li>f. reinforcing the importance of designing housing in a way that reflects and enhances its locality,</li> <li>g. supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</li> <li>h. mitigating the loss of existing affordable rental housing.</li> </ul>	<p>The Planning Proposal will not include any provisions that conflict with or impede the implementation of this chapter.</p> <p>These matters have been addressed via the various development applications related to the Redbank development. It may apply to future development on the subject site.</p>
State Environmental Planning Policy (Industry and Employment) 2021		
Western Sydney Employment Area	This Chapter aims to protect and enhance the land to which this Chapter applies (the <i>Western Sydney Employment Area</i> ) for employment purposes.	Not applicable to Hawkesbury LGA
Advertising and Signage	<p>This Chapter aims—</p> <ul style="list-style-type: none"> <li>a. to ensure that signage (including advertising)— <ul style="list-style-type: none"> <li>i) is compatible with the desired amenity and visual character of an area, and</li> <li>ii) provides effective communication in suitable locations, and</li> <li>iii) is of high quality design and finish, and</li> </ul> </li> <li>b. to regulate signage (but not content) under Part 4 of the Act, and</li> <li>c. to provide time-limited consents for the display of certain advertisements, and</li> <li>d. to regulate the display of advertisements in transport corridors, and</li> <li>e. to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</li> </ul>	<p>The Planning Proposal will not include any provisions that conflict with or impede the implementation of this chapter.</p> <p>No signage is proposed. It may apply to future development on the subject site.</p>
State Environmental Planning Policy No 65 (Design Quality of Residential Development) 2002		
Design Quality of Residential	This Policy aims to improve the design quality of residential apartment development in New South	Not applicable to this Planning Proposal, as no

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

**Meeting Date:** 12 December 2023

Department Development	Wales.	residential apartments are proposed.
State Environmental Planning Policy (Planning Systems) 2021		
State and Regional Development	The aims of this Chapter are as follows— a. to identify development that is State significant development, b. to identify development that is State significant infrastructure and critical State significant infrastructure, c. to identify development that is regionally significant development	Not applicable to this Planning Proposal. The Planning Proposal does not directly result in any state or regionally significant development.
Aboriginal Land	The aims of this Chapter are— to provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and to declare specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.	Not Applicable. This Planning Proposal does not apply to any land owned by Aboriginal Land.
Concurrences and Consents	Provide overview of when the Planning Secretary may act as concurrence authority	Consistent.
State Environmental Planning Policy (Precincts – Central River City) 2021		
Central River City	Provide planning policies for the Central River City	Not applicable to Hawkesbury LGA
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021		
Eastern Harbour City	Provides planning policies for the Eastern Harbour City	Not applicable to Hawkesbury LGA
State Environmental Planning Policy (Precincts – Regional) 2021		
Regional	Provides planning policies for the Regional NSW	Not applicable to Hawkesbury LGA
State Environmental Planning Policy (Precincts – Western Parkland City) 2021		
State Significant Precincts	The aims of this Chapter are as follows— a. to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State, b. to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.	Not applicable to Hawkesbury LGA

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date: 12 December 2023**

Sydney Region Growth Centres	<p>The aims of this Chapter are (in conjunction with amendments to the regulations under the Act relating to precinct planning) as follows—</p> <ul style="list-style-type: none"> <li>a. to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area,</li> <li>b. to enable the Minister from time to time to designate land in growth centres as ready for release for development,</li> <li>c. to provide for comprehensive planning for growth centres,</li> <li>d. to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity,</li> <li>e. to provide controls for the sustainability of land in growth centres that has conservation value,</li> <li>f. to provide for the orderly and economic provision of infrastructure in and to growth centres,</li> <li>g. to provide development controls in order to protect the health of the waterways in growth centres, to protect and enhance land with natural and cultural heritage value,</li> <li>f. to provide land use and development controls that will contribute to the conservation of biodiversity.</li> </ul>	<p>Not applicable to Hawkesbury LGA</p> <p>The Planning Proposal is not within Sydney Region Growth Centres</p>
Western Sydney Aerotropolis	<p>The aims of this Chapter are as follows—</p> <ul style="list-style-type: none"> <li>a. to facilitate development in the Western Sydney Aerotropolis in accordance with the objectives and principles of the Western Sydney Aerotropolis Plan</li> </ul>	<p>Not applicable to Hawkesbury LGA</p>
Penrith Lakes Scheme	<p>The aims of this Chapter are as follows—</p> <ul style="list-style-type: none"> <li>a. to provide a development control process that ensures that environmental and technical matters are considered in the implementation of the Penrith Lakes Scheme,</li> <li>b. to identify and protect items of the environmental heritage,</li> <li>c. to identify certain land that may be rezoned for employment, environmental, parkland, residential, tourism and waterway purposes and land that will be rezoned as unzoned land,</li> <li>d. to permit interim development that will not detrimentally impact on the implementation of the Penrith Lakes Scheme,</li> <li>e. to ensure that the implementation of the Penrith Lakes Scheme does not detrimentally impact on the ongoing operation and use of olympic legacy infrastructure, including the Sydney International Regatta Centre and the Penrith Whitewater Stadium.</li> </ul>	<p>Not applicable to Hawkesbury LGA</p>



## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

**Meeting Date:** 12 December 2023

St Marys	The aims of this Chapter are to— a. support the <i>St Marys Environmental Planning Strategy, 2000</i> of the Department of Urban Affairs and Planning by providing a framework for the sustainable development and management of the land to which this Chapter applies	Not applicable to Hawkesbury LGA
Western Sydney Parklands	The aim of this Chapter is to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney	Not applicable to Hawkesbury LGA
State Environmental Planning Policy (Primary Production) 2021		
Primary production and Rural Development	The aims of this Chapter are as follows— a. to facilitate the orderly economic use and development of lands for primary production, b. to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources, c. to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations, d. to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts, e. to encourage sustainable agriculture, including sustainable aquaculture, f. to require consideration of the effects of all proposed development in the State on oyster aquaculture, g. to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.	The Planning Proposal will not include any provisions that conflict with or impede the implementation of this chapter.  The Planning Proposal does not propose development that would impact the productivity and character of surrounding rural lands.
Central Coast Plateau Areas	The general aims of this Chapter are— a. to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses	Not applicable to Hawkesbury LGA
State Environmental Planning Policy (Resilience and Hazard) 2021		
Coastal Management	The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i> , including the management objectives for each coastal management area	Not applicable.  The subject site is not within a coastal area.

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date: 12 December 2023**

<p>Hazardous and offensive Development</p>	<p>This Chapter aims—  a. to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and  b. to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Chapter</p>	<p>The Planning Proposal will not include any provisions that conflict with or impede the implementation of this chapter.</p>
<p>Remediation of Land</p>	<p>This Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—  a. by specifying when consent is required, and when it is not required, for a remediation work, and  b. by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and  c. by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>The Planning Proposal will not include any provisions that conflict with or impede the implementation of this chapter.</p> <p>Previous assessments of the subject site have concluded that it is suitable for residential development. This includes the previous Planning Proposal, which resulted in the subject site's rezoning.</p>
<p align="center"><b>State Environmental Planning Policy (Resource and Energy) 2021</b></p>		
<p>Mining, petroleum, and Extractive Industries</p>	<p>The aims of this Chapter are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries—  a. to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and  b. to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and  c. to promote the development of significant mineral resources, and  d. to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and  e. to establish a gateway assessment process for certain mining and petroleum (oil and gas) development—  i) to recognise the importance of agricultural resources, and  (ii) to ensure protection of strategic agricultural land and water resources, and  (iii) to ensure a balanced use of land by potentially competing industries, and  (iv) to provide for the sustainable growth of mining,</p>	<p>The Planning Proposal will not include any provisions that conflict with or impede the implementation of this chapter.</p>

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date: 12 December 2023**

	petroleum and agricultural industries	
Extractive industries in Greater Sydney	This Chapter aims— a. to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance	The Planning Proposal will not include any provisions that conflict with or impede the implementation of this chapter.
State Environmental Planning Policy (Transport and Infrastructure) 2021		
Infrastructure	The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State	Consistent
Educational establishments and child care facilities	The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State	Consistent  The Planning Proposal does not impede the establishment of future educational establishments and childcare facilities.
Major Infrastructure Corridors	The aims of this Chapter are as follows— a. to identify land that is intended to be used in the future as an infrastructure corridor, b. to establish appropriate planning controls for the land for the following purposes— i) to allow the ongoing use and development of the land until it is needed for the future infrastructure corridor, (ii) to protect the land from development that would adversely impact on or prevent the land from being used as an infrastructure corridor in the future.	Consistent  This SEPP will continue to apply to the land following its rezoning. Future development will need to be assessed in accordance with the SEPP where relevant. Future development applications may be classified as traffic-generating development and require referral to Transport for NSW.
Three ports – Port Botany, Port Kembla and port of Newcastle	The aims of this Chapter are as follows— a. to provide a consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and the Port of Newcastle, b. to allow the efficient development, re-development and protection of land at Port Botany, Port Kembla and the Port of Newcastle for port purposes	Not applicable to Hawkesbury LGA

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date: 12 December 2023**

**AT 2 - Assessment Against Local Planning (Ministerial) Directions**

1

**Attachment 2 – Local Planning (Ministerial) Directions**

Planning Systems		
Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	Consistent  The Planning Proposal is assessed to be consistent with the relevant Regional Plan.
Development of Aboriginal land council	The objective of this direction is to provide for the consideration of development delivery plans prepared under chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.	Not applicable to Hawkesbury LGA.
Approval and referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent:  The Planning Proposal does not include provisions requiring concurrence, consultation, or referral of development applications to a Minister or public authority.
Site Specific provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent  The Planning Proposal does not propose any site specific provisions.
Planning Systems Place Based		
1.5-1.20	Site specific direction not relevant to the Hawkesbury LGA	Not applicable to Hawkesbury LGA
Biodiversity and Conservation		
Conservation Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Consistent  <b>The subject site includes a small area (approximately 0.24ha) of critically endangered Cumberland Plain Woodland, a listed threatened ecological community under both state and federal legislation. The Planning Proposal is consistent with this direction's objective, as the previously approved development applications for the Redbank development have included provisions that facilitate the protection and conservation of</b>

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date: 12 December 2023**

2

		<b>environmentally sensitive areas.</b>
Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent.  The Planning Proposal does not significantly impact items, areas, objects and places of environmental and indigenous heritage at both State and Local levels.
Sydney Drinking Water Catchments	The objective of this direction is to protect water quality in the Sydney drinking water catchment.	Not applicable to Hawkesbury LGA
Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	The objective of this direction is to ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast.	Not applicable to Hawkesbury LGA
Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles	The subject site is not proposed to be used as a Recreation Vehicle Area.
Strategic Conservation Planning	The objective of this direction is to protect, conserve or enhance areas with high biodiversity value.	Consistent.  The subject site is within a strategic conservation area. However, the Planning Proposal is supported by a Biodiversity Statement, which confirms that due to the minor proposed amendments, the Planning Proposal does not affect any land identified as a Strategic Conservation Area under Chapter 13 of the Biodiversity and Conservation SEPP 2021 and Cumberland Plain Conservation Plan. Therefore, it will not result in any negative biodiversity impacts to Strategic Conservation Areas. It is consistent with the protection of native vegetation, minimisation of impacts on areas of regionally significant biodiversity, protection of koala habitat and corridors, and the maintenance and enhancement of ecological function.
Resilience and Hazards		

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

3

<p>Flooding</p>	<p>The objectives of this direction are to: (a) ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</p>	<p>Consistent</p> <p>The Planning Proposal is above the flood planning level.</p>
<p>Coastal Management</p>	<p>The objective of this direction is to protect and manage coastal areas of NSW.</p>	<p>Not applicable. The subject site is not in a coastal area.</p>
<p>Planning for Bushfire Protection</p>	<p>The objectives of this direction are to: (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) encourage sound management of bush fire prone areas</p>	<p>Consistent</p> <p><b>The Planning Proposal is consistent with this direction, as it is solely for the rezoning of land and will be consulted with relevant authorities as required. Any future development is separate from this Planning Proposal and will be considered upon receiving a development application.</b></p>
<p>Remediation of Contaminated Land</p>	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>Consistent.</p> <p>Previous assessment of the subject site has concluded that the site is suitable for residential development.</p>
<p>Acid Sulfate Soils</p>	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils</p>	<p>Consistent.</p> <p>The subject site is identified as Class 5 Acid Sulfate Soil and is not located within the relevant distance from any Class 1-4 soils. As such, the Hawkesbury LEP 2012 does not require an Acid Sulfate Management Plan. Moreover, no actual intensification of land uses is proposed in this Planning Proposal.</p>
<p>Mine Substance and Unstable Land</p>	<p>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine</p>	<p>Not applicable. The subject site has not been identified as unstable or subject to mine subsidence.</p>

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date: 12 December 2023**

4

	subsidence.	
<b>Transport and Infrastructure</b>		
Integrating land Use and Transport	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	<p>Consistent.</p> <p><b>The Planning Proposal is generally consistent with the objectives. It is important to note that the Planning Proposal will not increase the number of lots or dwellings on the broader Redbank site; rather, it is for an administrative boundary adjustment on the zoning map. Therefore, no additional public or transport infrastructure is required as a result of the Planning Proposal.</b></p>
Reserving Land for Public Purposes	<p>The objectives of this direction are to:</p> <p>(a) facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>Consistent.</p> <p>This Planning Proposal is consistent in not creating, altering, or reducing existing land reservations for public purposes. Instead, it results in a net increase in public open space at the site.</p>
Development Near Regulated Airports and defence Airfields	<p>The objectives of this direction are to:</p> <p>(a) ensure the effective and safe operation of regulated airports and defence airfields;</p> <p>(b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</p> <p>(c) ensure development, if situated on</p>	<p>Not applicable.</p> <p>The subject site is not in proximity to an airport or defence Airfield.</p>

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date: 12 December 2023**

5

	noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	
Shooting Ranges	<p>The objectives are to:</p> <p>(a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</p> <p>(b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</p> <p>(c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p>	<p>Not applicable.</p> <p>The subject site is not in proximity to a shooting range.</p>
<b>Housing</b>		
Residential Zones	<p>The objectives of this direction are to:</p> <p>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) minimise the impact of residential development on the environment and resource lands.</p>	<p>Consistent.</p> <p>The Planning Proposal will meet the objectives of this direction by:</p> <ul style="list-style-type: none"> <li>Continuing to facilitate a choice of building types, including medium density housing, thereby facilitating the supply of diverse housing options in the Hawkesbury.</li> <li>Continuing to contain residential development within the broader Redbank site, not further expanding land consumption on Sydney's urban fringe.</li> <li>Zoning surplus land as public recreational land not within residential lots but currently zoned for residential uses to make more efficient use of that land for public open space.</li> </ul>
Caravan Parks and Manufactured Home Estates	<p>The objectives of this direction are to:</p> <p>(a) provide for a variety of housing types, and</p> <p>(b) provide opportunities for caravan</p>	Not applicable.



**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

6

	parks and manufactured home estates.	
Business and Industrial Zones	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) encourage employment growth in suitable locations,</li> <li>(b) protect employment land in business and industrial zones, and</li> <li>(c) support the viability of identified centres</li> </ul>	<p>Consistent</p> <p>The Planning Proposal retains the E1 zoned employment land in the Village Centre and does not reduce the potential floor space for employment uses and related public services in the E1 Local Centre zone.</p>
Reduction in non-hosted short-term rental accommodation period	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and</li> <li>(b) ensure the impacts of short-term rental accommodation and views of the community are considered.</li> </ul>	Not applicable.
Commercial and Retail Development along Pacific Highway, North coast	<p>The objectives for managing commercial and retail development along the Pacific Highway are to:</p> <ul style="list-style-type: none"> <li>(a) protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route,</li> <li>(b) prevent inappropriate development fronting the highway,</li> <li>(c) protect public expenditure invested in the Pacific Highway,</li> <li>(d) protect and improve highway safety and highway efficiency,</li> <li>(e) provide for the food, vehicle service and rest needs of travellers on the highway, and</li> <li>(f) reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</li> </ul>	Not Applicable to the Hawkesbury.
Resources and Energy		

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

7

Mining, Petroleum production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Consistent  The Planning Proposal will not conflict with existing or future extractive industries.
Primary Production		
Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	Not applicable.  The subject site is not zoned rural land.
Rural Lands	The objectives of this direction are to:  (a) protect the agricultural production value of rural land,  (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,  (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,  (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,  (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,  (f) support the delivery of the actions outlined in the NSW Right to Farm Policy.	Consistent.  The Planning Proposal is consistent with this direction as it does not impede the productivity of surrounding land uses and supports the local agri-tourism industry.
Oyster Aquaculture	The objectives of this direction are to:  (a) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and  (b) protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in	Not applicable.  The subject site is not within an Aquaculture Area.

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

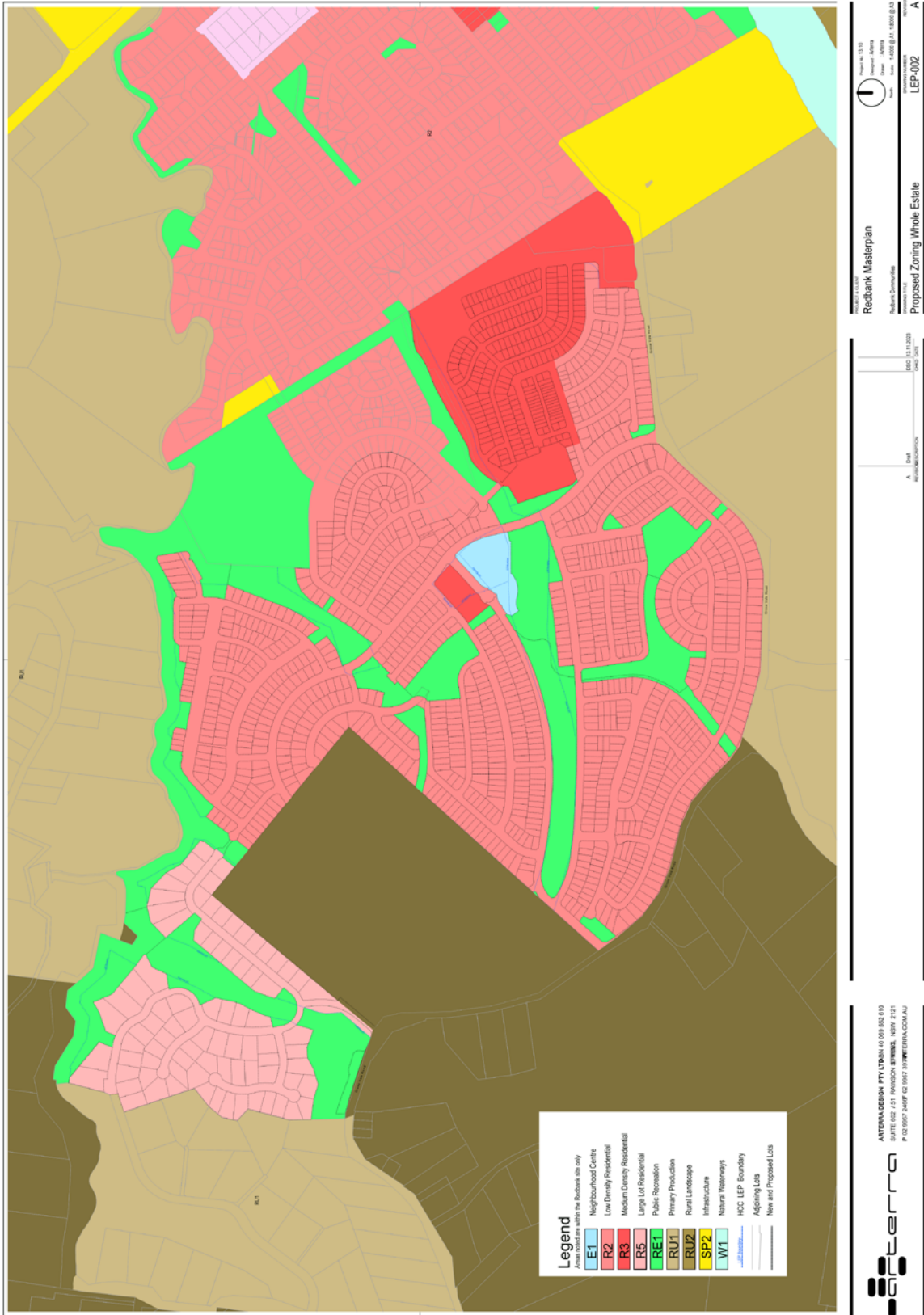
**Meeting Date:** 12 December 2023

8

	adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.	
Farmland of State and regional Significance on the NSW Far North Coast	The objectives of this direction are to:  (a) ensure that the best agricultural land will be available for current and future generations to grow food and fibre,  (b) provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and  (c) reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas	Not Applicable to Hawkesbury.

