



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 14 November 2017

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

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

Public Participation

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

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

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

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

Voting

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

Planning Decision

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

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

Business Papers

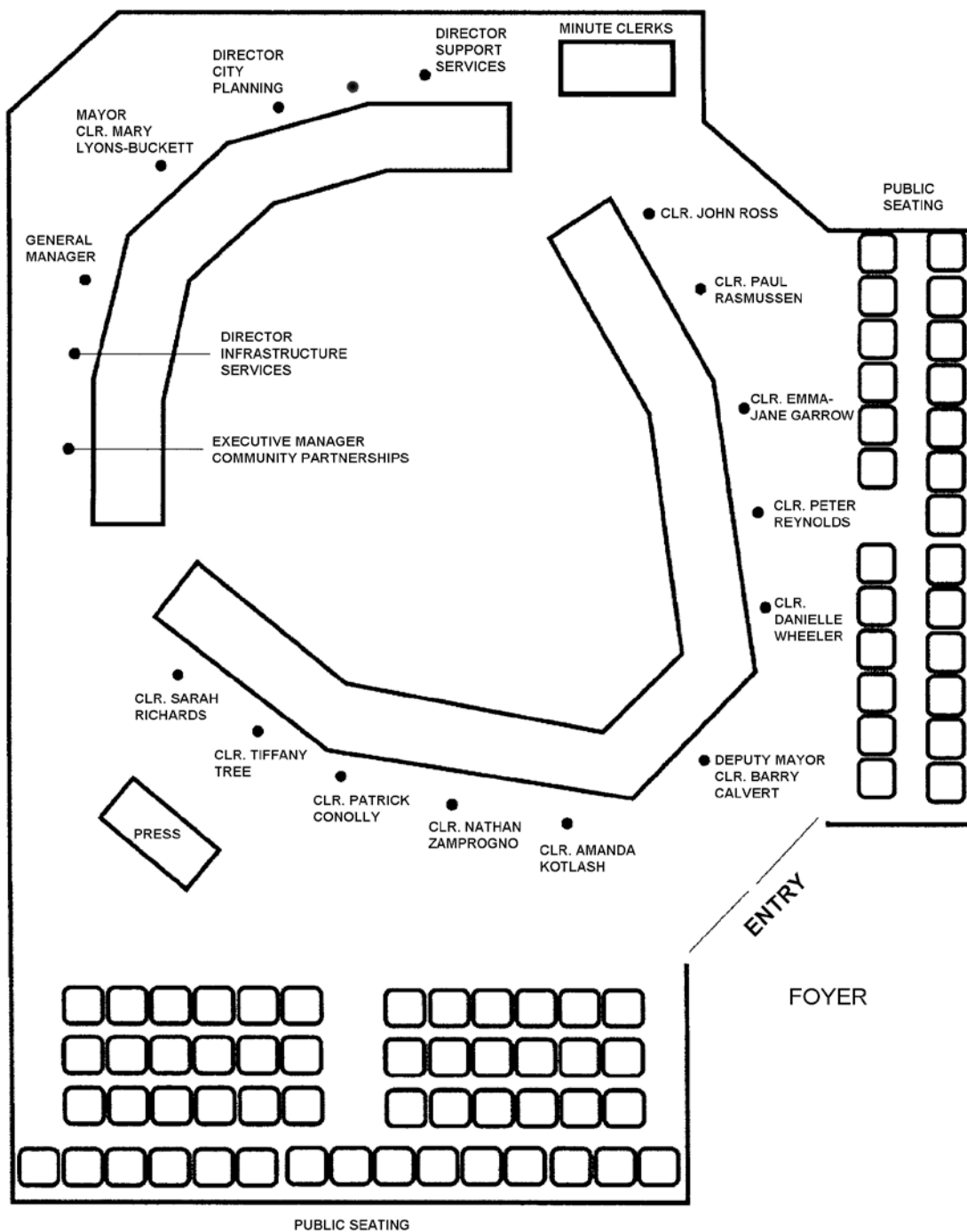
Business papers can be viewed online from 12pm on the Friday before the meeting on Council's website <http://www.hawkesbury.nsw.gov.au>

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

Further Information

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

Hawkesbury City Council



ORDINARY MEETING

Table of Contents

Meeting Date: 14 November 2017

AGENDA

- **WELCOME**
 - Acknowledgement of Indigenous Heritage**
- **APOLOGIES AND LEAVE OF ABSENCE**
- **DECLARATION OF INTERESTS**
- **PRESENTATION BY COUNCIL'S AUDITOR, MS CILIA WITHERS OF NSW AUDIT OFFICE AND MR MARC UPCROFT OF PRICEWATERHOUSECOOPERS, IN RESPECT OF COUNCIL'S AUDITED 2016/2017 FINANCIAL REPORTS**
- **SECTION 1 - Confirmation of Minutes**
- **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**
- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 3 - Reports for Determination**
 - Planning Decisions**
 - General Manager**
 - City Planning**
 - Infrastructure Services**
 - Support Services**
- **SECTION 4 - Reports of Committees**
- **SECTION 5 - Notices of Motion**
- **QUESTIONS FOR NEXT MEETING**
- **REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION**

ORDINARY MEETING

Table of Contents

Meeting Date: 14 November 2017

ORDINARY MEETING**Table of Contents****Meeting Date:** 14 November 2017**TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
SECTION 1 - Confirmation of Minutes		3
SECTION 2 - Mayoral Minutes		7
MM	Councillor Update - Independent Hearing and Assessment Panels - (79351, 105109, 79353, 125612)	7
SECTION 3 - Reports for Determination		11
PLANNING DECISIONS		11
Item: 198	CP - DA0024/17 - 108 Lennox Street, Richmond - Lot 1 DP 39280 - Demolition of Dwelling House and Construction of an attached Dual Occupancy - (95498, 11419, 138932, 138933)	11
Item: 199	CP - DA0317/17 - 539 Kurmond Road, Freemans Reach - Lot 8 DP 544000 - Intensive Plant Agriculture - (95498, 135615, 135616)	43
GENERAL MANAGER		77
Item: 200	GM - General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2017 - (95496, 96332)	77
Item: 201	GM - Hawkesbury City Council - Annual Report 2016/2017 incorporating Audited Financial Statements - (95498, 124414)	83
SUPPORT SERVICES		88
Item: 202	SS - Hawkesbury Based Not-for-Profit Groups Access to Council Facilities - (95496, 96328)	88
SECTION 4 - Reports of Committees		97
ROC	Audit Committee Meeting Minutes - 14 June 2017 - (95496, 91369)	97
ROC	Floodplain Risk Management Advisory Committee - 19 October 2017 - (124414, 86589)	101
ROC	Hawkesbury Access and Inclusion Advisory Committee Minutes - 26 October 2017 - (124569, 96328)	105
SECTION 5 - Notices of Motion		115
RM	Resolution 271 - Independent Hearing and Assessment Panel - (79351, 105109, 138883, 125612, 138882)	115
QUESTIONS FOR NEXT MEETING		116
	Councillors Questions from Previous Meetings and Responses - (79351)	116

ORDINARY MEETING**Table of Contents****Meeting Date:** 14 November 2017

CONFIDENTIAL REPORTS	120
Item: 203 CP - Heritage Matters and Legal Advice - (95498) CONFIDENTIAL	120
Item: 204 SS - Community Representation on the Enhancing the Arts in the Hawkesbury Working Group - (95496, 103542) CONFIDENTIAL	121
Item: 205 SS - Property Matter - Easement over Council owned land - 35A Harris Street, Windsor - (130541, 112106, 95496) CONFIDENTIAL	122
Item: 206 SS - Property Matter - Lease to Hawkesbury District Tennis Association Inc. - Richmond Tennis Complex, Windsor Street, Richmond - (74070, 112106, 95496) CONFIDENTIAL	123
Item: 207 SS - Property Matter - Lease to New Horizons Healthcare Pty Ltd - Shop 3 Glossodia Shopping Village - (95496, 112106, 134957, 136550) CONFIDENTIAL	124
Item: 208 SS - Property Matter - Lease of Shop 11, Wilberforce Shopping Centre - (112106, 95496, 132105, 132099) CONFIDENTIAL	125

ordinary

section 1

confirmation of minutes

ORDINARY MEETING
Confirmation of Minutes

ORDINARY MEETING
Confirmation of Minutes

SECTION 1 - Confirmation of Minutes

ORDINARY MEETING
Confirmation of Minutes

ordinary

section 2

mayoral minutes

ORDINARY MEETING

Mayoral Minutes

ORDINARY MEETING

Mayoral Minutes

SECTION 2 - Mayoral Minutes

MM

Councillor Update - Independent Hearing and Assessment Panels - (79351, 105109, 79353, 125612)

REPORT:

On 8 August 2017, and without first consulting Local Government, the Honourable Anthony Roberts, NSW Minister for Planning, announced the State Government's intentions to make Independent Hearing and Assessment Panels (IHAPs) mandatory for all metropolitan Councils in Sydney and Wollongong.

Council resolved at its meeting of 26 September 2017 to submit a series of motions to the NSW Local Government Conference in December 2017, two of which were regarding IHAP legislation.

Motion 1 relates to the fact that the proposed IHAPs:

- were introduced without consultation
- relate to only some local government areas
- the inconsistencies between Local Government area included and not included
- the significant financial costs that will be incurred by the affected Councils.

Motion 2 relates to the fact that if IHAPs are to be introduced, Councils:

- will need sufficient lead time to review their Planning Policies before they become operational. Again consultation with Local Government would have identified this issue
- need to have appropriate input into the composition of the proposed Panels.

On 3 November 2017, I responded to an approach from the Hills Shire Council and attended a meeting convened by Dr Michelle Byrne, Mayor of The Hills Council along with representatives from Hornsby, Parramatta and Blacktown Councils. The objective of this meeting was to ascertain the likelihood of other Councils joining The Hills as per point 2 of their resolution relating to IHAPs (The Hills Council meeting of 10 October 2017).

"2. *The Mayor approach other Councils to try to achieve a united approach to defend our decisions and our rights.*

3. *The General Manager provide a further report post the meeting with the Honourable Anthony Roberts, Minister for Planning, seeking an exemption."*

Given the representatives present at the 3 November meeting did not have specific directions on how to proceed, those present at the meeting decided that each Councils should formalise their individual stance on joining the Hills and other councils in a united approach in relation to IHAPs. This Mayoral Minute seeks to do this.

The establishment of IHAPs is likely to be expensive, difficult for stakeholders to access and overall a costly exercise to facilitate the assessment of a low number of applications.

ORDINARY MEETING

Mayoral Minutes

RECOMMENDATION:

That Council work with other Councils to pursue opportunities to address concerns about State Government IHAP legislation, including calls for possible repeal, exemption and extension mechanisms.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

ordinary

section

3

reports
for determination

ORDINARY MEETING

Meeting Date: 14 November 2017

ORDINARY MEETING

Meeting Date: 14 November 2017

SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 198 **CP - DA0024/17 - 108 Lennox Street, Richmond - Lot 1 DP 39280 - Demolition of Dwelling House and Construction of an attached Dual Occupancy - (95498, 11419, 138932, 138933)**

Development Information

File Number: DA0024/17
Property Address: 108 Lennox Street, Richmond
Applicant: Mr C Boulos
Owner: Mr MR Jones and Mrs KTB Jones
Proposal Details: Dual Occupancy (Attached) – Demolition of the existing dwelling house and the construction of a dual occupancy (attached)
Estimated Cost: \$614,150
Zone: R3 Medium Density Residential
Date Received: 23 January 2017
Advertising: 6 February 2017 to 20 February 2017

Key Issues: ♦ Potential heritage and archaeological significance

Recommendation: Approval

REPORT:

Executive Summary

This application seeks approval for the demolition of an existing dwelling house and the construction of an attached dual occupancy 108 Lennox Street, Richmond.

The dwelling house proposed to be demolished has been identified as a building of potential historical importance however it is not listed as a local or a State heritage item. As part of the assessment of the proposal Council staff and the Office of Environment and Heritage (OEH) investigated the potential to retain the existing building and the potential to list the building as a Local or State heritage item.

An assessment in respect to the retention of the existing building has been undertaken and was found that the existing dwelling has had a number of alterations and is in poor condition and its retention as a listed heritage item is not a feasible option.

The applicant has obtained a complying development certificate from a private certifier for the demolition of the existing dwelling and it can be removed lawfully without consent at any time.

The proposed attached dual occupancy is acceptable having regard to the relevant planning instruments, including Hawkesbury Local Environmental Plan 2012 and Hawkesbury Development Control Plan 2002 and it is recommended that the application be supported.

No submissions were received in relation to the application.

A separate report dealing with legal matters associated with heritage planning is on this Business Paper.

ORDINARY MEETING

Meeting Date: 14 November 2017

Description of Proposal

The application seeks approval for the demolition of a dwelling house and detached garage and the construction of an attached dual occupancy. The proposed dual occupancy is to be two storeys in height and constructed of brick veneer and cladding for the walls and a cement tile roof.

The proposed dual occupancy would be contained under one main roof with each dwelling being provided with a single driveway, garage and carport. The ground floor of each dwelling will consist of a living room, meals and kitchen. The first floor of each dwelling will contain four bedrooms, one bathroom and an ensuite.

Site and Locality Description

The subject allotment is rectangular in shape, approximate space 12.75m in width and 41.3m in length. The land has a total area of 524sqm and is flat with little vegetation existing on the site. The subject lot has direct access to Lennox Street and is within the vicinity of West Market Street.

The subject site contains an existing single storey dwelling house and detached garage.



Figure 1: Northern elevation of existing dwelling house (left) and detached garage (right)

Surrounding development generally consists of residential properties, with the exception of some shops. Richmond High School is located at 140 Lennox Street and is in close proximity to the subject site. Both adjoining lots contain two storey dwellings.



Figure 2: 106 Lennox Street dual occupancy approved under development consent notice DA0706/13 (left) and single dwelling at 48 West Market Street (right)

History of the Application

- | | |
|------------------|---|
| 20 February 2017 | Application notified to adjoining neighbours between 6 and 20 February 2017. |
| 25 May 2017 | Council's Heritage Advisor identifies potential heritage significance of the existing dwelling proposed to be demolished. It was further noted that subject site may be of potential State archaeological significance under the draft Richmond Archaeological Management Plan. |

ORDINARY MEETING

Meeting Date: 14 November 2017

- | | |
|----------------|---|
| 26 June 2017 | Meeting held with the applicant to discuss the heritage potential of the existing dwelling and archaeological significance of the site and potential to retain the existing building. Applicant advised that they wished Council to proceed with the assessment of the current application. |
| 30 June 2017 | Additional information letter sent as follow up to meeting of 26 June requesting a Heritage Impact Assessment, an Archaeological Assessment and amended plans regarding the design of the dual occupancy. |
| 30 June 2017 | Council's Heritage Advisor noted the potential significance of the dwelling and ability for further development to occur to the rear of the site without the demolition of the potential heritage item. |
| 3 August 2017 | Complying Development Certificate No. CDCPC1169/17 issued by a Private Certifier (Urban City Consulting) for demolition of the existing dwelling on-site. No demolition works have been undertaken to date. |
| 30 August 2017 | Applicant submitted information in support of the application, including a Heritage Impact Assessment, Archaeological Assessment, Structural Appraisal Report and amended plans. |

Recommendation

Approval subject to conditions.

Related applications

- CDCPC1169/17 issued by a Private Certifier for the demolition of structures at 108 Lennox Street, Richmond.

Key Issues

- Potential heritage and archaeological significance of the structure and site.

Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)
- Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2 – 1997)
- Hawkesbury Local Environmental Plan 2012 (LEP) 2012
- Hawkesbury Development Control Plan (DCP) 2002

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

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

- a. The provisions of any:
 - i. Environmental Planning Instrument:

State Environmental Planning Policy No. 55– Remediation of Land

Council's records indicate that the property has only been used for residential purposes. There is no evidence to suggest that the land is contaminated to an extent that would render the land unsuitable for the proposed use. On this basis the property is considered acceptable having regard to this SEPP.

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

A BASIX Certificate has been issued for the proposed development and supports the application. A condition of consent will ensure that the development meets the necessary sustainability performance requirements as set out in the BASIX Certificate, therefore complying with the BASIX SEPP.

Sydney Regional Environmental Planning Policy 20. (No.2 - 1997) - Hawkesbury -Nepean River

The proposal is consistent with the aims and objectives of SREP No. 20. The proposed development would not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and the development is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies.

Hawkesbury Local Environmental Plan 2012

The subject site is zoned R3 Medium Density Residential and the development is permissible with consent under this Plan being defined as a 'dual occupancy (attached)'. The proposed development is consistent with the zone objectives and the following specific clauses of this Plan:

Clause 4.3 Height of Buildings

The proposed dual occupancy has a total ridge height of approximately 7.4m which complies with the maximum permitted height of 10m.

Clause 5.10 Heritage Conservation

The subject property is not identified as a heritage item in the Hawkesbury LEP 2012. The site is in close proximity to 102, 112 and 114 Lennox Street, all of which contains single storey cottages that are locally listed heritage items under this Plan. It is considered that the proposal would not have an impact on the setting of these items as the development has been designed to conform with adjoining development and the established streetscape. An assessment of heritage potential on the subject site is undertaken in the report below.

Clause 6.1 Acid Sulfate Soils

The subject site is identified as containing Class 5 soils on the Acid Sulfate Soils Map and the works proposed are unlikely lower the watertable.

Clause 6.4 Terrestrial Biodiversity

The subject land is not impacted by any biodiversity controls and one native tree is proposed for removal as part of the works.

Clause 6.7 Essential Services

The subject site is serviced by Sydney Water and other relevant services are available to the site. The lot has direct access to Lennox Street and the proposed dual occupancy will result in both dwellings having direct driveway access to this primary street. Appropriate conditions will be applied in regards to services.

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

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

iii. Development Control Plan applying to the land:**Hawkesbury Development Control Plan 2002**

The proposed development is generally consistent with the requirements of the Hawkesbury DCP 2002. An assessment of the proposal against the relevant provisions of this Plan follows:

Part A Chapter 3 - Notification

The plans were publically notified between 6 February 2017 and 20 February 2017 in accordance with the requirements of this chapter. No submissions were received.

Part C Chapter 1 – Landscaping

A landscaping plan has been submitted with the application and is considered generally acceptable. The street tree at the front the property would be required to be replaced with a mature tree of the same species. Suitable conditions have been recommended in this regard.

Part C Chapter 2 – Car parking and Access

The proposal complies with the two covered car parking space requirement for each dwelling consisting of a single garage and carport in a stacked arrangement.

Part C Chapter 4 - Erosion and Sediment

Conditions will be applied requiring appropriate erosion and sediment control measures to be installed on the site during construction.

Part C Chapter 6 – Energy Efficiency

The proposal is consistent with this chapter as:

- a BASIX Certificate has been issued for the proposed development demonstrating that the proposed design can achieve the minimum energy performance targets
- sunlight is to be available to at least 50% of required private open space for at least two hours between 9am and 3pm on June 21.

Part C Chapter 10 – Heritage Conservation

Whilst the existing dwelling is not identified as a heritage item, the subject site is identified as potentially State Significant on the draft Richmond Archaeological Management Plan (Richmond AMP). The Richmond AMP Inventory (Attachment 4) suggests that the site "possesses historical or archaeological significance". In addition, the Richmond AMP recommends that the site be conserved due to this potential significance.

Council's Heritage Advisor noted that upon visual inspection, the exterior of the existing dwelling house is likely to be Georgian Colonial due to the hip roof with a front verandah that retained an early bush pole structure with original bush sawn shingle battens. The dwelling has been subject to major intervention post WW1, including alterations and replacement cladding to the internal and external walls, and consequently the extent of intact fabric is difficult to decipher.

Due to the information provided in the Richmond AMP and historical architectural features identified by the Heritage Advisor, a meeting and site inspection of the external fabric of the dwelling on the site was held with a representative of the NSW Office of Environment and Heritage and Council staff. Following this meeting it was confirmed that the dwelling on the land, due to the significant alterations, did not appear to have State significance but may have local heritage potential.

ORDINARY MEETING

Meeting Date: 14 November 2017

Council staff met with the applicant to advise the potential heritage significance of the existing dwelling and discussed the possibility of retaining the existing dwelling. The Applicant advised that they intended to continue with the current application and did not want to retain the existing dwelling. The meeting was followed by a request from Council for additional information including a Heritage Impact Statement, an Archaeological Assessment and amended plans relating to the proposed dual occupancy.

During this time the applicant obtained a Complying Development Certificate for the demolition of the existing dwelling which enables the building to be removed lawfully without consent from Council. However, the applicant has chosen not to demolish the building and has continued to work with Council by submitting a Historical Archaeological Assessment, a Heritage Impact Assessment (HIA) and a Structural Appraisal Report for the site .

The submitted Structural Appraisal Report of the existing dwelling identified substantial loss of structural integrity in aspects of footings, floorings, walls and roofing. Council's principal Building Certifier has reviewed the Structural Appraisal Report and raises no objection, from a building certification view, to the report's recommendation for removal of the existing dwelling on the grounds of its poor structural condition.

The applicant's Heritage Impact Assessment stated that the allotment was created between 1817 and 1827 and dated the existing dwelling circa 1940's or early 1950's. The report noted that the dwelling was missing features which are common to buildings from the colonial era, such as evidence of a chimney. The Heritage Impact Assessment also found many aspects of the building had been largely altered or replaced such as the interior and exterior cladding.

Council's Heritage Advisor reviewed the applicant's submitted Heritage Impact Assessment Report and whilst agreeing with parts of that report there was some disagreement with the estimated age of the dwelling and the conclusions of that report. The Heritage Advisor's preferred action is that any development on the site should occur to the rear of the land and the existing dwelling should be retained if possible.

As part of the assessment of the application the applicant's Heritage Impact Assessment report; Structural Appraisal Report; Council's Heritage Advisor's comments and recommendations and the merit of retaining the structure (a building of potential heritage significance that is not listed) have all been considered. The matter has also been discussed, and site inspections made, with the Office of Environment and Heritage and Council's Heritage Advisor. Whilst the existing dwelling may, upon first inspection, seem to have heritage significance it has been substantially modified over time that it is not in its original condition.

Advice from the Office of Environment and Heritage is that it is most unlikely that the structure would be of State heritage significance. Similarly, given the recent building activity on the adjoining site (106 Lennox Street) and the lack of any archaeological items found on that site, it is also unlikely that the subject site would be of State significance. However, the archaeological significance of the site cannot be fully determined until a more detailed archaeological assessment is undertaken should the structure be demolished. Council's Heritage Advisor accepts this advice from the Office.

In relation to local heritage significance, again the substantial modification of the structure, particularly the interior and exterior cladding, has diminished the likely significance of the site. Given the above information, advice and existence of the current approval to demolish, it is considered that it would be unreasonable to prevent the development of the land given that the dwelling is not listed as a heritage item and is in generally poor condition.

Despite the above, as part of any approval it is recommended that:

- a photographic archival recording of the building be undertaken, in accordance with the Heritage Offices' guidelines "Photographic Recording of Heritage Items using Film or Digital Capture", during all stages of any demolition works

- that all site works be undertaken under the supervision of a suitably qualified archaeologist
- that following any demolition work a full archaeological assessment is to be undertaken over the site prior to any further construction works.

Suitable conditions have been recommended in this regard.

Part D Chapter 1 - Residential Chapter – Variation requested

The application has demonstrated that the proposal is generally in compliance with the set rules of this chapter with the exception of requested variations to Clause 1.3 Building height Plane. The following is an assessment of the relevant section of the Residential Chapter.

Clause 1.3 Height

A variation is sought to the building height plane under this chapter.

