



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 24 September 2013

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](mailto: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**

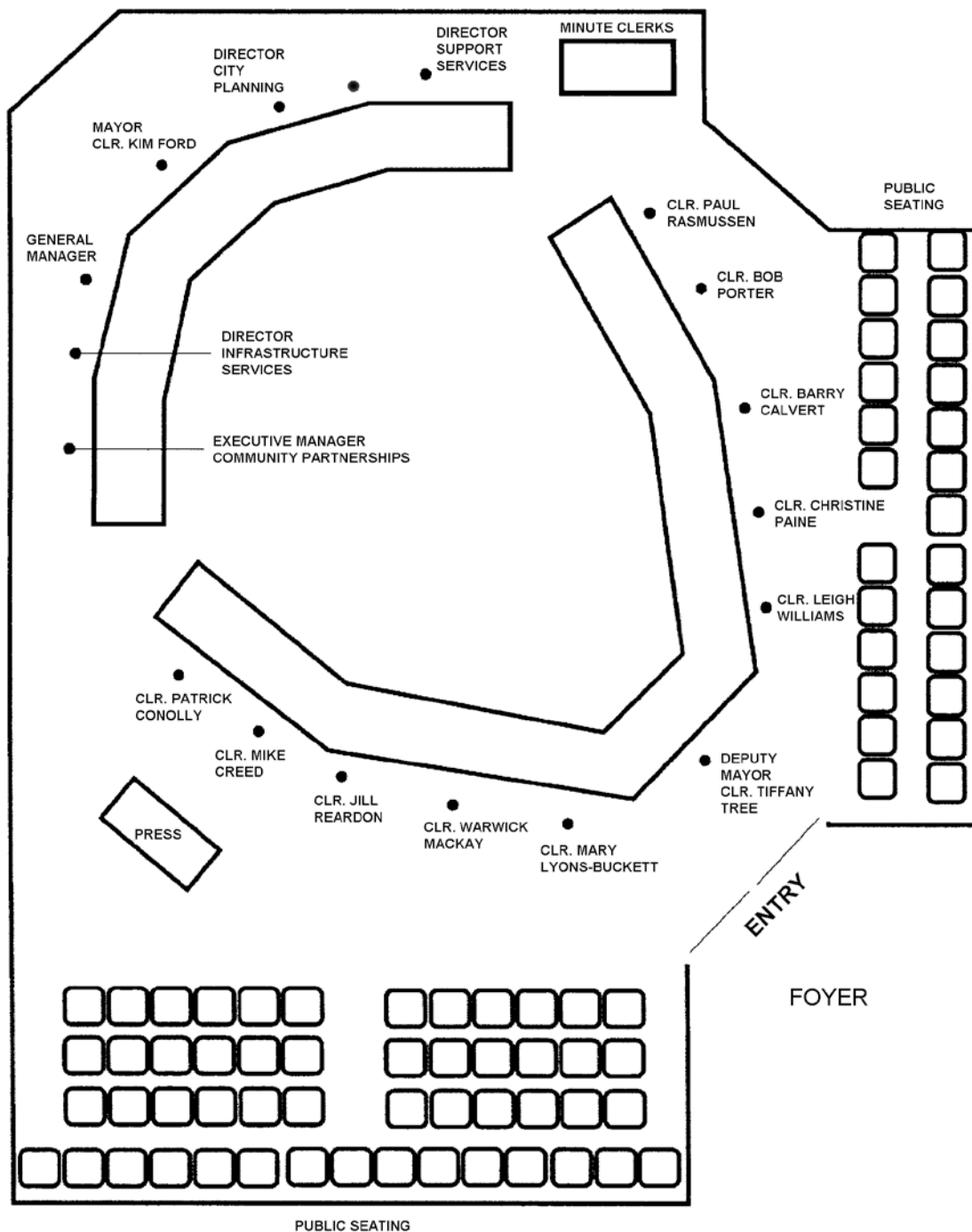
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au> .

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.

# Hawkesbury City Council





**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 24 September 2013.

**AGENDA**

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

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 24 September 2013.

**ORDINARY MEETING****Table of Contents****Meeting Date:** 24 September 2013.**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>SECTION 1 - Confirmation of Minutes</b>		<b>3</b>
<b>SECTION 3 - Reports for Determination</b>		<b>7</b>
<b>PLANNING DECISIONS</b>		<b>7</b>
Item: 193	CP - DA0120/13 - 6 Kirra Place, Wilberforce - Lot 30 DP 253767 - Subdivision - Two Lot Torrens Title - (95498, 102260)	7
Item: 194	CP - DA0267/13 - Lot 6 DP 873934 - 47 Pine Place, Grose Vale - Tourist and Visitor Accommodation - (95498, 126104)	28
Item: 195	CP - Review of Council's Section 94A Plan - Exemptions to Levy - (95498)	45
<b>GENERAL MANAGER</b>		<b>49</b>
Item: 196	GM - Business Groups - Request for Contribution towards Christmas Lights Events (94012, 90311, 73824)	49
<b>INFRASTRUCTURE SERVICES</b>		<b>53</b>
Item: 197	IS - Holmes Drive Reserve Draft Plan of Management - (79354)	53
Item: 198	IS - Pughs Lagoon and Smith Park Draft Plan of Management - (95495, 79344)	58
<b>SUPPORT SERVICES</b>		<b>60</b>
Item: 199	SS - General Purpose Financial Statements and Special Purpose Financial Statements for 2012/2013 - (79350, 95496)	60
Item: 200	SS - Monthly Investments Report - August 2013 - (96332, 95496)	65
Item: 201	SS - Consultants Utilised by Council - 1 January 2013 to 30 June 2013 - (95496, 79337)	68
<b>SECTION 4 - Reports of Committees</b>		<b>75</b>
ROC - Audit Committee Minutes - 14 August 2013 - (95496, 91369)		75
ROC - Heritage Advisory Committee Minutes - 22 August 2013 - (80242)		80
ROC - Human Services Advisory Committee Minutes - 29 August 2013 - (123486)		86
ROC - Local Traffic Committee - 9 September 2013 - (80245)		91
<b>QUESTIONS FOR NEXT MEETING</b>		<b>99</b>
Councillors Questions from Previous Meetings and Responses (79351)		99

**ORDINARY MEETING****Table of Contents****Meeting Date:** 24 September 2013.

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
	<b>CONFIDENTIAL REPORTS</b>	<b>101</b>
Item: 202	IS - Tender No. WR06-12/13 - Tender for the Provision of Pavement Marking Services within the City of Hawkesbury - (95495, 79344) CONFIDENTIAL	101
Item: 203	SS - Property Matter - Lease to The Hills Family Trust - Shop 8 Wilberforce Shopping Centre - (125631, 95496, 102035) CONFIDENTIAL	102

ordinary

section 1

confirmation of minutes

**ORDINARY MEETING**  
Confirmation of Minutes

**ORDINARY MEETING**  
Confirmation of Minutes

**SECTION 1 - Confirmation of Minutes**

**ORDINARY MEETING**  
Confirmation of Minutes

ordinary

section

3

reports  
for determination

**ORDINARY MEETING**

**Meeting Date:** 24 September 2013

## ORDINARY MEETING

Meeting Date: 24 September 2013

### SECTION 3 - Reports for Determination

#### PLANNING DECISIONS

**Item: 193** CP - DA0120/13 - 6 Kirra Place, Wilberforce - Lot 30 DP 253767 - Subdivision - Two Lot Torrens Title - (95498, 102260)

**Previous Item:** 143, Ordinary (30 July 2013)

---

#### Development Information

**File Number:** DA0120/13  
**Property Address:** 6 Kirra Place, Wilberforce  
**Applicant:** Montgomery Planning Solutions  
**Owner:** Mr CJ Jobse  
**Proposal Details:** Subdivision - Two Lot Torrens Title  
**Estimated Cost:** \$10,000  
**Zone:** R2 Low Density Residential  
**Date Received:** 4 March 2013  
**Advertising:** 6 to 25 March 2013

**Recommendation:** Approval

---

#### REPORT:

##### Executive summary

The application seeks approval for a two lot Torrens Title Subdivision of Lot 30 DP 253767, 6 Kirra Place, Wilberforce.

Following a detailed assessment of the application it is recommended that the proposal be supported as the development complies with the overall objectives of R2 Low Density Residential zone and the minimum allotment size requirements of Hawkesbury Local Environmental Plan 2012.

The application is being reported to Council for determination as the application involves a variation to the minimum allotment size requirement (750m<sup>2</sup>) of Council's adopted Wilberforce Subdivision and Development Policy.

##### Background

On 30 July 2013, Council resolved to defer determination of this application pending a site inspection to view Poidevin Lane (the proposed access to the new lot). Accordingly, an inspection was arranged for Monday, 16 September 2013. However, due to a range of circumstances, only the applicant, the Director City Planning and the Planning Manager were available to meet on-site. Instead individual Councillors have separately visited the site in the intervening period to ensure that this report could be re-presented to this meeting for determination.

##### Issues Relevant to the Decision

- Lot size
- Wilberforce Subdivision and Development Policy

## ORDINARY MEETING

Meeting Date: 24 September 2013

### Description of Proposal

The application proposes a two lot Torrens Title Subdivision of Lot 30 DP 253767, No. 6 Kirra Place, Wilberforce. It is proposed that the existing allotment will be subdivided as follows:

- Proposed Lot 301 – will have an area of 700.6m<sup>2</sup> and will contain the existing dwelling house and garage.
- Proposed Lot 302 – will have an area of 700m<sup>2</sup> and will gain access from Poidevin Lane.

It is proposed to demolish the existing above-ground pool and a building comprising a shed and carport that would be located on the proposed Lot 302.

Proposed Lot 302 is currently landscaped with gravity retaining walls forming terraces. The Applicant advises that the retaining walls are to be removed and the site re-levelled back to existing.

The application is supported by a Statement of Environmental Effects, dated March 2013, prepared by Montgomery Planning Solutions.

### Description of the Land and its Surroundings

The subject site has a total area of 1401m<sup>2</sup> and contains a dwelling house, a detached shed/carport and an above ground swimming pool. The property has frontage to both Kirra Place and Poidevin Lane, with access to the property existing from both streets.

The surrounding area is occupied by residential properties on lots ranging in size from 689m<sup>2</sup> to 1393m<sup>2</sup>.

### Council Policies, Procedures and Codes to Which the Matter Relates

- Sydney Regional Environmental Plan No 20 (No.2 - 1997) - Hawkesbury Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012
- Hawkesbury Development Control Plan 2002
- Wilberforce Subdivision and Development Policy

### Previous Policy Variations

At Council's Ordinary Meeting of 26 February 2013, Council considered a variation to the Wilberforce Subdivision and Development Policy and resolved to approve a three lot subdivision of 40 – 42 Turnbull Avenue, Wilberforce. The subdivision will create lots having the following attributes:

- Lot 11 would contain the existing dwelling located on 40 Turnbull Avenue and have a total area of 609m<sup>2</sup>.
- Lot 12 would be a corner allotment fronting Turnbull Avenue, contain the existing dwelling located on 42 Turnbull Avenue and have a total area of 633m<sup>2</sup>.
- Lot 13 would contain an existing garden shed and metal garage, front Coburg road and have a total area of 815m<sup>2</sup>.

This application was supported due to the characteristics of this site being on a corner allotment and not introducing battle-axe allotments or variations to the rhythm of allotment widths in the locality.

**Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979 (EPA Act)**

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

**a. The provisions of any:**

**i. Environmental Planning Instrument:**

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

An assessment of the proposal against this plan has been undertaken and it is considered that the proposed development is consistent with the general and specific matters for consideration, specific planning policies and recommended strategies and development controls of this plan.

**Hawkesbury Local Environmental Plan 2012**

An assessment of the proposed development against the relevant provisions of Hawkesbury Local Environmental Plan 2012 follows:

**Clause 1.2 Aim of Plan**

The proposed development is considered to be consistent with the aims of the Plan as outlined in Clause 1.2 of HLEP 2012.

**Clause 2.2 Zoning of land to which Plan applies**

The subject land is zoned R2 Low Density Residential.

**Clause 2.3 Zone objectives and Land Use Table**

Subclause (2) requires in the determination of a development application that regard is given to the objectives of the zone. The zone objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To protect the character of traditional development and streetscapes..*
- *To ensure that new development retains and enhances that character..*
- *To ensure that development is sympathetic to the natural environment and ecological processes of the area..*
- *To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale.*
- *To ensure that water supply and sewage disposal on each resultant lot of a subdivision is provided to the satisfaction of the Council.*
- *To ensure that development does not create unreasonable demands for the provision or extension of public amenities and services.*

The proposal is consistent with the overall objectives of the zone in that the subdivision would provide an additional opportunity for low density housing in the locality without impacting upon the character of the traditional residential development of the area or the streetscape.

**Clause 5.9 Preservation of trees or vegetation**

The development does not involve or require the removal of any vegetation, and therefore is consistent with the requirements of this Clause.

**Clause 6.1 Acid sulphate soils**

The subject land is within Class 5 as shown on the Acid Sulfate Soils Map. The development does not involve any works as defined by this Clause. The subject land is not within 500m of land within another Class, and therefore there are no further requirements in respect to acid sulphate soil management for the proposed subdivision.

**Clause 6.4 Terrestrial biodiversity**

The development is not located on land that is identified as 'Significant vegetation' or 'Connectivity between significant vegetation' on the Terrestrial Biodiversity Map, and therefore this Clause does not apply to the proposed development.

**Clause 6.7 Essential services**

Services are available to the subject development and are adequate for the development.

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 that directly relate to the land or the specified development.

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

**Hawkesbury Development Control Plan (HDCP) 2002**

An assessment of the proposal against the relevant provisions of this plan follows:

Part A Chapter 2 - General Information

The subject application provides adequate information for the assessment of the proposal and therefore complies with this chapter.

Part A Chapter 3 - Notification

The application was notified to adjacent property owners in accordance with HDCP 2002. No submissions were received.

Part C Chapter 2 - Carparking and Access

The existing dwelling house utilises an existing attached garage. The proposed subdivision provides sufficient space on site for carparking and manoeuvring on the proposed new vacant lot.

Part D Chapter 1 - Residential Development

This Chapter provides the requirements for residential development, including single dwelling houses. Proposed Lot 302 will provide sufficient space on site for residential development in accordance with the residential development requirements of this Chapter. Likewise the size and dimensions of Proposed Lot 301, which will contain the existing dwelling house, affords consistency with this Chapter having regard to the size and location of private open space, landscaping and car parking.

**ORDINARY MEETING****Meeting Date:** 24 September 2013Part D Chapter 2 – Subdivision

The proposal is generally in accordance with the requirements of this chapter as demonstrated in the table below:

<b>Element</b>	<b>Rule</b>	<b>Complies</b>
General		
Flora and Fauna Protection	(a) Any subdivision proposal which is likely to result in any clearing of native vegetation or impact on any environmentally sensitive area is to be accompanied by a flora and fauna assessment report prepared by a suitably qualified person. This report is to primarily address the Eight Part Test pursuant to the Act (Section 5A), State Environmental Planning Policy 44 – Koala Habitat protection.	Not Required. No native vegetation will be removed or disturbed.
	(b) Vegetation cover should be retained where ever practicable as it acts to stabilize soils, minimize runoff, acts as a pollutant trap along watercourses and is important as a habitat for native fauna.	The vegetation currently located on site will not be removed
	(c) Degraded areas are to be rehabilitated as part of the subdivision.	N/A
	(d) Vegetation should be retained where it forms a link between other bush land areas.	N/A
	(e) Vegetation which is scenically and environmentally significant should be retained.	The application does not involve the removal of any vegetation.
	(f) Vegetation which adds to the soil stability of the land should be retained.	Yes
	(g) All subdivision proposals should be designed so as to minimize fragmentation of bushland.	The proposal will not result in the fragmentation of bushland.

**ORDINARY MEETING**

**Meeting Date:** 24 September 2013

Element	Rule	Complies
Visual Amenity	<p>(a) Building envelopes, accessways and road shall avoid ridge tops and steep slopes.</p> <p>(b) Subdivision of escarpments, ridges and other visually interesting places should:</p> <p>(c) Be managed in such a way that the visual impact rising from development on newly created allotments is minimal; and</p> <p>(d) Retain visually significant vegetation such as that found on ridge tops and other visually prominent locations.</p> <p>(e) Development Applications for subdivision shall take into consideration the provisions of SREP No. 20 in relation to scenic quality.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>See assessment above.</p>
Heritage	<p>(a) A subdivision proposal on land which contains or is adjacent to an item of environmental heritage as defined in Schedule 1 of the Hawkesbury LEP should illustrate the means proposed to preserve and protect such items.</p>	<p>Heritage items are now identified under Schedule 5 of HLEP 2012. Regardless, no heritage item is located on or adjacent to the site.</p>
Utility Services	<p>(a) Underground power provided to all residential and industrial subdivisions. Where infill subdivision is proposed, the existing system, whether above or underground shall be maintained.</p> <p>(b) All lots created are to have the provision of power.</p> <p>(c) Where reticulated water is not available, a minimum storage of 100,000 litres must be provided. A minimum of 10,000 litres must be available during bush fire danger periods.</p>	<p>Infill subdivision</p> <p>Yes, currently provided to existing dwelling.</p> <p>N/A</p>

**ORDINARY MEETING**

**Meeting Date:** 24 September 2013

Element	Rule	Complies
Flooding, Landslip & Contaminated Land	(a) Compliance with clause 25 of Hawkesbury Local Environmental Plan 1989.	N/A. HELP 2012 Clause 6.3 and Council's Development of Flood Liable Land Policy now applies. Land is above 1 in 100 year flood level.
	(b) Access to the subdivision shall be located above the 1% AEP flood level.	Yes
	(c) Where a subdivision proposal is on land identified as being potentially subject to landslip, the applicant shall engage a geotechnical consultant to prepare a report on the viability of subdivision the land and provide recommendations as to the siting and the type of buildings which could be permitted on the subject land.	N/A
	(d) In the event the Council deems that there is the potential that land subject to a subdivision application is contaminated then the applicant shall engage a suitably qualified person to undertake a soil and ground water assessment.	Not considered to be contaminated
	(e) Contaminated Land shall be remediated prior to the issue of the Subdivision Certificate.	N/A
Residential Local Street Design	Not applicable	Proposed lots front existing constructed road/laneway.

**ORDINARY MEETING****Meeting Date:** 24 September 2013

<b>Element</b>	<b>Rule</b>	<b>Complies</b>
Residential Accessway Design	Accessways should have a minimum width of 4 metres and sealed pavement of 2.5 metres	N/A.
	Accessways should not serve more than 5 lots.	N/A
	Accessways should have a maximum grade of 25% (1:4) at any point.	N/A
	Where the Accessways is steep or fronts a local collector or higher order road (greater than 3,000 vehicles per day) or a high pedestrian area, accessways should be designed so that vehicles can be driven both onto and off the property in a forward direction.	N/A
	Where vehicles would otherwise have to reverse more than 50 meters, a turning area should be provided to enable the vehicles to enter and leave the site in a forward direction and reduce the need to reverse over long distances.	N/A
	Refer to Part D Chapter 1 Residential development for further requirements regarding accessways should a subdivision be part of a residential development.	Yes Complies with Chapter 1 Part D regarding accessways.
Planning for Pedestrians and Cyclists in Residential Areas	Not applicable	N/A

**ORDINARY MEETING****Meeting Date:** 24 September 2013

<b>Element</b>	<b>Rule</b>	<b>Complies</b>
Stormwater management	Where the topography prevents discharge of storm water directly to the street gutter or a council controlled pipe system, inter allotment drainage provided to accept run off from all existing or future impervious areas on the subject land. The design and construction of the inter allotment drainage system should be in accordance with the requirements of the Australian Rainfall and Runoff (1987)	N/A
	Where proposals require the creation of easements over downstream properties for drainage purposes, a letter of consent from the owner(s) of the downstream properties should be submitted with DA's	N/A
	Stormwater piped in roads and through allotments in all residential subdivisions.	N/A
	For subdivision proposals comprising five lots or more or where Council deems it necessary, a soil and water management plan should be prepared by a properly qualified practitioner with the aim of minimizing erosion and maximising the quality of any water leaving the site.	N/A

## ORDINARY MEETING

Meeting Date: 24 September 2013

Element	Rule	Complies
Lot Size and Shape	In calculating the area of the battle-axe or hatched shaped allotment the accessway is to be excluded. The area of an allotment effected by a "right of carriage way" or private road should also be excluded.	N/A
	Allotments should have a minimum width of 15 metres at the building line. Council may consider a lesser dimension but only as part of an integrated housing development.	Yes. Building line for Lot 302 is approx 30m for Lot 301 approx 20m.
	Lots should be able to accommodate a building envelope of 200m <sup>2</sup> with a minimum dimension of 10 metres.	Yes, Proposed lot 301 will contain an existing dwelling, and Proposed Lot 302 can accommodate a building envelope of 200m <sup>2</sup> .
	An allotment should not be less than 20 metres in depth to ensure there is some flexibility in the choice of housing design and siting as well as the availability of suitable space for other activities normally associated with a dwelling.	Yes.
	Vegetation which adds significantly to the visual amenity of a locality and/or which is environmentally significant should be conserved in the design of the subdivision proposal.	Yes. Vegetation removal is not proposed.
	Lots should be designed to allow the construction of a dwelling with a maximum cut of fill of one metre from the natural ground level.	Yes

**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:**

There has been no planning agreement or draft planning agreement entered into under Section 93F of the environmental Planning and Assessment Act, 1979.

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

The Environmental Planning and Assessment Regulation 2000 requires that the proposal be levied against Council's Section 94A Development Contributions Plan.

As the estimated cost of development is below \$100,000 the development is not required to be levied against Hawkesbury City Council's Section 94A Development Contributions Plan 2006.

In addition conditions will be imposed to ensure that all demolition is in accordance with the relevant standards as prescribed by the Regulations.

**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:**

It is considered unlikely that the proposed development would have any adverse environmental or social impacts on the locality. The subdivision would allow for the suitable residential development of the land without fragmenting any existing bushland.

The subdivision is not located within close proximity to any listed heritage items and the application is supported by sufficient information to demonstrate that the proposed lots would be able to be appropriately serviced.

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

The land is not affected landslip or flooding and the information provided suggests that the land has not been used for any purposes that would raise any issues in terms of land contamination. The land is identified as 'bush fire prone' however the NSW Rural Fire Service have issued a bush fire safety authority for the development.

The application has been assessed in reference to Council's Subdivision controls and the proposal is able to comply with Council's standard subdivision conditions.

