



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 28 June 2016

location: council chambers

time: 6:30 p.m.



mission statement

***“To create opportunities
for a variety of work
and lifestyle choices
in a healthy, natural
environment”***

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 can register to speak on any items in the business paper other than the Confirmation of Minutes; Mayoral Minutes; Responses to Questions from Previous Meeting; Notices of Motion (including Rescission Motions); Mayoral Elections; Deputy Mayoral Elections; Committee Elections and Annual Committee Reports. To register, you must 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 Unit or by contacting the Manager - Corporate Services and Governance on (02) 4560 4444 or by email at council@hawkesbury.nsw.gov.au

The Mayor will invite registered persons to address the Council when the relevant item is being considered. Speakers have a maximum of three 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).

Speakers representing an organisation or group must provide written consent from the identified organisation or group (to speak on its behalf) when registering to speak, specifically by way of letter to the General Manager within the registration timeframe.

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 Chair 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 Clerk. 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. This electronic voting system was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

Business Papers

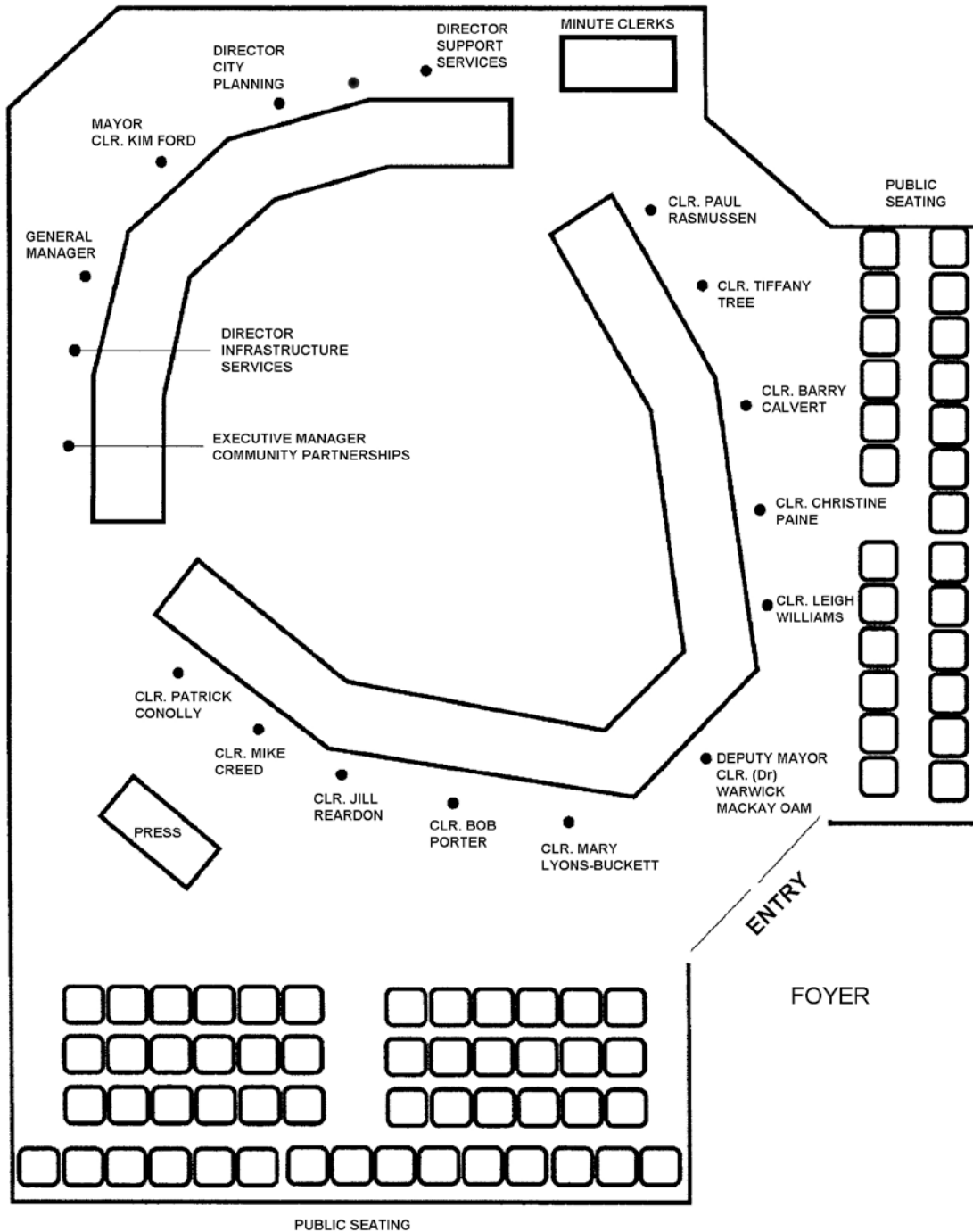
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

Hard copies of the business paper can be viewed at Council's Administration Building and Libraries after 12 noon on the Friday before the meeting, and electronic copies are available on CD to the public after 12 noon from Council's Customer Service Unit. 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 Manager, Corporate Services and Governance on, telephone (02) 4560 4444.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 114 CP - DA0673/15 - 691 George Street, South Windsor - Lot 1 DP 746717 - Child Care Centre - Use of Premises and alterations and additions to building - (95498, 135891, 36978, 36979)

Previous Item: 75, Ordinary (10 May 2016)

Development Information

File Number: DA0673/15
Property Address: 691 George Street, South Windsor
Applicant: Early Learning on George Pty Ltd
Owner: Mr AP and Mrs KM Nightingale
Proposal Details: Child Care Centre - Use of Premises and Alterations and Additions to building
Estimated Cost: \$480,000
Zone: R2 Low Density Residential
Date Received: 30 October 2015
Advertising: 13 November 2015 to 27 November 2015

Key Issues:

- ◆ Traffic
- ◆ Noise
- ◆ Access
- ◆ Flooding

Recommendation: Approval

REPORT:

Background

This application is being reported to Council following the Resolution of the Ordinary Meeting of 10 May 2016 where it was determined that the matter be deferred pending a site inspection.

A site inspection was carried out on 24 May 2016 with the owners of the property, the applicant, the Mayor Councillor Ford, Councillors Paine and Reardon and Council staff. During the site inspection concerns were raised in respect to access on and off the site from George Street.

On 6 June 2016 the applicant submitted additional information confirming that they were aware of the RMS requirements for left in left out access and that this could be resolved by using the surrounding road network such as Woods Road and Mileham Street. The following image has been prepared showing potential traffic circulation on and off the site.

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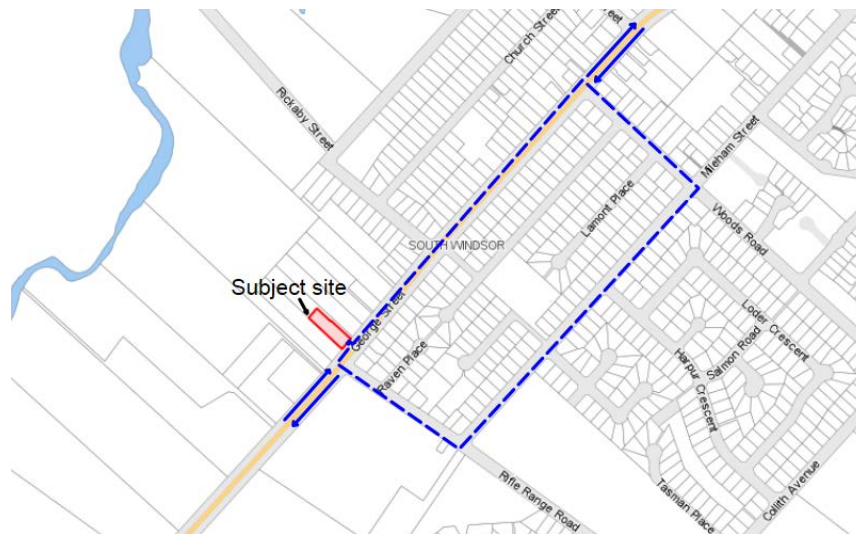


Figure 1: Circulation of traffic

Visitors to the site may not necessarily travel back in the same direction they arrived to the site and the above image is an example of how visitors could return to the direction they originated from. Other travel routes are in the locality and visitors may choose to use other options such as the Colonial Drive/George Street Roundabout and the commercial area of South Windsor.

It is not expected that the RMS left in left out requirement is critical to the running of the facility. The applicant has confirmed that visitors dropping off/collecting children would be informed of the access requirements of the site and appropriate signage would be installed.

The applicant has further proposed to widen the entrance to the site to provide more room for vehicles entering the site. This would result in the relocation of one parking space and has been shown in the following image.

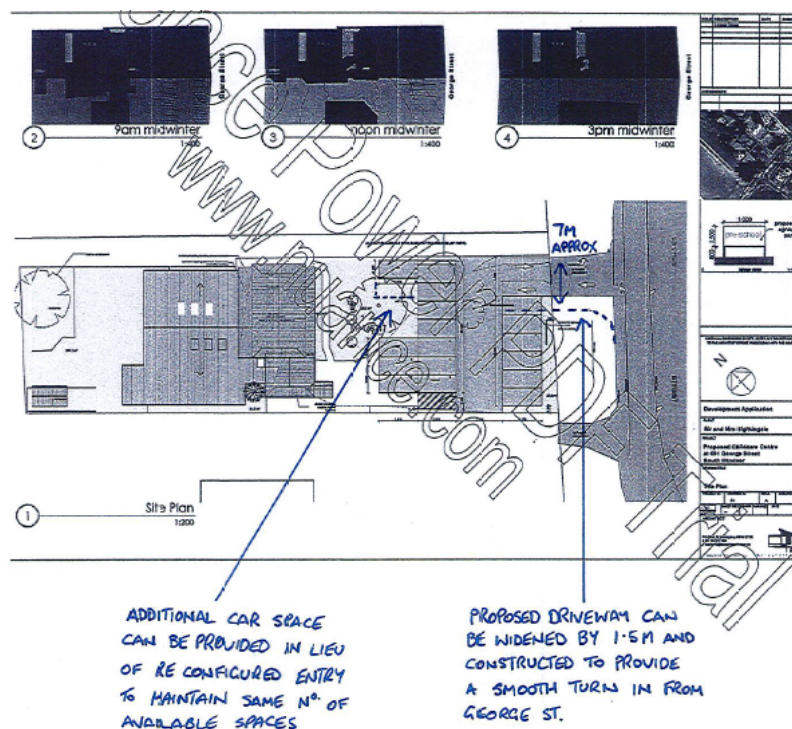


Figure 2: Driveway adjustments

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The additional information submitted has been considered above and does not change the planning considerations presented to the Ordinary Meeting of the 10 May 2016. This report has been included below.

Executive Summary

This application seeks approval for the conversion of an existing dwelling into a child care centre at 691 George Street, South Windsor.

The application proposes alterations and additions to the existing building and construction of a car parking area in order to support a maximum of 49 children.

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

One submission has been received raising issues relating to access, traffic, noise, security, health and incompatibility with surrounding land uses. Amended details have been submitted by the applicant to address a number of these matters and have been considered in this report. 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 Councillor Paine.

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 for the conversion of the existing dwelling into a child care centre at Lot 1 in DP 746717, No. 691 George Street, South Windsor.

The child care centre would provide care services for a maximum of 49 Children between the ages of two to six years of age. It is proposed that the child care centre would employ between five - seven staff and operate between 7am to 6pm Monday to Friday.

Works proposed as part of this application are detailed as follows:

- construction of a new left in left out access driveway
- construction of an on-site car parking area accommodating a total of 17 spaces
- removal of internal walls of existing building and external alterations to provide children amenities, storage areas, rear deck and play spaces
- installation of a building identification sign.

The proposed building would total 459.2m² in floor area with 384.7m² being made available to the indoor child care centre and the remainder of the floor area being used for storage purposes associated with the child care centre. The child care centre would provide 399.2m² for outdoor play spaces.

The application is supported by the following documentation:

- Statement of Environmental Effects, December 2015, prepared by Urban City Planning
- Environmental noise impact assessment, 5752-1.1R, 30 September 2015, prepared by Benbow Environmental
- Traffic and Parking impact Assessment Report, reference #AY150120, August 2015, prepared by Barker Ryan Stewart

Site and Locality Description

The site is generally rectangular in shape, totals 1642m² in area and shares a right of way with a battle-axe handle servicing the adjoining property known as lot 2 in DP 746717, No. 691A George Street, South Windsor.

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The property is located on a main arterial road and surrounded by a combination of different land uses such as veterinary clinic, dwellings, animal establishments, swimming centre and rugby league ground.

The site contains an existing dwelling, garage and outbuildings.

History of the application

15 November 2015	Application notified to adjoining neighbours between 13/11/2015 - 27/11/2015. One submission received.
5 January 2016	Additional information letter sent to applicant advising that matters concerning bushfire, access, flooding, use of first floor and public submissions are required to be addressed.
20 January 2016	Applicant submitted amended plans relocating the driveway and response to Council letter dated 5 January 2016.
January 2016	Responses received from Roads and Maritime Services concerning access.

Issues Relevant to the Decision

- Traffic, noise, access and flooding.

Recommendation

Approval subject to conditions.

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 No. 64 – Advertising and Signage (SEPP No. 64)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Hawkesbury Development Control Plan 2002 (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 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

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

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

- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

The site has historically been used for residential purposes and there is no evidence to suggest that the land has been used for any purpose that would prevent the proposal occurring onsite on the basis of potential land contamination. The land is therefore considered suitable for the proposed commercial development with regard to the provisions of SEPP No. 55.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed signage is best described as business identification signage under this plan. An assessment of the proposal against the overall aims, objectives of Hawkesbury DCP and the schedule 1 assessment criteria of this plan has identified that it would be more suitable that the proposed signage be modified to be more consistent with the DCP. This has been discussed under the DCP assessment section of this report. Furthermore it is recommended that the proposed signage not be illuminated to ensure it does not have any potential impacts on traffic along the main road.

State Environmental Planning Policy (Infrastructure) 2007

The proposal has been referred to the RMS for comment as the application proposes a new accessway along a main arterial road and the proposed land use is identified as traffic generating development under schedule 3 of this policy. The RMS has raised no objection to the proposal and their response has been discussed further under the submissions section of this report.

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

The proposal is generally 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 consistent with the general and specific aims, planning considerations, planning policies and recommended strategies.

Hawkesbury Local Environmental Plan 2012

The proposal is generally consistent with LEP 2012. An assessment of the proposed development against the relevant provisions of this plan follows:

Clause 2.2 Zoning of land to which Plan applies

The subject site is zoned R2 Low Density Residential.

Clause 2.3 Zone objectives and Land Use Table

The proposal is permitted with consent being best defined as a child care centre under this plan.

The proposed development is consistent with the overall aims and objectives of the R2 Low Density Residential zone as the proposal would provide additional child care service facilities to meet the day to day needs of nearby residents.

Clause 4.3 Height of buildings

Proposed works are below the 10m in height requirement which applies to the land.

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Clause 6.1 – Acid Sulphate Soils

The land affected by the development falls within Class 5 as identified on the Acid Sulfate Soils Planning Map. The works proposed are unlikely to lower the water table and no further investigations in respect to acid sulphate soils are required under subclause (6). The proposal is consistent with the requirements of this Clause.

Clause 6.3 – Flood Planning

The land is identified as being on flood prone land. The relevant flood heights and levels of proposed works are summarised in the following table.

Predicted flood event per annum	Adopted flood level Australian Height Datum (AHD)	Level of proposed works
1-in-100 (1%)	17.3m AHD	18.42m AHD - Height of first floor
1-in-50 (2%)	15.7m AHD	15.62m AHD – Proposed finished floor level 15m- 15.5m AHD - Ground level around existing dwelling 15m AHD - Access route to and from site and car park approximately
1-in-20 (5%)	13.7m AHD	

The proposal has been considered against the objectives and requirements of Clause 6.3 of LEP 2012 and it is noted that:

- the proposal could be designed to be compatible with the flood hazard of the land
- the proposal would not significantly affect flood behaviour resulting in detrimental increases in potential flood affectation of other development or properties
- appropriate measures could be implemented to ensure the proposal does not operate in the event of a flood warning
- the proposal would not adversely affect the environment in respect to erosion, siltation or destruction of riparian vegetation, riverbanks or watercourses
- supporting a child care centre on this property would not be likely to cause unsustainable social and economic costs to the community as a consequence of flooding.

The proposal is generally consistent with regards to Council's Development of Flood Liable Land Policy, in that:

- the application proposes to extend an existing lawful building that is not more than 3m below the 1-in-100 year flood level of the locality
- the building would be for non-habitable (non-residential) purposes
- the evacuation of the property would not result in the occupants/users of the development being isolated and requiring rescue as the proposed use would not operate in the event of a food event.

As a result of the above it is considered that the proposal is satisfactory having regard to Clause 6.3 of LEP 2012.

Clause 6.7 – Essential Services

The land has suitable access to water, electricity and sewer and the proposal would not require any significant extension or modifications to existing 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 (HDCP) 2002

The HDCP 2002 applies to the proposal. An assessment of the proposal against the relevant provisions of this Plan follows:

Part A Chapter 3 – Notification

The application was notified in accordance with Part A Chapter 3 of the HDCP 2002 between 13/11/2015 - 27/11/2015. One submission raising objection to the proposal was received and is discussed under the submissions section of this report below.

Part C Chapter 1 – Landscaping

A concept landscaping plan has been submitted and considered to be generally consistent with landscaping in the surrounding locality.

Part C Chapter 2 – Car parking and Access

This chapter does not specify parking rates for child care centres. The traffic and parking assessment report submitted with the application identifies that the proposal to provide 17 car parking spaces would adequately cater for the development based on the estimated number of staff, children and peak periods of traffic generation.

The RMS Guide to Traffic Generating Developments document specifies that one space should be provided for every four children associated with a child care centre. Based on a proposal to support 49 children it would be expected that a minimum of 13 spaces would be generated as a result of the proposal, four less than what is currently proposed.

Consequently it is considered that sufficient parking would be made available for the development and the proposal to provide customer parking stacked in front of staff parking is acceptable given that the staff hours would unlikely interfere with the peak pick up and drop off times of the children.

Furthermore, the application proposes that the development would be limited to a left in and left out driveway arrangement based on the current traffic conditions along George Street. The RMS has raised no objections to the proposal based on property grounds or matters concerning traffic entering and exiting the subject site. Suitable conditions relating to the construction of access have been recommended in the report below.

Part C Chapter 2 – Signage

The application proposes a 2.3m high sign with a panel area measuring 3m wide by 1.5m high and setback 900m from the George Street frontage. The sign is consistent with the height and number of sign requirements of the DCP for residential areas, however does not comply with the maximum area requirement of 0.75m².

Whilst it is acknowledged that there is other signage in the surrounding locality that is larger than the DCP it is considered that this is not suitable justification to support a proposed signage area of 4.5m².

The size of the proposed sign is considered excessive for the purposes of business identification within a residential zone. It is recommended that the proposed signage panel area be reduced by half the width and length to have a maximum width of 1.5m and height of 750mm, resulting in a total area of 1.125m² which is more consistent with the DCP. Suitable conditions have been recommended in this regard.

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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

N/A

v. Matters prescribed by the Regulations

The EP&A Regulation 2000 outlines that the development is to:

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

Suitable conditions have been recommended requiring to the proposal to comply with the BCA. It is noted that part 2.7 of Council's S94A Development Contributions Plan 2015 exempts child care centres from being levied against developer contributions.

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

Surrounding land uses consist of a mixture of commercial and residential land uses. The proposed traffic and operating hours are considered compatible with the existing context of the locality.

The application is supported by a Statement of Environmental Effects, Noise Impact Assessment report and Traffic and Parking report that confirm the proposed land use can be operated in a manner that does not raise any significant adverse impact upon the natural or built environments or negative social or economic impacts on the locality.

The proposal has been modified since the application was lodged to ensure that access is clear of adjoining property's shared access way. It would further be expected that any construction works are coordinated in a manner that does not impact this access.

The site is located along a main arterial road which is the main source of background noise levels in the locality due to the high traffic volumes associated with the road during the proposed hours of operation. The noise impact assessment report submitted confirms that the proposed building would be acceptable having regard to intrusive noise from background noise levels from the main road and that the child care centre would be able to meet the acceptable noise level guidelines for child care centres.

On balance the proposal is considered satisfactory having regard to the development operating in accordance with the information submitted with the application and compliance with the development conditions listed under the recommendation section of this report.

c. Suitability of the site for the development:

Adequate services and utilities are available to the site.

The development would not impact upon critical habitats and threatened species, populations, ecological communities and habitats as no native vegetation areas would be disturbed as a result of the proposal.

The flooding affectation of the land is not prohibitive to the proposed development as previously discussed.

The application has been referred to Council's internal Building Certifiers, Waste Management Branch and Development Engineers for comment. No objection to the proposal was raised subject to the conditions recommended in their comments.

The site is considered to be suitable for the development subject to the implementation of the conditions attached to this Report.

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

New South Wales Road and Maritime Services

The application was referred to the RMS as the proposal is located along a main arterial road and identified as traffic generating development under the Infrastructure SEPP.

In their letter dated 2 December 2015 the RMS advised that there are no objections to the proposal based on property grounds provided that all structures together with improvements are within the property boundaries.

Correspondence was sent to the RMS from Council on 7 December 2015 requesting comments in respect to traffic associated with the proposal.

In their correspondence dated 8 January 2016 the RMS advised that:

“Roads and Maritime Services raises no issue with this proposal as it will be a left in/left out only access (with a painted median on George Street). The property's vicinity to the signalised intersection is not considered to be an issue as it has a single right turn and therefore will not introduce a ‘weave movement’ on George Street.”

Given that the painted median on George Street is in place no road works would be required, other for the formalisation of the proposed driveway entry/exit. Consequently the proposal is satisfactory having regard to traffic along a main road. It is recommended that any consent be conditioned to require the child care centre to be limited to a left in and left out driveway design.

New South Wales Rural Fire Service (RFS)

The development has been identified as a special fire protection purpose and requires a bushfire safety authority to be issued under section 100B of the Rural Fires Act 1997. The application was referred to the RFS as integrated development under section 91 of the Environmental Planning and Assessment Act 1979.

In their letter of 18 December 2015 the RFS issued a bushfire safety authority without any specific conditions.

Public Submissions

The proposal was notified in accordance with the HDCP 2002. One submission was received in response to this notification. The matters raised in this submission are listed below:

- Use of the common right of carriage way on the adjoining property,

Comment: Since the application was lodged the applicant has amended the proposal to ensure that the access to the site will be clear of the shared right of carriage way associated with the adjoining property at the rear of the site. This ensures that the proposal could be carried out without impacting the neighbouring property with respect to access, traffic and safety matters.

- Impact of traffic on Rifle Range Road intersection.

Comment: The application specifies that access will be limited to left in and left out arrangement and should not have any adverse impact on the neighbouring properties or traffic flow of George Street. This has been assessed by the RMS as being acceptable when considering the Rifle Range Road and George Street intersection.

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It is unlikely that the traffic associated with the proposal would have a significant impact on the traffic levels of George Street which is a main arterial road and designed to cater for high traffic volumes.

- Increase in activity of noise on surrounding locality.

Comment: The acoustic issues associated with the proposal are unlikely to have an adverse impact on the surrounding locality. The acoustic report submitted confirms that the main source of background noise is generated from the main road and the noise associated with the proposal will not impact background noise levels. It is noted that the activity would not operate during the periods where background noise levels are at their lowest as the activity would occur at the same time peak traffic noise is generated.

- Privacy issues.

Comment: It is unlikely that the proposed activity would have a significant impact on the privacy of adjoining properties. Existing fencing screens the play areas and children areas from neighbouring properties. Furthermore the child care activate areas are limited to the ground floor with the first floor being used for storage purposes.

- Incompatibility with neighbouring land uses, security risk and environmental and health issues.

Comment: Whilst it is acknowledged that the proposal is adjacent to an animal training establishment, residential uses and a veterinary clinic, it is considered that the proposal could be operated in a manner that does not specifically impact these uses.

Child care centres are a permitted land use within a residential area and the traffic and noise assessment report submitted confirm that the proposal could be appropriately run without adversely impacting the surrounding locality.

The adjoining land uses are subject to their own approvals and should be run in a manner that does not impact surrounding properties whether or not the subject property is being used for a residential purpose or a child care centre. Any potential impacts adjoining uses have on the subject site would have to be investigated and it would be expected that issues in terms of potential environmental or health issues would be the responsibility of the adjoining land owners to manage and control.

e. The Public Interest

The proposed development is consistent with the relevant legislation and policies applying to the proposal and would not have any adverse impact on the amenity of the locality. The issues raised as a result of the notification of the application have been assessed and it is considered that these matters do not warrant refusal of the application.

On this basis it is the proposed development is not considered contrary to the public interest.

Conclusion

An assessment of the proposal against the matters of consideration of Section 79(c) of the Environmental Planning and Assessment Act has revealed that the proposal is consistent with the relevant planning instruments and development control plans that apply to the proposal. It is recommended that the application be supported subject to the development conditions which have been included in the recommendation section of this report.

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Planning Decision

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

RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 approve Development Application No. DA0673/15 at Lot 1 DP 746717, 691 George Street, South Windsor for Child Care Centre - Use of Premises and Alterations and Additions to Building subject to the following conditions:

General Conditions

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The signage proposed as part of the application is not supported and must be modified to one signage panel measuring not more than 1.125m² in area and an overall sign height of 2.3m. Signage shall be for business identification purposes only, shall not include any messages, advertising or be illuminated.
3. The development shall comply with the provisions of the Building Code of Australia (BCA)/ National Construction Code.
4. No building works shall be commenced prior to the issue of an appropriate Design Compliance Certificate or a Construction Certificate.
5. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
6. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
7. Hawkesbury City Council is the sewer authority for this development and the approving authority for all sewer works. The applicant should seek advice from Council's Waste Management Branch prior to Applying for a construction certificate as there may be works associated with Council's sewer.
8. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

Prior to Issue of a 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 driveway and car park.

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9. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
10. Construction of the access/ car park/ drainage are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
11. The applicant shall pay a Design Compliance Certificate and Construction Compliance Certificate fee in accordance with Council's fees and charges when submitting Civil Engineering Plans to Council for approval.
12. Under the Provisions of the Roads Act, all works within the road reserve are to be approved and inspected by the road authority. On State Roads Council can approve works within the pathway area but all works within the pavement area must be approved by the Roads and Maritime Services (RMS).
13. Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
14. A Traffic Guidance Scheme/Traffic Control Plan prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Maritime Service controlled roads, the Traffic Control Plan is to be approved by the Roads and Maritime Services before submission to Council.

Prior to Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction 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 Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.

15. A Section 73 "Notice of Requirements" under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

16. Hawkesbury City Council is the sewer authority for this development. As this development involves connection to the existing sewer system, payment of the prescribed inspection fee for both internal and external sewer drainage work is required to be made prior to the issue of a construction certificate.
17. The existing building is required to be upgraded in accordance with the Performance Provisions of Building Code of Australia with regard to Part C – Fire Resistance, Protection of Openings and Separation of Classes; Part D – Access and Egress and the Access to Premises Code; and Part E - Services and Equipment.

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18. Those parts of the building to be used for food preparation shall comply with Council's Code for the Construction and Fitting out of Food Premises. A specification or detailed plans indicating compliance with Council's Code for the Construction and Fitting out of Food Premises shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
19. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
20. The applicant shall submit to Council or the Principal Certifying Authority a report from a suitably qualified Engineer which verifies the following:
 - a) any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property
 - b) any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris
 - c) all finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of inundation by floodwaters.
21. Access to the development for people with disabilities shall be provided in accordance with the Disability (Access to Premises – Buildings) Standards 2010. Details shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate for building work.
22. Plans and documentation shall be submitted to the Principal Certifying Authority demonstrating that the proposed works can comply with the recommended acoustical treatment measures specified in the Environmental noise impact assessment report, 5752-1.1R, 30 September 2015, prepared by Benbow Environmental.

Prior to Commencement of Works

23. At least two days prior to commencement of works, notice is to be given to Council, in accordance with the Environmental Planning and Assessment Regulation.
24. 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.
25. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
26. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) unauthorised access to the site is prohibited
 - b) the owner of the site
 - c) the person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers)
 - d) the name and contact number of the Principal Certifying Authority.
27. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan/ Traffic Control Plan.
28. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
29. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.

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30. Should any construction vehicles be required to access the rear of the site over adjoining properties or along common rights of carriage ways the developer shall obtain appropriate owners consent and enter into an agreement with adjoining property owners to ensure that any construction works do not impeded access or result in damage to existing accessways.
31. Any part of a building below the 1:100 ARI (average recurrent interval) flood event level is to be constructed of flood compatible materials. Details of which shall be submitted to the Principal Certifying Authority prior to commencement of works.

During Construction

32. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.
33. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
34. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
35. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
36. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am to 6pm and on Saturdays between 8am to 4pm.
37. 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
 - d) all waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
38. At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - a) adjoining owners are given 24 hours notice, in writing, prior to commencing demolition
 - b) utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences
 - c) the site shall be secured at all times against the unauthorised entry of persons or vehicles
 - d) safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work
 - e) precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes
 - f) the structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work
 - g) demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
 - h) removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).

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- i) all work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
 - j) unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
 - k) no material is to be burnt on site.
39. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
40. Filling shall comprise only 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.
41. Traffic Control Plan must be implemented and all devices maintained for the duration of the proposed works in compliance with the approved Traffic Control Plan.
42. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
43. The public footway shall be formed in earth and stabilised with appropriate vegetation along the road frontage of the proposed development.
44. A surcharge path sufficient to carry the 1 in 100 year storm flow to be provided across the site and a drainage easement of adequate width to be created over the surcharge path.
45. Table drains and associated drainage shall be constructed along the road frontage of the proposed development. Existing rural driveway crossing culvert is to be extended to accommodate a wider vehicle swept path for ingress and egress to/from George Street.
46. A sealed rural footway crossing along with all necessary drainage works shall be constructed along the access strip and across the footway as required. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
47. Inter-allotment drainage shall be provided for all lots which do not drain directly to a public road. Easements are to be created at the applicant's cost.
48. Where required arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
49. Energy dissipaters shall be constructed at the point of discharge of stormwater from the site.
50. Any fencing across the overland flow path shall be constructed so as not to impede the 1 in 100 year storm water flow.
51. 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 Appendix E Civil Works Specification, Part II, Table 1.1.
52. All services or suitable conduits shall be placed prior to concrete pouring.
53. Any damage to the public infrastructure along the property frontage will be repaired by the developer at no cost to Council.
54. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
55. Signage shall be erected along the driveway entrance advising people that vehicle entry/exit to the site is limited to left in and left out traffic only.

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56. Disabled parking shall be provided in accordance with AS2890.6. 2009.
57. 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.
58. Compliance certificates (known as Part 4A Certificates) as are to be issued for Critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority.
59. A flood warning sign of durable material shall be permanently fixed in a prominent location within the site. The sign shall advise occupants that the site may be subject to inundation during times of flood.
60. Lighting shall be installed in a manner that would avoid intrusion onto adjacent residential properties or interfere with road traffic or aircraft movements.
61. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
 - a) must preserve and protect the building from damage
 - b) if necessary, must underpin and support the building in an approved manner
 - c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The person acting in accordance with this Consent is liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

62. Inspections and Compliance Certificates for sanitary drainage works can only be conducted and issued by Hawkesbury City Council. Inspections must be conducted on the exposed pipes prior to covering.

In the case of internal and external (house service connection) drainage, the inspection must be conducted by Hawkesbury City Council's Building and Development Branch. Please phone (02) 4560 4565 to arrange inspections.

Prior to Issue of Construction Compliance Certificate

63. 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.
64. A works as executed plan and contour depth of fill plan prepared by a registered surveyor or the design engineer shall be submitted.
65. Registration on the title of any easements required.

Prior to issue of an Occupation Certificate

66. A Construction Compliance Certificate for civil works associated with the proposal shall be submitted to the Principal Certifying Authority.
67. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
68. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.

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69. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the reticulated sewerage system, is required to be submitted to the Principal Certifying Authority prior to the issue of an interim occupation certificate.

Prior to Issue of Final Occupation Certificate

70. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures, emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Service for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to a building in a prominent location and maintained at all times.

Use of the Development

71. No internal or external alterations shall be carried out without prior approval of Council.
72. Hours of operation for the child care centre shall be limited to 7am to 6pm Monday to Friday.
73. A maximum of 49 children aged between 2-6 years and seven staff may be accommodated within the child care centre at any one time.
74. The first floor shall not be used for residential accommodation purposes and can only be used for the storage of items associated with the child care centre.
75. The child care centre must not operate in the event of a flood warning being issued for the locality.
76. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises and shall be restricted to a left in and left out movement from George Street.
77. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval. No advertising signs or structures shall be displayed on the footpaths, pedestrian paths, roadways or on any land other than the approved development site.
78. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
79. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), does not exceed five dB(A) (LAeq) above background noise levels at any property boundary in the day, evening and night (defined by the NSW EPA Industrial Noise Policy).
80. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
81. All Fire Safety Measures are to be regularly serviced/maintained and the owner/agent (including subsequent owners) shall certify annually that each of the fire safety measures specified in this statement has:
- a) been assessed by a properly qualified person
 - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

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Advisory Notes

- *** 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.
- *** The application involves the change of use of the building and the sewer rate will need to change to Business Category 2 with issue of Occupation Certificate. Please contact Council's Infrastructure Services department regarding this change.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** The applicant is advised to consult with the relevant:
- a) water and sewer provider
 - b) electricity provider
 - c) natural gas provider
 - d) telecommunications carrier
 - e) road authority
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- *** 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.
- *** Any activity carried out in accordance with this approval shall not give rise to offensive noise, air pollution (including odour) or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

ATTACHMENTS:

- AT - 1** Locality Map
- AT - 2** Aerial Map
- AT - 3** Site Plan
- AT - 4** Floor Plan

<p align="center">ORDINARY MEETING</p> <p align="center">Meeting Date: 28 June 2016</p>

<p align="center">ORDINARY MEETING</p> <p align="center">Meeting Date: 28 June 2016</p>

AT - 1 Locality Map



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AT - 2 Aerial Map



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Site Plan
1:200

Development Application

CLIENT
Mr and Mrs Nightingale

PROJECT
Proposed Childcare Centre
at 651 George Street
South Windsor

DRAWING TITLE
Site Plan

PROJECT NO.
1000

DATE
10/10/20

ARCHITECT
Architect

PO Box 20 Nightingale NSW 2206
P 02 4372 2105
E info@architect.com.au

Building Translucent Architecture

Meeting Date: 28 June 2016

1. first floor
1:100

2

0. ground floor
1:100

1

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ORDINARY MEETING

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Item: 115 **CP - DA0767/15 - 54 Berger Road, South Windsor - Lot 4 DP 801019 - Structure ancillary to dwelling house - Outbuilding - (94598, 125879, 110780)**

Development Information

File Number: DA0767/15
Property Address: 54 Berger Road, South Windsor
Applicant: Mrs L Jakovljevic and Mr P Jakovljevic
Owner: Mrs L Jakovljevic and Mr P Jakovljevic
Proposal Details: Structure ancillary to dwelling house - Outbuilding
Estimated Cost: \$30,000
Zone: RU1 Primary Production
Date Received: 1 December 2015
Advertising: Not required to be notified

Key Issues: ♦ Non-compliance with Hawkesbury Development Control Plan

Recommendation: Approval

REPORT:

Executive Summary

The proposal is for the construction of an outbuilding that is ancillary to the existing dwelling house on the subject land.