Clause 1.4 Setbacks

The proposed dual occupancy provides a 6.7m front setback that is consistent with the established pattern of the street and adjoining development. The proposed dual occupancy is setback further than the existing dwelling on the site.

Clause 1.6 Landscaped Areas

A landscaping plan has been submitted with the application. The proposal adequately provides a minimum of 30% soft landscaped area. A native tree is proposed for removal as part of the works and a condition is to be applied for planting of a replacement tree species appropriate to the area.

Clause 1.7 Private Open Space

The proposal provides adequate open space on the subject lot. The development will meet the 20% of the total site area required for private open space and with an adequate area for 5m x 6m rectangle. The proposed dwellings main living areas are directly accessible to the private open space and are located at the rear of the dwellings. The proposal is consistent with Clause 1.7 of the Residential Chapter.

Clause 1.9 Vehicle Access and Car Parking

A one metre landscape strip is proposed between the driveways and boundaries. The driveway complies with the 3m width requirement and the garage and carports do not visually dominate the streetscape through the use of setbacks and stacked parking.

Attached dual occupancies are assessed on their merits in relation to onsite manoeuvring. In this regard the current design of two separate single driveways with stacked parking of a carport and garage is considered adequate for the site.

Clause 1.12 Acoustic Privacy

The proposal complies with the aims, objectives and rules of the Acoustic Privacy clause.

Clause 1.17 Recycling, Garbage and Mail Collection areas

The amended plans provide suitable arrangements for recycling, garbage and mail collection.

Clause 1.19 Fencing and Retaining Walls

No front fencing is proposed and the existing boundary fencing is considered adequate.

Variations

Building Height Plane

The Applicant requests a variation to the Building Height Plane in Clause 1.3 of the residential chapter.

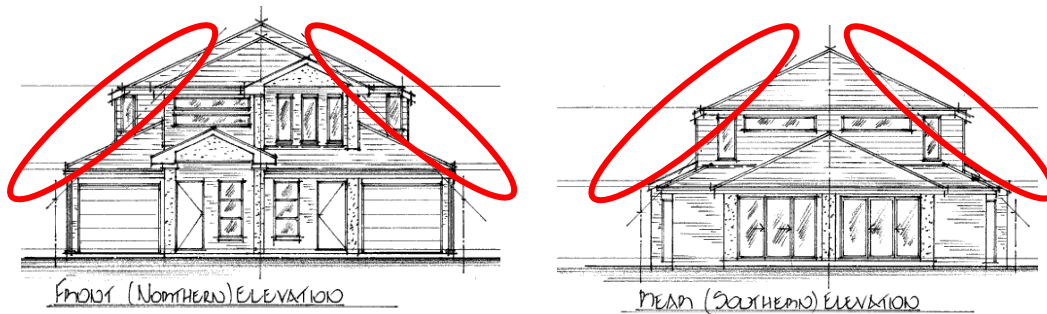


Figure 3: Building height plane variation highlighted by circles

The proposed dual occupancy has a minor non-compliance along the sides of the boundary due to the width of the subject site and the proposed two storey construction. The current design minimises the non-compliance by reducing the size of the top floors. The variation will not result in adverse impacts to overshadowing, street view or solar access. The proposal is similar to existing variations in the street such as the neighbouring property at 106 Lennox Street. It is recommended that the variation requested be supported due to the minor deviation from the standard and the narrow width of the subject site.

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

Not applicable.

v. Matters prescribed by the Regulations:

The Environmental Planning and Assessment Regulation 2000 provide that:

- the development should comply with the National Construction Code – Building Code of Australia
- that the proposal be levied against Councils Section 94A Development Contributions Plan. In this respect Hawkesbury City Councils Section 94A Development Contributions Plan 2015 would require a 1% levy to be paid on the development based on an estimated development cost of \$614,150.00.

As such the following developer contributions apply to this development - \$6,141.50. Accordingly, a condition of consent is required to be imposed in this regard.

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

Context and Setting

There are no constraints from surrounding land uses that would prohibit the proposal and there are no known hazardous land uses or activities nearby.

The proposed dual occupancy would not unreasonably impact on adjoining properties in terms of overshadowing, loss of visual or acoustic privacy, or loss of views and vistas.

ORDINARY MEETING

Meeting Date: 14 November 2017

The proposal has a residential scale in an area that has been zoned for medium density housing. The proposal provides an adequate front setback from the primary street and fits with the setback of the surrounding locality.

A length of six metres on either side of the dual occupancy was proposed at 300mm setback from side boundaries. The applicant has provided amended plans which increased this to 500mm in order to provide greater space for any access and maintenance along the side boundary.

Access, Transport and Traffic

Vehicles will enter the site in a forward direction and reverse onto Lennox Street. It is considered that there is adequate line of sight and vehicles would be able to leave the property safely. Dwellings along Lennox Street, including the adjoining lot at 106 Lennox Street, reverse onto this side of the road. It is unlikely that the support of the proposal would have an impact on the traffic safety or flow of Lennox Street.

Utilities

The provision of services to the development will be required through the conditions of consent. The proposed development is not likely to place unreasonable demands on the provision of services.

A stormwater concept plan has been submitted with the application; however a condition of consent will be applied requiring Onsite Stormwater Detention to be provided.

Heritage

The potential heritage impacts of the development have been discussed previously in this report. The development does not result in any adverse impacts to surrounding heritage listed items along Lennox Street and would adequately integrate into the visual appearance of the streetscape.

Safety, Security and Crime

Satisfactory passive surveillance is provided from the dwellings that would ensure safety and security. Access to the dwellings is confined to one single entrance with direct view to the primary street. In addition each dwelling provides windows that would facilitate passive surveillance adjacent to the entrances.

Cumulative Impact

The proposed development is compatible with the surrounding land uses and no negative cumulative impact is foreseen.

It is unlikely that the proposed development would have any adverse environmental or social impacts on the locality. The site is within an established residential area and the proposal provides for a development that is generally consistent with Hawkesbury DCP 2002.

c. Suitability of the site for the development:

The site is considered to be suitable for the development. The proposed development will not result in the removal of significant vegetation and there are no 88B restrictions or burdens on the deposited plan that would prohibit the proposed development.

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

No submissions were received following the notification of the application.

ORDINARY MEETING

Meeting Date: 14 November 2017

e. The Public Interest:

The proposed development will provide appropriate and compatible development for the R3 Medium Density Zoning and surrounding dwellings. The proposal would support the continued residential use of the land and is in keeping with similar dual occupancies in the locality.

The proposal is consistent with the overall objectives of the zone and is unlikely to result in any negative impacts on the locality. It is therefore considered that the proposal is consistent with the public interest.

Conclusion

An assessment of the proposal against Section 79C of the EP&A Act has been undertaken and the proposal is consistent having regard to the relevant environmental planning instruments and regulations which apply to the development. The application has provided justification for the demolition of the existing dwelling and the potential heritage significance of the site has been adequately reviewed. It is recommended that the variation sought to the building height plane requirement be supported.

The proposal is therefore considered acceptable and is recommended for conditional approval.

Planning Decision

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

RECOMMENDATION:

That Development Application No. DA0024/17 at Lot 1 DP 39280, 108 Lennox Street, Richmond for a dual occupancy (attached) be approved subject to the following conditions:

General Conditions

1. Approved Plans and Supporting Documentation

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

a) Plans Reference:

Drawing Number/Name	Prepared by	Issue No.	Date
Ground Floor Plan/Sheet 1 of 8	R.E. & P.A. Collins Design	B	10 August 2017
First Floor Plan/Sheet 2 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Rear & Front Elevations/Sheet 3 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Side Elevations/Sheet 4 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Section Plan/Sheet 5 of 8	R.E. & P.A. Collins Design	-	16 August 2016
Site Plan/Sheet 6 of 8	R.E. & P.A. Collins Design	B	10 August 2017
Landscape Concept Plan	Environmental & Lifestyle Landscape Designs	-	30 November 2016

ORDINARY MEETING

Meeting Date: 14 November 2017

b) Document Reference:

Document	Reference	Prepared By	Date
BASIX	780489M	Energy Rating Australia	29 November 2016
Waste Management Plan			27 January 2017

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

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

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

2. Works Shall Not Commence Until A Construction Certificate or Design Compliance Certificate (Engineering Works) Approval Is Issued

No work shall commence until:

- a) a Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) a Design Compliance Certificate is obtained from either Council or an Accredited Certifier for civil works (where required by this consent);
- c) a Principal Certifying Authority is appointed; and
- d) a Notice of Commencement is lodged with Council.

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

3. Part 4A Certificates Required

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

Note: A registration fee applies.

4. Occupation Certificate Required Prior to The Use Of The Building

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

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

5. Street Tree

Prior to the issue of any Occupation Certificate a Bottlebrush tree – Callistemon 'King's Park Special' – shall be planted and protected within the grass verge of Lennox Street as a street tree in accordance with Part 1 Section 6.5.8 of Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. This tree shall be an advanced specimen with a minimum pot size of 75L.

6. Prescribed Conditions - Compliance with National Construction Code

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

7. Excavation - Archaeology

If any object having heritage significance is uncovered during the course of the work:

- a) all work must stop immediately in that area; and
- b) the NSW Office of Environment and Heritage and Council must be advised of the discovery.

Note: Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further work can continue.

8. Excavation - Aboriginal Relics

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) the Office of Environment and Heritage and Council must be advised of the discovery.

All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

Prior to Design Compliance Certificate**9. Design Compliance Certificate - Works Covered**

The Design Compliance Certificate for this development covers On Site Detention

Prior to Issue of a Design Compliance Certificate plans showing finished levels, any associated drainage, any structural details, batter grades and finished surfaces must be submitted to the Certifying Authority.

10. Stormwater On Site Detention

On Site Detention (OSD) for stormwater is required to be provided for this development. Details including calculations are to be included on plans submitted for the Design Compliance Certificate to the Satisfaction of the Certifying Authority. OSD must comply with the following:

- a) OSD shall be provided to maintain all stormwater discharges for storms up to the 1 in 100 Average Recurrence Interval storm event at pre-development levels.

- b) The OSD system is to be designed in accordance with Hawkesbury Development Control Plan (Appendix E, Civil Works Specification, Part 1 – Design Specifications and Part 2 – Construction Specifications).

Prior to Issue of Construction Certificate

11. Landscape Plan

Prior to Construction Certificate a detailed landscape plan shall be provided showing use of native trees, shrubs and ground cover at a minimum of three (3) advanced trees with a minimum pot size of 45L and a minimum mature height of 4m shall be provided.

12. Long Service Levy Payment

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

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

13. Driveway Construction - Residential in Council Road Reserve

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

The vehicular crossing must:

- a) Have a minimum width of 3.5 metres within the road reserve;
- b) Not interfere with existing public infrastructure;
- c) Have a sealed finish; and
- d) Be constructed in accordance with Council's 'Driveway Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

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

14. Drainage Design

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

- a) Clearly address the issue of overland flow. Flow paths for the 100 year storm event must be provided from rainwater and OSD tanks overflow and from roof gutter overflow to the street in order to ensure water is not directed into neighbouring properties during storms.
- b) comply with Council's Hawkesbury Development Control Plan (Part I & Chapter 8) and Australian Standard AS3500 – Plumbing and Drainage unless variation is specifically noted and approved on DA concept drainage plan,
- c) drain impervious areas to the street,
- d) be to the satisfaction of the Certifying Authority.

15. Building Sustainability Index (BASIX) Certificate

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

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

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

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

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

16. Overland Flow

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

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

17. Section 94A (Monetary) Contributions

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

a) Contribution Required

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

b) Amount of Contribution

The amount of the contribution is \$6,141.50.

This fee is based on the supplied value-of-works of \$614,150.00

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

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

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

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

18. Structural Engineers Design - Concrete and Structural Steel

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

19. Structural Engineers Design - Retaining Walls

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

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

Prior to Commencement of Works

20. Excavation

All earthworks on the site including site preparation works must be carried out under the supervision of a suitably qualified and experienced Archaeologist.

21. Heritage Archival Recording – Demolition

No works shall commence until an archival record of existing buildings on the site has been prepared and submitted to Council. This shall include measured drawings and an archival photographic record. This archival record shall be prepared in accordance with the Heritage Office's guideline, 'Photographic Recording of Heritage Items using Film or Digital Capture'.

22. Heritage Archival Recording - Archaeology

Following the completion of the demolition works and prior to any other site works a detailed archaeological assessment of the entire site is to be undertaken by a suitably qualified and experienced archaeologist. The assessment is to be prepared in accordance with best practice and/or Office of Environment and Heritage guidelines and in accordance with the requirements of the *Heritage Act 1977*. The completed assessment is to be submitted to Council for approval prior to the commencement of any further works on the site and prior to issue of any Construction Certificate.

23. Civil Works Specifications

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

24. Site to be Maintained Clean and Tidy During Construction

The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:

- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
- b) building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site;
- c) builders waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.

25. Principal Certifying Authority - Details

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

26. Toilet Facilities

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

Each toilet must:

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

27. Notice of Commencement

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

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

28. Prescribed Conditions - Residential Building Work

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

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

29. Prescribed Conditions - Shoring and Adequacy of Adjoining Property

Development that involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

30. Principal Certifying Authority (PCA) Site Sign

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

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

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

31. Safety Fencing

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

32. Demolition - General

All demolition works must be carried out in accordance with the following:

- a) all demolition work shall be carried out strictly in accordance with Australian Standard AS 2601 - 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover 'Demolition License' and WorkCover 'Class 2' (Restricted) Asbestos License and comply with WorkCover's 'Guide to Working with Asbestos';
- c) site safety/security fencing shall be provided prior to commencement of any work on-site and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
 - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
 - (ii) Construction Sites - Australian Standard AS 4687 - 'Temporary fencing and hoardings';
 - (iii) Ongoing Site Safety/Security - Australian Standard AS 1725 - 'Chain-link fabric security fencing and gates';

ORDINARY MEETING

Meeting Date: 14 November 2017

- d) demolition work shall be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) no trees shall be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council;
- f) erosion and sediment control measures shall be installed prior to any demolition works commencing and maintained in accordance with the requirements contained in the Hawkesbury Development Control Plan 2002;
- g) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- h) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- i) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- j) demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings;
- k) waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- l) no material is to be burnt on site;
- m) details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal and recycling; and
- n) the site shall be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

33. Demolition - Notice

- a) Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice shall:
 - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
 - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work;
 - (iii) provide the relevant WorkCover license details of the demolisher/contractor; and
 - (iv) details of the demolisher/contractors current Public Liability/Risk Insurance Policy providing for a minimum cover of \$10 million.
- b) Notice is to be given to adjoining property owners of the date on which it is proposed to commence demolition. This notice shall:
 - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
 - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work; and
 - (iii) provide the telephone number of WorkCover's Asbestos/Demolition Hotline - 1800 672 718.

34. Asbestos Material Handling

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 458 of the Work Health and Safety Regulation 2011.

In addition to the above, the following shall be satisfied:

- a) the person having the benefit of this consent must provide the Principal Certifying Authority with a copy of a signed contract with such a person before any development or works commence;
- b) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered;
- c) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the Principal Certifying Authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

35. Demolition - Work Plans

The demolition work shall comply with the provisions of Australian Standard AS 2601 - 'The Demolition of Structures'. The work plans required by Australian Standard AS 2601 - 'The Demolition of Structures' shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of works.

36. Erosion and Sediment Control for Minor Development

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

37. Sydney Water - Endorsement of Approved Plans

The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to Sydney Water's website.

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

During Construction**38. Inspections by Certifying Authority**

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

39. Construction Hours

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

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

40. Site Management During Construction

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

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

41. Loading and Unloading During Construction

The following requirements apply.

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

ORDINARY MEETING

Meeting Date: 14 November 2017

- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

42. Management of Overland Flows

The works associated with the development shall ensure that:

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

43. Stormwater Drainage Management

Roofwater (including overflow from water storage vessels) shall be:

Drained to the street gutter (drainage lines across the footpath shall consist of 100mm sewer grade pipe incorporating a suitable kerb adapter).

44. Earthworks - General Requirements

All earthworks on site must comply with the following:

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

ORDINARY MEETING

Meeting Date: 14 November 2017

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

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

45. Heritage - Archaeological Discovery During Works

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

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

Prior to Issue of Construction Compliance Certificate

46. Construction Compliance Certificate - Works Completed

Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Certifying Authority.

Prior to Occupation

47. Construction Compliance Certificate - Required

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

Prior to Issue of the Occupation Certificate

48. Planting of Street Tree

The required street tree shall be planted and protected within the grass verge of Lennox Street prior to the release of a Final Occupation Certificate.

49. Survey Certificate at Completion

A Survey Certificate, prepared by a Registered Surveyor, is to certify the location of the building in relation to the boundaries of the allotment.

The certificate is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

50. Suitability of Glazing - Windows and Doors

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

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

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

51. Suitability of Glazing - Balustrades

Glass balustrades must be designed and installed in accordance with Australian/New Zealand Standard AS/NZS 1170.1 - 'Structural design action s- Permanent, imposed and other actions'.

Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development prior to the issue of an Interim Occupation Certificate.

52. Certification of Smoke Detection and Alarm System

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

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

53. BASIX Commitments

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

54. Termite Protection - Certificate of Treatment

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

55. Termite Protection - Notice

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

56. Occupation Certificate - Prior to Commencement of Use

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

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

57. Letterboxes and House Numbering

Letterboxes and house/property numbering are to be designed and constructed so they are accessible and visible from the public road adjoining the site. Council must be contacted in relation to any specific requirements for allocation of street numbering.

Letterbox facilities and house/property numbering shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

58. On-site Stormwater Detention - Plan of Management

A Plan of Management for the on-site stormwater detention facilities shall be prepared setting out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection, maintenance requirements and time intervals for such inspection and maintenance.

The Plan of Management is to be submitted to and approved by Council prior to the issue of the final Occupation Certificate.

59. Works as Executed Drawings Required

Works-As-Executed drawings are to be submitted to Council detailing the following information:

- a) invert levels of tanks, pits and pipes;
- b) surface levels of pits and surrounding ground levels;
- c) levels of surrounding kerb;
- d) floor levels of buildings;
- e) top of kerb levels at the front of the lot; and
- f) extent of inundation.

60. On-site Stormwater Detention - Positive Covenant Required

A positive covenant shall be created on the title of the land providing the following:

- a) the registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities;
- b) the liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings; and
- c) council only will be entitled to release or modify the Covenant.

The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with Land and Property Information.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

61. On-site Stormwater Detention - Compliance Certification

Upon completion of the on-site stormwater detention system, certification from a consulting engineer and a work as executed drawing are to be provided to Council stating that the works are in accordance with or satisfy the design intent of the approved system.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

62. Telecommunications Provider Certificate

Documentary evidence from a telecommunications carrier confirming that services are available for the development shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

63. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate. For details refer to Sydney Water's website.

64. Energy Provider Certificate

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

Advisory Notes**i. Equitable Access**

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

ii. Acid Sulfate Soils - Monitoring of Excavation During Works

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

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

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

iii. Site Contamination Discovered During Demolition or Construction

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

iv. Dial Before You Dig

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

v. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Land and Property Information standard forms 13PC and/or 13RPA), shall be submitted to Council for authorisation.

A certified copy of the documents shall be provided to Council after final approval and registration has been affected by Land and Property Information.

ORDINARY MEETING

Meeting Date: 14 November 2017

vi. Requirements of 88B Instrument

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

vii. Utilities and Services

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

viii. Approval within the Road Reserve

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

ix. Hawkesbury Council Engineering Fees

The payment of Engineering Compliance Certificate Fees are required when submitting Civil Engineering Plans to Hawkesbury City Council for Approval. A fee quote will be provided by Hawkesbury City Council on request.

ATTACHMENTS:

AT - 1 - Locality Plan

AT - 2 - Site Aerial Photograph

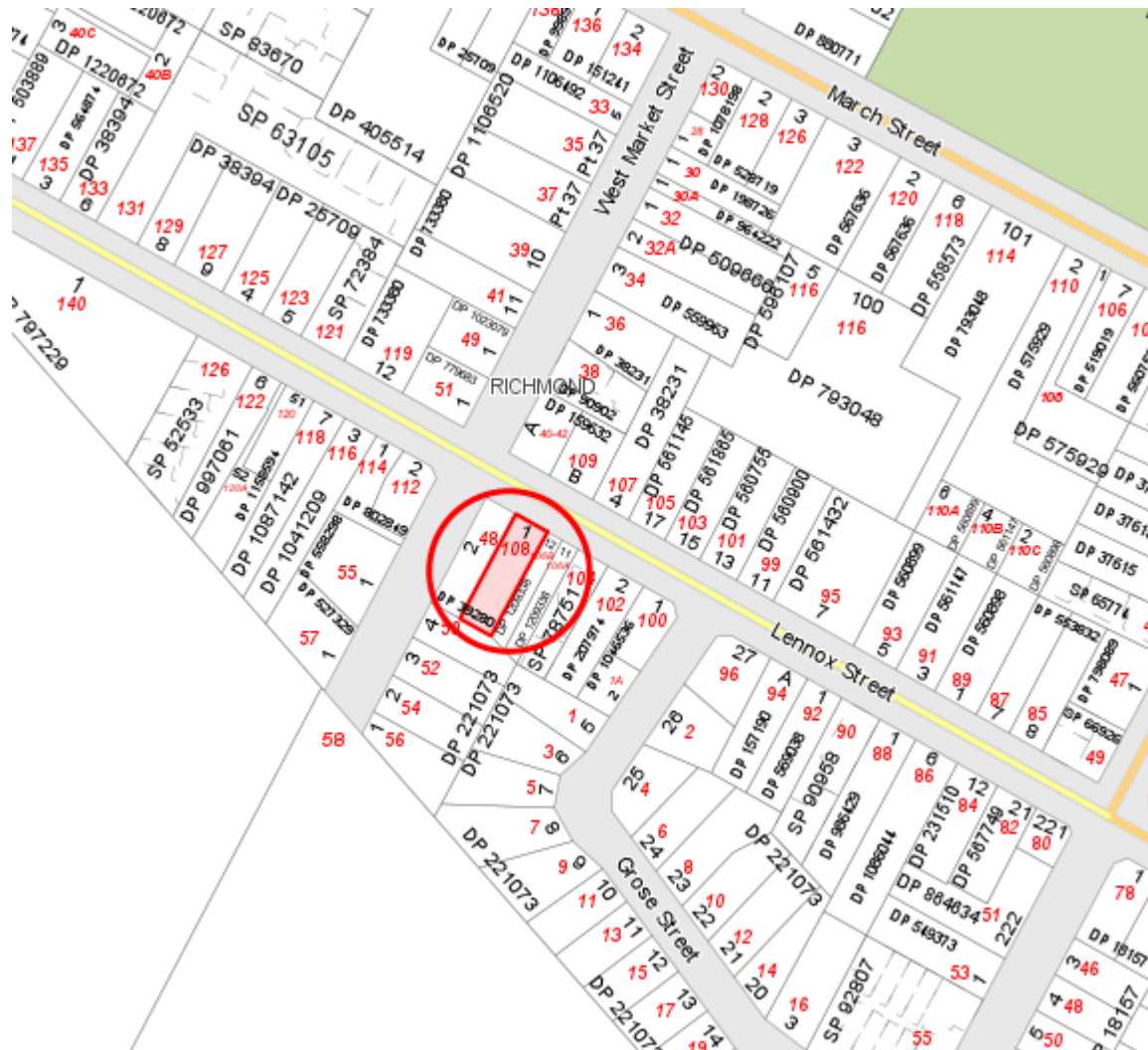
AT 3 - Application plans

AT 4 - Richmond Archaeological Management Plan Map and Inventory Sheet

ORDINARY MEETING

Meeting Date: 14 November 2017

AT - 1 Locality Plan



ORDINARY MEETING

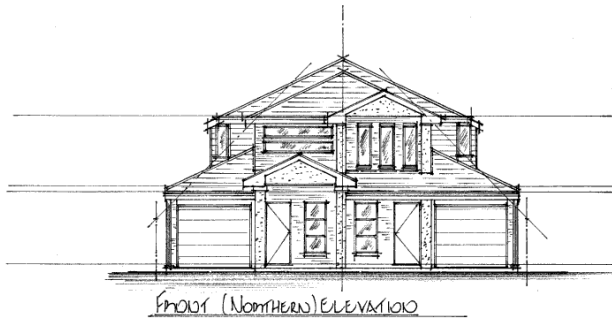
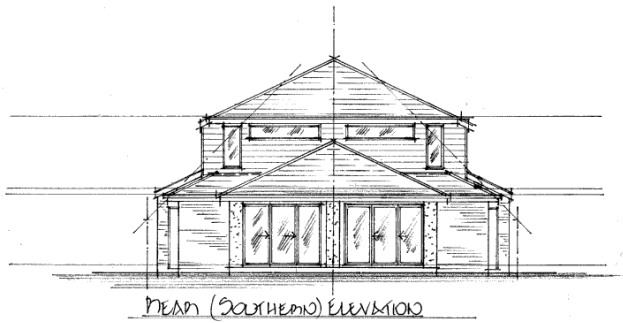
Meeting Date: 14 November 2017