A summary of the suitability of the site for the development has been undertaken in the report above and it is considered that the proposal is consistent with the planning controls which relate to the land. An assessment of the proposal in relation to Council's Wilberforce Subdivision and Development Policy has been undertaken as follows:

Wilberforce Subdivision and Development Policy

This policy was adopted by Council on 31 July 2012 in order to provide a guide to decision making on applications in the residential zoned area of Wilberforce village covered by the Priority Sewerage Program (PSP).

Council prepared this policy to ensure that new allotments to be covered by the PSP take into consideration the limited capacity of the system. This policy provides the following criteria to be used when assessing development applications for subdivision and/or residential development proposals:

*Available capacity, based on the number of subdivision approvals that have proceeded to Subdivision Certificate stage and other approvals beyond a single dwelling on a single allotment, is to be recorded and considered upon lodgement of any new applications. In this regard, a tally is to be kept by Council and approvals are not to result in an allocation over 100 ET in the area covered by the PSP.*

**Comment:** At the time of writing this report Council has approved subdivisions resulting in 11 additional lots within the Wilberforce village. No approvals beyond single dwelling houses have been approved in this area since the introduction of sewer. Therefore the proposal is not contrary to this rule.

*Lot size - new lots to be created in the housing zone are to have a minimum area of 750m<sup>2</sup>, in those areas not affected by the 1 in 100 year flood, or 1.1ha, in areas affected by the 1 in 100 year flood, as shown in Appendix A. Allotments in areas affected by the 1 in 100 year flood must have a building platform, suitable for the construction of a dwelling, at a level equal to or greater than the 1 in 100 year flood. This building platform must be either naturally occurring or may be obtained by filling, via a separate development approval, with a maximum fill depth of 1m.*

## ORDINARY MEETING

Meeting Date: 24 September 2013

**Comment:** The application proposes the creation of two (2) lots having areas of 700.3m<sup>2</sup> and 700m<sup>2</sup>. Both resultant lots will be below the minimum allotment size of 750m<sup>2</sup> recommended in this policy.

The applicant has requested a variation to the minimum allotment size based on the merits of the proposal, and provides the following justification:

*“Notwithstanding that the Wilberforce Subdivision Policy has no statutory force, it is considered that the proposed subdivision is acceptable for the following reasons:*

- *The existing dwelling satisfies all requirements of the residential development chapter of the DCP (which does have statutory force) with a lots size of 700.6m<sup>2</sup>.*
- *The proposed vacant lot 302 has an area of 700m<sup>2</sup> which is significantly larger than the statutory minimum, and has adequate area for compliance with the residential DCP.*
- *The land is connected to the sewer. Therefore the land is serviced by reticulated sewer.*
- *There is capacity in the Wilberforce sewerage system to cater for the additional lot.*
- *The proposal is minor infill development only, which is in character with the existing residential area.*
- *The proposal satisfies all requirements of Hawkesbury Local Environmental Plan 2012 and Hawkesbury Development Control Plan 2002*
- *The proposal will not create a precedent due to the fact that there are only three similar opportunities at most.*

*The proposal is a logical development which satisfies “the promotion and coordination of the orderly and economic use and development of land” as stated in the Objects of the Environmental Planning & Assessment Act, 1979.”*

It is considered that the reasons listed above are valid reasons for supporting a variation to this policy. The proposed lots vary from the minimum allotment size of 750m<sup>2</sup> by 6.6%. It is considered that the variation is minor, both numerically and in nature.

Lot sizes in the general locality range from approximately from 689m<sup>2</sup> to 1393m<sup>2</sup>. The proposed lot sizes of 700m<sup>2</sup> are not considered to be inconsistent with those of properties within the vicinity.

The eastern side of Poidevin Lane (in the vicinity of the subject land) consists predominantly of lots having a size of approximately 893m<sup>2</sup>. The dwelling houses on these lots all front the lane.

The western side of the laneway consist of the rear yards of dwelling houses fronting Kirra Place and associated fencing. Proposed Lot 302 will front this side of Poidevin Lane. Whilst located on the eastern side of Poidevin Lane, future development of this Proposed Lot 302 will be consistent with development along the western side of the laneway and will have a positive impact on the visual amenity of this area,

The subdivision does not alter the length of the existing frontages to Kirra Place and Poidevin Lane, thereby minimising the impact on the existing streetscape and character of these roads.

As the proposed lots are not below the 1:100 year flood level and there is sufficient area on the proposed lots to support residential development it is recommended that the variations to the policy be supported.

## ORDINARY MEETING

Meeting Date: 24 September 2013

In relation to this proposal setting a precedent for variations to this Policy, any variation to a Policy of Council has the potential to set a precedent for future variations. However, in this case the variation is acceptable due to its minor nature and consistency with the character of the surrounding area having regard to lots sizes and the streetscape.

*Residential development in excess of a single dwelling house (for the purposes of secondary dwellings, dual occupancies, seniors housing and for community purposes (if permitted by the relevant zoning or Legislation)) is encouraged within the 800m radius from existing community facilities, i.e., shops.*

**Comment:** The application does not involve residential development of the type outlined above. Therefore this clause does not apply to the development. .

*Development applications lodged with Council prior to 15 February 2011 (as listed in the Council report dated 15 February 2011 and any subsequent related motions of Council) will not be subjected to this Policy.*

**Comment:** Not applicable.

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

#### **Public Submissions**

The application was notified 11 March 2013 to 25 March 2013. One submission was received. The matters raised in this submission are discussed below:

1. *Smaller blocks mean neighbours are closer. This creates a negative impact into people's privacy i.e. increase in noise, increase in people overlooking existing properties.*

**Comment:** As previously discussed, the proposed lot sizes are consistent with Hawkesbury Local Environmental Plan 2012 and the proposed subdivision is consistent with the requirements of Hawkesbury Development Control Plan. The Wilberforce Subdivision and Development Policy is a guideline aimed at maintaining the character of Wilberforce. The proposed lots sizes vary from the minimum lot sizes under this Policy to a minor degree (6.6% variation for each lot). For this reason, it is considered that the proposed subdivision will have no negative impact on the character of the locality.

2. *Traffic impacts – increase in traffic in Poidevin Lane which is narrow; increased parking within this Lane impacting on traffic flow; additional hidden driveway will pose traffic dangers.*

**Comment:** It is considered that the traffic generated from the development of Proposed Lot 302 for a single dwelling house will have no unreasonable impacts on the local road network, including Poidevin Lane.

It is noted that the Residential Chapter of Hawkesbury Development Control Plan has specific provisions relating to development fronting laneways, including requirements for driveway manoeuvring and visitor parking.

3. *Traffic congestion and noise resulting from building on the new lot.*

**Comment:** It is considered that construction of a dwelling house on Proposed Lot 302 will have no unreasonable impacts on traffic within Poidevin Lane or having regard to construction noise. In general, the impacts from construction will be for a limited period of time, and construction vehicles are able to be accommodated on site.

4. *Drainage from the new building entering the Lane.*

**Comment:** The future dwelling on Proposed Lot 302 will drain to an existing piped drainage system in Poidevin Lane. On site detention will also be required for future development.

## ORDINARY MEETING

Meeting Date: 24 September 2013

5. *The size of the lots is inconsistent with the character of Wilberforce which has bigger lots.*

**Comment:** It is considered that the proposed subdivision, and the future development of the lots, is not inconsistent with the existing character of the locality as discussed previously in this Report.

6. *Devaluation of surrounding properties.*

**Comment:** Apart from making this statement the submission does not provide evidence that the proposal will affect property values. Subdivision and development of the resultant lots for residential purposes are permissible landuses within the R2 Low Density Residential zone and it is unlikely that a permitted use in a zone will significantly adversely impact property values.

### ***Integrated Authorities***

The application was forwarded to the NSW Rural Fire Service being integrated development under Section 91 of the Environmental Planning and Assessment Act 1979. In their response dated 11 March 2013 the NSW Rural Fire Service granted a bush fire safety authority subject to conditions.

### **e. The Public Interest:**

An assessment of the proposal against the Wilberforce Subdivision and Development Policy has been undertaken as set out in the report above. It is recommended that the application be supported as the applicant has been able to demonstrate that the lots would be able to be developed in a manner that is not contrary to the public interest.

### **Conclusion**

The environmental impacts anticipated with the proposal are those relating to minimum allotment size and residential amenity. The proposed lots would be able to suitably accommodate the existing dwelling on the land and a new dwelling on the proposed additional lot without impacting on the visual amenity of the surrounding residential area.

The proposed subdivision is consistent with Hawkesbury Local Environmental Plan 2012 and the requirements of Hawkesbury Development Control Plan. The Wilberforce Subdivision and Development Policy is a guideline aimed at maintaining the character of Wilberforce. The proposed lot sizes vary from the minimum lot sizes under this Policy to a minor degree (6.6% variation for each lot). It is considered that the variation is acceptable due to its minor nature and consistency with the surrounding character having regard to lots sizes and the streetscapes of Kirra Place and Poidevin Lane.

The variation request to the Wilberforce Subdivision and Development Policy has been considered and is considered worthy of support given the circumstances of this case.

### **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.

## ORDINARY MEETING

Meeting Date: 24 September 2013

### RECOMMENDATION:

That:

- A. The Wilberforce Subdivision and Development Policy be amended to include the following wording:

*"All proposed variations to this Policy greater than 10% are to be reported to, and determined by, Council."*

- B. Development application DA0120/13 at Lot 30 in DP 253767, No. 6 Kirra Place, Wilberforce for a two Lot Torrens Title Subdivision be approved subject to the following conditions:

### **NSW Rural Fire Services Conditions**

#### **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity both proposed Lots 301 and 302 require the entire property to be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

2. The existing dwelling on proposed Lot 301 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders

### **Hawkesbury City Council Conditions**

#### **General Conditions**

3. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.

#### **Prior to commencement of works**

4. 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.
5. 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.
6. A waste management plan shall be submitted to and approved by Hawkesbury City Council. The plan shall address any demolition waste. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.

## ORDINARY MEETING

Meeting Date: 24 September 2013

7. 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***

8. The site shall be secured to prevent the depositing of any unauthorised material.
9. No fill material shall be imported to or exported from the site for the regrading works on Lot 302.
10. The regrading works shall be completed generally in accordance with the stamped approved plan No.10039-1, Issue 4 dated 14 March 2013.
11. During the demolition period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
12. 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.
13. 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 (twenty four) 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

## ORDINARY MEETING

Meeting Date: 24 September 2013

- 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).
- 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.

### Prior to Issue of the Subdivision Certificate

- 14. Sewerage reticulation, including junctions, shall be constructed to each lot in the subdivision where not already provided.
- 15. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
- 16. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
- 17. Written clearance from an electricity provider shall be submitted to the Principal Certifying Authority.
- 18. Geotechnical test results and a site classification report prepared by a NATA registered laboratory shall be submitted to Council in respect of regrading/filling works on Lot 302.
- 19. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
- 20. The easement for services shall be created over proposed lot 301.
- 21. A survey plan showing all existing services on the lots including sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
- 22. Creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act as follows:
  - Requiring that future development on proposed lot 302 be connected to an on site storm water detention system to maintain all storm water discharges from the 1:1 year storm up to the 1:100 year storm at predevelopment levels.
- 23. Payment of a Subdivision Certificate Release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

## ORDINARY MEETING

Meeting Date: 24 September 2013

### Advisory Notes

- 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 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 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.