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

**AT 4 - Proposed LEP Map**



ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

**AT 5 - Aboriginal Heritage Statement**



**Kelleher  
Nightingale** Consulting Pty Ltd  
ABN 26 120 187 671 ACN 120 187 671

Suite 505-507  
155 King Street  
Sydney NSW 2000  
p 02 9232 5373

1 June 2023

Redbank Communities  
76 Arthur Phillip Drive  
North Richmond NSW 2754

**SUBJECT        REDBANK COMMUNITIES LEP CHANGES**  
**PURPOSE       ABORIGINAL HERITAGE IMPACT STATEMENT**

This letter is to confirm the proposed LEP changes (Figure 1) for the Redbank Communities development will have no changes to previous advice regarding impact to Aboriginal heritage.

**Summary of Previous Advice**

No Aboriginal archaeological sites will be impacted by the proposed development works associated with the Southern Valley Subdivision and associated Earthworks and Infrastructure work.

No further Aboriginal heritage assessment of the property is warranted.

If you have any questions or require further information, please don't hesitate to contact me on 02 9232 5373.

Yours sincerely



Dr Matthew Kelleher  
Director/Archaeologist

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

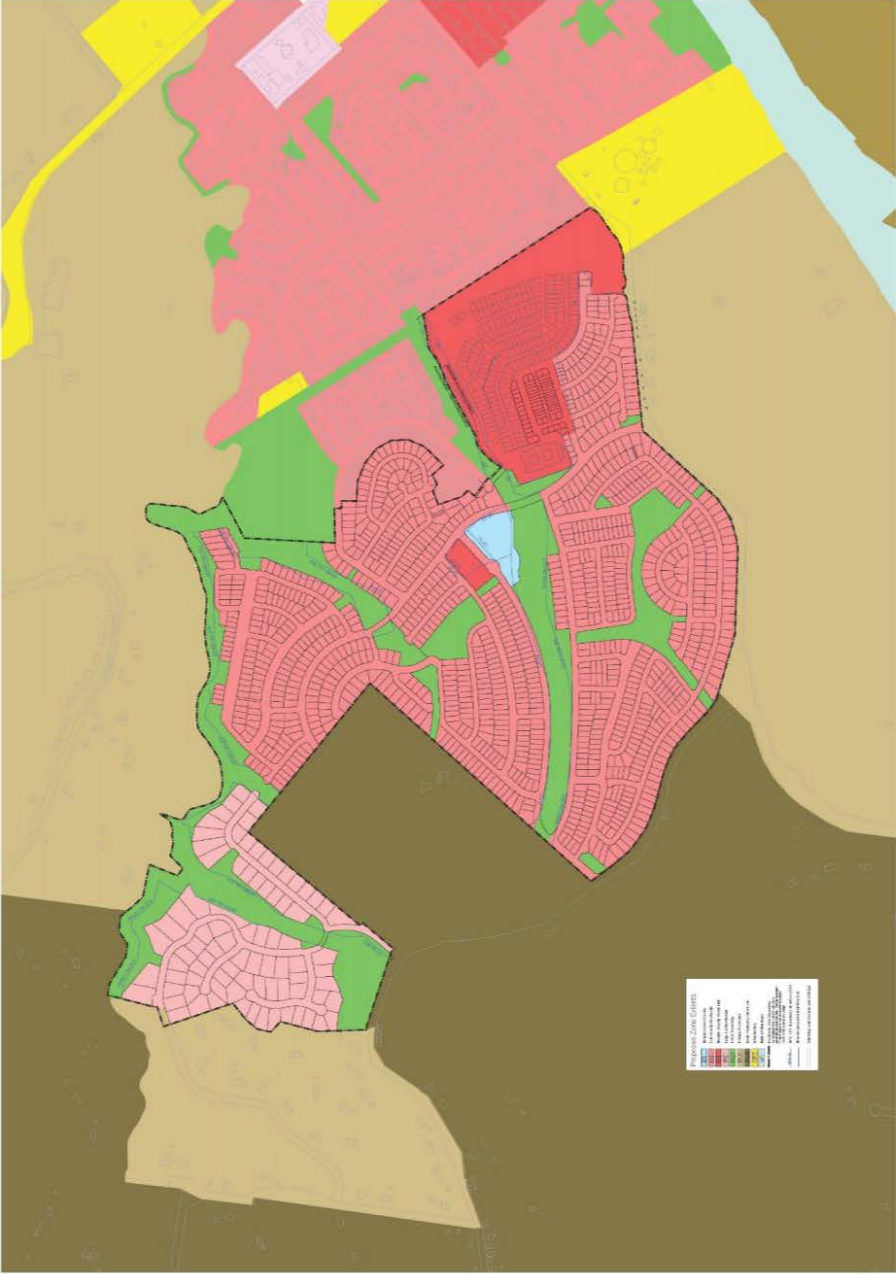


Figure 1 Redbank Masterplan LEP Proposal

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

#### AT 6 - Heritage Statement



**ANGEL PLACE  
LEVEL 8, 123 PITT STREET  
SYDNEY NSW 2000**

URBIS.COM.AU  
Urbis Pty Ltd  
ABN 50 105 256 228

2 June 2023

Redbank Communities  
76 Arthur Phillip Drive  
PO Box 262 North Richmond NSW 2754

To whom it may concern,

#### **RE: REDBANK/ YOBARNIE, GROSE VALE ROAD, NORTH RICHMOND**

Redbank is a large urban release area in North Richmond. The site is bordered by the existing North Richmond Township to the east, existing Belmont Grove residential area to the west, Redbank Creek to the north and Grose Vale Road to the south. The land was rezoned on 11 April 2014 for a 1,400-lot residential development, with R2, R3, R5 and B1 zonings.

Redbank is also known as the former Yobarnie Keyline Farm, which is listed on the SHR (Listing Number 01826/Gazette Date: 08/03/2013). Refer below (Figure 1) for an extract of the existing State Heritage Register curtilage for the listed site. The former Yobarnie is of State Heritage Significance for its historic, associative and aesthetic values and for its research potential and rarity. The site is of significance at a State level for its role as one of two demonstration farms where the Keyline system was developed in the early 1950s. From 1944 Yobarnie was the experimental site for soil development concepts informing the Keyline philosophy, which was first implemented and developed on the adjacent Nevallan in 1952.

The site is subject to an endorsed Conservation Management Plan (CMP), prepared by Urbis, which was endorsed by the Heritage Council on 27 March 2013 (NSWHO 09/04874). As the heritage consultants to the project since 2008, Urbis has had extensive involvement with the site having prepared various Heritage Impact Statements in conjunction with the various individual subdivisions to date, in addition to authoring the CMP and providing liaison to the NSW Heritage Division.

It is now proposed to amend the LEP to ensure that the RE1 (public recreation) boundary is consistent with the existing approved subdivisions and bring the LEP up to date to match the existing lot areas. A comparison of the areas is provided at Figure 2. The existing LEP zone extents as established in December 2013 have been progressively varied in conjunction with the development of the various subdivisions and this is an administrative amendment proposed to ensure consistency with the subdivisions as approved across the site. The public open space areas are important to the heritage significance of the place as they retain significant heritage features, in particular the dams and heritage interpretation. However, the current extent of open space and lot areas has been determined by successive Development Applications for subdivision, incorporating heritage advice and impact assessment and therefore correction of the LEP areas to align with the current areas, can have no further heritage impact on the site or known significant features.

Heritage Advice \_LEP amendment \_Lot Areas 02062023

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**



Figure 1 – Extract of existing State Heritage Register heritage curtilage





**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**



Figure 2 – Plan showing proposed areas overlain with the HCC LEP boundaries as at 2013 (dashed blue line)



Source: Ethos Urban

Heritage Advice\_LEP\_amendment\_Lot Areas 02062023

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**



Having regard for the above, no further assessment is considered necessary for the amendment and the proposed amendment is supported on heritage grounds.

I trust this will assist you in your consideration of the subject LEP amendment. Please feel free to contact the undersigned should you have any further queries.

Kind regards,



Fiona Binns  
Associate Director  
+61 2 8233 7610  
fbinns@urbis.com.au

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

**AT 7 - Stormwater and Flooding Statement**



**J. WYNTHAM PRINCE**  
CONSULTING CIVIL INFRASTRUCTURE ENGINEERS  
& PROJECT MANAGERS

**Our Ref:** 110185-01-Redbank LEP Letter of Support  
CM

5 Jun 2023

**Redbank Communities**

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PO Box 262 North Richmond NSW 2754  
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[www.jwprince.com.au](http://www.jwprince.com.au)



**Subject:** Redbank Proposed amendment to Hawkesbury Local Environmental Plan 2012

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J. Wyndham Prince understands Redbank Communities are seeking an amendment to the Hawkesbury Local Environmental Plan 2012 zoning boundaries, applicable to their site at North Richmond.

In accordance with the attached plan of rezoning prepared by Ethos Urban, J. Wyndham Prince confirm there are no engineering issues with the proposed adjustment of RE1 zoned land boundaries on the basis the alignment of the boundaries is consistent with relevant Development Approvals issued by Hawkesbury City Council.

Should you have any queries regarding this matter please do not hesitate to contact me.

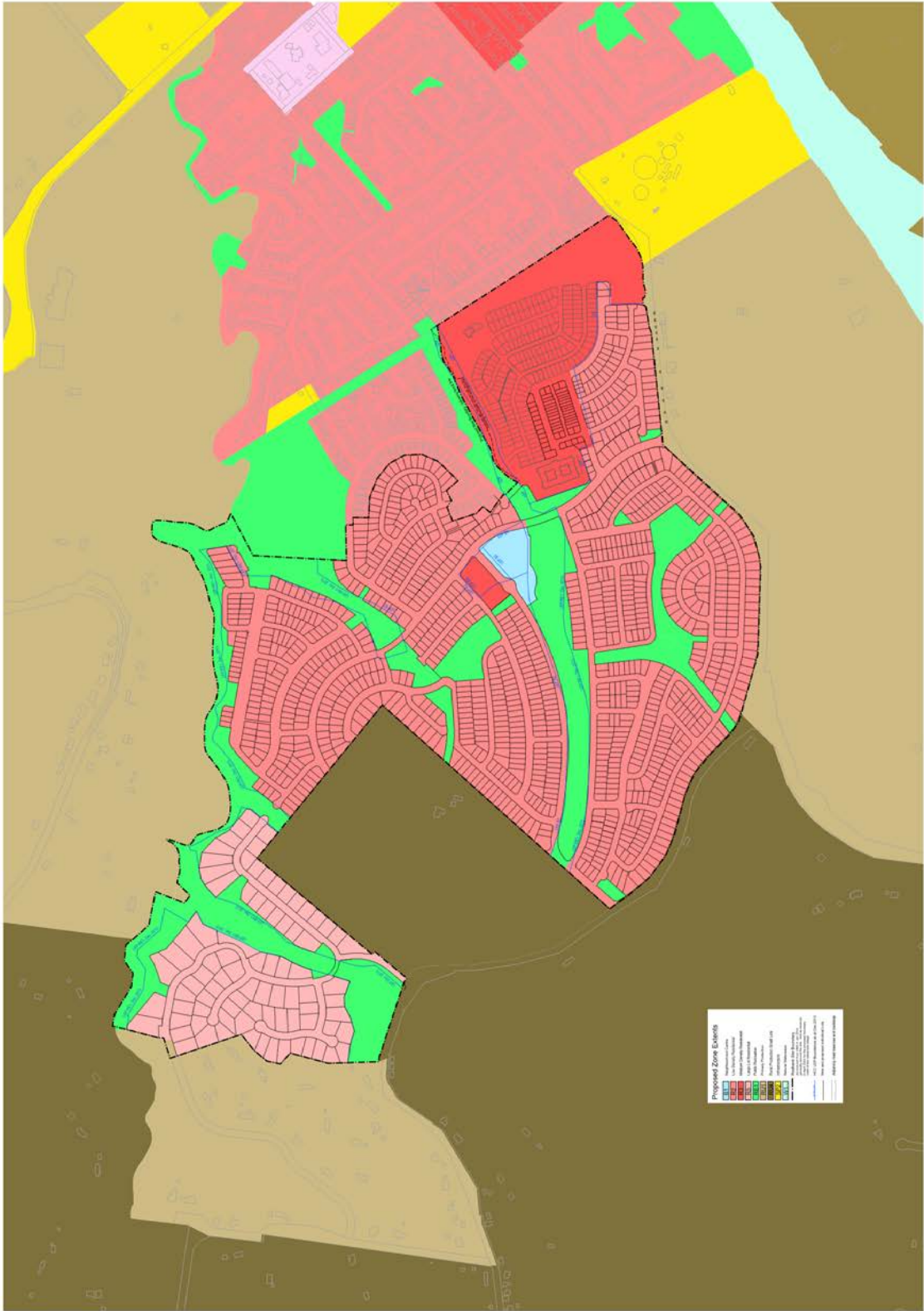
Yours faithfully



CHRIS MUDIE

Project Leader

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**



**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

**AT 8 - Biodiversity Statement**



Level 3 101 Sussex Street Sydney NSW 2000  
t: (02) 9529 3800

Mark Regent

Redbank Communities  
76 Arthur Phillip Drive

**Project No: 18SYD\_18744**

22 June 2023

Dear Mark,

**RE: Proposed LEP amendment – biodiversity impacts**

Eco Logical Australia (ELA) understands that Redbank Communities propose an amendment to Hawkesbury LEP 2012 to align the RE 1 Public Recreation zone boundary with the lot boundaries of approved development. See Attachment 1.

Where the proposed boundary change would extend the RE 1 Public Recreation zone land into existing residential zone, likelihood of biodiversity impact is decreased.

Where the proposed boundary change would extend the residential zone to match the external lot boundaries of an approved subdivision, biodiversity impacts have been assessed and approved and therefore no additional biodiversity impacts are likely.

The changes do not affect any land identified as a Strategic Conservation Area under the Chapter 13 of the Biodiversity and Conservation SEPP 2021 and Cumberland Plain Conservation Plan.

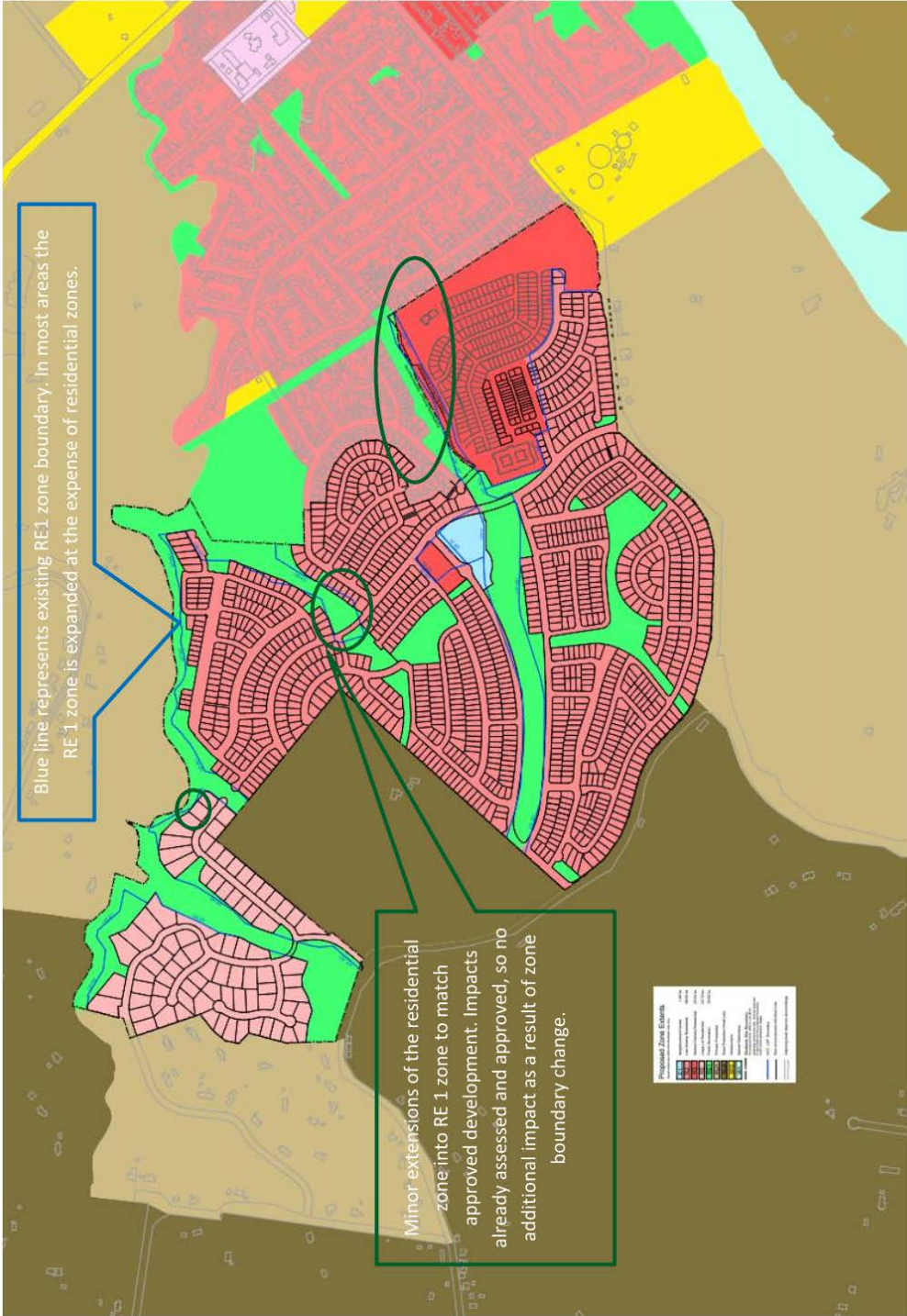
Based on the above we conclude the proposed zone boundary changes would not have a negative impact on biodiversity values. In our view the proposed change is logical and should not require further biodiversity assessment.

Regards,



David Bonjer  
Principal Consultant

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**



**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

**AT 9 - Bushfire Statement**



PO Box 583,  
Windsor, NSW 2756  
P: 02 4577 0125 F: 02 4577 7688  
E: [craig@controllineconsulting.com.au](mailto:craig@controllineconsulting.com.au)

Redbank Communities  
76 Arthur Phillip Drive  
North Richmond NSW 2754

1<sup>st</sup> June 2023

Attention; Colin Finn (Ethos Urban)

Re: Redbank Masterplan LEP Proposed

Dear Colin

Further to your request I have undertaken a review of the proposed adjustment to the Redbank Masterplan and can confirm that this will have no negative effect on the bushfire risk assessments previously undertaken or those that maybe done in the future.

Please do not hesitate to contact me with any questions and clarifications.

Yours faithfully



Craig Burley  
Grad Dip Design in Bushfire Prone Areas  
FPA Australia BPAD – Level 3 Certified Practitioner

[www.controllineconsulting.com.au](http://www.controllineconsulting.com.au)

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

**AT 10 - Traffic Statement**



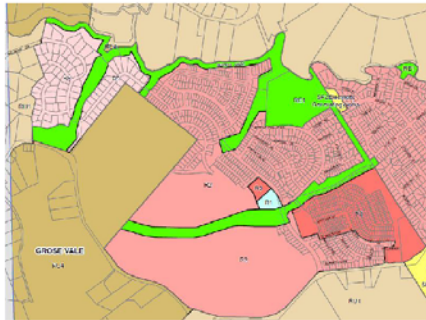
24 July 2023

The General Manager  
Hawkesbury City Council  
356 George Street  
WINDSOR NSW 2756

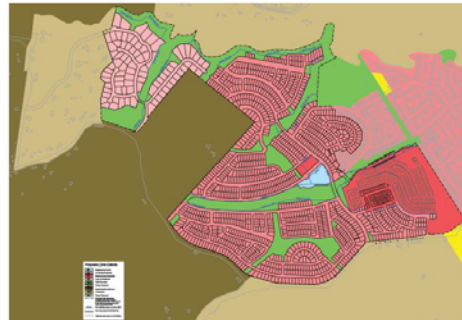
**North Richmond Redbank Housekeeping LEP update - Traffic Impact Statement**

Redbank Communities is preparing a LEP adjustment to bring the existing LEP (as shown in **Figure 1**) to match with all the approved development applications in Redbank over the years.