AT 2 – Site Aerial Photograph

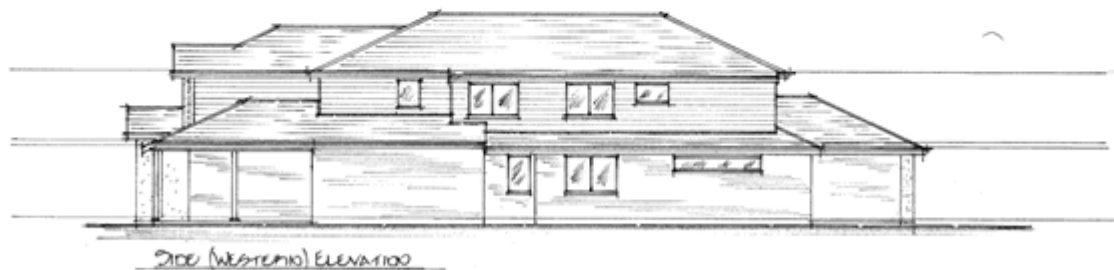
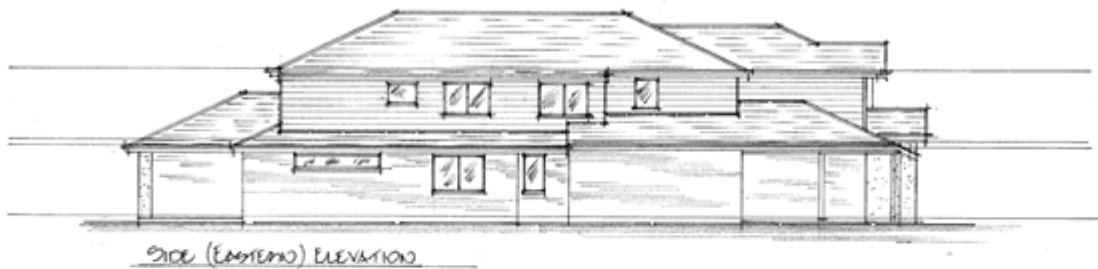


ORDINARY MEETING

Meeting Date: 14 November 2017

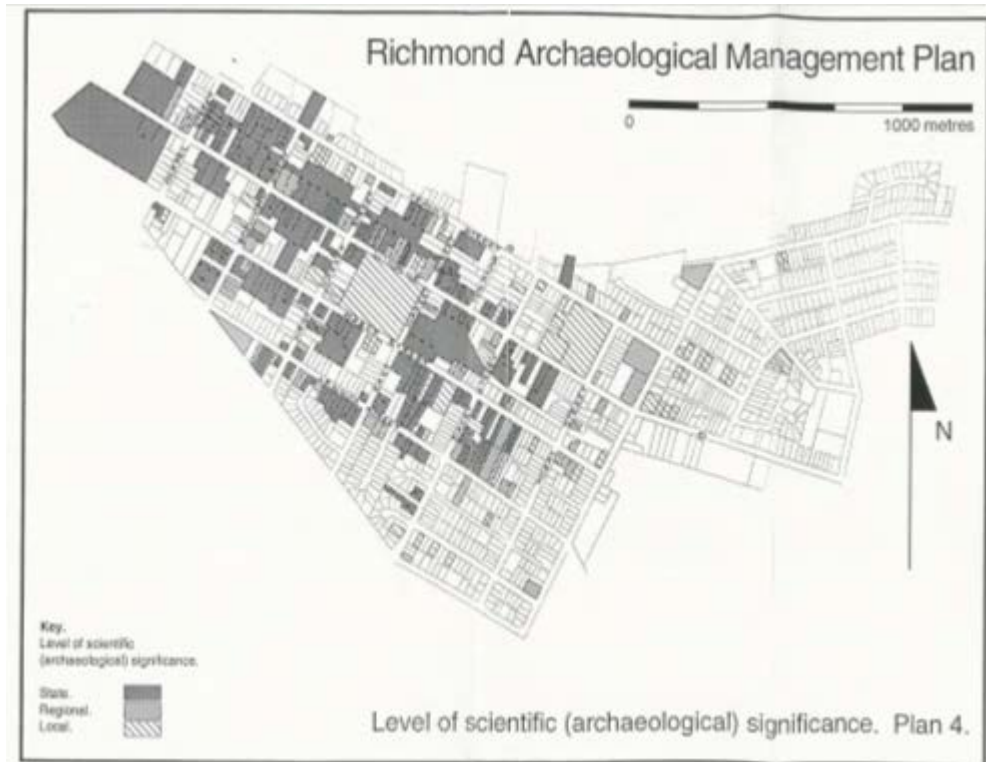


	REVISION	PROPOSED DUPLEX DWELLING	R.E. & P.A. COLLIS DESIGN			0427 773588	
		Dr: N°108 LEWDOX STREET, RICHMOND	P.O. Box 62, WINDSOR, 2756				
			DRAWN	ISSUE	SCALE	A3	DRAWING No.
			P.C		1:100		FHO16
		For: CHARLIE BOULOS	16-10-16				SHEET 3 OF 8



	REVISION	PROPOSED DUPLEX DWELLING	R.E. & P.A. COLLIS DESIGN			0427 773588	
		Dr: N°108 LEWDOX STREET, RICHMOND	P.O. Box 62, WINDSOR, 2756				
		For: CHARLIE BOULOS	DRAWN	ISSUE	SCALE		A3
			P.C.		1:100		
1			16-10-16				DRAWING No. FHO16
							SHEET 4 OF 8

AT 4 – Richmond Archaeological Management Plan Map and Inventory Sheet



ORDINARY MEETING

Meeting Date: 14 November 2017

Richmond Archaeological Management Plan. Inventory



Present name

10
Lennox Street

Description

Residence, 1 storey, Victorian.

Historical notes

Occupier named on 1827 Survey.

Assessment of condition

Minor disturbance.

Nature of disturbance

Footings and service trenches.

Historical maps and plans

Building, 1827 Survey.
Building, 1841 Plan.
Building, 1866 Plan.

Type of archaeological site

Standing structure, largely intact.

Statement of significance

This site possesses historical or archaeological significance, because it may reveal evidence relating to:

1. The foundation and early development of Richmond (1810s-1840s) (Rare, State).
2. The mid 19th century development of Richmond (1840s - 1860s) (Rare, Regional).
3. The late 19th century development of Richmond (1860s -1900s) (Representative, Local).

Recommendations

This site should be conserved.
Prior to disturbance, an excavation permit, under the Heritage Act 1977, as amended, should be obtained.

Heritage Listings

Section

10

Allotment

1, part

Portion

Land category

Allotment of land

Photograph

Film 1:

Edward Higginbotham & Associates Pty Ltd. (02) 9 716-5154.

Inventory. Page

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 November 2017

Item: 199 **CP - DA0317/17 - 539 Kurmond Road, Freemans Reach - Lot 8 DP 544000 - Intensive Plant Agriculture - (95498, 135615, 135616)**

Development Information

File Number: DA0317/17
Property Address: 539 Kurmond Road, Freemans Reach
Applicant: Mr J Polito
Owner: Mr J Polito and Mrs F Polito
Proposal Details: Intensive Plant Agriculture - Proposed Use for Intensive Plant Agriculture, Construction of Two Farm Buildings and Access Road with Associated Earthworks and Tree Removal
Estimated Cost: \$655 000
Zone: RU2 Rural Landscape under Hawkesbury Local Environmental Plan 2012
Date Received: 31 May 2017
Advertising: 9 June 2017 to 23 June 2017

Key Issues:

- ◆ Noise
- ◆ Chemical spray drift
- ◆ Compatibility with adjoining land uses
- ◆ Flora and fauna

Recommendation: Approval

REPORT:

Executive Summary

This application seeks approval for the use of the land for intensive plant agriculture at 539 Kurmond Road, Freemans Reach.

The land is proposed to be used to grow cut flowers in open fields. As part of the proposal it is intended that two farm buildings, internal access road and tree removal would be undertaken.

An assessment of the application has been undertaken and it is recommended that the proposal be supported as the proposal is acceptable having regard to the relevant planning controls applying to the development, including Hawkesbury Local Environmental Plan 2012 and Hawkesbury Development Control Plan 2002.

Seventeen submissions have been received raising issues in terms of the intended future use of the land, noise, chemical spray drift, compatibility with adjoining land uses and flora and fauna impacts. The applicant has responded to concerns raised as a result of the notification of the application and all the submissions received have been considered in the assessment of the application.

There is no objection to the proposal in principal provided that the activity is operated as per the recommended conditions of consent included in this report.

This application is being reported to Council at the request of the Mayor, Councillor Lyons-Buckett.

Description of Proposal

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval to undertake Intensive Plant Agriculture on Lot 8 DP 544000, 539 Kurmond Road Freemans Reach.

ORDINARY MEETING

Meeting Date: 14 November 2017

It is proposed that the northern part of the subject site would be used to grow cut flowers in the ground and that two farm buildings would be constructed to support the proposed land use. Ancillary tree removal and earthworks would be associated with the proposed works.

The proposed growing areas are separated into the following three main areas:

- growing area one would be located along the north eastern property boundary adjacent to residential areas and used to grow perennial species strelitzia, magnolia and flowering gums which need little or no spraying;
- growing area two would be located in the middle of the growing areas and used to grow a mixture of Strelitzia, Magnolia, flowering gums, dahlias, tuberose which are annual flowers;
- growing area three would be located along the north western property boundary adjacent to agricultural uses and grow a mixture of perennial and annual crops such as Dahlias and Tuberose.

The first farm building would be located behind the existing dwelling, measuring 48.3m x 24m, have a total floor area of 1159.2m², is 6.585m high and have an open awning along one elevation. This building is intended to be used for the storage of equipment for the farm, a coolroom and processing area.

The second farm building would be located close to the proposed growing areas, measuring 15m x 24.3m, have a total floor area of 364.5sqm and be 6.404m high. This building is intended to be used for the storage of equipment for the farm, chemical storage, lunchroom and pump room.

The first farm building would be setback 34.6m from the eastern property boundary and the second smaller farm building would be setback 69.4m from the eastern property boundary. Both buildings would be located on a building pad created with a balance of cut and fill. The buildings have been designed to allow trucks and vehicles to drive into and through the middle of the structure.

The application is supported by:

- Statement of Environmental Effects, prepared by Urban City consulting, dated May 2017, amended 26 July and 11 August 2017;
- Farm Management Plan, dated 9 January 2017;
- Flora and Fauna Assessment, prepared by Fraser Ecological Consulting, dated 15 May 2017.

Site and Locality Description

The site totals 32.48ha, is irregular in shape, fronts Kurmond Road with side access to Linden Drive and a battle-axe shaped handle to the Hawkesbury River.

The site contains an existing dwelling, carport, horse stables, horse paddocks, two dams and in the area proposed for cultivation is predominantly grass paddock and is very lightly covered with scattered native vegetation. The site has historically been used for grazing and keeping of horses.

The area is characterised by agricultural and residential land uses, with residential properties (Golden Grove and Panorama Crescent) located towards the north eastern corner of the site.

History of Application

14 June 2017 Letter sent to applicant requesting clarification in respect to whether or not any green houses are proposed.

ORDINARY MEETING

Meeting Date: 14 November 2017

- 28 June 2017 Meeting held with the applicant and Council staff discussing matters raised in respect to the information provided on the plans.
- Applicant clarified that there would be no crop protection structures and that the planting arrangements on site can be modified to ensure minimal soil disturbance close to neighbouring properties. Applicant advised that they would provide updated plans and responses to submission after the notification period has ended.
- 26 July 2017 Applicant provided updated plans and documents in response to matters raised by Council staff and the submissions received by Council.
- Applicant requested to have amended plans drawn to scale as notes on existing plan were not considered acceptable.
- 11 August 2017 Applicant submitted scaled site plan showing proposed buffer plantings and location of flower growing areas.

Council Policies, Procedures and Codes to which the matter relates

- State Environmental Planning Policy No 44—Koala Habitat Protection (SEPP No. 44)
- State Environmental Planning Policy No 55—Remediation of Land (SEPP No. 55)
- Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Hawkesbury Development Control Plan 2002 (DCP 2002)
- Development of Flood Liable Land Policy 2012

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

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

a) The provisions (where applicable) of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy No. 44 – Koala Habitat Protection

This plan applies to development applications on land within the Hawkesbury Local Government Area that has an area of more than 1ha.

The flora and fauna assessment report submitted with the application confirms that the proposal is acceptable having regard to this policy and will not remove potential koala habitat. Vegetation proposed to be removed consists largely of individual tree species and the land has been highly disturbed by historic agricultural uses. Consequently it is unlikely that the site would constitute core koala habitat and the proposal is considered acceptable having regard to this policy.

State Environmental Planning Policy No. 55 – Remediation of Land

The land has historically been used for residential, agricultural and grazing purposes. There is no evidence to suggest that the land is contaminated to a state that would prevent the land from being continued to be used for agricultural uses. On this basis the property is considered suitable for the proposed land use having regard to this policy.

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

The proposed development would not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and is consistent with the general and specific aims and planning considerations. The proposed works are not within the river corridor and are significantly setback from the river. An assessment of the proposal against the specific planning policies and development controls of the SREP follows:

Specific Planning Policies and Recommended Strategies

Clause 6(1) Total catchment management

The land use is consistent with surrounding land uses. It is unlikely that the proposal would result in any significant adverse impacts on water quality or result in any adverse cumulative impacts on downstream local government areas based on the documentation submitted.

Clause 6(3) Water quality

The water runoff from farming areas would be directed into existing dams and reused as part of the regular farming activities in accordance with best practice. In the event of a storm, water would leave the site and pass through the proposed sediment pond, main dam and spillway prior to leaving the site.

The proposal is satisfactory having regard to the proposed land use, method of water treatment and best practice for farming. Suitable conditions during construction are recommended requiring drainage managed in a manner that protects downstream water quality.

Clause 6(4) Water quantity

The proposal would not increase the amount of water run-off from the site or the rate at which it leaves to any extent that would have an adverse impact on river flows. Stormwater is proposed to be managed so that runoff would follow the natural contours of the land and not be concentrated over any downstream properties.

Clause 6(6) Flora and fauna

The proposal would have no adverse impact on native flora and fauna. The site has historically been used for farming and no significant vegetation is proposed to be removed based on the conclusions of the flora and fauna assessment report submitted.

Clause 6(8) Agriculture/aquaculture and fishing

The proposal is acceptable having regard to this clause as the land is zoned for agriculture and permitted with consent. It is considered that the proposal can be managed in a manner that would not adversely impact the surrounding environment.

Development Controls

Clause 11(10) Intensive Horticultural establishments

The proposal is consistent with this clause as the application seeks consent for the use of the land for horticultural purposes and it is unlikely to have any adverse impacts on the total water cycle.

Clause (17) Sewerage systems or works

Suitable space is available on the subject site to dispose of effluent disposal anticipated to be generated by the proposed buildings. Consent for the installation of sewerage systems is required.

Hawkesbury Local Environmental Plan 2012

The subject land is zoned RU2 Rural Landscape and the development is permitted with consent in this zone being defined as 'intensive plant agriculture' which includes the cultivation of irrigated crops for commercial purposes.

The aims and objectives of LEP 2012 and the RU2 Rural Landscape zone have been considered as part of the assessment. The site is surrounded by agricultural and residential uses and it is proposed that the growing areas and buildings would be setback from adjoining residential development in order to provide suitable separation between the proposed activity and the neighbouring residential uses.

The development would fit in with the surrounding agricultural land uses and is not expected to have any significant adverse impact on the rural character of the locality.

The residential zone towards the eastern property boundary has been considered by the applicant and it is proposed that growing areas would be setback 15 metres from the eastern property boundary and will contain a six metre vegetated buffer.

In order to ensure that the vegetation buffer zone provides suitable width for planting a combination of large trees and shrubs it is recommended that the vegetation buffer area be extended to 10 metres in width. This would ensure that the objectives of the zone are achieved. A consent condition is recommended to amend this buffer.

The development is further considered to be consistent having regard to the following specific clauses of the LEP 2012:

Clause 4.3 Height of Buildings

The proposed buildings are not greater than the 10m building height specified for the site.

Clause 6.3 Acid sulfate soils

All growing areas are situated within land identified as Class 5. The proposal is not likely to lower the water table or result in the exposure of acid sulfate soils.

Clause 6.4 – Terrestrial biodiversity

The growing areas are proposed on part of the land that has historically been used for grazing.

The application is supported by a flora and fauna assessment report which considers the removal of a total of 36 isolated trees belonging to the Shale Transition Forrest Endangered Ecological Community. The report confirms that the trees are in a poor condition and their removal would not have any adverse impact on the vegetation corridors identified within the surrounding locality.

The flora and fauna report recommends that offset planting be undertaken for the loss of vegetation proposed as part of the application and that this could be achieved with the preparation of a vegetation management plan.

The successful implementation of a vegetation management plan would have a positive impact on the conservation of biodiversity on the site and would mitigate any potential impact the proposal would have on the ecological processes of the site.

Furthermore the proposed growing areas would drain away from the native vegetated areas located on the site. As part of any farming activity it would be expected that water quality be controlled in a manner that does not have any adverse impact on the water quality of downstream properties or vegetated areas.

Clause 6.7 Essential services

The site has suitable access to the road, water and electricity. The proposal would not require any significant extension or modifications to existing services and the applicant would need to obtain appropriate water licences and septic approval prior to the commencement of any works. Suitable conditions are recommended in this regard.

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

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

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

Hawkesbury Development Control Plan 2002

The proposal is generally consistent with the requirements of the DCP 2002. An assessment of the proposal against the relevant provisions of this plan follows.

Part A Chapter 3 – Notification

The application was notified between 9 June 2017 - 23 June 2017. 17 submissions have been received following the notification of the application and discussed under the submission section of this report below.

Part C Chapter 2 – Car parking and Access

Adequate area is available onsite for parking of vehicles associated with the operation of the farm and is generally acceptable having regard to the requirements of this chapter. Conditions in respect to the construction of the accessway have been recommended to address dust nuisance. Furthermore a rural driveway crossing would need to be extended to satisfy Council's requirements for access.

Part C Chapter 7 – Effluent Disposal

Approval is required for the onsite effluent disposal associated with the proposed buildings. Suitable area is available on the land to support the proposed use and standard development conditions recommended in this regard.

Part C Chapter 4 – Soil and sediment erosion

The proposed works can be managed as part of any approval subject to compliance with the recommended soil and sedimentation conditions of consent. It is considered that there is suitable area available on site to manage construction works consistent with the aims and objectives of this chapter.

Part D Chapter 6 – Dam construction

The use of the existing dams is considered to be suitable for the proposed farming activities.

The dams would be used for sediment control and water use consistent with what would be expected for a farming activity. Any water licence requirements of the NSW Department of Primary Industries – Water would need to be addressed prior to the issue of any design compliance certificate for the use.

Part D Chapter 8 – Farm Buildings and Outbuildings

The proposed farm buildings used for the storage of farming equipment, staff amenities, processing of flowers and cool room storage of flowers are associated with the agricultural use of the land.

ORDINARY MEETING

Meeting Date: 14 November 2017

The development is considered generally acceptable having regard to the colour, materials, design, siting, orientation, height, setback and landscaping requirements of this chapter.

The cumulative enclosed floor area of the farm buildings is 1523.7m² which is 373.7m² greater than the 1150m² maximum floor area specified under the DCP. The application requests a variation to the maximum allowable area on the basis that the additional floor area is required to support cool rooms, staff amenities, storage for equipment and allow for vehicles to drive through.

It is considered that the additional floor area would not result in any adverse impact on the surrounding locality given the setbacks of the buildings and intention to undertake landscape buffer planting around property boundaries. The specific nature of the proposed land use requires a large area to store flowers and equipment.

It is recommended that the proposed variation be supported and that compliance with the standard would be unreasonable based on the specific nature of the proposal. The buildings would be consistent with other farm buildings located in the area, are suitably setback from adjoining development and would be sited so as to reduce any potential impact on the overall appearance of the locality and cut or fill of the land.

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

Not applicable.

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

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

vi. Matters prescribed by the Regulations:

The proposal is considered acceptable having regard to the Environmental Planning and Assessment Regulation 2000, which outlines that the development is to comply with the National Construction Code/Building Code of Australia.

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

The proposal is compatible within the rural context of the locality and would not result in any significant adverse impacts. The application is supported by a farm management plan that details ways in which noise, water, chemical usage, odour and air quality would be managed during the operation of the farm. A summary of the content of the Farm Management Plan is as follows:

- Additional offset plantings would be undertaken for the loss of vegetation in the proposed growing areas
- The farm would operate between 6:30am and 7:30pm during daylight hours
- Only light vehicle traffic is expected
- Where possible the use of chemicals would be avoided
- Any chemical use would be applied in accordance with best practice, licensing requirements and in a manner that does not result in soil contamination or spray drift
- Chemicals would be stored in buildings in accordance with chemical storage requirements
- Fertilisers will be applied directly to the plants or through dripper lines to ensure minimal odour impact
- Any possible odour sources will be kept away from neighbouring properties, not be stored for long periods of time and be kept inside/covered to prevent odour drift
- Water pumps and irrigation equipment will be located away from residential properties
- No outdoor lighting is proposed for the growing areas
- Irrigation would be a combination of drip irrigation and sprinklers

ORDINARY MEETING

Meeting Date: 14 November 2017

- The dams are being used to capture rainwater and recycle water collected from the growing areas
- Irrigation areas will not generate significant water runoff
- All plastics will be stored in waste areas and removed from the site
- The operator of the farm will keep neighbours informed of any unavoidable impacts in terms of noise or dust and maintain a complaints register, and
- The operator will actively address any problems that arise as from complaints being received.

The farm management plan considers potential impacts and actions to control potential impacts on the adjoining development in a manner that is consistent with what would be expected to be best practice farming. It is noted that a number of matters in respect to the farm management plan were raised as a result of the notification of the proposal. It is recommended that a condition be imposed on the development requiring the farm management plan be updated to address a number of concerns raised. Particularly in respect to potential spray drift, stockpiles of manure, crop protection structures, water quality of the dam and protection of vegetation buffers. This condition has been included in the recommended conditions (Condition 74) attached to this report.