The outbuilding is larger than the maximum size and height prescribed for outbuildings under the recently adopted Farm Buildings and Outbuildings Chapter of Hawkesbury Development Control Plan.

It is considered that the outbuilding, whilst larger than the maximum size in the DCP, is not likely to have a significant adverse visual impact upon the scenic quality of the locality due to the location of the land and the current and likely future character of the surrounding area.

The matter is being reported to Council at the request of the Mayor.

Description of Proposal

The proposal is for the construction of an outbuilding with bathroom facilities that is to be used ancillary to the existing dwelling house. The outbuilding will have a floor area of 216m² and an overall ridge height of 6.2 metres. It is proposed that the colours will be mist green and smooth cream to blend in with the existing dwelling. The outbuilding is to be situated behind the existing dwelling and nine metres from the northern side boundary and two metres from the eastern rear boundary. There will be minimal cut and fill required to create a level building platform.

Recommendation

Approval

History

The application was received on 1 December 2015. An initial assessment found the outbuilding was non-compliant with Hawkesbury Development Control Plan and a letter was sent to the applicant on 15 January 2016. This letter outlined that whilst no objection was raised with an outbuilding, there were however issues with the size, height and setbacks. It was recommended to the applicant to redesign the proposal to comply with the DCP or supply justification as to why a variation should be supported.

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The applicant engaged the services of Urban City Consulting to act on their behalf. Amended plans on the 7 April 2016 were received, these plans:

1. decreased the size of the outbuilding from 288m² to 216m²
2. increased the side setback from three metres to nine metres
3. provided reasons to support the variation to the DCP provisions.

Whilst the amended information provided some justification for the variations to the DCP, not all of those reasons were supported. The applicant's justification relating to the increased size for the structure was primarily based on the quantum of landowner possessions for storage and the existing sheds in the locality. These reasons in particular were not supported as the quantum of landowner possessions are not relevant planning considerations for the variation of planning controls and most existing sheds in the locality are farm sheds which are a different, and separately defined use in the LEP 2012, to the proposed structure.

Council Policies, Procedures and Codes to Which the Matter Relates

Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
Hawkesbury Development Control Plan (HDCP 2002)

Section 79C Matters for Consideration

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:

Issue	Comments
Any Environmental Planning Instrument (EPI)	<p>Hawkesbury Local Environmental Plan 2012</p> <p>The development is consistent with the zone objectives and the following clauses of this plan:</p> <ul style="list-style-type: none">• The property is zoned RU1 Primary Production.• Dwelling houses are permissible within the zone. Outbuilding structures are, on the basis that the structure is ancillary to the residential use of the property, permissible.• <i>Clause 4.3 - Height of Buildings</i> – The new works are below 10m.• <i>Clause 4.6 – Exceptions to development standards</i> – There is no exception to a development standard being sought as a part of this application.• <i>Clause 5.10 Heritage Conservation</i> – The land is not affected by heritage conservation.• <i>Clause 6.1 - Acid Sulfate soil controls</i> – Class 5 – Low impact - Proposal is not likely to lower the water table or expose acid sulphate soils.• <i>Clause 6.2 – Earthworks</i> – Minimal earthworks are required to create a level building platform as the site is predominately flat.• <i>Clause 6.3 – Flooding</i> – The land is subject to flood related development controls. The development is permissible under clause 3.5 of the Development of Flood Liable Land Policy. The outbuilding is a non-habitable structure which may be erected on land below the 1:100 ARI (average recurrent interval) flood event level. Any part of the building below the 1:100 ARI flood event level must be constructed of flood compatible materials.• <i>Clause 6.4 - Biodiversity controls</i> - The land is not affected by biodiversity and there is no removal of native vegetation proposed as part of this application.• <i>Clause 6.5 – Wetlands</i> – The subject land does not contain any wetlands.

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Issue	Comments
	<ul style="list-style-type: none"> • <i>Clause 6.6 – Aircraft Noise</i> – Not applicable • <i>Clause 6.7 – Essential Services</i> – It is considered that the services present are appropriate for the proposed development. <p>Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River The proposed works are not contrary to the aims, objectives and recommended strategies of this plan. The site is not within a scenic corridor of local or regional significance.</p>
Any draft EPI that has been placed on public exhibition	There are no draft planning instruments that apply to the subject development.
Any DCP in force	<p>Hawkesbury Development Control Plan 2002 An assessment of the proposal against the relevant provisions of this plan follows:</p> <p><i>Part D: Chapter 8 - Farm Buildings and Outbuildings</i> The proposal is inconsistent with the numerical standards in the Farm Buildings and Outbuildings Chapter of the HDCP 2002 in relation to the size and height of the structure.</p> <p>This Chapter of the DCP was adopted by Council and came into force on 16 July 2015 and applies to all development applications lodged after that date. This Chapter provides objectives and development controls for Farm Buildings and Outbuildings.</p> <p>The primary objectives of the Chapter are:</p> <ul style="list-style-type: none"> (a) <i>To enable the erection of outbuildings in a manner that complements the landscape character and scenic qualities of the landscape;</i> (b) <i>To ensure outbuildings are designed and sited with regard to site planning principles to minimise the likely impact on amenity of adjoining land uses, especially dwellings; and</i> (c) <i>To ensure outbuildings are sited to minimise unnecessary disturbances to the natural environment.</i> <p>The development site is located in an area of South Windsor that is currently, and due to flood affectation is likely to remain, rural in character. Given this site specific circumstance and the minor variation to the DCP, it is considered that the proposal is generally consistent with the DCP objectives. Given the particular circumstances of this location and case and the fact that the applicant's justification for the size increase based on quantum of possessions and existing structures in the locality is not supported, it is not considered that this proposed variation would set any precedent for the variation of the DCP.</p> <p><u>Clause 8.5.2</u> encourages attractive development with roof forms that provide visual relief to the building in order to reduce the bulk of the building. Barn style roof forms are encouraged in rural and environmental protection areas.</p> <p>The building has a box form with a gable roof which may have an adverse visual impact in terms of bulk and scale of the structure. However, given the setback of the proposal from the front road boundary and the existing landscaping around the property boundaries, this potential adverse impact is acceptable in this case.</p> <p><u>Clause 8.5.3</u> requires that external materials, finishes and colours should complement and harmonise with the surrounding environment and the existing development of the land.</p> <p>In this regard, the application satisfies this provision of the DCP.</p> <p><u>Clause 8.5.4</u> provides the maximum size for outbuildings dependent upon the size of the land. The land area of the subject site is 3684m². The maximum size for an outbuilding on this particular lot is 110m². However,</p>

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Issue	Comments
	<p>the DCP permits an outbuilding size of 180m² on a site of 4,000m². The proposed outbuilding is 216m². This represents a 96% variation in the size of the building when considered against the required size for an allotment under 4,000m² or a 20% variation when considered against the required sizes for an allotment over 4,000m².</p> <p>It is not unreasonable to consider the outbuilding size for a 4,000m² allotment in this case as the minor change in the allotment size would not make an actual difference to the impact of the increased structure size. In this regard, the variation of 20% would be acceptable in this case.</p> <p>The setbacks are required to be 3 metres from the side and rear. The rear setback of 2 metres is the only setback to not comply. This 1 metre variation represents a variation of 33.3%. In this case, the one metre variation is considered generally acceptable due to the property backing onto an area of open space.</p> <p>The maximum height is required to be 5.5 metres from ground level. The applicant has proposed a height of approximately 6.2 metres. This represents a variation of 13%. This is justified by the applicant in that the height is required for the proposed use (truck parking) of the structure.</p> <p>Clause 8.5.5 requires landscaping to be provided.</p> <p>Extensive plant screening exists on the site and generally complies with the landscaping objectives.</p> <p>It is considered that the proposed variation to the height of the outbuilding, its setback to the rear boundary and the size are reasonable in this case due to the unique location and an unlikely character change in future.</p>
Any matters prescribed by the Regulations	<p>In accordance with the Environmental Planning and Assessment (EP&A) Regulation 2000 the development would be required to comply with the following:</p> <ul style="list-style-type: none"> • The National Construction Code – Building Code of Australia (BCA).
Likely impacts, including environmental, on both natural and built environments and the social and economic impacts of the locality	<p>Although the development proposes some variation to the DCP numerical standards it is considered generally acceptable due to the location of the subject site and the location of the proposed structure within the site.</p>
The suitability of the site	<p>There are no constraints from surrounding land uses that would make this development unsuitable and it is considered that the development would not impact upon critical habitats and threatened species, populations, ecological communities and habitats.</p> <p>The land is identified as being bush fire prone however there are no construction requirements in accordance with Planning for Bushfire Protection 2006 as the building is located more than 10m from the dwelling on site.</p> <p>The Deposited Plan is clear of any easements that may be affected by the development. No Council owned sewer or stormwater line exists within the property boundary.</p>
Any submissions (see attached scheduled for details)	<p>No submissions were received in respect to the subject application.</p>
The public interest	<p>Approval of the development will not create a precedent for similar proposals as the DCP variations must be considered on individual merits and those merits vary with each individual application.</p>

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Conclusion

The application has been assessed having regard to the heads of consideration under Section 79C of the EP&A Act. The application whilst requiring a variation to the numerical standards of the DCP, is acceptable in this case for the reasons set out in this report.

Planning Decision

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

RECOMMENDATION:

That development application DA0767/15 at Lot 4 DP 801019, 54 Berger Road, South Windsor for Structure Ancillary Development - Outbuilding be approved subject to the following conditions:

General Conditions

1. The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Architectural Drawing Number	Prepared by	Dated
Site Plan	Pasko & Lydia Jakovljevic	07/04/2016
Floor and Elevation Plan	Best Sheds	19/01/2016
Waste Management Plan	Pasko & Lydia Jakovljevic	01/12/2015

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the National Construction Code/Building Code of Australia.
6. 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 Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.

Prior to issue of Construction Certificate

7. The payment of a long service levy as required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986.
8. Hawkesbury City Council is the sewer authority for this development. As this development involves works in connection to the existing septic system, a payment of the prescribed inspection fee for both internal and external sewer drainage work is required to be made prior to the issue of a Construction Certificate.

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Prior to Commencement of Works

9. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.
10. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority to any works commencing on site.
11. 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.
12. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation.
13. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
14. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to commencement of works.
15. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
16. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.

During Construction

17. Council records indicate that the building site is at a level of approximately 12.5 metres AHD. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
18. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289.
19. If any fill is required it shall comprise only 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.

Note: ENM is defined by the Excavated Natural Material Exemption 2012 - NSW Environment Protection Authority.

20. All necessary works shall be carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
21. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.

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22. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
23. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
24. 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 (including felled trees) must be contained and removed to a Waste Disposal Depot.
25. Inspections and Compliance Certificates for sanitary drainage works shall be conducted and issued by Hawkesbury City Council. Inspections must be conducted on the exposed pipes prior to covering.
 - a) In the case of internal and external (house service connection) drainage, the inspection must be conducted by Hawkesbury City Council's Building and Development Branch. Please phone (02) 4560 4444 to arrange inspections.
26. Compliance certificates (known as Part 4A Certificates) as are to be issued for critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by Section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority.
27. The footings shall be pierced or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
28. Roofwater (including overflow from water storage vessels) shall be directed into the existing stormwater system. Any excess shall be disposed of in a controlled manner so as to not to cause an adverse impact to adjoining structures or properties.

Use of the Development

29. The structure shall not be occupied as a separate dwelling, or for habitable purposes, or industrial, or commercial purposes.
30. The outbuilding is only to be used in conjunction with, or ancillary to the residential use of the land.

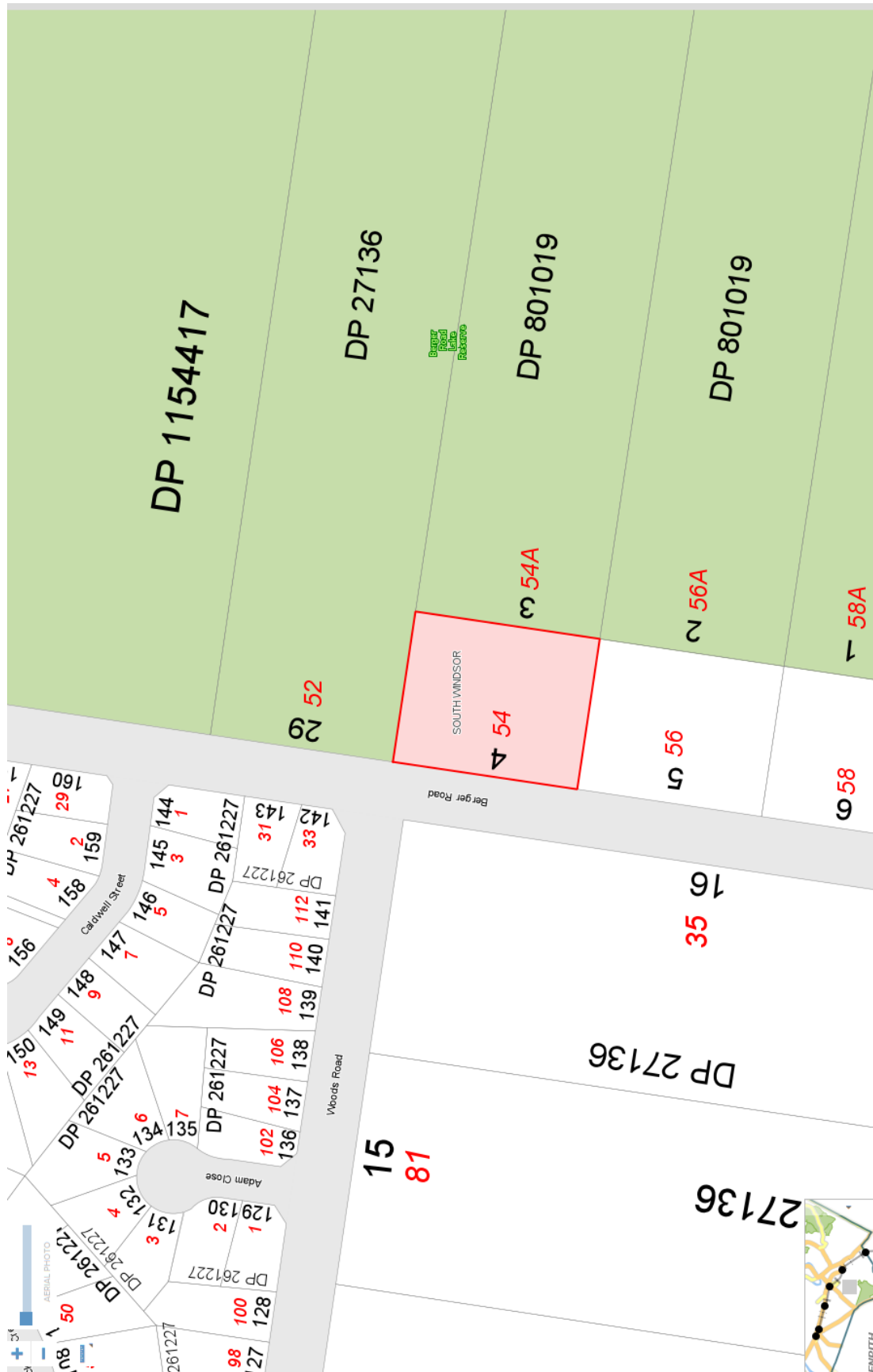
ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Aerial Photograph
- AT - 3** Site Plan
- AT - 4** Floor Plan and Elevations

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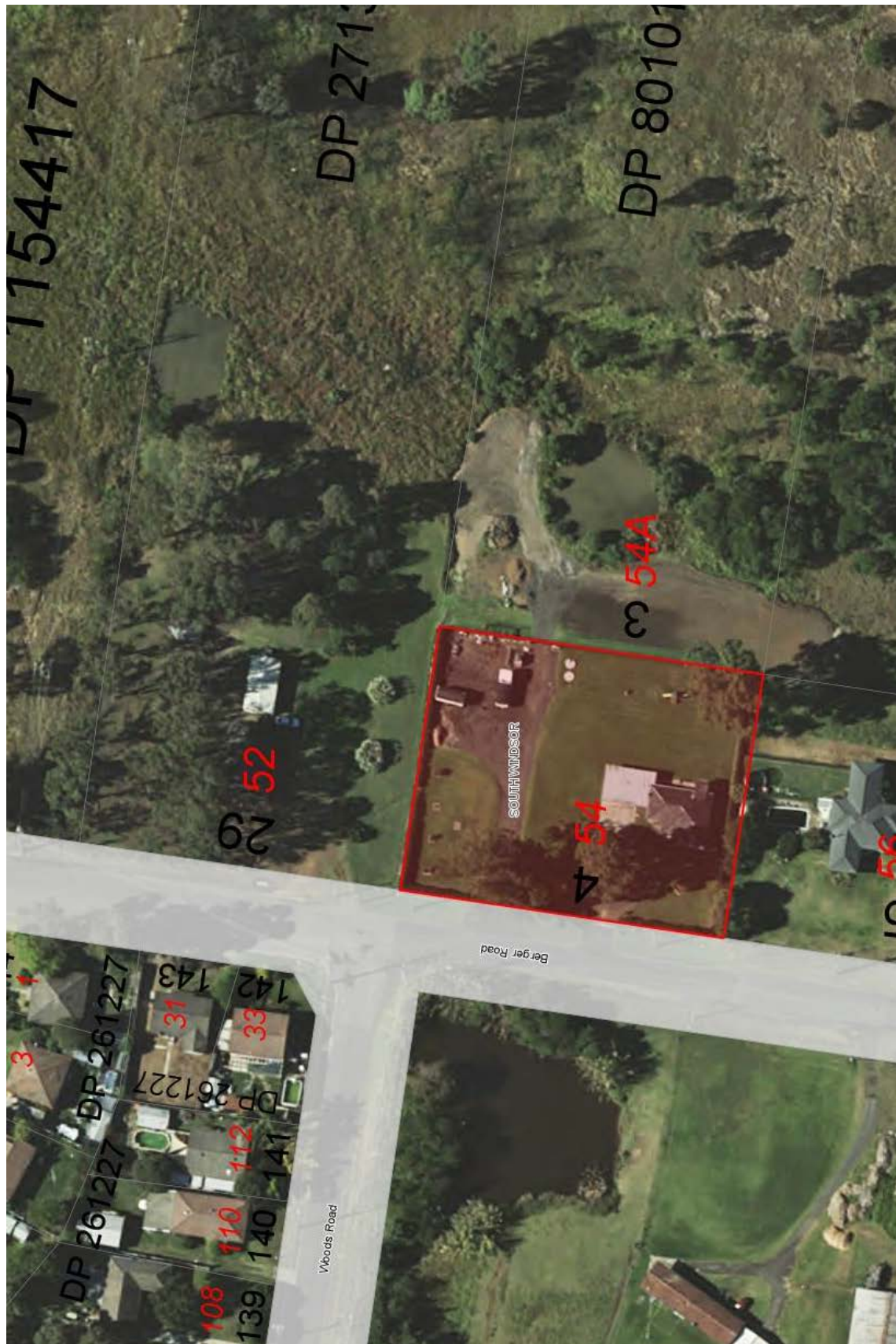
AT - 1 Locality Plan



<p align="center">ORDINARY MEETING</p> <p align="center">Meeting Date: 28 June 2016</p>

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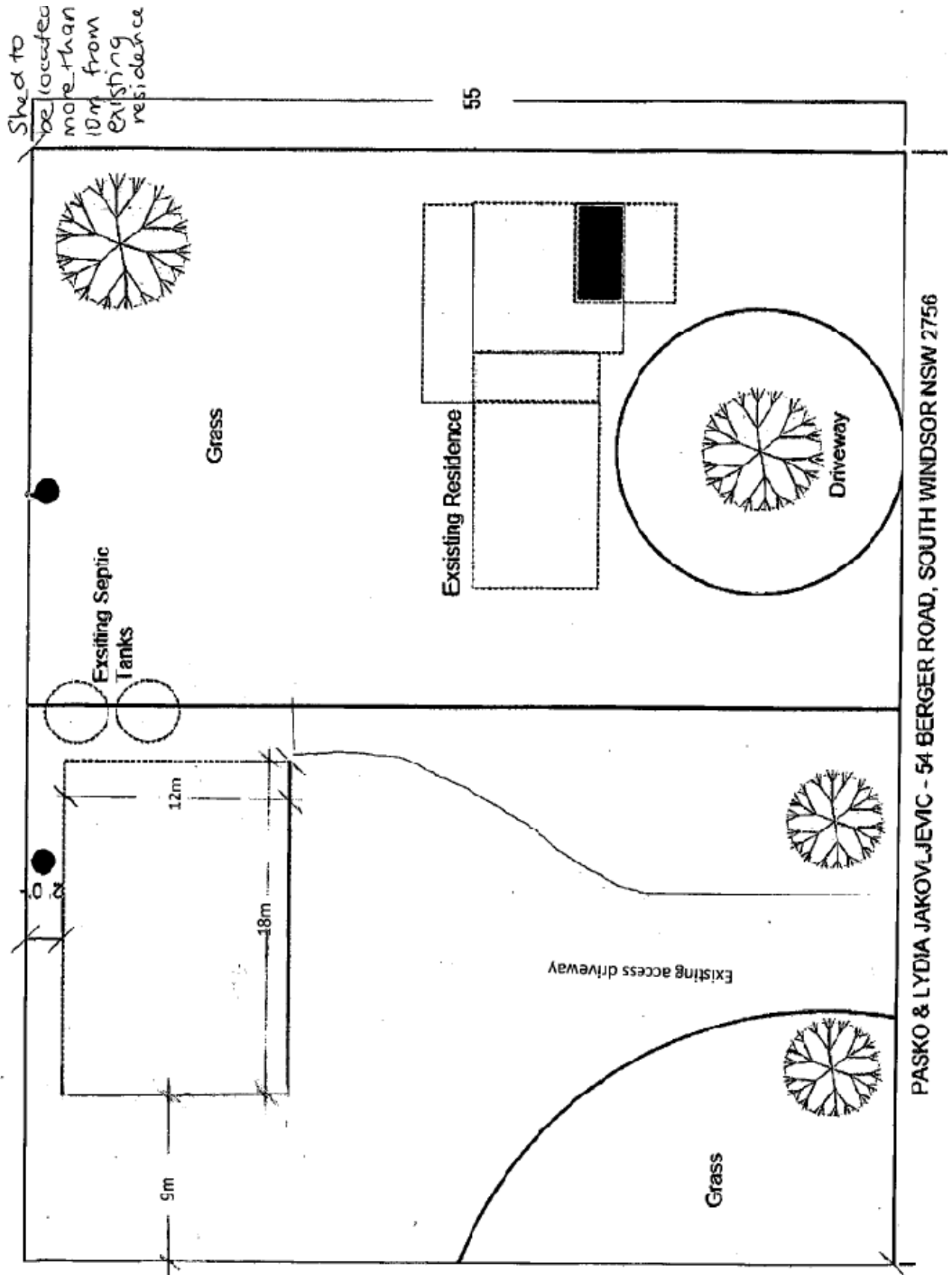
AT - 2 Aerial Photograph



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AT - 3 Site Plan



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Item: 116 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012
- 98 Bells Lane, Kurmond - (95498, 124414, 74563)**

File Number:	LEP006/16
Property Address:	98 Bells Lane, Kurmond
Applicant:	Glenn Falson Urban and Rural Planning Consultant
Owner:	DE Thompson
Date Received:	9 February 2016
Current Minimum Lot Size:	10 hectare (ha)
Proposed Minimum Lot Size:	4,000m ² and 2ha
Current Zone:	RU1 Primary Production
Site Area:	4.924ha

Recommendation: Council support the preparation of a planning proposal to enable the subdivision of the subject site into lots with minimum lot sizes of 4,000m² and 2ha.

REPORT:

Executive Summary

Council has received a planning proposal from Glenn Falson Urban and Rural Planning Consultant (the Applicant) which seeks to amend *Hawkesbury Local Environmental Plan 2012* (LEP 2012) to enable the subdivision of Lot 49 DP 7565, 98 Bells Lane, Kurmond into four lots.

This report provides Council with an overview of the planning proposal, and recommends that the preparation of a planning proposal be supported and submitted to the Department of Planning and Environment (DP&E) for a 'Gateway' determination.

Consultation

The planning proposal has not yet been exhibited as Council has not resolved to prepare the proposal. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and associated Regulations, and as specified in the 'Gateway' determination.

Planning Proposal

The planning proposal seeks to amend LEP 2012 in order to permit the subdivision of the site into four lots.

The planning proposal aims to achieve this by amending the relevant Lot Size Map of LEP 2012 in order to provide minimum lot sizes of 4,000m², 1ha and 2ha. The Applicant also suggests that an appropriate provision be included in LEP 2012 to limit the maximum number of lots created by future subdivision of the land to four lots.

A concept plan for a proposed four lot subdivision is shown in Figure 1 below. This plan has been provided for discussion purposes only in relation to the potential yield of the site and the proposed minimum lot sizes, and does not form part of the planning proposal. This concept plan shows four lots having sizes of 5,000m², 7,956m², 1.13ha and 2.5ha.

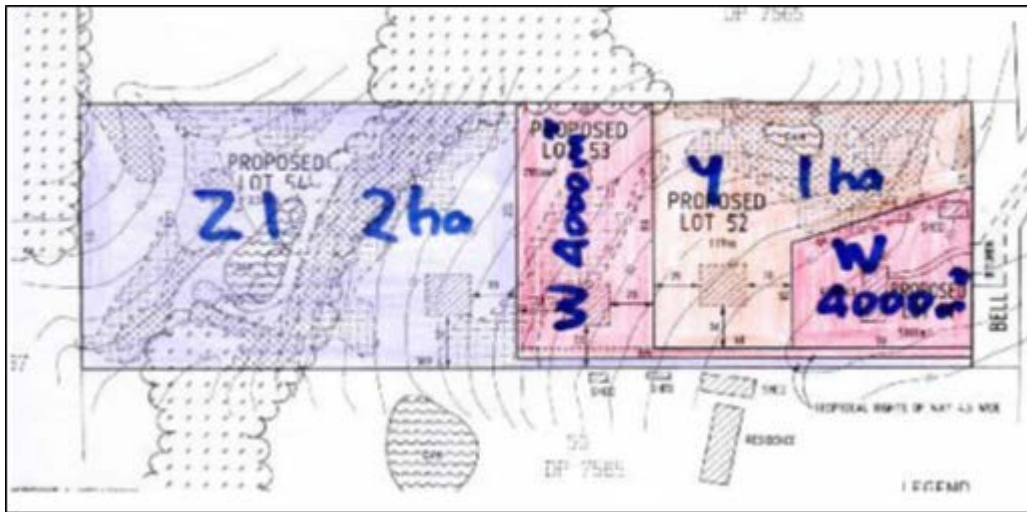


Figure 1: Concept Subdivision Plan (Not for Determination)

The planning proposal has identified particular environmental matters which may have consequences for the future subdivision and development of the land, including bushfire protection, wastewater disposal and flora/fauna. However, detailed reports have not been provided to demonstrate that these matters are not prohibitive to future development.

The Department of Planning and Environment's document "A Guide to Preparing Planning Proposals", October 2012 advises:

"The planning proposal should contain enough information to demonstrate that relevant environmental, social, economic, and other site specific matters have been identified and if necessary that any issues can be addressed with additional information and/or through consultation with agencies and the community." and

"To prevent unnecessary work prior to the Gateway stage, specific information nominated as being necessary would not be expected to be completed prior to the submission of the planning proposal. In such circumstances, it would be sufficient to identify what information may be required to demonstrate the proposal."

Where it is determined that more detailed information is required, a recommendation can be made to the DP & E that detailed specialist reports be provided prior to notification of the proposal. The 'Gateway' determination will confirm the information (which may include studies) and consultation required before the planning proposal can be finalised.

Subject Site and Surrounds

The subject site is legally described as Lot 49 DP 7565 and is known as 98 Bells Lane, Kurmond. It has an area of 4.92ha and is regular in shape with an approximate frontage of 126m and depth of 389m.

The site is located within the Kurmond and Kurrajong Investigation Area, see Figure 2 below.



Figure 2: Site Location within Kurmond and Kurrajong Investigation Area

The subject site is currently zoned RU1 Primary Production under LEP 2012. The current minimum lot size for subdivision of this land is 10ha.

The subject site is used for rural residential purposes and contains an existing dwelling and an outbuilding.

A watercourse traverses the property in a north-west to south-east direction at the rear of the subject site. An existing dam is located within this watercourse. The watercourse and dam is surrounded by native vegetation.

The subject site is shown as being bushfire prone (Bushfire Vegetation Category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map.

The whole site is shown as being within Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within LEP 2012. Acid Sulfate Soil Classification 5 represents a relatively low chance of acid sulphate soils being present on the site.

The subject site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture.

The site has been identified as having 'Significant Vegetation' and 'Connectivity between Significant Vegetation' on the Terrestrial Biodiversity Map. The area of 'Significant Vegetation' generally corresponds with the existing vegetation located around the watercourse at the rear of the subject site.

The site falls within the Middle Nepean and Hawkesbury River Catchment Area of Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997).

The land varies in height from approximately 90m AHD along the Bells Lane road frontage to 58m AHD along the watercourse to the rear of the subject site. The land then rises to the rear boundary to 68m AHD. Based on Council's slope mapping, the subject site contains land having slopes in excess of 15% within the north-western frontage of the site, within areas adjacent to the watercourse and within a portion of land located centrally within the site.

Properties immediately to the north, south, east and west of the subject site are all similarly zoned RU1 Primary Production. Further to the west and southwest, land is zoned RU4 Primary Production Small Lots. The current minimum lot size applicable for the subdivision of the immediate surrounding properties is 10ha.

Land surrounding the site consists of lots having sizes that predominantly range between 1ha and 10ha. The immediate surrounding area of the subject site is predominantly characterised by rural residential uses.

Applicant's Justification of Proposal

The Applicant has provided the following justification for the planning proposal:

- *The proposed subdivision is consistent with the Hawkesbury Residential Land Strategy (HRLS).*
- *The subject site is located within the Kurmond/Kurrajong Investigation Area and is included in an investigation area map prepared by Council.*
- *The preliminary site investigations reveal that the site is capable of subdivision into approximately four lots that would be consistent with other lands in the vicinity, and would enable an appropriate expansion of the Kurmond Village.*
- *The proposed lot sizes are capable of containing on-site wastewater disposal systems and are appropriate in terms of bushfire control and vegetation and flora/fauna management.*
- *Electricity, telephone, garbage and recycling facilities are currently available to the site.*

'A Plan for Growing Sydney' (the Sydney Metropolitan Strategy), Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy

The NSW Government's 'A Plan for Growing Sydney' December 2014 (the Sydney Metropolitan Strategy) and Draft North West Subregional Strategy establish the broad planning directions for the Sydney metropolitan area and north-western sector of Sydney respectively. These documents identify a number of strategies, objectives and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance.

These two documents have a high level metropolitan and regional focus and for the most part are not readily applicable to a singular rural residential planning proposal at Kurmond. Notwithstanding this the Applicant has provided an assessment of the planning proposal against these two documents and concludes that the proposal is consistent with these strategies.

The Hawkesbury Residential Land Strategy (HRLS) seeks to identify residential investigation areas and sustainable development criteria.

The HRLS contains the following commentary and criteria regarding large lot residential/rural-residential development:

"2.10 Strategy for Rural Village Development

The Hawkesbury Residential Development Model focuses on future residential development in urban areas and key centres. However, the importance of maintaining the viability of existing rural villages is recognised. As such, the Hawkesbury Residential Strategy has developed a strategy for rural residential development.

Future development in rural villages should be of low density and large lot dwellings, which focus on proximity to centres and services and facilities. Rural village development should also minimise impacts on agricultural land, protect scenic landscape and natural areas, and occur within servicing limits or constraints."

The planning proposal can be considered as a rural residential development on the fringe of the Kurmond Village.

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The HRLS states that the future role of rural residential development is as follows:

"Rural residential developments have historically been a popular lifestyle choice within Hawkesbury LGA. However, rural residential development has a number of issues associated with it including:

- *Impacts on road networks;*
- *Servicing and infrastructure;*
- *Access to facilities and services;*
- *Access to transport and services;*
- *Maintaining the rural landscape; and*
- *Impacts on existing agricultural operations.*

Whilst this Strategy acknowledges rural residential dwellings are a part of the Hawkesbury residential fabric, rural residential dwellings will play a lesser role in accommodating the future population. As such, future rural development should be low density and large lot residential dwellings."

The HRLS sets out the relevant criteria for rural residential development, as stated in Section 6.5 of the HRLS, that it be large lot residential dwellings and:

- *Be able to have onsite sewerage disposal;*
- *Cluster around or on the periphery of villages;*
- *Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within a 1km radius);*
- *Address environmental constraints and have minimal impact on the environment;*
- *Occur only within the capacity of the rural village*

The ability to dispose of effluent onsite is discussed in later sections of this report.

The site is on the fringe of the Kurmond Village, and is within the one kilometre radius specified in the HRLS.

Relevant environmental constraints are discussed in later sections of this report.

However, with the adoption of the Kurmond and Kurrajong Investigation Area (Figure 2), this has essentially overridden the above criteria in the HRLS for this locality as that mapped Investigation Area was prepared based on the HRLS criteria,

Council Policy - Rezoning of Land for Residential Purposes - Infrastructure Issues

On 30 August 2011, Council adopted the following Policy:

"That as a matter of policy, Council indicates that it will consider applications to rezone land for residential purposes in the Hawkesbury LGA only if the application is consistent with the directions and strategies contained in Council's adopted Community Strategic Plan, has adequately considered the existing infrastructure issues in the locality of the development (and the impacts of the proposed development on that infrastructure) and has made appropriate provision for the required infrastructure for the proposed development in accordance with the sustainability criteria contained in Council's adopted Hawkesbury Residential Land Strategy.