### ATTACHMENTS:

**AT - 1** Locality Plan

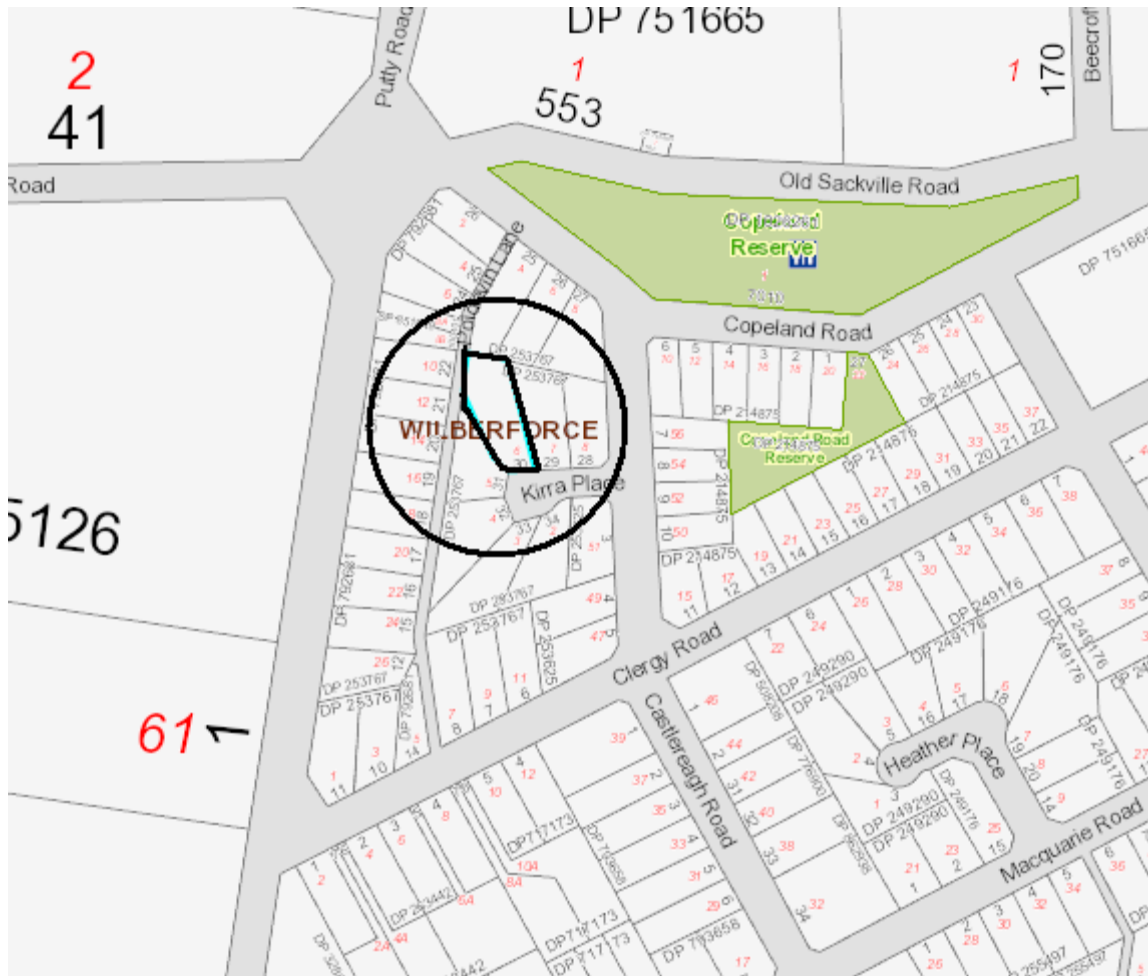
**AT - 2** Aerial Photo

**AT - 3** Subdivision Plan

ORDINARY MEETING

Meeting Date: 24 September 2013

AT - 1 Locality Plan



ORDINARY MEETING

Meeting Date: 24 September 2013

AT - 2 Aerial Photo





## ORDINARY MEETING

Meeting Date: 24 September 2013

**Item: 194 CP - DA0267/13 - Lot 6 DP 873934 - 47 Pine Place, Grose Vale - Tourist and Visitor Accommodation - (95498, 126104)**

---

### Development Information

**File Number:** DA0267/13  
**Property Address:** 47 Pine Place, Grose Vale  
**Applicant:** Lauran Trevena  
**Owner:** Mr MR Want & Mrs M Want  
**Proposal Details:** Tourist and Visitor Accommodation  
**Estimated Cost:** \$101,000  
**Zone:** RU4 Primary Production Small Lots under Hawkesbury Local Environmental Plan 2012  
**Date Received:** 28 May 2013  
**Advertising:** 4 June 2013 – 19 June 2013

**Key Issues:**

- ◆ Bush fire prone land
- ◆ Car Parking

**Recommendation:** Approval

---

### REPORT:

#### Executive Summary

The application seeks Council's approval for construction of an additional 'tourist and visitor accommodation' at 47 Pine Place, Grose Vale. Currently a bed and breakfast accommodation is in operation at the site. This proposed tourist and visitor accommodation will be an additional structure in addition to that existing development.

Following a detailed assessment of the application it is recommended that the proposal be supported as the development is permissible with Council consent within the RU4 Primary Production Small Lots zone and complies with the overall objectives of RU4 zone.

The application is being reported to Council at the request of the Mayor, Councillor Ford and Deputy Mayor, Councillor Tree.

#### Issues Relevant to the Decision

- Bush fire prone land
- Car parking

#### Description of Proposal

The application seeks approval to construct a two storey building on the subject site to be used for tourist and visitor accommodation. The ground floor of the building will contain living/dining area, one bedroom, kitchen and bathroom. The first floor of the building will contain an open plan sitting area / bedroom. It is also proposed to construct a new sealed driveway from the street to provide access to the proposed tourist and visitor accommodation. A separate on-site effluent disposal application has been submitted for an enviro-cycle waste disposal system for the proposed accommodation.

The proposed tourist and visitor accommodation is expected to operate mainly on weekends with the occasional extended periods of stay being one to four weeks and the expected number of guests being up to four persons at any one time.

## ORDINARY MEETING

Meeting Date: 24 September 2013

The proposal is supported by the following:

- Statement of environmental effects
- Management plan for tourist and visitor accommodation
- Bushfire assessment report

### Description of the Land and its Surroundings

The subject site has a total area of four hectares and contains an existing two storey dwelling, a detached double garage and a shed. The property has frontage to Pine Place and is located at the cul-de-sac. The surrounding lots are similar in size, ranging from 3.67ha to 4.7ha, utilised for residential and agricultural purposes.

The existing residence on the subject site has been acting as bed and breakfast accommodation since 2010. It is noted the existing bed and breakfast accommodation has been established as exempt development under Hawkesbury Local Environmental Plan 1989. It is the intention of the owner to continue the operation of the existing bed and breakfast accommodation at the site.

### History

BA0462/98      Construction of dwelling  
MA0237/98      Garage

### Council Policies, Procedures and Codes to Which the Matter Relates

- Sydney Regional Environmental Plan No 20 (SREP 20) - Hawkesbury Nepean River
- State Environmental Planning Policy No. 44 (SEPP 44) - Koala Habitat Protection
- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
- Hawkesbury Development Control Plan 2002 (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:

**a. The provisions of any:**

**i. Environmental Planning Instrument:**

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

The subject land falls within the boundary of SREP 20. This Policy aims *"to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context"*. SREP 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

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

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

State Environmental Planning Policy No. 44 - Koala Habitat applies to land within the Hawkesbury Local Government Area to which a development application has been made and has an area of more than 1 hectare.

The proposal is consistent with SEPP 44, as the proposal does not involve removal of any trees or disturbance of any natural habitats which would be considered as "core koala habitat".

### **Hawkesbury Local Environmental Plan 2012**

An assessment of the proposed development against the relevant provisions of Hawkesbury Local Environmental Plan 2012 follows:

#### **Clause 1.2 Aim of Plan**

The proposed development is considered to be consistent with the aims of the Plan as outlined in Clause 1.2 of HLEP 2012.

#### **Clause 2.2 Zoning of land to which Plan applies**

The subject land is zoned RU4 Primary Production Small Lots under Hawkesbury Local Environmental Plan 2012.

#### **Clause 2.3 Zone objectives and Land Use Table**

Subclause (2) requires in the determination of a development application that regard is given to the objectives of the zone. The zone objectives of the RU4 zone are:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are most intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.

The HLEP 2012 contains the following definition for a 'tourist and visitor accommodation' and 'serviced apartment';

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

- a) backpackers' accommodation,
- b) bed and breakfast accommodation,
- c) farm stay accommodation,
- d) hotel or motel accommodation,
- e) serviced apartments,

But does not include

- f) camping grounds, or
- g) caravan parks, or
- h) eco-tourist facilities.

**Serviced apartment** means a building or (part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agent".

## ORDINARY MEETING

Meeting Date: 24 September 2013

The submitted Property management Plan describes the proposal as "*self-contained cottage or serviced accommodation with access to gardens. Breakfast can be provided by owners if guests make that request. Self-contained guests will be provided with a food hamper. Washing of all linen will be done at local Laundromat in Richmond*".

It is therefore considered that the operation of the proposed building best falls under the definition of a 'serviced apartment', a type of 'tourist and visitor accommodation' which is a permissible form of development with Council consent within the RU4 zone.

The proposal is consistent with the overall objectives of the zone in that the proposed tourist and visitor accommodation would promote diversity of accommodation and provide an additional employment opportunity without impacting upon the character of the traditional residential development of the area or other land uses within this zone.

The applicant has provided a management plan that outlines that a maximum of 35 to 60 guests are expected throughout a year with a short stay for one or two nights. In this regard a condition of consent is recommended that a log be kept of length of stay. The log would be available to be reviewed by Council to ensure that accommodation is of a short term nature only.

### **Clause 5.9 Preservation of trees or vegetation**

The development requires removal of a minimal number of existing fruit trees. The existing landscaping is proposed to be protected and retained during construction. It is therefore considered that the proposal is consistent with the requirements of this Clause.

### **Clause 6.1 Acid sulphate soils**

The subject land is within Class 5 as shown on the Acid Sulfate Soils Map. The development does not involve any works as defined by this Clause. The subject land is not within 500m of land within another Class, and therefore there are no further requirements in respect to acid sulphate soil management for the proposed subdivision.

### **Clause 6.4 Terrestrial biodiversity**

The development is located on land that is identified as 'Significant vegetation' or 'Connectivity between significant vegetation' on the Terrestrial Biodiversity Map. The proposal does not involve clearing of any native vegetation. Furthermore additional planting is proposed on the western side of the proposed tourist accommodation. It is therefore considered that the proposal will not have any adverse impact on existing biodiversity.

### **Clause 6.7 Essential services**

The site currently has power, water, telephone, sewerage and stormwater. The existing dwelling has an existing 100,000 litre water storage tank. It is proposed to install another 20,000 litre underground concrete tank for drinking and rainwater collection. Furthermore, the site has an existing 10,000 litre water tank which is to be used for fire fighting purposes.

It is noted that a separate application for enviro-cycle septic tank has been lodged with Council to meet the needs of the proposed tourist and visitor accommodation.

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

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

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

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

An assessment of the proposal against the relevant provisions of this plan follows:

Part A Chapter 2 – General Information

The subject application provides adequate information for the assessment of the proposal and therefore complies with this chapter.