The application proposes vegetation buffers between the proposed farming activities and the adjoining residential land uses. It is recommended that vegetation buffer areas be extended to a width of 10 metres in order to provide sufficient room to plant large trees and shrubs in this area.

The documentation submitted is considered acceptable subject to the development being carried out in accordance with conditions of consent recommended in this report.

Compliance with the recommended conditions of consent would ensure that potential impacts in respect to the proposed land use would not have any impact on the surrounding locality.

Consequently the proposed development would unlikely have any significant adverse impacts upon the natural or built environments or negative social or economic impacts on the locality.

c) Suitability of the site for the development:

The site is considered able to support the proposed development. The activity is proposed on land that is of sufficient area and dimensions, and is relatively free of environmental constraints that could hinder the use of land for the purposes of agriculture.

The application has been referred to Council's Engineers, Environmental Health Officers and Building Surveyors for comment. No objections were raised subject to the implementation of the standard development conditions for this type of land use. These conditions have been included as part of the recommendation of this report.

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

Public Submissions

The application was notified to nearby and adjoining residents in accordance with Hawkesbury DCP 2002.

A total of 14 submissions were received in response to the notification of this application raising objection to the proposal. An additional three submissions were received after the applicant provided updated plans and information following the notification of the application.

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

The applicant is not revealing the truth about what his intention is for this site and request that Council request a full concept plan of the intensive agriculture farm, detailing ALL the proposed buildings.

ORDINARY MEETING

Meeting Date: 14 November 2017

Officer's comment: Previous plans submitted identified a building pad for future greenhouses. The applicant has confirmed that no green housing is proposed and the proposal is for the growing of cut flowers in the ground. Any future development on the land would be subject to a separate application.

Impacts on view and outlook from adjoining residential properties, loss of views reduction in property values.

Officer's comment: The proposed development would fit in with the agricultural appearance of the surrounding locality and it is proposed that suitable separation would be provided between the proposed activities and adjoining residential areas.

A landscaping buffer area will be provided in order to reduce potential visual impact associated with the proposal.

Whilst it is acknowledged that the adjoining residential properties benefit from views over a paddock the Land and Environment Court has identified that it is often unrealistic to be able to retain views over an adjoining property where development is permitted on the land with consent and the proposal would not result in the loss of iconic views.

Increase in impacts in terms of noise, water quality and dust.

Officer's comment: The application is supported by a farm management plan that seeks to manage issues in terms of noise, water quality and dust. It is recommended that conditions in respect to farming activities be included as part of any consent to ensure that the land is used in accordance with best practice and does not interfere with adjoining developments.

Location of proposed driveway and buildings.

Officer's comment: The application previously proposed a driveway along the eastern property boundary. This driveway has been removed following the submissions received and any driveways proposed on the site would need to be constructed to a suitable standard so as to not have adverse impacts in terms of traffic or dust.

The farm buildings are suitably setback from adjoining residential properties and are acceptable having regard to Hawkesbury DCP.

Removal of native vegetation should not be supported and use would result in loss of habitat in dams and on the site.

Officer's comment: Potential impacts on flora and fauna have been assessed and considered in the Flora and Fauna assessment report submitted with application.

The implementation of a vegetation management plan for the site would mitigate any impacts associated with the proposed vegetation removal.

The dams on site have been historically used for farming and collect stormwater from the upstream residential properties.

As part of the use of these dams it would be required that the farming activities be undertaken in a manner that does not have any adverse impact on water quality on site. The use of the smaller dam as a sediment pond will aid in treating water coming off the growing areas and is considered to be consistent with best farming practice.

Use of chemicals and pesticides. Spray drift on neighbouring properties.

ORDINARY MEETING

Meeting Date: 14 November 2017

Officer's comment: Potential for spray drift would be managed by applying pesticides or herbicides in accordance with work cover requirements, best practice, licensing requirements and on days that are not windy.

The applicant has considered the submissions received and amended the application to change the type of flowers which would be grown closer to the nearby residential areas.

In this regard, growing area one is closest to the adjoining residential properties would be limited to the planting of Strelitzia, Magnolia and flowering gums which need little or no spraying.

The response to spray drift is considered suitable having regard to potential impacts on adjoining development. It is recommended that any consent be conditioned to ensure that herbicides, pesticides and chemicals are stored, applied and handled in accordance with the necessary licences and best practice.

Proximity of farm to adjoining development and potential conflicts with adjoining residential areas and kindergarten. Landscape buffer not considered suitable and will increase bushfire risk to residents.

Officer's comment: Following an assessment of the proposal it is considered reasonable that the landscape buffer be increased from 6m to 10m in order to provide suitable space to allow for the planting of vegetation and minimise potential conflict with adjoining residential properties.

It is recommended that standard conditions of consent be imposed on any development to ensure that the permitted land use is carried out in a manner that does not adversely conflict with adjoining properties.

The vegetation buffer areas are isolated from any bushfire threat and are unlikely to increase bushfire risk to surrounding development.

No acoustic report provided.

Officer's comment: The application has addressed noise as part of the farm management plan and conditions in respect to noise control are recommended.

There is no guarantee that a water licence would be issued by the NSW Office of Water.

Officer's comment: The requirement for a water licence will need to be addressed by the operator prior to the issue of any design compliance certificate.

Power to the buildings should be underground in order to reduce visual impact.

Officer's comment: It will be up to the owner to provide suitable power supply to the buildings in accordance with the energy provider's requirements.

No soil analysis or climate analysis provided for the site.

Officer's comment: The land and surrounding areas have historically been used for farming and suitable access to water is available.

Stormwater drain at rear of property not considered as part of the application.

Officer's comment: Council's Development Engineer has reviewed the proposal and raised no issues in respect to the proposal impacting stormwater of the upstream properties.

ORDINARY MEETING

Meeting Date: 14 November 2017

The dam is a corridor used by animals.

Officer's comment: The dam on the land is a not a natural watercourse. The dam has not been identified as an area of ecological significance as part of the Flora and Fauna report submitted with the application. It is noted that the dam attracts both native and introduced species and it would be unlikely that the proposed use would have any significant impact on native vegetation corridors in the surrounding locality.

The dams will not collect all water coming off the site and a backup of water could occur onto the adjoining residential properties.

Officer's comment: It is unlikely that the large dam would back up onto the adjoining residential properties as the dam's spillway will ensure water discharges downstream away from adjoining residential properties.

The driveways terminate on the plan, no turning areas or parking areas are shown on the plans and the application does not state if the farm will be accessed via Linden Drive.

Officer's comment: Suitable space available on the land to have vehicles move and park along the proposed driveways. No driveway construction is proposed to Linden Drive and any parking areas would be conditioned to be located to the west of the proposed buildings, away from the adjoining residential areas.

Hours of operation 6:30am to 7:30pm, however flower markets start earlier.

Officer's comment: The farm would be expected to operate in accordance with the farm management plan submitted. Any impacts in terms of noise on adjoining properties can be addressed via conditions of any development consent. Suitable conditions have been recommended in this report.

Only two to three truck movements proposed on the site per week. Unrealistic as it does not include deliveries, etc.

Officer's comment: The proposed activity would not result in significant traffic generation based on the proposed land use. The proposal is not considered to be traffic generating development that needs to be referred to the Roads and Maritime Services and the proposal would not have any significant adverse impact on the capacity of Kurmond Road.

No details on pumping systems proposed or how irrigation would work.

Officer's comment: It expected that irrigation areas would be established between the growing beds and water would be pumped from the dam. Water runoff is expected to be minimal and appropriate water licences would need to be in place. Conditions in respect to noise from irrigation equipment are recommended in this report.

Farm buildings will have a negative impact on the character of the locality and is unacceptable. Particularly having regard to visual appearance, light and noise.

Officer's comment: The farm buildings are considered acceptable having regard to the Hawkesbury DCP. The use of these buildings will be required to comply with lighting and noise conditions recommended in this report.

ORDINARY MEETING

Meeting Date: 14 November 2017

Farm buildings are not clustered and too close to adjoining residential properties.

Officer's comment: The application seeks to limit activities on site into two main buildings so as to reduce the number of buildings required to support cool rooms, staff amenities and equipment storage. The buildings are not located on any significant ridge and are suitably setback from adjoining development.

Inconsistent with the zone objectives.

Officer's comment: The proposal is acceptable having regard to the overall zone objectives and will allow for a permitted land use which considers the adjoining residential area.

No adequate assessment in respect to water management has been provided in respect to wastewater and contamination of soil and water.

Officer's comment: This has been previously addressed in this report. Suitable area is available on the land to dispose of sewer and wastewater from the growing areas would go through a sediment dam consistent with best practice.

Previous press releases and plans indicate that a glasshouse would be constructed over the growing areas. And the current operator requires them at previous farms he has used.

Officer's comment: As mentioned previously the notation on the original plans regarding future structures has been removed. Speculation of future structures is not a matter of consideration as part of this application. Any future landuse of structure will require a separate development application.

Department of Planning and Environment

Given the proximity of the site to the Hawkesbury River the application was referred to the Department of Planning and Environment - Resources and Geoscience for comment. In their letter of 14 June 2017 the department raised no objections to the proposal nor provided comments in respect to mineral resources.

e) The Public Interest:

The proposal is consistent with the relevant planning controls affecting the site, the zoning of the land and overall context of the locality. The matters raised in the submissions received do not warrant refusal of the application as these issues raised can be appropriately managed as part of standard development conditions. It is therefore considered that the proposal is not contrary to the public interest.

The proposal is permitted with consent and support of the development is considered to be in the public interest.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. The proposal is consistent with the relevant planning considerations applying to the development and it is recommended that the proposal be supported.

Development Contributions

Hawkesbury Section 94A Contributions Plan 2015

The following development contributions apply to this development \$6550.00. Accordingly, a condition of consent is required to be imposed in this regard.

ORDINARY MEETING

Meeting Date: 14 November 2017

Planning Decision

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

RECOMMENDATION:

That Development Application No. DA0317/17 at Lot 8 DP 544000, 539 Kurmond Road Freemans Reach NSW 2756 for Intensive Plant Agriculture – Proposed Use for Intensive Plant Agriculture, Construction of Two Farm Buildings and Access Road and Associated Earthworks and Tree Removal be approved subject to the following conditions:

General Conditions

1. Approved Plans and Supporting Documentation

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

a) Plans Reference:

Drawing Number/Name	Prepared by	Date
Plan of proposed works Revision B	McKinlay Morgan and Associates	7 August 2017
Plan of proposed shed sites	McKinlay Morgan and Associates	3 May 2017
Rural Shed Drawing No. A1524ARD	Hills Sheds	16 January 2017
Cool room and storage building Drawing No. A1848AW6	Hills Sheds	16 January 2017

b) Document Reference:

Document	Date
Farm Management Plan	9 January 2017
Flora and Fauna Assessment prepared by Fraser Ecological Consulting	15 May 2017

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

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

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

ORDINARY MEETING

Meeting Date: 14 November 2017

2. Design Amendments Required

In order that there is a suitable area available to establish a vegetation buffer zone between the proposed growing areas and the adjoining residential properties towards the eastern property boundary, the vegetation buffers must be extended to a minimum 10 metre width.

The vegetation buffer areas must extend the length of adjoining residential properties along the eastern property boundary. The vegetation buffer is to be planted and established prior to the growing of cut flowers.

Details are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate demonstrating compliance with this condition.

3. Appointment of a Principal Certifying Authority

No work shall commence until:

- a) A Building Construction Certificate is issued by:
 - (i) Council; or
 - (ii) An Accredited Certifier;
- b) A Principal Certifying Authority is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
 - (i) name and licence number of the builder undertaking the construction works; or
 - (ii) name and permit number of the owner-builder (if relevant);
- c) The Principal Certifying Authority has:
 - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
 - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
 - (iii) notified Council of its appointment (not less than two days before commencement of building work);
- d) The person having benefit of the consent (if not carrying out work as an owner-builder) has:
 - (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
 - (ii) notified the Principal Certifying Authority of the appointment of the principal contractor;
 - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work;
- e) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

4. Works Shall Not Commence Until A Construction Certificate or Design Compliance Certificate (Engineering Works) Approval Is Issued

No work shall commence until:

- a) a Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) a Design Compliance Certificate is obtained from either Council or an Accredited Certifier for civil works (where required by this consent);
- c) a Principal Certifying Authority is appointed; and

ORDINARY MEETING

Meeting Date: 14 November 2017

- d) a Notice of Commencement is lodged with Council.

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

5. Part 4A Certificates Required

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

Note: A registration fee applies.

6. Occupation Certificate Required Prior to The Use Of The Building

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

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

7. Sewer Authority - Hawkesbury City Council

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

8. Commencement of the Use of the Land

The approved use of the land shall not commence until all relevant conditions of this consent have been complied with and an Interim or Final Occupation Certificate has been issued. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

9. Prescribed Conditions - Compliance with National Construction Code

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

10. Existing Buildings and Structures

This development consent relates only to the new work nominated on the stamped approved plans and does not approve or regularise any existing buildings or structures located on the property.

11. Excavation - Archaeology

If any object having heritage significance is uncovered during the course of the work:

- a) all work must stop immediately in that area; and
- b) the NSW Office of Environment and Heritage and Council must be advised of the discovery.

Note: Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further work can continue.

12. Excavation - Aboriginal Relics

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) the Office of Environment and Heritage and Council must be advised of the discovery.

All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

13. Disposal of Cleared Vegetation

Vegetation waste resulting from the approved clearing of the site shall be salvaged for re-use, either in log form, or as a woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots, stumps or declared weed species shall be disposed of in an approved manner.

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

14. Design Compliance Certificate - Works Covered

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

- a) Design of Private Access Road (Issued by Council or C1 Accredited Certifier).

Note: Should Council be nominated as the Certifying Authority for the Design Compliance Certificate, the Applicant shall pay a Design Compliance Certificate Fee and a Construction Compliance Certificate Fee in accordance with Councils adopted fees and charges when submitting Civil Engineering Plans for Approval.

15. Civil Works Specifications Compliance

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

16. Works on Public Land - Not Permitted Without Approval

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

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

17. Water Licence Requirements

Prior to the issue of any construction certificate, design compliance certificate or commencement of any works, the consent holder shall provide sufficient details to the Principal Certifying Authority demonstrating that appropriate water access licence has been issued from the NSW Office of Water for the approved agricultural land use.

18. Vegetation Planting

Prior to the removal of any vegetation onsite a vegetation management plan must be prepared for the site in accordance with the recommendations of the Flora and Fauna Assessment report, prepared by prepared by Fraser Ecological Consulting, dated 15 May 2017.

This plan shall specify how the remaining vegetation on site can be protected and where vegetation can be planted on site to mitigate any potential impacts vegetation removal would have on the biodiversity of the site.

Vegetation planting should be undertaken around the dams and in vegetation buffer areas and should consist of a mixture of trees, shrubs and groundcovers endemic to the locality. All vegetation planting or protection measures required under this consent shall be planted or installed prior to the use of the site for any farming activities.

Prior to the Issue of Design Compliance Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Design Compliance Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases, the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Design Compliance Certificate. The Design Compliance Certificate shall be obtained for the civil works.

19. Traffic Control Plan

A Traffic Control Plan prepared in accordance with the Roads and Traffic Authority publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council, prior to the issue of a Design Compliance Certificate.

20. Erosion and Sediment Control Plan (ESCP)

Prior to the issue of the Part 4A Design Compliance Certificate, the applicant must submit to and obtain the Certifying Authority approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

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

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

21. Rural Residential Driveway - Internal

A standard rural residential vehicular driveway must be constructed within the property. The driveway must:

- a) have a minimum width of four metres within the property in accordance with 'Planning for Bushfire Protection 2006' requirements;
- b) be constructed of all-weather material and have 100mm of road base and be sealed where located within 30 metres of the eastern boundary and north of lot 105 DP 219848 to ensure that dust is not a nuisance to adjoining properties;

ORDINARY MEETING

Meeting Date: 14 November 2017

- c) any access within 30m of the eastern boundary of the site and located south of lot 106 DP219848 must not be used on a regular basis or for intensive agricultural purposes and be kept as an informal turfed track or else sealed;
- d) be constructed in accordance with Council's 'Driveway Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification; and
- e) include adequate drainage to prevent erosion.

Details of the driveway are to be included on the plans submitted to the Certifying Authority prior to issue of a Part 4A Design Compliance Certificate.

22. Overland Flow

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

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

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

Prior to the Issue of Construction Certificate

23. Long Service Levy Payment

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

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

24. Access for Persons with a Disability

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

25. Section 94A (Monetary) Contributions

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

a) Contribution Required

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

b) Amount of Contribution

The amount of the contribution is \$6500.

This fee is based on the supplied value-of-works of \$655,000.

ORDINARY MEETING

Meeting Date: 14 November 2017

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

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

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

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

26. Structural Engineers Design - Concrete and Structural Steel

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

27. Structural Engineers Design - Retaining Walls

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

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

28. Council Sewer Authority - Inspection Fees

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

29. Erosion and Sediment Control Plan

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

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

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

30. Rural Driveway Construction in Council Road Reserve

If Council is not the Certifying Authority for the access works then an 'Agreement Form for Driveways' must be submitted to Council prior to the issue of a Construction Certificate. Evidence of lodgement and payment for this application shall be provided to the Certifying Authority.

The vehicular crossing must:

ORDINARY MEETING

Meeting Date: 14 November 2017

- a) have a minimum width of four metres within the road reserve;
- b) not interfere with existing public infrastructure;
- c) have a finish matching the road construction fronting the property (bitumen/asphalt) or concrete; and
- d) be constructed in accordance with Council's 'Driveway Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

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

31. No Fill Permitted

It must be clearly noted on plans submitted to the Certifying Authority prior to issue of the Construction Certificate that no fill (with the exception of road sub base and base material) shall be imported onto the site as part of this development.

Prior to Any Works Commencing on Site

32. Principal Certifying Authority - Details

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

33. Toilet Facilities

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

Each toilet must:

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

34. Notice of Commencement

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

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

35. Principal Certifying Authority (PCA) Site Sign

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

- a) showing the name, address and telephone number of the Principal Certifying Authority for the work;
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and

- c) stating that unauthorised entry to the work site is prohibited.

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

36. Safety Fencing

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

37. Erosion and Sediment Control for Minor Development

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

38. Sydney Water - Endorsement of Approved Plans

The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to Sydney Water's website.

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

39. Design Compliance Certificate - Required prior to Commencement of Works

A part 4A Design Compliance Certificate as specified in this consent is required prior to the commencement of access works on the site.

During Construction

40. Construction Hours

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

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

41. Site Management During Construction

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

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

42. Loading and Unloading During Construction

The following requirements apply.

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

43. Critical Stage Inspections

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

ORDINARY MEETING

Meeting Date: 14 November 2017

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

44. Inspection and Compliance certificates for sewer works

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

In the case of:

- a) internal and external (house service connection) drainage, the inspection must be conducted by Council's Development Services Branch, please phone (02) 4560 4444 to arrange inspections and payment of required fees;
- b) sewer work constructed under a Major/Minor Sewer Works application, the inspection must be conducted by Council's Waste Management Branch. A compliance certificate will not be issued under Works as Executed information has been received, assessed and approved by the Waste Management Branch, please phone (02) 4560 4444 to arrange inspections; and
- c) major sewer works where the contractor is allowed to use third party quality control, the third party must be approved by the branch manager of Council's Waste Management Branch.

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

45. Earthworks - General Requirements

All earthworks on site must comply with the following:

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

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

46. Heritage - Archaeological Discovery During Works

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

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

47. Inspections by Certifying Authority

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

48. Installation of Traffic Management Devices

Traffic Management Devices must be installed and maintained for the duration of the proposed works in compliance with the approved Traffic Management Plan.

49. Implementation of Erosion and Sediment Control Plan (ESCP)

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved Erosion and Sediment Control Plan.

50. Earthworks - General Requirements

All earthworks on site must comply with the following:

- a) topsoil shall be stripped only from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
- b) once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- c) No fill is to be imported onsite(except for road sub base and base material);
- d) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed;
- f) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and
- g) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

Prior to Issue of Construction Compliance Certificate

51. Construction Compliance Certificate

A Construction Compliance Certificate is required to be issued confirming the works approved under the Design Compliance Certificate were carried out in accordance with that approval. Council or an appropriately accredited certifier can issue a Construction Compliance Certificate.

52. Completion of Design Compliance Certificate Works

Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Principal Certifying Authority.

Prior to Issue of Occupation Certificate

53. Construction Compliance Certificate Required

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

54. Occupation Certificate - Prior to Commencement of Use

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

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

55. Landscaping – Vegetation buffer areas

Vegetation buffer areas must be planted along the eastern property boundary. The buffer areas must remain in place and be maintained for the life of the development.

Planting is to be undertaken prior to the issue of any Occupation Certificate.

56. Vegetation Planting – Vegetation Management plan

Planting works specified under the vegetation management plan must be completed prior to the issue of any Occupation Certificate.

Confirmation that the works have been completed in accordance with the Vegetation Management Plan must be provided to the Principal Certifying Authority.

57. On-site Sewage Management - Approval to Operate

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

58. Compliance Certificate - Connection to On-Site Waste Facility

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

Operational Conditions**59. Maintenance of Landscaping**

All trees and plants forming part of the approved landscape design must be maintained on an ongoing basis. Maintenance includes implementation of the vegetation management plan, watering, weeding, fertilizing, pest and disease control, replacement planting and any other activity required to maintain healthy trees, plants and turfed areas.

60. Public Complaints Management

During the operation of the development, the operator shall ensure that the following contact details are available for community complaints:

- a) a telephone number on which complaints about operations on the site may be registered
- b) a postal address to which written complaints may be sent
- c) an email address to which electronic complaints may be transmitted.

The operator shall ensure that the required details are publicly available including, but not limited to, displaying the information on a sign near the entrance to the site, in a position that is clearly visible to the public. If the proprietor has an internet site these details shall also be provided on this site.

61. Noise Generating Activities - Daytime and evening hours

During the hours of 7am to 10pm, the development shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW Industrial Noise Policy, do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of residential properties and associated outdoor areas.

62. Noise Generating Activities - Night hours

Between the hours of 10pm to 7am, the development shall be managed so that the noise level does not create offensive noise when assessed against the NSW EPA Noise Guide for Local Government (2013).

63. Noise Generating Activities

Irrigation pumps and other fixed noise generating equipment (such as coolroom motors) are to be either housed in an enclosure acoustically designed that significantly reduces the noise emissions or is located in a suitable location in order to achieve a reading of not more than 5dBA above background noise levels at the boundary of the property between the hours of 7am and 8pm each day. The equipment shall not emit noise greater than the background noise levels between the hours of 8pm and 7 am.

64. Pesticides - Storage and Use

The application, management and record keeping of pesticides at the premises must comply with the following legislation or guidelines:

- a) WorkCover NSW 1998 - 'Code of Practice for the Safe use of and Storage of Chemicals (including pesticides and herbicides) in Agriculture';
- b) WorkCover 'Code of Practice for the Labelling of Workplace hazardous substances';
- c) NSW Department of Primary Industries 'Spray Drift Management - Principles, strategies and supporting information'; and

- d) NSW Department of Primary Industries 'Reducing herbicide spray drift'.

Any chemicals containers are to be disposed of through the Drum Muster programme conducted at the Hawkesbury City Council Waste Management Facility, or at an authorised waste disposal facility. Chemical containers are to be prepared for disposal in accordance with the Agsafe Standard for 'Effective Rinsing of Farm Chemical Containers'. Excess chemicals, herbicides or insecticides are to be disposed of through the "ChemClear" programme conducted by Agsafe (www.chemclear.com.au) or through other appropriate programmes.