Note 1:

In relation to the term "adequately considered the existing infrastructure" above, this will be determined ultimately by Council resolution following full merit assessments, Council resolution to go to public exhibition and Council resolution to finally adopt the proposal, with or without amendment.

Note 2:

The requirements of the term "appropriate provision for the required infrastructure" are set out in the sustainability matrix and criteria for development/settlement types in chapter six and other relevant sections of the Hawkesbury Residential Land Strategy 2011."

Compliance with the HRLS has been discussed previously in this report. It is considered that the planning proposal is consistent with Council's Hawkesbury Community Strategic Plan (CSP) as discussed later in this report.

Council Policy - Our City Our Future Rural Rezoning Policy

This Policy was adopted by Council on 16 May 1998 and had its origin in the Our City Our Future study of the early 1990's.

Since the time of adoption, this Policy has essentially been superseded by subsequent amendments to *Hawkesbury Local Environmental Plan 1989*, NSW Draft North West Subregional Strategy, the Hawkesbury Residential Land Strategy, the Hawkesbury Community Strategic Plan, the commencement of LEP 2012, and the DP&E's 'Gateway' system for dealing with planning proposals.

Whilst this Policy does not necessarily apply, for completeness the Policy is repeated below with responses provided by the Applicant, and officer comments provided where relevant.

- a) Fragmentation of the land is to be minimised

Applicants Response

"The land is within an area identified within Council's subsequent Residential Land Strategy as having urban potential. Fragmentation of this land is envisaged by this subsequent strategy."

- b) Consolidation within and on land contiguous with existing towns and villages be preferred over smaller lot subdivision away from existing towns and villages.

Applicant's Response

"The proposal is consistent with this principle."

- c) No subdivision along main roads and any subdivision to be effectively screened from minor roads.

Applicant's Response

"The site does not front and is not visible from a main road."

- d) No subdivision along ridgelines or escapements.

Applicant's Response

"The site is not on a ridgeline or escapements."

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- e) Where on site effluent disposal is proposed, lots are to have an area of at least one (1) hectare unless the effectiveness of a smaller area can be demonstrated by geotechnical investigation.

Applicant's Response

"The lots will vary in size down to a minimum of approximately 5,000m². A lesser area than this, 4,000m², is the size of allotment that is indicated by Council as normally being the minimum to contain on-site effluent disposal in later studies (e.g. Kurrajong Heights, Wilberforce and within LEP 2012 generally). The 5,000m² lot is that around the existing house that already has an effluent disposal system within the proposed lot boundaries. The other three lots are 2.5ha, 1.1ha and 7,956m², each of which is well able to contain on site effluent disposal."

Comments

The planning proposal is not accompanied by a wastewater feasibility assessment report demonstrating that the proposed lot sizes have the capacity to accommodate on-site sewage management system. However, in consideration of the size and location of unconstrained land within each proposed lot, it is anticipated that each proposed lot is capable of supporting the onsite disposal of wastewater. This can be confirmed with the submission of an onsite effluent disposal report.

The DP&E will consider this as part of their 'Gateway' determination and if required will request further information/consideration of this matter.

- f) The existing proportion of tree coverage on any site is to be retained or enhanced.

Applicant's Response

"The subdivision does not propose removal of vegetation. The indicative dwelling sites on the two (sic) vacant lots would have sufficient open area around them for bushfire asset protection zones. Some vegetation management may be required however this is believed to be minimal."

- g) Any rezoning proposals are to require the preparation of environmental studies and Section 94 Contributions Plans at the Applicant's expense.

Applicant's Response

"The rezoning process has altered since this policy of Council. The Gateway process will dictate whether further studies are required."

Comments

As per the DP&E's guidelines for planning proposals, the Applicant has identified the relevant environmental considerations for the proposal, including flora and fauna, watercourses, onsite effluent disposal and bushfire. Whilst specialist reports addressing these matters have not been provided, the need for further information/consideration will be a matter for the DP&E to determine as part of their 'Gateway' process. In this regard, it is recommended that a flora and fauna assessment, bushfire assessment and onsite effluent disposal report be requested following a 'Gateway' determination.

The need for a Section 94 Contribution Plan or a Voluntary Planning Agreement can be determined and further discussed with the Applicant if this planning proposal is to proceed.

- h) Community title be encouraged for rural subdivision as a means of conserving environmental features, maintaining agricultural land and arranging for the maintenance of access roads and other capital improvements.

Applicant's Response

"The form of title for subdivision of the land has not been determined. Community title can be investigated should the Planning Proposal proceed."

Officer Comments

The form of title for a subdivision is a matter for consideration with a development application for any subdivision, where the most appropriate form of titling can be determined dependant on the need for the preservation of particular environmental features and whether appropriate access arrangements to future allotments have been provided.

Section 117 Directions

The Minister for Planning, under section 117(2) of EP&A Act, issues directions that relevant planning authorities, including councils, must comply when preparing planning proposals. The directions cover the following broad range of categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- regional planning
- local plan making
- implementation of a Plan for Growing Sydney.

Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. A summary of the key Section 117 Directions follows:

Direction 1.2 Rural Zones

Planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

The planning proposal seeks an amendment to the Lot Size Map of LEP 2012 and does not propose any changes to the current RU1 Primary Production zoning.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

In accordance with the provisions of this Direction, it is proposed that the Department of Industry be consulted following a 'Gateway' determination.

Direction 3.4 Integrating Land Use and Transport

Planning proposals must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of Improving Transport Choice - Guidelines for planning and development (DUAP 2001).

In summary this document seeks to provide guidance on how future development may reduce growth in the number and length of private car journeys and make walking, cycling and public transport more attractive. It contains 10 "Accessible Development" principles which promote concentration within centres, mixed uses in centres, aligning centres with corridors, linking public transport with land use strategies, street connections, pedestrian access, cycle access, management of parking supply, road management, and good urban design.

The document is very much centres based and not readily applicable to consideration of a rural residential planning proposal. The document also provides guidance regarding consultation to be undertaken as part of the planning proposal process and various investigations/plans to be undertaken. It is recommended that if this planning proposal is to proceed, Council seek guidance from the DP&E via the 'Gateway' process, regarding the applicability of this document.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&E.

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

This Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soil study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act. An acid sulfate soil study has not been included in the planning proposal but the DP&E will consider this as part of their 'Gateway' determination, and if required can request further information/consideration of this matter.

Direction 4.4 Planning for Bushfire Protection

The subject site is shown as being bushfire prone, containing Vegetation Category 1 on the NSW Rural Fire Service's Bushfire Prone Land Map. This Direction requires consultation with the NSW Rural Fire Service following receipt of a 'Gateway' determination, compliance with Planning for Bushfire Protection 2006, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls. The planning proposal proposes an amendment to the Lot Size Map of LEP 2012 and, in addition, a provision in the LEP to restrict the lot yield from subdivision of the subject site. The DP&E have previously allowed similar restrictions on subdivision lot yields with the inclusion of *Clause 4.1G - Restriction on the number of lots created by subdivision of certain land* in LEP 2012. It will be a matter for the DP&E to determine if this inconsistency is justifiable.

Direction 5.10 Regional Plans

This Direction requires planning proposals to be consistent with a Regional Plan that has been released by the Minister for Planning. Under the Greater Sydney Commission Act 2015, *A Plan for Growing Sydney* is deemed to be the Regional Plan for the Greater Sydney Region. The planning proposal is consistent with this Regional Plan as discussed previously within this report.

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The Section 117 Directions do allow for planning proposals to be inconsistent with the Directions. In general terms a planning proposal may be inconsistent with a Direction only if the DP&E is satisfied that the proposal is:

- a) justified by a strategy which:
 - gives consideration to the objectives of the Direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the DP&E, or
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this Direction, or
- c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this Direction, or
- d) is of minor significance.

The HRLS has been prepared with consideration given to the various policies and strategies of the NSW State Government and Section 117 Directions of the Minister. In this regard, a planning proposal that is consistent with the Hawkesbury Residential Land Strategy is more likely to be able to justify compliance or support for any such inconsistency.

State Environmental Planning Policies

The State Environmental Planning Policies of most relevance are *State Environmental Planning Policy (SEPP) No. 44 - Koala Habitat Protection*, *State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land*, *Sydney Regional Environmental Plan (SREP) No. 9 - Extractive Industry (No 2- 1995)* and *(SREP) No. 20 - Hawkesbury - Nepean River (No.2 - 1997)*.

State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44)

The Applicant advises:

"State Environmental Planning Policy 44 - Koala Habitat Assessment is applicable. A formal assessment of the site against this Policy has not been done however would be included in any subsequent flora/fauna report required. However there is no evidence of koalas on site and the site is not core habitat as defined by SEPP44."

Consistency with this SEPP can be confirmed by the submission of a flora and fauna assessment following a 'Gateway' determination.

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)

SEPP 55 requires consideration as to whether or not land is contaminated and, if so, whether or not it is suitable for future permitted uses in its current state or whether it requires remediation. The SEPP may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

The Applicant states that:

"The land has not been used for any intensive agricultural use or any other use that would suggest that remediation is required. There is no obvious evidence of surface or groundwater pollution. It is not believed that any geotechnical investigations need to be carried out for the planning proposal to proceed."

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Elsewhere, the Applicant states that the site "*may have been used for hobby grazing activities in the past.*" According to Table 1 - *Some Activities that may cause contamination* of the Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land, agricultural activities may cause contamination.

The matter of potential contamination and the need for investigations can be considered by the DP&E 'Gateway' determination.

Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995) - (SREP 9)

The primary aims of SREP 9 are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1 and 2 of the SREP, nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

Sydney Regional Environmental Plan No. 20 - Hawkesbury–Nepean River (No. 2 - 1997) - (SREP 20)

The aim of SREP No 20 (No. 2 - 1997) is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural residential development and the metropolitan strategy.

Specifically the SREP encourages Council to consider the following:

- rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna)
- develop in accordance with the land capability of the site and do not cause land degradation
- the impact of the development and the cumulative environmental impact of other development proposals on the catchment
- quantify, and assess the likely impact of any predicted increase in pollutant loads on receiving waters
- consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored
- consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site
- minimise or eliminate point source and diffuse source pollution by the use of best management practices
- site and orientate development appropriately to ensure bank stability
- protect the habitat of native aquatic plants
- locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land

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- consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms
- conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors
- minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices
- consider the impact on ecological processes, such as waste assimilation and nutrient cycling
- consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas
- consider the need to control access to flora and fauna habitat areas
- give priority to agricultural production in rural zones
- protect agricultural sustainability from the adverse impacts of other forms of proposed development
- consider the ability of the site to sustain over the long term the development concerned
- maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development
- consider any adverse environmental impacts of infrastructure associated with the development concerned.

The site falls within the Middle Nepean and Hawkesbury River Catchment Area of Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997).

It is considered that the future use of the planned additional lots for residential purposes will be able to comply with the relevant provisions of SREP No 20 or be able to appropriately minimise any impacts.

Proposed Lot Size Map Amendment

The planning proposal seeks to amend LEP 2012 in order to permit the subdivision of the site into generally four lots having minimum lot sizes of 4,000m², 1ha and 2ha generally as shown in Figure 1.

A minimum lot size of 2ha has been nominated for the rear of the subject site and corresponds to proposed Lot 54 on the concept subdivision plan. Given that the watercourse, dam and Significant Vegetation/riparian vegetation are located in this area, a minimum lot size of 2 ha is supported for the retention and preservation of these features whilst providing an area suitable for future development on the land for a dwelling.

A minimum lot size of 4,000m² has been nominated for proposed Lots 51 and 53, whilst the Applicant suggests that proposed Lot 52 will have a minimum lot size of 1ha.

Given the constraint of slope on the subject site, only three lots could be created within the area nominated as Lots 51, 52 and 53. The Applicant also suggests an appropriate provision be inserted into LEP 2012 to limit the maximum lot yield of the subdivision of the site consistent with the planning proposal purpose of allowing four allotments. Such a provision would mean that only three lots could be created from the area of the subject site corresponding to Lots 51 to 53. As a result it is considered that there is no need for the application of 1ha minimum in this instance and the whole of the area corresponding with Lots 51 to 53 should have a minimum lot size of 4,000m².

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Having a consistent minimum lot size of 4,000m² will provide the benefits of:

- mapping accuracy and simplicity,
- preventing the creation of lots with differing lots size requirements,
- providing flexibility in the configuration of the lots at subdivision stage to ensure the most suitable lot layout can be achieved based on the environmental constraints of the land.

Assessment of the Merits of the Planning Proposal

At Council's meeting of 28 July 2015 the following development principles to be taken into consideration in the assessment of planning proposals within the Kurmond and Kurrabung Investigation Area were adopted by Council:

1. *Essential services under LEP 2012 and fundamental development constraints are resolved.*
2. *Building envelopes, asset protection zones (APZs), driveways and roads are located on land with a slope less than 15%.*
3. *Removal of significant vegetation is avoided.*
4. *Fragmentation of significant vegetation is minimised.*
5. *Building envelopes, APZs, driveways and roads (not including roads for the purposes of crossing watercourse) are located outside of riparian corridors.*
6. *Road and other crossings of water courses is minimised.*
7. *Fragmentation of riparian areas is minimised.*
8. *Removal of dams containing significant aquatic habitat is avoided.*

Topography

The land varies in height from approximately 90m AHD along the Bells Lane road frontage to 58m AHD along the watercourse to the rear of the land. The land then rises to the rear boundary to 68m AHD.

Based on Council's slope mapping, the subject site contains land having slopes in excess of 15% within the north-western frontage of the site, within areas adjacent to the watercourse, and within a portion of land located centrally within the site as shown in Figure 3.

The concept plan for the proposed four lot subdivision attached to the planning proposal shows building footprints for future dwellings on the proposed lots. Proposed Lot 51 contains an existing dwelling house. Proposed Lot 52 will have frontage to Bells Lane, whilst Proposed Lots 53 and 54 will gain access via a reciprocal right of way from Bells Lane. Figure 3 illustrates the proposed lots and related building footprints in relation to the slopes of the subject site.

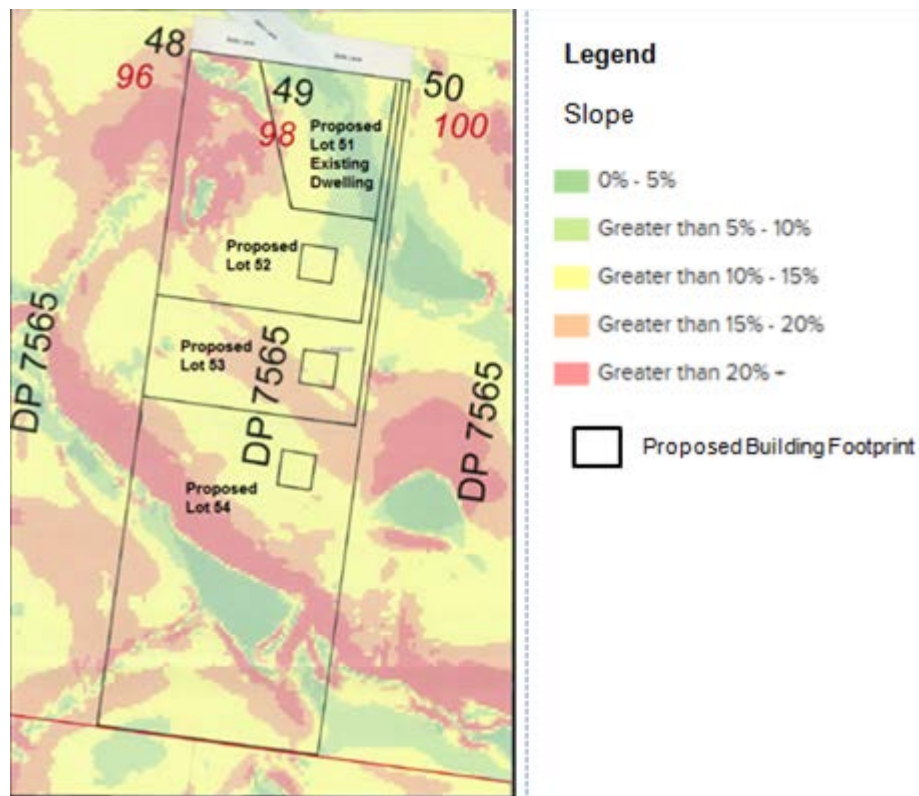


Figure 3 - Slope Analysis (Lot Layout indicative only)

This slope analysis highlights that:

- the building footprints on proposed Lots 53 & 54 are mostly on land with a slope of 10-15%, with a small encroachment on land having a slope of 15-20%;
- asset protection areas for proposed Lots 53 & 54 will encroach on land having a slope of 15-20% to a minor degree;
- the access handle to proposed Lot 54 traverses land having a slope of 15-20%, and
- access to the building footprint located on proposed Lot 52 from Bells Lane will traverse land having slopes of 15-20% and 20+%.

The adopted development principles require building envelopes, asset protection zones (APZs), driveways and roads to be located on land with a slope less than 15%.

The identified inconsistencies with this requirement are considered to be minor and/or able to be resolved in the development application process through:

- a minor relocation of building footprint/envelopes subject to the provision of appropriate Asset Protection Zones,
- the appropriate orientation and design of access to the building envelope having regard to the contours of the land, and
- the provision of access to the building envelope on proposed Lot 52 from the access handle/s to proposed lots 53 and 54.

Ecology

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The planning proposal is not accompanied by a flora and fauna survey and assessment report, and the Applicant provides the following information on flora and fauna on the site.

"The site is included in the Terrestrial Biodiversity Map within Council's LEP2012. The map indicates that approximately 1/4 of the site is classified as 'significant vegetation' with approximately 5% as 'connectivity between significant vegetation'.

Whilst a flora/fauna assessment of the site has not been carried out at this stage it can be seen that the subdivision and dwelling locations can take place without impact on vegetation. It is not considered that a formal report on flora/fauna of the site is required at this stage but would be more appropriate if identified through the Gateway process of the Department of Planning & Infrastructure. In reality however vegetation will not be affected and a flora/fauna assessment is probably not required."

Council's vegetation mapping records the site as containing Shale Sandstone Transition Forest, which is a critically endangered ecological community (CEEC) under the *Threatened Species Conservation Act, 1995*. This vegetation community is located along the watercourse at the rear of proposed Lot 54.

The adopted development principles require planning proposals to avoid the removal, and minimise the fragmentation of significant vegetation. In addition it requires that impacts on watercourses, riparian areas and aquatic habitat are minimised and/or avoided, including the retention of dams containing significant aquatic habitat.

The building envelope indicated for proposed Lot 54 is located partially within significant vegetation as shown in Figure 4.



Figure 4 - Mapped Significant Vegetation on the Subject Site*



Figure 5 - Aerial Photo of the Subject Site*

*Lot Layout Indicative Only

However, the Aerial Photo in Figure 5 shows that the nominated building footprint on proposed Lot 54 is within an existing cleared area.

The planning proposal is considered to be consistent with the development principles adopted by Council given that:

- an appropriate setback of the building envelope on proposed Lot 54 from the watercourse can be achieved
- the existing dam located within the watercourse is being retained
- the existing watercourse and surrounding vegetation is being retained wholly within one allotment (proposed Lot 54).

However, it is unclear as to whether or not the trees, or riparian vegetation, adjacent to the building footprint on proposed Lot 54 will need to be removed in order to establish bushfire asset protection zones. These trees are located within the area of mapped 'Significant Vegetation'.

A flora and fauna assessment and a bushfire assessment have not been submitted with the application, and for the above reasons it is recommended that these reports be requested. The DP&E will consider this as part of their 'Gateway' determination, and if required will request further information/consideration of this matter.

Access and Transport

The subject site is accessed via Bells Lane which is connected to Bells Line of Road to the north-east. Public transport is limited to the Westbus Route 680 service between Richmond and Bowen Mountain and Route 682 service along Bells Line of Road between Richmond and Kurrajong. The Route 682 service operates every 30 minutes during peak periods. Given the limited frequency of services, future occupants of the proposed subdivision will most likely rely upon private vehicles for travel and transportation purposes.

The planning proposal is not supported by a traffic impact statement and the cumulative impact of similar proposals that may occur in the future has not been taken into consideration by the planning proposal. It is considered that this is a matter for Council and Roads and Maritime Services (RMS) to address with the outcome being incorporated into relevant planning proposals.

In recent reports to Council dealing with other planning proposals within the vicinity of Kurmond and Kurrajong it has been noted that Council has received petitions from residents west of the Hawkesbury River concerned about rezoning of land for residential purposes in the absence of required infrastructure upgrades. It is considered this will be a fundamental matter to be dealt with by Council prior to the finalisation of any planning proposals in the locality as the cumulative impact of these types of development will be unacceptable if no traffic improvements are made. In response to this issue the Applicant states:

"it is envisaged that if this Planning Proposal were to proceed a contribution would be levied on the subdivision for each additional lot created to assist in implementation of traffic infrastructure in the locality. Alternatively, the landowner could enter into a Voluntary Planning Agreement with Council so that an amount approximating what might come from the S94 Plan can be levied with the resultant subdivision if the S94 Plan has not at that time been implemented."

Bushfire Hazard

The subject site is shown as being bushfire prone (Bushfire Vegetation Category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map.

The planning proposal is not accompanied by a bushfire assessment report. Given the site is identified as bushfire prone, the planning proposal, should it obtain a 'Gateway' approval, will be referred to the NSW Rural Fire Service (RFS) for comment.

Agricultural Land Classification

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

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

Given the proximity of the site to surrounding rural residential properties, and the size and slope of the site and its proximity to Kurmond Village, it is considered that it is unlikely the site could be used for a substantial or sustainable agricultural enterprise.

Services

The Applicant advises that the site has access to electricity, telecommunication, garbage and recycling services but does not have access to a reticulated sewerage system or reticulated water.

The planning proposal is not accompanied by a wastewater feasibility assessment report or any other relevant statement or study. As the site does not have access to a reticulated sewerage system, future development of the site would be dependent upon an appropriate on-site sewage management system. The Applicant states that the *"subject site is large enough for each proposed lot to have on-site disposal"*. Whilst the sizes of the proposed lots as a whole may be adequate, the constraints of the land within each lot, such as watercourses, dams, significant vegetation and slope, needs to be considered, and ultimately reduces the 'useable' area of the lots for this purpose.

For the above reasons it is recommended that a wastewater feasibility assessment report be requested to confirm the suitability of each lot for onsite effluent disposal. The DP&E will consider this as part of their 'Gateway' determination and if required will request further information/consideration of this matter.

Heritage

The site is not identified as a heritage item in Schedule 5 Environmental Heritage of LEP 2012, is not located within a conservation area and is not subject to any heritage order or within the immediate vicinity of any identified heritage item.

Section 94 Contributions or a Voluntary Planning Agreement

The planning proposal is required to be covered by a Section 94 Developer Contributions Plan (S.94 Plan) or a Voluntary Planning Agreement (VPA) prior to completion. The current Hawkesbury Section 94 Contributions Plan does not apply to development in the Kurmond area.

The Applicant has acknowledged that if the planning proposal is to proceed further, preparation of a Section 94 Developer Contributions Plan or a draft VPA to support the required infrastructure upgrade in the locality as a consequence of the development would be required.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is considered to be consistent with the Looking after People and Place Directions theme statement, and specifically:

- Offer residents a choice of housing options that meet their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Population growth is matched with the provisions of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.
- Have development on both sides of the river supported by appropriate physical and community infrastructure.

Conclusion

Based on the assessment within this report, it is considered that some form of subdivision for rural residential purposes on the subject site is appropriate and feasible. It is therefore recommended that Council support the preparation of a planning proposal to allow subdivision of the site into lots having a minimum size of 4,000m² and 2ha.

More specific details and requirements in support of the planning proposal discussed in this report can be addressed following the 'Gateway' determination.

It is also recommended that if the DP&E determines that the planning proposal is to proceed, a S94 Plan or a draft VPA to support the required infrastructure upgrade in the locality to support the development be prepared prior to the finalisation of the planning proposal.

Financial Implications

The Applicant has paid the fees required by Council's fees and charges for the preparation of a local environmental plan.

If the planning proposal is to proceed further, a draft VPA to support the required infrastructure upgrade in the locality to support the development would need to be prepared by the Applicant in consultation with Council.

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Planning Decision

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

RECOMMENDATION:

That:

1. Council support the preparation of a planning proposal for Lot 49 DP 7565, 98 Bells Lane, Kurmond to allow development of the land for rural residential development with minimum lot sizes of 4,000m² and 2ha and a maximum lot yield from subdivision of four lots subject to the submission of further studies for consideration in relation to flora and fauna, bushfire and onsite effluent disposal following a 'Gateway' determination.
2. The planning proposal be forwarded to the Department of Planning and Environment for a 'Gateway' determination.
3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning and Environment and the Applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal.

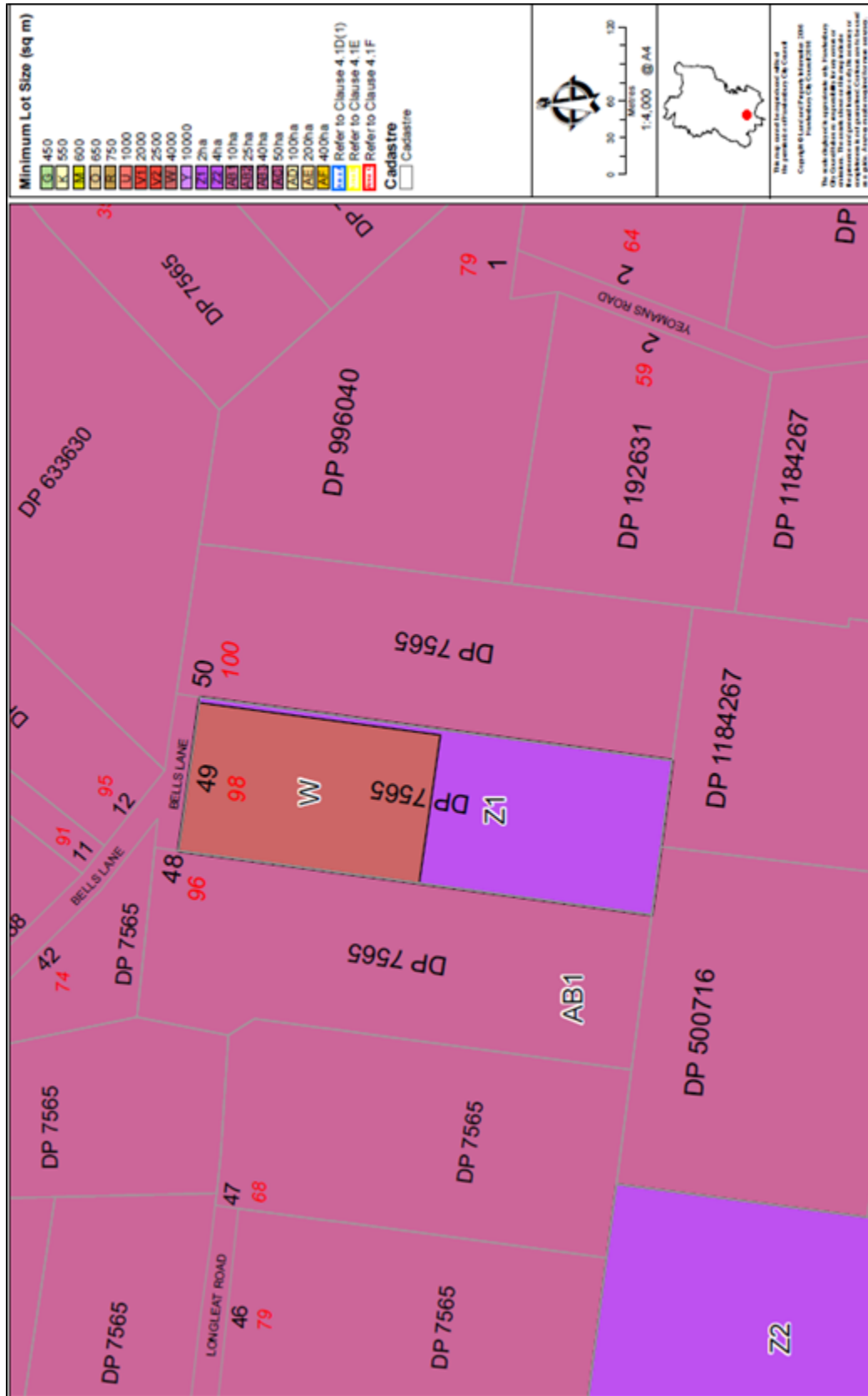
ATTACHMENTS:

AT - 1 Proposed Minimum Lot Size Map

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AT - 1 Proposed Minimum Lot Size Map



ORDINARY MEETING

Meeting Date: 28 June 2016

Item: 117

CP - Proposed Exhibition of draft Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town - Contribution Area 2, June 2016 - (95498, 124414)

REPORT:

Executive Summary

The purpose of this report is to advise Council that a draft Section 64 (S64) Contribution Plan has been prepared and that, if adopted, would enable Council to collect development contributions for the provision of stormwater infrastructure and acquisition of land within part of Pitt Town.

It is recommended that the draft contribution plan be publically exhibited for a minimum period of 28 days. Following that exhibition period the matter will be reported back to Council for finalisation.

Background

On 10 July 2008 certain land at Pitt Town was rezoned by the NSW State Government under Part 3A of the Environmental Planning and Assessment Act 1979. The rezoning created the potential for the subject land to be developed into 943 residential and large lot residential allotments.

To enable the transportation and treatment of stormwater from the land to be developed it is necessary that stormwater infrastructure be provided and land acquired by Council. It is proposed that the cost of such acquisition and works be recovered by way of development contributions levied via conditions of development consents for the subdivision of land. Accordingly, a draft S64 contribution plan has been prepared and is attached to this report.

Furthermore, at Council's Ordinary Meeting on 8 December 2015, a Mayoral Minute was included on the agenda in respect of implementation of the Pitt Town Stormwater Management Strategy. The Mayoral Minute highlighted that approaches from a number of landowners concerning the implementation of the Strategy had been made. At that Ordinary Meeting it was resolved that a report be prepared to provide an update on issues regarding the implementation of the Strategy, including the status of any potential land acquisitions for that purpose.

This report and a previous report to Council on 12 April 2016 in respect of a draft Voluntary Planning Agreement (VPA) for Lot 12 DP 1021340, 21 Hall Street, Pitt Town, essentially provides the requested update. The draft contribution plan attached to this report and the previously reported draft VPA deals with relevant costs and contributions and, as such, if adopted would provide a greater degree of certainty for all relevant landowners in terms of the provision of stormwater infrastructure and the associated acquisition of land within this catchment in Pitt Town.

Land and development to which the proposed contributions apply

The draft S64 contribution plan applies to the subdivision of land for large lot residential purposes within sub-catchments 2A, 2B, 2C, 2D (collectively known as Contribution Area 2) as shown in Figure 1.

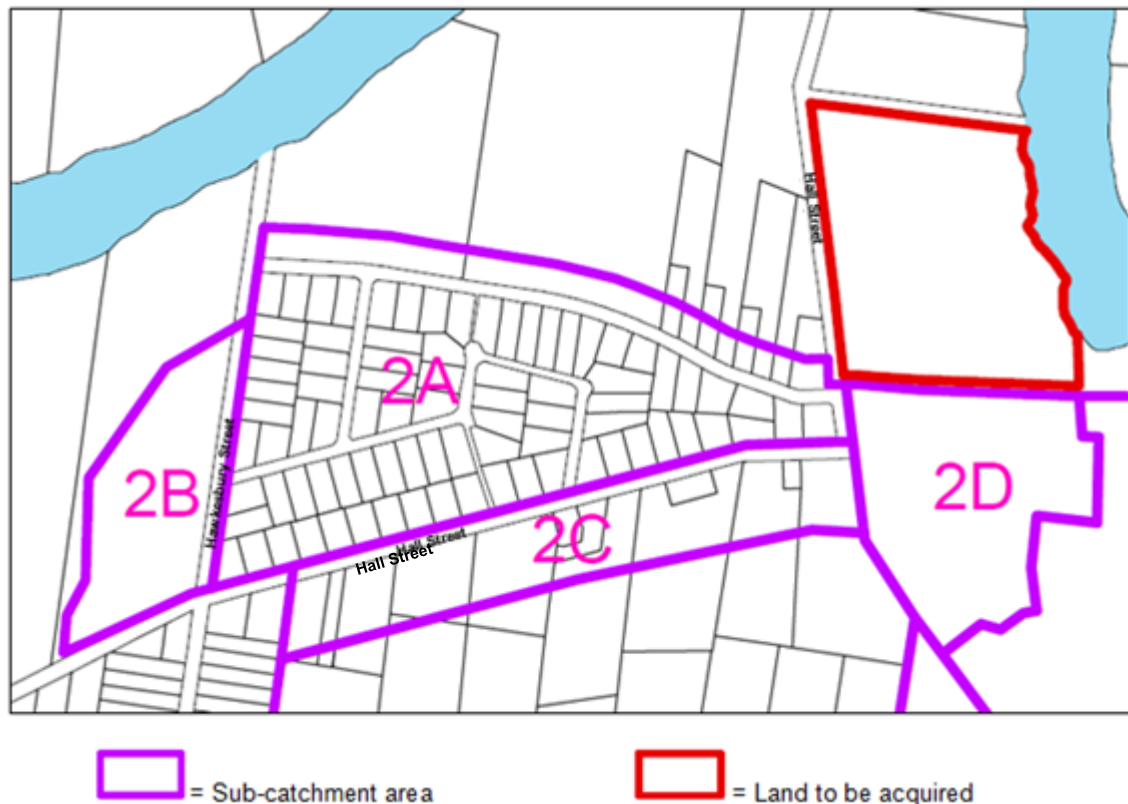


Figure 1: Contribution Area 2

Proposed Stormwater Infrastructure and Acquisition of Land

The draft S64 contribution plan identifies stormwater infrastructure to be provided and land to be acquired.

In summary these consist of:

- assorted stormwater infrastructure on part of 130 Hall Street, Pitt Town
- the upsizing of the pipe network within and adjacent to sub-catchment 2A
- the acquisition of approximately 10.10ha of 130 Hall Street, Pitt Town.

Section 9 of the draft S64 contribution plan provides figures showing the location of these items.

Proposed Contribution

Contributions are proposed to be levied by Council on the subdivision of land within Contribution Area 2 in order to recoup the incurred costs and fund the estimated costs for the following items:

- preliminary investigations and plans
- provision of stormwater infrastructure
- acquisition of land.

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The incurred and estimated costs of these items are shown in the table below.