**Figure 1 Existing LEP**



**Figure 2 Proposed LEP**



The proposed LEP is shown in **Figure 2**, where there is no new RE1, R2 or R3 being created by the proposed changes. The proposed LEP captures all the existing approved work and embedded into the LEP. There are no proposed changes to road layout and alignment as well as no changes in traffic generation.

This letter is to confirm that this change to the LEP will have no net changes in traffic impacts of the Redbank development. Hence all the traffic and transport impact assessment completed for any approved or pending development applications are still valid in terms of traffic impacts assessed.

The rezoning proposal involves an increase in the E1 Village Centre zone from 9,100m<sup>2</sup> to 16,800m<sup>2</sup> to cover the existing shops and also the adjacent playground (that is under the same ownership). This allows for flexibility in dealing with the interface of the shops with the playground. Although not the intention, the expanded E1 zone would allow for the shops to be extended and this needs to be addressed from a traffic impact point of view.

This expansion of the E1 (Neighbourhood Centre) zone has reduced the R3 (Medium Density Residential) zone considerably. Hence this would result in overall reduction in traffic generation. SCT Consulting has undertaken a study of overall impact of the uses and the road system and can conclude that this minor potential decrease will not have any adverse impact upon the road or intersection performance.

Yours sincerely



**Andy Yung**

Director

andy.yung@sctconsulting.com.au

0468 862 482 | (02) 9060 7222

Suite 4.03, Level 4, 157 Walker Street, North Sydney NSW 2060

SCT Consulting | ABN: 53 612 624 058

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**ooo END OF REPORT Oooo**



**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

**4.2. GENERAL MANAGER**

**4.2.1. GM – Media Policy - (79351, 15988)**

**Previous Item:** 4.2.2, Ordinary (11 July 2023)

**Directorate:** General Manager

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**PURPOSE OF THE REPORT**

The purpose of this report is to present the outcome of the public exhibition of the Draft Media Policy. The Media Policy was previously considered by Council at its Ordinary Meeting on 11 July 2023 where Council resolved to place the Draft Media Policy on exhibition.

This report recommends that Council adopt the Media Policy.

**EXECUTIVE SUMMARY**

Council adopted its current Media Policy in 2019 to help inform and direct Council practices around media management and associated communication and engagement activities. The Media Policy has been reviewed and updated in line with best practice and the recently released Model Social Media Policy 2022 and Model Media Policy 2022 prepared by the Office of Local Government. The Draft Media Policy addresses media management for print, digital and broadcast media and Council's print and digital self-publishing activities.

The Draft Media Policy was reported to Council at its Meeting on 11 July 2023 where Council resolved to place the Draft Policy on public exhibition for 28 days. Eight submissions were received during the exhibition period. The submissions have been reviewed and Officer's comments are provided in Table 1 in the report.

This report recommends that Council adopt the Media Policy with the changes outlined in this report.

**RECOMMENDATION**

That Council adopt the Media Policy, attached as Attachment 1 to this report.

---

**BACKGROUND**

Council is committed to open and clear communication with the local community. Similarly, Council is committed to actively engaging with the media to maximise the reach and facilitate the efficient dissemination of relevant, accurate and timely information.

The overall purpose of the Draft Media Policy is to provide a framework for Council's communication with the media in order to keep the Hawkesbury community informed of its activities and to ensure that Council is transparent and connected to the community. Council's Draft Media Policy addresses the management of all media issues including social media.

**ORDINARY MEETING****4. REPORTS FOR DETERMINATION****Meeting Date:** 12 December 2023

In 2022 the Office of Local Government (OLG) released the Model Media Policy and the Model Social Media Policy. The adoption of these Policies is not compulsory however they have provided a guide for the Draft Media Policy and Council has selected relevant sections to be adapted for inclusion.

**Model Social Media Policy 2022**

The 10 Parts of the OLG's Social Media Policy are listed below with a comment on in which Section they were incorporated into Council's Draft Media Policy:

<b>OLG's Model Social Media Policy</b>	<b>Draft Hawkesbury Media Policy</b>
<b>Part</b>	<b>Section</b>
1. Principles	Section 2
2. Administrative framework for Council's social platforms	In Section 6 Council adopted the administrative framework whereby the General Manager appoints a suitably qualified member of staff who may delegate functions to authorised users. Social media platforms, authorised users and administrative tone, standards of conduct – Section 8, Clauses 8.1 – 8.23.
3. Administrative framework for Councillors' social media platforms	Section 8, Clauses 8.45 – 8.59
4. Standards of conduct on social media	Section 7
5. Moderation of social media platforms	Section 8, Clauses 8.24 – 8.34
6. Use of social media during emergencies	Section 9
7. Records management and privacy requirements	Sections 11 and 14
8. Private use of social media	Section 8, Clauses 8.38 – 8.41
9. Concerns or complaints	Section 8, Clauses 8.42 – 8.44
10. Definitions	Section 15

**Model Media Policy 2022**

The eight Parts of the OLG Model Media Policy are listed below with a comment on in which Section they were incorporated into Council's Draft Media Policy:

<b>OLG Model Media Policy</b>	<b>Section of Draft Hawkesbury Media Policy</b>
<b>Part</b>	<b>Section</b>
1. Principles	Section 2
2. Administrative framework for engagement with the media	In Section 6 Council adopted the administrative framework whereby the General Manager appoints a suitably qualified member of staff to manage media functions
3. Who can engage with the media	Sections 6, 7 and Clause 8.49
4. Standards of conduct when engaging with the media	Section 7
5. Use of media during emergencies	Section 9
6. Media engagement in the lead up to elections	Section 10

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

<b>OLG Model Media Policy</b>	<b>Section of Draft Hawkesbury Media Policy</b>
7. Records management and privacy requirements	Sections 11 and 14
8. Definitions	Section 15

**Relevant Legislation**

For records management and access to information, the State Acts and Regulations identify obligations about the management of records and how information is collected, used, stored, secured and disclosed.

The relevant sections from the 2022 Office of Local Government’s Model Media Policy and Model Social Media Policy also provide a guide to best practice governance for Council’s media and social media communication and these have been included in the Draft Media Policy.

**DISCUSSION**

The media is one of Council’s most important external stakeholders, however the media landscape is changing and evolving rapidly with digital media becoming one of the main ways people receive their news. Council is less able to rely on traditional media and platforms to inform the community reliably and accurately regarding Council’s priorities, programs and activities.

Council seeks to strike an important balance between print, digital and broadcast media management and Council’s print and digital self-publishing activities. Council has worked to adapt and tailor its media message and the way it disseminates information. Council has tailored its content for a range of specific audiences by creating a news online page on the Council website, creating social media posts and specific weekly Facebook news posts while continuing to prepare media releases, advertise with local newspapers and share information on local radio.

Council has created a robust Draft Media Policy for managing the clear dissemination of information to the community that ensures meaningful and genuine engagement which aims to be:

- Open
- Consistent
- Accurate
- Respectful
- Timely

The Draft Media Policy aspires to approach media activities in a manner that achieves a balance between these various objectives and also to:

- Ensure all communication with the media and wider community is coordinated, consistent, well informed, timely and appropriate.
- Clearly identify Council’s authorised representative/spokesperson and ensure appropriate authorisation and responsibility for comments supplied.
- To identify media opportunities, to inform the community, to promote and celebrate the achievements of Council and the local community and provide a platform for community engagement.

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

- To mitigate risk and limit the possibility of miscommunication and the distribution of inaccurate information, that would cause harm to the community or undue harm to Council's reputation.
- To provide a framework regarding the management of engagement with the community and interest groups on social media, both proactive and reactive, and provide guidance around dealing with posts that are defamatory, derogatory, bullying, vulgar, abusive and/or misleading, and those who post them.

The Draft Media Policy applies to all Council Officials, Councillors, members of staff and delegates of Council including members of committees, volunteers, contractors and service providers.

#### COMMUNITY ENGAGEMENT

The Draft Media Policy was reported to Council at its Meeting on 11 July 2023 where Council resolved to place the Draft Policy on public exhibition for 28 days. Throughout the exhibition period, the Draft Media Policy was available on Council's online engagement platform Your Hawkesbury Your Say, between 9am to 4pm Monday to Friday at Council's Administration Office and online on Council Notices. A media release was issued on 2 August 2023, a Facebook Post was shared on 3 August 2023 and the exhibition of the Draft Policy was mentioned in Facebook Posts on 4, 11, 18 and 25 August 2023.

Eight submissions were received during the exhibition period. Generally, submitters identified four broad issues in the Draft Media Policy as listed below with a response including action taken by Council:

- **Issue 1 - Inclusion in the Draft Policy of Media Standards of Conduct (Clauses 7.5 to 7.11).**

**Response:** Council has updated and renumbered the original Clauses 7.5 to 7.11, deleting the original Clauses 7.9 to 7.11 which related to removing and reinstating media organisations from the register. All of the Clauses in Section 7 have been now been renumbered 7.1 to 7.12.

- **Issue 2 – Lack of Clear Definition of a Media Organisation in Clause 15.**

**Response:** A broad definition of a media organisation is included in Section 15 of the Policy. The definition has been amended to remove the decision making role of Council Officers.

- **Issue 3 - The Draft Media Policy not supporting democracy, freedom of speech and transparency.**

**Response:** The Media Standards of Conduct have been renamed Media Relations. The original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section 7 renumbered 7.1 to 7.12. The Media Policy has been developed to assist Council to deliver on its purpose and objectives to ensure that media is open, consistent, accurate, respectful and timely to mitigate the risk of miscommunication and provide a framework for engagement.

- **Issue 4 – The General Manager can determine whether a response is provided.**

**Response:** Clause 7.5 of the Media Policy states '*All information given to the media, especially enquiries of a potentially controversial, legal or ethical nature, require the approval of the General Manager*'. This is a standard procedure that balances Council's intention to be transparent against confidentiality and privacy requirements and whether the release of such information would go against the public interest. This Clause was previously included in Council's 2019 Media Policy.

**ORDINARY MEETING****4. REPORTS FOR DETERMINATION****Meeting Date:** 12 December 2023

The eight submissions have been reviewed and detailed Officer's comments are provided in Table 1 below. The Draft Media Policy was amended in response to the submissions received and is attached in Attachment 1 to this report.

**Table 1 Assessment of public submissions**

<b>Key Issue</b>	<b>Officer's Comment</b>
<b>Submission 1</b>	
Council will use its own discretion to respond to media inquires	Providing a response to a media inquiry has historically always been at Council's discretion and Council has always made every effort to respond to all media inquiries received.
Media must comply with Council's media code of conduct in order to receive a response	The Media Standards of Conduct have been renamed Media Relations, the original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section 7 renumbered 7.1 to 7.12. The Policy has been developed to assist Council to deliver on its purpose and objectives to ensure that media is open, consistent, accurate, respectful and timely to mitigate the risk of miscommunication and provide a framework for engagement.
Lack of clear definition of a media organisation, concern that Council will not accept media inquiry from organisation which does not meet the definition	The broad definition of a media organisation is included in Section 15 of the Policy. The definition has been amended to remove the decision making role of Council Officers.
Inclusion on the media list being at the discretion of Council (Sections 7.9 and 7.10)	The broad definition of a media organisation is included in Section 15 of the Policy. The definition has been amended to remove the decision making role of Council Officers.
Narrow definition of media organisation could be subjectively interpreted and used to dismiss media inquires or interviews.	The broad definition of a media organisation is included in Section 15 of the Policy. The definition has been amended to remove the decision making role of Council Officers.
Narrow definition of media organisation could be misused by political factions or councillors	The broad definition of a media organisation is included in Section 15 of the Policy. A decision as to whether to respond to a media inquiry is an operational decision at the discretion of the General Manager. Elected Officials are not employees of Council and do not have a determining role in responding to media inquires made to the corporate body of Council.
Sections 7.8 and 7.10 which enables media unit to reject media inquiry if contrary to media code of conduct	A decision as to whether to respond to a media inquiry is an operational decision at the discretion of the General Manager.
Who decides if the article is fair and balanced Section 7.10c?	This Clause has been deleted. All of the Clauses in Section 7 have now been renumbered Clause 7.1 to 7.12.
Phrases in the media policy are considered against the principles of democracy, freedom of speech, transparency	That is not the intention of the Policy. The Media Standards of Conduct have been renamed Media Relations, the original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

<b>Key Issue</b>	<b>Officer's Comment</b>
	7 renumbered 7.1 to 7.12. The Policy has been developed to assist Council to deliver on its purpose and objectives to ensure that media is open, consistent, accurate, respectful and timely to mitigate the risk of miscommunication and provide a framework for engagement.
Review the definition of a media outlet that will not be subject to political or personal biases or will not suppress information	A broad definition of a media organisation is included in Section 15 of the Policy. The definition has been amended to remove the decision making role of Council Officers. Council's administrative function is politically agnostic and conducts its functions with transparency and without personal or political bias. Suppression of information is not the intent of the Media Policy, nor does the Policy provide an avenue for information suppression.
Council should not have the ability to choose which media outlets and questions to respond to	A decision as to whether to respond to a media inquiry has always been an operational decision at the discretion of the General Manager.
Council should not be arbiters of media codes of conduct	The Media Standards of Conduct have been renamed Media Relations, the original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section 7 renumbered 7.1 to 7.12. The Policy has been developed to assist Council to deliver on its purpose and objectives to ensure that media is open, consistent, accurate, respectful and timely to mitigate the risk of miscommunication and provide a framework for engagement.
Media policy must remain independent not avoid censorship and biased reporting	Censorship is not the intent of the Media Policy, nor does the Policy provide an avenue for Council to censor the media. Our commitment to the open exchange of information between our Council, the media and the community is stated in Section 2.
<b>Submission 2</b>	
Disagreement with a 'media standards of conduct' as part of the Policy as it gags the proper role of the media in democracy and the local community	The Media Standards of Conduct have been renamed Media Relations, the original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section 7 renumbered 7.1 to 7.12. The Policy has been developed to assist Council to deliver on its purpose and objectives to ensure that media is open, consistent, accurate, respectful and timely to mitigate the risk of miscommunication and provide a framework for engagement.  Council is committed to the open exchange of information between our Council, the media and the community is stated in Section 2.

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

<b>Key Issue</b>	<b>Officer's Comment</b>
Section 7.8 – What is the criteria to be recognised as a media organisation?	The definition of a media organisation is included in Section 15 of the Policy. The definition has been amended to remove the decision making role of Council Officers.
Section 7.9 What criteria will be used if an organisation is removed?	The definition of a media organisation is included in Section 15 of the Policy. The definition has been amended to remove the decision making role of Council Officers.
The views within an opinion piece should not determine whether a media organisation is responded to/included on register	The Media Standards of Conduct have been renamed Media Relations, the original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section 7 renumbered 7.1 to 7.12. The Policy has been developed to assist Council to deliver on its purpose and objectives to ensure that media is open, consistent, accurate, respectful and timely to mitigate the risk of miscommunication and provide a framework for engagement on all pieces including opinion pieces.
Section 7.10 What is the expectation around privacy, what is the criteria for assessment?	The Media Standards of Conduct have been renamed Media Relations, the original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section 7 renumbered 7.1 to 7.12. The legal definition of what determines privacy is outlined in the Privacy and Personal Information Protection Act 1989 NSW (PPIPA).
Section 7.10f What is the criteria for substantial offence. Process, who undertakes assessment?	The Media Standards of Conduct have been renamed Media Relations, the original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section 7 renumbered 7.1 to 7.12.
Section 7.10j What is the criteria for conflicts of interest. Process, who undertakes assessment?	The Media Standards of Conduct have been renamed Media Relations, the original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section 7 renumbered 7.1 to 7.12.
7.13 what criteria is used for assessment by the General manager?	The Media Standards of Conduct have been renamed Media Relations, the original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section 7 renumbered 7.1 to 7.12.
<b>Submission 3</b>	
Inclusion of Sections 7.7 to 7.13 which are additional to the OLG's Draft model Policies	The Model Policy serves as a guide for Council's Policy and does not preclude the inclusion of additional criteria where reasonably identified by individual councils. The Media Standards of Conduct have been renamed Media Relations, the original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section 7 renumbered 7.1 to 7.12.
Draft Media Policy should be adjusted to remove Sections 7.7 to 7.13	The Media Standards of Conduct have been renamed Media Relations, the original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section 7 renumbered 7.1 to 7.12. In

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

<b>Key Issue</b>	<b>Officer's Comment</b>
	the original document there were no Clauses 7.12 and 7.13.
Draft Media Policy should be adjusted to include relevant clauses from OLG's Model Social Media Policy regarding hiding/removal and blocking of users	The Draft Model Policy serves as a guide for Council's Policy and does not preclude the inclusion of additional criteria or amendment where reasonably identified by individual councils.
Social Media rights of review should be stated.	These are stated in Section 8, Clauses 8.32 and 8.33.
<b>Submission 4</b>	
The Draft Media Policy is a deliberate move by Hawkesbury Council to silence residents.	This is not the intent of the Policy, nor are there provisions in the Policy to enable such action. Council's commitment to the open exchange of information between the Council, the media and the community is stated in Section 2.
Mayor and Councillors (should be) made accountable for personal attacks on each other.	This is not within the scope of the Media Policy.
Journalism is freedom of press as long as evidence is factual, not fiction as this council wants it.	The protection of factual, fair and balanced reporting is enshrined within the Media Policy.
<b>Submission 5</b>	
Section 7.9 in provides for a "register of recognised media organisations" for the purposes of not only sending media releases, but also interacting and providing responses. A desire to maintain media standards should not be used as a stalking horse for government licensing journalists and journalism.	The Media Standards of Conduct have been renamed Media Relations, the original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section 7 renumbered 7.1 to 7.12.
Under the Draft Policy, Council is not even obliged to provide a response to an organisation or journalist not on its "register."	The Media Standards of Conduct have been renamed Media Relations, the original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section 7 renumbered 7.1 to 7.12. The broad definition of a media organisation is included in Section 15 of the Policy. The definition has been amended to remove the decision making role of Council Officers.
Media Entertainment and Arts Alliance (MEAA) supports a strong and ethical media and formulated the <i>Journalists Code of Ethics</i> (see <a href="https://www.meaa.org/download/meaa-code-of-ethics/">https://www.meaa.org/download/meaa-code-of-ethics/</a> ) in 1944 which is the model on which most other Australian media ethical codes are built. This code provides a list of binding ethical standards for MEAA members, including honest reporting, doing utmost to give a fair opportunity to reply, not plagiarising, disclosing conflicts of interests, and not placing unnecessary emphasis on certain personal characterises.	Council does not recognise and is not bound by the Journalists Code of Ethics. The Journalists Code of Ethics does not provide any incentives for media organisations to adhere to the code or any detail on actions the Media Entertainment and Arts Alliance (MEAA) will take against non-compliance. It also places emphasis on an organisation or an individual to be a member of the MEAA.



**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

<b>Key Issue</b>	<b>Officer's Comment</b>
Some of the Draft Policy's expectations of journalists are vague or entirely subjective including not causing or contributing to "substantial offence or distress of staff or elected officials" and the avoiding of publishing material obtained by "unfair" means.	Media relations are set out in Clause 7.12.
Further, the definition of "Media Organisation" is unreasonably restrictive in that its reference to working "in an organised fashion" may exclude smaller or freelance journalistic endeavors.	The broad definition of a media organisation is included in Section 15 of the Policy. The definition has been amended to remove the decision making role of Council Officers.
The requirement for a media outlet to be a member of the Press Council is not only potentially restrictive for smaller organisations and freelancers (something the proposed media policy itself notes) but may also be impractical. MEAA suggests adding reference to the adherence to the <i>Journalist Code of Ethics</i> to cover off this oversight.	Council could opt to extend the definition to include the MEAA Journalist Code of Ethics. However, the Journalist Code of Ethics does not provide any incentives for media organisations to adhere to the code or any detail on actions the MEAA will take against non-compliance. It also places emphasis on an organisation or an individual to be a member of the MEAA.
It is vital that local councillors and politicians are accountable for the decisions they make on behalf of their communities, and it is essential that the Council not seek to limit the transparency of their operations in the way we fear this draft policy may do.	Council's commitment to the open exchange of information between our Council, the media and the community is stated in Section 2.
<b>Submission 6</b>	
Clear definition of a media organisation is not included in the Policy	The broad definition of a media organisation is included in Section 15 of the Policy. The definition has been amended to remove the decision making role of Council Officers.
(The Policy lends itself) to subjectivity and misuse by political parties or elected Councillors who might seek to suppress any scrutiny about Council decisions.	Elected officials are not employees of the Council and do not have a determining role in responding to media enquiries made to the corporate body of the Council.
Sections 7.8 and 7.10 also contains a penalty whereby the media unit can refuse media enquiries if it deems the enquiring media outlet to have breached its rules. While seemingly innocuous, these few words in a draft policy go against the very principles of democracy, free speech, and transparency that Australian society is founded upon.	The Media Standards of Conduct have been renamed Media Relations, the original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section 7 renumbered 7.1 to 7.12. The Policy has been developed to assist Council to deliver on its purpose and objectives to ensure that media is open, consistent, accurate, respectful and timely to mitigate the risk of miscommunication and provide a framework for engagement on all pieces including opinion pieces.
In a democratic society, the media plays an integral role as the fourth estate, acting as a watchdog on the government's actions. The ability to question, probe, and report on the actions of the government (at all levels)	Council's commitment to the open exchange of information between our Council, the media and the community is stated in Section 2.