65. Hazardous Substances - Safety Data Sheets

Safety Data Sheets (SDS) of all hazardous substances used on the premises must be kept on-site and readily available to all staff. Staff involved with handling these materials are to be trained how to safely use and store these substances prior to their use.

66. Bunding - Chemicals, Fuels and Oils

The proprietor shall store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards and/or the NSW Environment Protection Authority's 'Storing and Handling Liquids: Environmental Protection - Participants Manual'.

67. Pollution Control

The use of the premises must incorporate facilities that will prevent the discharge of any pollutant so as to minimise adverse environmental impact as follows:

- a) all pollution control devices (including drainage systems, sumps and traps) must be regularly maintained;
- b) all liquid wastes must be collected and disposed of in a manner which does not pollute the stormwater system;
- c) the repair, servicing and maintenance of all vehicles must take place in a bunded work bay drained to a holding tank or similar device so that any liquid wastes produced from such repair, servicing, and maintenance can either be:
 - (i) retained for recycling; or
 - (ii) disposed of in accordance with the requirements of Council;
- d) all paints, chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area;
- e) no spray painting of vehicles shall take place outside the spray booth; and
- f) appropriate equipment and absorbent material must be provided and maintained in a prominent position in order to combat any spill.

68. Waste Generated On-site

All liquid and/or non-liquid waste generated on the site shall be assessed and classified in accordance with the Waste Classification Guidelines (Department of Environment, Climate Change and Water, 2009), or any superseding document, to safeguard protection of the environment and human health. Waste generated on the site can only be taken to, and accepted at, a waste facility which is lawfully authorised to receive, re-use and/or dispose of that type of waste.

ORDINARY MEETING

Meeting Date: 14 November 2017

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

69. No burning of materials

The burning of prohibited articles is not permitted. Prohibited articles include tyres, chemical and pesticide containers, drums, coated wire, plastic, rubber items, paint containers, treated or painted timbers, residues, solvent containers and residues or any other manufactured article or petroleum products including any accelerants. No household rubbish, building materials or industrial rubbish is to be burnt (this includes plastics paper or grass cuttings).

70. Lighting

Any lighting shall be managed to minimise glare and light spill onto adjoining properties or roadways. Lighting installations shall comply with Australian Standard AS 4282 - 'Control of the obtrusive effects of outdoor lighting'.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

71. Annual Fire Safety Statement

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the Final Fire Safety Certificate, and then on an annual basis thereafter.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- a) Forwarded to the Commissioner of Fire and Rescue New South Wales by email to afss@fire.nsw.gov.au; and
- b) Prominently displayed in the building.

72. Dust Management - Trafficable and Vehicle Manoeuvring Areas

All trafficable and vehicle manoeuvring areas on the site shall be maintained in a condition that will minimise the generation or emission of windblown or traffic generated dust at all times.

73. Parking of vehicles

Vehicle parking areas on site are to be located to the west of the proposed farm buildings away from the residential properties to the eastern property boundary.

74. Farm Management

The farm shall be operated in accordance with the Farm Management Plan submitted with the application and with the following requirements added to that Farm Management Plan as an addendum to that Plan:

- a) No crop protection structures should be installed over the growing areas without Council approval.
- b) No stockpiles of any organic fertiliser/animal manure are to be kept at the property.

ORDINARY MEETING

Meeting Date: 14 November 2017

- c) Manure and compost shall to be mixed into the soil directly following delivery to the site to prevent odour or dust being blown onto surrounding properties.
- d) Stockpiles of any soils, sand, aggregate, spoil or other material capable of being moved by running water is to be stored clear of any drainage line, easement, natural water course or road surface.
- e) All plastics including, but not limited to, plastic sheeting used shall be disposed of through an approved method. No plastic is to be disposed of by burning or burial. All plastics made loose during harvesting are to be collected. Plastic is not to be permitted to drift beyond the property boundary.
- f) Care is to be taken at all times not to interfere or damage the root structure of the vegetation within the buffer areas with the operations of the proposed activity. The buffer vegetation is to be maintained in a healthy condition at all times and should any of that vegetation die it is to be replaced with a similar species and number of plants.
- g) The dams are to be regularly monitored for algal growth both terrestrial and aquatic and noxious weeds growth and where detected are to be dealt with appropriately.
- h) There is to be no spray drift of chemicals onto surrounding properties. Spraying is not to be conducted on windy days or when humidity is very high. Adjoining neighbours are to be given 24 hours notice prior to spraying occurring.

The Farm Management Plan is to be reviewed and updated by the farm operator every 12 months and an approved copy of that Management Plan is to be available for inspection at the farm by farm staff and Council at all times.

Advisory Notes

(i) Approval Authority

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

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

(ii) Equitable Access

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

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

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

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

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

ORDINARY MEETING

Meeting Date: 14 November 2017

(iv) Site Contamination Discovered During Demolition or Construction

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

(v) Dial Before You Dig

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

(vi) Requirements of 88B Instrument

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

(vii) Protection of the Environment Operations Act 1997

In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

(viii) Utilities and Services

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

ATTACHMENTS:

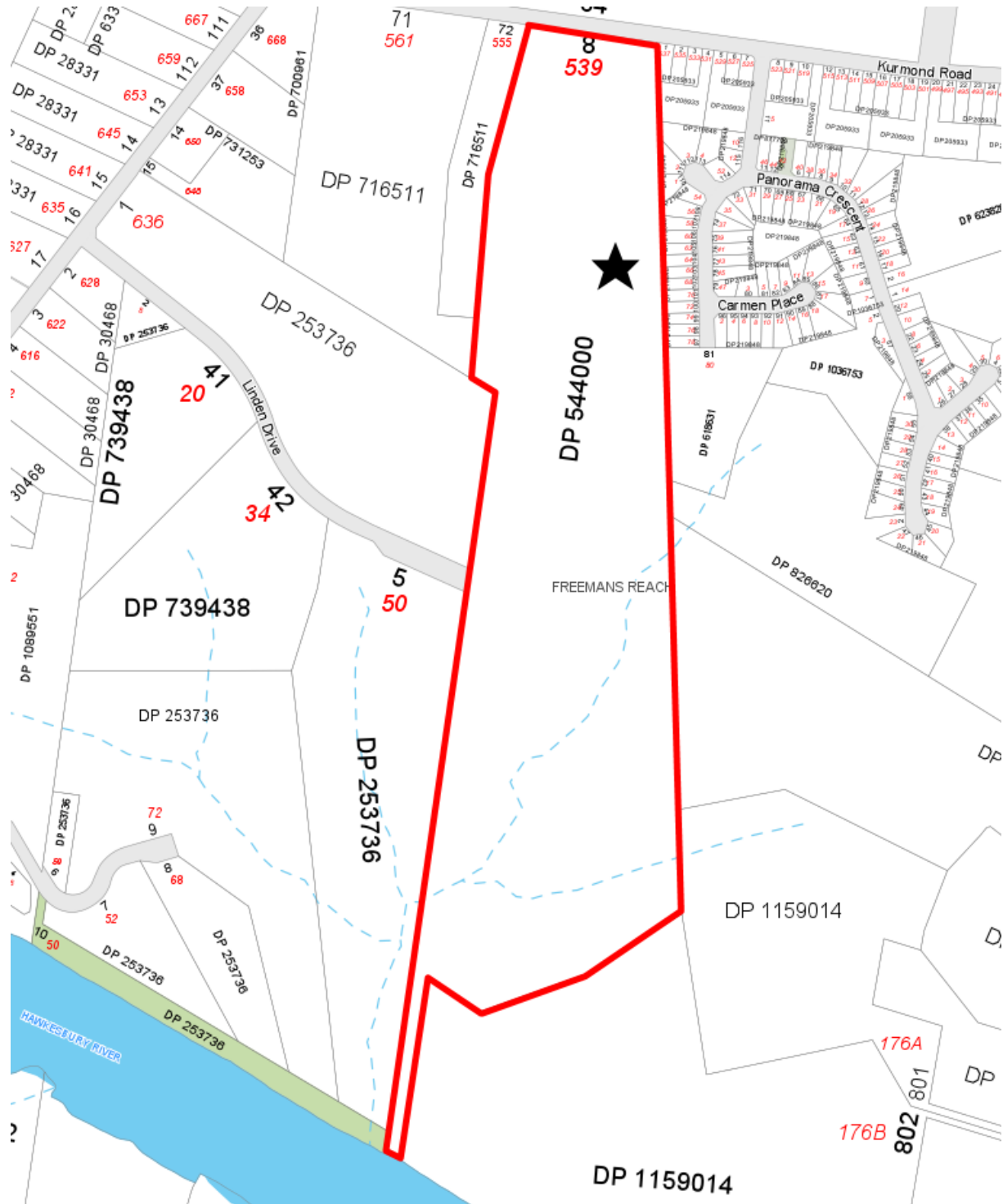
AT - 1 Locality Plan

AT - 2 Aerial Photograph

AT - 3 Plans

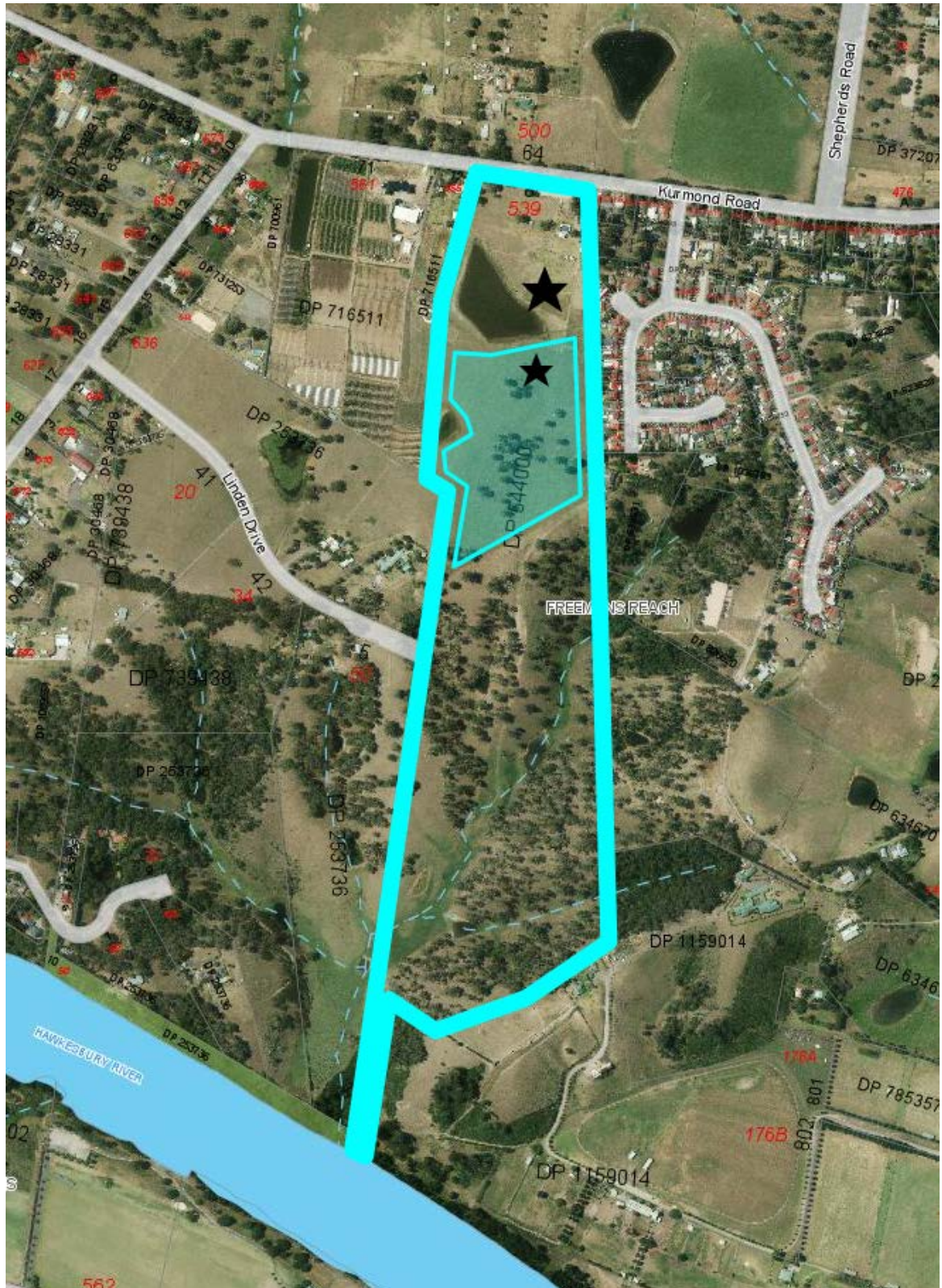
Meeting Date: 14 November 2017

Locality Plan (Star indicates location of proposed activities)



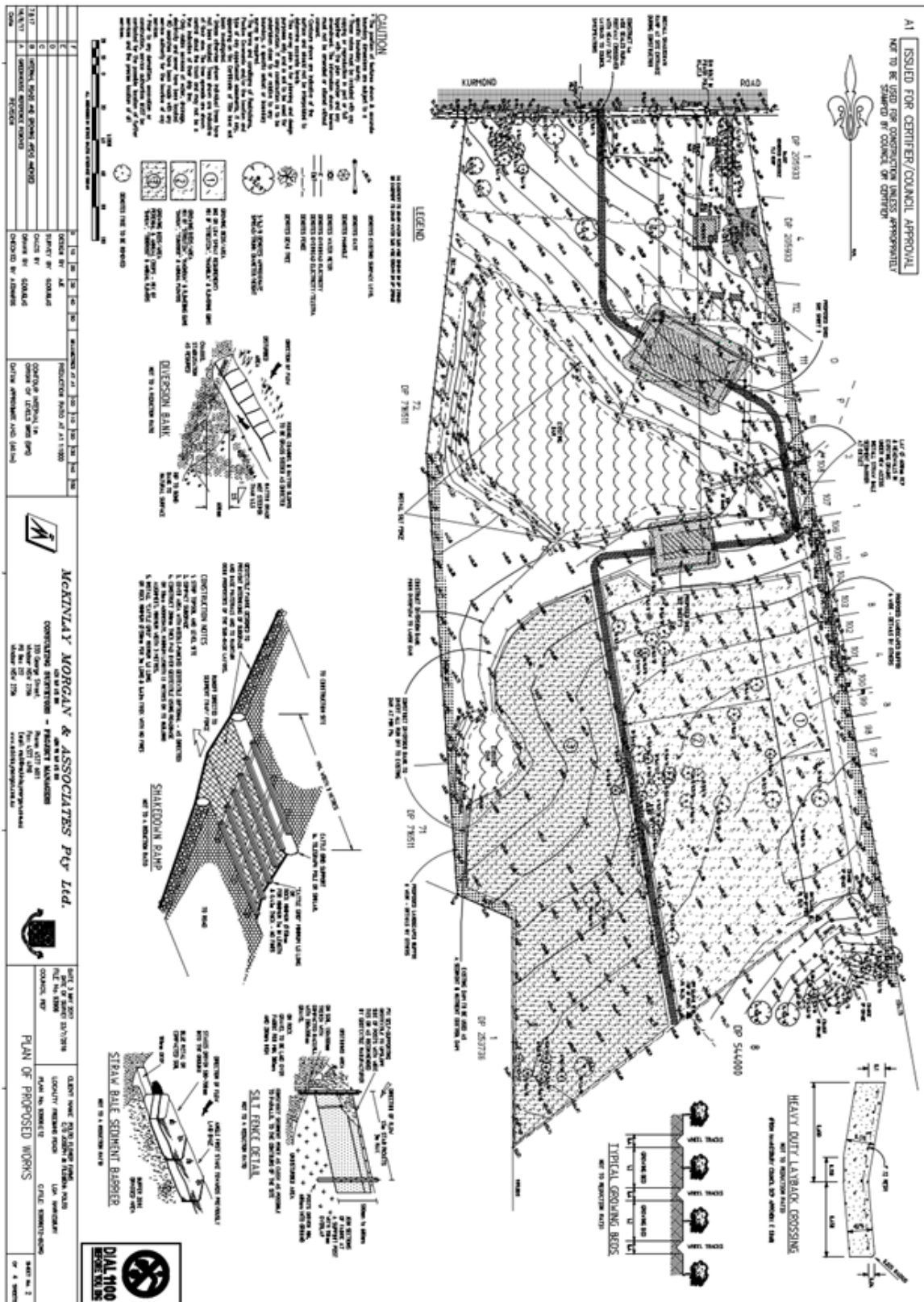
Meeting Date: 14 November 2017

Aerial Photograph of subject area
(Approximate location of farm buildings shown with stars and hatched area shows proposed growing area)



Meeting Date: 14 November 2017

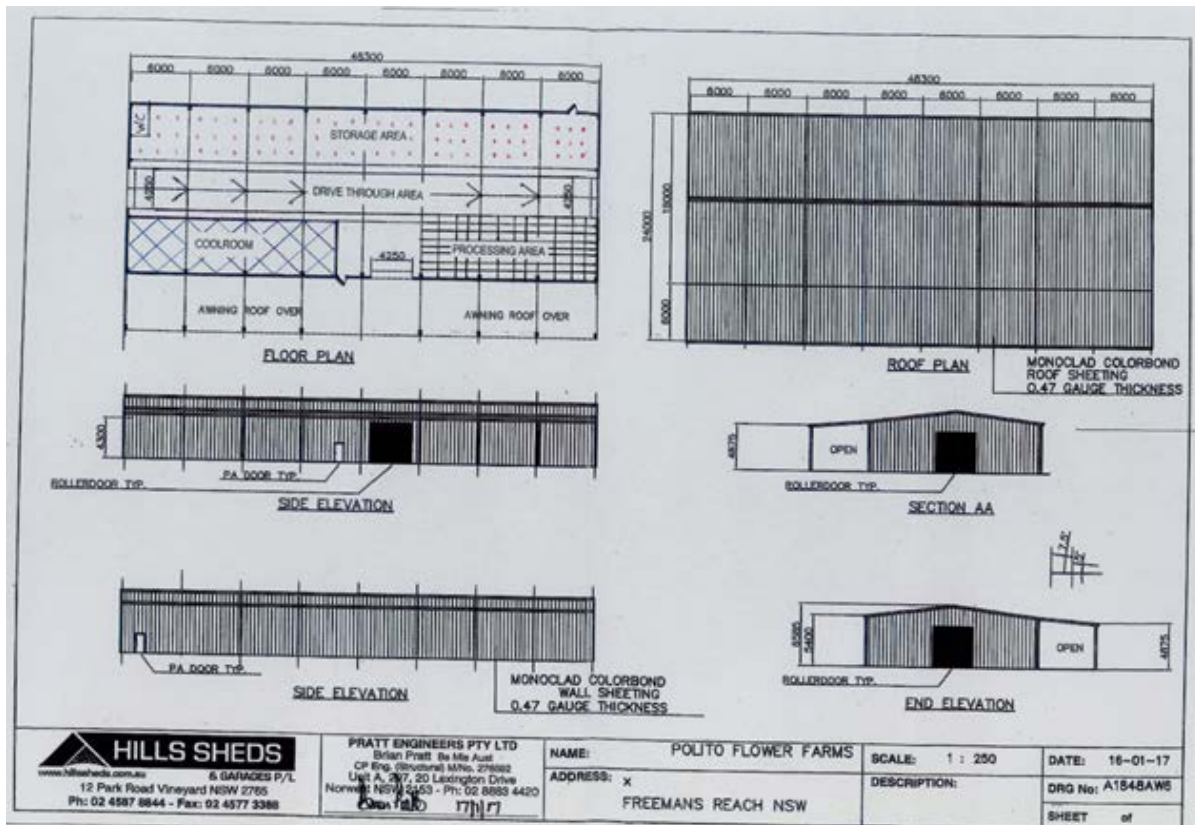
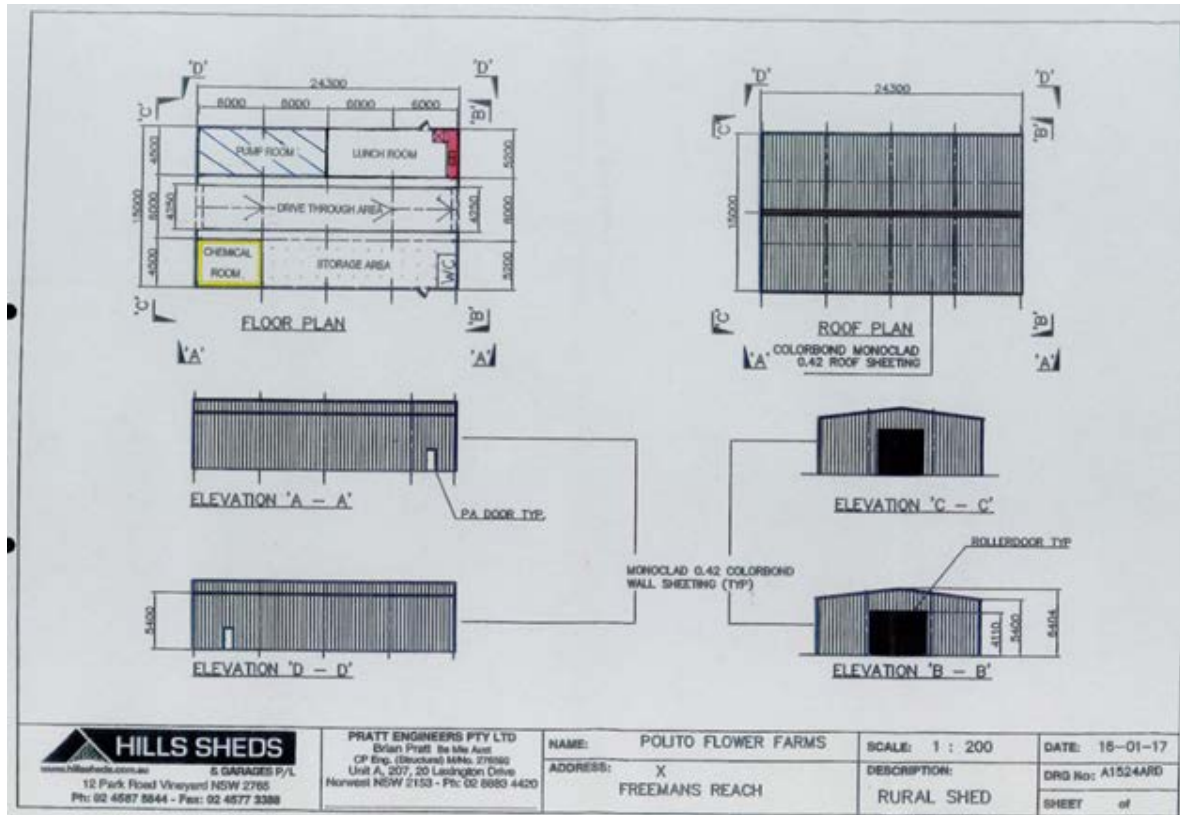
Site Plan



ORDINARY MEETING

Meeting Date: 14 November 2017

Plans of farm buildings



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 November 2017

GENERAL MANAGER

Item: 200 **GM - General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2017 - (95496, 96332)**

Previous Item: 180, Ordinary (26 September 2017)

REPORT:

Executive Summary

Council's General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2017 (2016/2017 Financial Statements) have now been completed, audited and advertised in accordance with the provisions of the Local Government Act 1993 (the Act).

The Report on the Conduct of the Audit expressing an unmodified audit opinion has been received from The NSW Audit Office and is available for inspection by Councillors and the community.