Item	Cost
Pitt Town Development Water Management Plan (PTDWP), November 2005 prepared by Connell Wagner Pty Ltd (incurred cost)	\$21,441.86
Land valuations prepared by K.D. Wood Valuations (Aust.) Pty. Ltd, October 2015 (incurred cost)	\$500.00
Stormwater infrastructure – gross pollutant trap, inlet pond, wetland, swale, outlet weir and outlet channel, all weather maintenance access track, wetland perimeter maintenance track, planting within wetland, seeding and stabilisation of exposed surfaces (estimated cost)	\$2,709,638.53
Stormwater infrastructure - upsizing of the pipe network within and adjacent to sub-catchment 2A to cater for stormwater run-off from development within sub-catchments 2B and 2C (this cost is applicable to sub-catchments 2B and 2C only and is based on the estimated cost of works already completed by a relevant developer)	\$371,985.23
Acquisition of land (estimated cost)	\$2,300,249.32
TOTAL	\$5,403,814.94

Note: the estimated costs include the following allowances.

Stormwater Infrastructure (excluding the estimated cost of upsizing the pipe network within and adjacent to sub-catchment 2A)	
Detailed survey and design	1.5% cost of infrastructure
Project supervision/management	10% cost of infrastructure
Administration/overheads	10% cost of infrastructure
Contingency	30% cost of infrastructure
Land Acquisition	
Detailed survey, further valuation, project management	1.5% cost of acquisition
Contingency	30% cost of acquisition
Borrowings for stormwater infrastructure (including the estimated cost of upsizing the pipe network within and adjacent to sub-catchment 2A) and land acquisition	
Assumed borrowing rate of 6% per annum, repaid monthly over a 10 year period	

The contribution formula for these items is:

$$\text{Contribution rate } (\$/\text{m}^2) = C/A$$

Where:

- C is the proportional incurred and estimated cost (based on the area of each sub-catchment) of preliminary investigations and plans, provision of stormwater infrastructure, and acquisition of land
- A is the area of land within each sub-catchment (exclusive of the areas of Hawkesbury Street and Hall Street)

The contribution rate is to be applied to all land that is proposed to be subdivided and drains into the catchment, inclusive of any proposed road reserves, easements and temporary stormwater works. The contribution rate for each sub-catchment is shown in the following table.

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Item	Sub-catchment	Sub-catchment proportion of cost (based on area of sub-catchment)	Area (ha)	Contribution rate (\$/m²)
Preliminary investigations and plans Provision of stormwater infrastructure Acquisition of land	2A	\$2,686,405.09	22.69	\$11.84
Preliminary investigations and plans Provision of stormwater infrastructure Acquisition of land	2B	\$715,600.91	4.79	\$14.94
Preliminary investigations and plans Provision of stormwater infrastructure Acquisition of land	2C	\$1,077,136.23	7.21	\$14.94
Preliminary investigations and plans Provision of stormwater infrastructure Acquisition of land	2D	\$924,672.71	7.81	\$11.84
TOTAL		\$5,403,814.94	42.5	

Consultation

It is recommended that the draft contribution plan be publically exhibited for a minimum period of 28 days.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place directions:

- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury
- Have development on both sides of the river supported by appropriate physical and community infrastructure.

The proposal is consistent with the Linking the Hawkesbury direction:

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

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The proposal is consistent with the Shaping Our Future Together direction:

- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services.

Financial Implications

The costs associated with the preparation of the draft contribution plan are covered in Council's existing budget.

Planning Decision

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

RECOMMENDATION:

That:

1. The draft *Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town - Contribution Area 2, June 2016* attached as Attachment 1 to the report, be publically exhibited for a minimum period of 28 days.
2. Following the exhibition period the matter is to be reported back to Council to consider any submissions, if received, and to finalise the Plan.

ATTACHMENTS:

- AT - 1** Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town - Contribution Area 2, June 2016

AT - 1 Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town -

Contribution Area 2, June 2016



Hawkesbury City Council

Section 64
Contribution Plan -
Stormwater Infrastructure
for Pitt Town -
Contribution Area 2,
June 2016

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Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town – Contribution Area 2

1. Introduction

On 10 July 2008, certain land at Pitt Town was rezoned by the NSW State Government under Part 3A of the *Environmental Planning and Assessment Act 1979*. The rezoning created the potential for the subject land to be developed into 943 residential and large lot residential allotments.

To enable the transportation and treatment of stormwater from the land to be developed it is necessary that stormwater infrastructure be provided and land acquired by Council.

This plan identifies the incurred and estimated costs associated with the provision of stormwater infrastructure and land to be acquired, and determines development contributions to be levied via conditions of development consents for the subdivision of land.

Note the stormwater infrastructure and associated contributions identified in this plan are for the purposes of achieving the water quality standards of Part E Chapter 4 Pitt Town of the *Hawkesbury Development Control Plan 2002* as shown below in Table 1. The provision of such stormwater infrastructure or the payment of contributions towards such infrastructure does not negate the need for developers to achieve relevant water quantity standards contained with the *Hawkesbury Development Control Plan 2002*.

Table 1: Water Quality Standards of Hawkesbury Development Control Plan 2002, Part E, Chapter 4 Pitt Town

Water Quality Standards	
Pollutant	Treatment standard
Suspended solids	80% retention of the average annual load.
Total phosphorous	45% retention of the average annual load.
Total nitrogen	45% retention of the average annual load.
Litter	Retention of litter greater than 50mm for flows up to 25% of the 1 year ARI peak flow.
Coarse sediment	Retention of sediment coarser than 0.125mm for flows up to 25% of the 1 year ARI peak flow.
Oil and grease	In areas with concentrated hydrocarbon deposition, no visible oils for flows up to 25% of the 1 year ARI peak flow.

2. Name of this Plan

This contribution plan is called the "Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town – Contribution Area 2, June 2016".

3. Purposes of this Plan

The purposes of this plan are to:

- provide an administrative framework under which specific stormwater infrastructure is provided and land acquired in order to allow large lot residential development within the contribution area;
- authorise the Council to impose conditions under Section 64 of the *Local Government Act 1993* when granting consent to development on land to which this plan applies;
- enable the Council to be both publicly and financially accountable in its assessment and administration of the contribution plan.

4. Commencement of this Plan

This plan commenced on the date on which public notice of its adoption by Council appeared in a local newspaper.

Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town – Contribution Area 2

5. Land to which this plan applies

This plan applies to land within the vicinity of Hawkesbury and Hall Streets, Pitt Town identified as sub-catchments 2A, 2B, 2C, and 2D and collectively known as Contribution Area 2 as shown in Figure 1.

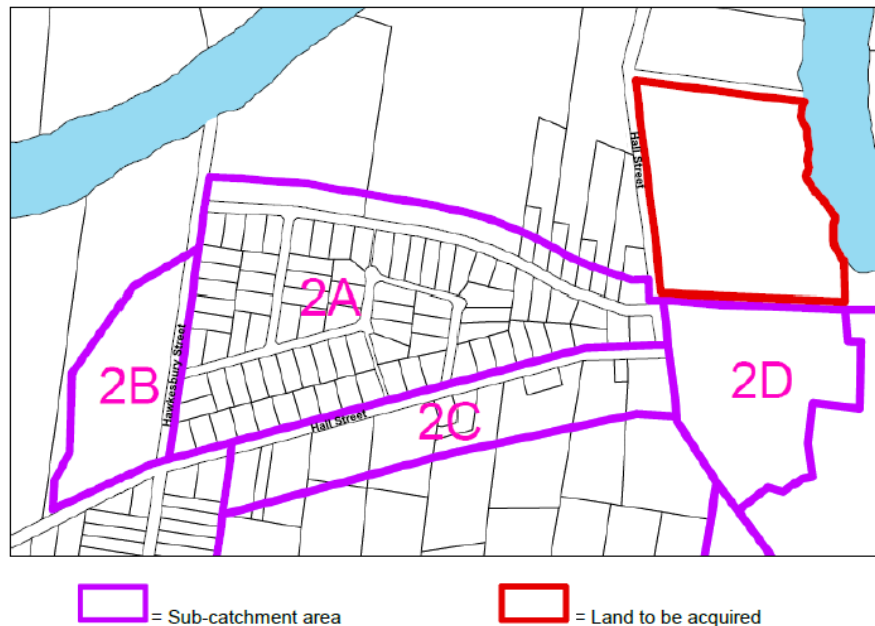


Figure 1: Contribution Area 2

6. Development to which this plan applies

This plan applies to development applications for the subdivision of land for large lot residential purposes within sub-catchments 2A, 2B, 2C and 2D.

7. Relationship to other plans

This contribution plan supplements the provisions of the *Hawkesbury Local Environmental Plan 2012*, and *Hawkesbury Development Control Plan 2002*.

8. Preliminary Investigations and Plans

Council has incurred consultancy costs in investigating and preparing plans for the provision of stormwater infrastructure and the acquisition of land.

These include:

- the Pitt Town Development Water Management Plan (PTDWP), 2005 prepared by Connell Wagner Pty Ltd as part of the initial rezoning (*Hawkesbury Local Environmental Plan 1989 – Amendment 145*) of land within Pitt Town for residential and rural housing purposes.
- land valuations prepared by K.D. Wood Valuations (Aust.) Pty. Ltd., October 2015

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The costs (exclusive of GST) that have been apportioned to Contribution Area 2 are as follows:

Item	Cost
Pitt Town Development Water Management Plan (PTDWP), November 2005 prepared by Connell Wagner Pty Ltd	\$21,441.86
Land valuations prepared by K.D. Wood Valuations (Aust.) Pty. Ltd, October 2015	\$500.00
TOTAL	\$21,941.86

9. Provision of Stormwater Infrastructure and Acquisition of Land

It is proposed that contributions be levied for the provision of assorted stormwater infrastructure on part of 130 Hall Street, Pitt Town, and for the upsizing of the pipe network within and adjacent to sub-catchment 2A.

The indicative location of the proposed stormwater infrastructure on 130 Hall Street, Pitt Town is shown in Figure 2. Note the ultimate location of this infrastructure will be subject to further investigation and design.

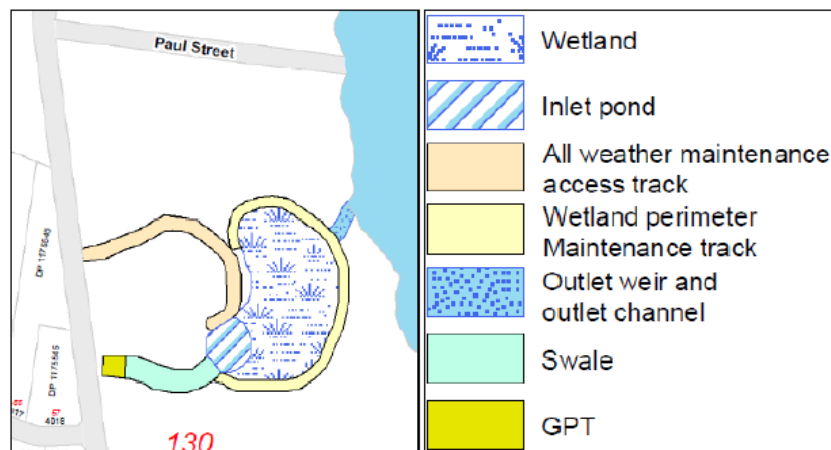


Figure 2: Indicative location of proposed stormwater infrastructure on 130 Hall Street, Pitt Town

The location of the pipe network provided within and adjacent to sub-catchment 2A is shown in Figure 3.

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Stormwater infrastructure - upsizing of the pipe network within and adjacent to sub-catchment 2A to cater for stormwater run-off from development within sub-catchments 2B and 2C (this cost is applicable to sub-catchments 2B and 2C only and is based on the estimated cost of works already completed by relevant developer)	\$371,985.23
Acquisition of land	\$2,300,249.32
TOTAL	\$5,381,873.08

Note these estimated costs include the following allowances.

Stormwater Infrastructure (excluding the estimated cost of upsizing the pipe network within and adjacent to sub-catchment 2A)	
Detailed survey and design	1.5% cost of infrastructure
Project supervision/management	10% cost of infrastructure
Administration/overheads	10% cost of infrastructure
Contingency	30% cost of infrastructure
Land Acquisition	
Detailed survey, further valuation, project management	1.5% cost of acquisition
Contingency	30% cost of acquisition
Borrowings for stormwater infrastructure (including the estimated cost of upsizing the pipe network within and adjacent to sub-catchment 2A) and land acquisition	
Assumed borrowing rate of 6% per annum, repaid monthly over a 10 year period	

10. Contributions

Contributions are to be levied by Council on the subdivision of land in order to recoup the incurred costs and fund the estimated costs for the following items:

- Preliminary investigations and plans
- Provision of stormwater infrastructure
- Acquisition of land

The contribution formula for these items is:

$$\text{Contribution rate } (\$/\text{m}^2) = C/A$$

Where:

- C is the proportional incurred and estimated cost (based on the area of each sub-catchment) of preliminary investigations and plans, provision of stormwater infrastructure, and acquisition of land
- A is the area of land within each sub-catchment (exclusive of the areas of Hawkesbury Street and Hall Street)

The contribution rate is to be applied to all land that is proposed to be subdivided, inclusive of any proposed road reserves, easements and temporary stormwater works. The contribution rate for each sub-catchment is shown in the following table.

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Item	Sub-catchment	Sub-catchment proportion of cost (based on area of sub-catchment)	Area (ha)	Contribution rate (\$/m ²)
Preliminary investigations and plans Provision of stormwater infrastructure Acquisition of land	2A	\$2,686,405.09	22.69	\$11.84
Preliminary investigations and plans Provision of stormwater infrastructure Acquisition of land	2B	\$715,600.91	4.79	\$14.94
Preliminary investigations and plans Provision of stormwater infrastructure Acquisition of land	2C	\$1,077,136.23	7.21	\$14.94
Preliminary investigations and plans Provision of stormwater infrastructure Acquisition of land	2D	\$924,672.71	7.81	\$11.84
TOTAL		\$5,403,814.94	42.5	

11. Indexation of contributions included in this plan

To ensure that the value of contributions are not eroded over time by inflation, Council will, without the necessity of preparing a new or amending contributions plan, make changes to the contribution rates set out in this plan to reflect quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Note the Consumer Price Index (All Groups Index) for Sydney at the time of preparing this plan was 108.7 (March 2016 index rate).

12. Indexation of contributions at the time of payment

Contributions required by a condition of development consent imposed in accordance with this plan will be indexed between the date of the grant of the consent and the date on which the contribution is paid in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

13. Timing of payment of Contributions

Contributions are to be paid to Council prior to the release of the plan of subdivision (i.e. Subdivision Certificate).

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Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town – Contribution Area 2

14. Policy on deferred payments

Council may allow payment of contributions to be deferred in the following circumstances:

- compliance with the Section 13 of this plan is unreasonable or unnecessary in the circumstances of the case,
- deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of required stormwater infrastructure, or
- where the applicant intends to carry out works and/or dedicate land in lieu of the contribution and Council and the applicant have a legally binding agreement for the provision of the works and/or land dedication.

If Council agrees to a deferred or periodic payment request, Council will require the applicant to provide an unconditional bank guarantee by a bank or a financial institution for the full amount of the contribution or the outstanding balance on the condition that:

- the guarantee must carry specific wording identifying its purpose, for example "Stormwater infrastructure contribution for Contribution Area 2",
- the guarantee is for the contribution amount plus the estimated amount of compound interest foregone by Council for the anticipated period of deferral, (refer to formula below),
- Council may call up the guarantee at any time without reference to the applicant. Note however that the guarantee will generally be called up only when cash payment has not been received, land is not dedicated or works in kind have not been provided by the end of the period of deferral,
- Council will discharge the bank guarantee when payment is made in full by cash payment, land transfer or by completion of works in kind.

Formula for Bank Guarantee

The following formula will be applied to all bank guarantees for contributions:

$$\text{Guarantee Amount} = P + P(CI \times Y)$$

Where:

- P is the contribution due;
- CI is the compound interest rate comprised of Council's estimate over the period plus 3% (allowance for fluctuations); and
- Y is the period of deferral (years).

15. Carrying out of works and/or dedication of land offered in part or full satisfaction of contributions

A person may make an offer to enter into an agreement with Council for the carrying out of works and/or dedication of land in part or full satisfaction of a contribution required by this plan.

Council will only accept offers of works or land that are items identified in this plan.

Each party to an agreement will be responsible for their own costs in the preparation and implementation of the agreement.

16. Valuation of offers

The value of any proposed works or land to be dedicated will be determined by a process agreed to between Council and the applicant. The determination of the value of the works or land is to be completed prior to Council and the applicant entering into of an agreement under Section 15 of this plan.

The value of any works or land offered by the applicant may, at Council's discretion, be used to offset contributions levied under this plan.

Where Council accepts an offer by an applicant to undertake works and/or dedicate land, and the value of the works and/or land is in excess of the contribution required under the consent, the surplus value of works and/or land will be held by Council as credit for future development. The credit will be offset against contributions required under this plan that are applicable to future development by the applicant.

If no future development is intended, the applicant will be reimbursed by Council for the surplus works or land credit, subject to agreement by Council as to the value of same.

17. Accountability and access to information

Appropriate accounting records will be maintained for contributions collected by this plan. The records will contain details concerning contributions received and expended, including interest, and may be inspected upon request.

18. Savings and transitional arrangements

This plan applies to:

- a development application or an application to modify a development consent submitted after the date on which this plan commenced; and
- a development application or an application to modify a development consent submitted, but not yet determined, on or before the date on which this plan commenced.

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Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town – Contribution Area 2

Appendix 1 – Summary of works

Item	Location Description	Length	Width	Area/ Number	Estimated cost
Upsizing of pipes network within and adjacent to sub-catchment 2A to cater for stormwater run-off from development within sub-catchments 2B and 2C. Various sized pipes from 450 mm to 1800 mm diameter.	Hall Street, Hawkesbury Street, Blighton Road, Orchard Way, Cleary Drive	3,546 m			\$279,217
Gross Pollutant Trap (GPT)				1 of	\$350,000
Inlet Pond, Wetland and Swale				17,560m ²	\$500,000
Planting within wetland, seeding and stabilisation of exposed surfaces				20,000m ²	\$170,000
Outlet weir and outlet channel				200m ²	\$200,000
All weather maintenance access track	From Hall Street to Inlet Pond	150m	3.5m	525m ²	\$52,500
Wetland perimeter maintenance track - compacted earth	Around Wetland	500m	3.5m	1750m ²	\$70,000

Note these estimated costs are exclusive of the allowances for detailed survey and design, project supervision/management, administration/overheads and borrowings identified in Section 9 of this plan.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 June 2016

GENERAL MANAGER

Item: 118 **GM - 2016 Local Government NSW Water Management Conference (79351, 79633)**

REPORT:

Executive Summary

The Local Government NSW (LGNSW) 2016 Water Management Conference will be held from 28 to 30 August 2016 at Broken Hill. Due to its relevance to Council's business, it is recommended that the LGNSW 2016 Water Management Conference be attended by Councillors and appropriate staff.

Consultation

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

Background

The LGNSW 2016 Water Management Conference will be held from 28 to 30 August 2016 at Broken Hill. This Conference is an annual event, coordinated by local government for local government, providing a forum for discussion on urban water supply and sewerage as well as the broader water management issues. This year's conference will focus on key themes; Broken Hill's water supply emergency and future water security; water reuse in inland towns; innovation in water utilities and local water utilities in regional NSW - what does the future hold.

Cost of attendance at the LGNSW 2016 Water Management Conference is approximately \$2,200 per delegate.

The 2016/2017 Operational Plan contains a provision of \$48,000 for Delegate Expenses.

Budget for Delegate Expenses - Payments made:

- | | |
|---|----------|
| • Total Budget for Financial Year 2016/2017 | \$48,000 |
| • Expenditure to date | \$Nil |
| • Budget balance as at 21/6/16 | \$48,000 |

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Direction Statement

- To look after our cultural and environmental assets for future generations so that they too can enjoy, and benefit from, a clean river and natural eco-systems, rural and cultural landscape.
- Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment.

and is also consistent with the nominated strategy in the CSP being:

- Effective management of our rivers, waterways, riparian land, surface and groundwaters, and natural eco-systems through local action and regional partnerships.

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Financial Implications

Funding of the cost of attendance at this Conference will be provided from the Delegates Expenses within the 2016/2017 Adopted Operational Plan.

RECOMMENDATION:

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Local Government NSW 2016 Water Management Conference at an approximate cost of \$2,200 per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 June 2016

Item: 119 **GM - Constitutional Referendum on the Division of the Hawkesbury Local Government Area into Wards - (79351)**

Previous Item: MM2, Ordinary (31 May 2016)

REPORT:

Executive Summary

At its Ordinary Meeting on 31 May 2016, Council considered a Mayoral Minute regarding the possibility of dividing the Hawkesbury Local Government Area (LGA) into wards. Council subsequently resolved that a report be submitted on the practicality of holding a constitutional referendum on this issue.

This report provides an overview of the process to be followed should Council decide to pursue the division of the Hawkesbury LGA into wards, including, but not limited to, the practicality of holding a constitutional referendum at the Hawkesbury LGA election to be held on Saturday, 10 September 2016.

Consultation

The issues raised in this report concern matters which, depending upon the course of action to be taken, may require community consultation under Council's Community Engagement Policy and as required by the Local Government Act, 1993 (the Act).

Background

At its Ordinary Meeting held on 31 May 2016, Council considered a Mayoral Minute regarding the possibility of dividing the Hawkesbury Local Government Area into wards, and resolved as follows:

"That a report be provided to the next Council Meeting on the practicality of holding a constitutional referendum at the Hawkesbury City Council election on 10 September 2016 to determine the question of whether the Hawkesbury Local Government Area should be divided into wards."

As a constitutional referendum is only one aspect of the process to be undertaken when dividing an undivided area into wards, the scope of this report has been extended to include all aspects relating to the process, as well as on-going implications.

The Act sets out the legislative processes that must be followed by a council intending to divide its area into wards, as well as ongoing implications for councils divided into wards. Of relevance to this report is also the Division of Local Government's Circular No. 11-30 issued on 6 October 2011 in regard to Constitutional Referendums.

Process to divide an undivided LGA into Wards

Should Council determine that it wishes to proceed with the division of the Hawkesbury LGA into wards, the process to be followed is summarised below.

1. Constitutional Referendum

The Division of Local Government's Circular No. 11-30 states:

"Divide an area into wards or abolish wards"

Section 210(5) of the Act requires a council to seek the approval of its electors at a constitutional referendum to either divide an area into wards or to abolish wards. After receiving elector approval, and before dividing its area into wards, a council must undertake the consultation required by section 210A of the Act."

In accordance with Section 16 of the Act, the process for dividing an undivided area into wards requires a constitutional referendum in the first instance.

"16 What matters must be dealt with at a constitutional referendum?"

A council may not do any of the following unless approval to do so has been given at a constitutional referendum:

- (a) *divide its area into wards [...],*
- (b) *[...],*
- (c) *[...],*
- (d) *[...].*

In relation to constitutional referendums, Part 4 of Schedule 10 of the Local Government (General) Regulation 2005 (the Regulation), provides:

"4 *The following additional provisions apply to constitutional referendums and council polls under Part 3 of Chapter 4 of the Act:*

- (a) *if a council resolves to take a constitutional referendum or council poll, the general manager is to notify the Electoral Commission of the resolution within 21 days after the council makes the resolution (if the Electoral Commissioner is to administer the referendum or poll),*
- (a1) *if a constitutional referendum or council poll is to be held in conjunction with an election of councillors, the general manager must (if he or she has not already done so) notify the Electoral Commission of the question to be asked at the referendum or poll no later than 12 noon on the closing date for the election (if the Electoral Commissioner is to administer the referendum or poll and the election),*
- (b) *the election manager is to notify in a newspaper circulating in the area in which a referendum is to be taken, or the area or part of the area in which a poll is to be taken, the date of the referendum or poll, the question to be asked at the referendum or poll and the locations and times of polling for the referendum or poll:*
 - (i) *except as provided by subparagraph (ii)-as soon as practicable after being notified of the date of the referendum or poll, or*
 - (ii) *in the case of a referendum or poll to be held in conjunction with an election of councillors-at the same time as the election manager publishes a notice under clause 300 of this Regulation in relation to the election,*
- (c) *the poll-paper at a constitutional referendum or council poll is to be in Form 16 in Schedule 11,*
- (d) *a poll-paper at a constitutional referendum or council poll is informal if:*

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- (i) *neither the word "Yes" nor the word "No" is written in or near the space provided opposite the question, or*
- (ii) *the poll-paper is not initialled on the front by the returning officer or an election official, or*
- (iii) *the poll-paper contains a mark or writing that, in the returning officer's opinion, would enable the voter to be identified,*
- (e) *in spite of paragraph (d) a poll-paper is not informal if:*
 - (i) *neither the word "Yes" nor the word "No" is written in or near the space provided opposite the question, or*
 - (ii) *the poll-paper contains an unnecessary mark, if, in the opinion of the returning officer, the voter's intention is clearly indicated on the poll-paper,*
- (f) *in spite of paragraph (d) a poll-paper is not informal because it is not initialled on the front by the returning officer or an election official if it contains the mark referred to in clause 305 (2) of this Regulation,*
- (g) *a poll-paper that is informal is to be rejected at the scrutiny."*

In addition, Section 210 of the Act provides as follows:

"210 Division of areas into wards

- (1) *The council may divide its area into divisions, called "wards".*
- (2) *The council may abolish all wards.*
- (3) *The council may alter ward boundaries.*
- (4) *The council may name or rename a ward.*
- (5) *A council must not divide an area into wards or abolish all wards unless it has obtained approval to do so at a constitutional referendum.*
- (6) *A by-election held after an alteration of ward boundaries and before the next ordinary election is to be held as if the boundaries had not been altered.*
- (7) *The division of a council's area into wards, or a change to the boundaries of a ward, must not result in a variation of more than 10 per cent between the numbers of electors in each ward in the area."*

1.1 Timing of Constitutional Referendum

The most cost-effective way is for a constitutional referendum to be conducted in conjunction with an election. It would therefore be advisable that, if Council intends to proceed with the process; a constitutional referendum is held at the forthcoming Local Government election to be held on Saturday, 10 September 2016.

1.2 Constitutional Referendum Question

Council needs to determine the question to be asked at the constitutional referendum, if it resolves to proceed with the same. If it is intended to hold the referendum at the forthcoming election to be held on Saturday, 10 September 2016, then, notwithstanding the above provisions, advice from the Electoral Commission is that Council must inform the Electoral Commission of the question that will be posed on polling day, by Friday, 15 July 2016.

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It is of critical importance that the referendum question is carefully framed to ensure that workable decisions are achieved. All questions put at a referendum should be clear, concise, and capable of being responded to with a "yes" or "no" answer.

Schedule 11 of the Regulation provides a number of forms, and at Form 16, sets out the format of a constitutional referendum or council poll paper, as follows:

"Form 16 - Constitutional referendum or council poll paper

(Schedule 10, clause 4)

[local government area]

Constitutional referendum/council poll taken on [date]

Directions:

The question below requires a "Yes" or "No" answer.

If you decide to answer "Yes" to the question, write the word "Yes" in the space provided opposite the question.

If you decide to answer "No" to the question, write the word "No" in the space provided opposite the question.

Question:

[here set out question]"

To facilitate Council's consideration of an appropriate question that could be asked at the referendum, reference to the Electoral Commission's website reveals that since 2004 there have been some 24 referenda questions posed. Of these, only one, that being at Sydney City Council in 2008, was for the division of that LGA into wards. The question was:

"Currently the City of Sydney is an undivided council with no wards.

Do you agree to the City of Sydney being divided into three wards, each ward electing three councillors?"

It would appear from the above question that Sydney City Council had determined how many wards it was considering before the constitutional referendum question was put.

Council officers have sought advice from the Office of Local Government (OLG) in regard to the specific details that the question posed at the referendum would need to contain. The OLG advised that the question in regard to dividing an area into wards would need to specify the intended number of wards, and the proposed number of councillors per ward. This Council has not determined the number of wards it might wish to consider.

In light of this advice and the time constraints relevant to this referendum being held at the same time as the upcoming local government election, if Council were to pose a question in regard to dividing the Hawkesbury LGA into wards, Council needs to determine the intended number of wards and the resulting number of councillors per ward by no later than the next available Ordinary Meeting, being on 12 July 2016.

Based on the current number of councillors, being 12, the number of wards must be equally divisible into 12. Following advice from the OLG, this means that if it is decided to proceed, the LGA could be divided into:

- twelve wards (with one councillor per ward)
- six wards (with two councillors per ward)
- four wards (with three councillors per ward)
- three wards (with four councillors per ward)
- two wards (with six councillors per ward).

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In regard to the likely boundaries for the respective wards, unfortunately, at this stage, there is insufficient time to develop a plan as to where the likely ward boundaries might be.

Based on the availability of information and timing constraints as detailed above and assuming Council determines the likely number of wards, a suggested referendum question might be:

"Currently Hawkesbury City Council is an undivided council with no wards.

Do you agree to the Hawkesbury local government area being divided into (number) wards, each ward electing (number) councillors?"

In accordance with the OLG Circular No. 11-30, if Council proceeded with holding the constitutional referendum, it would also be responsible for the preparation and publicity of the required explanatory material. Council must ensure this material presents a balanced case both for and against any proposition to be put to a constitutional referendum, in this case, the question of whether the Hawkesbury LGA should be divided into wards with a specified number of councillors per ward. Conventional expectations would be that neutral information is available to inform the decision.

1.3 Practicality of holding a Constitutional Referendum on Saturday, 10 September 2016

As detailed above, it is possible for Council to hold a constitutional referendum in conjunction with the upcoming Local Government Election on Saturday, 10 September 2016, having regard to the matters outlined above. The Council must inform the Electoral Commission of the question that will be posed on polling day, by Friday, 15 July 2016.

2. Consultation post the Constitutional Referendum

Any decision taken at a constitutional referendum is binding on the Council but if the decision is in the affirmative, the division of the LGA into wards will not come into effect until the next general council election, which will be in 2020.

Assuming the constitutional referendum is carried in the affirmative, the legislative requirements would be progressed in accordance with Section 210(A) of the Act, which is as follows:

"210A Consultation, public notice and exhibition of proposals regarding ward boundaries

- (1) *Before dividing a council's area into wards or altering a council's ward boundaries, the council must:*
 - (a) *consult the Electoral Commissioner and the Australian Statistician to ensure that, as far as practicable, the proposed boundaries of its wards correspond to the boundaries of appropriate districts (within the meaning of the Parliamentary Electorates and Elections Act 1912) and census districts, and to ensure that the proposed boundaries comply with section 210 (7), and*
 - (b) *prepare and publicly exhibit a plan detailing the proposed division or alteration (the **ward boundary plan**).*
- (2) *The council must give public notice of the following:*
 - (a) *the place at which the ward boundary plan may be inspected,*
 - (b) *the period for which the plan will be exhibited (being a period of not less than 28 days),*

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- (c) the period during which submissions regarding the ward boundary plan may be made to the council (being a period of not less than 42 days after the date on which the ward boundary plan is placed on public exhibition).*
- (3) The council must, in accordance with its notice, publicly exhibit the ward boundary plan together with any other matter that it considers appropriate or necessary to better enable the plan and its implications to be understood.*
- (4) Any person may make a submission to the council regarding the ward boundary plan within the period referred to in subsection (2) (c).*
- (5) The council must consider submissions made in accordance with this section."*

In summary, the following would be required:

- Consultation with the Electoral Commissioner and with the Australian Statistician (this consultation is to ensure that, as far as practicable, the proposed ward boundaries correspond to the boundaries of the electoral and census districts and that there is no more than a 10% variation in the numbers of electors in each ward).
- Preparation and public exhibition of a plan showing the proposed ward boundaries.
- The Council must then proceed through a public consultation process, with the plan being exhibited for not less than 28 days, with submissions being received up to 42 days, following which the Council must consider any submissions received.

3. On-going Requirements for LGAs divided into Wards

Once a council is divided into wards, Clauses 277 and 277A of the Regulation impose certain requirements on that council. These Clauses are set out below:

"277 Notice of changes to wards

- (1) If a council divides its area into wards, [...], the general manager of the council must give notice of that fact.*
- (2) The notice is to be given:*
 - (a) by advertisement in a newspaper circulating generally in the council's area, and*
 - (b) in writing displayed at the office of the council, and*
 - (c) in writing delivered or sent to the Electoral Commission.*
- (3) If, as a result of the changes referred to in this clause, there are any wards that are new or that have altered boundaries, the notice must include a written description of, and a map showing, the boundaries of the new wards or boundaries as so altered."*

"277A Effect of changes to wards on approaching elections

- (1) Application of this clause*
This clause applies if a council divides its area into wards,[...]. Each such action is a "change" for the purposes of this clause.

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- (2) *Effect on approaching election (other than by-election)*
The next election (other than a by-election) held after a change is made is to be held as if the change had not been made if it was made during the period of 6 months before the closing date, unless the Electoral Commission approves in special circumstances determined by the Commission.
- (3) *Effect on approaching by-election*
A by-election held after a change is made and before the next ordinary election is to be held as if the change had not been made. This subclause does not apply to an alteration of ward boundaries (which is provided for by section 210 (6) of the Act).
- (4) *Transitional Subclause (2) does not apply in relation to the ordinary election to be held in September 2008."*

In accordance with Section 211 of the Act, once divided into wards there would be an ongoing requirement for Council to keep the ward boundaries under review to ensure that the number of electors in each ward does not differ by more than 10%. This Section is set out below:

"211 Ward boundaries

- (1) *The council of an area divided into wards must keep the ward boundaries under review.*
- (2) *If:*
 - (a) *during a council's term of office, the council becomes aware that the number of electors in one ward in its area differs by more than 10 per cent from the number of electors in any other ward in its area, and*
 - (b) *that difference remains at the end of the first year of the following term of office of the council,*

the council must, as soon as practicable, alter the ward boundaries in a manner that will result in each ward containing a number of electors that does not differ by more than 10 per cent from the number of electors in each other ward in the area.
- (3) *Nothing in subsection (2) prevents a council that has become aware of the discrepancy referred to in subsection (2) (a) from altering its ward boundaries before the end of the first year of the following term of office of the council."*

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement:

- Have transparent, accountable and respected leadership and an engaged community;
- Maintain its independent identity and voice through strong local government and community institutions;

and is also consistent with the nominated strategy in the CSP being:

- Achieve community respect through good corporate governance and community leadership and engagement.

ORDINARY MEETING

Meeting Date: 28 June 2016

Financial Implications

The Electoral Commission has advised Council that the estimated costs of holding a constitutional referendum are likely to be in the vicinity of 10% of the total cost of the Hawkesbury LGA local government election, in addition to the election costs. Council has received a preliminary estimate of costs from the Electoral Commission applicable to the September 2016 election. It is estimated that the upcoming election is likely to cost in the vicinity of \$334,000, not including any constitutional referendum.