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

<b>Key Issue</b>	<b>Officer's Comment</b>
is crucial to maintaining transparency and ensuring that the government is held accountable to the people it serves.	
The ability of Council to selectively respond to media enquiries diminishes this vital watchdog function, creating an imbalance of power and potentially leading to a less informed public. Moreover, selectively responding to media questions is a slippery slope towards state-controlled media, a characteristic of authoritarian regimes, not democracies.	Providing a response to a media inquiry has historically always been at Council's discretion and Council has always made every effort to respond to all media inquiries received. Council's commitment to the open exchange of information between our Council, the media and the community is stated in Section 2.
Within the Hawkesbury LGA, numerous people (myself included) have been "blocked" from engaging with one or more councillors.	This is not within the scope of the Media Policy. The Media Policy does not govern personal social media accounts run by elected officials. See Clauses 8.45 to 8.48.
This information can also include vital emergency information or Council events, which we ratepayers should have every right to access.	Blocking a user on Facebook only prevents the user from reacting, commenting or sharing. It does not prevent them from seeing the content.
The role of a Media Relations Unit/ Corporate Affairs Manager/ Media Relations Manager at Council is to manage and respond to media inquiries. Their role is not to filter out negative or challenging questions. Instead, they should facilitate a transparent and open dialogue between Council spokespeople and the public through the media.	Council's commitment to the open exchange of information between our Council, the media and the community is stated in Section 2. The Media Policy creates a framework for this open exchange and sets fair standards to which the Council, the media and community is expected to adhere.
<b>Submissions 7 and 8 (two almost identical submissions were received)</b>	
Local and Independent News Association encourages the Hawkesbury City Council to make full use of the trusted relationship local news services provide to communities by engaging in both editorial and advertising relationships with the news organisations in your electorate. Each attracts different audiences across your constituency, and it is important for Council to share information, consultation opportunities and community activities as broadly as possible.	Council's commitment to the open exchange of information between our Council, the media and the community is stated in Section 2.
The Draft Media Policy contains elements that extend well beyond the best practice guidelines outlined in the Office of Local Government's Model Social Media Policy 2022 and Model Media Policy 2022.	The Model Policy serves as a guide for Council's Policy and does not preclude the inclusion of additional criteria where reasonably identified by individual councils.
Local and Independent News Association is concerned that the clauses in the Media Standards of Conduct section of the Draft Media Policy, have the potential for subjective application and overlay the Council's own set of expectations on media organisations, rather than drawing on industry standards and best practice.	The Media Standards of Conduct have been renamed Media Relations, the original Clauses 7.9 to 7.11 have been deleted and all the Clauses in Section 7 renumbered 7.1 to 7.12. The Policy has been developed to assist Council to deliver on its purpose and objectives to ensure that media is open, consistent, accurate,

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

<b>Key Issue</b>	<b>Officer's Comment</b>
	respectful and timely to mitigate the risk of miscommunication and provide a framework for engagement on all pieces including opinion pieces.
Further, having the Council's Corporate Communications and Events Branch manage a register of 'recognised media organisations' limits the potential for Council to engage with new media entities operating in your region.	The broad definition of a media organisation is included in Section 15 of the Policy. The definition has been amended to remove the decision making role of Council Officers.
<p>Local and Independent News Association strongly recommends that any register of media organisations be:</p> <p>a) Publicly available with transparent registration processes; and</p> <p>b) Aligned with industry standards that include:</p> <p>i) membership of the Australian Press Council; and/or</p> <p>ii) membership of the Media, Entertainment &amp; Arts Alliance - and therefore subject to the Journalistic Code of Ethics as individuals; and/or</p> <p>iii) membership of Local and Independent News Association - and therefore subject to our professional Editorial</p> <p>Standards which extend beyond the expectations outlined in the Council's draft policy. All Local and Independent News Association members must adhere to our Editorial Standards, which are reviewed as part of our membership application review and at regular intervals thereafter.</p>	<p>Publishing our media email list would be a breach of privacy.</p> <p>Membership of any of these organisations, of which the Council is not a member and is therefore not represented, provides insufficient protection against the spreading of misinformation to the detriment of the community and Council, and provides insufficient recourse for Council to mitigate against these risks.</p>
Local and Independent News Association recommends Council re-frame relevant sections of the Media Standards of Conduct and the definition of Media Organisation in Section 15 to include the Local and Independent News Association Editorial Standards and Media Entertainment and Arts Alliance Journalist Code of Ethics as membership organisations relevant to smaller organisations.	Council could opt to extend the definition to include the Local and Independent News Association Editorial Standards Editorial Standards and MEAA Journalist Code of Ethics. However, these alone do not provide adequate protection and recourse against the spreading of misinformation, whether by accident or by design, to the harm of community and Council.

The Draft Media Policy was amended in response to the eight submissions received and as detailed above in Table 1. It is recommended that the Media Policy attached as Attachment 1 to this report be adopted.

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

**CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042**

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

- 4.2 Encourage an informed community.
- 4.4 Build strong relationships and shared responsibilities.
- 4.6 Support the operation of the organisation through effective staff engagement.
- 4.7 Encourage informed planning, balanced growth and community engagement.

**FINANCIAL IMPACT**

Financial implications arising from engagement as identified in the Draft Media Policy are provided for in the 2023/2024 Adopted Operational Plan.

**ATTACHMENTS**

**AT - 1** Draft Media Policy - *(Distributed under separate cover)*.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

#### 4.2.2. GM - Ordinary Council Meetings 2024 - (79351)

**Previous Item:** 4.2.2, Ordinary (21 November 2023)

**Directorate:** General Manager

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#### PURPOSE OF THE REPORT

The purpose of this report is to provide information to assist Council in resolving to set the frequency, time, date and place of its Ordinary Meetings for 2024.

#### EXECUTIVE SUMMARY

The Local Government Act 1993 (the Act) requires all councils to meet at least ten times each year, each time in a different month.

Council is required to schedule its Ordinary Meetings in accordance with Council's Code of Meeting Practice, adopted at its Ordinary Meeting on 29 March 2022.

At its meeting on 15 November 2022 Council adopted a schedule of meetings for all meetings in 2023, based on meetings being held on the second Tuesday of each month. It is recommended that a similar schedule be adopted for 2024, with additional meetings in July and November. The recommended schedule takes into account the caretaker period prior to the Local Government Elections in September 2024, financial reporting deadlines and the potential need for flexibility regarding the timing of the Local Government Conferences.

Also, to enable Councillors and the public to have additional time to read the Council Meeting Agenda, it is recommended that Council's Code of Meeting Practice be amended to enable Council Meeting agendas to be available to Councillors and the public one day earlier than currently exists.

#### RECOMMENDATION

That:

1. Council set dates for the holding of Ordinary Meetings of Council for 2024, as contained in Attachment 1 to this report.
2. Council set Ordinary Meetings for 2024 to commence at 6:30pm and take place in the Council Chambers, or by audio-visual link in accordance with Council's Code of Meeting Practice.
3. Clause 3.16 of Council's Code of Meeting Practice regarding giving notice for the submission of Notices of Motion and Questions With Notice, be amended as follows:

*3.16 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted eight (8) days before the meeting is to be held, or eleven (11) days if the notice is a question under clause 3.19.*

4. Council's amended Draft Code of Meeting Practice be placed on public exhibition for 28 days, with submissions being accepted for 42 days.
5. At the expiration of the public notification period, the following action be taken:

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

- a) Should any submissions be received regarding the amended Code of Meeting Practice, a further report be submitted to Council, or;
- b) Should no submissions be received, Council adopt the Code of Meeting Practice.

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## BACKGROUND

### Code of Meeting Practice

Council's Code of Meeting Practice contains the rules for the conduct of meetings of Council and Council Committees, the members of which are all Councillors. It is based on the Model Code of Meeting Practice (Model Code) prescribed under the Local Government (General) Regulation 2021 to provide a uniform set of rules to help ensure accessible, orderly, effective and efficient meetings.

At its meeting on 29 March 2022, Council resolved to adopt the most recent version of the Code of Meeting Practice.

### Timing of Ordinary Council Meetings

Council's Code of Meeting Practice provides as follows in regard to the timing of ordinary council meetings:

- “3.1 The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.*
- 3.2 In addition to the meeting cycle adopted, the Council may resolve to hold additional meetings as considered necessary.*
- 3.3 Additional meetings of the Council convened by resolution of the Council are subject to the three (3) days' notice rule and must also be advertised in accordance with clause 3.9.*
- 3.4 Generally, the Council will recess during the school holiday periods.*
- 3.5 Council meetings will generally commence at 6:30pm, but this commencement time may vary for particular meetings if the Council so resolves.*
- 3.6 Public notice will be given as to the time of the meeting. However, the meeting schedule may be amended by the Mayor, General Manager, or resolution of Council if circumstances necessitate. Such circumstances would include public holidays, the Local Government Conference, or decisions to revise meeting times, etc. Public notification must be given prior to altering the meeting schedule, time or venue.”*

The adopted schedule of Ordinary Council meetings for 2023 is based on meetings being held on the second Tuesday of each month, with some flexibility during school holiday periods and to avoid conflict with the Local Government NSW Annual Conference.

Council at its meeting on 21 November 2023 considered a report regarding Ordinary Meetings of Council for 2024. At that meeting, Council resolved, as follows:

*“That this matter be deferred to the next Councillor Roundtable discussion and be reported back to the Council Meeting on 12 December 2023.”*

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

Subsequently, this matter was discussed at a Councillor Workshop on 27 November 2023. At the Councillor Workshop, Councillors requested staff to investigate opportunities for additional Council Meetings during the year and indicated that they would prefer to have additional time to read the Council Meeting agendas.

At a later Councillor Briefing Session, an option was raised by a Councillor to hold Council Meetings during working hours. Council staff would have no objection to meetings being held during working hours.

Accordingly, it is recommended that the monthly Council Meeting schedule be adopted for 2024 with additional meetings in July and November, with some additional flexibility to allow Council to comply with the provisions of the Local Government Act and Local Government (General) Regulation pertaining to the Local Government Elections in September 2024.

In addition, it is recommended that the Council's Code of Meeting Practice be amended to allow for the Council Meeting agendas to be made available to the Councillors and the public one day earlier than currently exists.

#### Relevant Legislation

Local Government Act 1993  
Local Government (General) Regulation 2021

#### DISCUSSION

##### Council Meetings 2024

The suggested meeting dates correspond with Council's previous resolution to hold Ordinary Meetings of Council on the second Tuesday of every month, with the following suggested amendments:

- The second Tuesday, 9 January 2024 is within the school holidays and holiday period, and therefore, it is suggested that the meeting be held on Tuesday, 30 January 2024.
- The second Tuesday, 9 July 2024 is within the school holidays and therefore, it is suggested that the meeting be held on Tuesday, 2 July 2024 and that an additional meeting be held on Tuesday, 23 July 2024.
- The second Tuesday, 10 September 2024 is within the caretaker period before the Local Government Elections, and therefore, it is suggested that the meeting be held on Tuesday, 24 September 2024, for the purpose of electing the Mayor and Deputy Mayor after the declaration of the Local Government Election for all Councillors. Depending when the election is declared, the meeting may be rescheduled.
- An additional Ordinary Meeting has been scheduled for 26 November 2024. This meeting may be required to consider the Financial Statements for the Year ending 30 June 2024.

Accordingly, it is recommended that Council hold its Ordinary Meetings for 2024 on the following dates:

##### Ordinary Meetings 2024

30 January 2024

13 February 2024

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

12 March 2024

9 April 2024

14 May 2024

11 June 2024

2 July 2024

23 July 2024

13 August 2024

24 September 2024 (Election of the Mayor and Deputy Mayor following the Local Government Elections. Depending on the declaration of the poll, this meeting may need to be rescheduled).

8 October 2024 (falls within school holidays)

12 November 2024

26 November 2024

10 December 2024.

This proposed schedule of 14 Ordinary Council Meetings for 2024 is contained in Attachment 1 to this report.

It is noted that the meeting schedule may be amended throughout the year by the Mayor, General Manager, or resolution of Council if circumstances necessitate, in accordance with Clause 3.6 of the Code of Meeting Practice.

Caretaker period

In accordance with Section 393B of the *Local Government (General) Regulation 2021*:

**393B Exercise of council functions during caretaker period**

(1) *The following functions of a council must not be exercised by the council, or the general manager or any other delegate of the council (other than a Joint Regional Planning Panel, the Central Sydney Planning Committee or a local planning panel), during a caretaker period—*

(2) *Despite subsection (1), such a function may be exercised in a particular case with the consent of the Minister.*

(3) *In this section—**caretaker period** means the period of 4 weeks preceding the date of an ordinary election.*

**controversial development application** means a development application for designated development for which at least 25 persons have made a submission during community consultation.

**designated development** means designated development within the meaning of the *Environmental Planning and Assessment Act 1979*, section 4.10.



## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

*local planning panel* has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

The caretaker period for the Local Government Elections on 14 September 2024 will commence on Friday, 16 August 2024. For that reason, no meeting has been proposed for Tuesday, 10 September 2024.

#### Election of Mayor and Deputy Mayor

In accordance with Section 290 of the *Local Government Act 1993*:

#### **290 When is an election of a mayor by the councillors to be held?**

(1) *The election of the mayor by the councillors is to be held--*

(2) *If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.*

(3) *For the purposes of this section, an election of councillors does not conclude until the declaration of election of all the councillors of the council concerned.*

Following the Local Government Elections on 14 September 2024, a meeting for the Election of Mayor and Deputy Mayor is proposed on Tuesday, 24 September 2024, to allow sufficient time for the election to be declared. Depending when election is declared, the meeting may be rescheduled.

#### Conferences

No dates have yet been announced for the Australian Local Government Association National General Assembly (generally held in June). Following the announcement of dates, the schedule of Council meetings for 2024 may be amended to facilitate Councillors to attending this Conference. The Local Government NSW Annual Conference 2024 will be held from 17 to 19 November 2024. Two Council Meetings are scheduled for November, being on 12 November 2024 and 26 November 2024.

#### Financial Statements

For each financial year Council is required to prepare financial statements and refer them to audit. Prior to the financial statements being referred to audit, they are reported to the Audit, Risk and Improvement Committee and to a Council Meeting. The statements are usually reported to Council in November, allowing sufficient time for preparation of the statements and advertising of the reporting of the financial statements. For these reasons it is expected that the financial statements for the financial year 2023/2024 will need to be reported to a Council meeting in late November 2024. On this basis the meeting schedule for 2024 includes an Ordinary Meeting on 26 November 2024.

#### **Code of Meeting Practice Amendment**

At the Councillor Workshop on 27 November 2023, Councillors indicated that due to the number, length and complexity of reports and attachments in the Council Meeting Business Papers, they and the public would prefer to have additional time to read the Council Meeting agendas.

At present, Council Meeting agendas are provided to Councillors on the Thursday before the Council Meeting and are provided to the public on the Friday before the Council Meeting.

If Council were to provide an additional day for Councillors and the public to access Council Meeting agendas, then Clause 3.16 of Council's Code of Meeting Practice will need to be amended. Clause 3.16 of the Code relates to Councillors giving notice for the submission of Notices of Motion and Questions With Notice and is as follows:

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

*“3.16 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted seven (7) days before the meeting is to be held, or ten (10) days if the notice is a question under clause 3.19.”*

Accordingly, it is recommended that to enable Council Meeting agendas to be provided to Councillors and the public a day earlier than currently exists, that Clause 3.16 of the Council’s Code of Meeting Practice be amended as follows:

*3.16 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted eight (8) days before the meeting is to be held, or eleven (11) days if the notice is a question under clause 3.19.*

### COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which constitute a trigger for community engagement under Council’s Community Engagement Policy. It is proposed that the amended Draft Code of Meeting Practice be placed on public exhibition for 28 days, with submissions being accepted for 42 days, as required by Section 361 of the Local Government Act.

### CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

#### Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.2 Encourage an informed community.
- 4.4 Build strong relationships and shared responsibilities.
- 4.5 Encourage a shared responsibility for effective compliance.
- 4.7 Encourage informed planning, balanced growth and community engagement.

### FINANCIAL IMPACT

There are no financial implications applicable to this report.

### ATTACHMENTS

- AT - 1 Schedule of Ordinary Council Meetings, January to December 2024.

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

**AT - 1 Schedule of Council Meetings, January to December 2024**

<b>JANUARY</b>				
Tuesday	30	Ordinary		
<b>FEBRUARY</b>				
Tuesday	13	Ordinary		
<b>MARCH</b>				
Tuesday	12	Ordinary		
<b>APRIL</b>				
Tuesday	9	Ordinary	(Draft Operational Plan – Exhibition)	
<b>MAY</b>				
Tuesday	14	Ordinary		
<b>JUNE</b>				
Tuesday	11	Ordinary	(Draft Operational Plan – Adoption)	
<b>JULY</b>				
Tuesday	2	Ordinary		
Tuesday	23	Ordinary		
<b>AUGUST</b>				
Tuesday	13	Ordinary		
<b>SEPTEMBER</b>				
Tuesday	24	Ordinary	(Election of Mayor and Deputy Mayor – Subject to Declaration of Poll)	
<b>OCTOBER</b>				
Tuesday	8	Ordinary		
<b>NOVEMBER</b>				
Tuesday	12	Ordinary		
Tuesday	26	Ordinary		
<b>DECEMBER</b>				
Tuesday	10	Ordinary		

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

**4.3. CITY PLANNING**

**4.3.1. CP - Koala Plan of Management Mapping - (95498, 124414)**

**Previous Item:** 4.3.1, Ordinary (20 June 2023)

**Directorate:** City Planning

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**PURPOSE OF THE REPORT**

The purpose of this report is to update Councillors with the progression of Fine Scale Vegetation Mapping and to propose an alternate process to map vegetation for the purpose of contributing to the development of a Koala Plan of Management.

**EXECUTIVE SUMMARY**

At Council's Meeting on 20 June 2023, it was resolved:

*"That Council Commence the undertaking of Fine Scale Vegetation Mapping for the purpose of contributing to the development of a Koala Plan of Management."*

At the time of Council's resolution, it was acknowledged that the funding available would restrict the extent to which Fine Scale Vegetation Mapping could be undertaken and that Council would receive external advice to prioritise areas for this work. Furthermore, based on discussions with the Department of Planning and Environment, there was cause at that time to anticipate that the NSW Government would allocate funding to councils undertaking this work which could in turn enable Council to expand the Fine Scale Vegetation mapping to cover the entire Local Government Area.

Following the release of the NSW Budget, Council was advised that the Hawkesbury Local Government Area had not been included in NSW State funding for koalas.

Staff consulted further with the Department of Planning and Environment following the release of the Budget and representatives from the Department of Planning and Environment identified a cost-effective alternative to Fine Scale Vegetation Mapping by:

1. Using Council's existing vegetation mapping;
2. Engaging a botanical expert to cross-reference Council's existing mapping with the Plant Community Type mapping available from the Department of Planning and Environment on Bio-Net, and;
3. Conducting botanical ground-truthing surveys to proof mapping and establish high quality accuracy.

The Department of Planning and Environment have estimated the cost of this process to be approximately \$100,000 and are offering their support in developing the Request for Quote and reviewing quote submissions.

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

#### RECOMMENDATION

That Council:

1. Endorse the new approach to obtaining high quality vegetation mapping for the purpose of a Koala Plan of Management by:
  - a) Using Council's existing vegetation mapping;
  - b) Engaging a botanical expert to cross-reference Council's existing mapping with the Plant Community Type mapping available from the Department of Planning and Environment on Bio-Net; and
  - c) Conducting botanical ground-truthing surveys to proof mapping and establish high quality accuracy.

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#### BACKGROUND

At Council's Meeting on 20 June 2023, it was resolved:

*"That Council Commence the undertaking of Fine Scale Vegetation Mapping for the purpose of contributing to the development of a Koala Plan of Management."*

At the time of Council's resolution, it was acknowledged that the funding available would restrict the extent to which Fine Scale Vegetation Mapping could be undertaken and that Council would receive external advice to prioritise areas for this work. Furthermore, based on discussions with the Department of Planning and Environment, there was cause at that time to anticipate that the NSW Government would allocate funding to councils undertaking this work which would in turn enable Council to expand the Fine Scale Vegetation mapping to cover the entire Local Government Area.