The purpose of this report is to submit the 2016/2017 Financial Statements to Council, in accordance with the requirements of the Act. The NSW Audit Office subcontracted PricewaterhouseCoopers to undertake the audit on their behalf. Representatives from both The NSW Audit Office and PricewaterhouseCoopers will be in attendance at the meeting, to make a presentation in respect of Council's audited 2016/2017 Financial Statements.

The report recommends that Council note the completion of the 2016/2017 Financial Statements.

Consultation

Public notice of the Council Meeting on 14 November 2017 has been given in the Hawkesbury Courier on Thursday, 2 November 2017. The 2016/2017 Financial Statements have been placed on exhibition from Friday, 3 November 2017, as hard copies at Council's Administration Building and on Council's website.

In accordance with Section 420(1) of the Act, any person may make a submission to Council regarding the Financial Statements or with respect to the Auditor's reports. All submissions must be in writing and will be referred to The NSW Audit Office, and Council can take such action as it considers appropriate. The closing date for submissions is Tuesday, 21 November 2017.

Background

Council's 2016/2017 Financial Statements have been completed, audited and advertised in accordance with the provisions of the Act. The Report on the Conduct of the Audit expressing an unmodified audit opinion has been received from The NSW Audit Office and is available for inspection by Councillors and the community.

The Act requires that the meeting set for the presentation of the financial reports, must be at least seven days after public notice is given, and within five weeks after the Auditor's reports are given to Council. The Auditor's reports were received on 27 October 2017, and public notice was given in the Hawkesbury Courier on Thursday, 2 November 2017.

ORDINARY MEETING

Meeting Date: 14 November 2017

Operating Performance

Provided below is a summary of Council's financial results for the period ended 30 June 2017.

Statement of Financial Performance	2016/2017 \$'000	2015/2016 \$'000	Movement Inc/(Dec)
Income from continuing operations	94,040	86,126	7,914
Expenses from continuing operations	76,266	79,814	(3,548)
Net Operating Result for the year	17,774	6,312	11,462
Capital Grants and Contributions	18,825	18,286	539
Net Operating Result before Capital Grants and Contributions	(1,051)	(11,974)	10,923

Details of revenues and expenses for 2016/2017 as compared to the previous year are as follows:

Income from continuing operations	2016/2017 \$'000	2015/2016 \$'000	Movement Inc/(Dec)
Rates and Annual Charges	49,754	47,870	1,884
User Charges and Fees	6,335	6,642	(307)
Interest	1,434	1,568	(134)
Other Operating Revenue	7,625	4,334	3,291
Grants and Contributions – Operating	9,572	7,033	2,539
Grants and Contributions – Capital	18,825	18,286	539
Profit from Joint Venture Equity	495	393	102
Total Income from Continuing Operations	94,040	86,126	7,914

Expenses from continuing operations	2016/2017 \$'000	2015/2016 \$'000	Movement Inc/(Dec)
Employee costs	26,092	26,492	(400)
Borrowing costs	358	398	(40)
Materials and Contracts	18,982	17,835	1,147
Depreciation and Amortisation	18,594	18,455	139
Other Expenses	11,820	16,389	(4,569)
Loss on Sale of Assets	420	245	175
Total Expenses from Continuing Operations	76,266	79,814	(3,548)

ORDINARY MEETING**Meeting Date:** 14 November 2017**Balance Sheet**

The Balance Sheet discloses the assets, liabilities and equity of Council. The table below displays Council's reported Balance Sheet as at 30 June 2017.

Statement of Financial Position	2016/2017 \$'000	2015/2016 \$'000	Movement Inc/(Dec)
Current Assets	51,537	51,755	(218)
Non Current Assets	980,789	965,526	15,263
Total Assets	1,032,326	1,017,281	15,045
Current Liabilities	18,886	17,629	1,257
Non Current Liabilities	7,681	7,420	261
Total Liabilities	26,567	25,049	1,518
Net Assets	1,005,759	992,232	13,527
Equity	1,005,759	992,232	13,527

Performance Indicators

Council's financial statements disclose a number of financial indicators, which are detailed below:

Financial Performance Indicator	June 2017	June 2016
Operating Performance Ratio	-6.61%	-10.16%
Own Source Operating Revenue Ratio	68.44%	70.51%
Unrestricted Current Ratio	3.30	3.64
Debt Service Ratio	11.54	9.61
Rates, Annual Charges, Interest and Extra Charges Outstanding Percentage	5.46%	5.44%
Cash Expense Cover Ratio	8.91	8.40
Buildings and Infrastructure Renewals Ratio	131.91%	69.20%

Interpretation of Financial Results

Council's operating result improved from a surplus of \$6.3 million in 2015/2016 to \$17.8 million in 2016/2017. The net operating result before capital grants and contributions was a deficit of \$1.1 million in 2016/2017, compared to a deficit of \$12.0 million in 2015/2016. The improvement in the net operating result was due to the following:

- a) The valuation of investment properties increased from a decrement of \$5.1 million in 2015/2016 to an increment of \$3.6 million in 2016/2017, an improvement of \$8.7 million
- b) The advanced payment of one half of the 2017/2018 allocation of the Financial Assistance Grant in 2016/2017, resulting in a \$2.2 million increase in income.

Council's cash and current investments increased from \$44.0 million to \$44.6 million during the reporting period, and included restricted and unrestricted funds.

Council's Unrestricted Current Ratio at 30 June 2017 is 3.30, which declined, but remained significantly above the accepted industry benchmark of 1.5. The Debt Service Ratio was 11.54 and remains better than the accepted industry benchmark of 2. This is due to Council's borrowings decreasing by \$0.8 million after repayments during the year.

ORDINARY MEETING

Meeting Date: 14 November 2017

The Own Source Operating Revenue Ratio declined, down to 68.4% as against 70.51% for 2015/2016. This reflects reductions in revenues from user charges and fees, interest income and other income.

The Rates Outstanding Ratio increased to 5.46% of collectables. Council's Debt Recovery Policy allows for ratepayers to enter into a payment arrangement with Council, and also has special provisions limiting debt recovery action taken in regard to amounts outstanding by Pensioners. These Policy provisions restrict debt recovery action to some extent and result in a higher ratio than would otherwise be the case. Whilst the ratio is higher than the accepted industry benchmark of 5%, the exclusion of amounts on payment arrangements and amounts owed by Pensioners, results in this ratio being 2.11%, which is better than the benchmark.

The Buildings and Infrastructure Renewals Ratio indicates that infrastructure assets are being renewed at 132% of the rate at which they are depreciating. This reflects a high level of investment in assets renewals, in order to reduce the Council's current infrastructure backlog.

Council's financial position for the period ended 30 June 2017 is considered to be sound and stable. However, projections based on current income and expenditure levels indicate that, if the funding shortfall is not addressed, Council will face financial sustainability issues over the coming years.

Increasing difficulties will be experienced to achieve a balanced operating result, with a gap continuing to exist between funds required to maintain Council's assets to a satisfactory standard, and the revenue required to sustain it. It is important to take into consideration Special Schedule 7(SS7) which provides estimates on the amount of funds required to bring the existing infrastructure back to a satisfactory condition. As tabled in SS7, it is estimated that Council needs to spend over \$19 million to bring its assets back to the standard, and an annual maintenance requirement of \$13.4 million compared with the current funding of \$12.7 million.

In order to address the financial sustainability issues identified above, Council has developed a Long Term Financial Plan that encompasses 20 strategies. These strategies were included in Council's Fit for the Future Resubmission Proposal, which was deemed to place Council in a Fit position, as determined by the Office of Local Government announced 28 August 2017. It is vital that these strategies are adopted and implemented, in order to ensure Council's future financial sustainability.

Major Change – Fair Valuation of Land Under Roads

A major change in regard to the valuation of Land Under Roads applies to the Financial Statements for the year ended 30 June 2017. This change, which is applicable to all NSW councils, has generated significant debate throughout the industry.

In line with advice from the NSW Audit Office, the value of Land Under Roads for Council has been discounted by 90% and is shown as a Prior Year Error. This accounting treatment results in the Total Assets and consequently, the Total Equity to be reduced by \$59.3 million on the previous financial year. The classification of this adjustment as a Prior Year Error is based on The NSW Audit Office's view that the local government industry has not been adhering to Accounting Standards, as they have, in the first instance, been following the Local Government Code of Accounting Practice and Financial Reporting.

It is to be noted that there has been no communication prior to the 15 August 2017, from either the Office of Local Government or The NSW Audit Office that the valuation methodology for Land Under Roads must be changed. Council staff contacted the Office of Local Government to discuss the matter but were unable to speak to relevant officers. Other councils experienced the same issue. Council also contacted several other councils and there has been a variety of responses in terms of how the direction from The NSW Audit Office has been actioned.

In line with a recommendation from Council's Audit Committee, a statement from the General Manager has been inserted within the front cover of the Financial Statements and disclosures added to Note 1 and Note 27 to provide a background to indicate that the change in valuation methodology represents a change in the reporting framework, rather than an error by Council. These disclosures have been included in the Financial Statements attached.

ORDINARY MEETING

Meeting Date: 14 November 2017

Audit Findings

Whilst the Audit did not identify any matters requiring a qualified audit opinion, the Audit did result in a finding relating to internal controls associated with financial systems. The Audit identified that a number of staff within the Information Services Branch have standing super user access to financially relevant systems with limited oversight. This issue was allocated risk rating of Moderate.

The Auditors made the following recommendations:

- users with high privileged access should have individual user accounts to perform their normal duties
- standing privileged access is removed and only granted on a temporary basis when required or privileged access activities are reviewed regularly by a suitably independent and qualified individual, with appropriate action taken when required
- user access privileges should be regularly reviewed to ensure they remain commensurate with each individual's role and any segregation of duties defined by management

Management agrees that whilst the current access privileges are practical, they are a weakness in Council's internal controls and it is therefore an important issue to address. Management are of the opinion that the Auditor's recommendations would provide adequate controls. It is to be noted that an Information Technology audit is due to be undertaken this financial year as part of the Internal Audit program. The Auditor's recommendations and implementation thereof will be included with any other management actions arising from the scheduled internal audit.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

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

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

1.3.2 Meet the needs of the community now and into the future by managing Council's assets with a long-term focus.

Funding

There are no financial implications applicable to this report.

RECOMMENDATION:

That Council:

1. Note the completion of the General Purpose and Special Purpose Financial Statements and Special Schedules for the period ended 30 June 2017.
2. Thank the representatives from The NSW Audit Office and PricewaterhouseCoopers, for their presentation in respect of Council's audited 2016/2017 Financial Statements.

ORDINARY MEETING

Meeting Date: 14 November 2017

ATTACHMENTS:

- AT - 1** General Purpose and Special Purpose Financial Statements and Special Schedules for the Period Ended 30 June 2017 - *(Distributed under Separate Cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 November 2017

Item: 201

GM - Hawkesbury City Council - Annual Report 2016/2017 incorporating Audited Financial Statements - (95498, 124414)

REPORT:

Executive Summary

The Annual Report 2016/2017 and accompanying audited Financial Statements have been prepared in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Council is required to prepare an Annual Report and audited Financial Statements each year.

This report and statements are a statutory requirement and must be submitted to the Office of Local Government by 30 November 2017.

It is recommended that this report and Statements be received and noted and that they be forwarded to the Office of Local Government, and be made available on Council's website by 30 November 2017.

Consultation

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

Background

The Local Government Act 1993 (the Act) requires that by 30 November each year Council must prepare an Annual Report. The main purpose of the Annual Report is for Council to report on its achievements in implementing its four year Delivery Program. To do this, a report on the achievement of the actions identified in Council's Operational Plan for the relevant financial year is used to inform the Annual Report. Figure 1 below highlights the structure and interrelated nature and linkages of plans in the Local Government Planning and Reporting Framework, and where the Annual Report sits in that Framework.

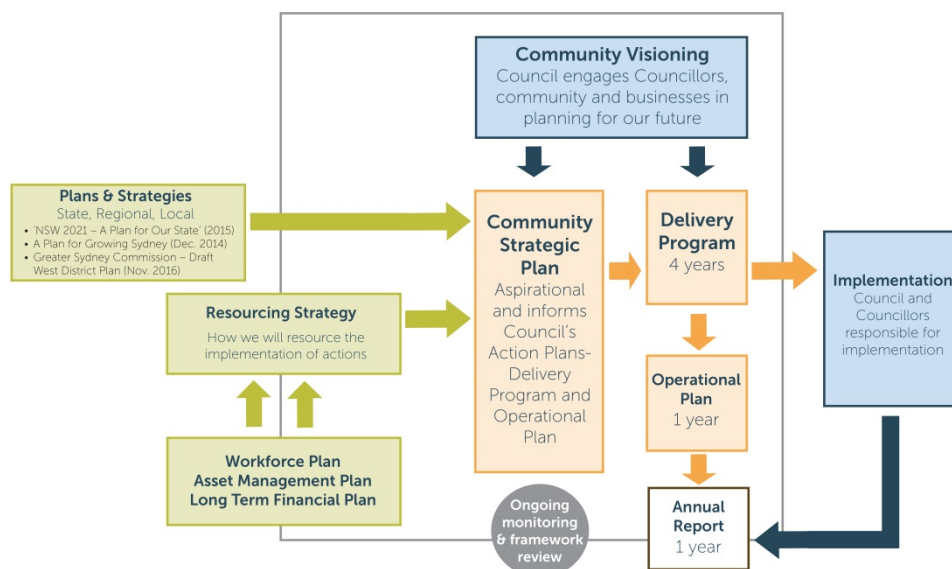


Figure 1: Local Government Planning and Reporting Framework

ORDINARY MEETING

Meeting Date: 14 November 2017

The Act also requires that audited Financial Statements accompany the Annual Report. The Annual Report and accompanying Statements are a statutory requirement and must be submitted to the Office of Local Government by 30 November 2017.

The Annual Report is one of the key points of accountability between a Council and its community. It is not a report to the Office of Local Government or the NSW Government, it is a report to the community. The Annual Report focuses on Council's implementation of the Delivery Program and Operational Plan because these are the plans that are wholly Council's responsibility. The report also includes information that is prescribed by the Local Government (General) Regulation 2005. This information has been included in the Regulation because the Government believes that it is important for community members to know about it in order to help their understanding of how Council has been performing both as a business entity and as a community leader.

Following is a summary of the requirements of Section 404 of the Act:

- Council must prepare an Annual Report within five months of the end of the financial year i.e. 30 November.
- The report will outline Council's achievements in implementing its Delivery Program.
- The report must contain Council's audited financial statements and notes and any information required by the Regulation or the Guidelines.
- A copy of the report must be posted on Council's website and provided to the Minister.

Clause 217 of the Local Government (General) Regulation requires the following information to be included in the Annual Report:

- Details of overseas visits by councillors and council staff
- Details of mayoral and councillor fees, expenses and facilities
- Contracts awarded by Council
- Amounts incurred in relation to legal proceedings
- Private works and financial assistance
- Details of external bodies, companies and partnerships
- Details of the General Manager's total remuneration
- Details of the total expenditure on Senior Staff remuneration
- Information on stormwater levies and charges
- Information on companion animals management
- A statement of the activities undertaken by Council to implement its equal employment opportunity management plan.

Importantly, it should be noted that since Council is effectively reporting on the 2016/2017 Operational Plan that the reporting is based on the themes associated with the Hawkesbury Community Strategic Plan 2013-2032, and not the new Hawkesbury Community Strategic Plan 2017-2032. The Annual Report 2016/2017 has taken the opportunity to highlight the new Hawkesbury Community Strategic Plan 2017-2032, and moving forward with that Plan, but the formal reporting has to be based on the previous Community Strategic Plan.

The following table provides a summary of progress in delivering the actions from the Delivery Program 2013-2017, our major achievements and our major challenges in 2016-2017.

ORDINARY MEETING

Meeting Date: 14 November 2017

Table 1: Summary of progress on Delivery Program 2013-2017 Actions

Looking After People and Place					
Results			Our Major Achievements in 2016-2017 from the Hawkesbury Community Strategic Plan 2013-2032		Challenges in 2016-2017
Completed	✓	8	<div>1. Held 19 successful events with the community including support for eight activities celebrating community diversity.</div> <div>2. Provided Heritage Grants to four commercial properties in 2016-2017.</div> <div>3. Measured progress against 68 Community Indicators from the CSP. The End of Term Report in August 2016 shows 80% of the Liveability Indicator as either 'on track' and heading in the right direction or 'stable' where the results were neutral.</div> <div>4. Worked successfully with rural fire and road authorities (RFS and RMS) to deliver their safety plans for the community.</div>		<div>1. Implementing regionally significant projects such as the Hawkesbury River Foreshore Investigation Area.</div> <div>2. Advancing affordable Housing Partnership to develop a range of strategies and models to house our diverse community</div> <div>3. Delivering sustainable services and facilities within our means</div> <div>4. Working with State and Federal agencies to deliver key safety outcomes such as the Hawkesbury Nepean Flood Risk Management Strategy.</div>
Partially Completed	➔	10			
Not Completed	✖	1			

Caring For Our Environment					
Results			Our Major Achievements in 2016-2017 from the Hawkesbury Community Strategic Plan 2013-2032		Challenges in 2016-2017
Completed	✓	20	<div>1. Improved water quality in our river through monitoring waste water services in line with EPA licences, maintaining Gross Pollutant Traps, and lobbying for increased environmental flows.</div> <div>2. Ran 12 major waste education programs to reduce and recycle household and trade waste and improved kerbside waste operations.</div> <div>3. Reduced our environmental footprint and dependency on non-renewable resources through programs which saw 14,423 tonne of road base recycled, a bush-care workshop with volunteers, and maintained the "Sustainable Living Guide" on Council's website.</div>		<div>1. Setting and maintaining higher environment standards.</div> <div>2. Working with other agencies and levels of government to collaborate better in caring for our environment.</div> <div>3. Continued benchmarking and full implementation of a strategic waste management plan.</div>
Partially Completed	➔	6			
Not Completed	✖	1			

Linking The Hawkesbury					
Results			Our Major Achievements in 2016-2017 from the Hawkesbury Community Strategic Plan 2013-2032		Challenges in 2016-2017
Completed	✓	15	<div>1. Worked with the Western Sydney Regional Organisation of Councils (WSROC) and other regional bodies to improve local and regional transport services.</div> <div>2. Coordinated the implementation of the Hawkesbury Mobility Plan.</div> <div>3. Worked well with our telecommunication providers to better understand supply issues, improve the roll out of the NBN, worked with the McDonald Valley Association to nominate a site for a new mobile tower for the St. Albans area.</div> <div>4. Continued to maintain our vast network of local roads, bridges, kerb and gutter, footpaths and street signage.</div>		<div>1. Establishing partnerships with state agencies and find funding for a Transport Strategy for the Hawkesbury.</div> <div>2. Ensuring that all agencies and levels of government are playing their part in linking roads, transport, and telecommunication services to the Hawkesbury.</div>
Not Completed	✖	1			

ORDINARY MEETING

Meeting Date: 14 November 2017

Supporting Business and Local Jobs				
Results			Our Major Achievements in 2016-2017 from the Hawkesbury Community Strategic Plan 2013-2032	Challenges in 2016-2017
Completed	✓	18	1. Provided economic and community demographic data on council's website to help define local and regional markets.	1. Working with regional and state agencies and organisations to secure fund and implement a Tourism Strategy.
Partially Completed	➔	2	2. Operated the Visitors Information Centre to maintain Level 2 accreditation.	2. Progressing priority actions of an Economic Development Strategy.
Not Completed	✖	2	3. Commenced a partnership with Western Sydney University Hawkesbury Campus to become a centre of excellence for agriculture, food security, and environmental research.	
			4. Monitoring and lobbying for economic multiplier sectors such as the Defence and Aviation industries.	
			5. Young people supported to attend 18 local employment events.	

Shaping Our Future Together				
Results			Our Major Achievements in 2016-2017 from the Hawkesbury Community Strategic Plan 2013-2032	Challenges in 2016-2017
Completed	✓	70	1. Council has been declared 'Fit for the Future' based on the revised 20 strategies that Council submitted to the Office of Local Government for assessment in November 2016.	1. Implementing Council's Fit for the Future strategies, including a proposed Special Rate Increase, to ensure financial sustainability by 2021.
Partially Completed	➔	11	2. Managed and maintained over 50 services and facilities for the community and maintained partnerships to successfully manage resources and funding with a range of organisations including:	2. Improving application times and service standards in a demanding and changing environment.
Not Completed	✖	1	a) YMCA Hawkesbury Oasis facilities	
			b) Peppercorn Services Inc.	
			c) Hawkesbury Sports Council	
			d) a range of community and financial partnerships.	
			3. High level compliance (96%) with all statutory planning and reporting requirements.	
			4. Extensive consultations with the community in 2016-2017 using and increased range of communication tools.	

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

- 1.1 Local Leadership and effective governance - Provide representative, responsive and accountable governance.
 - 1.1.1 Council's elected leaders will actively connect and collaborate with the community.
- 1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.
 - 1.3.1 In all of Council's strategies, plans and decision making there will be a strong focus on financial sustainability.
 - 1.3.2 Meet the needs of the community now and into the future by managing Council's assets with a long-term focus.
 - 1.3.3 Decisions relating to determining priorities will be made in the long term interests of the community.

ORDINARY MEETING

Meeting Date: 14 November 2017

Our Future

5.1 Strategic Planning Governance

5.1.1 Council's planning is integrated and long term.

5.1.2 Council's decision making on all matters is transparent, accessible and accountable.

5.1.3 Council will continually review its service provision to ensure best possible outcomes for the community.

5.1.5 The needs of our community will be reflected in Local, State and Regional Plans.

Financial Implications

There are no financial implications directly applicable to this report.

RECOMMENDATION:

That:

1. Council's Annual Report 2016/2017 and accompanying audited Financial Statements be received and noted, and copies forwarded to the Office of Local Government by 30 November 2017.
2. The Annual Report 2016/2017 and accompanying audited Financial Statements be made available on Council's website by 30 November 2017.

ATTACHMENTS:

AT - 1 Annual Report 2016/2017 - *(Distributed Under Separate Cover)*

AT - 2 General Purpose and Special Purpose Financial Statements and Special Schedules for the period ending 30 June 2017 - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 November 2017

SUPPORT SERVICES

Item: 202 **SS - Hawkesbury Based Not-for-Profit Groups Access to Council Facilities - (95496, 96328)**

Previous Item: NM3, Ordinary (29 August 2017)

REPORT:

Executive Summary

This report has been prepared in response to a resolution of Council, seeking a report into the cost and feasibility of allowing Hawkesbury based community and not-for-profit groups to have access to meetings rooms and community centre facilities without charge.

In addressing this matter, the report incorporates the following information:

- an outline of Council's community buildings portfolio identifying those facilities and rooms currently available for community hire
- a brief description of the existing volunteer community management model under which Council delegates the day-to-day management of the majority of community facilities to community committees
- a list of factors to be considered by Council in moving towards a no-charge hire policy for Council facilities for not-for-profit community groups
- an assessment of the impact of moving towards a no-charge hire policy for Council facilities for not-for-profit community groups.

In considering this information, the report concludes that moving towards a no-charge hire policy for Council facilities for not-for-profit community groups, will have significant workforce and financial implications and will impact on Council's capacity to achieve the required Fit for The Future benchmarks by 2021. While moving to a no-charge hire policy would be of benefit for some residents and community groups, the report highlights that community facilities cannot be provided 'free', as the cost of the use of facilities would need to be funded from other sources.

The report notes that the existing volunteer community management model has been operating successfully for many decades without issue. There has been broad acceptance of the user-pay principle that underlines this model, which has enabled local residents to set hall hire fees and operating policies, which best meets the needs and financial circumstances of their local communities. There has been no discernible demand from the community for these arrangements to change.