Should Council decide to proceed with a constitutional referendum on wards at the same time as the election, costs would be in the order of \$33,000 plus GST, in addition to the normal election costs, on costed by the Electoral Commission. This cost would be in addition to any costs directly incurred by Council in relation to the constitutional referendum. This would bring the estimated total costs to \$352,000, excluding other costs directly by Council in relation to the general running of the election.

Council maintains an internally restricted Election Reserve, which to date has a balance of \$367,000 plus GST. The additional costs arising from holding a constitutional referendum could be funded from this Reserve, provided the election costs do not exceed estimates significantly.

Additional costs are likely to be incurred in regard to subsequent stages of the process to divide the area into wards. As this stage, these costs have not been quantified and consequently no funding source has been established.

RECOMMENDATION:

That the report regarding the constitutional referendum on the division of the Hawkesbury Local Government Area into wards be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 June 2016

Item: 120 **GM - Regional Strategic Alliance - Signing of Formal Agreement - (79351, 95496)**

Previous Item: 79, Ordinary (10 May 2016)
 57, Ordinary (28 April 2015)
 MM, Ordinary (16 September 2014)

REPORT:

Executive Summary

Council, at its meeting on 10 May 2016, gave consideration to a report regarding the formalisation of the Regional Strategic Alliance Agreement between Hawkesbury City, Penrith City and Blue Mountains City Councils. The report provided an overview of the progress of the Alliance initiative and outcomes to date, and recommended that Council endorse arrangements entered into with Penrith and Blue Mountains Councils, to allow Council's continued participation in the Alliance, in light of the potential merger with part of The Hills Shire Council at the time. Council adopted the recommendation.

A copy of the report submitted on 10 May 2016 is attached as Attachment 1 to this report for reference purposes.

Subsequent to the consideration of the report, on 12 May 2016, Council was advised that the proposed merger with part of The Hills Shire Council would not proceed.

As Council is no longer subject to a merger proposal, it is now in a position to formally join the Regional Strategic Alliance as an equal fully participating partner with Penrith City and Blue Mountains City Councils.

In accordance with the arrangements detailed in the report considered on 10 May 2016, Penrith City and Blue Mountains City Councils will be signing the Agreement reflecting the three councils as equal fully participating partners at the next Alliance Board meeting scheduled to occur in early July pursuant to their respective resolutions of 21 March 2016 and 29 March 2016.

This report recommends that Council endorses the signing of the Regional Strategic Alliance Agreement attached as Attachment 2 to this report, and associated actions as detailed in this report.

Consultation

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

Background

Council, at its meeting on 28 April 2015, gave consideration to a report regarding the formation of a Regional Alliance – Co-operation and Management Agreement between Hawkesbury City, Penrith City and Blue Mountains City Councils, and pursuant to its resolution, an Agreement was entered into by the three Councils.

During the process of formalising the Regional Strategic Alliance and associated governance structure, by way of a formal agreement, the State Government announced a number of proposed amalgamations for councils in NSW. Both Blue Mountains City and Penrith City Council were not subject to any of these proposals, but this Council was proposed for an amalgamation with part of The Hills Shire Council.

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Due to these circumstances, Council could not commit to being part of the Regional Strategic Alliance at that point in time. The Management Committee considered these circumstances and came to a view that the Regional Strategic Alliance should still proceed with both Penrith and Blue Mountains City Councils as members.

Clauses were added to the Agreement to formalise the Alliance, and permitted this Council to remain as an observer member with the proviso that should Council not be merged a new Agreement be developed to admit Council to the Regional Strategic Alliance. These Clauses were detailed in the report to Council on 10 May 2016, as included in Attachment 1 to this report.

As a result of this Council no longer being the subject of a merger proposal, in accordance with the Agreement and the specific Clauses therein, as detailed in the report considered on 10 May 2016, a new Agreement will now be entered into. The preceding Agreement between Penrith City and Blue Mountains City Councils will become null and void. The new Agreement will reflect the existing Agreement between Penrith City and Blue Mountains City Councils, with the specific Clauses detailed in the previous report to Council being omitted and Hawkesbury City Council being added as a party to the Agreement.

As previously reported to Council, the objective of the Regional Strategic Alliance is to establish a formal partnership with Penrith City Council and Blue Mountains City Council to deliver concrete benefits to the residents within the three local government areas. The outcomes which can be achieved through the RSA include:

- the creation of a strong, regional entity to increase the capacity of member councils to deliver the productivity, governance and efficiency outcomes expected under the NSW Local Government Reform framework
- generating economies of scale to drive down the per-unit cost of back office corporate functions
- transitioning to regional, shared service delivery models with a potential customer base of 450,000 people to facilitate the negotiation of more cost-effective regional service contracts for the everyday services used by residents
- the coordination of land-use and community planning strategies across local government boundaries
- a stronger regional voice and improved capacity for joint-lobbying and advocacy to deliver on the common aspirations of residents living in the outer metropolitan region of Sydney.

Appointment to the Board

Mayor, Councillor Kim Ford and Councillor Calvert have been representing Council on the Management Committee of the Regional Strategic Alliance, investigating the potential for a Regional Strategic Alliance. The new Agreement stipulates that Council nominate its representatives to sit on the Alliance Board of the Regional Strategic Alliance. Should Council enter the Alliance, it would be appropriate to do this at this meeting.

It should be noted that this process will again have to be undertaken at the start of the new Council term following the local government elections, as is the usual protocol with appointing councillors to boards and committees at the start of each Council term.

Current Progress

In its capacity as an observer, Council has, to date, continued to work with Penrith City and Blue Mountains City Councils to investigate a reporting and meeting program for the Alliance Board. The recruitment processes to appropriately resource the Regional Strategic Alliance has also commenced. It is intended that a detailed communications and marketing plan will be developed by each Council in consultation with the appointed CEO to position the Regional Strategic Alliance as best as possible to achieve the outcomes set by the Alliance Board.

Ministerial Approval for Service Company

As detailed in the report to Council on 10 May 2016, the governance structure of the Regional Strategic Alliance will include a Service Delivery Company. The establishment of this Company will require Ministerial Approval. The three Councils are currently finalising the necessary documentation to lodge the application, which includes the requirement for a Council resolution for each respective party. It is intended to submit a report to Council in regard to this matter at a future Council meeting.

Conclusion

The completed investigation and decision of the Management Committee to endorse the formal establishment of the Regional Strategic Alliance between the three Councils is a significant milestone in the relationship between each Council. It is intended that the Council will be updated on the activities and program of the Regional Strategic Alliance.

It is recommended that Council formally enters into the Regional Strategic Alliance Agreement between Hawkesbury City, Blue Mountains City and Penrith City Councils and undertake the necessary steps in regard to representation and resourcing, as detailed in the recommendation below.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions Statements:

- Maintain its independent identity and voice through strong local government and community institutions;
- Have constructive and productive partnerships with residents, community groups and institutions;

and is also consistent with the nominated strategy in the CSP being:

- Broaden the resources and funding available to our community by working with local and regional partners as well as other levels of government.

Financial Implications

Funding for Council's share of the costs identified for resourcing the Regional Strategic Alliance, as detailed in this report, is included in the 2016/2017 Adopted Operational Plan.

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RECOMMENDATION:

That:

1. The information contained in the report on Regional Strategic Alliance between Hawkesbury City, Penrith City Council and Blue Mountains City Council be received.
2. Council formally enter into a Regional Strategic Alliance with Penrith City and Blue Mountains City Councils, in accordance with the Draft Agreement attached as Attachment 2 to this report.
3. Council appoint the Mayor, Deputy Mayor and the General Manager as Directors of the Alliance Board of the Regional Strategic Alliance as Council's representatives on the Alliance Board.
4. Council appoint a Councillor as an alternate Director to the Regional Strategic Alliance Board, to act for any Councillor appointed by Council to the Board of the Regional Strategic Alliance, while the Councillor member is absent from any meeting of the Regional Strategic Alliance, until the next Council election.
5. The Acting General Manager be delegated with the authority to execute the final Agreement.

ATTACHMENTS:

AT - 1 Item 79, Ordinary Meeting, 10 May 2016: GM - Regional Strategic Alliance - (79351, 95496).

AT - 2 Draft Regional Strategic Alliance Management Agreement

ORDINARY MEETING

Meeting Date: 28 June 2016

AT - 1 Item 79, Ordinary Meeting 10 May 2016

ORDINARY MEETING

Meeting Date: 10 May 2016

GENERAL MANAGER

ITEM: 79 **GM - Regional Strategic Alliance - (79351, 95496)**

Previous Item: 57, Ordinary (28 April 2015)
MM, Ordinary (16 September 2014)

REPORT:

Executive Summary

Council, at its meeting on 28 April 2015, gave consideration to a report regarding the formation of a Regional Alliance – Co-operation and Management Agreement between Hawkesbury, Penrith and Blue Mountains Councils, and resolved to proceed with the steps necessary to form the Agreement and to establish the appropriate supporting management and governance frameworks.

Following the finalisation of the Agreement, a Management Committee, consisting of two Councillors and the General Manager, and a Working Group comprised of Senior Staff, from each respective member Council, were appointed.

The Working Group, with the endorsement of the Management Committee, has progressed the Agreement, to a stage, where a formal Regional Strategic Alliance can be formed between the three Councils. However, due to recent events, this Council's continued participation in the Alliance is uncertain. Since the commencement of the Agreement in December 2015, this Council was identified for a potential merger with part of The Hills Shire Council. Council's potential merger impacts on its continued participation in the Alliance with the other two Councils, and limits its ability to commit financially.

This report provides an overview of the progress of the Alliance initiative and outcomes to date, and recommends that Council endorses arrangements entered into with Penrith and Blue Mountains Councils, to allow Council's continued participation in the Alliance, in light of a potential merger with part of The Hills Shire Council.

The Working Group, with the endorsement of the Management Committee, has also progressed an initiative to consider the potential formation of a Regional Tourism Organisation between the three Councils, including seeking relevant funding from Destination NSW. This report provides an overview in regard to Council's participation, within the scope as detailed in this report, for Council's information.

Consultation

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

Background

Formalisation of the Regional Strategic Alliance with Penrith and Blue Mountains City Councils

Council, at its meeting on 28 April 2015, gave consideration to a report regarding the formation of a Regional Alliance – Co-operation and Management Agreement between Hawkesbury, Penrith and Blue Mountains councils, and resolved, in part:

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"That:

- 1. The information contained in the report on Regional Strategic Alliance – Co-operation and Management Agreement be received.*
- 2. Council give authority to the General Manager to enter into a Regional Strategic Alliance Co-operation and Management Agreement (the "Agreement") with Blue Mountains City Council and Penrith City Council...."*

In accordance with this resolution, an Agreement was entered into by the three Councils. The project while partially a response to the local government reforms, being instigated by the State Government, was also an initiative from each Council, attempting to capitalise on the good will and opportunities that already exist between each Council and their key communities.

In accordance with the Agreement, a Management Committee was established consisting of two Councillors and the General Manager from each Council. In addition to this, a Working Group to support the Management Committee was established consisting of Senior Staff from each Council.

Since the establishment of the Agreement, the Working Group has been meeting regularly to discuss a number of options and opportunities, and undertook a scoping exercise to engage a consultant to facilitate the investigation into a Regional Strategic Alliance.

The three Councils proceeded to engage a consultant to facilitate and generate discussion between each Council to draw out some of the synergies, differences, and critically, areas of opportunity between each Council that could be further investigated. The other objective of the consultant's engagement was to develop and propose to the Management Committee a structure for any potential Regional Strategic Alliance moving forward.

Subsequent to the scoping exercise, SGS Economics and Planning (SGS) were engaged to provide a number of facilitated workshops, with both the Senior Staff of each Council and the Management Committee.

These workshops identified a number of key issues, including:

- Identification of strengths and synergies that already exist
- Areas of opportunity
- What elements will be required to be successful
- What are the desired outcomes
- The governance around the structure of any future entity

As part of their brief, SGS were required to undertake a significant amount of research, looking at similar alliances, both domestically and internationally, to determine best practice cases around the world. This research was undertaken with the local knowledge and information gained over three workshops with the Management Committee and Working Group.

The culmination of a final report from SGS in October last year, resulted in a number of options being put forward for the Management Committee to consider, in regard to the governance structure of a future entity, to support activities of the Alliance. The preferred model suggested by SGS, and consequently endorsed by the Management Committee, is an Alliance Board with a Service Delivery Company. Having a company limited by guarantee, operating in conjunction with an Alliance Board, is considered to be an appropriate structure to bring projects to maturity. The justification of this model is that it has the advantages of a company structure to undertake the business of delivering services, and the Alliance Board can be quickly established through a Section 355 Committee.

The preferred model is considered to be fit for purpose and support the desired outcomes, being to achieve efficiencies and improved quality of services for the region, improve strategic capacity, and have a stronger seat at the table in terms of advocacy and promotion. It also allows dual representation from both elected representatives and senior Council staff.

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The consultant also identified a number of resourcing requirements and an indicative budget for the first year of the Alliance. The resourcing requires some in kind support from each Council, particularly relating to senior staff time, in respect of the Alliance Board and the Executive Group, as identified in the preferred governance model. The funding required relates to board member expenses and establishment costs, in addition to salaries for a part-time secretariat, administration support and a CEO for the Delivery Company. The estimated cost in the first year has been set at \$285,000 combined, for the participating Councils.

During the process of formalising the Regional Strategic Alliance and associated governance structure, by way of a formal agreement, the State Government announced a number of proposed amalgamations for councils in NSW. Both Blue Mountains and Penrith City Council are not subject to any of these proposals. However, this Council has been proposed for an amalgamation with part of The Hills Shire Council.

Due to these circumstances, Council cannot commit to being part of the Regional Strategic Alliance at this point in time. The Management Committee considered these circumstances and came to a view that the Regional Strategic Alliance should still proceed with both Penrith and Blue Mountains City Councils as members.

In view of the circumstances, a clause has been added to the Agreement to formalise the Alliance, which permits this Council to remain as an observer member, and should Council not be merged, allows for a new agreement to be developed to admit Council to the Regional Strategic Alliance, with Penrith and Blue Mountains Councils. The proposed clauses from the Agreement, involving this Council, are as follows:

"L. *The Agreement acknowledges that Hawkesbury City Council are currently proposed by the State Government for amalgamation with part of the Hills Shire Council. Hawkesbury City Council has indicated its intention to be a party to this Strategic Alliance, but the current proposals do not enable this to happen at this point. This Agreement notes that should the proposal outlined above not proceed that both Penrith City Council and Blue Mountains City Council will immediately terminate this Agreement and sign a new Agreement with similar terms admitting Hawkesbury City Council to the RSA.*"

"12.2 *If representatives of HCC attend meetings of the Alliance Board and the Executive Group or both as observers, in accordance with clause 14A, then the Council shall arrange for HCC to sign a confidentiality agreement, in such terms as the Alliance Board determines, to the effect that all information provided to HCC in accordance with this Agreement will be retained by HCC in strict confidence and will not be disclosed to any other person except as provided in clause 12.1.*"

"14A OBSERVERS

14A.1 *BMCC and PCC agree that representatives of HCC may attend at meetings of each of the Alliance Board and Executive Group, during that part of the term in which the amalgamation between HCC and part of Hills Shire Council (HSC) remains under investigation through the Office of Local Government. The representatives of HCC who attend the meetings referred to in this clause will do so as observers only.*

14A.2 *Notwithstanding clause 14A.1, at the discretion of the Chairperson of the Alliance Board or of the Executive Group, representatives of HCC who attend any such meetings may be permitted to participate in discussions at the meeting concerned.*

14A.3 *This clause 14A shall be taken to be deleted from this Agreement if HCC does amalgamate with some or all of the HSC."*

"15.3 *This Agreement notes that should the proposed amalgamation between Hawkesbury City Council and part of the Hills Shire Council not proceed that both Penrith City Council and Blue Mountains City Council will immediately terminate this Agreement and sign a new agreement with similar terms admitting Hawkesbury City Council to the RSA.*"

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ORDINARY MEETING

Meeting Date: 10 May 2016

The Management Committee subsequently resolved at its meeting on 26 February 2016, as follows:

"That the Regional Strategic Alliance Management Committee:

- 1. The information contained in the report on the Formalisation of the Regional Strategic Alliance between Penrith City Council and Blue Mountains City Council, including the provisions applicable to Hawkesbury City Council be accepted.*
- 2. The Management Committee provide "in principle" endorsement for the Regional Strategic Alliance Draft Agreement, subject to independent legal review not inconsistent with the Draft Agreement and that any subsequent changes are agreed by the respect General Manager's prior to submitting the report to each Council.*
- 3. Blue Mountains City Council and Penrith City Council split equally the annual contributions of \$285,000 required for the operation of the Regional Strategic Alliance."*

It is recommended that Council's participation in the Regional Strategic Alliance between Penrith and Blue Mountains City Councils, in accordance with the terms of the Agreement, as detailed above, is endorsed.

Regional Tourism Organisation

At the Management Committee meeting on 26 February 2016, discussions were also held on the opportunities for a Regional Tourism Organisation for the Blue Mountains, Hawkesbury and Penrith City Council local government areas.

The Management Committee considered the business case developed by The Stafford Group, outlining how a Regional Tourism Entity could operate with the support of the NSW Government through Destination NSW. The business case envisaged formally requesting Destination NSW for funding support for an initial five year period to establish the Regional Tourism Entity.

The Management Committee subsequently resolved, as follows:

"That the Regional Strategic Alliance Management Committee:

- 1. Note that a technical 'tourism' working group has been established with staff representatives from Blue Mountains, Hawkesbury and Penrith Councils, coordinated by Blue Mountains City Council;*
- 2. Endorse the attached Regional Tourism Organisation (RTO) business case supporting the formation of a RTO for Blue Mountains, Hawkesbury and Penrith City LGAs;*
- 3. Endorse the preparation and lodgement of a written submission to Destination NSW (DNSW) seeking their support for the RTO business case involving Penrith, Hawkesbury and Blue Mountains City Councils and seeking DNSW financial contribution in accordance with the funding structure outlined within the business case (being a 43% contribution for the first 3 years and a 35% contribution for the fourth and fifth year);*
- 4. Note that, should a positive response to the funding request be received from Destination NSW (DNSW), the RSA will write to individual partner Councils asking to formally consider commitment of the matching funding contribution in accordance with the funding structure outlined within the business case;*
- 5. Write to partner Councils providing a copy of the business case, and the submission made to DNSW, for their information;*
- 6. Note that the funding allocated to the business case preparation by 'The Stafford Group' was \$15,600 (excl GST); and*

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7. *Note that the tourism working group will be commissioning legal advice regarding the establishment of the RTO as a business entity under the RSA, as well as a minor contract variation for 'The Stafford Group' to assist with preparation of the final submission to DNSW."*

It is to be noted that at this stage there is no financial commitment being made by any of the Councils, with the process to date having been predominantly focused on making the business case to support an application for funding.

Whilst subject to the proposed merger with part of The Hills Shire Council, this Council will not be able to commit financially. If Council continued to stand alone, Council approval would be sought, as and when a financial commitment is required. In the event of the merger proceeding, the new entity will need to consider its participation in the Regional Tourism Organisation, and if applicable, would be able to commit financially as and when required to progress the initiative.

It is recommended that Council's participation in the establishment of a Regional Tourism Organisation between Penrith, Blue Mountains and Hawkesbury City Councils, as detailed above, is noted.

Summary

As detailed above, Council's participation in and financial commitment to the Regional Strategic Alliance and the Regional Tourism Organisation, with Penrith and Blue Mountains City Councils, is impacted by Council's current proposal to be merged with part of The Hills Shire Council, and thereby becoming a new entity.

In addition, Council has been able to retain participation in these initiatives until such time as the outcome of the merger proposal is known. Penrith and Blue Mountains City Councils' acknowledgement of Council's situation, and the consequent actions taken to enable Council to be still involved, in these regional initiatives, is appreciated.

Council's continued participation, as detailed in this report, will facilitate the continuation of these initiatives and a smooth transition should the proposed merger not proceed. In the event of the proposed merger proceeding, the new entity and Penrith and Blue Mountains Councils would need to reconsider the current arrangements, and if necessary, adjust the Agreement accordingly.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions Statements:

- Maintain its independent identity and voice through strong local government and community institutions;
- Have constructive and productive partnerships with residents, community groups and institutions;

and is also consistent with the nominated strategy in the CSP being:

- Broaden the resources and funding available to our community by working with local and regional partners as well as other levels of government.

Financial Implications

Funding for Council's share of the costs identified for resourcing the Regional Strategic Alliance, as detailed in this report, and the Council's contribution that would be required to progress the Regional Tourism Organisation, is included in the 2016/2017 Draft Operational Plan currently on public exhibition.

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Meeting Date: 10 May 2016

RECOMMENDATION:

That:

1. The information contained in the report on the Regional Strategic Alliance and Regional Tourism Entity be received and noted.
2. Council endorse the arrangements established by the Regional Strategic Alliance with regard to Council's future participation in the Regional Strategic Alliance, as outlined in the report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 June 2016

AT - 2 Draft Regional Strategic Alliance Management Agreement

**REGIONAL STRATEGIC ALLIANCE
MANAGEMENT AGREEMENT**

BETWEEN

BLUE MOUNTAINS CITY COUNCIL,

HAWKESBURY CITY COUNCIL

and

PENRITH CITY COUNCIL

ORDINARY MEETING

Meeting Date: 28 June 2016

THIS AGREEMENT is made the day of <Month> 2016

BETWEEN **BLUE MOUNTAINS CITY COUNCIL** of 2 Civic Place, Katoomba, a body politic incorporated under the New South Wales *Local Government Act 1993* (BMCC) of the one part

HAWKESBURY CITY COUNCIL of 366 George Street, Windsor, NSW, a body politic incorporated under the New South Wales *Local Government Act 1993* (HCC) of the other part

AND **PENRITH CITY COUNCIL** of 601 High Street, Penrith, NSW, a body politic incorporated under the New South Wales *Local Government Act 1993* (PCC) of the other part

BACKGROUND

- A. The Councils have responsibilities under the LGA with respect to the provision of effective, efficient and sustainably responsible goods, services and facilities to their local communities within their respective local government areas.
- B. The NSW State Government, through the Destination 2036 Project, initiated a review of the Local Government sector. This review was led by the Independent Local Government Review Panel (ILGRP) and its final report, delivered in October 2013, highlighted the need to reform the local government sector to ensure that local government bodies were to remain relevant and financially viable.
- C. That report ultimately resulted in the introduction of the Fit for the Future (FFTF) reform package which aims to help councils in New South Wales take the next steps towards positive change to become a 'fit for the future council'. The purpose of the FFTF program is to assist councils to assess, prepare, review and implement roadmaps to become a "fit for the future council" with respect to increased strategic capacity.
- D. The NSW State Government has introduced the Plan. There is a focus in the Plan on subregional planning. Subregional planning will promote good planning principles and the efficient use of land and infrastructure. Better planning outcomes around major infrastructure projects will significantly benefit from improved coordination between local councils and State agencies.
- E. The Councils consider that they have a shared interest in shaping the destiny of both the planning and the governance of each Council and the broader region. The Councils each confront the same big issues, and a RSA would assist each Council to deal with these issues.
- F. Similarly, across the region, each Council, when working in co-operation with the other, has lots to offer and contribute to both the local area and to the broader subregion. Taking advantage of the benefits that arise from each of these circumstances, and the Councils' common interests, provides a strong reason/incentive to enter into a RSA.
- G. The RSA purpose and vision, with the support of each Council, is to achieve the RSA objectives.
- H. The Councils propose to enter the RSA from the Commencement Date, on the terms and conditions contained in this Agreement.

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- I. For that purpose the Councils have agreed to act jointly pursuant to section 355 of the Local Government Act 1993 and enter into a RSA.
- J. The Councils agree to co-operate with each other during the term of this Agreement and to use their best endeavours to ensure that the RSA achieves the objectives of enhancing each Council's local government areas and its broader subregion.
- K. The Agreement acknowledges that additional local government authorities may wish to become members of the RSA and additional State Government agencies may wish to contribute to the RSA from time to time.

OPERATIVE PROVISIONS

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Agreement, unless the context otherwise indicates, the words listed below bear the meaning indicated:

- (a) **"Alliance Board"** means the Board constituted in accordance with clause 5 of this Agreement;
- (b) **"Business Day"** means a day that is not a Saturday, Sunday or public holiday and on which the offices of each Council are open to members of the public;
- (c) **"Commencement Date"** means the date specified in Item 4 of Schedule 1;
- (d) **"Councils"** means BMCC, HCC and PCC jointly;
- (e) **"Executive Group"** means the RSA Executive Group, referred to in clause 7.2 of this Agreement;
- (f) **"LGA"** means the Local Government Act 1993;
- (g) **"operations"** means [details to be included];
- (h) **"Plan"** means the New South Wales Government document entitled "A Plan for Growing Sydney";
- (i) **"region"** means the Blue Mountains, Penrith and Hawkesbury local government areas and such other areas as are nominated by the Councils from time to time;
- (j) **"RSA"** means the Regional Strategic Alliance formed by BMCC, HCC and PCC, as recorded in this Agreement;
- (k) **"RSA objectives"** means the objectives specified in clause 2.2 of this Agreement;
- (l) **"Schedule"** means the schedule to this Agreement;
- (m) **"term"** means the period of five (5) years from the Commencement Date;

1.2 Interpretation

In this Agreement unless the context otherwise requires:

- (a) clause and subclause headings are for reference purposes only;
- (b) reference to a person includes any other entity recognised by law and vice versa;
- (c) the singular includes the plural and vice versa;
- (d) words implying one gender include every gender;
- (e) where a word or phrase is defined its other grammatical forms have a corresponding meaning;

ORDINARY MEETING

Meeting Date: 28 June 2016

- (f) any reference to any of the councils by the defined terms includes that councils' executors, administrators or permitted assigns or, being a company, its successors or permitted assigns;
- (g) any reference to any agreement or document includes that agreement or document as amended at any time;
- (h) the use of the word **includes** or **including** is not to be taken as limiting the meaning of the words preceding it;
- (i) the expression **at any time** includes reference to past, present and future time and the performance of any action from time to time;
- (j) an agreement, representation or warranty on the part of two or more persons binds them jointly and severally;
- (k) an agreement, representation or warranty on the part of two or more persons is for the benefit of them jointly and severally;
- (l) reference to an item is a reference to an item in the schedule to this document;
- (m) reference to an exhibit, annexure, attachment or schedule is a reference to the corresponding exhibit, annexure, attachment or schedule in this document;
- (n) reference to a provision described, prefaced or qualified by the name, heading or caption of a clause, subclause, paragraph, schedule, item, annexure, exhibit or attachment in this document means a cross reference to that clause, subclause, paragraph, schedule, item, annexure, exhibit or attachment;
- (o) when a thing is required to be done or money required to be paid under this Agreement on a day which is not a Business Day, the thing must be done and the money paid on the immediately preceding Business Day; and
- (p) reference to a statute includes all regulations and amendments to that statute and any statute passed in substitution for that statute or incorporating any of its provisions to the extent that they are incorporated.

2. FORMATION OF THE RSA

- 2.1 The Councils hereby confirm that they have on and from the Commencement Date, formed the RSA to achieve RSA objectives. The RSA will be conducted in accordance with this Agreement.
- 2.2 The RSA objectives are for each Council to work together to:
 - (a) optimise State and Regional Planning within the region;
 - (b) strengthen advocacy and funding for the region;
 - (c) formalise and strengthen the organisational effectiveness of each Council;
 - (d) maximise opportunities for service delivery and innovation (including exploring the provision of shared services) within each local government area;
 - (e) create and promote advantages and relevance of the region to industry, State and Commonwealth Governments and internationally bodies or companies;
 - (f) consideration and reviews of the government structures of each Council; and
 - (g) achieve such other objectives as the Councils determine from time to time should be adopted for the RSA.

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- 2.3 Each Council shall have an equal share and interest in all assets that are acquired by the Councils when conducting the RSA.

3. TERM

- 3.1 The RSA will continue in force and effect for the term.
- 3.2 The term may be extended for successive periods of 12 months following the expiration of the initial term with the agreement of the Councils.
- 3.3 Notwithstanding clause 3.1, the councils may agree, in writing, that the RSA and this Agreement will end prior to the expiry of the term.

4. SCOPE OF THE REGIONAL STRATEGIC ALLIANCE

- 4.1 Each Council shall participate in the RSA in accordance with this Agreement.
- 4.2 Without limiting the obligations specified in clause 4.1, each Council must during the term:
- (a) take out and maintain, in relation to that Council's participation in the RSA (whether through the participation of its authorised representatives on the Alliance Board or otherwise) insurances considered by that Council to be adequate, including but not limited to insurances for public liability, directors' and officers' liability, workers compensation, comprehensive motor vehicle cover and insurance over plant and equipment, all as specified in each Council's applicable policies;
 - (b) perform, or procure the performance of, such actions as are within the power or control of the Council concerned and that are necessary or desirable (in the opinion of that Council) for the implementation of this Agreement, including casting any vote, or causing any Councillor or other representative appointed or nominated to the Alliance Board to cast his or her vote, in favour of resolutions proposed to implement this Agreement;
 - (c) not unreasonably (having regard, amongst other matters, to the meetings cycle of each of the Councils) delay any action or grant of consent or the making of any decision that is required to implement this Agreement; and
 - (d) take any action within its power or control, that is necessary or desirable to achieve the RSA objectives.

5. ESTABLISHMENT OF THE ALLIANCE BOARD

- 5.1 An Alliance Board will be established within one month of the Commencement Date.
- 5.2 The Alliance Board is responsible for managing the RSA and for achieving the RSA objectives.
- 5.3 The Alliance Board shall determine the delegations, if any, that are made by the Alliance Board to the Executive Group.
- 5.4 The Alliance Board may:
- (a) appoint or employ any officers or agents with the powers, discretions and duties vested in or exercisable by the Alliance Board, on such terms as the Board determines;
 - (b) authorise an officer or agent to perform nominated functions and duties; and
 - (c) subject to any contract between the Alliance Board and the relevant officer or agent, remove or dismiss any officer or agent at any time, with or without cause.

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- 5.5 The Alliance Board shall determine the way in which cheques and other negotiable instruments and electronic funds transfers must be signed, drawn, accepted or endorsed or otherwise executed (as applicable) by or on behalf of the Alliance Board and shall formulate processes for the initiation and facilitation of on-line banking transactions and electronic banking procedures for the Alliance Board, as well as internal controls for all such processes.
- 5.6 The Alliance Board shall determine how and where any funds, provided by the Councils for the purposes of the RSA, are held.
- 5.7 Each Council will appoint to the Alliance Board three (3) representatives being:
 - (a) 2 Councillor Nominees; and
 - (b) the General Manager, of the Council concerned.
- 5.8 Each Council may from time to time for any reason remove any member of the Alliance Board appointed by it and appoint another person in such member's place.
- 5.9 Upon making any change referred to in clause 5.8 the Council concerned shall give written notice of the change to the Secretary or Executive Officer of the Alliance Board.
- 5.10 Each Council must appoint a third Councillor to be that Council's alternative Councillor representative on the Alliance Board if either of the 2 Councillor representatives referred to in clause 5.7(a) is unable to attend a meeting of the Board.
- 5.11 The General Manager of each Council shall nominate an alternate staff member of the Council concerned to attend meetings of the Alliance Board if the General Manager is unable to attend a Board meeting.
- 5.12 At meetings of the Alliance Board, the representatives of the Councils may be accompanied by such advisors as they consider necessary.
- 5.13 All costs in connection with attendance of a Council's representatives or advisors at meetings of the Alliance Board shall be borne and paid by that Council.
- 5.14 The Alliance Board shall appoint an Executive Officer/Secretary and shall also put in place such Secretariat and support resources as are necessary to ensure that the Alliance Board operates effectively.

6. MEETINGS AND OPERATIONS OF THE ALLIANCE BOARD

- 6.1 The Alliance Board may regulate its own procedure if not dealt with by this Agreement.
- 6.2 A quorum at a meeting of the Alliance Board will consist of at least two members from each of the Councils and at least half of all representatives of the Councils, plus one. If no quorum is present at the time and place of any meeting such meeting will automatically be adjourned to convene at the same place 14 days from the original time of such meeting.
- 6.3 The Alliance Board will meet, adjourn and regulate its meetings as it thinks fit and unless otherwise unanimously agreed will meet at least bi-annually at the times and addresses determined by the Board. The Alliance Board can also hold as and when required additional meetings.
- 6.4 The representatives of one of the Councils may at any time by not less than 7 days notice in writing to the other Council convene a meeting of the Alliance Board.
- 6.5 An agenda of each meeting of the Alliance Board will be provided to each Council within such time as the Alliance Board determines. It will not be necessary to prepare and forward an agenda for any adjourned meeting under Clause 6.3.

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- 6.6 Each member of the Alliance Board will have one vote only at a meeting of the Alliance Board.
- 6.7 Each Council must ensure that the Councillor representatives and the General Manager of the Council concerned, who serve on the Alliance Board on its behalf, have full power and authority to bind the Council that appointed him or her in all matters properly decided at Alliance Board meetings.
- 6.8 The Alliance Board will, at its first meeting after the Commencement Date, elect a Chairperson and Deputy Chairperson. The person so elected shall hold office until the conclusion of the first meeting held after the anniversary of their election, at which meeting in each successive calendar year another election shall be held for the Chairperson and Deputy Chairperson of the Board.
- 6.9 The Chairperson of the Alliance Board will not have a casting vote in the event of an equality of votes. A proposal must receive a majority of votes to be resolved by the Alliance Board.
- 6.10 Minutes of all decisions made at each meeting of the Alliance Board and copies thereof will be distributed to each Council as soon as practicable following each meeting.
- 6.11 Decisions of the Alliance Board, upon any of the matters listed in Schedule 2, must be determined by unanimous vote.
- 6.12 The Councils must comply with all relevant requirements of New South Wales law. The legislative framework for the Alliance at the date of the Agreement is set out in Schedule 3 and may be amended by the Councils from time to time.
- 6.13 The role of the Alliance Board is to achieve the RSA objectives and to fulfil such other functions and roles as the Councils shall from time to time determine.

7. RSA EXECUTIVE GROUP

- 7.1 To achieve the RSA objectives and to conduct the day to day operations of the RSA the Alliance Board shall establish the RSA Executive Group.
- 7.2 The RSA Executive Group shall be constituted as follows:
 - (a) two officers of each Council, nominated by the Council concerned; and
 - (b) such other persons as the Alliance Board shall from time to time determine.
- 7.3 The Executive Group, under the direction and delegation of the Alliance Board, will act to achieve the RSA objectives and shall, amongst other actions:
 - (a) implement processes to identify opportunities for regional sharing services, functions and activities that would provide enhanced outcomes for the region;
 - (b) consider joint advocacy opportunities where the RSA could have an enhanced position to influence outcomes of regional significance;
 - (c) engage, coordinate and oversee the service delivery company (if and when such a company is established) and its ongoing operation. This should include ensuring any reports, updates, progress and effectiveness are regularly reported to the Alliance Board;
 - (d) work to secure any other outcomes that the Alliance Board may consider relevant to the operation of the RSA; and
 - (e) perform any other activities at any time devolved by the Alliance Board to the Executive Group or the fulfil any other functions delegated at any time to the Executive Group which are in line with the RSA objectives.