Part A Chapter 3 – Notification

The application was notified to adjacent property owners in accordance with HDCP 2002. One submission was received which is discussed in detail below.

Part C Chapter 2 - Car parking and Access

Access to the tourist accommodation is considered consistent with the overall objectives of the Car Parking and Access Chapter. Access is proposed via a new drive way located on the western portion of the site. The internal access is required to comply with the requirements of the NSW Rural Fire Service. Appropriate condition will be imposed in the recommendation to ensure that the driveway meets RFS requirements.

HDCP 2002 does not specify any parking rate for visitor and tourist accommodation. Double car spaces can be accommodated with adequate manoeuvring area at the end of the new proposed driveway.

It is noted that an existing double car garage with adequate manoeuvring area is located on the eastern part of the site. The proposed tourist accommodation will not interfere with the existing car parking arrangement for the existing dwelling and existing bed and breakfast accommodation. It is therefore considered that adequate parking space and access have been provided for the existing and proposed development.

Effluent disposal

A separate septic application has been submitted with Council for the proposed tourist and visitor accommodation.

**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:**

There has been no planning agreement or draft planning agreement entered into under Section 93F of the Environmental Planning and Assessment Act 1979.

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

These matters have been considered in the assessment of this application. Should the application be supported the EP&A Regulation 2000 outlines that the development is to:

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

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

It is considered unlikely that the proposed development will have any adverse environmental, economic or social impacts on the locality.

## ORDINARY MEETING

Meeting Date: 24 September 2013

Surrounding land uses predominantly consist of single dwelling houses. The proposal is considered to be compatible with the existing uses and the rural residential character of the locality. The scale and design of the proposed tourist accommodation is compatible with adjoining rural residential development.

The exterior of the proposed building will have face brick which will match the existing dwelling on site. Furthermore the building replicates old English style cottages and matches with the architectural style of the existing dwelling. A comprehensive colour schedule has also been submitted with the application.

The external design, siting and finish/colours of the proposed tourist accommodation are considered to be in keeping with the rural character of the area. Appropriate setbacks have also been provided from the road and adjacent properties.

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

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

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

#### **Public Submissions**

The proposed development was placed on public exhibition from 4 June 2013 to 19 June 2013. One submission was received. The matters raised in this submission are discussed below:

1. *Non-Compliance with Hawkesbury Local Environmental Plan 2012 – the proposed development does not comply clause 5.4, controls relating to bed and breakfast accommodation limiting the use of no more than 4 bedrooms.*

Comment: As previously discussed, the proposed development is consistent with the definition of 'tourist and visitor accommodation', in particular to 'serviced apartment'. Therefore, clause 5.4 – controls relating to bed and breakfast accommodation does not apply to this proposal. The existing dwelling complies with the bed and breakfast accommodation controls as specified in HLEP 2012 and the proposed development does not intend to increase the capacity of guest accommodation in the existing dwelling.

2. *Privacy – Increasing the number of guests will intrude on the privacy and enjoyment of adjacent properties.*

Comment: The proposal expects that the accommodation will not service more than one family, up to four persons, at a time. The location of the proposed building is approximately at the centre of the site, approximately 29m from the adjacent property boundary. It is considered that the existing vegetation on the subject site will provide adequate screening between the adjacent properties. Furthermore, additional planting is proposed along the western boundary of the proposed building to provide the neighbour visual privacy of the property.

3. *Previous noise complaints issue – Use of motorbikes will create noise impact on adjacent property.*

## ORDINARY MEETING

Meeting Date: 24 September 2013

Comment: Council records indicate that a past neighbour dispute took place in November 2012 regarding motorbike noise on the neighbour's property. The previous neighbour dispute issue is not considered to be a part of the assessment of this application. It is considered that the proposed small scale visitor accommodation will have no unreasonable noise impacts on the adjacent properties. An appropriate condition will be imposed in the recommendation to not generate any offensive noise pollution.

### ***Integrated Authority***

The application was referred to the NSW Rural Fire Service seeking a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997. In their letter dated 18 June 2013, the NSW Rural Fire Service has granted General Terms of Approval (GTA) subject to conditions.

### **e. The Public Interest:**

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

### **Conclusion:**

The proposal is considered to be consistent with the relevant planning controls that apply to the development and it is recommended that the application be supported subject to the implementation of the conditions recommended in this report.

### **Developer Contributions**

The Contribution Plan applies a levy of 0.5% of the value of development under this plan. The estimated cost of works associated with this application is \$101,000 resulting in a contribution of \$505.00. Appropriate conditions have been included in this regard.

### **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 DA0267/13 at Lot 6 DP 873934, 47 Pine Place, Grose Vale for Tourist and Visitor Accommodation be approved subject to the following conditions.

### **NSW Rural Fire Service Conditions**

#### Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

## ORDINARY MEETING

Meeting Date: 24 September 2013

- A. At the commencement of building works and in perpetuity the property around the tourist and visitor accommodation to a distance of;

- 30 metres on the northern and eastern elevation
- 50 metres on the north western and western elevation and
- 60 metres on the southern elevation,

shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

An additional 25 metres on the southern elevation shall be maintained as an outer protection area (OPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- B. Water, electricity and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006';

- A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
- A 65mm metal Storz outlet with a gate or ball valve shall be provided.
- In recognition that no reticulated water supply exists, a 10,000 litre water supply shall be provided for fire fighting purposes for the tourist and visitor accommodation.
- The water tank if located above ground shall be of a non-combustible material.

### Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- C. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

### Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- D. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

### Landscaping

- E. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

## ORDINARY MEETING

Meeting Date: 24 September 2013

### Hawkesbury City Council conditions

#### General Conditions

1. The development shall take place in accordance with the following stamped plans, specifications and documentation listed below and endorsed with Council's stamp, except as modified by these further conditions.

Architectural Drawing Title / Number	Prepared By	Dated
Proposed Site Plan, Drawing No: DA.03/A	LT+ Associates	10.07.2013
Site Analysis & Site Management Plan, Drawing No. DA.04/A	LT+ Associates	10.07.2013
Proposed Elevations, Drawing No. DA.07/A	LT+ Associates	10.07.2013
Section A-A + B-B & Construction Notes, Drawing No. DA.08/A	LT+ Associates	10.07.2013
Proposed Schedule of External Finishes + BASIX Comments, Drawing No. DA.09/A	LT+ Associates	10.07.2013

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia / National Construction Code.
5. 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.
6. The development shall be constructed and maintained in accordance of the New South Wales Rural Fire Services Conditions of approval.

#### Prior to Issue of Construction Certificate

7. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$505 shall be paid to Hawkesbury City Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

8. Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Council.

## ORDINARY MEETING

Meeting Date: 24 September 2013

9. The drinking water to be supplied to the tourist and visitor accommodation shall consistently meet the Australian Drinking Water Guidelines 2011 and any subsequent amendments to the guidelines. Details are to be provided to the Principal Certifying Authority.

### ***Prior to Commencement of Works***

10. Erosion and sediment control devices are to be installed, in accordance with the HDCP 2002, and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence / erosion control device.
11. The application to install a Sewage Management Facility - S0039/13 must be approved with Hawkesbury City Council prior to any works being commenced in relation to the sewage management facility.
12. 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.
13. 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.
14. 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.
15. Toilet facilities (to the satisfaction of Council) shall be provided for worker throughout the course of building operations. Such facility shall be located wholly within the property boundary.
16. 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.
17. 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.
18. 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.

### ***During Construction***

19. The building must be designed and constructed to comply with the requirements of the National Construction Code – Building Code of Australia Volume Two as a 'Class 1b' building.
20. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of three horizontal to one vertical, retaining walls, stone flagging or terracing shall be constructed.
21. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved and maintained as shown on the approved plan.
22. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

## ORDINARY MEETING

Meeting Date: 24 September 2013

23. A bitumen sealed rural footway crossing minimum three metres wide shall be constructed to the entrance of the new driveway in accordance with the Hawkesbury DCP Appendix "E", "Civil Works Specification". Prior to works commencing the applicant shall consult with Council regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.
24. The development shall be completed in accordance with the approved colours and finishes as specified in drawing No.DA.09/A dated 10 July 2013.
25. Screening plants shall be planted out along the western side of the tourist and visitor accommodation as shown on the approved plan in the form of a hedgerow to provide a suitable screening between the site and its adjoining properties. Planting shall consist of a mixture of trees, shrubs and plants of local provenance.
26. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
27. The site shall be secured to prevent the depositing of any unauthorised material.
28. 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.
29. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
30. 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.
31. 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.
32. All roof water shall be drained to the water storage vessel/s.

### ***Prior to Issue of the Occupation Certificate***

33. The following certificates are to be provided to Principal Certifying Authority, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
  - c) The type of timber installed indicating both species and durability as required by AS 1684.

## ORDINARY MEETING

Meeting Date: 24 September 2013

- d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
34. A bush fire emergency evacuation and management plan shall be developed for the development. The plan shall advise occupants of bush fire evacuation procedures and emergency telephone numbers. The applicant shall contact NSW Rural Fire Service for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.

### ***Use of the Development***

35. An appropriate drinking water management system, in compliance with NSW Health requirements and the Public Health Act 2010 and regulation 2012 is to be provided for the tourist and visitor accommodation.
36. Reduced bushfire fuel loads are to be maintained at all times to the property boundary.
37. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- a) been assessed by a properly qualified person, and
  - 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.
38. No internal or external alterations shall be carried out without prior approval of Council.
39. The tourist and visitor accommodation shall not be used for permanent occupation as a residence.
40. The tourist and visitor accommodation facility shall only be used for short term tourist accommodation and is not to be made available for long term accommodation. In this regard any continuous length of stay is to be restricted to not more than four weeks.
41. The activity shall be carried out in accordance with the management plan submitted with the application.
42. A copy of the guest register is to be provided to Council every six months from the date of commencement of the use of the proposed tourist and visitor accommodation facility.
43. All premises offering food, packaged or otherwise, are to be registered with Hawkesbury City Council and have inspections conducted by Council's officers as necessary/required. The fit out and ancillary works are to be inspected by a Council Environmental Health Officer prior to commencement of any food preparation or retail operations at the premises.
44. 44. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food Safety Standards 3.2.2 and 3.2.3. These are available on line at [www.foodstandards.gov.au](http://www.foodstandards.gov.au)
45. All food premises are to comply with Hawkesbury City Council's Food Premises Fit Out Code. Ceilings throughout the premises are to be solid and are to comply with section 4.0 of Hawkesbury City Council's Food Premises Fit Out Code. "Drop in" ceiling panels are not permitted over food preparation or food storage areas.

## ORDINARY MEETING

Meeting Date: 24 September 2013

46. The premise is to be fitted with adequate hand washing facilities for the preparation of food. Hand washing basins are required in addition to other basins and sinks in any toilet, AND in any food preparation area. Where separate additional food preparation areas are provided, an additional hand washing basin is needed. Hand washing basins are required;
  - a) to be fitted with hand's free taps such as knee or foot operated devices;
  - b) with hot and cold running potable water;
  - c) with a common spout delivering water of at least 40° Centigrade.
  - d) to be easily accessible at all times.
47. A supply of soap and single use paper hand towels should be fitted to the wall in an appropriate and durable dispenser adjacent to any hand washing basin.
48. The area used for storage of garbage receptacles is to be completely separate from any food preparation and storage areas and kept in a clean condition, so as to not create offensive odours.
49. 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.
50. Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour and dust), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
51. In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

### **Advisory Notes**

- \*\*\* The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner [Local Government (General) Regulation 2005].
- \*\*\* The installed sewage system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
- \*\*\* 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.
- \*\*\* Should any Aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

**ORDINARY MEETING**

**Meeting Date:** 24 September 2013

\*\*\* The applicant is advised to consult with:

- a) A water and sewer provider
- b) A electricity provider
- c) A natural gas provider
- d) A telecommunications carrier

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 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 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.