Following the release of the NSW Budget, Council was advised that the Hawkesbury Local Government Area had not been included in NSW State funding for koalas. Whilst funding was increased for koalas in the budget, these funds were directed towards the Great Koala National Park in Coffs Harbour and the creation of the Georges River Koala National Park in South and Southwestern Sydney as highlighted in Attachment 1.

Staff had sought quotes to optimise the scope of Fine Scale Vegetation Mapping that could be undertaken within the budget available however to date a response has not been received.

Staff consulted further with the Department of Planning and Environment following the release of the Budget and representatives from DPE identified a cost-effective alternative to Fine Scale Vegetation Mapping that uses Council's existing vegetation mapping which would produce Vegetation Mapping layers of a sufficient quality to contribute to the development of a Koala Plan of Management.

#### DISCUSSION

On review of Council's existing mapping, the Department of Planning and Environment has deemed that Council's 2019 Vegetation Mapping layers are of sufficient quality to enable the following approach:-

1. Use Council's existing vegetation mapping;

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

2. Engage a botanical expert to cross-reference Council's existing mapping with the Plant Community Type mapping available from the Department of Planning and Environment on Bio-Net, and;
3. Conduct botanical ground-truthing surveys to proof mapping and establish high quality accuracy.

Council Officers have contacted other councils who have undertaken this method and feedback has been very positive. Mapping quality will effectively be equal to the result from Fine Scale Vegetation Mapping, and yet be much more cost effective to produce.

The Department of Planning and Environment have estimated the cost of this process to be approximately \$100,000 and are offering their support in developing the Request for Quote and reviewing quote submissions.

Council has been assured by Department of Planning and Environment that this approach is highly suitable and through subsequent Koala Habitat Surveys and compilation of Koala Observations data, Council would achieve the full data set required to establish a Koala Plan of Management for the whole Local Government Area.

Whilst Council was not included in funding in the recently released NSW Budget, the Department of Planning and Environment advises that taking steps towards koala protection such as developing high quality vegetation mapping will add more weight to considerations of funding in the future.

During this consultation Council also received advice from the Department of Planning and Environment that the State Environmental Planning Policy (Biodiversity and Conservation) 2021 is currently under review, however irrespective of the outcome of this review, the high-quality vegetation mapping that this proposed process will produce would be of significant strategic value to Council and will still contribute to decision making and planning process for all areas of Council in the same fashion as Fine Scale Vegetation Mapping.

#### COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy at the current time. Consultation may be required during development of the Koala Plan of Management.

#### CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

##### Protected Environment and Valued History

- 2.2 Value, protect and enhance our natural land-based environment with an emphasis on using local resources and key partnerships.
- 2.4 Encourage and enable our community to make more sustainable choices.

##### Reliable Council

- 4.7 Encourage informed planning, balanced growth and community engagement.

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

**FINANCIAL IMPACT**

The matters raised in this report have direct financial implications. The expenditure applicable is provided for in the Adopted 2023/2024 Operational Plan.

**ATTACHMENTS**

**AT - 1** NSW Government Budget – Koala Management

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

**AT - 1 NSW Government Budget – Koala Management**



## **NSW Government boosts koala funding to bring them back from the brink**

[nsw.gov.au/media-releases/nsw-government-boosts-koala-funding](https://www.nsw.gov.au/media-releases/nsw-government-boosts-koala-funding)

Printed: 19 September 2023

Published: 19 September 2023

Released by: Minister for Environment and Heritage

**Environment, land and water** ([https://www.nsw.gov.au/media-releases?field\\_topic\\_target\\_id%5B15%5D=15](https://www.nsw.gov.au/media-releases?field_topic_target_id%5B15%5D=15))

The Minns Labor government has committed to saving koalas in NSW, ensuring future generations can continue to see them in the wild, with \$172 million in new funding in the 2023–2024 NSW Budget.

To bring the iconic koala back from the brink, the NSW Government is intensifying efforts to protect them with an **\$80 million** downpayment for the Great Koala National Park.

The budget also includes **\$88 million** over 4 years to protect crucial koala habitat in south and south-western Sydney by creating the Georges River Koala National Park, building infrastructure to allow koalas to safely cross busy roads, creating a wildlife corridor in Woronora and funding the Koala Care Centre in Macarthur. **\$3.5 million** has been reserved for local koala care organisations.

The budget includes another **\$272 million** in new funding for the Environment and Heritage Portfolio, taking the total to **\$444 million**.

Visitor infrastructure in NSW National Parks will be renewed and upgraded under a **\$74 million** allocation over 4 years. This will see new and improved walking paths, camping grounds, lookouts, picnic facilities and amenities, to ensure our parks continue to provide unforgettable experiences, from camping trips in the bush to coastal getaways and alpine adventures.

This is on top of **\$22 million** over 4 years to increase the number of National Parks field officers and **\$13 million** to complete the Wollie Creek Regional Park.

The NSW Government is providing **\$61 million** over 4 years to help private landholders protect our most at-risk landscapes and threatened species. This funding will see the government step in to save 85 staff who perform crucial biodiversity roles.

1/2



**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

The budget also includes an essential boost to World Heritage listed Lord Howe Island to improve its waste management system, funding for the NSW Heritage Strategy, and **\$800,000** for citizen science projects to enable community groups to monitor the health of local waterways.

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**Related ministerial media releases**

Ministerial media release  
15 November 2023

**[Remediation work to commence at historic Lake George Mine \(https://www.nsw.gov.au/media-releases/remediation-work-to-commence-at-historic-lake-george-mine\)](https://www.nsw.gov.au/media-releases/remediation-work-to-commence-at-historic-lake-george-mine)**

The NSW Government will next week commence essential remediation work to improve safety and reduce environmental risks at the historic Lake George Mine site in Captains Flat.

Ministerial media release  
10 November 2023

**[NSW Government takes action to minimise fish kill events on Darling-Barka \(https://www.nsw.gov.au/media-releases/minimising-fish-kill-events-on-darling-barka\)](https://www.nsw.gov.au/media-releases/minimising-fish-kill-events-on-darling-barka)**

Minister for Water Rose Jackson is on ground in Menindee today to announce the NSW Government's next steps to implement the recommendations made in the Chief Scientist's report into mass fish deaths on the Darling-Baaka River.

Ministerial media release  
29 October 2023

**[Next steps to beat plastic pollution in NSW \(https://www.nsw.gov.au/media-releases/beat-plastic-pollution-nsw\)](https://www.nsw.gov.au/media-releases/beat-plastic-pollution-nsw)**

The NSW Government is ramping up efforts to tackle plastic pollution by inviting the public to have its say on helping to prevent 800,000 tonnes of plastic waste produced each year from causing harm to the environment and human health.

2/2

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

**4.3.2. CP - Draft Disability Inclusion Action Plan 2023-2026 - (95498, 96328)**

**Directorate:** City Planning

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**PURPOSE OF THE REPORT**

The purpose of this report is to present to Council the Draft Disability Action Inclusion Plan 2023-2026 and seeks endorsement from Council to place the Draft Plan on public exhibition for a period of 28 days.

**EXECUTIVE SUMMARY**

The Disability Inclusion Act 2014 acknowledges that people with disability have the same human rights as other members of the community and that the State and the community have a responsibility to facilitate the exercise of those rights.

The NSW Disability Inclusion Act 2014 mandates that NSW Government agencies and local councils have Disability Inclusion Action Plans, as these agencies play a critical role in promoting the ethos of inclusion.

The Draft Hawkesbury Disability Inclusion Action Plan (DIAP) 2023-2026 is Council's third Access and Inclusion Plan.

Significant community engagement has been undertaken to inform the development of the Draft Plan, which outlines the practical steps Council will undertake to improve disability inclusion across Council and more broadly within the community.

This report presents to Council the Draft Disability Action Plan 2023-2026 and seeks endorsement to place the document on public exhibition for a period of 28 days.

**RECOMMENDATION**

That:

1. The Draft Disability Inclusion Action Plan (DIAP) 2023-2026, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.
2. At the expiration of the public exhibition period, the following action be taken:
  - a) Should any submissions be received regarding the Draft DIAP 2023 -2026, a further report be submitted to Council, or;
  - b) Should no submissions be received, Council adopt the DIAP 2023-2026, as attached as Attachment 1 to this report.

**BACKGROUND**

The Draft Disability Inclusion Action Plan 2023-2026 is a key document that will assist Council meet its legislated responsibility under the Disability Inclusion Act 2014. The Draft Plan has been developed based on the requirements prescribed under the Disability Inclusion Act 2014 and NSW Government's Disability Inclusion Action Plan (DIAP) guidelines. The Draft Plan outlines specific actions that Council will undertake as part of its organisational commitment to inclusion.

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

The four key areas (and their intended outcomes) of all Disability Inclusion Action Plans are prescribed by the NSW Government's DIAP Guidelines and are provided as below:-

- Attitudes and Behaviours

*Improving community attitudes and behaviours towards people with a disability.*

- Liveable Communities

*Building more liveable communities.*

- Employment

*Increasing employment opportunities and improving support for those with disability seeking and engaging in employment.*

- Systems and Processes

*Improving systems and processes to be more accessible and inclusive.*

#### DISCUSSION

The proposed actions include:

##### ***Attitudes and Behaviours***

- Deliver training to all Council staff around inclusive practices for working with people with disability.
- Develop messages and campaigns that highlight the case for disability inclusion.
- Review our communications and media strategies and processes to be more inclusive and accessible.
- Support and promote community events that assist in raising awareness and celebration of people with disability and diverse needs.
- Work with local businesses to increase their knowledge and understanding of accessibility

##### ***Liveable Communities***

- Partner with the 'Zero Barriers' project to educate and support local businesses and services to increase disability awareness and inclusion.
- Review the amount and type of accessible parking spaces in the Hawkesbury LGA, including examining whether it is necessary to provide additional accessible parking spaces.
- Continue to improve accessibility of public buildings, facilities, and open spaces for people with disabilities through renewal and new works, including identifying opportunities for universal design.
- Continue Council's footpath review and upgrade works and continue to improve the quality of the footpaths provided across the LGA.
- Improve accessibility to community events and exhibitions.
- Review community and event sponsorship programs to incorporate requirement for consideration of access and inclusion.
- Advocate for improved public transport and work with local Community Transport services to increase accessibility across the LGA.
- Continue to work with local Emergency Service providers and community services to improve accessibility and appropriateness of emergency preparedness information for people with disabilities.

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

#### **Employment**

- Amend Council's recruitment and onboarding processes to be more accessible to people with disability.
- Deliver disability inclusion training to all Council employees.
- Continue to provide support, education, and resources to local businesses to improve accessibility across the region
- Explore avenues and resources to increase workforce diversity within Council.

#### **Systems and Processes**

- Provide all important information and resources are available in accessible formats.
- Embed actions from the DIAP into its annual Operational Plans and report on them as part of Council's Annual Report.
- Continue to work with the Disability Inclusion Action Plan Working Group to oversee implementation of the DIAP.
- Report to the Minister for Families, Communities and Disability Services annually on the delivery of outcomes within the Plan.

#### **COMMUNITY ENGAGEMENT**

Council has undertaken significant community and stakeholder engagement in the development of the DIAP including:

- The establishment of a DIAP Working Group;
- Community in-person consultations and pop-ups in rural areas;
- Online community survey;
- Consultations with disability support groups;
- Attendance at community events;
- Meetings with local service providers, and;
- Internal engagement with representatives across Council to review previous and develop new actions.

#### **CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042**

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

##### Great Place to Live

- 1.1 Enable a shared responsibility for community resilience, community safety and disaster management.
- 1.2 Encourage and enable our community to participate in a healthy lifestyle.
- 1.3 Increase the range of local partnerships and plan for the future.
- 1.5 Provide the right places and spaces to serve our community.
- 1.6 Build on a sense of community and wellbeing.

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

**FINANCIAL IMPACT**

The matters raised in this report have indirect financial implications. Expenditure in the form of resources will be incurred in association with these matters.

**ATTACHMENTS**

**AT - 1** Draft Disability Inclusion Action Plan 2023-2026 - *(Distributed under separate cover)*.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

**4.4. CORPORATE SERVICES**

**4.4.1. CS - Investment Report - October 2023 - (95496, 96332)**

**Previous Item:** 4.4.2, Ordinary (20 June 2023)

**Directorate:** Corporate Services

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**PURPOSE OF THE REPORT**

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

**EXECUTIVE SUMMARY**

This report indicates that Council held \$87.8 million in investments as at 31 October 2023 and outlines that all investments were made in accordance with the Local Government Act, 1993, the Local Government (General) Regulation, 2021 and Council's Investment Policy.

**RECOMMENDATION**

That the Monthly Investment Report for October 2023 be received and noted.

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**BACKGROUND**

Council held \$87.8 million in investments as at 31 October 2023. Details on the composition of the Investment Portfolio, and its compliance with Council's Investment Policy are provided below. Details include the financial institutions with which the investments were made, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, the percentage of the total portfolio, exposure to credit ratings bands and the spread of maturities.

**1. Composition of Investment portfolio**

Tables 1 to 4 below provide details regarding the \$87.8 million in investments as at 31 October 2023.

**Table 1: Summary of Council's Investment Portfolio as at 31 October 2023**

<b>Product Type</b>	<b>Face Value</b>	<b>% of Total</b>
Term Deposits - Fixed Rate	\$76,000,000	87%
Floating Rate Notes	\$800,000	1%
NSW TCorp Long Term Growth Fund	\$954,570	1%
At Call Deposits	\$10,000,000	11%
<b>Grand Total</b>	<b>\$87,754,570</b>	<b>100%</b>

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

**Table 2: Total Investments by Issuer's Long – Term Credit Rating**

Long Term Credit Rating	Face Value	% of Total
AA	\$71,000,000	81%
A	\$8,800,000	10%
BBB	\$7,000,000	8%
NSW TCorp Managed Funds	\$954,570	1%
<b>Grand Total</b>	<b>\$87,754,570</b>	<b>100%</b>

**Table 3: Fixed Term Deposits**

Financial Institution	Long Term Rating	Maturity Date	Interest Rate	Face Value
Bank of Queensland	BBB+	6-Dec-23	4.80%	\$3,000,000
		6-Dec-23	4.90%	\$1,000,000
		4-Mar-24	1.70%	\$2,000,000
		30-Mar-28	4.80%	\$1,000,000
Commonwealth Bank	AA-	20-Nov-23	0.65%	\$1,000,000
		13-Dec-23	4.96%	\$5,000,000
		25-Jan-24	5.46%	\$2,000,000
		31-Jan-24	5.47%	\$4,000,000
		12-Feb-24	4.95%	\$2,000,000
		6-Mar-24	5.42%	\$3,000,000
		6-Mar-24	4.99%	\$2,000,000
		10-Apr-24	3.01%	\$2,000,000
National Australia Bank	AA-	21-Feb-24	4.99%	\$2,000,000
		10-Nov-23	4.50%	\$3,000,000
		10-Nov-23	4.77%	\$1,000,000
		20-Nov-23	4.70%	\$2,000,000
		6-Dec-23	4.85%	\$2,000,000
		6-Mar-24	4.95%	\$2,000,000
		6-Mar-24	5.05%	\$1,000,000
		20-Mar-24	5.00%	\$2,000,000
		25-Mar-24	5.05%	\$2,000,000
		10-Apr-24	5.10%	\$3,000,000
		10-Apr-24	5.05%	\$2,000,000
		19-Aug-24	0.75%	\$3,000,000
		10-Sep-24	0.80%	\$1,000,000
		10-Sep-24	5.20%	\$1,000,000
10-Sep-24	5.20%	\$2,000,000		
19-Nov-24	0.75%	\$1,000,000		
15-Jan-25	0.80%	\$500,000		

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

Financial Institution	Long Term Rating	Maturity Date	Interest Rate	Face Value
		5-Mar-25	1.05%	\$1,500,000
		3-Nov-25	0.95%	\$500,000
		19-Nov-25	0.90%	\$500,000
		13-Jan-26	1.00%	\$500,000
		4-Mar-26	1.30%	\$1,500,000
Suncorp	A+	10-Jan-24	5.35%	\$2,500,000
		10-Jan-24	5.45%	\$3,500,000
		25-Mar-24	5.15%	\$1,000,000
		24-Apr-24	5.28%	\$1,000,000
Westpac	AA-	10-Nov-23	1.11%	\$1,000,000
		25-Jan-24	4.36%	\$2,000,000
		20-Feb-25	4.97%	\$2,000,000
<b>Grand Total</b>				<b>\$ 76,000,000</b>

**Table 4: Floating Rate Notes**

Institution	Maturity	Yield	Face Value
Macquarie Bank	14-Sep-26	4.97%	\$800,000
<b>Grand Total</b>			<b>\$800,000</b>

**2. Environmental, Social and Governance (ESG) Investments**

Tables 5 and 6 below provide the details on Environment, Social and Governance (ESG) investments and the proportion compared to the total Investment Portfolio.

**Table 5: ESG Investments**

Institution	Maturity	Rate	Face Value
Westpac	10-Nov-23	1.11%	\$1,000,000
Westpac	25-Jan-24	4.36%	\$2,000,000
<b>Grand Total</b>			<b>\$3,000,000</b>

**Table 6: Summary of Council's Investment Portfolio in Terms of ESG**

Product Type	Face Value	% of Total
Environmental, Social and Governance (ESG)	\$3,000,000	4%
Other	\$73,000,000	96%
<b>Grand Total</b>	<b>\$76,000,000</b>	<b>100%</b>



**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

**3. Compliance to Investment Policy**

Tables 7 to 8 below summarise Council's exposure limits to the credit ratings bands, term to maturity parameters and compliance with Council's Investment Policy.

**Table 7: Exposure Limits to credit ratings bands**

Long-Term Credit Rating	% of Portfolio	Policy Maximum	Compliant with Policy
AA	81%	100%	Yes
A	10%	60%	Yes
BBB	8%	50%	Yes
NSW TCorp Funds	1%	20%	Yes

**Table 8: Term to Maturity**

Term to Maturity	% of Portfolio	Policy Range	Compliant with Policy
Between 0 and 1 years	89%	40% - 100%	Yes
Between 1 and 5 years	11%	0% - 60%	Yes

**4. Portfolio Return**

Council's investment portfolio (excluding At Call Deposits and NSW TCorp Managed Funds) provided a weighted average return (running yield) as shown in Table 8 below.

**Table 8 – Portfolio Return**

31 October 2023	Monthly Return (Annualised)	Financial Year to Date (Annualised)
Hawkesbury City Council – Investment Portfolio	3.96%	4.00%
Benchmark – Bloomberg Ausbond Bank Bill Index	4.01%	4.27%
<b>Performance Relative to Benchmark</b>	<b>-0.05%</b>	<b>-0.27%</b>

**Relevant Legislation**

According to Clause 212 of the Local Government (General) Regulation 2021, the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether investments have been made in accordance with the Act, the Regulation, and the Council's Investment Policy.

**Investment Certification**

The Responsible Accounting Officer hereby certifies that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act, 1993, Clause 212 of the Local Government (General) Regulation, 2021 and Council's Investment Policy.

## ORDINARY MEETING

### 4. REPORTS FOR DETERMINATION

Meeting Date: 12 December 2023

#### DISCUSSION

Council's investments and returns achieved are driven and impacted by economic and market conditions. Council's Investment Advisor, Prudential Investment Services Corp has reviewed Council's investments as at 31 October 2023 and has advised of the following:

*"Council's investment portfolio, excluding the transactional cash account, returned 3.96%pa for the month on a marked-to-market basis versus the bank bill index benchmark's 4.01%pa return. Over the past 12 months, the investment portfolio has returned 3.43% versus the bank bill index benchmark's 3.66%.*

*Bond and share markets had another poor month caused by concerns that inflation would stay higher for longer and central banks, including the Reserve Bank Australia, may continue to raise rates to battle stubborn inflation. The NSW TCorpIM Long Term Fund reflected the market results with a return of -1.41% (actual) for the month. The high yields on Council's directly held fixed interest investments help offset much of fund's poor performance resulting in an overall return in line with benchmark for the month.*

*Without marked-to-market influences, Council's investment portfolio yielded 4.24%pa for the month. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the FRN and growth fund.*

*During October, Council had \$9m in 5 to 7 month Term Deposits mature which had an average rate of 4.61%pa. Council took advantage of the NAB's and Suncorp's competitive rates investing \$8m across five Term Deposits with terms of 5 and 6 months paying an average of 5.11%pa.*

*In late October, the release of stronger than expected inflation data and hawkish comments from the RBA had the market pricing in another two interest rate hikes over the next six months.*

*Looking forward, the following is recommended for consideration over the coming month:*

- If cashflow requirements allow, look for term deposit specials up to the 12 month area as rates either flatten out or drop off beyond 12 months.*
- Council has a Westpac Green Term Deposit maturing in November, the 12 month rate on new Westpac Green Term Deposit is approximately 5.35%, which is competitive amongst the majors. Meanwhile, Suncorp (non-fossil fuel) is looking for new deposits and offering rates well above its peers, in the 5.45% area, across the 6 to 12 month range.*
- With the market and economists expecting interest rates to remain higher for longer, Floating Rate Notes remain a good option for Council's long dated holdings providing cash flow allows.*

*It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection and holding the securities for the recommended time horizons of their asset classes."*

#### Restriction of Funds

Council's total investment portfolio as at 31 October 2023 included funds that are restricted as to what they can be expended on.