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ORDINARY MEETING

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- 7.4 The Executive Group shall undertake the tasks delegated to it by the Alliance Board including, but not limited to, the achievement of the RSA objectives.
- 7.5 The Executive Group may convene and engage one or more Project Teams as it sees fit for the purpose of coordinating, implementing and achieving the deliverables of any sub-projects and programs that the Executive Group is required to deliver.
- 7.6 The Executive Group is accountable to the Alliance Board and is to report to the Alliance Board on a regular basis as determined by the Alliance Board.
- 7.7 Notwithstanding this Clause 7, the activities to be carried out by the Executive Group may be changed by the Alliance Board from time to time.

8. RSA FUNDING

- 8.1 Each Council acknowledges that for the RSA to function effectively, a funding source or sources will need to be identified and maintained. The funds provided by those sources will be used solely to implement this Agreement and to achieve the RSA objectives.
- 8.2 The Alliance Board shall continue to seek funding for the RSA from the NSW State Government and from other prospective funding sources as the Board identifies from time to time.
- 8.3 Unless the Alliance Board otherwise determines, each Council shall, in each financial year during the term, contribute to the RSA the amount nominated in Item 3 of the Schedule.

9. PROGRAMS AND BUDGETS

- 9.1 The Alliance Board shall develop a program and a budget (if required) which shall be provided by each Council for consideration and approval.

10. ACCOUNTING

- 10.1 Any funds received by the Alliance Board by way of contribution from the Councils or from any third party shall be recorded and accounted for in accordance with this clause 10.
- 10.2 The Alliance Board will maintain, or cause to be maintained, fully up to date RSA Accounts.
- 10.3 The books of account and other records prepared in relation to the RSA Accounts will be open at all reasonable times for inspection by either Council or its duly authorised agent, who may make copies thereof.
- 10.4 All transactions relating to the management of the operations will be made through the Alliance Board's Account which will be opened in the name of the Alliance Board and operated on such terms as are provided in this Agreement and otherwise as the Alliance Board may from time to time determine.
- 10.5 The Alliance Board will maintain the RSA Accounts so that all transactions may be separately identified from the other activities of the Alliance Board.
- 10.6 The Alliance Board will ensure that the RSA Accounts are at all times accurate and up to date, with all transactions appropriately recorded.
- 10.7 The Alliance Board must provide access to the records in respect of the RSA Accounts to the Councils if reasonably requested to do so by the Councils.
- 10.8 All costs, expenses and liabilities incurred or accrued and all credits received by the Alliance Board in the management of the RSA and the operations will be calculated and

ORDINARY MEETING

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recorded by the Alliance Board in the RSA Accounts in accordance with the programs, policies, procedures and instructions approved by the Alliance Board from time to time.

- 10.9 Nothing in this Agreement overrides any obligation of the Alliance Board to comply with any relevant accounting standards or requirements otherwise applicable to the Alliance Board or to the Councils.

11. TAXES

- 11.1 All taxes (if any) required to be paid by each Council arising out of or in connection with this Agreement will be borne by the Council concerned.
- 11.2 Subject to Clause 11.3, if any payment made by one Council to any other Council under or relating to this document constitutes consideration for a taxable supply for the purposes of GST or any similar tax, the amount to be paid for the supply will be increased so that the net amount retained by the supplier after payment of that GST is the same as if the supplier was not liable to pay GST in respect of that supply. This provision is subject to any other agreement regarding the payment of GST on specific supplies, and includes payments for supplies relating to the breach or termination of, and indemnities arising from, this Agreement.
- 11.3 Each Council shall use its best endeavours to secure reimbursement (through the ATO) for any GST paid by one Council to the other Council under this Agreement.

12. CONFIDENTIALITY

- 12.1 All information obtained as a result of the Councils being parties to the RSA, whether it be related to the operations or not, will be made available to all members of the Alliance Board and will be retained in strict confidence and not be disclosed to any other person except as may be required by law, without the mutual written consent of the Alliance Board.

13. TERMINATION

- 13.1 This Agreement shall end at the expiration of the term unless the term is extended in accordance with clause 3.
- 13.2 This Agreement may only be terminated prior to the expiry of the term by the Councils by unanimous agreement in writing.

14. PARTITION

- 14.1 Where applicable each of the Councils:
- (a) waives its right to bring any action for partition of its Interest in all or any of the Alliance Assets; and
 - (b) covenants with the other that during the existence of this Agreement it will not at any time resort to any action at law or in equity to partition real or personal property that is held on behalf of the Councils pursuant to this Agreement.

15. ADMISSIONS OF COUNCILS TO THE REGIONAL STRATEGIC ALLIANCE

- 15.1 An additional Council or Councils (New Council) may be included in the RSA if the existing Council members unanimously vote to admit the new Council or Councils concerned.

- 15.2 Where a New Council is admitted to the RSA, then this Agreement will be taken to have terminated and each of BMCC, HCC and PCC and the New Council or the New Councils shall enter into a new agreement regulating the conduct of the RSA by those Councils.

16. DISPUTE RESOLUTION

16.1 Dispute

This provision applies to any dispute arising between the Councils in relation to:

- (a) this Agreement or its interpretation;
- (b) any right or liability of either Council under this Agreement; or
- (c) the performance of any action by either Council under or arising out of this Agreement, whether prior or after its termination.

16.2 Negotiation

- (a) a Council must not refer a dispute to arbitration under this Agreement, unless that Council has complied with this clause 16.2;
- (b) a Council claiming that a dispute has arisen must notify the other Council in writing specifying details of the dispute;
- (c) each Council must refer a dispute to their respective General Manager for consideration and use its best efforts to resolve the dispute through negotiation within 10 business days following the dispute notification or longer period agreed between the Councils;
- (d) each Council must advise the Alliance Board of the dispute;
- (e) each Council must following reference to its General Manager, use its best efforts to resolve the dispute by agreement or through an agreed mediation procedure; and
- (f) a Council in compliance with this clause 16.2 may terminate the dispute resolution process by notice to the other Council at any time after 10 business days following reference of the dispute to the General Manager as the case may be should the dispute not be resolved within timeframes described in clause 16.2(c),

16.3 Urgent Relief

A Council may at any time apply to a court of competent jurisdiction in the State of New South Wales for any equitable or other remedy for reasons of urgency, despite anything contained in this clause 16.

16.4 Continued Performance

A Council must continue to perform any obligations of that Council under this Agreement relating to any issue in dispute, despite and during any dispute negotiation being conducted under this clause 16.

17. ASSIGNMENT

- 17.1 Neither Council will sell, transfer, assign, licence, franchise or otherwise part with possession, or mortgage, charge or otherwise encumber any right or obligation under this Agreement.

18. NOTICES

- 18.1 Any notice, approval, request, demand or other communication (notice) to be given for the purpose of this Agreement will be given in writing and will be served personally or sent by

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ordinary or registered mail or by email to the address nominated in Schedule 1 or to such other address as that Council may in writing notify the other Council from time to time for the purposes of this clause 18.1.

18.2 A notice given:

- (a) personally will be taken to be served upon delivery and signed acknowledgement of receipt;
- (b) by registered mail will be taken to be served 3 business days after posting;
- (c) by facsimile transmission will be taken to be served upon receipt of a transmission report by the machine from which the facsimile was sent indicating that the facsimile has been sent in its entirety to the facsimile number specified in Schedule 1 or to such other number as may have been notified by the receiving Council to the other Council from time to time and if the facsimile has not been completely transmitted by 5.00 pm on a Business Day (determined by reference to the time of day at the recipient's address) it will be deemed to have been served on the next Business Day; any notice which, according to the above clause, has been served on a Saturday, Sunday or public holiday will be served on the first Business Day (determined by reference to the recipient's address) after such day;
- (d) by email will be taken to be served the next business day after being sent.

18.3 A notice may be given by an authorised officer, employee or agent of the Council giving the notice.

19. GOVERNING LAW AND JURISDICTION

- (a) This Agreement is governed by and construed under the law in the State of New South Wales.
- (b) Each Council by execution of this Agreement irrevocably, generally and unconditionally submits to the non-exclusive jurisdiction of the Courts of that State in relation to both itself and its property.

20. AMENDMENTS

Any amendment to this document has no force or effect, unless effected by a document executed by the Councils.

21. THIRD PARTIES

This Agreement confers rights only upon a person expressed to be a Council to this Agreement, and not upon any other person.

22. FURTHER ASSURANCE

Each Council will sign, execute and complete all such further documents as may be necessary to effect, perfect or complete the provisions of this Agreement and the transactions to which it relates.

23. CONTINUING PERFORMANCE

- (a) The provisions of this document do not merge with any action performed or document executed by any Council for the purposes of performance of this Agreement.
- (b) Any representation in this document survives the execution of any document for the purposes of, and continues after, performance of this Agreement.

- (c) Any indemnity agreed by any Council under this Agreement:
 - (i) constitutes a liability of that Council separate and independent from any other liability of that Council under this Agreement or any other agreement; and
 - (ii) survives and continues after performance of this Agreement.

24. WAIVERS

The failure or omission of a Council at any time to:

- (a) enforce or require the strict observation of or compliance with any provision of this Agreement; or
 - (b) exercise any election or discretion under this Agreement,
- will not operate as a waiver of the rights of that Council, whether express or implied, arising under this Agreement.

25. REMEDIES

The remedies of a Council under this Agreement are cumulative and not exclusive of any remedies provided by law.

26. SEVERABILITY

Any provision of this Agreement which is invalid in any jurisdiction is invalid in that jurisdiction to that extent, without invalidating or affecting the remaining provisions of this Agreement or the validity of that provision in any other jurisdiction.

27. CUMULATIVE RIGHTS

The rights conferred on any Council by this Agreement are in addition to all rights and remedies of that Council at law or in equity.

28. COUNTERPARTS

This document may be executed in any number of counterparts, all of which taken together are deemed to constitute one and the same document.

ORDINARY MEETING

Meeting Date: 28 June 2016

SCHEDULE 1

Item 1
Regional Strategic Alliance

To enhance each Council's strategic capacity at a subregional level. This will be realised by working together within the terms of this Agreement on opportunities to benefit the regions of each council.

Item 2
Contact Details

Blue Mountains City Council

2 – 6 Civic Place
Katoomba NSW 2780
Postal Address
Locked Bag 1005
Katoomba NSW 2780
Fax
(02) 4780 5555
Phone
(02) 4780 5000
Email
council@bmcc.nsw.gov.au

Hawkesbury City Council

366 George Street
Windsor NSW 2756
Postal Address
PO Box 146
Windsor NSW 2756
Fax
(02) 4587 7740
Phone
(02) 4560 4444
Email
council@hawkesbury.nsw.gov.au

Penrith City Council

601 High Street
Penrith NSW 2750
Postal Address
PO Box 60
Penrith NSW 2751
Fax
(02) 4732 7958
Phone
(02) 4732 7777
Email
council@penrithcity.nsw.gov.au

ORDINARY MEETING

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Item 3: RSA Contributions

Blue Mountains City Council - \$95,000

Hawkesbury City Council - \$95,000

Penrith City Council - \$95,000

Item 4: Commencement Date <<Insert Date>> 2016

DRAFT

ORDINARY MEETING

Meeting Date: 28 June 2016

SCHEDULE 2

MATTERS REQUIRING UNANIMOUS DECISION OF THE ALLIANCE BOARD

1. Approval of any Program.
2. The entering into of any contract where the value of the contract exceeds \$10,000.
3. The abandonment of or any addition to any operations of the RSA.
4. The acquisition or disposal of any asset whose value exceeds \$10,000
5. Any decision to extend the Agreement for a period of 12 months pursuant to Clause 3.
6. The terms of any release to the media regarding the RSA.
7. Any decision pursuant to Clause 8 to call for a change in the contributions to be made by the Councils to meet the RSA Costs.
8. Subject to clause 15.2, the addition of a new council to the RSA.

SCHEDULE 3

LEGISLATIVE FRAMEWORK FOR THE REGIONAL STRATEGIC ALLIANCE

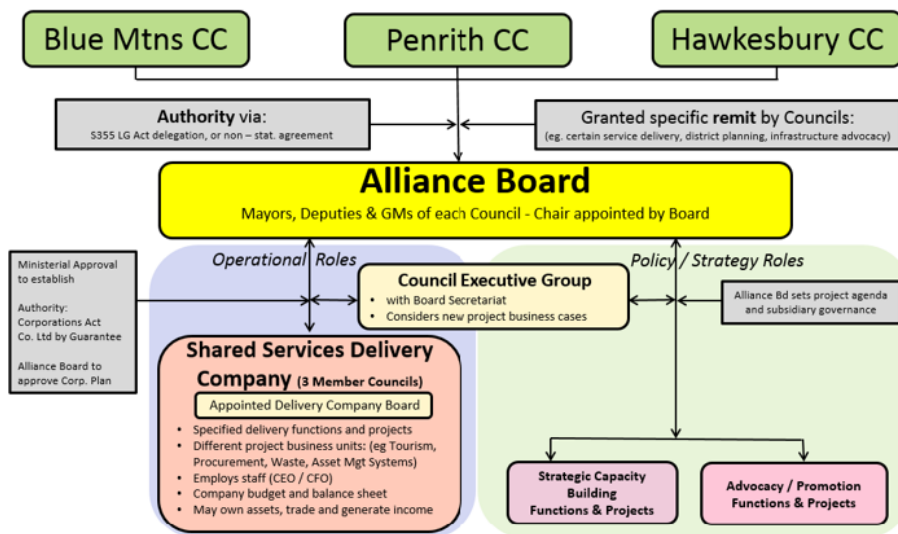
- (1) Section 355 of the *Local Government Act, 1993* permits each Council to exercise its functions:
 - (a) partly or jointly by the Council and another person or persons; or
 - (b) jointly by the Council and another council or Councils; or
 - (c) by a delegate of the Council.
- (2) Section 377 of the *Local Government Act, 1993* permits the Councils by resolution, to delegate to the General Manager or any other person or body (not including another employee of the council) any of the functions of the Councils, other than the functions specifically excluded by that section.
- (3) Functions which are the subject of a sub-delegation (authorised by the *Local Government Act, 1993*) under s. 49(10) of the *Interpretation Act, 1987* (NSW).

ORDINARY MEETING

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SCHEDULE 4

REGIONAL STRATEGIC ALLIANCE STRUCTURE



ORDINARY MEETING

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EXECUTED as an agreement.

**Executed on behalf of THE COUNCIL OF
THE CITY OF BLUE MOUNTAINS** by its
duly authorised officer in the presence of:

Witness

Authorised Officer
Robert Greenwood (General Manager)

**Executed on behalf of THE COUNCIL OF
THE CITY OF HAWKESBURY** by its duly
authorised officer in the presence of:

Witness

Authorised Officer
Laurie Mifsud (Acting General Manager)

**Executed on behalf of THE COUNCIL OF
THE CITY OF PENRITH** by its duly
authorised officer in the presence of:

Witness

Authorised Officer
Alan Stoneham (General Manager)

oooO END OF REPORT Oooo

CITY PLANNING

Item: 121 CP - Fire Safety Complaint - 107 George Street, Windsor - (95498)

REPORT:

Executive Summary

Council has received a letter from Fire and Rescue NSW (FRNSW) advising of fire safety concerns with a building in Windsor Mall known as Lachlan Court, 107 George Street, Windsor. The issues relate to access restrictions to Fire Hose Reels in particular.

The Commissioner of FRNSW has requested Council investigate the matter and inspect the remainder of the building for any other fire safety related issues. The request also involves the tabling of the report at a meeting of the Council and then reporting back to the Commissioner of any determination made with respect to the request.

The matter has been investigated and substantiated. There are additional fire safety concerns that were discovered. Minor matters were resolved with shop proprietors at the time of the inspection. Other issues identified will require the building owner to take certain action in Order to rectify the deficiencies.

To ensure this matter is resolved as quickly as possible it is recommended that Council issue a Fire Safety Order requiring the owner to carry out certain work, which will be specified in the order.

It is also recommended that Council write to the Commissioner of FRNSW and advise of Council's findings and intended course of action.

Consultation

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

Background

Council received correspondence from Fire and Rescue NSW (FRNSW) dated 21 April 2016, advising that there is inadequate provision for fire safety at the subject premises known as Lachlan Court, 107 George Street, Windsor. FRNSW was formerly known as the NSW Fire Brigades.

Lachlan Court contains a number of shops, restaurants and cafes. A basement level car park also exists.

The issues of concern relate to the following:

1. A Fire Hose room was being used as a storage room and access had been blocked by tables and chairs during opening hours.
2. Electrical wires were located in close proximity to the Fire Hose Reel drum that could present an electrical hazard to a potential user of the Hose Reel which is contrary to the requirements of Clause 10.1 of Australian Standard 2441-2005.

FRNSW recommended to Council that Council staff address the items identified by FRNSW and inspect the premises for any other deficiencies that may be identified.

Council is the regulatory authority in relation to building fire safety. Section 119T(6) of the Environmental Planning and Assessment Act 1979 requires a council, at the request of the Commissioner, to inspect any building specified in the request for the purpose of determining if adequate provision for fire safety has been made. Further, a council must send a report of the inspection to the Commissioner.

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Pursuant to the provisions of Section 121ZD(2) of the *Environmental Planning and Assessment Act*, a council must table any report and recommendations it receives from the Commissioner of FRNSW at the next meeting of council. The council must (either at the same meeting or the next meeting) determine whether it will exercise its powers to give an order to require upgrading work. The council is required to notify the Commissioner of its determination.

Section 121ZD commenced on 21 March 2016.

Investigation of Complaint and Inspection of Property

The property was inspected on Friday, 29 April 2016 at 2:30pm. The following issues were observed:

1. The Fire Hose room adjacent to the shop known as Sue's Kitchen (Shop 2) was being used as a storeroom containing brooms, mops, a storage cabinet, clothes, shoes and bags. Access to the Hose Reel and a Portable Fire Extinguisher was restricted.

Action taken

The proprietor of the shop was spoken to and advised to clear the cupboard of the material. He has agreed to undertake this action.

2. Tables and chairs were observed to be in the vicinity of the Fire Hose Reel room. They were not restricting access at the time of the inspection.

Action taken

The proprietor of the shop was asked about the tables and chairs and he admitted that the tables and chairs were typically set-up in the area on Saturday and Sunday mornings for breakfast - as these were his peak trading periods. He was advised to ensure access to the Fire Hose Reel was available at all times. He has agreed to undertake this action.

3. Access to another Fire Hose Reel room adjacent to Shop 4 - Wonder Sushi - was observed to be restricted by two shopping trolleys. It is apparent the shopping trolleys are used for transporting supplies from vehicles to the shop.

Action taken

The shopping trolleys were relocated. The manager of the shop was directed to ensure that access to the Fire Hose Reel was not restricted in the future.

4. Electrical wiring, ductwork and television cables were observed to have been installed within the second Fire Hose Reel room contrary to AS2441-2005.

Action required

It is recommended that Council write to the owner of the property and advise them of the issues identified and request them to address the deficiencies. In this regard the owner would be required to either:

- a) Remove the services;
- b) Appropriately conceal the services; or
- c) Provide a report from a fire safety consultant demonstrating that the services do not unduly affect the operation of the room and comply with the requirements of AS2441.

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5. It was observed that access to a fire escape door has been compromised in the basement level car park.

An area designated for pedestrian access is being used for the parking of vehicles. This is preventing proper access to a fire escape door. The area in question has been painted/line-marked on the ground with yellow hatching. However, there are no signs or bollards preventing vehicles from parking in this location.

Action required

The owner is to be directed to provide bollards to the yellow hatched area in the basement level car park to restrict vehicles from parking in this location.

6. It was observed from the basement level car park that new service pipes have been installed through the concrete slab floor of certain shops above. The floor separating the car park from the shops above is a fire-rated floor. This means that any penetration in the floor needs to be fire-rated or protected in the event of fire. The typical method for the protection of service pipes is through the installation of fire collars. These are provided either during construction or as a retro-fit installation. Fire collars will need to be provided to all un-protected penetrations in the slab.

Action required

The owner be directed to install fire collars to all unprotected service installations.

Procedure for follow-up action

Council has at its disposal powers under the Environmental Planning and Assessment Act 1979 to issue Orders to property owners to ensure building owners meet their obligations and provide buildings that are safe for the occupants and members of the public.

A Notice of Order must first be given to the building owners as a matter of procedural fairness under the provisions of the Environmental Planning and Assessment Act. Depending on any representations received from the owner, Council may decide to issue the order as proposed, or to amend the order or to not issue the order.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the theme of Looking After People and Place.

Direction Statement:

- Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure.

and is also consistent with the nominated strategy in the CSP being:

- Provide for a safer community through planning, mitigation and response.

Financial Implications

There are no financial implications applicable to this report.

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RECOMMENDATION:

That:

1. Council receive and note the inspection report and recommendations from the Commissioner of Fire and Rescue NSW.
2. A Fire Safety Notice and Order be issued to the owners of Lachlan Court, 107 George Street, Windsor, requiring the actions listed from items 4, 5 and 6 of this report to be carried out. The period for compliance with the Order is recommended to be 30 days.
3. Delegation to amend the Order (if appropriate) and otherwise resolve the outstanding matter be given to the Acting General Manager.
4. Council write to the Commissioner of Fire and Rescue NSW and advice of the inspection findings and action taken.

ATTACHMENTS:

AT - 1 Inspection Report from FRNSW

AT - 2 Photographs of Deficiencies identified within the Building

ORDINARY MEETING

Meeting Date: 28 June 2016

AT - 1 Inspection Report from FRNSW



File Ref. No: BFS16/217 (9797)
TRIM Ref. No: D16/18058
Contact: Station Officer Paul Scott

27 April 2016

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

E-mail: council@hawkesbury.nsw.gov.au

Attn: Building Compliance Unit

Dear Sir/Madam

Re: INSPECTION REPORT

Shop 2 Lachlan Court 107 George Street Windsor ("the premises")

Fire & Rescue NSW (FRNSW) received correspondence on 7 February 2016, in relation to the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated that:

- *Fire hose room is being used as a storage room and access has been blocked by tables during opening hours.*

Pursuant to the provisions of Section 119T (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 24 February 2016 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T (4) and Section 121ZD (1) of the EP&A Act. Please be advised that Section 121ZD (2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

Fire & Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	Locked Bag 12	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
bfs@fire.nsw.gov.au	Page 1 of 2	© Copyright State Govt NSW



ORDINARY MEETING

Meeting Date: 28 June 2016

COMMENTS

At the time of inspection there were no obstructions to the fire hose reel cabinet.

The following items were identified as concerns during the inspection:

1. Electrical wires were located in close proximity to the fire hose reel drum that could present an electrical hazard to the potential user, which is contrary to the requirements of Clause 10.1 of Australian Standard AS2441-2005.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS16/217 (9797) for any future correspondence in relation to this matter.

Yours faithfully

Mark Knowles
Building Surveyor
Fire Safety Compliance Unit

Unclassified

Fire & Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

Locked Bag 12
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

bfs@fire.nsw.gov.au

Page 2 of 2

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AT - 2 Photographs of Deficiencies identified within the Building



Figure 1: Outside Shop 2 showing tables and chairs and other equipment potentially restricting access to fire hose reel room.



Figure 2: Outside shop 4 showing shopping trolleys obstructing access to Fire Hose Reel room.



Figure 3: Vehicles parked in hatched area restricting pedestrian access to fire escape door behind.



Figure 4: Photo taken after vehicle owner returned and moved the vehicle. Note the fire escape door in the background and painted hatching on the floor.

ORDINARY MEETING

Meeting Date: 28 June 2016



Figure 5: Close-up photo of the fire escape. The bright light on the ceiling is an illuminated exit sign.



Figure 6: Hatched area suggesting no parking is permitted. No signs and no bollards exist to prevent the parking of vehicles in this area.



Figure 7: A retro-fitted fire collar to a pipe penetration through the concrete slab.



Figure 8: Fire collars cast into the slab during construction.



Figure 9: Pipe penetrations that are not appropriately protected with fire collars. This work appears to be recently carried out. There is no evidence of an approval having been issued.



Figure 10: Close –up photograph of the non-compliant installation.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 June 2016

Item: 122 **CP - Reporting of Variations Granted to Development Standards - (95498, 124414)**

REPORT:

Executive Summary

In accordance with the Department of Planning and Infrastructure's (DPI) (now Department of Planning and Environment [DPE]) Planning Circular PS 08-14, Council is required to report variations granted to development standards for development applications, which relied upon either:

1. State Environmental Planning Policy No. 1 - Development Standards (SEPP 1) under Hawkesbury Local Environmental Plan 1989 (HLEP 1989); or
2. Clause 4.6 of the Standard Instrument under Hawkesbury Local Environmental Plan 2012 (HLEP 2012).

The purpose of this report is to report the list of variations granted between 1 July 2015 and March 2016. It is recommended that Council receive and note this information.

Consultation

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

Discussion

The background to the reporting requirement for variations to development standards was detailed in the report to Council dated 28 February 2012. The report also included a list of development applications determined from July 2010 to December 2011 involving SEPP 1 variations under HLEP 1989.

HLEP 2012 was gazetted on 21 September 2012. Attachment 1 to this report provides a list of development applications determined, by Council and under delegated authority involving variation to a development standard under Clause 4.6 of the HLEP 2012. The list was also recently reported to DPE as required by the circular provisions. It should be noted that unlike HLEP 1989, the standard template provisions of HLEP 2012 have a 'cap' on the upper limit for some variations such as rural subdivision where a maximum of 10% variation applies.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Have transparent, accountable and respected leadership and an engaged community.

Financial Implications

There are no financial implications applicable to this report.

ORDINARY MEETING

Meeting Date: 28 June 2016

RECOMMENDATION:

That the report regarding the reporting of variations granted to development standards under Hawkesbury Local Environmental Plan 2012 be received and noted.

ATTACHMENTS:

AT - 1 Reporting Variations granted to Development Standards under Clause 4.6 of HLEP 2012 -
1 July 2015 to 31 March 2016

ORDINARY MEETING

Meeting Date: 28 June 2016

AT - 1 Reporting Variations Granted to Development Standards under Clause 4.6 of HLEP 2012

1 July 2015 to 31 March 2016

Council DA reference number	Street number	Street Name	Suburb/Town	Zoning of Land	Development standard to be varied	Justification of variation	Extent of variation	Date DA determined
DA0558/14	150-152	March Street	Richmond	R2 Low Density Residential	Clause 4.1 - minimum subdivision lot size	Minor variation No adverse impact for the future construction of a dwelling on proposed lots Each lot will have acceptable depth to frontage ratio Located in an established area Consistent with overall zone objectives Determined by the Development Review Panel	4.3%	30 July 2015

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 June 2016

Item: 123 **CP - Updated Hawkesbury City Council Homelessness Policy 2016 (Draft) - (95498, 124414)**

Previous Item: 129, Ordinary (29 July 2014)

REPORT:

Executive Summary

Council first adopted a Homelessness Policy in 2002 based on the Local Government Model Policy on Homelessness. A few of the references in the Model Policy are now out of date and need to be reviewed and updated to reflect changes in this area since its original adoption. There has also been a considerable amount of activity in the Hawkesbury-Nepean Region since 2008 to implement strategies aimed at addressing the needs of homeless people. This has included Council's participation in the regional *Nepean-Blacktown Taskforce on Homelessness*, with State and Federal Funding for Project 40 a 'Housing First' model of housing and support for homeless people. The NSW Government reform of Special Homeless Services (SHS) has also seen new services and partnerships operating in this area. There has also been local planning and collaboration to develop Council's *Hawkesbury Homelessness Action Plan 2014* (HHAP) which contains specific Strategies/Actions to address homelessness in the Hawkesbury area.

This report recommends the adoption of an updated Hawkesbury City Council Homelessness Policy 2016 including training for frontline Council staff in how to respond to the needs of homeless people. There is a particular focus on homeless people sleeping rough in public places, defined as 'Primary Homelessness' by the Australian Bureau of Statistics (ABS) for the purpose of the Census.

Council has continued to support the Hawkesbury Housing Forum (HHF) and has worked in collaboration with local and regional forums and community groups in developing and monitoring the HHAP which was adopted by Council in 2014.

One of the priority Strategies/Actions (2.3) of the HHAP for 2015/2016 is for Council to:

"Review Council's Homelessness Policy and include training for Council staff in how to respond to homeless people sleeping rough."

This priority action for 2015/2016 was also endorsed by Council's Human Services Advisory Committee (HSAC) on 30 July 2015, and subsequently the draft updated Hawkesbury City Council Homelessness Policy was endorsed at the HSAC Meeting on 12 May 2016, hence this report to Council which recommends adoption of the updated Policy by Council.

Consultation

Consultation on this updated Policy is not required as it is primarily concerning Council staff interaction with, and support for homeless people. The Guiding Principles and Strategies/Actions are from Council's adopted HHAP which has been widely consulted with the community and key stake-holders in the development and adoption of the HHAP.

Background

The current Hawkesbury City Council Homelessness Policy 2002 is based on the Local Government Model Policy on Homelessness and now requires review and updating to reflect changes in this area since its original adoption. There has also been significant progress made since 2002 in planning for, and addressing the needs of homeless people living in the Hawkesbury area.

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The Nepean-Blacktown Regional Taskforce on Homelessness, of which Council was a member, was formed in 2008 and received Federal and State funding for "Project 40" an innovative "Housing First" model delivered in the Hawkesbury Nepean area by Wentworth Community Housing as the lead agency. Quarterly "Homeless Hubs" were initiated in the Hawkesbury area in 2008 as 'one stop shops' to cater for the needs of homeless people and families, and they continue as quarterly "Hawkesbury Helping Hubs" for homeless and disadvantaged people.

On 4 May 2010, Council assisted the Nepean-Blacktown Taskforce on Homelessness in conducting a Hawkesbury 'Street Count' of homeless people sleeping rough. From this Street-Count, the Taskforce estimated that in the Hawkesbury area at least 51 homeless people were sleeping rough on the night (ABS definition of 'Primary Homelessness'); a further 49 (or more) people were staying in temporary/crisis accommodation (ABS defined 'Secondary Homelessness'); and (separate to the Street-Count) at least 190 people were living in sub-standard accommodation (ABS 'Tertiary Homelessness') defined as below the minimum community standard of a small self-contained flat. This was considered to be 'under-counted' by at least 40% as further areas of 'hidden' homelessness were reported.

In response to growing community concerns over gaps in services for homeless people, Council at its Ordinary Meeting on 30 April 2013, responded by running a Homelessness Workshop for key homelessness/support services on 26 June 2013.

The outcomes of that forum and two other homelessness forums in 2012 and 2013 were referred to a Working Group with Council staff and representatives of the Hawkesbury Housing Forum formed in late 2013 to commence development of a Hawkesbury Homelessness Action Plan (HHAP). After a period of public exhibition the HHAP was adopted at the Ordinary Meeting of Council on 29 July 2014 (Item 129).

One of the priority Strategies/Actions (2.3) of the HHAP for 2015/16 is for Council to:

"Review Council's Homelessness Policy and include training for Council staff in how to respond to homeless people sleeping rough."

This priority action for 2015/2016 was also endorsed by Council's Human Services Advisory Committee (HSAC) on 30 July 2015, and subsequently the draft updated Hawkesbury City Council Homelessness Policy was also endorsed at the HSAC Meeting on 12 May 2016, hence this report to Council.

A copy of the current Homelessness Policy adopted by Council in 2002 has not been attached to this report, but is able to be viewed on Council's online Policy register if required. Other than formatting changes to the Policy, changes include deletion of reference to the State Environmental Planning Policy (SEPP) No. 10 which has been replaced with the State Environmental Planning Policy (Affordable Rental Housing) 2009. Additionally, correction/updating of titles for government bodies, and other minor corrections that reflect current plans, policies or legislation have been made.

It is recommended that Council adopt the updated Hawkesbury City Council Policy, *Homelessness Policy 2016* (draft) as attached to this report.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the *Looking after People and Place* Community Strategic Plan Theme, and specific Directions being:

- Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury, and
- Have friendly neighbourhoods, connected communities, and supported households and families.

and is also consistent with the nominated Strategies in the CSP being:

- Encourage affordable, diverse and quality housing solutions in serviced areas, and
- Provide for a safer community through planning, mitigation and response.

Financial Implications

There is no additional funding required for this matter over and above what has been included in the current budget for 2015/2016.

RECOMMENDATION:

That:

1. The information be received.
2. Council adopt the attached updated Hawkesbury City Council Policy, Homelessness Policy 2016 (draft) attached as Attachment 1 to this report.
3. Training be provided for relevant Council staff that come into contact with homeless people, particularly for people experiencing primary homelessness, i.e. sleeping rough in public places.

ATTACHMENTS:

AT - 1 Hawkesbury City Council Policy Update, *Homelessness Policy 2016* (draft).

AT - 1 Hawkesbury City Council Policy Update, *Homelessness Policy 2016* (draft).



Hawkesbury City Council
Policy

DRAFT

Homelessness Policy

Hawkesbury City Council

ORDINARY MEETING

Meeting Date: 28 June 2016



HAWKESBURY CITY COUNCIL POLICY

Homelessness Policy

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HAWKESBURY CITY COUNCIL POLICY

Homelessness Policy

1.0 PURPOSE

Council will continue to work in partnership with the Hawkesbury Housing Forum (HHF) and other key agencies to prioritise and implement the strategies as detailed in this policy below.

Homelessness occurs when individual people or families are unable to find or sustain housing that is safe, secure, affordable, and meets their basic needs.

Council recognises that all people have a right to housing that meets their individual needs, and that all people have a right to enjoy public open spaces for activities that do not create an adverse impact on the rights of other users in the community.

The current level of homelessness is unacceptable in a modern democratic society. It is an indicator that society has not adequately met the needs of all in its community. When people are unable to access adequate housing and are homeless this becomes a social justice issue, which is not appropriately dealt with through the criminal justice system.

Primarily, homelessness is the result of ineffective macro-economic, housing and social policies that are the responsibility of State and Commonwealth governments. These structural factors lead to the loss of affordable, accessible and appropriate accommodation options, family breakdown, poverty, lack of access to adequate housing, unemployment, health problems, substance abuse and domestic violence.

Homelessness occurs in a range of ways. Some people may become suddenly homeless requiring crisis accommodation, while others may be chronically homeless, sleeping rough in public places over a long period of time.