**ATTACHMENTS:**

**AT - 1** Locality Map

**AT – 2** Aerial Photograph

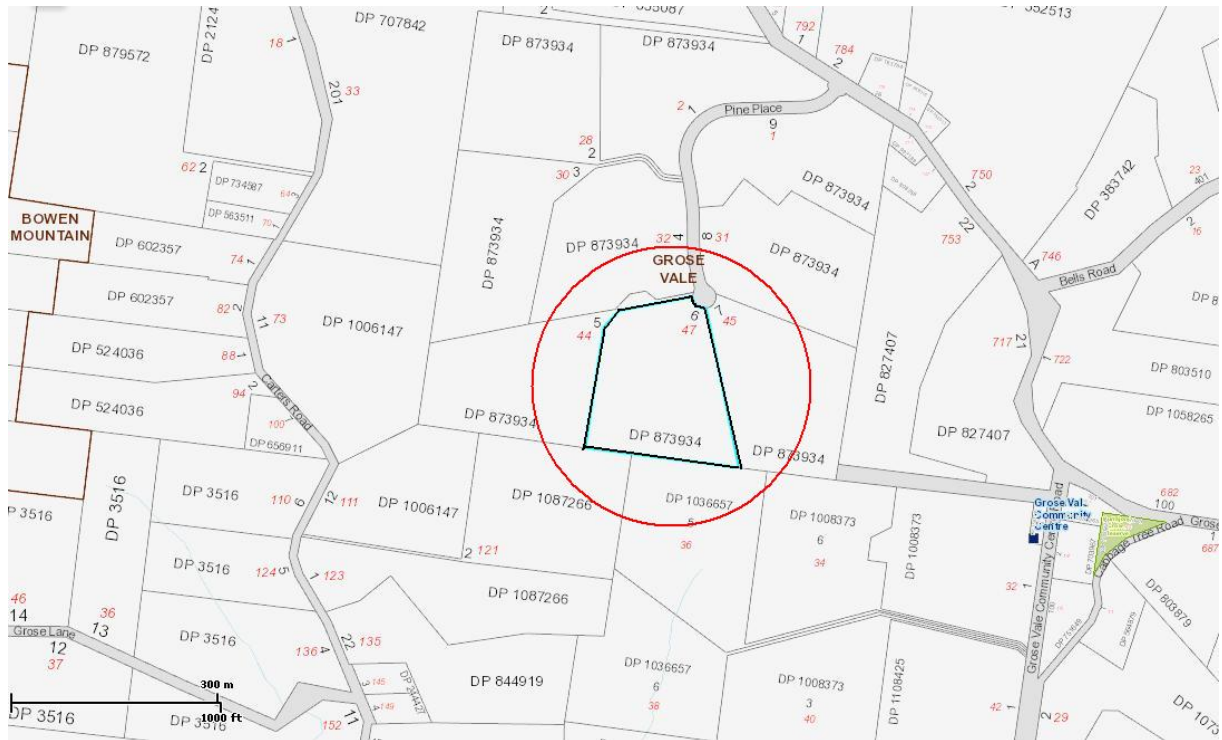
**AT – 3** Site Plan

**AT – 4** Elevations

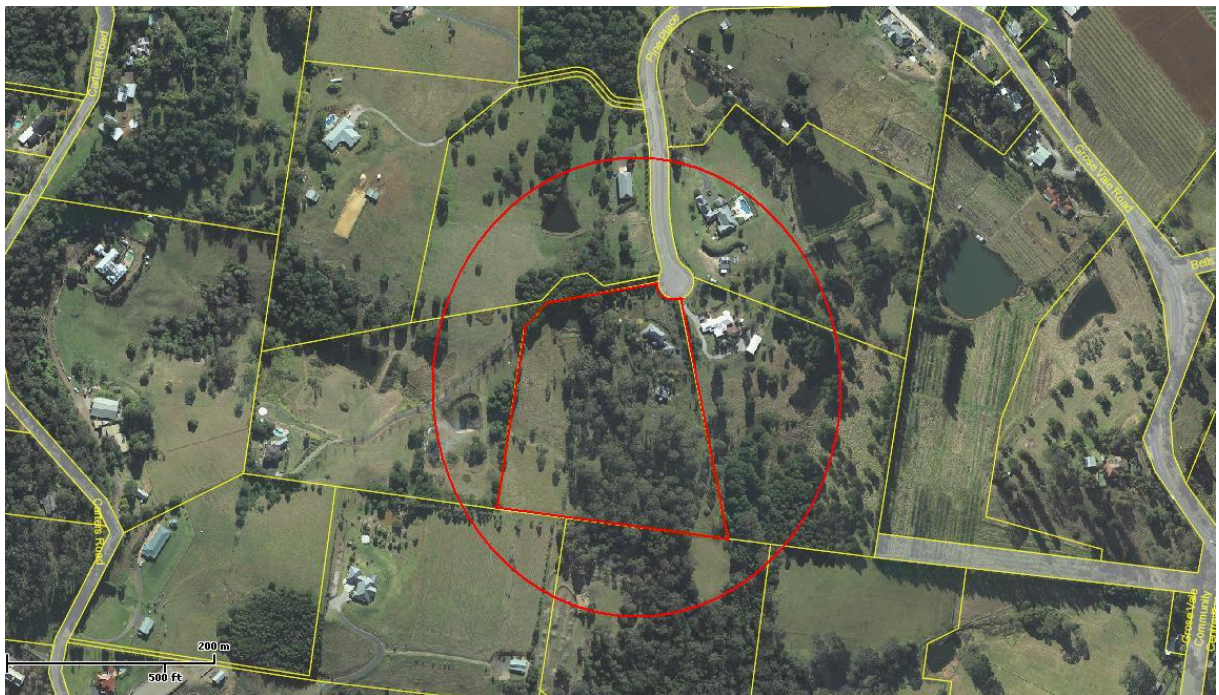
**ORDINARY MEETING**

**Meeting Date: 24 September 2013**

Attachment 1 – Locality Map



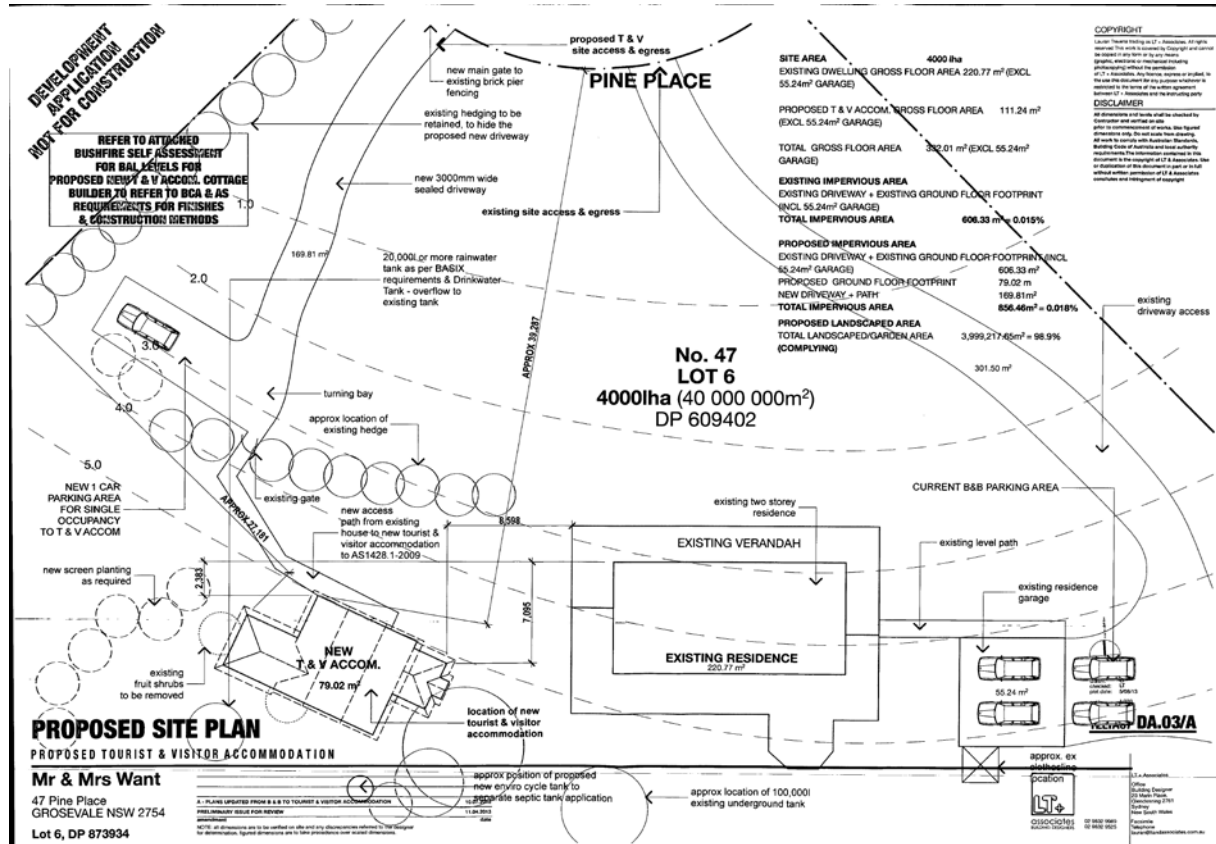
Attachment 2 – Aerial Photograph



# ORDINARY MEETING

Meeting Date: 24 September 2013

## Attachment 3 – Site Plan





## ORDINARY MEETING

Meeting Date: 24 September 2013

### Item: 195 CP - Review of Council's Section 94A Plan - Exemptions to Levy - (95498)

#### REPORT:

##### Executive Summary

This report is in response to a Notice of Motion dated 30 July 2013 regarding Council's Section 94A contributions plan.

The purpose of this report is to advise Council of a number of development types that may be exempt from the Section 94A levy.

It is recommended that the exemptions identified in this report be further considered by Council staff in the preparation of an amended Section 94A plan.

##### Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Any subsequent amendments to Council's Section 94A plan will require public notification in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979*.

##### Background

On 30 July 2013 Council considered a notice of motion regarding a review of Council's Section 94A plan and resolved as follows:

*"That the report regarding the review of Council's Section 94A plan should include options to provide for an exemption for knock-down rebuilds of single dwellings."*

##### Current Section 94A Plan

Council's current Section 94A plan is called the *Hawkesbury City Council Section 94A Development Contributions Plan 2006*. The Plan commenced on 10 May 2006.

This Plan applies to all land within the local government area of Hawkesbury City Council except for land known as the Pitt Town Development Area (in this case Council's Section 94 plan applies).

The Plan applies to applications for development consent and applications for complying development certificates under Part 4 of the *Environmental Planning and Assessment Act 1979*. The original rates for different types of development are set out below.