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

**Table 9 – Restriction of Funds**

Restriction Type	Amount	%
External Restrictions - S7.11 and S7.12 Developer Contributions	\$25,858,244	29.46%
External Restrictions - Western Parkland City Liveability Program	\$525,486	0.60%
External Restrictions - Bushfire and Flood Grants	\$9,720,014	11.08%
External Restrictions - Local & Regional Roads Repair Program	\$795,000	0.91%
External Restrictions - Other (e.g. domestic waste, sewerage, loans)	\$15,623,623	17.80%
Internal Restrictions (e.g. election, workers compensation, Employee Leave Entitlements)	\$31,778,686	36.21%
Unrestricted	\$3,453,517	3.94%
<b>Total</b>	<b>\$87,754,570</b>	<b>100.00%</b>

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

In addition to funds being fully allocated to fund the Operational Plan activities, funds relating to closed self-funded programs and that are subject to legislative restrictions cannot be utilised for any purpose other than that specified. Externally restricted funds include funds relating to Section 7.11 and Section 7.12 Contributions, Domestic Waste Management, Sewerage Management, Stormwater Management and Grants.

Funds subject to an internal restriction refer to funds kept aside for specific purposes, or to meet future known expenses. This allows for significant expenditures to be met in the applicable year without having a significant impact on that year. Internally restricted funds include funds relating to Tip Remediation, Workers Compensation, and Elections.

#### **COMMUNITY ENGAGEMENT**

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

#### **CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042**

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

##### Reliable Council

4.3 Build strong financial sustainability for now and future generations.

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

**FINANCIAL IMPACT**

The matters raised in this report have direct financial implications. The income applicable is provided for in the Adopted 2023/2024 Operational Plan.

**ATTACHMENTS**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

**4.4.2. CS - Disclosure of Pecuniary Interests and Other Matters Returns - (95496)**

**Directorate:** Corporate Services

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**PURPOSE OF THE REPORT**

The purpose of this report is to table the required Pecuniary Interest Returns lodged by Designated Persons.

**EXECUTIVE SUMMARY**

Council's Code of Conduct details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Councillors and Designated Persons. This report provides information regarding Returns recently lodged with the General Manager by Designated Persons.

**RECOMMENDATION**

That Council note that the Disclosures of Pecuniary Interests and Other Matters Returns, lodged with the General Manager, have been tabled.

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Sections 4.21 to 4.27 of Council's Code of Conduct (the Code) relate to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 4.21 of the Code is as follows:

*"4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in Schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in Schedule 1 to this code within 3 months after:*

*(a) becoming a councillor or designated person, and*

*(b) 30 June of each year, and*

*(c) the councillor or designated person becoming aware of an interest they are required to disclose under Schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b)."*

As required by Section 4.24 of the Code, a register of all Returns to be completed under Section 4.21 of the Code is kept by Council.

In accordance with Section 4.25 of the Code, all Annual Returns lodged by Councillors and Designated Persons under Section 4.21(a) of the Code must be tabled at the first meeting of the Council after the last day the return is required to be lodged.

The purpose of this report is to table two Returns submitted by new designated persons under Section 4.21(a) of the Code.

**ORDINARY MEETING**  
**4. REPORTS FOR DETERMINATION**  
**Meeting Date: 12 December 2023**

**DISCUSSION**

The following Returns have been lodged under Section 4.21(a) of the Code:

<b>Position</b>	<b>Return Date</b>	<b>Date lodged</b>
Senior Town Planner	21 August 2023	21 November 2023
Senior Strategic Land Use Planner	22 August 2023	22 November 2023

The above details are now tabled in accordance with Section 4.25 of the Code, and the Returns are available for inspection upon request, subject to any overriding public interest considerations against the disclosure of certain information within the Returns.

**COMMUNITY ENGAGEMENT**

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

**CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042**

Reliable Council

4.1 Provide representative, responsive and accountable governance.

**FINANCIAL IMPACT**

There are no financial implications applicable to this report.

**ATTACHMENTS**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**4. REPORTS FOR DETERMINATION**

**Meeting Date:** 12 December 2023

**4.5. INFRASTRUCTURE SERVICES**

Nil reports

**ORDINARY MEETING**

**5. REPORTS OF COMMITTEES**

**Meeting Date:** 12 December 2023

**5. REPORTS OF COMMITTEES**

**5.1.1. ROC - Local Traffic Committee - 13 November 2023 - (95495, 80245)**

**Directorate:** Infrastructure Services

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**PURPOSE OF THE REPORT**

The purpose of this report is to present the Minutes of the Local Traffic Committee, held on 13 November 2023.

**EXECUTIVE SUMMARY**

The Local Traffic Committee considered three items, contained within the Minutes of the Local Traffic Committee.

The Committee has been constituted for the purpose of providing technical review and advice on various traffic related matters, to Council in the exercising of its delegated functions as they relate to the regulation of traffic on the public road network, for which Council is the Roads Authority. The Committee has, however, no delegation authority in its own right and cannot bind Council.

The recommendations of the Committee are in line with the objectives of the Committee, as set out under the Delegation Instrument, and with established practices and procedures.

**RECOMMENDATION**

That the Council adopt the recommendations contained in the minutes of the Hawkesbury City Council Local Traffic Committee meeting held on 13 November 2023.

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**DISCUSSION**

The Committee considered staff reports on a range of matters as shown in the attached minutes (Attachment 1).

- General Traffic Matter - Item 4.1.1 - Proposed Signposting and Line Marking for the Southern Valley Development - Redbank, North Richmond DA0092/22 - (Hawkesbury)
- Special Event Matter - Item 4.2.1 - Parramatta Cycling Club Road Cycling Races 2024 - Oakville Events (Hawkesbury)
- Special Event Matter - Item 4.2.2 - Australia Day on the Hawkesbury 2024 Event - Governor Phillip Park, Windsor - (Hawkesbury)

**ATTACHMENTS**

**AT - 1** Minutes of the Local Traffic Committee held on 13 November 2023.

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**ORDINARY MEETING**  
**5. REPORTS OF COMMITTEES**  
**Meeting Date: 12 December 2023**

**AT - 1 Minutes of the Local Traffic Committee held on 13 November 2023**

**1. AGENDA**

**Welcome**

Minutes of the Meeting of the Local Traffic Committee held remotely on Monday, 13 November 2023 commencing at 3pm.

**ATTENDANCE**

**Present:** Councillor Sarah McMahon, Mayor Hawkesbury City Council  
Ms Melissa Monroe, Transport for NSW (TfNSW)  
Inspector Mark Harvey, NSW Police Force  
Mr Ben Cantor, Busways

**Apologies:** Ms Felicity Findlay, Office of Member for Hawkesbury

**In Attendance:** Mr Christopher Amit, Hawkesbury City Council, (Chair)  
Ms Cathy Mills, Hawkesbury City Council  
Mr Rob Wainhouse, Hawkesbury City Council

**Apologies**

RESOLVED on the motion of Councillor Sarah McMahon, seconded by Ms Melissa Monroe, that the apologies be accepted.

**Declaration of Interests**

There were no Declarations of Interest made.

**2. CONFIRMATION OF MINUTES**

The Committee resolved on the Motion of Councillor Sarah McMahon, seconded by Ms Melissa Monroe, that the Minutes from the previous meeting held on Monday, 9 October 2023 be confirmed.

**3. BUSINESS ARISING**

There was no business arising from the previous minutes

**ORDINARY MEETING**

**5. REPORTS OF COMMITTEES**

**Meeting Date:** 12 December 2023

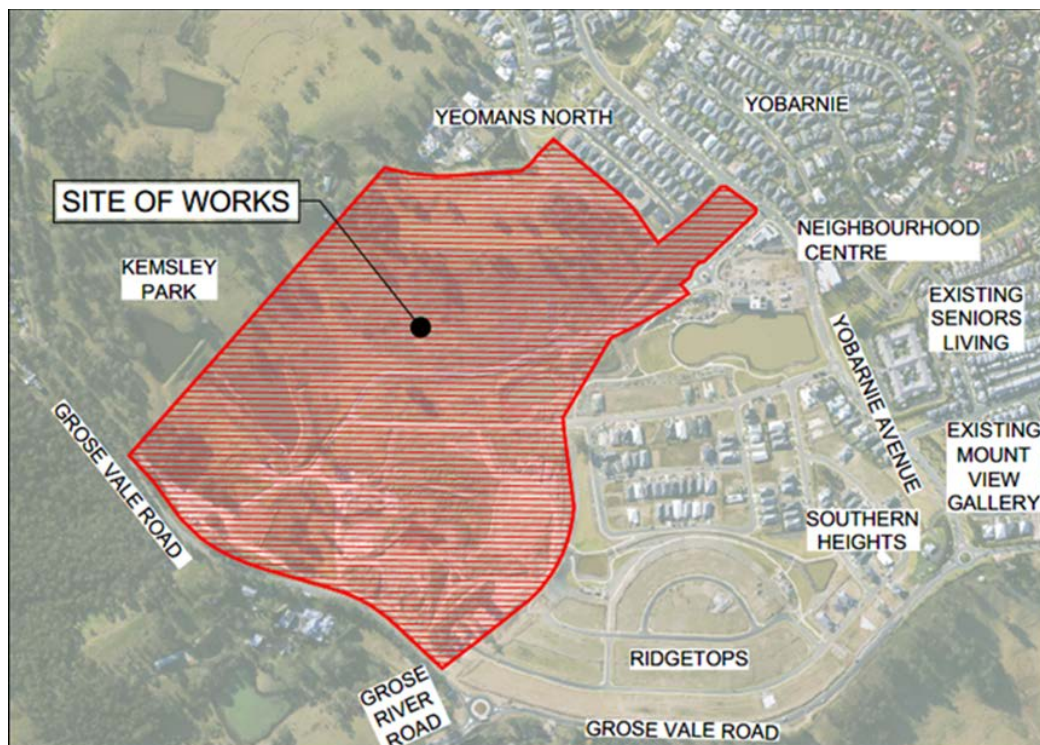
**4. REPORTS FOR DETERMINATION**

**4.1. GENERAL TRAFFIC**

**4.1.1. LTC – Proposed Signposting and Line marking for the Southern Valley Development - Redbank, North Richmond DA0092/22 - (Hawkesbury) - (80245, 73621, 123265,112157,146425)**

**INTRODUCTION:**

Development Consent No. DA0092/22 has been granted to construct road and drainage works to create 375 residential lots in various stages. The works are being undertaken as part of the overall Redbank Development of approximately 1,400 lots in North Richmond and is outlined in Figure 1.



**Figure 1: Site Locality within the Redbank Precinct**

**DISCUSSION:**

The proposed road network, as outlined in Figure 2, will connect to existing roads such as Keyline Road, Ploughmans Boulevard, Harrington Drive and Grose Vale Road. The proposed roads are listed below with their corresponding road widths between kerbs. The roads are to be constructed to their full width and full length.

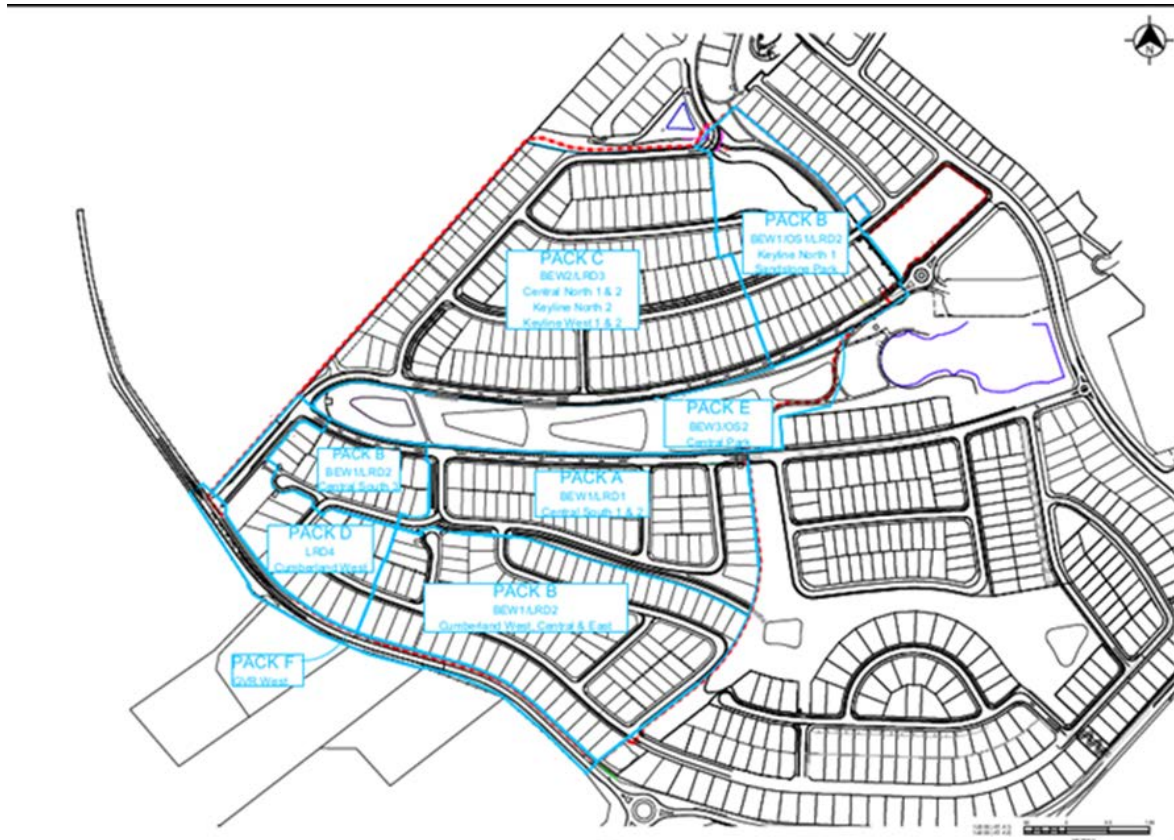
- Road 35 (Ploughmans Boulevard) – Collector Road 11.0m carriageway
- Road 51 (Irrigator Drive) – Local Road 8.0m carriageway
- Road 57 (Myrtle Grove) – Local Road 8.0m carriageway
- Road 58 (Peppermint Place) – Local Road 8.0m carriageway

**ORDINARY MEETING**

**5. REPORTS OF COMMITTEES**

**Meeting Date:** 12 December 2023

- Road 59 (Evergreen Close) – Local Road 8.0m carriageway with a cul-de-sac radius of 8.5m
- Road 60 (Keyline Road) – Collector Road 11.0m carriageway
- Road 61 (Kookaburra Crescent) – Local Road 8.0m carriageway
- Road 62 (Sprinkler Street) – Local Road 8.0m carriageway
- Road 63 (Contour Way) – Local Road 8.0m carriageway
- Road 64 (Harrington Drive) – Local Road 8.0m carriageway
- Road 65 (Southwell Street) – Local Road 8.0m carriageway
- Road 66 (Lorikeet Lane) – Local Road 6.0m carriageway
- Road 67 (Indigo Close) – Local Road 6.0m carriageway with a cul-de-sac radius of 8.5m.

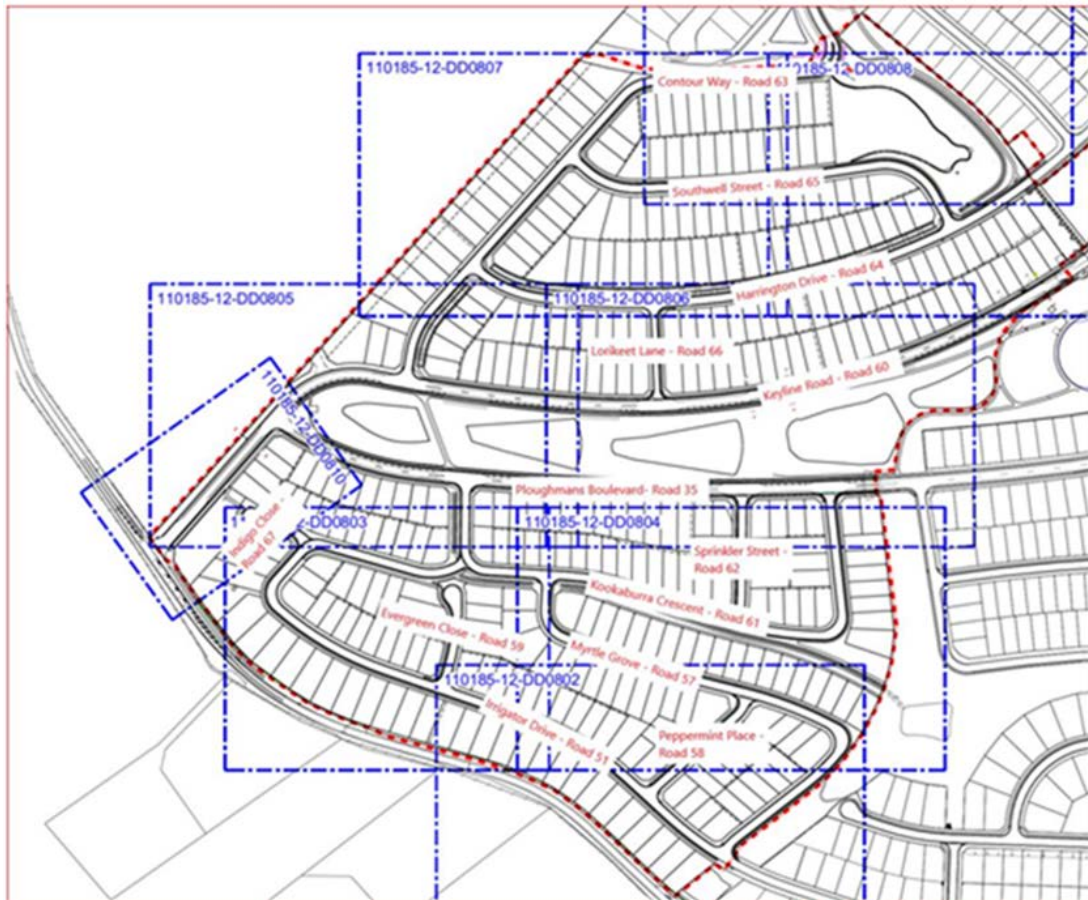


**Figure 2: Site Extent and Road Layout**

ORDINARY MEETING

5. REPORTS OF COMMITTEES

Meeting Date: 12 December 2023



**Figure 3: Road Layout with Road Names**

The extent of the works are limited within the Development site, and at this stage do not include works within Grose Vale Road. The details for Grose Vale Road and its connection with Keyline Road will be provided as a separate application.

All intersections as part of this development are T-Junctions. Signposting and line marking locations are consistent across all intersections for this development in accordance with the conditions of consent.

The internal intersections of the local roads with an 8m carriageway and collector roads with a 11m carriageway will be line marked with a double barrier centre line (BB) of a minimum 15m to each intersection approach, with the T-Junctions having a Give Way control and Holding line (TB/TB1). The intersection of Keyline Road (Road 60) at Grose Vale Road will have a Stop control and Holding line (TF/TB1). The Give Way treatments are for:

- Road 35 at its intersection with Road 60.
- Road 51 at its intersection with Road 61.
- Road 57 at its intersection with Road 51 and Road 61.
- Road 58 at its intersection with Road 51 and Road 57.
- Road 59 at its intersection with Road 51.

## ORDINARY MEETING

### 5. REPORTS OF COMMITTEES

Meeting Date: 12 December 2023

- Road 61 at its intersection with Road 35 (both approaches).
- Road 62 at its intersection with Road 35 and Road 61.
- Road 63 at its intersection with Road 60.
- Road 64 at its intersection with Road 63.
- Road 65 at its intersection with Road 63 and Road 64.
- Road 66 at its intersection with Road 60 and Road 64.
- Road 67 at its intersection with Road 51.