The report identifies a possible option for Council's consideration based on increasing funding available under the Community Sponsorship Program, to provide financial support to the small number of not-for-profit community groups, who may require a subsidy to hire community facilities. The report notes that given the current take-up of this funding, the required additional allocation would be relatively minor.

Consultation

The issues raised in this report concern matters which may constitute a trigger for Community Engagement under Council's Community Engagement Policy.

Should Council resolve to amend the current arrangements for the hire of community facilities, Council would need to consult with the community committees managing Council facilities regarding the changes and the mechanisms that may be required to accommodate these changes. Any changes to advertised fees and charges would also require public exhibition process in accordance with the provisions of the Local Government Act 1993.

In preparing the report Council staff consulted with the representatives of the community committees with the delegated responsibility for the day-to-day management of Council facilities and with adjoining Councils.

Background

At its Ordinary Meeting of 29 August 2017, Council considered a Notice of Motion seeking a report into the provision of access to meeting rooms and community centre facilities, without charge, for not-for-profit and community groups. In considering the Notice of Motion Council resolved:

"That Council call for a report into the cost and feasibility of allowing all Hawkesbury based community and not for profit groups to have access to meeting rooms and community centre facilities without charge".

Community Buildings Portfolio

Council's community facilities portfolio is made up of 35 buildings including 12 child care centres. 23 of these buildings are community centres and halls which are available for community hire. There are also five areas within the Windsor Cultural Precinct available for hire. These facilities can be divided into four categories (as outlined in Table 1 below):

1. *Community Halls* - these are older-style buildings with a single hall space, used predominantly on a casual basis and are generally located in rural areas. They do not have permanent tenants but may be hired on a regular basis (for example: Bilpin Markets at Bilpin Hall, mobile pre-school at Blaxlands Ridge). These buildings derive all of their income from the hall-hire.
2. *Tenanted Community Centres* – these are generally larger, multi-purpose buildings with offices, meeting rooms and one or more hall spaces. The majority of these centres have permanent tenants with paid staff - usually community service agencies funded by state or federal government to deliver community services to local residents. While these community agencies derive income from hall hire, their primary source of funding is government grants. These agencies utilise the space within the centre to support their funded programs.
3. *Child Care Centres* – these are generally purpose-built facilities used to operate child care services. Unlike halls and community centres, these buildings operate entirely under an exclusive use basis. All of the income from the use of the building is derived from child care fees.
4. *Cultural Precinct* - the Cultural Precinct is made up of the Hawkesbury Central Library, Regional Gallery and Regional Museum. These facilities are all located in Windsor and are operated by Council and include meeting rooms which are available for hire.

ORDINARY MEETING**Meeting Date:** 14 November 2017

Community Halls	Tenanted Community Centres	Child Care Centres	Cultural Precinct
Bilpin District Hall	Bligh Park Neighbourhood Centre	Bligh Park Childrens Centre	Tebbutt Room*
Blaxlands Ridge Community Centre	Glossodia Community Centre	Chas Perry Hall (Nth Richmond)	Stan Stevens Studio*
Bowen Mountain Hall	Hawkesbury Leisure & Learning Centre	Elizabeth St Extended Hours Preschool	Rozzoli Room*
Hawkesbury Skills Centre, Richmond	Kurrajong Community Centre	Golden Valley Early Learning Centre	Regional Gallery Room*
Horrie Eley Community Hall (Colo Heights)	McGraths Hill Community Centre*	Greenhills Long Day Care Preschool	Regional Museum - Hugh Williams Room*
Maraylya Hall	North Richmond Community Centre	Hobartville Long Day Care Preschool	
St Albans School of Arts	North Richmond Youth Centre	McGaths Hill Childcare Centre	
Wilberforce School of Arts	Peppercorn Place*	Richmond Preschool	
Yarramundi Community Centre	Richmond Family Centre (Hall 3)*	Stewart St Centre (Sth Windsor)	
	Richmond Band Room	Wilberforce Preschool	
	Richmond Neighbourhood Centre	Wilberforce Early Learning Centre	
	South Windsor Family Centre	Windsor Preschool	
	Tiningi Neighbourhood Centre		
	Tiningi Youth Centre		

(*managed by Council)

Community Facility Management Arrangements

Excluding the Cultural Precinct, the majority of these buildings (30 of 35) are managed by community committees made up of local residents who have been delegated responsibility for the day-to-day care, control and management of these facilities under Section 377 of the Local Government Act 1993. This partnership arrangement has been established to ensure that, as far as possible, the communities for whom these facilities have been provided are directly involved in their day-to-day management and operation.

Council has adopted a Community Facilities Manual to guide the operation of buildings managed by community committees. The Manual outlines the respective responsibilities of Council and Committees, and sets out the building costs to be met by committees. Under these arrangements, community committees retain the income derived from the hire of facilities to meet day-to-day operating costs and building outgoings e.g. utility charges, cleaning, repairs resulting from wear and tear through daily use, ground maintenance and insurances (over and above those held by Council).

Council provides additional financial support to community committees by way of the payment of building insurance, structural repairs and through a regular maintenance program. Council may also fund extensions and improvements to facilities where these have been requested by community committees (subject to budget appropriations).

ORDINARY MEETING**Meeting Date:** 14 November 2017**Community Facility Hire Charges**

To generate the income required to fund day-to-day operating costs, the committees who manage Council facilities set the respective fees, charges and bonds for their hire. The fees and charges are included in the Revenue Pricing Policy component of Council's draft annual Operational Plan which is publicly exhibited each year prior to its adoption.

The following information would be germane to Council's consideration of a proposal to move towards a no-charge hire policy for Council facilities for not-for-profit community groups:

Fees and charges	<ul style="list-style-type: none"> hourly charges for the hire of meeting rooms and halls vary from \$7 to \$35 an hour, depending on the hall or facility; the schedule of fees and charges includes differential pricing for not-for-profit and/or local community groups who may receive a 15% to 30% discount on the standard fee; the Community Facilities Manual encourages committees to take into account a community group's ability to pay, and committees may further reduce hire fees for local community groups with limited financial capacity, where the committee believes this will benefit local residents; no fee is charged for the hire of community rooms in the Deerubbin Centre or Peppercorn Place by local, not-for-profit groups or local political party entities; the fees and charges for Council facilities are in line with, or proportionally lower, than those in a sample of councils (The Hills, Penrith, Hornsby, Wollondilly, and Blacktown). Council staff are not aware of any metropolitan or adjoining council that provides access to council facilities on a no-charge basis.
Income from fees and charges	<ul style="list-style-type: none"> income generated from the hire of facilities varies according to the size and location of a facility and ranges from \$60,000 a year for larger centres such as North Richmond and Bligh Park, to less than \$5,000 a year for smaller community halls at Colo Heights, St. Albans and Maraylya; total annual hall and community centre hire income for all Council facilities across the Hawkesbury would approach \$300,000.
Expenditures	<ul style="list-style-type: none"> total building outgoings (utilities, cleaning, day-to-day maintenance) would be roughly equivalent to income (\$300,000); the larger community centres generally employ an administration person whose responsibilities would include facility management, with a portion of their salary funded from hall hire income.
Profile of hirers	<ul style="list-style-type: none"> the majority (80%) of hirers of Council facilities are either not-for-profit community groups; church groups; local residents holding private functions; and social, cultural and recreational activities organised by a community group who may charge a fee-for-service to cover the cost of the hall hire and the engagement of qualified instructors. There are very few hires involving commercial for-profit activities; Council facilities are also used as venues for service provision by not-for-profit agencies funded by the NSW and Federal Governments to deliver human services to residents - including the cost of hiring Council facilities. As the fees set by community committees do not cover the asset life-cycle costs met by Council, access to these facilities is effectively subsidised by ratepayers (a form of 'cost-shifting').
Subsidised access to facilities	<ul style="list-style-type: none"> Council's Community Sponsorship Program includes a category of financial assistance where not-for-profit community groups can apply for financial assistance to meet 50% of the cost of hiring a Council facility up to an amount of \$500.

ORDINARY MEETING

Meeting Date: 14 November 2017

Community submissions and satisfaction levels	<ul style="list-style-type: none">• over at least the last 10 years (during the public exhibition period of draft fees and charges), Council has received no formal submissions from members of the public advocating a reduction or elimination of hall hire fees;• over the same period, Council staff are aware of only two instances where they have been contacted by members of the public querying hall hire fees;• the resident satisfaction rating with the provision of community centres and community halls, in Council's most recent community survey conducted by Micromex Research, was slightly above the local government benchmark.
--	---

Assessment of Issues

Based on the above information, moving towards a no-charge hire policy for Council facilities for not-for-profit community groups would likely give rise to the following issues:

- *Financial Impacts.* The majority of existing hirers would fit the category of local, not-for-profit groups. Moving to a no-charge hire policy would substantially reduce the revenue collected by community committees to cover building outgoings and facility management costs. Council would be required to replace this forgone income by providing some form of operating subsidy to each community committee to cover the costs previously funded through hall hire revenues. This amount is likely to be substantial and would be well over \$200,000 a year.
- *Increased Cost Shifting.* The majority of state and federal funded agencies within the Hawkesbury operate on a not-for-profit basis. As access to Council facilities is already subsidised by Council, moving to a no-charge hire policy would further increase the level of ratepayer subsidisation of these government funded services.
- *Loss of local autonomy.* Current arrangements for the management of community facilities are reliant on the work of volunteer committees who manage community halls as local gathering and meeting spaces. This model ensures that residents have the primary say in how these facilities are managed and operated. Moving to a no-charge hire policy may lead to community committees reviewing their involvement in the current community management model and opt to return this responsibility to Council (as has been the case recently with a number of smaller halls).
- *Workforce Implications.* Compared with staffing levels in other councils, the current volunteer community management model that operates in the Hawkesbury requires limited Council staffing resources (currently a part-time position). Moving to a no-charge hire policy may create an additional staffing requirement if volunteer committees perceive that there is no longer an advantage for them in actively managing Council facilities.
- *Cross subsidisation.* While moving to a no-charge hire policy would be of benefit for some residents and community groups, in reality, facilities cannot be provided 'free' as the cost of the use of facilities by these groups would still need to be funded from other sources. Council's Fit-for the Future Improvement Plan includes a strategy for fairer service charging to ensure that residents not using fee-paying Council services are not subsidising people who are. This strategy is aimed at moving towards cost recovery pricing so that fee-paying Council services achieve at least a break-even operating position over the medium term. Moving to a no-charge hire policy would conflict with this future strategy.
- *Pricing inconsistencies.* Moving towards a no-charge hire policy for community facilities would also create an inconsistent service charging framework. Unless extended to other community facilities - parks, sportsgrounds and playing fields for example – a different pricing policy would apply to not-for-profit community groups depending on the particular community facility they were using. A no-charge hire policy for community facilities for not-for-profit community groups carries the potential to create a precedent, which logic would argue should be extended across other community facilities.

Conclusion

Council's current Volunteer Community Management Model has been operating successfully for many decades generally without issue. There has been broad acceptance of the user-pay principle that underlines this Model, which has enabled local residents to set hall hire fees and operating policies which best meets the needs and financial circumstances of their local communities. There has been no discernible demand from the community for these arrangements to change.

The current cost-recovery pricing for hall hire also acts as a signal that Council facilities, provided for the benefit of the community have a value and ensures that these facilities are well looked after and treated responsibly by user groups. To date, Council has been able to support community groups who may not have the start-up resources to hire Council facilities through financial assistance provided under the Community Sponsorship Program. Once established, these groups do become self-sufficient.

Moving to a no-charge community facility hire policy for not-for-profit local groups will have financial implications and would see a likely increase in Council's operating costs by up to \$250,000 a year. Without offsetting expenditure reductions, a no-charge hire policy will impact on Council's capacity to maintain its current trajectory towards achieving the Fit for The Future benchmarks by 2021. A no-charge hire policy would be inconsistent with Council's approved Fit-for the Future Improvement Plan.

An alternate option, which Council may wish to consider, to assist community groups who may not be in a financial position to meet the costs of hiring a community facility, would be to increase the future budget allocations for the Community Sponsorship Program. Additional funding would enable Council to increase the amount of funds available to not-for-profit community groups for the subsidised hire of community facilities.

As noted in this report, there has been no discernible demand for 'free' access to community facilities, and, given the current take up of the 'Access to Community Facilities' category within the Community Sponsorship Program (which provides funding on a dollar for dollar basis to a maximum of \$500 to assist local not-for-profit groups to hire halls) the additional allocation required would be relatively minor - no more than \$5,000.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

- 1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.
 - 1.3.1 In all of Council's strategies, plans and decision making there will be a strong focus on financial sustainability.
 - 1.3.3 Decisions relating to determining priorities will be made in the long term interests of the community.

Our Community

- 2.3 Community partnerships continue to evolve.
 - 2.3.1 Encourage and facilitate community partnerships.
 - 2.3.2 Support and expand active volunteering.
 - 2.3.3 Advocate and facilitate constructive and productive partnerships with residents, community groups and institutions.
 - 2.3.4 Develop opportunities for active involvement of residents in the management of parks and public spaces in the Hawkesbury.

ORDINARY MEETING

Meeting Date: 14 November 2017

Our Assets

4.3 Places and Spaces

4.3.2 Provide a variety of quality active recreation spaces including playgrounds, sporting fields, pool, stadium and multipurpose centres to enhance our community's health and lifestyle.

4.3.3 Provide a variety of quality shared spaces including meeting spaces accommodating public art, cultural and environmental amenity to enhance our community's health and lifestyle.

Financial Implications

This report is intended to provide information to Council on relevant issues and possible impacts of changes to existing arrangements for the hire of community facilities. A decision to move towards a no-charge community facility hire policy for local not-for-profit community groups will have substantial financial implications for Council, and will impact on Council's capacity to achieve the required Fit for The Future benchmarks by 2021. The proposal to increase the budget allocation for the Community Sponsorship Program by \$5,000, as an alternate and more financially sustainable option, can be considered in conjunction with the development of Council's 2018/2019 Operational Plan.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ordinary

section 4

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 4 - Reports of Committees

ROC Audit Committee Meeting Minutes - 14 June 2017 - (95496, 91369)

The meeting commenced at 4pm.

Present:	Councillor Paul Rasmussen, Hawkesbury City Council Councillor John Ross, Hawkesbury City Council Mr Craig Bennett, Community Representative Ms Nisha Maheshwari, Community Representative
Apologies:	Ms Ellen Hegarty, Community Representative
In Attendance:	Mr Peter Conroy, Hawkesbury City Council Mr Laurie Mifsud, Hawkesbury City Council Ms Emma Galea, Hawkesbury City Council Ms Vanessa Browning, Hawkesbury City Council Ms Weini Lao, Director - Financial Audit Services, NSW Audit Office Mr Alexio Chibika, Manager, PricewaterhouseCoopers Ms Jan Readford - Minute Secretary, Hawkesbury City Council

REPORT:

RESOLVED on the motion of Councillor Paul Rasmussen and seconded by Councillor John Ross that the apology be accepted.

Attendance Register of Audit Committee

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

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

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Paul Rasmussen and seconded by Mr Craig Bennett that the Minutes of the Audit Committee held on the 15 March 2017, be confirmed.

SECTION 2 - Presentations to the Committee

1. NSW Audit Office - 2016/2017 External Audit

Ms Weini Lao of the NSW Audit Office and Alexio Chibika of PricewaterhouseCoopers were both welcomed to the meeting. The NSW Audit Office, through the engagement of PricewaterhouseCoopers, are currently conducting an audit of Council's 2016/2017 Financial Statements.

ORDINARY MEETING

Reports of Committees

- Ms Lao advised that a report will be provided to Council and the Audit Committee Chair on completion of the audit. The Audit Office will sign off on the audit. Part of the financial audit will be included in the report to Parliament, which is a report on the entire sector and not any particular council. It will focus on service delivery and how it is being delivered. The Audit Office is aware that Council will want to know what has been included in the report to Parliament. The Audit Office will consider if it will provide the full report to Council.
- Ms Lao advised that if there is to be any specific mention of Council in the report prepared for Parliament, Council will be informed during the process. Ms Maheshwari indicated that if there is to be any media attention, Council definitely wants to hear about it before that comes out.
- Councillor Ross enquired if Council will incur extra fees associated with the report to Parliament. Ms Lao advised that Council will not be charged for the report.
- Councillor Ross enquired who will charge Council for the audit. Ms Lao advised the Audit Office will charge Council and the audit fee will appear in the Audit Fee section.
- Mr Mifsud noted that the audit fees are higher compared to past audits. Ms Lao advised she has met with Ms Galea to explain the details of the audit fees including details on charges relating to the engagement of PwC by the Audit Office. Ms Lao advised the audit fee is based on a benchmark model based on council size.
- Ms Lao advised that in terms of fees, in the first year, in line with the Client Services Plan, the Audit Office will look at the evaluation, procurement, contract management, all listed in the Contract, to be able to assess council's risk and ensure there is adequate risk controls in place. Council may not have specialists to check these controls. The Audit Office will tell PricewaterhouseCoopers the controls they expect to see. The Audit Office publishes many Best practice Guidelines, which is another benefit to Council.
- Mr Conroy commented that Council is now paying more for a lesser service. This is occurring whilst IPART have maintained rate-pegging at a lower level than that required to cover costs. Ms Lao advised that the scope of the audit is such that it covers services received to date such as the Domestic Waste Charges audit.
- Mr Conroy referred to the ongoing relationship that had been provided by PricewaterhouseCoopers where Council could call and get advice.
- Ms Maheshwari referred to the shared audit process between the Audit Office and PricewaterhouseCoopers, the involvement of Council, and the application of the Accounting Standards, and enquired what will happen if there is a disagreement between the two auditors. In particular if there is something that Council has done, that is acceptable to PricewaterhouseCoopers and not to the Audit Office. Ms Lao advised that there is a resolution process in place. Ms Lao referred to community land values as an example. Some councils get their own valuations, which can significantly differ and even run into millions. The Audit Office has a mandate to measure this.
- Ms Lao advised that there have not been any areas of concern for Hawkesbury so far, and if there are, we can work together to find a solution. Mr Chibika advised that if there are any issues, bring these to our attention. If Ms Galea requests any additional areas to be looked at that are not part of the audit, we will look at and gauge the process.
- Mr Conroy advised that Council is about to ask for a rate increase and is now faced with these extra costs.
- Ms Lao advised that PricewaterhouseCoopers will do the presentation to Council meeting as it would be impractical for the Audit Office to do so.

ORDINARY MEETING

Reports of Committees

- Mr Conroy advised that Council would like to benefit from the learnings of other councils and asked if the Audit Office would share this information. Ms Lao agreed that this would be a benefit to Council and would share with Council. Ms Lao asked Mr Chibika to arrange for this information to be provided. Ms Galea asked for Council to be able to see the issues raised by other Councils as well. Ms Lao advised that the Audit Office has a monthly publication available on its website and will organise a link. Ms Maheshwari agreed that it is important for Council to be aware of potential issues.
- Ms Galea referred to Special Schedule 7 and the issues experienced by Council. Councillor Rasmussen referred to the impact of Schedule 7 on the Fit For The Future process.
- Ms Maheshwari enquired if the overall timetable will be similar to that of past years. Ms Lao asked Ms Galea to advise if the timetable works. This will allow us additional time to plan for next year. Ms Maheshwari noted that the audit process will take one week longer. Ms Galea advised she has already met with the auditors and are reworking the timetable backwards for next year.
- Mr Chibika advised they have all the documents that need to be prepared for the audit process on the PricewaterhouseCoopers website.
- Councillor Rasmussen advised the audit will take extra hours when compared to previous years i.e. an extra 40% increase in audit time, and expressed concern regarding the impact on Council's staff.

Ms Maheshwari thanked Ms Lao and Mr Chibika for the information.

SECTION 3 - Reports for Determination

Item 1: AC - Resourcing Models for the 2016/2017 and 2017/2018-2019/2020 Internal Audits - (91369, 79351, 95496)

DISCUSSION:

- Ms Lao commented that the NSW Auditor General is looking at shared services.
- Ms Galea advised that Council's Internal Auditor has left the organisation, so we no longer have an Internal Auditor. We have used this as an opportunity to consider if we will change the current resourcing model. We are looking into opportunities within the Regional Strategic Alliance framework. There are two stages of the review of the current resourcing model. The first stage involves undertaking a joint tender with Blue Mountains City Council for the services of an external internal audit service provider. The second stage is establishing a shared resourcing model utilising Blue Mountains City Council existing staff resources. The proposed overall resourcing model is expected to result in savings, expertise sharing, and quality audits.

RECOMMENDATION TO COMMITTEE:

That the report regarding resourcing models to deliver the outstanding 2016/2017 Internal Audits and the 2017/2018 – 2019/2020 Internal Audit Plan be received.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Mr Craig Bennett.

ORDINARY MEETING
Reports of Committees

That the report regarding resourcing models to deliver the outstanding 2016/2017 Internal Audits and the 2017/2018 – 2019/2020 Internal Audit Plan be received.

Mr Conroy, Ms Galea and Mr Mifsud left the meeting.

SECTION 4 - General Business

- Mr Bennett referred to Council's Fit For The Future Proposal and enquired if it has been approved. Councillor Rasmussen advised that the decision remains pending as Council's submission is still with the Minister.
- Mr Bennett referred to the availability of the Audit Committee audit template. Councillor Rasmussen advised it will come out next meeting.
- Mr Bennett advised he had heard that the legislation is about to change and enquired if this is the case. Councillor Rasmussen advised that this is correct.
- Councillor Rasmussen advised that he is worried about the extra costs as they are high.
- Ms Maheshwari enquired if the shared internal audit process would provide the flexibility. Mr Bennett indicated he thought that the new model will be better for Council.

The meeting terminated at 5.45pm

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

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC **Floodplain Risk Management Advisory Committee - 19 October 2017 - (124414, 86589)**

The meeting commenced at 4:02pm in Council Committee Rooms.

Present: Councillor Paul Rasmussen, Deputy Chairperson
 Councillor Amanda Kotlash, Hawkesbury City Council
 Councillor Peter Reynolds, Hawkesbury City Council
 Councillor Danielle Wheeler, Hawkesbury City Council
 Ms Carol Edds, Community Representative
 Mr Kim Ford, Community Representative
 Ms Margaret Mackisack, Community Representative
 Mr Maurice Smith, Community Representative
 Mr Harry Terry, Community Representative
 Mr Peter Cinque (OAM), SES
 Mr Kevin Jones, SES
 Mr Harry Panagopoulos, Office of Environment and Heritage

Apologies: Councillor Mary Lyons-Buckett, Chairperson
 Snr Inspector Robert Bowman, Department Primary Industries

In Attendance: Mr Matthew Owens, Hawkesbury City Council
 Mr Andrew Kearns, Hawkesbury City Council
 Mr Chris Amit, Hawkesbury City Council
 Ms Colleen Haron, Hawkesbury City Council
 Ms Robyn Preston - On behalf of Member for Hawkesbury
 Ms Katie Moulton, NSW SES
 Ms Alison White, Infrastructure NSW
 Ms Robyn Kozjak - Minute Secretary, Hawkesbury City Council

REPORT:

In the absence of the Chairperson, Councillor Rasmussen (Deputy Chairperson), assumed the role.

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Kotlash that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Rasmussen and seconded by Mr Terry that the Minutes of the Floodplain Risk Management Advisory Committee held on the 31 August 2017, be confirmed.