Type of Development	Levy (%)
All types of development except for single dwellings with a value of less than \$150,000 <b>or</b> development solely for the purposes of Building Code of Australia Class 10 structures	1% of development cost
Single dwellings with a value of less than \$150,000 <b>or</b> development solely for the purposes of Building Code of Australia Class 10 structures	Nil

A primary purpose of the Plan is to assist Council in providing appropriate public facilities, which are, required to maintain and enhance amenity and service delivery within the area.

## ORDINARY MEETING

Meeting Date: 24 September 2013

### Ministerial Directions

Since Council's S94A plan commenced, three directions under section 94E of the *Environmental Planning and Assessment Act 1979* have been made by the Minister for Planning that affects Council's ability to levy a S94A contribution. In summary, as a result of these directions, a S94A levy cannot be imposed on development:

- for the purpose of disabled access
- for the sole purpose of affordable housing
- for the purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building
- for the sole purpose of the adaptive reuse of an item of environmental heritage
- other than the subdivision of land, where a condition under section 94 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out
- seniors living development under SEPP Seniors Housing 2004 provided by a Social Housing Provider
- for any component of a school development that is a Building the Education Revolution project.

Furthermore the Minister's Direction of 10 November 2006 specified the following maximum percentages of the levy.

Proposed Cost of the Development	Maximum Percentage of the Levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5%
More than \$200,000	1%

### Previous Resolutions of Council

Since the introduction of the S94A plan, Council has received a small number of requests to waive the levy and the following requests have been reported to Council:

28 July 2009 - DA0658/08, 1A Bourke Street, Richmond. Application for the demolition of existing classroom buildings and the construction of new classrooms, associated paving, drainage and landscape works at St Monica's Catholic Primary School. S94A contribution was \$30,000.

8 June 2010 - DA0101/10, 7 Bateman Place, Bligh Park. Application for the erection of a single storey dwelling to replace an existing dwelling on the site that was destroyed by fire. S94A contribution was \$2,054.

In response, Council resolved as follows:

28 July 2009 - *A review of the Section 94A plan is to be undertaken following advice from the Department of Planning or the release of their guidelines for review of Developer Contribution plans. Provision is to be made in the plan to exclude from the payment of the contribution levy, development for the purpose of renovations or upgrades of facilities in any primary or secondary school that do not result in the increase of student numbers or significant additional traffic generation. The reviewed contributions plan is to be reported to Council prior to placement on public exhibition.*

## ORDINARY MEETING

Meeting Date: 24 September 2013

8 June 2010 - *An exemption from contribution payments for development to replace dwellings that have been destroyed through unforeseen circumstances be considered during the upcoming review of the current Hawkesbury City Council Section 94A Development Contributions Plan 2006.*

### Current Receipts and Review of Contributions Plans

At the time of originally preparing the S94A plan the forecast income was approximately \$1 million per annum and accordingly a 10 year works program was prepared based on this expected income.

Since the commencement of the S94A plan the general downturn in the economy and the effect of the above mentioned Ministerial directions has dramatically reduced the income received by Council. At present Council collects approximately \$300,000 per annum. The bulk of this money is put towards works and upgrades on sports grounds undertaken by the Sports Council.

In response to this significant reduction in income Council staff are currently reviewing the work programs within the S94A plan with the expectation that a revised S94A plan will be reported to Council for consideration by the end of the 2013 calendar year.

### Examples of other Council Exemptions to the Levy

In response to the above mentioned Notice of Motion a random sample of approximately 30 other Council's S94A plans was undertaken. Accordingly it was found that some Councils provide for no other exemptions than that required by the Minister whilst other Councils do offer some additional exemptions. Examples of such exemptions include:

- development for the purpose of a single dwelling on a single allotment
- development for the purpose of alterations and additions to existing dwellings
- development ordinarily incidental or ancillary to the use of a dwelling, such as swimming pools, garages, sheds, tree applications and the like
- the fit out or refurbishment of an existing development, where there is no enlargement, expansion or intensification of the current land use.
- development that involves rebuilding after natural disasters such as bushfires, flooding or major storm events
- an application by or on behalf of Council for community infrastructure, such as but not limited to libraries, community facilities, recreation areas, recreation facilities and car parks.
- an application by or on behalf of the NSW Government for public infrastructure, such as but not limited to police stations, fire stations and public transport infrastructure
- education establishments
- hospitals
- child care centres
- places of public worship
- an application for demolition (where there is no replacement building or development)
- any other development for which Council considers an exemption warranted, where a decision is made by formal ratification of the Council at a public Council meeting.

## ORDINARY MEETING

Meeting Date: 24 September 2013

In considering whether or not to apply such exemptions, Council should recognise that each exemption will reduce Council's potential income and hence Council's ability to meet one of the primary purposes of the plan which is to provide *appropriate public facilities, which are, required to maintain and enhance amenity and service delivery within the area.*

As stated above Council staff are currently reviewing the S94A plan. This review is being undertaken with the assistance of GLN Planning Pty Ltd. It is recommended that the exemptions identified in this report be further considered by Council staff in the preparation of an amended Section 94A plan.

### Conformance to 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

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 cost associated with the review of Council's Section 94A plan is provided for in the 2013/2014 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:

It is recommended that the exemptions identified in this report be further considered by Council staff in the preparation of an amended Section 94A plan.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 24 September 2013

### GENERAL MANAGER

**Item: 196      GM - Business Groups - Request for Contribution towards Christmas Lights Events (94012, 90311, 73824)**

**Previous Item:**      421, Ordinary (30 November, 2010)  
                             243, Ordinary (8 November, 2011)  
                             286, Ordinary (9 October, 2012)  
                             68, Ordinary (12 March, 2013)

---

#### **REPORT:**

##### **Executive Summary**

Council has, in recent years, provided funds towards the provision of Christmas lights in business centres by business groups. Following a relevant process at the time, these funds were allocated to the Windsor Business Group (WBG) in 2010, 2011 and 2012 for the provision of Christmas lights in the Windsor CBD and associated activities.

An amount of \$8,000 has been provided in the 2013/2014 Budget for Christmas lights in business centres. Following approaches to relevant organisations, a request for the allocation of these funds has been received from WBG, Kurrajong Community Forum (KCF) and Hawkesbury City Chamber of Commerce (HCCC) for Christmas 2013. WBG proposes to use funds to add lights to the stock secured under previous funding rounds. KCF proposes Christmas lights banners. HCCC proposes donating funds to an annual Christmas lights fund raiser i.e. Hawkesbury District Hospital Christmas tree lighting and carols.

It is proposed that the funds provided in the 2013/2014 Budget be distributed between the organisations to facilitate new and further develop Christmas lights in central business centres; and where appropriate consider supporting community events that bring people to business centres.

##### **Consultation**

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

##### **Background**

Council has in recent years provided funds towards the provision of Christmas lights in Windsor, initially in response to a funding request from the WBG in November 2010 for the Christmas period. The WBG's proposal was to develop a continuing annual Christmas lights display for the community and associated activities such as a competition for business (e.g. best lights display). Subsequent years have seen the budget allocation for Christmas lights provided to WBG, as the other key business centre organisations were either happy to support WBG's bids or were not in a position to undertake Christmas lights themselves i.e. KCF and HCCC.

Council provided funds to WBG for its Christmas lights program for Christmas 2010, 2011 and 2012 which has seen lights installed on and linking buildings in parts of George Street in the Windsor Mall area. This has amounted to \$14,750 for the lights and \$600 for the business lights competition (\$200 each year). WBG now has a stock of lights for future use. Council further supplemented the Windsor Christmas lights in 2012, by installing Christmas lights in the main tree in Thompson Square.

An amount of \$8,000 has been provided in the 2013/2014 Budget to enable a contribution to be made towards the provision of Christmas lights for 2013 in any of the business centres in the Hawkesbury area.

## ORDINARY MEETING

Meeting Date: 24 September 2013

When Council last considered the matter at its meeting held on 9 October 2012 it was subsequently resolved:

*"That Council:*

- 1. Agree to contribute up to \$7,500 towards the 2012 Windsor Christmas Lights Project being proposed by Windsor Business Group subject to the Group providing details of the proposed expenditure of these funds for this purpose subject to the satisfaction of the General Manager.*
- 2. Approve the execution of Council's standard Sponsorship Agreement for the project"*
- 3. Approach other town centres in the Hawkesbury LGA to encourage the provision of Christmas lighting in those areas in future years."*

In respect of part 1 of the resolution, WBG, in the week following Council's meeting, provided details that funds would be used to purchase LED and solar lights for use in displays on buildings and in arcades for the Light Up Windsor 2012 project. Based on this, the General Manager agreed to provide the funds to WBG for the project in accordance with Council's resolution.

In respect of part 3 of the resolution, correspondence was sent to the KCF and HCCC on 14 March, 2013 to encourage these organisations to undertake Christmas lights projects for 2013 and to start planning any lighting activities if there was any intention to seek funding assistance from Council in the new financial year.

Further correspondence was sent to the three organisations involved in central business centres process (i.e. WBG, KCF and HCCC) on 23 August, 2013 to remind them that planning for any Christmas lights activities should ideally have been commenced and to ascertain if they would be undertaking any Christmas light activities in 2013 which could be assisted by Council funding in line with Council's resolution regarding Christmas lights and associated competitions. The three organisations have responded requesting Christmas lights funding assistance and details are outlined below.

a) Windsor Business Group

The submission indicates it would like to further develop its Christmas Lights Display in Windsor (i.e. Light Up Windsor), building on its existing stock of lights, and would:

- Purchase lights, 8 x 80 Watt 240v RGB remote lights at \$392, for a total of \$3,136
- Hire lift for one day's installation for \$500
- Undertake a Business lights competition for two prizes for \$500
- Purchase figurines, seven (e.g. snowman, reindeers etc.) to be placed on balconies at \$400, for a total of \$2800
- Purchase a Christmas tree for \$308.

The Christmas Lights Display would be launched on Friday, 6 December, and it is indicated that the launch will include a choir, school bands, Mr. and Mrs. Claus, face painting, shops to be open at night and stalls at night in the Windsor Mall.

The above items amount to \$7,244, but WBG is requesting \$7,000 from Council. The costs are estimates and no quotes have been supplied to assist Council's assessment. No indication has been provided as to where in Windsor new and existing lights and figurines are to be used (or recycled), nor the duration of the lights, but last year's lights remained in place to the end of January 2013.

## ORDINARY MEETING

Meeting Date: 24 September 2013

### b) Kurrajong Community Forum

The submission indicates it would like to undertake Christmas lights banners in the Kurrajong, and would:

- Purchase banners, about 10 for a total of \$1,995
- Hire a contractor to install and fix banners to light poles (approx. 2.5days), for a total of \$2,750
- Purchase hardware for fixing banners to light poles, at \$500
- Liaise with Endeavour Energy to obtain approval to affix banners to light poles.

It is indicated that the Christmas lights banners will be supported by a Kurrajong Village 2013 Christmas Plan that will ask businesses to decorate their shop windows and undertake displays externally on shops (where possible). The plan will lift community spirit and generate interest in Kurrajong village, improve amenity and enhance the shopping experience.

The above items amount to \$5,245, but KCF is requesting \$5,000 from Council. The costs are estimates and no quotes have been supplied to assist Council's assessment. No indication has been supplied about how long the banners would be on display. While a request for competition funds has not been requested, Council may like to consider allocating a "prize" amount for any business centre and encourage KCF to undertake a competition to support its Christmas Plan and local business involvement.