Keyline Road (Road 60) and Ploughmans Boulevard (Road 35) due to its 11m width will be linemarked with a combination of BB, S1 and E1 lines allowing for 3m travelling lanes and 2.5m parking lanes.

The bends in Roads 51, 57, 61 and 63, due to their limiting radii, will be treated with double centre lines (BB), No Stopping zones and curve advisory signs to ensure vehicular movement is not restricted. The Details provided in the Signs and Lines plan refer to the provision of the W1-3 signs, however based on the limited radii for these bends it is proposed to replace these signs with the W1-1 sign as well as providing the W1-1 signs at the approaches to the bend in Road 61 in the vicinity of Lots 2042 and 2055.

The cul-de-sacs for Roads 59 and 67 are to be sign posted with No Parking zones, with the No Parking zone in Road 67 extending back to the mandatory No Stopping zones at its intersection with Road 51 - due to its 6m road width.

Keyline Road (Road 60) will provide a connection between Grose Vale Road and Yobarnie Avenue with buses operating along this road and three Bus Zones provided on both sides of the road. The bus zone between Grose Vale Road and Ploughmans Boulevard will be indented by 3m on both sides of the road to the general kerb width of 11m. The bus zone will be complemented with a raised Wombat pedestrian crossing between the bus zone and Grose Vale Road. The pedestrian crossing will provide a link for pedestrians to cross Keyline Road (Road 60) and connect to the pedestrian path network within the Redbank precinct. The developer is providing two pedestrian crossings within the development site as part of an overall pedestrian safety network. This is the second site to be provided with a pedestrian crossing, with the first crossing provided in Yobarnie Avenue between Keyline Road and Ploughmans Boulevard.

Swept/Turning path diagrams (Attachment 10) have been provided for the 8.8m design vehicle (Service Vehicle-MRV Truck) and the 12.5m check vehicle (SU-HRV Truck). The intersection of Keyline Road and Ploughmans Boulevard with both roads being Collector Roads requires the 12.5m design vehicle (SU-HRV Truck) and the 19m check vehicle (AV - Articulated Vehicle). The swept paths for the check vehicles (12.5m HRV Truck and 19m AV Truck) has shown encroachments over the BB line at the respective T-Junctions with the design vehicles (8.8m MRV Truck and 12.5m HRV Truck) clearing the BB line. The purpose of the check vehicle is to ensure that there are no physical barriers prohibiting the manoeuvre. On this basis, the manoeuvres are acceptable, taking into consideration the road dimensions, geometry, grades, and kerb returns are in accordance with the relevant standards.

The signage and line marking plans prepared by J. Wyndham Prince (Project 110185-12) has been submitted to the Local Traffic Committee for concurrence and approval in accordance with the Development Consent conditions. The limit of works is within the Development site and this takes into account as exclusion of works at the intersection of Keyline Road and Grose Vale Road which

**ORDINARY MEETING**

**5. REPORTS OF COMMITTEES**

**Meeting Date:** 12 December 2023

includes the approach of Keyline Road to the intersection as well as any works within Grose Vale Road.

Summary:

The Signage and Line marking plans prepared by J.Wyndham Prince(Project 110185-12: Sheet No. DD0802 - Revision F, DD0803 - Revision G, DD0804 Revision F, DD0805 Revision G and DD0806 to DD0810 - Revision F) which includes a Raised Wombat style Pedestrian Crossing and Indented Bus bays associated with the Development Application DA0092/22, be implemented with the following exclusions and amendments:

1. Exclusion of works at the intersection of Keyline Road and Grose Vale Road which includes the approach of Keyline Road to the intersection as well as any works within Grose Vale Road.
2. Sheet No. DD0802 to DD0804, and DD0807 to DD0809 – replace sign W1-3 with W1-1.
3. Sheet No. DD0804 – provide W1-1 signs at the approaches to the bend in Road 61 in the vicinity of Lots 2042 and 2055.

**RECOMMENDATION TO COMMITTEE:**

The Signage and Line marking plans prepared by J.Wyndham Prince(Project 110185-12: Sheet No. DD0802 - Revision F, DD0803 - Revision G, DD0804 Revision F, DD0805 Revision G and DD0806 to DD0810 - Revision F) which includes a Raised Wombat style Pedestrian Crossing and Indented Bus bays associated with the Development Application DA0092/22, be implemented with the following exclusions and amendments:

1. Exclusion of works at the intersection of Keyline Road and Grose Vale Road which includes the approach of Keyline Road to the intersection as well as any works within Grose Vale Road.
2. Sheet No. DD0802 to DD0804, and DD0807 to DD0809 – replace sign W1-3 with W1-1.
3. Sheet No. DD0804 – provide W1-1 signs at the approaches to the bend in Road 61 in the vicinity of Lots 2042 and 2055.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Sarah McMahon, seconded by Ms Melissa Monroe.

Support for the recommendation: Unanimous support

The Signage and Line marking plans prepared by J.Wyndham Prince(Project 110185-12: Sheet No. DD0802 - Revision F, DD0803 - Revision G, DD0804 Revision F, DD0805 Revision G and DD0806 to DD0810 - Revision F) which includes a Raised Wombat style Pedestrian Crossing and Indented Bus bays associated with the Development Application DA0092/22, be implemented with the following exclusions and amendments:

1. Exclusion of works at the intersection of Keyline Road and Grose Vale Road which includes the approach of Keyline Road to the intersection as well as any works within Grose Vale Road.
2. Sheet No. DD0802 to DD0804, and DD0807 to DD0809 – replace sign W1-3 with W1-1.
3. Sheet No. DD0804 – provide W1-1 signs at the approaches to the bend in Road 61 in the vicinity of Lots 2042 and 2055.

**ORDINARY MEETING**

**5. REPORTS OF COMMITTEES**

**Meeting Date:** 12 December 2023

**4.2. SPECIAL EVENTS**

**4.2.1. LTC - Parramatta Cycling Club Road Cycling Races 2024 - Oakville Events  
(Hawkesbury) - (80245, 82935)**

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**INTRODUCTION:**

An application has been received from the Parramatta Cycling Club seeking approval (in traffic management terms) to conduct the Parramatta Cycling Club Road Cycling Races 2024 - Oakville Events.

The event organiser has advised;

- The event has been held annually for over 30 years.
- Parramatta Cycling Club has been conducting club-level road racing on the roads around Oakville. Some who have engaged in these races have gone on to achieve great success in the Olympics, Commonwealth Games and World Championships.
- The cycling events will be held on 14 separate Saturdays and one Sunday, during the period of 06 April 2024 to 28 September 2024. Five alternate dates are requested in the event that one of the scheduled dates are cancelled due to rain, safety or other matters, with the final alternate date being 28 September 2024.
- The proposed dates are;
  - 06 April 2024
  - 20 April 2024
  - 04 May 2024
  - 11 May 2024 (Alternate Date)
  - 18 May 2024
  - 01 June 2024
  - 08 June 2024 (Alternate Date)
  - 15 June 2024
  - 29 June 2024
  - 13 July 2024
  - 20 July 2024 (Alternate Date)
  - 21 July 2024 (Sunday)
  - 27 July 2024
  - 10 August 2024
  - 24 August 2024
  - 31 August 2024 (Alternate Date)
  - 07 September 2024
  - 21 September 2024
  - 28 September 2024 (Alternate Date).
- Each event will be conducted between 1:30pm and 5pm, with racing commencing at 2pm. The Sunday event will be undertaken between 8am and 4:30pm to accommodate the two junior races. The Junior courses are for the under 19 age group.
- The event is a Race and there will be 4 to 5 graded races up to 60 kilometres in length or a duration of 90 to 120 minutes.
- The main course is 7.1 kilometres in length with the two junior courses for the Sunday event consisting of 6.5 kilometres and 3.5 kilometres. Both junior courses are part of the overall 7.1

## ORDINARY MEETING

### 5. REPORTS OF COMMITTEES

Meeting Date: 12 December 2023

kilometre course. The 6.5 kilometre course is applicable for the Junior 'Older' riders and the 3.5 kilometre course is applicable for the Junior 'Younger' riders.

- There will be up to 100 participants.
- Approximately 30 spectators are expected.
- There will be 4 to 5 groups with each group not to exceed 30 riders.
- The event starts and finishes at Oakville Public School, located at No. 46 Ogden Road, Oakville.
- Utilising the School's parking facilities will eliminate traffic congestion in the start/finish area.
- Traffic control arrangements will be in place with no road closures required.
- The average speeds for races at Category 2 level vary from 30kph to 40kph, all of which are well below the posted speed limit. The only exception to this situation is the final sprint, which traditionally occurs within the last 200 metres of the race. In order to protect all riders and motorists, this section of the course is sterilised by the exclusion of motorised vehicles for the period of the sprint, generally less than 60 seconds.
- The course follows an anti-clockwise direction which utilises left turns only at intersections to ensure the safety of participants and motorists.
- The course has been chosen because of its remote location and minimum impact on the local amenity.
- Accredited traffic marshals are in constant two way radio communication between marshals and all escort vehicles and the start line.
- Prior to racing commencing, the course is subject to a physical inspection, in the event that circumstances have changed since the last race.
- The Club will utilise a roaming Commissaires vehicle as an escort for public awareness and also for observing race and road infringements.
- All riders are informed that should they breach any directive, by the marshal, commissaire or official, they face disqualification. If in the view of such officials the breach is serious, the riders also face fines and potential suspension.
- All riders in the event are to be licensed through the Australian Cycling Federation and there is a policy of no license, no start.
- The Bicycle Race will be conducted along the following route;
  - Commencing at Oakville Public School, Oakville, and entering Ogden Road,
  - Travel a short distance along Ogden Road and then into Hanckel Road,
  - (The Junior 3.5 kilometre course will require riders to turn left from Hanckel Road into Oakville Road and travel along Oakville Road to Old Pitt Town Road and turn left into Old Pitt Town Road and follow the remainder of the Course),
  - Travel along Hanckel Road and turn left into Old Pitt Town Road,
  - (The Junior 6.5 kilometre course will require riders to turn left from Hanckel Road into Speets Road and travel along Speets Road to Old Pitt Town Road and turn left into Old Pitt Town Road and follow the remainder of the Course).



**ORDINARY MEETING**

**5. REPORTS OF COMMITTEES**

**Meeting Date:** 12 December 2023

- Travel along Old Pitt Town Road and turn left into Saunders Road,
- Travel along Saunders Road and turn left into Smith Road,
- Travel along Smith Road and turn left into Ogden Road,
- Travel along Ogden Road finishing at Oakville Public School.
- The route distance is approximately 7.1 kilometres.

Refer to Attachment 1: Parramatta Cycling Club Road Cycling Races 2024 - Oakville Events - Event Route Plan.

**DISCUSSION:**

It would be appropriate to classify the event as a “Class 2” special event under the “Traffic and Transport Management for Special Events” guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS) as the event may disrupt minor traffic and transport systems along the specified route and there may be a low scale disruption to the non-event community. Speed limit, traffic volume and road width details are provided in the following table:

<b>Oakville Route</b>			
<b>Road Name</b>	<b>Speed Limit (kph)</b>	<b>ADT (Year)</b>	<b>Sealed Carriageway Width (m)</b>
Hanckel Road	60 & 70	1498 (2002)	5.7
Oakville Road	70	340 (1999)	6.7
Ogden Road	60 & 70	190 (1999)	8.0
Old Pitt Town Road	70	1905 (2018)	6.0 to 8.0
Saunders Road	70	784 (2018)	5.4 to 5.8
Smith Road	70	342 (1999)	6.1
Speets Road	70	230 (2001)	6.4

The event organiser should assess the risk and address the suitability of the route as part of the risk assessment considering the road width, number of bicycles, traffic volume and bicycles travelling close to the edge of the sealed travelling lane.

The course follows an anti-clockwise direction which utilises left turns only at intersections to ensure the safety of participants and motorists with traffic controls in place. No road closures are proposed, although there will be a sprint at the end of the race within the last 200 metres of the course which the event organiser is proposing to close off under traffic control for approximately 60 seconds.

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document Set ID No: 8604318):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Transport for NSW – TfNSW),
4. Transport Management Plan – referred to in the application as Traffic Management Plan (TMP) which requires updating for the 2024 event,
5. Proposed Road Racing Schedule 2024,

**ORDINARY MEETING**

**5. REPORTS OF COMMITTEES**

**Meeting Date:** 12 December 2023

6. Event Route Plan,
7. Copy of Insurance Policy which is valid to 28 February 2024, however, does not include Hawkesbury City Council and Transport for NSW – TfNSW (formerly RTA/RMS) as an Interested Parties.

**RECOMMENDATION TO COMMITTEE:**

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Parramatta Cycling Club Road Cycling Races 2024 - Oakville Events planned for;
  - 06 April 2024
  - 20 April 2024
  - 04 May 2024
  - 11 May 2024 (Alternate Date)
  - 18 May 2024
  - 01 June 2024
  - 08 June 2024 (Alternate Date)
  - 15 June 2024
  - 29 June 2024
  - 13 July 2024
  - 20 July 2024 (Alternate Date)
  - 21 July 2024 (Sunday)
  - 27 July 2024
  - 10 August 2024
  - 24 August 2024
  - 31 August 2024 (Alternate Date)
  - 07 September 2024
  - 21 September 2024
  - 28 September 2024 (Alternate Date)

by the Parramatta Cycling Club along the Oakville Route be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).

3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety

## ORDINARY MEETING

### 5. REPORTS OF COMMITTEES

Meeting Date: 12 December 2023

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

- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event.
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to submit a Transport Management Plan (TMP) for the entire route/event incorporating Traffic Control Plans (TCP) for the entire route, which needs to include details such as the specific position of barriers, signs etc, required for the event which includes the closing sprint at the end of the race, to Council for acknowledgement and Transport for NSW – TfNSW (formerly RTA/RMS) for concurrence. The TCP should be prepared by a person holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4e. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$10,000,000 noting Council and Transport for NSW – TfNSW (formerly RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4f. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;
- 4h. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4i. the event organiser is to notify the details of the event to the NSW Ambulance Service,

**ORDINARY MEETING**

**5. REPORTS OF COMMITTEES**

**Meeting Date:** 12 December 2023

- Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4j. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4k. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4l. the event organiser is to submit the completed " Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

**During the event:**

- 4m. access is to be maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4p. the cyclists are to be made aware of and are to follow all the general road user rules whilst cycling on public roads;
- 4q. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4r. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4s. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Sarah McMahon, seconded by Ms Melissa Monroe.

## ORDINARY MEETING

### 5. REPORTS OF COMMITTEES

Meeting Date: 12 December 2023

Support for the recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Parramatta Cycling Club Road Cycling Races 2024 - Oakville Events planned for;
  - 06 April 2024
  - 20 April 2024
  - 04 May 2024
  - 11 May 2024 (Alternate Date)
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  - 29 June 2024
  - 13 July 2024
  - 20 July 2024 (Alternate Date)
  - 21 July 2024 (Sunday)
  - 27 July 2024
  - 10 August 2024
  - 24 August 2024
  - 31 August 2024 (Alternate Date)
  - 07 September 2024
  - 21 September 2024
  - 28 September 2024 (Alternate Date)

by the Parramatta Cycling Club along the Oakville Route be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).

3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting

## ORDINARY MEETING

### 5. REPORTS OF COMMITTEES

Meeting Date: 12 December 2023

up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);

- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event.
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to submit a Transport Management Plan (TMP) for the entire route/event incorporating Traffic Control Plans (TCP) for the entire route, which needs to include details such as the specific position of barriers, signs etc, required for the event which includes the closing sprint at the end of the race, to Council for acknowledgement and Transport for NSW – TfNSW (formerly RTA/RMS) for concurrence. The TCP should be prepared by a person holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4e. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$10,000,000 noting Council and Transport for NSW – TfNSW (formerly RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4f. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;
- 4h. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4i. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4j. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the

**ORDINARY MEETING**

**5. REPORTS OF COMMITTEES**

**Meeting Date:** 12 December 2023

event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;

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

**During the event:**

- 4m. access is to be maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4p. the cyclists are to be made aware of and are to follow all the general road user rules whilst cycling on public roads;
- 4q. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4r. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4s. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

**ORDINARY MEETING**  
**5. REPORTS OF COMMITTEES**  
**Meeting Date: 12 December 2023**

**4.2.2. LTC - Australia Day on the Hawkesbury 2024 Event - Governor Phillip Park, Windsor - (Hawkesbury) - (80245, 79341)**

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**INTRODUCTION:**

An application has been received seeking approval (in traffic management terms) for Hawkesbury City Council to conduct the Australia Day on the Hawkesbury 2024 Event within Governor Phillip Park, Windsor, on Friday, 26 January 2024.

The event organiser has advised:

- This is an annual event with the initial event being held in 2018.
- This is a Community free family friendly event which includes food and beverages, stalls, live music, roving entertainment, rides, outdoor games, attendances from the local emergency services and a fireworks display on the river.
- The event will be conducted between 5pm and 9:30pm. The set up and pack down times are between 10am and 11pm.
- The event will be held within Governor Phillip Park located at the northern end of George Street, Windsor.
- The event is expected to attract approximately 7,000 spectators.
- There will be an increase to traffic flow on roads surrounding Governor Phillip Park and there may be considerable impacts on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road.
- It is expected that residents on George Street, Palmer Street, North Street, Arndell Street and Court Street may be affected due to the increased traffic flow.
- Parking will be in the field adjacent to Governor Phillip Park, with access to the Event Parking area provided from Palmer Street.
- Traffic controllers will manage the entry into the event car parking in Palmer Street and to manage event patrons crossing the internal access road within the park.
- Traffic controllers will manage entry into Governor Phillip Park which will be restricted only for event vehicles and those vehicles towing a boat and wishing to access the boat ramp.
- Vehicles can approach the access point into the Event Parking area from the direction of either George Street or Court Street.
- With the completion of the new Windsor Bridge and the upgrade of the intersection of Bridge Street and George Street from a roundabout to traffic signals, access for traffic to Governor Phillip Park has changed.
- With the installation of the new traffic signals, to maintain traffic flow in Bridge Street, the right turn from Bridge Street (northbound) into George Street (eastbound) is now prohibited and all traffic is required to turn right at Court Street at the uncontrolled intersection.



## ORDINARY MEETING

### 5. REPORTS OF COMMITTEES

Meeting Date: 12 December 2023

- As Bridge Street is effectively one lane at Court Street, allowing event traffic to turn right at this location has the potential to increase congestion and as such it is proposed to ban the right turn into and out of Court Street at Bridge Street between 4pm and 10pm on Friday, 26 January 2024.
- Traffic that would normally turn right into Court Street will be detoured over the Windsor Bridge to perform a U-turn at the new roundabout at Freemans Reach Road, return back over the Bridge and then turn left into George Street or at Court Street for vehicles over 9metres in length.
- Traffic turning right out of Court Street will be detoured to the traffic signals at George Street and Bridge Street.
- All traffic movements in Court Street will be restricted to left in/left out at Bridge Street to manage event traffic, improve road safety and maintain traffic flow in Bridge Street/Windsor Road.
- A detour route will be signposted to direct vehicles travelling from the south to continue north along Bridge Street over the new Windsor Bridge and perform a U-turn at the roundabout on the northern side of the bridge at Freemans Reach Road to travel south along the Bridge and turn left into George Street or at Court Street for vehicles over 9metres in length.
- Vehicles travelling from the west along Macquarie Street will turn right at Bridge Street and then left into Court Street.
- VMS signs will be used to inform traffic and detour routes signposted. A VMS plan with four VMS boards located at key locations and detour plan that guides event traffic and local road network traffic has been prepared.
- Some on-street parking along George Street near its intersection with Palmer Street may be taken out to allow safe vehicular movements in this vicinity. The adjoining property owners will be advised of this proposal.
- Advance warning with VMS shall be installed 2 weeks prior to the event and will be located at;
  - Bridge Street, Windsor – northbound at Court Street,
  - Bridge Street, Windsor – northbound at George Street,
  - Bridge Street, Windsor – southbound before George Street,
  - Macquarie Street, Windsor – eastbound in the Car Park at Kable/Macquarie Street.
- Approval by way of exclusive use has been sought to utilise Governor Phillip Park for the event.

Refer to Attachments 1 to 3 for details on the Road Closures and Traffic Detours.

#### DISCUSSION:

The participants/spectators travelling to the event, and in particular to Governor Phillip Park, may impact heavily on the state road network along Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street as well as the local roads such as George Street and Court Street.