ORDINARY MEETING
Reports of Committees

Attendance Register of Floodplain Risk Management Advisory Committee

Member	16.02.17	20.04.17	31.08.17	19.10.17	
Councillor Mary Lyons-Buckett	✓	✓	✓	A	
Councillor Amanda Kotlash	A	A	✓	✓	
Councillor Paul Rasmussen	✓	✓	A	✓	
Councillor Danielle Wheeler	✓	✓	✓	✓	
Councillor Peter Reynolds	✓	✓	✓	✓	
Ms Carol Edds	✓	✓	-X- A	✓	
Mr Harry Terry	✓	✓	✓	✓	
Ms Margaret Mackisack	✓	✓	A	✓	
Mr Kim Ford	✓	✓	✓	✓	
Mr Maurice Smith	✓	A	X	✓	
Snr Inspector Robert Bowman - (Dept. Primary Industries)	A	A	A	A	
Mr Kevin Jones - (SES Headquarters)	A	✓	X	✓	
Mr Peter Cinque OAM - (SES Sydney Western Division)	A	✓	X	✓	
Mr Kris Grbevski - (Office of Environment & Heritage) - in lieu of Harry Panagopoulos whilst on leave)	✓	A	✓	✓	
Harry Panagopoulos resumed 31.08.17					

Key: A = Formal Apology

✓ = Present

X = Absent - no apology

SECTION 3 - Reports for Determination

ITEM: 1 FRMAC - Declarations of Interest - (85689, 124414)

DISCUSSION:

- Mr Smith declared a general disclosure of interest as he owns property in the Hawkesbury Local Government Area which is below the Probable Maximum Flood (PMF). Mr Smith's name will be added to the standing Declarations of Interest report.

RECOMMENDATION TO COMMITTEE:

That:

- General disclosures of interest listed in this report be received.
- Other specific disclosures of interest be declared if deemed appropriate.

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

- General disclosures of interest listed in this report be received.
- Other specific disclosures of interest be declared if deemed appropriate.

SECTION 4 - Reports for Information

ITEM: 2 **FRMAC - Review of Delegations of Authority under Section 377 of the Local Government Act 1993 in relation to the Floodplain Risk Management Advisory Committee of Council - (86589, 124414)**

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Ford, seconded by Mr Terry.

Refer to COMMITTEE RECOMMENDATION

That the information be received.

ITEM: 3 **FRMAC - Presentation by State Emergency Services Representative - Experiences and Learnings from the 2017 Lismore Flood Emergency - (86589, 124414)**

Katie Moulton, Community Engagement Coordinator, NSW State Emergency Service - Sydney Western Region, delivered a presentation to the Committee on the flooding event in the State's north caused by remnants of ex-tropical Cyclone Debbie, including lessons learnt from the emergency services response to that event.

RECOMMENDATION TO COMMITTEE:

That the information contained in this report be received.

MOTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Mr Smith.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

ITEM: 4 **FRMAC - Presentation by Infrastructure NSW - Update on Hawkesbury-Nepean Flood Risk Management Strategy - (86589, 124414)**

Previous Item: 3, FRMAC (31 August 2017)

Alison White, Manager Communication & Engagement, Hawkesbury-Nepean Valley Flood Risk Management Directorate, Infrastructure NSW (INSW), delivered a presentation to the Committee in relation to the progress of the Hawkesbury Nepean Flood Risk Management Strategy.

ORDINARY MEETING
Reports of Committees

- \$58 million allocated over four years (2016-2020) to implement Phase One of the Strategy:
 - \$30 million to undertake detailed concept designs, environmental assessments and preparation of business case for raising the Warragamba Dam wall
 - \$28 million to deliver non-infrastructure actions such as community engagement and education, new evacuation signage, flood forecasting etc
- Climate change was considered in developing the Flood Strategy.
- The raising of the Warragamba Dam wall project declared State significant infrastructure - further details can be found at <http://www.waternsw.com.au/projects/warragamba-dam-raising>
- A copy of the presentation is to be distributed to Committee members following the redaction of NSW State Government sensitive material from the presentation.

RECOMMENDATION TO COMMITTEE:

That the information contained in this report be received.

MOTION:

RESOLVED on the motion of Councillor Reynolds, seconded by Mr Terry.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information contained in this report be received.

SECTION 5 - General Business

- Ms Mackisack commented on the flood events in Houston USA and suggested the Committee discuss at a future meeting.
- Ms Edds advised she had submitted an apology for the last meeting, however, was listed in the previous minutes as being absent from the meeting without an apology.

The meeting closed at 6:21pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC **Hawkesbury Access and Inclusion Advisory Committee Minutes - 26 October 2017 - (124569, 96328)**

The meeting commenced at 5pm.

Present: Councillor Barry Calvert, (Chair) Hawkesbury City Council
 Councillor John Ross, Hawkesbury City Council
 Ms Jessica Brunskill, Community Representative
 Ms Kirsty Carpenter, Community Representative
 Mr David Gearin, (Deputy Chair) Community Representative
 Ms Jennifer Moses, Community Representative
 Ms Terri Mottram, Community Representative

Apologies: Mr David Briggs, Community Representative
 Mr Desmond Crane, Community Representative
 Ms Melanie Lawson, Community Representative

In Attendance: Ms Meagan Ang, Hawkesbury City Council
 Ms Jan Readford - Minute Secretary, Hawkesbury City Council

REPORT:

RESOLVED on the motion of Ms Jennifer Moses and seconded by Ms Terri Mottram that the apology be accepted.

Attendance Register of Hawkesbury Access and Inclusion Advisory Committee

Member	26/10/2017		
Councillor Barry Calvert	✓		
Councillor John Ross	✓		
Mr David Briggs	A		
Ms Jessica Brunskill	✓		
Ms Kirsty Carpenter	✓		
Mr Desmond Crane	A		
Mr David Gearin	✓		
Ms Karen Kobier	Resigned		
Ms Melanie Lawson	A		
Ms Jennifer Moses	✓		
Mr Terri Mottram	✓		

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

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Kristy Carpenter and seconded by Mr David Gearin that the Minutes of the Hawkesbury Access and Inclusion Advisory Committee held on the 24 August 2017, be confirmed.

SECTION 3 - Reports for Determination

Item: 1 **HAIAC - Pilot Project University of Sydney - Disability Inclusive Disaster Preparedness in NSW - (124569, 96328)**

Previous Item: 3, HAIAC (27 August 2015)

DISCUSSION:

- Ms Ang advised that the report relates back to a resolution by this Committee in 2015 requesting project updates. Council is one of three councils working with the University of Sydney regarding the development of a tool to assist people with disability and self-prepare for disaster.
- Research indicates that there are people with a disability, in some parts of Sydney that have the same level of vulnerability as persons in developing countries. An app is being developed, as well as a paper-based tool, to assist with awareness and preparedness.
- Two workshops have been held locally which were a valuable process with good practical content. The Research Group is now working with Allied Health Providers, and developing accredited training for health professionals.
- Ms Brunskill enquired how the health professionals are being engaged. Ms Ang advised they are working with the local health district at a regional level including a NDIS agency, Hawkesbury District Health Service and the Local Health District. Ms Moses advised there is a video on the project page that has SES representation.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received
2. The reports relating to the Pilot Project University of Sydney - Disability Inclusive Disaster Preparedness in NSW, be received

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms Jessica Brunskill, seconded by Ms Jennifer Moses.

That:

1. The information be received and noted.
2. The reports relating to the Pilot Project University of Sydney - Disability Inclusive Disaster Preparedness in NSW, be received and noted.

ORDINARY MEETING
Reports of Committees

Item: 2 HAIAC - Meeting Dates for 2017 - 2018 - (124569, 96328)

DISCUSSION:

- Ms Carpenter expressed concern that if meetings were cut back from the six scheduled meeting dates, there was a risk that meeting times would run overtime due to the volume of matters considered by this Committee.

RECOMMENDATION TO COMMITTEE:

That the Access and Inclusion Advisory Committee meeting dates for 2017 - 2018, as outlined in the report, be approved.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor John Ross, seconded by Mr David Gearin.

That the Access and Inclusion Advisory Committee meeting dates for 2017 - 2018, as outlined in the report, be approved.

Item: 3 HAIAC - Council Delegation of Authority to Committee - (124569, 96328)

DISCUSSION:

- Councillor Calvert enquired if Council's delegation of authority to the Committee reflected the Committee's role.
- Ms Brunskill indicated that the content reflects on physical areas, however does not address the less physical areas. Ms Ang advised that the Hawkesbury Disability Inclusion Action Plan has been updated to include other areas and the actual functions of this Committee, however agrees that the delegation of authority i.e. the Committee's Constitution, could be updated to reflect the work of the Committee.
- Mr Gearin suggested the update could include: information dissemination; response to Committee enquiries; investigations and resolution; improvement of Council website to include accessibility; footpath improvements, etc.
- Ms Ang advised that an update would need to reflect Council's policy and the content of the Hawkesbury Disability Inclusion Action Plan. A report will be prepared for the next Committee meeting to suggest appropriate wording to be included. Once the Committee agrees on the wording, a report will be prepared for Council.
- Councillor Calvert requested that Ms Ang notify Council management that the Committee is working on this matter.

RECOMMENDATION TO COMMITTEE:

That the information be noted.

ORDINARY MEETING
Reports of Committees

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor John Ross, seconded by Mr David Gearin.
That:

1. The content of Council's delegation of authority to the Hawkesbury Access and Inclusion Advisory Committee be reviewed to reflect the work of the Committee and to align with the Disability Inclusion Act 2014.
2. A report be prepared for the next Committee meeting to consider the content of the reviewed delegation. Following approval by the Committee, a report to be prepared for Council.
3. Council's management be advised that the Hawkesbury Access and Inclusion Advisory Committee is conducting this review.

Item: 4 HAIAC - Implementation of Hawkesbury Disability Inclusion Action Plan - (124569, 96328)

Previous Item: 5, HAIAC (7 April 2011)
 7, HAIAC (16 June 2011)
 11, HAIAC (6 October 2011)
 17, HAIAC (24 November 2011)
 23, HAIAC (28 June 2012)
 5, HAIAC (28 November 2013)
 1, HAIAC (26 June 2014)
 3, HAIAC (26 June 2017)

DISCUSSION:

- Ms Ang advised that the Actions within the Hawkesbury Disability Inclusion Action Plan 2017-2021 that have been prioritised, have been extracted and included in this report. In the majority of cases, work has commenced and is now in progress, as indicated.
- Ms Ang invited feedback from the Committee. Councillor Calvert requested the completion of work be reflected in the Plan also reflect completed work.
- Ms Ang highlighted the Social Inclusion event planned for 2 December 2017 in partnership with Uniting Local Area Coordination - NDIS and advised this is a family event. Community organisations will attend as well; along with the Recreation Program planned to commence 3 December 2017 in partnership with Ability Links and YMCA for Fit-Ability.
- Ms Ang will meet next week with Ability Links and YMCA. Council is in talks with Rural Health on a number of matters.
- Ms Ang indicated there has been significant work in response to the mental health access to services space.
- Ms Moses referred to Committee audits and discussions in the past regarding the committee members approaching businesses, including shopping centres, regarding accessibility and related issues. Ms Ang has met with Centre Managers, Windsor Business Group and others in this capacity over the time, however finds that there appears to be a reluctance to undertake an audit. Ms Ang indicated that the audit tool should be reported back to the committee for review and recommendations on strategies to promote the tool.

ORDINARY MEETING
Reports of Committees

- Ms Ang noted that the few times that Council has funded changed access improvements, shopping centres have been very responsive. Ms Ang advised that unfortunately, community sponsorship funding has been spent for this year, however, will report this to Council.

RECOMMENDATION TO COMMITTEE:

That the information be received.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms Jennifer Moses, seconded by Mr David Gearin.

That the information be received and noted.

Item: 5 HAIAC - Nepean Jobs For All Project - (124569, 96328)

DISCUSSION:

- Ms Ang advised that Penrith City Council hosted a Nepean Jobs For All Project business breakfast on 18 October 2017 in Windsor. A presentation was given by the Australian Network for Disability. There were 24 attendees from various business backgrounds. The Project is about building capacity of employees to employ people with a disability.
- Mr Gearin noted it was an opportunity for people to benefit and change outcomes.
- Ms Ang advised that the facilitators, Australian Network for Disability, were there on the day and were very good. Ms Brunskill noted however that Disability Employment Services have a goal to place people in jobs and do not necessarily look at tailoring the job, which at times results in people in the wrong job.
- Ms Ang advised that the Disability Employment Scheme is under review at the moment. They are changing their structure. Ms Ang will monitor and report back to this committee.
- Ms Carpenter noted that the next Breakfast Forum is scheduled for 13 February 2018. However, this date may not provide sufficient lead time to promote the event in the New Year, so Ms Carpenter will ask for the date to be moved back by at least two weeks.
- Councillor Calvert asked how the business breakfast will be promoted to businesses. Ms Carpenter will go back to the Steering Committee and discuss potential marketing assistance. The next meeting of the Project Steering Committee will be held on 29 November 2017. Councillor Calvert suggested promotion via Social Media.
- Ms Carpenter indicated that we can ask the businesses - is your business Ability Fit?
- Councillor Calvert advised that there were businesses who attended the breakfast who indicated they felt they can employ someone with a disability. Ms Carpenter requested she be advised of any businesses that can be approached.

RECOMMENDATION TO COMMITTEE:

That the information be received.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms Jessica Brunskill, seconded by Ms Terri Mottram.

That the information be received and noted.

Item: 6 HAIAC - Hawkesbury Access and Inclusion Advisory Committee Audits - (124569, 96328)

DISCUSSION:

- Ms Ang advised that in addition to the scheduled works outlined in the report, there will be a joint meeting to discuss the footpaths at Wilberforce and a Masterplan developed for the site to have these works included in the planned public domain improvements to the precinct. A timeline for the development of a preliminary Masterplan will be reported back to the committee.

RECOMMENDATION TO COMMITTEE:

That the information be received.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr David Gearin, seconded by Ms Kristy Carpenter.

That the information be received and noted.

SECTION 4 - General Business

1. Pound Paddock Design - Committee Feedback

Ms Ang advised that Council's Parks Project Officer, Mr Craig Johnson provided the feedback to the Committee.

Councillor Calvert advised that Pound Paddock gets wet. Ms Ang advised that costs include onsite drainage works.

2. Local Business Awards

Mr Gearin referred to the recent Hawkesbury Local Business Awards and his participation on the sub-committee to assess nominations. The recipient of the Best Tours Award was Good Az Gold. Testimonials for this organisation revealed their willingness to assist and solve any and all problems for clients. Councillor Calvert and Ms Carpenter presented the Award, which was one of many won by this worthy organisation.

3. Ms Mottram expressed appreciation for the footpath works conducted near Tiningi Community Centre.

ORDINARY MEETING
Reports of Committees

4. Ms Mottram referred to a hazard in the Woolworths carpark adjacent to steps, which is yet to be rectified. Ms Mottram assisted a fallen individual recently in the carpark, and noted that the individual was not sight impaired. Ms Ang noted the issue also relates to a private driveway. Ms Ang will contact Council's Construction and Maintenance Manager, Mr Vaby, to check the status of this work. Clr Ross noted that works have been conducted on the adjacent roadway recently.
5. Ms Mottram referred to the issue relating to the pathway access on Riffle Range Road, Bligh Park, and proximity to the bus stop. Ms Ang will clarify if Busways are aware of this particular issue.
6. Mr Gearin advised he will be participating in an audit of the Library with Ms Ang following the number of changes in that space. Ms Ang will forward the appointment to Mr Gearin.
7. Ms Moses referred to a Dementia Forum to be held Wednesday, 15 November at Richmond Golf Club from 6 to 8pm and advised she will forward details to the Committee.

The meeting terminated at 6.25pm.

Submitted to and confirmed at the meeting of the Hawkesbury Access and Inclusion Advisory Committee held on Thursday, 23 November 2017.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ordinary

section 5

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 5 - Notices of Motion

RM **Resolution 271 - Independent Hearing and Assessment Panel - (79351, 105109, 138883, 125612, 138882)**

Submitted by: Councillor Garrow
Councillor Lyons-Buckett
Councillor Wheeler

RESCISSION MOTION:

That Resolution No 271 from Council's meeting held on 29 August 2017 be rescinded.

NOTE BY MANAGEMENT

Council's resolution of 29 August 2017 regarding the Independent Hearing and Assessment Panel. was as follows:

"That:

1. *Council acknowledges the recent amendments to the Environmental Planning and Assessment Act (NSW) 1979 (the act) regarding local Independent Hearing and Assessment Panels (IHAP).*
2. *When the Mayor meets with the Minister for Planning, guidance be sought on the possibility of one IHAP being established to represent Hawkesbury City Council, Blue Mountains City Council and Penrith City Council, as part of our aim of streamlining services and reducing costs under the Regional Strategic Alliance (RSA).*
3. *If the meeting is not scheduled between the Mayor and the Minister for Planning within the next six weeks regarding the matter, Council write to the Minister for Planning, as outlined in part 2."*

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillors Questions from Previous Meetings and Responses - (79351)

REPORT:

Questions - 31 October 2017

#	Councillor	Question	Response
1	Garrow	Requested a meeting be arranged with local real estate agents to discuss a range of issues including signage and disposing of rubbish.	The Director City Planning advised a meeting with real estate agents to discuss these matters is being arranged for the near future and Councillors will be advised of these arrangements when available.
2	Connolly	Enquired if a change to the Code of Meeting Practice is required to provide for Councillors to submit in writing Questions For Next Meeting before a Council Meeting.	The Director Support Services advised that the Code of Meeting Practice does not indicate whether a 'Question For Next Meeting' is required to be put verbally or submitted in writing. It is considered that a change to the Code would not be required should Councillors chose to submit their questions in writing. If Councillors were to submit their questions in writing, they would still be required to read out the question at the Council Meeting.
3	Reynolds	Requested advice on the status of Ansell Park, Clarendon, including who owns it, who is responsible for the maintenance of it and who uses it.	The Director Infrastructure Services advised that "Ansell Park" is a privately owned and maintained property.
4	Reynolds	Requested clarification in relation to matters raised at the Hawkesbury Tourism Advisory Committee meeting regarding Section 121B(1), Item 4, Column 2 (b) of the Environment Planning and Assessment Act	The Director City Planning advised that Section 121B(1), Item 4, Column 2(b) of the E P & A Act provides for Council to issue an order to an owner of property <i>"to repair or make structural alterations to the building"</i> where <i>"a building is so dilapidated that it is can be prejudicial to either its occupants or to persons or property in the neighbourhood"</i> or <i>"likely to become a danger to the public"</i> . This Order provision relates to the safety of the premises only and is not intended to deal with general maintenance, aesthetic or amenity issues relating to a building.

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
5	Wheeler	Enquired if the 'Snap Send Solve' app is useable in the Hawkesbury LGA, and if it is can we advertise it to residents to use and if it is not could staff investigate adopting it.	The Director Support Services advised that the 'Snap Send Solve' app is usable in the Hawkesbury LGA and Council already receives requests sent from this app. Furthermore, Council receives additional information via a range of other similar apps and this is likely to continue as new apps are developed.
6	Calvert	Enquired about results of the Sydney Western City Planning Panel's findings and how Council could communicate the results to residents. For example a report be made in the Business Paper with these findings.	The Director City Planning advised that the Sydney Western City Planning Panel sends their minutes, decision and reasons to Council. In a process similar to all other development applications Council then generates the Decision Notice and notifies all persons who made a written submission to the application and Government Agencies in writing of the outcome and provides them with a copy of the Decision Notice. The Decision Notice is made available on Council's website via the DA Tracker as well as the Development and Planning Register on the Sydney Western City Planning Panel's website. The Decision Notice can also be sent to all Councillors for future matters.
7	Zamprogno	Enquired if Council is solely responsible for the maintenance of Bicentennial Park, Clarendon.	The Director Infrastructure Services advised that maintenance of Bicentennial Park, Clarendon is the responsibility of Council. The National Serviceman Memorial within this area is also maintained by Council, in conjunction with the local sub-branch of the National Serviceman's Association of Australia.

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
8	Zamprogno	Requested an update on the status of the dam facility at 44 Mitchell Road, Pitt Town	<p>The Director City Planning advised that in November 2015 Council adopted the Section 64 Contribution Plan, Stormwater Infrastructure for Pitt Town, Contribution Area 1. Amongst other things the Plan made provision for the purchase of land and construction of a central stormwater management facility at 44 Mitchell Road, Pitt Town to facilitate the Pitt Town Central Precinct Development. The land has been in Council's ownership since March 2017.</p> <p>Council has engaged a consultant to prepare a detailed design and undertake an environmental assessment of the proposed central stormwater facility at 44 Mitchell Road, Pitt Town.</p> <p>This application has been prepared under the Part 5 provisions of <i>Environmental Planning & Assessment Act 1979</i>.</p> <p>The Review of Environmental Factors and plans were publicly exhibited from 7 to 21 September 2017. Two submissions were received in response to the notification.</p> <p>The application and the issues raised in the submissions are currently being assessed.</p> <p>It is anticipated that a report to Council will be prepared for December 2017 meeting.</p>
9	Zamprogno	Requested if road grading can be carried out at the corner of Brennans Dam Road and Old Stock Route Road, Vineyard due to recent wet weather.	The Director Infrastructure Services advised that instructions had been given for grading of these roads.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
10	Tree	Enquired as to whether Council has purchased land for stormwater management, in the release area of Pitt Town.	<p>The Director City Planning advised that Council has acquired three separate properties for stormwater management as follows:</p> <ul style="list-style-type: none">• 44 Mitchell Road acquired March 2017 for central detention basin facility• 38 Farmhouse Avenue in September 2017 for detention basin• 7 Fernadell Drive (between Buckingham and Bootles Lane) in May 2015 for detention basin and open space. <p>Council is also currently pursuing easements for stormwater infrastructure in Wells Street and Hall Street.</p>
11	Tree	Enquired as to whether Council has responded to emails regarding the house keeping LEP in relation to the Polo.	The Director City Planning advised that a response to the original email was sent and subsequent email responses have also been sent.
12	Tree	Enquired as to whether Council has met with the RMS and Redbank Communities Development to discuss timelines regarding the Grose River crossing.	The General Manager advised that he has been in regular contact and had a number of face-to-face meetings with both the RMS and the developer regarding the Grose River crossing.

oooO END OF REPORT Oooo

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 203 **CP - Heritage Matters and Legal Advice - (95498) CONFIDENTIAL**

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(g) of the Act as it relates to legal advice concerning the mechanism to retain items of potential heritage significance and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 204 **SS - Community Representation on the Enhancing the Arts in the Hawkesbury Working Group - (95496, 103542) CONFIDENTIAL**

Previous Item: MM, Ordinary (14 February 2017)
 55, Ordinary (25 July 2017)

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 205 SS - Property Matter - Easement over Council owned land - 35A Harris Street, Windsor - (130541, 112106, 95496) CONFIDENTIAL

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the purchase of an easement over property owned 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.

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 206 **SS - Property Matter - Lease to Hawkesbury District Tennis Association Inc. - Richmond Tennis Complex, Windsor Street, Richmond - (74070, 112106, 95496) CONFIDENTIAL**

Previous Item: 11, Ordinary (31 January 2012)

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 207 **SS - Property Matter - Lease to New Horizons Healthcare Pty Ltd - Shop 3**
Glossodia Shopping Village - (95496, 112106, 134957, 136550)
CONFIDENTIAL

Previous Item: 39, Ordinary (23 February 2016)
 145, Ordinary (25 August 2015)

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 208 **SS - Property Matter - Lease of Shop 11, Wilberforce Shopping Centre -
(112106, 95496, 132105, 132099) CONFIDENTIAL**

Reason for Confidentiality

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

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

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



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.