Diverse, multi-disciplinary strategies are required to address this growing problem at a range of levels. Key strategies must involve the adequate provision of effective support services and a range of housing options which are primarily a State/Commonwealth government responsibility. In comparison, Local Government's capacity to be involved in the provision of these facilities and services is very limited. However, it is appropriate that Council undertake actions/strategies to assist and complement the work of other levels of government, the private sector, community based support services and neighbouring councils. These encompass strategies seeking better services for homeless people and pursuing structural changes that aim to reduce levels of homelessness.

2.0 GUIDING PRINCIPLES

The following 'Guiding Principles' were identified in the development of the Hawkesbury Homelessness Action Plan 2014, and are applicable to this Homelessness Policy:

1. Homelessness should be on the agenda of all levels of government.
2. Working together in partnership we can achieve much more than operating in isolation and provide a coordinated response to the needs of homeless people.
3. All agencies should be encouraged to have clear and effective interagency planning mechanisms that respond effectively to the needs of homeless people.
4. Homeless people are part of our community and should be treated with respect, having equal access to services and facilities to enable them to fully participate in their community.
5. All people should have access to housing that is affordable, sustainable and meets their individual needs.
6. Homeless people are entitled to receive support to ensure that they can access and maintain suitable housing.



HAWKESBURY CITY COUNCIL POLICY

Homelessness Policy

3.0 DEFINITIONS

For the purposes of this policy the Australian Bureau of Statistics (ABS) Census, homelessness definitions have been adopted and fall into three categories:

- **Primary homelessness**, which includes all people without conventional accommodation, such as people living on the streets, sleeping in parks, squatting in derelict buildings, or using cars or railway carriages for temporary shelter.
- **Secondary homelessness** includes people who move frequently from one form of temporary shelter to another. On census night, it includes all people staying in emergency or transitional accommodation provided under the Specialist Homelessness Services program (SHS). Secondary homelessness also includes people residing temporarily with other households because they have no accommodation of their own and people staying in boarding houses on a short-term basis, operationally defined as 12 weeks or less.
- **Tertiary homelessness** refers to people who live in boarding houses (or caravan parks) on a medium to long-term basis, operationally defined as 13 weeks or longer. They are homeless because their accommodation situation is below the minimum community standard of a small self-contained flat.

This definition is now widely accepted across all levels of government and the community sector in Australia.

4.0 RELATED POLICIES, PLANS, AND PROTOCOLS

- Hawkesbury Homelessness Action Plan 2014
- Hawkesbury City Council Affordable Housing Policy 2015
- NSW Protocol for Homeless People in Public Places 2012

5.0 RELATED SAFE WORK METHOD STATEMENTS (SWMS)

- SWMS 006.2.7 External Site Visit Checklist and Risk Assessment
- SWMS 006.2.4 Daily Site Risk Assessment - Outdoor Workers
- SWMS 006.2.5 Daily Site Risk Assessment - Indoor Workers
- SWMS 007.4 Sharps Management

6.0 TRAINING REQUIRED

Council staff that come into contact with people who are homeless will be provided with training in how to respond to the needs of homeless people in line with this policy and the NSW Protocol for Homeless People in Public Places 2012. They will also receive information about services and resources that are available to support the needs of homeless people should they be requested for this information. This training is for council staff that are likely to come into contact with homeless people in the course of their normal duties. This includes staff working in parks, open spaces, libraries, community and recreational facilities, and customer services areas.

7.0 AMENDMENTS

All amendments or changes to this policy are to be approved by Council.

**HAWKESBURY CITY COUNCIL POLICY****Homelessness Policy**

8.0 STRATEGIES

Hawkesbury City Council will undertake the following strategies/activities.

As part of Council's commitment to social justice principles and community planning processes, in partnership with key stakeholders, identify the extent of homelessness in the local area and region, monitor trends in homelessness, and develop appropriate strategies for generating action to address homelessness.

This will include:

- participating in community forums and consultative structures that examine issues of homelessness in the local area
- assisting to facilitate a coordinated approach by local support services for homeless people
- working with other key stakeholders to ensure the availability of adequately resourced services and facilities in high need areas
- encouraging and participating in the research and development of alternative models of supported Accommodation
- examining planning policies of council and key stakeholders to ensure there is a reasonable distribution of services and facilities for homeless people across the local area, the region and the Greater Sydney Metropolitan area
- advocating to State and Commonwealth governments for changes in macro-economic, housing and social policies that are linked to the cause of homelessness
- advocating to State and Commonwealth governments for adequate funding for existing homeless support services and for financial support to develop new innovative local approaches to homelessness
- with financial assistance from the State and Commonwealth governments, undertake broad community education strategies. This would include explaining some of the issues/problems faced by homeless people to the broader community, providing information about local support services and identifying strategies local communities and individuals can actively pursue
- work with other public and private sector institutions that manage public space (these institutions include National Parks, RMS, transport providers, NSW Family and Community Services (FACS) and Housing NSW, NSW Health, NSW Education, Australia Post, and large commercial retail outlets) to ensure the rights of homeless people are protected. With these agencies, work collaboratively to identify how each can contribute land or buildings to the development of alternative models of housing.
- actively implement the State Environmental Planning Policy (Affordable Rental Housing) 2009
- identify strategies to encourage the provision of affordable housing options
- ensure that homeless people are not denied access to council public services and facilities and that positive measures are taken to encourage use by high need groups such as homeless people
- ensure that urban design strategies do not discriminate against homeless people and encompass the provision of designated space and facilities that provide a protective environment for homeless people
- provide appropriate training to council staff involved in planning of the urban environment, facilities and services to ensure that the needs of homeless people are taken into account and incorporated into designs

ORDINARY MEETING

Meeting Date: 28 June 2016



HAWKESBURY CITY COUNCIL POLICY

Homelessness Policy

- use council's community information strategies to provide information to homeless people about where they can access support services and accommodation
- develop and implement policies that ensure that staff who come into contact with homeless people do so in a manner that is consistent with social justice principles and the NSW Protocol for Homeless People in Public Places (2012)
- develop policies that require staff to actively refer identified homeless people to designated support services and provide appropriate training to council staff who have contact with homeless people, to talk to them about their needs and provide them with relevant information (if requested) in line with the NSW Protocol for Homeless People in Public Places (2012)
- in line with current commitments in council's management plan, where appropriate, provide services to homeless people.

Page 4 of 4

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 June 2016

INFRASTRUCTURE SERVICES

Item: 124 **IS - Road Naming Proposal Associated with DA0255/14 Pitt Town - (95495, 79346)**

Previous Item: 61, Ordinary (12 April 2016)

REPORT:

Executive Summary

Council, at its meeting held on 12 April 2016, resolved that the proposed road name Eden Circuit, Pitt Town, in connection with DA0255/14 be publically advertised, seeking comments and submissions, with the matter to be reported back to Council following the public exhibition process.

The road name has been publically advertised and at the close of the public exhibition no comments or submissions were received.

This report therefore recommends that the name Eden Circuit, Pitt Town be adopted for use.

Consultation

Consultation has been undertaken in accordance with the relevant requirements through a publically advertised exhibition.

Background

Council at its meeting held on 12 April 2016, resolved the following:

"That:

- 1. In accordance with the requirements of the Roads Act, 1993, the name Eden Circuit Pitt Town, in connection with DA0255/14, be publically advertised for a period of 28 days, seeking comments and submissions.*
- 2. The matter be reported back to Council following the public exhibition process, with a view to adopting the street names for use."*

As per the resolution the road name has been publically advertised. This was sought by way of an advertisement in the local press, a notice on Council's web page under Community Consultation and a notice to the prescribed organisations under the New South Wales Roads Act 1993. The public exhibition closed on 26 May 2016 and no comments or submissions were received.

As the road name conforms to the guidelines and principles of the New South Wales Road Naming Policy and has been publically advertised with no objections made, it is recommended that the name Eden Circuit be adopted for use.

ORDINARY MEETING

Meeting Date: 28 June 2016

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place Direction Statement;

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes

and is also consistent with the nominated strategy in the CSP being:

- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote.

Financial Implications

The advertising and administrative expenses associated with this matter have been paid by the applicant in accordance with Council's Adopted Fees and Charges.

RECOMMENDATION:

That in accordance with the requirements of the Roads Act, 1993, the name Eden Circuit, Pitt Town, in connection with DA0255/14, be adopted for use.

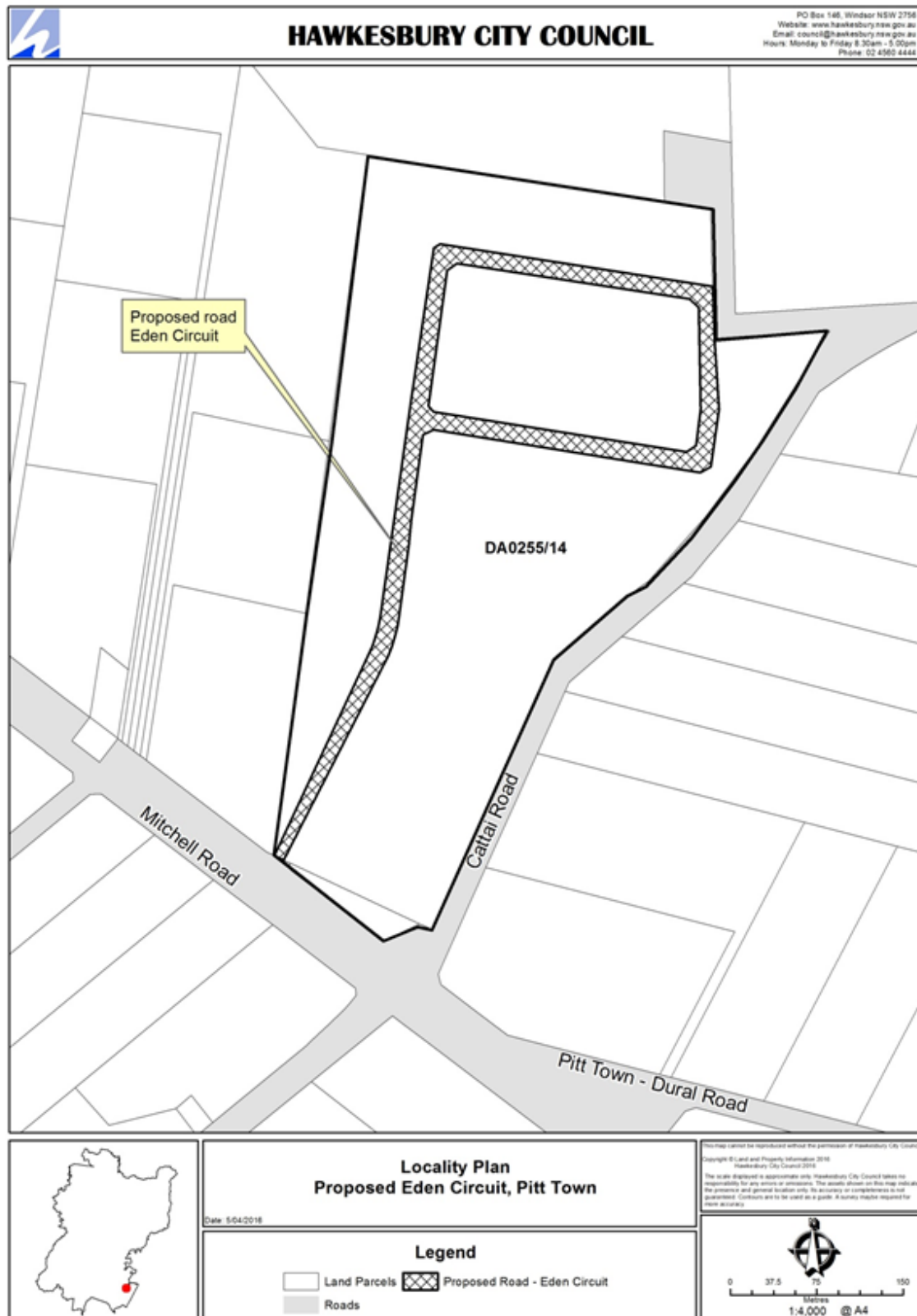
ATTACHMENTS:

AT - 1 Locality Plan

ORDINARY MEETING

Meeting Date: 28 June 2016

AT 1 – Locality Plan



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 June 2016

Item: 125 **IS - Road Naming Proposal Associated with DA0794/14 Pitt Town - (95495, 79346)**

Previous Item: 62, Ordinary (12 April 2016)
 157, Ordinary (29 July 2008)
 65, Ordinary (8 April 2008)
 266, Ordinary (27 November 2007)
 246, Ordinary (13 November 2007)

REPORT:

Executive Summary

Council, at its meeting held on 12 April 2016, resolved that the proposed road name Glengarry Place, Pitt Town, in association with DA0794/14 be publically advertised, seeking comments and submissions, with the matter to be reported back to Council following the public exhibition process.

The road name has been publically advertised and at the close of the public exhibition one submission in support of the proposed name was received.

This report therefore recommends that the name Glengarry Place, Pitt Town be adopted for use.

Consultation

Consultation has been undertaken in accordance with the relevant requirements through a publically advertised exhibition.

Background

Council at its meeting held on 12 April 2016, resolved the following:

"That:

- 1. In accordance with the requirements of the Roads Act, 1993, the name Glengarry Place Pitt Town, in connection with DA0794/14, be publically advertised for a period of 28 days, seeking comments and submissions.*
- 2. The matter be reported back to Council following the public exhibition process, with a view to adopting the street names for use."*

As per the resolution the road name has been publically advertised. This was sought by way of an advertisement in the local press, a notice on Council's web page under Community Consultation and a notice to the prescribed organisations under the New South Wales Roads Act 1993. The public exhibition closed on 26 May 2016 and one submission was received in support of the name Glengarry Place.

As the road name conforms to the guidelines and principles of the New South Wales Road Naming Policy and has been publically advertised with no objections made, it is recommended that the name Glengarry Place be adopted for use.

ORDINARY MEETING

Meeting Date: 28 June 2016

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place Direction Statement;

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes

and is also consistent with the nominated strategy in the CSP being:

- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote.

Financial Implications

There are no financial implications arising from this report. Costs associated with signposting will be met by the developer.

RECOMMENDATION:

That in accordance with the requirements of the Roads Act, 1993, the name Glengarry Place, Pitt Town, in connection with DA0794/14, be adopted for use.

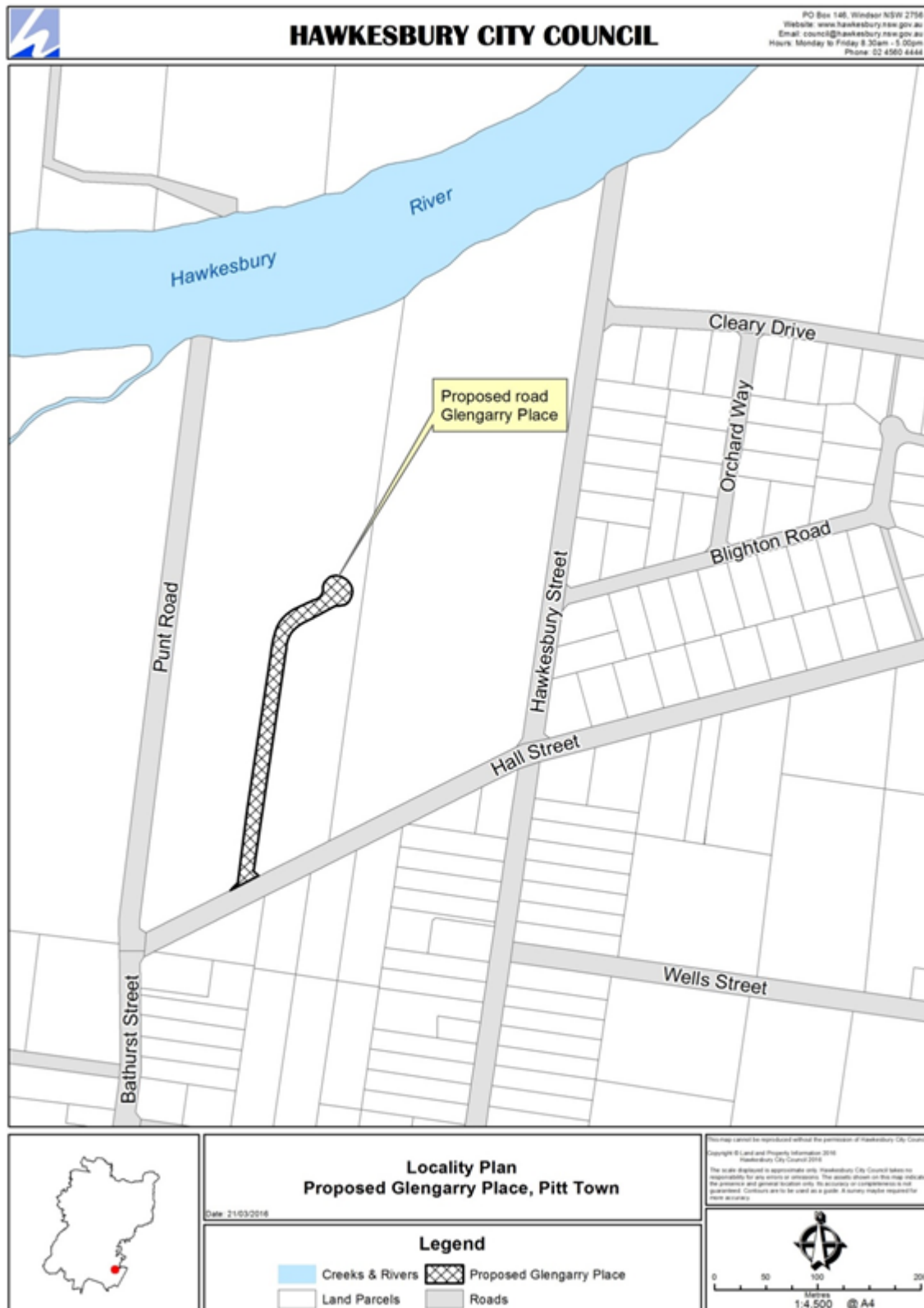
ATTACHMENTS:

AT - 1 Locality Plan

ORDINARY MEETING

Meeting Date: 28 June 2016

AT 1 – Locality Plan



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 June 2016

SUPPORT SERVICES

Item: 126

SS - Monthly Investments Report - May 2016 - (95496, 96332)**REPORT:****Executive Summary**

According to Clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether or not investments have been made in accordance with the Act, the Regulation and the Council's Investment Policy.

This report indicates that Council held \$45 million in investments at 31 May 2016.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$45 million in investments as at 31 May 2016. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
CBA	A1+	AA-			1.50%	3,200,000	7.11%	
Total On-call Investments								3,200,000
Term Investments								
ANZ	A1+	AA-	18-Nov-15	08-Jun-16	3.00%	2,000,000	4.44%	
ANZ	A1+	AA-	19-Aug-15	15-Jun-16	2.95%	2,000,000	4.44%	
ANZ	A1+	AA-	19-Aug-15	17-Aug-16	2.95%	2,000,000	4.44%	
ANZ	A1+	AA-	02-Mar-16	07-Sep-16	2.95%	2,500,000	5.56%	
ANZ	A1+	AA-	24-Feb-16	14-Sep-16	3.05%	1,000,000	2.22%	
ANZ	A1+	AA-	24-Feb-16	14-Sep-16	3.05%	2,500,000	5.56%	
ANZ	A1+	AA-	02-Mar-16	21-Sep-16	2.95%	2,500,000	5.56%	
Bankwest	A1+	AA-	18-May-16	20-Jul-16	2.70%	800,000	1.78%	
NAB	A1+	AA-	22-Dec-15	15-Jun-16	3.04%	1,000,000	2.22%	
NAB	A1+	AA-	08-Jul-15	06-Jul-16	3.00%	2,000,000	4.44%	
NAB	A1+	AA-	13-Jan-16	20-Jul-16	3.10%	1,000,000	2.22%	
NAB	A1+	AA-	27-Jan-16	03-Aug-16	3.00%	1,500,000	3.33%	
NAB	A1+	AA-	17-Feb-16	17-Aug-16	3.00%	1,000,000	2.22%	
NAB	A1+	AA-	31-May-16	23-Nov-16	2.95%	2,000,000	4.44%	
NAB	A1+	AA-	18-May-16	14-Dec-16	2.95%	2,000,000	4.44%	
NAB	A1+	AA-	16-Mar-16	08-Feb-17	3.09%	2,000,000	4.44%	

ORDINARY MEETING

Meeting Date: 28 June 2016

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
NAB	A1+	AA-	27-Apr-16	30-Mar-17	3.10%	1,000,000	2.22%	
NAB	A1+	AA-	27-Apr-16	27-Apr-17	3.10%	2,000,000	4.44%	
Westpac	A1+	AA-	04-Nov-15	15-Jun-16	2.85%	1,000,000	2.22%	
Westpac	A1+	AA-	04-Feb-16	28-Sep-16	3.00%	1,000,000	2.22%	
Westpac	A1+	AA-	02-Oct-15	05-Oct-16	3.00%	1,000,000	2.22%	
Westpac	A1+	AA-	02-Oct-15	05-Oct-16	3.00%	1,000,000	2.22%	
Westpac	A1+	AA-	07-Oct-15	19-Oct-16	3.00%	1,000,000	2.22%	
Westpac	A1+	AA-	07-Oct-15	19-Oct-16	3.00%	1,500,000	3.33%	
Westpac	A1+	AA-	10-Dec-15	14-Dec-16	3.00%	1,000,000	2.22%	
Westpac	A1+	AA-	30-Mar-16	30-Mar-17	3.10%	500,000	1.11%	
Westpac	A1+	AA-	06-Apr-16	14-Apr-17	3.10%	1,000,000	2.22%	
Westpac	A1+	AA-	04-May-16	04-May-17	3.05%	2,000,000	4.44%	
Total Term Investments								41,800,000
TOTAL INVESTMENT AS AT 31 May 2016								45,000,000

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	3,200,000	1.50%	Reserve Bank Cash Reference Rate	1.75%	-0.25%
Term Deposit	41,800,000	3.00%	UBS 90 Day Bank Bill Rate	1.97%	1.03%
Total	45,000,000	2.89%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	6,487,599
External Restrictions - Other	5,336,610
Internal Restrictions	20,491,840
Unrestricted	12,683,951
Total	45,000,000

Unrestricted funds, whilst not subject to a restriction for a specific purpose, are fully committed to fund operational and capital expenditure in line with Council's adopted Operational Plan. As there are timing differences between the accounting for income and expenditure in line with the Plan, and the corresponding impact on Council's cash funds, a sufficient level of funds is required to be kept at all times to ensure Council's commitments are met in a timely manner. Council's cash management processes are based on maintaining sufficient cash levels to enable commitments to be met when due, while at the same time ensuring investment returns are maximised through term investments where possible.

In addition to funds being fully allocated to fund the Operational Plan activities, funds relating to closed self-funded programs and that are subject to legislative restrictions cannot be utilised for any purpose other than that specified. Externally restricted funds include funds relating to Section 94 Contributions, Domestic Waste Management, Sewerage Management, Stormwater Management and Grants.

Funds subject to an internal restriction refer to funds kept aside for specific purposes, or to meet future known expenses. This allows for significant expenditures to be met in the applicable year without having a significant impact on that year. Internally restricted funds include funds relating to Tip Remediation, Workers Compensation, and Elections.

ORDINARY MEETING

Meeting Date: 28 June 2016

Investment Commentary

The investment portfolio increased by \$3 million for the month of May 2016. During May 2016, income was received totalling \$10.10 million, including rate payments amounting to \$5.20 million, while payments to suppliers and staff costs amounted to \$7 million.

The investment portfolio currently involves a number of term deposits and on-call accounts. Council's current investment portfolio is not subject to share market volatility.

Council has a loan agreement for an amount of \$5.26 million under the Local Government Infrastructure Renewal Scheme (LIRS). The full amount was drawn down upon signing the agreement in March 2013, with funds gradually being expended over the period during which the program of works is being delivered. The loan funds have been placed in term deposits, with interest earned on unexpended invested loan funds being restricted to be used for works relating to the LIRS Program projects.

As at 31 May 2016, Council's investment portfolio is all invested with major Australian trading banks or wholly owned subsidiaries of major Australian trading banks and in line with Council's Investment Policy.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Independent advice is sought on new investment opportunities, and Council's investment portfolio is independently reviewed by Council's investment advisor each calendar quarter.

Council's investment portfolio complies with Council's Investment Policy, adopted on 31 May 2016.

Investment Certification

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services

Financial Implications

Funds have been invested with the aim of achieving budgeted income in Service 121 – Investments within the 2015/2016 Adopted Operational Plan.

RECOMMENDATION:

The report regarding the monthly investments for May 2016 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 June 2016

Item: 127

SS - 2016/2017 Remuneration for Councillors and Mayor - (95496, 96332)

REPORT:

Executive Summary

The Local Government Act, 1993 (the Act) makes provision for the payment of fees to the Mayor and other Councillors and the categories into which individual councils are placed.

The Local Government Remuneration Tribunal (the Tribunal), each year, reviews and sets the minimum and maximum amount of fees to be paid to mayors and councillors of councils. The Tribunal also, at least once every three years, reviews and determines the categories for councils and mayoral offices. The fees paid to mayors and councillors were reviewed this year while the categories for councils were reviewed in 2015.

The Tribunal has recently handed down its determination of fees for 2016/2017. This report recommends that Council set the maximum amount under the Tribunal's determination applicable to Hawkesbury City Council.

Consultation

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

Background

The Tribunal, pursuant to Section 239 of the Act, is required to determine the categories of councils and mayoral offices at least once every three years. The Tribunal undertook its last review of the categories of councils in 2015, with Hawkesbury City Council being categorised as 'Regional Rural'.

The Act stipulates that councils must pay an annual fee to each councillor and to the Mayor, with the mayoral fee being paid in addition to the fee paid to the Mayor as a councillor. Councils may fix these fees and, if it is decided to do so, the fees must be fixed in accordance with the determination of the Tribunal. If a council does not fix a fee, it is required to pay the relevant minimum fee determined by the Tribunal.

The Tribunal, pursuant to Section 241 of the Act, is required, each year, to determine the minimum and maximum fees for mayors and councillors. The Tribunal has recently determined to increase these annual fees payable by 2.5%, effective from 1 July 2016.

Accordingly, the annual fees to be paid to mayors and councillors for the period 1 July 2016 to 30 June 2017 for a Regional Rural Council (which includes Hawkesbury City Council), are as follows:

	Councillor Annual Fee		Mayor Additional Fee	
	<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>
Regional Rural	\$8,540.00	\$18,840.00	\$18,180.00	\$41,090.00

In the past, it has been the practice for Council to pay the maximum fee, and the following table depicts the annual and monthly payments that would be paid to Councillors, the Mayor and the Deputy Mayor, should this practice continue. The Deputy Mayor fee has been maintained at 15% of the Mayoral fee, which is deducted from the Mayor's annual fee.

ORDINARY MEETING**Meeting Date: 28 June 2016**

	Councillor Fees		Mayor / Deputy Mayor *		Maximum Total	
	<i>Maximum - Annual</i>	<i>Maximum - Monthly</i>	<i>Maximum - Annual</i>	<i>Maximum - Monthly</i>	<i>Annual</i>	<i>Monthly</i>
Councillor	\$18,840.00	\$1,570.00			\$18,840.00	\$1,570.00
Mayor	\$18,840.00	\$1,570.00	\$41,090.00 less \$6,163.50 = \$34,926.50	\$2,910.54	\$53,766.50	\$4,480.54
Deputy Mayor	\$18,840.00	\$1,570.00	\$6,163.50	\$513.62	\$25,003.50	\$2,083.62

Note: Pursuant to Section 249 (2) of the Act, the fee paid to the Mayor and Deputy Mayor, is paid in addition to the fee paid to the Mayor and Deputy Mayor as a Councillor.

The current fees for Councillors and the Mayor are \$18,380 and \$40,090 respectively, with an additional fee of \$6,013.50 being paid to the Deputy Mayor, which is deducted from the Mayor's fees.

Based on Council's previous practice of paying the maximum fees, as determined by the Tribunal, the following recommendation is submitted for Council's consideration.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement:

- Have a transparent, accountable and respected leadership and an engaged community.

Funding

Councillor, Mayoral and Deputy Mayoral fees have been provided for in Service Account 169 - Elected Members of the adopted 2016/2017 Operational Plan.

RECOMMENDATION:

That:

1. The annual fee for Councillors for 2016/2017 be set at \$18,840.
2. The additional annual fee for the Mayor be set at \$41,090, and the Deputy Mayor's additional annual fee be set at \$6,163.50, to be deducted from the Mayor's annual fee.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 June 2016

Item: 128

SS - Discharge of Mortgage to Richmond Club Limited - (95496, 112106, 3996)

REPORT:

Executive Summary

Richmond Club Limited currently owns a property at 25 Woodlands Road, Wilberforce, being Lot 274 in Deposited Plan 813232. On the Certificate of Title, Council has a mortgage over the property. Richmond Club Limited has requested Council to provide them with a Discharge of Mortgage.

As the mortgage was paid in full on 14 May 2010, it is recommended that the Discharge of Mortgage be prepared and executed.

Background

In March 1994, Council sold the property at 25 Woodlands Road, Wilberforce to Wilberforce and Districts Sport and Recreation Club Limited. The purpose of the sale was for the Club to establish a sports and recreation club on the site, with a development consent subsequently being issued for this purpose. As the development did not proceed the consent lapsed.

To assist the Club with the purchase of the property, the Council agreed to make an interest free loan of \$80,000 available, with such loan to be repaid by 2010.

In 2001, the Club was amalgamated with the Richmond Club Limited, including ownership of the property becoming that of the Richmond Club Limited, and requirements concerning the repayment of the loan subsequently being transferred to the Club.

Richmond Club Limited has paid out the loan in full on 14 May 2010. Consequently, Richmond Club Limited owns the property at 25 Woodlands Road, Wilberforce, being Lot 274 in Deposited Plan 813232. However, on the Certificate of Title, Council still appears to have a mortgage over the property as no request for Discharge of Mortgage was made at the time of full payment of the mortgage.

Council has received correspondence from the Richmond Club Limited dated 24 May 2016 requesting rectification of the matter.

This request can be processed through the lodgement of the relevant documentation with Land and Property Information (LPI), including a resolution of Council to issue the Discharge of Mortgage in regard to the property.

As the mortgage was paid in full on 14 May 2010, it is recommended that the Discharge of Mortgage be prepared and executed under the Seal of Council.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement:

- Have constructive and productive partnerships with residents, community groups and institutions

Financial Implications

There are no financial implications arising from this report.

ORDINARY MEETING

Meeting Date: 28 June 2016

RECOMMENDATION:

That:

1. Council endorse the issue of a Discharge of Mortgage in regard to 25 Woodlands Road, Wilberforce - Lot 274 DP813232 to Richmond Club Limited, and the necessary documentation be provided to LPI.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 June 2016

Item: 129 **SS - Licence Agreement - Macquarie Towns Arts Society - Yarramundi Community Centre - (95496, 80153, 86820)**

Previous Item: 37, Ordinary (8 March 2011)

REPORT:

Executive Summary

The Macquarie Towns Arts Society (MTAS) currently holds a Licence Agreement for exclusive use of office and storage space at Yarramundi Community Centre. The Licence Agreement is for a period of five years with a further five year option. The Licence Agreement expired on 1 June 2016. The executive committee of MTAS has indicated that they wish to continue to occupy the premises and have indicated that they wish to take up the option. The report recommends that the proposal be accepted.

Background

MTAS currently occupies office and storage space at Yarramundi Community Centre, while the rest of the centre; hall, kitchen and amenities, is available for hire by members of the community. This arrangement is governed by a Licence Agreement executed between Council and MTAS. The Licence Agreement outlines the respective roles and responsibilities of each party and specifies a usage charge to be remitted by MTAS to cover a portion of the day-to-day operating costs of the Centre. The Licence Fee is not a rental charge but a fee which covers the increased operating costs generated by the occupancy of the Yarramundi Community Centre by MTAS. At its Ordinary Meeting on 8 March 2011, Council approved the execution of a Licence Agreement for a period of five years with a further five year option. The executive committee of MTAS has indicated that they wish to take up the option.

Accordingly, it is proposed to enter into a Licence Agreement, as follows:

Lessee:	Macquarie Towns Arts Society
Premises:	Office and Storage Rooms 1 and 2, Yarramundi Community Centre
Term of Licence:	Five years
Commencement Date:	1 June 2016
Rental:	\$184.06 per month (plus GST)
Reviews:	Annually, at the commencement of the Financial Year by CPI
Insurance:	Minimum Public Liability Insurance of \$10 million. The insurance policy should note Council's interest as the Licensor.
Other Matters:	The Licence Agreement to also provide MTAS with access to other areas and facilities within the Centre on a shared basis.

ORDINARY MEETING

Meeting Date: 28 June 2016

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement:

- Have friendly neighbourhoods, connected communities, and supported households and families;

and is also consistent with Shaping Our Future Together Directions statement:

- Have constructive and productive partnerships with residents, community groups and institutions.

Financial Implications

There are no financial implications arising from this report. The income generated from the Licence Agreement will be used to defray the additional operating costs arising from the occupancy of the Yarramundi Community Centre by the MTAS.

RECOMMENDATION:

That

1. Council agree to enter into a Licence Agreement with the Macquarie Town Arts Society for their exclusive use of defined office and storage areas within the Yarramundi Community Centre on the basis outlined in this report.
2. The Seal of Council be affixed to the Licence Agreement.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 June 2016

Item: 130 **SS - Hawkesbury Nepean Community Legal Centre - Peppercorn Place, 320 George Street, Windsor - (95496, 96328, 83169)**

REPORT:

Executive Summary

This report has been prepared to advise Council of a request received from Hawkesbury Nepean Community Legal Centre (HNCLC) to occupy vacant office space at Peppercorn Place, 320 George Street, Windsor. The report recommends that the proposal be accepted and that authority be given to execute a Licence Agreement with HNCLC.

Consultation

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

Background

Peppercorn Place was officially opened in May 2001 as a purpose built facility, which currently houses four community organisations providing programs for residents of the Hawkesbury local government area. Council directly manages the premises.

Property management arrangements for Peppercorn Place are governed by a licence agreement executed between Council (the Licensor) and each agency (the Licensee) within the building. The Licence Agreement outlines the respective roles and responsibilities of each party, and specifies the usage charge (based on the floor space occupied) to be remitted by each Licensee. Licensees do not pay rent, but contribute to the day-to-day operating costs - electricity, security, cleaning, maintenance, reception services, telephone, equipment lease and operating costs etc. - generated by their use of Peppercorn Place.