With the completion of the new Windsor Bridge and the upgrade of the intersection of Bridge Street and George Street from a roundabout to traffic signals, access for traffic to Governor Phillip Park has changed. The Management measures proposed have been previously discussed between Police, TfNSW and Council to ensure that traffic movement is not compromised in particular at the intersection of Bridge Street and Court Street.

## ORDINARY MEETING

### 5. REPORTS OF COMMITTEES

Meeting Date: 12 December 2023

A summary of the traffic management measures is listed below:

- All traffic movements in Court Street will be restricted to left in/left out at Bridge Street (State Road) to manage event traffic, improve road safety and maintain traffic flow in Bridge Street/Windsor Road.
- A traffic control vehicle will be parked in the centre of Court Street with barrier boards and traffic cones used to delineate and enforce the No Right Turn restrictions.
- A detour route will be signposted to direct vehicles travelling from the south to travel north along Bridge Street over the new Windsor Bridge and perform a U-turn at the roundabout on the northern side of the bridge at Freemans Reach Road and then travel south along Bridge Street to turn left into George Street at the new traffic signals.
- Traffic turning right out of Court Street will be detoured to the traffic signals at George Street and Bridge Street via either Arndell Street or Palmer Street.
- Vehicles travelling from the west along Macquarie Street will turn right at Bridge Street and then left into Court Street.
- VMS signs will be used to inform traffic and all detour routes signposted.

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

The event organiser has submitted the following items in relation to the event: Attachment 4 (ECM Document Set ID No: 8620891):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Transport for NSW – TfNSW),
4. Special Event Traffic Management Plan and Traffic Control Plan,
5. Copy of Insurance Policy which is valid to 31 October 2023,
6. Copy of the application to the NSW Police Force.
7. Copy of correspondence to the NSW Fire and Rescue, Hawkesbury RFS, Hawkesbury Ambulance Service, Hawkesbury SES, Hawkesbury Local Area Command and Busways.

#### RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It

## ORDINARY MEETING

### 5. REPORTS OF COMMITTEES

Meeting Date: 12 December 2023

is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Transport for NSW – TfNSW (formerly RTA/RMS) “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package.

2. The Australia Day on the Hawkesbury 2024 event within Governor Phillip Park, Windsor, on Friday, 26 January 2024 be classified as a “Class 2” special event, in terms of traffic management, under the “Traffic and Transport Management for Special Events” guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following traffic control measures:
  - a. Temporary turn restrictions at the intersection of Bridge Street (State Road) and Court Street between 4pm and 10pm on Friday 26 January 2024. All traffic movements in Court Street will be restricted to left in/left out at Bridge Street to manage event traffic, improve road safety and maintain traffic flow in Bridge Street/Windsor Road.
5. Partial road closure permitted at the access point into Governor Phillip Park at the intersection of George Street and Palmer Street, Windsor between 4pm and 10pm on Friday 26 January 2024, with access only provided for event vehicles and those vehicles towing a boat and wishing to access the boat ramp.

and the following conditions:

#### **Prior to the event:**

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

## ORDINARY MEETING

### 5. REPORTS OF COMMITTEES

Meeting Date: 12 December 2023

- 4d. the event organiser is to obtain approval from Transport for NSW – TfNSW (formerly TMC) due to the traffic movements and restrictions along Bridge Street (State Road) and its intersections with George Street and Court Street, Windsor and the proposed turn restrictions at the intersection of Bridge Street and Court Street between 4pm and 10pm on Friday 26 January 2024 where all traffic movements in Court Street will be restricted to left in/left out at Bridge Street; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 4e. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council and Transport for NSW – TfNSW (formerly RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4f. as the event involves the closure and occupation of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4g. the event organiser is to obtain written approval from Council for the use of Governor Phillip Park;
- 4h. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;
- 4i. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4j. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4k. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4l. the event organiser is to submit the completed " Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

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

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

**ORDINARY MEETING**

**5. REPORTS OF COMMITTEES**

**Meeting Date:** 12 December 2023

- 4o. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4p. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4q. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4r. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Sarah McMahon, seconded by Ms Melissa Monroe.

Support for the recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Transport for NSW – TfNSW (formerly RTA/RMS) "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Australia Day on the Hawkesbury 2024 event within Governor Phillip Park, Windsor, on Friday, 26 January 2024 be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following traffic control measures:
  - Temporary turn restrictions at the intersection of Bridge Street (State Road) and Court Street between 4pm and 10pm on Friday 26 January 2024. All traffic movements in Court Street will be restricted to left in/left out at Bridge Street to manage event traffic, improve road safety and maintain traffic flow in Bridge Street/Windsor Road.
  - Partial road closure permitted at the access point into Governor Phillip Park at the intersection of George Street and Palmer Street, Windsor between 4pm and 10pm on Friday 26 January

## ORDINARY MEETING

### 5. REPORTS OF COMMITTEES

Meeting Date: 12 December 2023

2024, with access only provided for event vehicles and those vehicles towing a boat and wishing to access the boat ramp.

and the following conditions:

#### **Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to the event.
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to obtain approval from Transport for NSW – TfNSW (formerly TMC) due to the traffic movements and restrictions along Bridge Street (State Road) and its intersections with George Street and Court Street, Windsor and the proposed turn restrictions at the intersection of Bridge Street and Court Street between 4pm and 10pm on Friday 26 January 2024 where all traffic movements in Court Street will be restricted to left in/left out at Bridge Street; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 4e. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council and Transport for NSW – TfNSW (formerly RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4f. as the event involves the closure and occupation of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4g. the event organiser is to obtain written approval from Council for the use of Governor Phillip Park;
- 4h. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;

## ORDINARY MEETING

### 5. REPORTS OF COMMITTEES

Meeting Date: 12 December 2023

- 4i. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4j. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4k. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4l. the event organiser is to submit the completed " Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

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

- 4m. access is to be maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4p. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4q. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4r. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

#### **4.3. FOR INFORMATION**

There were no reports for Information.

**ORDINARY MEETING**  
**5. REPORTS OF COMMITTEES**  
**Meeting Date: 12 December 2023**

**5. GENERAL BUSINESS**

There was no general business.

The next Local Traffic Committee meeting is proposed to be held on Monday, 15 January 2024 at 3.00pm.

The meeting terminated at 3:10pm..

**oooO END OF REPORT Oooo**



**ORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 12 December 2023

**6. NOTICES OF MOTION**

**6.1.1. NM1 - Councillor Input on Planning Panel Matters - (138884)**

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**Submitted by:** Councillor Zamprogno

**NOTICE OF MOTION**

That:

1. Development Applications for regionally significant development shall be notified to Councillors, at the time of, or concurrently with, the mandatory public exhibition of such development applications by way of Memorandum.
  2. Councillors may call up, to the next available Ordinary Meeting of Council, a regionally significant Development Application, to discuss if Council (the elected Council) shall make a submission to the Panel.
  3. If Council resolves to make a submission to the Regional Planning Panel, any such submission shall be prepared by the elected Council, or a Council Officer not involved in the assessment of the relevant Development Application.
- 

**BACKGROUND**

Many Councils, and especially Greater Sydney and Wollongong area Councils lost the ability to deliberate and vote on DA's through the introduction of Planning Panels by the passing of the *Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017*.

This was not met with universal praise.

Planning Panels replaced decision making by democratically elected and accountable representatives, with decision making by unelected appointees possessing subject matter expertise in planning matters. It addressed a real problem, being the inappropriate entanglement between developers and Council affairs, but applied a blunt and undemocratic solution. Most Councils, including Hawkesbury Council, are well run and able to assess such matters with integrity.

There is no requirement for the members of Planning Panels to live or work in the communities they are making decisions for. They meet without the ability for the public to be physically present, and if they make an unpopular decision then there is no accountability at the ballot box. However, the broader community still expects their elected Councillors to represent their views on all matters. They don't care whether the matter is voted on by Councillors or goes to a different body.

The community feel that their Councillors, to paraphrase the royal prerogative, should assert their "rights to right to be consulted, the right to encourage, and the right to warn."

Whilst there are provisions within the Environmental Planning and Assessment Act 1979 and Council's Code of Conduct that limit Councillor's ability to participate in the decision making process of Local Planning Panels, with regard to Regional Planning Panels, there is no formal mechanism for the Chamber to provide advice in a non-binding fashion. This is widely regarded as a gap in the

**ORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 12 December 2023

operation of the Regional Planning Panels; a sentiment I confirmed through attendance at the recent LGNSW Conference.

The intent of this resolution is to provide a mechanism for the Chamber to provide to discuss upcoming applications of regional significance prior to these matters being considered by the Regional Planning Panel meetings on a case-by-case basis, fully understanding that the Chamber's advice is non-binding upon Panels.

Although it was my intention that this should also apply to Local Planning Panels, upon advice from staff that this would be a contravention of Part 7 of the *Relationships and Interactions in the Local Planning Panels Code of Conduct* dated August 2020, we are left with a motion that can only be applied to Regional Planning Panels matters to which Council staff prepare material.

**oooO END OF REPORT Oooo**

ORDINARY MEETING

6. NOTICES OF MOTION

Meeting Date: 12 December 2023

6.1.2. NM2 – Youth Summit - (138884)

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Submitted by: Councillor Zamprogno

NOTICE OF MOTION

That:

1. Council hold a Youth Summit in the second half of 2024, and that funding for the holding of the Summit be factored into the 2024/2025 Operational Plan.
  2. Preparatory to the organisation of the summit, discussion at a Councillor Briefing permits Councillors to advise on community groups that could be invited or issues that could be raised.
  3. Council reaffirms its support to hold such a Youth Summit every two years thereafter.
- 

BACKGROUND

Hawkesbury Council last held a Youth Summit in 2017. It is time we held another. Council's social atlas informs us that there are 17,331 people aged 5-24 in the Hawkesbury. This is 25.7% of our population, a greater percentage than for Greater Sydney as a whole.

Council's "Supplementary Resourcing Strategy 2017-2027" says "Council undertakes population-specific consultation through a variety of mechanisms. For example, since 2009 **Council staff have worked with young people to plan and stage a Youth Summit every two years to capture and record the views of young people** and their recommendations for what Council could do to improve quality of life outcomes for young people."

Unfortunately, it appears COVID was a contributing factor to the cessation of this biannual summit, and we have not taken the opportunity back up.

The findings of the 2017 Youth Summit were presented back to Council in a detailed 45 page report at the May 2017 meeting. It contained an analysis of consultation with not only the young people of the Hawkesbury, but stakeholder groups providing support in the areas of health, mental health, social services, sport, community service, pastoral care and recreation.

The 2017 Summit report is still regularly referenced for current purposes, such as the Assessment Criteria Matrix used in processing applications for various Community Sponsorship programs (three references this year alone).

It is not intended that a Youth Summit negates the use or value of the current School Leadership program, which has operated since 2022. The latter program is civics focused, and gives selected delegates from local schools the opportunity to meet with the Mayor and Councillors and gain a better appreciation of the role of local government. It generates no data or report; it does not formalise the engagement with service providers, does not conduct a broader survey of the youth of the Hawkesbury (including those outside school age), and it does not feed into the funding assessment and policy formulation process for youth-impacting issues.

**ORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 12 December 2023

As a teacher at a local high school, I have found students remarkably eager to express their opinions on the services and facilities that Council can provide, or advocate for.

In hearing of the needs and aspirations of our City's young people every day, it strikes me that the recommencement of a bi-annual youth summit is a worthy idea.

Citations:

Hawkesbury Social Atlas:

<https://profile.id.com.au/hawkesbury/service-age-groups>

Final report of 2017 Youth Summit:

[https://www.hawkesbury.nsw.gov.au/\\_data/assets/pdf\\_file/0013/101137/ORD\\_MAY2\\_2017\\_BP\\_Att1\\_toltem92.pdf](https://www.hawkesbury.nsw.gov.au/_data/assets/pdf_file/0013/101137/ORD_MAY2_2017_BP_Att1_toltem92.pdf)

**NOTE BY MANAGEMENT**

Council is committed to engaging with young people to facilitate their participation in the design and delivery of youth programs and activities in the Hawkesbury. Staff will be engaging with young people through a series of community events that will be held between 11 April and 21 April 2024 during Youth Week, the outcomes of which will be provided to Councillors at a Briefing to inform the design of future youth initiatives, which may include a Youth Summit to be held in the second half of 2024 subject to Council resolution.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 12 December 2023

**6.1.3. NM3 – Enhancing the Arts in the Hawkesbury Working Group – (125612)**

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**Submitted by:** Councillor Lyons-Buckett

**NOTICE OF MOTION**

That:

1. Council re-establish the 'Enhancing the Arts in the Hawkesbury Working Group' (Working Group) with revised objectives and terms of reference (example attached in proposed amended form).
  2. Council appoint three (or a number considered suitable) Councillors to the Working Group.
  3. For its initial project, the Working Group liaise with State Member for Hawkesbury, Robyn Preston MP, Federal Member for Macquarie Susan Templeman MP, community advocacy group the Hawkesbury Entertainers and Artists Regional Theatre Society (HEARTS), and other interested groups with a view to identifying potential performance space opportunities, and Council's role within the process.
- 

**BACKGROUND**

In July 2017, Council resolved to establish the Enhancing the Arts in the Hawkesbury Working Group. This Group worked successfully for a couple of years but was not continued beyond 2020.

The objective of re-establishing this group is to examine the short and long term options around performance spaces in the Hawkesbury area, for local musicians and performers.

Whereas a large piece of community infrastructure such as a performance space would be a long term goal requiring funding from other sources and other levels of government, in the short term there may be opportunities to assist the staging of annual concerts and performances by community groups to meet a growing need.

**ATTACHMENTS**

**AT – 1** Example Terms of Reference for the Enhancing the Arts in the Hawkesbury Working Group.

**ORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 12 December 2023

**AT - 1 Example Terms of Reference for the Enhancing the Arts in the Hawkesbury Working Group**

**1. Context**

Considered in its broad meaning, the arts can include a range of activities and interests by groups and individuals including, but not limited to, all types of performance, singing, music, sound, dance, visual arts, public art, craft, design, architecture, literature, photography, film and digital creations.

There are numerous ways in which people in the Hawkesbury participate in the arts; as passive observers, audience members, appreciators, supporters, administrators, group members, students, teachers, creators and performers, professionals and businesses.

**2. Purpose**

The purpose of the Enhancing the Arts in the Hawkesbury Working Group (Working Group) is to provide constructive discussions and research to be undertaken to advise Council about what support and assistance Council can deliver to enhance the arts in the Hawkesbury.

It will work on a project basis: researching, liaising with representatives of the State and Federal electorate offices, and advising Council of opportunities to seek external funding, facilitate local arts activities/events and encourage audience participation.

When necessary, the Working Group would report to Council to request assistance of staff for specific purposes such as facilitating meetings or providing information to assist the Working Group.

**3. Roles and Authorities**

- a) The role of the Working Group is an advisory and practical support role.
- b) The Council retains responsibility for all budgetary considerations.
- c) The General Manager (or his/her delegate) retains all responsibility for the direction of any staff member involved with the Working Group.

**4. Term**

The Working Group term shall be the time period required to fill the objectives outlined in Section 2.

**5. Structure and Membership**

- a) The structure and membership of the Working Group shall be as follows, and all the under-mentioned appointments will have voting rights:
  - (i) Three Councillors of Hawkesbury City Council
  - (ii) Council staff members appointed by the General Manager of Hawkesbury City Council if requested by the Working Group for a specific project.
  - (iii) Community appointments, with relevant arts expertise and experience and an ability to develop and implement arts projects, following the calling of applications via a prescribed process if required for a specific project.
- b) The Working Group shall, at its first meeting following appointment, elect a Councillor delegate appointed under clause 5(a)(i) to be the Chairperson of the Working Group, and

## ORDINARY MEETING

### 6. NOTICES OF MOTION

Meeting Date: 12 December 2023

one of its members appointed under Clause 5 to be the Deputy Chairperson, who shall act in the absence of the Chairperson.

- c) No staff member of Hawkesbury City Council shall be elected Chairperson or Deputy Chairperson of the Working Group.
- d) Each member of the Working Group entitled to vote shall only have one vote except that of the casting vote of the Chairperson in the case of equality of votes.
- e) The Working Group may co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance, but such co-opted members shall only serve on the Working Group for the period of time required, and will not, whilst serving in the position of co-opted member, have any voting rights.

#### 6. Appointment of Members

- a) Three Councillors will be appointed to the Working Group in accordance with practices and procedures of the Council.
- b) The Council shall place advertisements in appropriate newspapers inviting nominations from members of the community for membership to the Working Group if a resolution of Council decides to appoint such members.
- c) The Council shall select and appoint the community representatives to the Working Group.
- d) Members of the Working Group shall cease to hold office:
  - (i) If the Working Group is dissolved by Council;
  - (ii) Upon written resignation or death;
  - (iii) If absent without prior approval of the Working Group for three consecutive meetings; or
  - (iv) If the Council by resolution determines that the member has breached Hawkesbury City Council's Code of Conduct (as it is in force from time to time).
- e) For the purposes of sub-clause 6(d)(iv), the Code of Conduct is to be taken to apply to community and representative members as referred to in clause 5(a) in the same way as the Code of Conduct applies to Councillors.

#### 7. Procedures and General

- a) Ordinary meetings of the Working Group shall be held as required.
- b) No meeting of the Working Group shall be held unless three clear days' notice has been given to all members.
- c) The rules governing meetings and the procedures of the Working Group shall, so far as they apply, be those covered by the Hawkesbury City Council's Code of Meeting Practice, as may be altered from time to time by resolution of the Council.
- d) A quorum of the Working Group shall be constituted by half plus one members being present at meetings, relevant to the number of members on the Working Group for any given project at any given time.

**ORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 12 December 2023

- e) Any members having a pecuniary interest in any matters being discussed by the Working Group shall declare such interest at the meeting of the Working Group and refrain from voting or discussion thereon.
- f) The requirements applying to pecuniary interests for members as detailed in clause 7(e) above shall apply equally to any other appointed or invited observers or co-opted members.
- g) The Working Group will report its findings to Council upon completion of a project or upon request for an update from Council.
- h) Any recommendations of the Working Group shall, as far as adopted by the Council, be resolutions of the Council, provided that recommendations or reports of the Working Group shall not have effect unless adopted by the Council.

**oooO END OF REPORT Oooo**



**ORDINARY MEETING**

**7. QUESTIONS FOR NEXT MEETING**

**Meeting Date:** 12 December 2023

**7. QUESTIONS FOR NEXT MEETING**

**7.1.1. Responses to Councillor Questions Taken on Notice at the Council Meeting  
21 November 2023**

The following questions were raised from Councillors regarding matters on the Council Meeting Business Paper of 21 November 2023. These questions were taken on notice and the responses are provided below:

#	Councillor	Question	Response
1	Sheather	Has Council ever taken action against anybody of dereliction of a building. Has Council have ever taken any action where a building has fallen down and we haven't taken any action.	It is not an offence to abandon property, however where an abandoned property becomes overgrown or otherwise poses a risk to community safety, Council may take regulatory action to compel the owner to undertake a clean-up.
2	Wheeler	When have we deferred the Bligh Park Cycle way too.	Unfortunately, Council was not successful in obtaining a grant from Transport for NSW last financial year. This project was originally intended to be carried out on 50:50 basis with Transport.  The project will be reviewed, and the Assets Team will seek to reapply for future grants as the opportunity arises, to then include the project in future capital works program.
3	Zamprogno	Deferral of works on Old Stock Route Road, Oakville, has the grant funding lapsed and what was the cause of the delay.	The reconstruction of the section of Old Stock Route Road between Saunders Road and Scheyville Road had been funded from the NSW Government's Block Grant Funding Program and REPAIR Grant Program.  Delays in delivery, due to planning and design complexities, meant that the project could not be completed prior to June 30 as required by the REPAIR Grant Program. Council sought an extension for the completion, which was not granted until after June 30 and so a budget adjustment was required to allow the works to proceed whilst Council awaited the extension.  The project has now been completed.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**8. CONFIDENTIAL REPORTS**  
**Meeting Date: 12 December 2023**

**8. CONFIDENTIAL REPORTS**

**8.1. GENERAL MANAGER**

Nil Reports

**8.2. CITY PLANNING**

Nil Reports

**8.3. CORPORATE SERVICES**

Nil Reports

**ORDINARY MEETING**

**8. CONFIDENTIAL REPORTS**

**Meeting Date:** 12 December 2023

**8.4. INFRASTRUCTURE SERVICES**

**8.4.1. IS - General Waste Processing Proposal - Waste Management Facility - (95495, 159578)**

**Directorate:** Infrastructure Services

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*This report is CONFIDENTIAL in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993 and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council/ and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to processing of municipal solid waste 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.*

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# Ordinary Meeting

# End of Business Paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.