Current situation

Office space at Peppercorn Place has remained vacant as a result of Home Care Services of NSW ceasing their occupation when the service was transferred to Australian Unity earlier this year.

Council staff were approached by HNCLC, to enquire about the possibility of moving into Peppercorn Place at the end of their current lease on 20 July 2016. The current user charge for the office space that HNCLC wishes to occupy is set at \$1,672.46 (GST exclusive) per month.

As Licence Agreements for all licensees at Peppercorn Place are due for renewal on 1 January 2017, it is proposed that HNCLC be offered a 6 month licence with provision for this agreement to be renewed for a further period of five years, in conjunction with the renewal of existing licences on 1 January 2017. The proposal for renewal of all licences will be reported to Council later this year.

Accordingly, it is proposed to enter into a Licence Agreement, as follows:

Licensee:	Hawkesbury Nepean Community Legal Centre
Premises:	Offices 7, 10 and 11 General Office 2 Peppercorn Place, 320 George Street, Windsor
Term of Licence:	6 months, with option for 5 year extension from 1 January 2017
Commencement Date:	1 July 2016

ORDINARY MEETING

Meeting Date: 28 June 2016

Rental:	\$1672.46 per month (plus GST)
Reviews:	Annually, at the commencement of the calendar year.
Insurance:	Minimum Public Liability Insurance of \$10 million. The insurance policy should note Council's interest as the licensor.
Other Matters:	The Licence Agreement to also provide HNCLC with access to other areas and facilities within the Centre on a shared basis.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking after People and Place Directions strategy:

- Have friendly neighbourhoods, connected communities, and supported households and families;

and is also consistent with the Shaping our Future Together strategy:

- Have constructive and productive partnerships with residents, community groups and institutions.

Financial Implications

There are no financial implications arising from this report.

RECOMMENDATION:

That:

1. Council agree to enter into a Licence Agreement, as outlined in this report, with Hawkesbury Nepean Community Legal Centre in regard to vacant office space at Peppercorn Place, 320 George Street, Windsor as from 1 July 2016 for a period of six months with the provision for this agreement to be renewed for a further period of five years from 1 January 2017.
2. The Seal of Council be affixed to the Licence Agreement.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 June 2016

Item: 131

SS - Outstanding Receivables - Bad Debts Write Off - (95496, 96332)

REPORT:

Executive Summary

Outstanding sundry debtors for 2015/2016, which have been unable to be recovered, have been reviewed.

The debts owed to Council have been subject to recovery action and all avenues have been exhausted in recovering these debts with no success.

Council's Writing Off of Rates and Charges and Other Receivables Policy allows for any debts under the amount of \$500 to be written off under delegation by the General Manager. Any debts over the amount of \$500 may only be written off by resolution of Council.

It is recommended that Council write off two bad debts for 2015/2016 that are over the amount of \$500.

Consultation

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

Background

Clause 213 of the Local Government (General) Regulation 2005 (the Regulation), provides restrictions on writing off bad debts owed to a council. Clause 213 does not relate to debts in relation to rates or other charges for which other specific provisions exist.

This report deals with two debts raised by Council which are unable or unlikely to be recovered.

Council provides credit to individuals and businesses in the enforcement of laws and regulations or for the provision of services. As with all suppliers of credit, some debtors fail to meet their obligations to pay, despite the best efforts of officers to recover outstanding payments.

Council has appropriate debt recovery and collection procedures to ensure adequate controls are in place to minimise bad debts.

Details on the debts proposed to be written off have been provided below in a form compliant with Clause 213(4) of the Regulation.

The bad debts over \$500, which cannot be dealt with under Clause 213(3) of the Regulation by order in writing of Council's Acting General Manager, are as follows:

Debtor Account No.	Amount	Details
7301404	\$570.80	Information Provision
7307526	\$2,836.20	Animal Impounding Fees

In accordance with Clause 213(5) (c) of the Regulation, "*A debt can be written off under this clause only.....c) if the council or the general manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.*"

The above debts owed to Council have been subject to recovery action and all avenues have been exhausted in recovering these debts with no success. It is deemed uneconomical to pursue further recovery action and it is recommended that the debts detailed above are written off.

ORDINARY MEETING

Meeting Date: 28 June 2016

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement:

- That Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services.

Financial Implications

If the debts are written off, the amounts will be funded from the existing Council's provision for doubtful debts.

RECOMMENDATION:

That Council write off the amount of \$570.80 and \$2,836.20 from Debtor Account numbers 7301404 and 7307526 respectively.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 June 2016

Item: 132

SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)

REPORT:

Executive Summary

The Local Government Act 1993 details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Councillors and Designated Persons. This report provides information regarding Returns recently lodged with the General Manager by Designated Persons. It is recommended that Council note that the Disclosure of Pecuniary Interests and Other Matters Returns, lodged with the General Manager, have been tabled.

Consultation

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

Background

Section 450A of the Local Government Act, 1993 relates to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 450A of the Act is as follows:

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

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

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

With regard to Section 450(2)(a), the following Section 449(1) Returns have been lodged:

Position	Return Date	Date Lodged
Manager Strategic Planning	7 March 2016	12 April 2016
Town Planner	7 March 2016	21 April 2016

The above Designated Persons have lodged their Section 449(1) Returns prior to the due date (being three months after the Return Date), as required by the Act for the receipt of the Returns.

The above details are now tabled in accordance with Section 450A(2)(a) of the Act, and the abovementioned Returns are available for inspection if requested.

ORDINARY MEETING

Meeting Date: 28 June 2016

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement:

- Have transparent, accountable and respected leadership and an engaged community.

Financial Implications

No financial implications applicable to this report.

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 **Human Services Advisory Committee - 12 May 2016 - (95498, 123486, 124414)**

The meeting commenced at 9:34am in Council Committee Rooms.

Present:	Councillor Barry Calvert, Deputy Chairperson Ms Birgit Walter, Community Representative Ms Denise Handcock, Peppercorn Services Ms Jacquie Menzies, Community Representative
Apologies:	Ms Vickie Shackley, Chairperson Mr Douglas Carbery, Community Representative (Resigned) Councillor Mary Lyons-Buckett, Hawkesbury City Council Ms Jenny Ranft, Wentworth Community Housing Mr Glenn Powers, Community Representative Mr Matthew Owens, Hawkesbury City Council Mr Joseph Litwin, Hawkesbury City Council Ms Megan Ang, Hawkesbury City Council
In Attendance:	Mr Andrew Kearns, Hawkesbury City Council Mr Michael Laing, Hawkesbury City Council Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council

REPORT:

In the absence of the Chair, Councillor Calvert (Deputy Chair), opened the meeting.

RESOLVED on the motion of Ms Handcock and seconded by Ms Walter that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Handcock and seconded by Ms Walter that the Minutes of the Human Services Advisory Committee held on the 11 February 2016, be confirmed.

Attendance Register of Human Services Advisory Committee

Member	11.02.16	12.05.16		
Councillor Barry Calvert	✓	✓		
Councillor Mary Lyons Buckett	✓	A		
Ms Vickie Shackley	✓	A		
Ms Denise Handcock	✓	✓		
Mr Douglas Carbery - (Resigned as at 10.05.16)	✓	A		
Ms Jenny Ranft	A	A		
Mr Glenn Powers	A	A		
Ms Jacquie Menzies	A	✓		
Ms Birgit Walter	✓	✓		

Key: A = Formal Apology

✓ = Present

X = Absent - no apology

ORDINARY MEETING
Reports of Committees

SECTION 3 - Reports for Determination

Item: 1 **HSAC - Updated Hawkesbury City Council Homelessness Policy 2016 (Draft) - (123486)**

Previous Item: 129, Ordinary (29 July 2014)

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. The HSAC endorse the updated Hawkesbury City Council Policy, *Homelessness Policy 2016* (draft) to be reported to Council's Ordinary Meeting of 31 May 2016.
3. Training be provided for relevant Council staff that come into contact with homeless people, particularly for people experiencing primary homelessness, i.e. sleeping rough in public places.

MOTION:

RESOLVED on the motion of Ms Walter, seconded by Ms Handcock.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That:

1. The information be received.
2. The HSAC endorse the updated Hawkesbury City Council Policy, *Homelessness Policy 2016* (draft) to be reported to Council's Ordinary Meeting of 31 May 2016.
3. Training be provided for relevant Council staff that come into contact with homeless people, particularly for people experiencing primary homelessness, i.e. sleeping rough in public places.

Note: At the time of transcribing these Minutes, it is noted the Homelessness Policy 2016 was not reported to Council's Ordinary Meeting of 31 May 2016, however, the Policy would be reported to Council in the near future.

SECTION 4 - Reports for Information

Item: 2 **HSAC - Homelessness Update May 2016 - (123486)**

DISCUSSION:

- Mr Laing advised Council's Homelessness Policy was being reported to Council in the near future.
- Mr Laing gave a verbal update on the status of items in the Homelessness Action Plan.

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- Ms Walter advised an Outreach service for youth had commenced last month at Richmond Park. Ms Walter advised Council had facilitated Platform Youth Services by providing its van with three months' approved parking near the McDonalds Restaurant in Richmond.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Ms Menzies, seconded by Ms Handcock

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

SECTION 5 - General Business

Verbal Report - Mr Laing - Correspondence: Resolution 47, Ordinary Meeting 23 February 2016 - Item 31 regarding the NBMLHD - Planning for Health Services in the Hawkesbury

- Mr Laing advised to date Council had not received a response to correspondence forwarded to NBMLHD.

The Committee discussed and agreed to a proposal made by Ms Handcock that she contact Strephon Billingham's office (CEO St John of God/HDHS) to ascertain his availability to meet to discuss the provision of health services to residents of the Hawkesbury.

Other General Business

- Councillor Calvert referred to Mr Carbery's resignation from the Committee (due to his relocating out of the Hawkesbury area) and the Committee agreed to write to Mr Carbery to thank him for his contribution to the Committee.
- The Committee discussed potential candidates for membership on the Committee and Mr Laing advised all positions on Council Committees would be advertised at the end of term and expressions of interest to fill vacant positions would be sought from the community.

The next meeting date to be advised by Ms Kozjak.

oooO END OF REPORT Oooo

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ROC Local Traffic Committee - 20 June 2016 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on 20 June 2016, commencing at 3pm.

- Present:** Councillor Kim Ford (Chairman)
 Snr Constable Rob Wright, NSW Police Force
 Mr James Suprain, Roads and Maritime Services
 Mr Steve Grady, Busways
- Apologies:** Ms Jill Lewis, NSW Taxi Council
 Inspector Ian Woodward, NSW Police Force
- In Attendance:** Mr Chris Amit, Manager, Design and Mapping Services
 Ms Judy Wong, Community Safety Coordinator
 Ms Sophie Barrett, Events Coordinator
 Ms Cathy Mills, Personal Assistant, Infrastructure Services
 Mr Ralph Harlander, Taxi Driver, Local Taxi Company Representative
-

RESOLVED on the motion of Mr James Suprain, seconded by Snr Constable Rob Wright that the apologies be accepted.

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Mr James Suprain, seconded by Snr Constable Rob Wright that the minutes from the previous meeting held on Monday, 09 May 2016 be confirmed.

Item 1.2 Business Arising

There was no Business Arising.

SECTION 2 - Reports for Determination

Item: 2.1 LTC - All Holden Day - Holden Display Day 2016 - Hawkesbury Showground, Clarendon - (Hawkesbury) - (80245, 114515)

REPORT:

Introduction

An application has been received from All Holden Day Inc. seeking approval (in traffic management terms) to conduct the All Holden Day – Holden Display Day 2016 within the Hawkesbury Showground, Clarendon, on Sunday, 7 August 2016, which includes a two day Swap Meet to be held on Saturday, 6 and Sunday, 7 August 2016.

The event organiser has advised:

- The event has been held for the past 30 years.
- The event is a display day for all original and modified Holden vehicles.
- The event will be conducted between 6am and 5pm for both days.
- The Showground is located on Racecourse Road, with the Hawkesbury Racecourse and the Clarendon Railway Station located opposite.
- The event is expected to attract approximately 800 entrant's vehicles (capped) and 12,000 visitors.
- It is anticipated that most visitors will travel by car. They will park within the Hawkesbury Showground car parking area, and will be directed into the site via Gate 4, by accredited traffic controllers. Exit from the showground will be via Gate 1.
- There may be an increase to traffic flow on Hawkesbury Valley Way and Racecourse Road on the Sunday morning, with the majority of vehicles arriving between 6am and 8am. Traffic controllers will monitor queue lengths along Racecourse Road to ensure vehicles do not queue across the Railway tracks.

Discussion

Racecourse Road intersects with Hawkesbury Valley Way near the northern boundary of the showground site, and intersects with Blacktown Road approximately 3.5 kilometres to the south. Racecourse Road is a minor rural road of approximately 3.5 kilometres in length with the full length being sealed. The event organiser is anticipating that a high proportion of traffic is expected from the Hawkesbury Valley Way intersection. Both Hawkesbury Valley Way and Blacktown Road are main arterial roads.

Traffic congestion is likely to be concentrated in Hawkesbury Valley Way, from where the majority of vehicles will queue to enter Racecourse Road, and in Racecourse Road, as vehicles queue to enter parking areas. It is likely that some vehicles, to avoid the congestion at Hawkesbury Valley Way, will travel towards the intersection of Blacktown Road.

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

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document Set ID No: 5392504):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Traffic Control Plans (TCP),
5. Event and Parking Layout for the Showground,
6. Copy of the application to the NSW Police Force,
7. Copies of correspondence forwarded to the NSW Police Force, NSW Ambulance Service, Windsor Fire Brigade (Fire & Rescue NSW) and SES,
8. VMS Location plan for Hawkesbury Valley Way.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The All Holden Day – Holden Display Day 2016 event within the Hawkesbury Showground, Clarendon, on Sunday, 7 August 2016, which includes a 2 day Swap Meet to be held on Saturday, 6 August 2016 and Sunday, 7 August 2016 be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

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

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- 4e. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities**;
- 4f. as the event requires traffic control on a public road, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council**;
- 4h. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4i. the event organiser is to notify the details of the event to the Richmond Fire Brigade (Fire & Rescue NSW) and NSW Rural Fire Service at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4j. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4k. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**;
- 4l. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" **to Council**;

During the event:

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

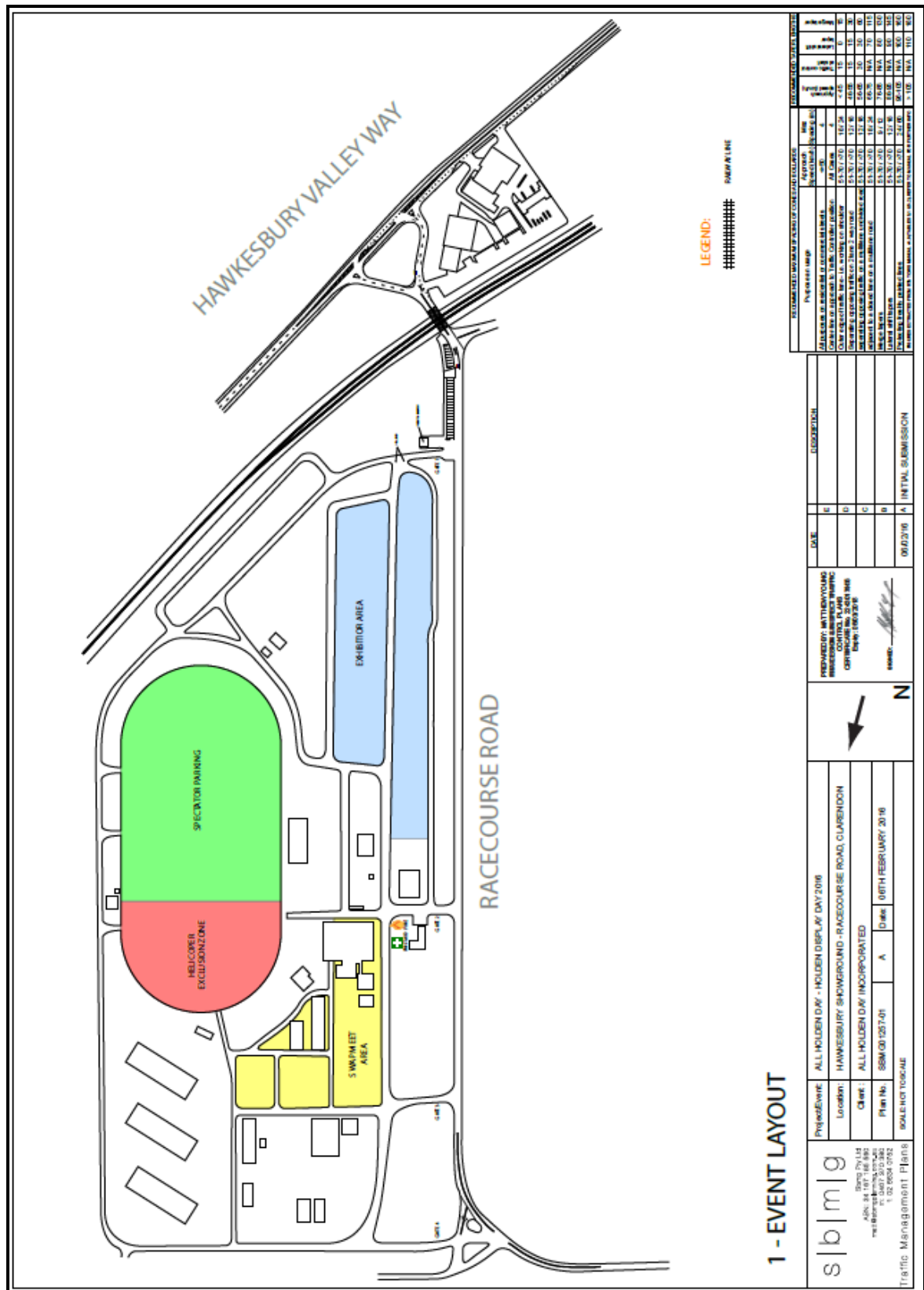
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APPENDICES:

AT - 1 All Holden Day – Holden Display Day 2016 - Event Layout Plan

AT - 2 Special Event Application – (ECM Document Set ID No: 5392504) - *see attached*

AT - 1 All Holden Day – Holden Display Day 2016 - Event Layout Plan



COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Kim Ford, seconded by Snr Constable Rob Wright.

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The All Holden Day – Holden Display Day 2016 event within the Hawkesbury Showground, Clarendon, on Sunday, 7 August 2016, which includes a 2 day Swap Meet to be held on Saturday, 6 August 2016 and Sunday, 7 August 2016 be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

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

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- 4d. the event organiser is to **submit a Transport Management Plan (TMP) for the entire event incorporating the submitted Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement;
- 4e. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities**;
- 4f. as the event requires traffic control on a public road, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council**;
- 4h. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4i. the event organiser is to notify the details of the event to the Richmond Fire Brigade (Fire & Rescue NSW) and NSW Rural Fire Service at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4j. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4k. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**;
- 4l. the event organiser is to **submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council**;

During the event:

- 4m. access is to be maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4p. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,

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- 4r. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

Item: 2.2 LTC - The Hawkesbury 120 Ski Race Classic 2016 - (Hawkesbury) - (80245, 92138)

REPORT:

Introduction:

An application has been received from Ski Racing NSW Inc, seeking approval (in traffic management terms) to conduct the Hawkesbury 120 Ski Race Classic on Saturday, 27 and Sunday, 28 August 2016.

The event organiser has advised;

- The Hawkesbury 120 Ski Race Classic is an annual event initially undertaken in 2006.
- The Hawkesbury 120 Ski Race Classic is an annual water ski race on the Ski Racing Australia Calendar and is undertaken along the Hawkesbury River.
- The race is 120 kilometres in length.
- Event Schedule:
 - Saturday, 27 August 2016:
 - Ski Race from Governor Philip Park, Windsor to Sackville Ski Gardens, Tizzana Road, Sackville and return.
 - Start and Finish times: 9am to 4pm.
 - Set Up and Pack Down Times: 9am to 5pm.
 - Sunday, 28 August 2016:
 - Ski Race from Governor Philip Park, Windsor to NSW Ski Grounds Caravan Park (Known as NSW Ski Gardens) at River Road, Wisemans Ferry and return.
 - Start and Finish times: 6am to 6pm.
 - Set Up and Pack Down Times 6am to 8pm.
- The suspension of ferry services, controlled by Council and the Roads and Maritime Services - RMS (formerly RTA), is required on Sunday, 28 August 2016:
 - Lower Portland Ferry (HCC): 8am to 4pm
 - Sackville Ferry (RMS): 8am to 4pm
- Webbs Creek Ferry and Wisemans Ferry are located downstream to the NSW Ski Gardens, and subsequently these ferry operations are not affected.
- The suspension of the ferry services is required for safety reasons. Emergency vehicles will be allowed access at all times. The ferries will operate in the event of an emergency and competitors will be stopped to ensure the safety of all.
- Alternate routes for traffic are available which include travelling via Putty Road to Windsor on the western side and via Pitt Town, Cattai and Wisemans Ferry Roads to Windsor on the eastern side.
- The event organiser acknowledges that either Council or the RMS on the day may have the need to alter the suspension of the ferries at their discretion.

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- Windsor boat ramp will be closed to the public on both days.
- The number of participants expected is approximately 600.
- Approximately 2,000 spectators are expected at the start/finish venue at Governor Phillip Park, Windsor.
- Parking will be at Governor Phillip Park with additional parking available off street utilising vacant land adjacent to Governor Phillip Park.
- Road closures are not required other than the closure of the approach roads to the two ferries along the Hawkesbury River.
- Advance warning with VMS will be located on Windsor Road at Vineyard and one in Windsor.

Discussion:

The event organiser is seeking Council and RMS approval for the suspension of the following Ferry Services on Sunday, 28 August 2016:

- Lower Portland Ferry (HCC): 8am to 4pm,
- Sackville Ferry (RMS): 8am to 4pm,

Webbs Creek Ferry and Wisemans Ferry are located downstream of the NSW Ski Gardens, and subsequently these ferry operations are not affected on Sunday, 28 August 2016.

Ferry operations are not affected on Saturday, 27 August 2016, as Wisemans Ferry, Webbs Creek Ferry, Sackville Ferry and Lower Portland Ferry are all located downstream of the Sackville Ski Gardens.

Total suspension of the Lower Portland Ferry and Sackville Ferry is required due to poor sight distance leading to the ferry and the bends in the river. The total suspension of the ferry services will enable a free flow of competitors across the ferry crossings.

As in previous years, emergency vehicles will be allowed access onto the ferries. Safety vessels with crew will be placed on the relevant side of the ferries with suitable equipment to indicate to competitors that a ferry may be operating and with communication between the boat and the ferry vessel.

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

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

As the event is classified as a “**Class 1**” event, approval is to be sought directly by the event organiser for the suspension of the Sackville Ferry service from the Transport Management Centre (TMC).

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The event organiser has submitted the following items in relation to the event: Attachment 1 (ECM Document Set ID No: 5406169):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Risk Assessment,
5. Copy of the Advertisement for the Event,
6. Signs to be placed at each Ferry,
7. Copy of the correspondence to be forwarded to the Residents,
8. Copies of correspondence forwarded to the NSW Police Force, NSW Ambulance Service, Windsor Fire Brigade, Richmond Fire Brigade (Fire & Rescue NSW), Busways, Windsor Taxi and SES.

Council resolved to grant the exclusive use of Governor Phillip Park for the event at its meeting on 23 February 2016.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hawkesbury 120 Ski Race Classic 2016 event planned for Saturday, 27 and Sunday, 28 August 2016 be classified as a "**Class 1**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC as this is a "Class 1" event and the road closures resulting from the suspension of the HCC and RMS ferries; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP)**, which need to include details such as the specific position of barriers, signs etc, required for the proposed ferry/road closures and traffic diversions, **to Council and the Transport Management Centre (TMC)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$20,000,000** noting Council, the Transport Management Centre (TMC) and the Roads and Maritime Services - RMS (formerly RTA) as interested parties **on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4g. as the event requires traffic control on Council roads and the closure of public roads due to the suspension of Ferry services, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the roads;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council;**
- 4i. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council;**
- 4j. the event organiser is to advise all adjoining Councils such as Gosford, The Hills and Hornsby of the event and in particular the suspension of the ferries and obtain any necessary approvals from these Councils; **a copy of this approval to be submitted to Council;**

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- 4k. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement has been submitted to Council** (advertising medium to be advised);
- 4l. the event organiser is to notify the details of the event to the NSW Rural Fire Service at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4m. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4n. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4o. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

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

Ferry Services

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

Suspension of the ferry services on Sunday, 28 August 2016 as listed below:

- Lower Portland Ferry (HCC): 8am to 4pm
- Sackville Ferry (RMS): 8am to 4pm

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

- 5a. the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council
- 5b. advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to:
- traffic impact and delays,
 - exclusive use of Governor Phillip Park,
 - timings of suspension of ferry services,
- such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;
- 5c. signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 5d. safety precautions are to be outlined in the TMP and are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA and NSW Maritime) and Hawkesbury City Council; and,
- 5e. the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA) and Council be authorised to alter ferry suspension times if necessary.

APPENDICES:

AT - 1 Special Event Application - (ECM Document Set ID No. 5406169) – *see attached*

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr James Suprain, seconded by Snr Constable Rob Wright.

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hawkesbury 120 Ski Race Classic 2016 event planned for Saturday, 27 and Sunday, 28 August 2016 be classified as a "**Class 1**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

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

ORDINARY MEETING

Reports of Committees

- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC as this is a **"Class 1"** event and the road closures resulting from the suspension of the HCC and RMS ferries; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP)**, which need to include details such as the specific position of barriers, signs etc, required for the proposed ferry/road closures and traffic diversions, **to Council and the Transport Management Centre (TMC)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$20,000,000** noting **Council, the Transport Management Centre (TMC) and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4g. as the event requires traffic control on Council roads and the closure of public roads due to the suspension of Ferry services, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the roads;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council;**
- 4i. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council;**
- 4j. the event organiser is to advise all adjoining Councils such as Gosford, The Hills and Hornsby of the event and in particular the suspension of the ferries and obtain any necessary approvals from these Councils; **a copy of this approval to be submitted to Council;**
- 4k. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement has been submitted to Council** (advertising medium to be advised);
- 4l. the event organiser is to notify the details of the event to the NSW Rural Fire Service at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4m. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4n. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4o. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" **to Council;**

During the event:

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

Ferry Services

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

Suspension of the ferry services on Sunday, 28 August 2016 as listed below:

- Lower Portland Ferry (HCC): 8am to 4pm
- Sackville Ferry (RMS): 8am to 4pm

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

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

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

- 5c. signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;

ORDINARY MEETING

Reports of Committees

- 5d. safety precautions are to be outlined in the TMP and are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA and NSW Maritime) and Hawkesbury City Council; and,
- 5e. the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA) and Council be authorised to alter ferry suspension times if necessary.

Item: 2.3 LTC - Proposed Intersection Control Measures in Fitzgerald Street at The Terrace, Windsor (Hawkesbury) - (80245, 80104, 105109)

REPORT:

At its meeting on 10 May 2016, Council, by way of question, requested that the Local Traffic Committee investigate the option to install a stop sign in Fitzgerald Street at its intersection with The Terrace, Windsor.

Both Fitzgerald Street and The Terrace are local roads located within the Windsor CBD area with a speed limit of 50km/h, in the vicinity of the intersection. Fitzgerald Street terminates at The Terrace by way of a 'T' intersection.

The provision of a Stop sign for Fitzgerald Street does not meet the warrant as the minimum sight distance requirements of vehicles approaching an intersection, as stipulated in AS 1742.2-2009, Section 2.5, is available for vehicles exiting Fitzgerald Street at The Terrace. Whilst the approach along Fitzgerald Street to The Terrace provides sufficient visual cues of the intersection, the overall intersection can be improved by providing approach double barrier lines, Giveway signage and a Holding Line for Fitzgerald Street.

An analysis of the latest available accident data from RMS indicates there has not been an accident at the intersection for the five year period of July 2010 to June 2015. The only reported accident in this vicinity during the reported period is an accident along The Terrace approximately 20 metres east of Fitzgerald Street. Whilst the available data from RMS is limited to June 2015, it is noted that there has been a recent accident at this intersection with preliminary reports indicating that it was driver error and not due to any aspects of the intersection.

It is proposed to provide two Giveway signs, associated Holding Line and ten metres of Double Barrier (BB) lines in Fitzgerald Street at its intersection with The Terrace, Windsor.

RECOMMENDATION TO COMMITTEE:

That the following intersection control measures of two Giveway signs, associated Holding Line and ten metres of Double Barrier (BB) lines be provided in Fitzgerald Street at its intersection with The Terrace, Windsor.

APPENDICES:

There are no supporting documents for this report.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Kim Ford, seconded by Snr Constable Rob Wright.

Support for the Recommendation: Unanimous support

That the following intersection control measures of two Giveway signs, associated Holding Line and ten metres of Double Barrier (BB) lines be provided in Fitzgerald Street at its intersection with The Terrace, Windsor.

SECTION 3 - Reports for Information

There were no Reports for Information.

SECTION 4 - General Business

**Item: 4.1 LTC - Intersection of Londonderry Road and Cameron Street, Hobartville
(Hawkesbury) - (80245)**

REPORT:

Mr C Amit advised the Committee that at its meeting on 31 May 2016, Council by way of question requested that the intersection of Londonderry Road and Cameron Street, Hobartville be reviewed as a result of an accident that occurred on 31 May 2016, and any improvements to the intersection to be reported to the Local Traffic Committee.

Mr C Amit advised the Committee that Cameron Street terminates at Londonderry Road by way of a 'T' intersection. Cameron Street is a local road with Londonderry Road being a State Road under the care and control of RMS. The speed limit along Londonderry Road is 60kph with Cameron Street having a speed limit of 50km/h.

The latest available accident data from RMS indicates there has been one previous accident in the vicinity of the intersection for the five year period of July 2010 to June 2015. The accident was a pedestrian related accident.

Senior Constable Rob Wright advised the Committee that the recent accident on 31 May 2016 was the result of driver error/distraction and not as a result of the intersection layout or road conditions.

Vehicle 1 travelling South along Londonderry Road (towards Penrith) has failed to notice Vehicle 2 which was stationary in front of it on Londonderry Road and waiting to turn right in Cameron Street. This has resulted in Vehicle 1 colliding heavily into the rear of stationary Vehicle 2, which has then resulted in Vehicle 2 being pushed into the path of Vehicle 3 that was travelling North along Londonderry Road (towards Richmond). The passengers from Vehicle 1 were conveyed to hospital with minor injuries. Vehicle 1 is at fault.

Mr James Suprain advised the Committee that given the low accident history at the intersection and the circumstances of this recent accident, there was no reason for RMS to undertake any review of the current situation.

ORDINARY MEETING
Reports of Committees

Mr C Amit indicated that whilst the accident occurred along Londonderry Road, the approach along Cameron Street to Londonderry Road provides sufficient visual cues of the intersection. Notwithstanding, the overall approach along Cameron Street to the intersection can be improved by providing approach double barrier lines, Giveaway signage and a Holding Line for Cameron Street. The provision of a Stop sign for Cameron Street does not meet the warrant as the minimum sight distance requirements of vehicles approaching an intersection, as stipulated in AS 1742.2-2009, Section 2.5, is available for vehicles exiting Cameron Street at Londonderry Road.

The Committee noted the information provided by the NSW Police Force in relation to the circumstances of the accident on 31 May 2016 as well as the actions to be undertaken by RMS. The Committee also agreed to improvements in Cameron Street which includes the provision of two Giveaway signs, associated Holding Line and 30 metres of Double Barrier (BB) lines at its intersection with Londonderry Road, Hobartville.

COMMITTEE RECOMMENDATION:

Resolved on the motion of Councillor Kim Ford, seconded by Snr Constable Rob Wright.

Support for Recommendation: Unanimous support

That:

1. The accident along Londonderry Road at its intersection with Cameron Street, Hobartville based on the information provided by the NSW Police Force, is the result of driver error.
2. The following intersection control measures of two Giveaway signs, associated Holding Line and 30 metres of Double Barrier (BB) lines be provided in Cameron Street at its intersection with Londonderry Road, Hobartville.

APPENDICES:

There are no supporting documents for this report.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Monday, 11 July 2016 at 3pm in the Large Committee Room.

The meeting terminated at 3:45pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

REPORT:

Questions - 31 May 2016

#	Councillor	Question	Response
1	Paine	Requested an update on the development of a caravan park in Glossodia.	The Director City Planning advised on 3 June 2016 the judgement for the appeal against the Deemed Refusal of the proposed Caravan Park at Wattle Street Glossodia was handed down. The judgement dismissed the appeal meaning that the Council's refusal of that application stands. A copy of the judgement was forwarded to all Councillors on 8 June 2016.
2	Mackay	Requested that the RMS be contacted to review the sign markings at the George Street/Richmond Road, Windsor round-about, to reduce confusion.	The Director Infrastructure Services advised that the request has been referred to RMS for review.
3	Paine	Requested an update on the works timetable and expected completion date for road works at the Bells Line of Road and The Terrace, North Richmond intersection and at the Bosworth Street and March Street, Richmond intersection and enquired if it is correct that the project requires \$20M to complete, but will fall short by \$10M and asked if the RMS will bridge the funding shortfall.	The Director Infrastructure Services advised that a request for an update on the matters raised has been referred to the RMS.
4	Reardon	Enquired if maintenance issues that arose with the recent Boer War Service at the Windsor War Memorial area could be addressed, to avoid conflict with future memorial services.	The Director Infrastructure Services advised that this issue would be addressed.
5	Reardon	Requested a barbeque structure be installed at Streeton Lookout, Freemans Reach.	The Director Infrastructure Services advised that this could be considered in future programs.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
6	Creed	Requested that the traffic staff review the intersection at Cameron Street and Londonderry Road, to provide a report to the Local Traffic Committee, with a view to improve traffic safety.	The Director Infrastructure Services advised that the matter has been raised at the Local Traffic Committee meeting. Minutes outlining the improvements to be carried out are included in this Business Paper.

oooO END OF REPORT Oooo

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 133 **IS - Land Acquisition - Parts 42, 58 and 62 Mount Tootie Road, Bilpin - (95495, 32429, 14222, 14221, 31459, 31460) 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 acquisition of property by the Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 134 **IS - Tender No. 00970 - Concrete Works - Reconstruction of Footpaths and Kerb and Gutter within the City of Hawkesbury - (95495, 79344)**
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)(d) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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: 135 SS - Property Matter - Lease to Poletique Fitness Studios Pty Ltd - Shop 5,
Glossodia Shopping Village - (95496, 112106, 129085) 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
CONFIDENTIAL REPORTS

Item: 136 **GM - Staff Matter - (79351) 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)(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

end of
business
paper

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