### c) Hawkesbury City Chamber of Commerce

The submission indicates that in past years, HCCC has been happy to support the Christmas lights effort of WBG and see Council target funds to support WBG build its Christmas lights program.

HCCC indicates this year, the Christmas lights funds for business centres would be best spent by donating the funds to an annual Christmas lights fund raiser, being the annual Hawkesbury District Hospital Christmas tree lighting and carols and requests that Council considers redirecting funds to this cause. The Hospital Christmas tree lighting takes place in a town centre, is an established event that is well run and patronised and brings people into a town centre. The donation would be a worthy message from the business community that it supports community events in a key trading period. It would appear that HCCC is aware of event planning to successfully undertake Christmas lights, and therefore suggests working with a product that works well now in the community.

HCC requests that \$8,000 be donated to the Hospital Christmas tree lighting.

The funds requested by the three groups in summary are:

- WBG        \$7,000
- KCF        \$5,000
- HCCC       \$8,000

Council budget is \$8,000 and therefore it is not possible to provide all the requested funding assistance to the three organisations for Christmas lights in town centres and associated activities. It is noted that WBG is the only group that intends to purchase lights, in line with Council's resolution. However, it has diversified its request to include non-lighting items i.e. figurines.

It is suggested that Council may wish to reconsider its focus on funding assistance for lights given installation costs, approval to install on buildings, purchase cost to effectively deliver a lighting display; or even direct future funds towards projects that provide lights on street furniture or project lights onto building or street furniture, like trees as a lights show.

## ORDINARY MEETING

Meeting Date: 24 September 2013

It is suggested that Council distributed the funds between the WBG and KCF with a greater emphasis on KCF proposal, which would start a new Christmas lights activity in another business centres. Amounts of \$3,000 and \$4,000 respectively are proposed for WBG and KCF activities. In addition, \$500 is suggested as a donation to the Hawkesbury District Hospital Christmas tree lighting as suggested by HCCC, and \$500 for allocation towards prizes for competitions undertaken by WBG and KCF for competitions to encourage businesses to participate in the Christmas lights activities.

### Conformance to Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions Statement;

- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses.

### Financial Implications

An amount of \$8,000 for Christmas lights activities and associated prize money for competitions by business groups has been allocated in the 2013/2014 Operational Plan in the Strategic Activities service.

### RECOMMENDATION:

That Council:

1. Allocate its available Christmas Lights funding to the projects presented by the Windsor Business Group and the Kurrajong Community Forum in the amounts of \$3,000 and \$4,000, respectively, to support Christmas Lights displays and associated activities for Christmas 2013 in business centres subject to the two organisations providing details of the proposed expenditure of any allocated funds to the satisfaction of the General Manager.
2. Donate an amount of \$500 to the Hawkesbury District Hospital Christmas tree lighting activity in recognition of the suggestion made by the Hawkesbury City Chamber of Commerce.
3. Retain \$500 of the available Christmas Lights funding to be used towards prizes for competitions undertaken by Windsor Business Group and Kurrajong Community Forum to encourage businesses to participate in the Christmas lights activities.
4. Approve the execution of the Council's standard Sponsorship Agreement for projects.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**INFRASTRUCTURE SERVICES**

**Item: 197      IS - Holmes Drive Reserve Draft Plan of Management - (79354)**

---

**REPORT:**

**Executive Summary**

Preparation of the Holmes Drive Reserve Draft Plan of Management and Master Plan, including consultation with the local community, has been undertaken and is now at a stage where formal public exhibition is required to enable the Plan to be finalised.

It is proposed to place the draft Plan on public exhibition for the mandatory 28 day period, with a further two week period for the completion of written submissions.

Results of the consultation will be reviewed and any significant changes incorporated into the Plan prior to final consideration by Council.

**Consultation**

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. The community engagement process proposed in this report meets the criteria for the minimum level of community engagement required under Council's policy. Council officers have met with community representatives to outline the broad findings and recommendations as discussed in the draft Plan of Management.

**Background**

Holmes Drive Reserve is a public reserve (including Crown and community land) located on Cumberland Reach, Hawkesbury River. It is highly valued by the local community in terms of its river access (i.e. boat ramp), natural and cultural river-side setting, scenic qualities, quiet solitude and opportunities for passive and water-based recreational pursuits.

The reserve's geographical isolation, use by relatively few visitors from outside the local area and an infrequent maintenance regime have helped to establish a strong sense of ownership by local landholders. This has led to adjacent property owners introducing a wide range of "structures and uses" to the reserve to facilitate water access and amenity. Recreational infrastructure includes unauthorised jetties, boat ramp, terraces, decking, steps, hand-rails, ladders, walls and other items installed along the riverbank for private and exclusive use. A number of these structures on Council land are unsound and potentially hazardous.

As part of the community consultation process, a community meeting/workshop was held on 27 May 2012. Residents were notified by way of advertisements in the Council notices and personal invitations. The meeting attendance was considered high with 32 local residents and two Councillors in attendance.

The community identified four key issues at the meeting in the following order of priority:

1. Retention and repair of existing boat ramp/ water access;
2. Riverbank stability, ongoing erosion and safety issues;
3. Condition of access road into reserve (need for repairs);
4. Weed management (i.e. eradicate "noxious" weeds).

The draft Plan of Management has addressed each of these issues (see sections 4.0 Community Engagement and 5.0 Basis for Management). In addition, private facilities and encroachments and management issues such as view protection have been added to this discussion. A number of options are provided for each point with the following being recommended:

## ORDINARY MEETING

Meeting Date: 24 September 2013

### 1. Managing private water-based recreational facilities and access

OPTIONS	DISCUSSION	POSSIBLE OUTCOMES
<p><b>OPTION 3</b>  <i>Improved regulation and licensing of existing private infrastructure within the reserve. Take actions to restrict existing and future encroachments. Provide notice to residents to remove items which are deemed unsafe.</i></p>	<p>Establish ownership of existing private infrastructure. Implement a program of inspections and certification by a qualified structural engineer. No new infrastructure should be introduced – option only for existing items in the reserve. All items would be subject to licensing in accordance with the <i>Crown Lands Act</i> and <i>Local Government Act</i>. Council may seek to improve public facilities and river access.</p>	<p>This strategy would aim to create working partnerships with the local community. The owners of private infrastructure would need to provide evidence that the structure meets appropriate standards. This would include regular inspections and certification. Licensing will also be required subject to the provisions of the <i>Crown Lands Act</i> and <i>Local Government Act</i>. If ownership cannot be established and the structure was deemed unsafe it should be removed by Council. This solution would have ongoing administrative costs (i.e. the need for safety inspections, compliance and licensing). Council would have the option to provide alternate public access to the river and recreational facilities.</p>

This option would also allow Council to carry out assessments, and keep and maintain those access points that are safe or capable of upgrade at affordable cost. This then would allow all residents to use these facilities. Remaining facilities could then be advertised for potential licences.

The managing of unauthorised water-based recreational infrastructure and encroachments in the reserve has not been costed as part of this plan of management.

### 2. Upgrade or relocate boat ramp

OPTIONS	DISCUSSION	POSSIBLE OUTCOMES
<p><b>OPTION 2</b>  <i>Minimal upgrade to boat ramp including strengthening, widening and re-surfacing.</i></p> <p><b>OPTION 2A</b>  <i>Future option for relocation to Cumberland Reach Reserve.</i></p>	<p>Retain boat ramp in situ. Provide minimal upgrade/ necessary repairs and widening to existing ramp to improve public safety. This option is a temporary measure.</p> <p>Subject to funding, new ramp to be built in Cumberland Reach Reserve.</p>	<p>This option is a temporary measure to address key safety issues. Consider future option to build a new public boat ramp in Cumberland Reach Reserve (east of private boat ramp). This location is close to Cumberland Reach Road and offers easy water access with a relatively low bank profile compared to Holmes Drive Reserve. The location also provides ample flat land for trailer parking.</p>

Due to the height of the banks as well as limited space for infrastructure such as a car park does not make this site the best option for a permanent boat ramp. Due to the cost of developing a new boat ramp it is unlikely to occur for some time, and thus the above options allow the existing boat ramp to remain in the short term.

Minimal upgrade to boat ramp (incl. widening, strengthening and re-surfacing) is estimated at \$12,500.

## ORDINARY MEETING

**Meeting Date:** 24 September 2013

### 3. Improvements to public access and connectivity

OPTIONS	DISCUSSION	POSSIBLE OUTCOMES
<i><b>OPTION 3</b> Upgrade central access roadway with new sealed bitumen surface. Maintain low-key access to boat ramp (interim) and private access to adjacent properties.</i>	Regrade and consolidate road-base and apply new bitumen seal coat (central access road and access to rear western properties). Provide directional/ entry signage. Continue regular maintenance of bitumen surface. Regrade unsealed eastern section for access to boat ramp. Provide minimal grading/ safety works (see above) to western vehicular track.	This option significantly improves access to the reserve and boat ramp facilities whilst maintaining a low-key approach with minimal formalisation of facilities. Local residents would retain an implied 'right-of-way' through public reserve. No action to restrict private access. This option would be consistent with repairs/ widening to the existing boat ramp and future relocation options (see BOAT RAMP OPTIONS 2/ 2A and 4).

Improvements to public access: entry road (140m) and western section (190m) - regrade/ road base & bitumen (including signage) is estimated at \$40,000.

Improvements to public access: regrade western access (220m, including safety works) & boat ramp unsealed access (90m) is estimated at \$4,500.

### 4. View protection and management

OPTIONS	DISCUSSION	POSSIBLE OUTCOMES
<i><b>OPTION 2</b> Establish a long-term strategy which aims for a balanced and sustainable approach. Protect key values and address issues threatening these values.</i>	Implement sustainable management practices consistent with best-practice methods. Enhancement of riverbank stability, visual qualities, public safety and recreational opportunities.	Restoration of native riparian vegetation on the riverbank is a key component of this strategy. A mix of open and framed vistas would be retained in the design. Current issues of bank instability and erosion would be addressed (see following key issue). Clustering or grouping of a full suite of species (incl. trees, shrubs, climbers and groundcovers) would be balanced with other sections of open canopy planting and densely-spaced groundcovers. The design would include open grassed/ terraced areas and public access to the river.

View protection and management (see items F1-F5) have not been costed as part of this plan of management.

**ORDINARY MEETING****Meeting Date:** 24 September 2013

## 5. Stabilising riverbanks and erosion control

OPTIONS	DISCUSSION	POSSIBLE OUTCOMES
<i>OPTION 3 Ecological approach using a mix of hard construction (toe of embankment), bank regrading and stabilisation with native vegetation.</i>	Establish a demonstration strip within the reserve with the aim of restoring long-term bank stability and improved safe public access to the river. This solution will maximise benefits in terms of river health, scenic values, recreational setting and environmental sustainability. It will deliver long-term, cost-effective positive benefits for the community. Opportunities also exist for developing partnerships and volunteer involvement.	This restoration strategy would focus on developing a more sustainable outcome based on river dynamics and the riparian ecosystem. Ad hoc encroachments/ accretions (e.g. rubble walls, tyres, etc.) would be removed from the riverbank. The toe or free-board area at the base of the bank would be reinforced with a low rock batter (or alternatively using inter-woven geotextile bags filled with sand), bank regrading up to 1:3 batter (preferable 1:4 batter), jute matting (weed control) and planted with native long-stem tubestock. Steeper banks may require terracing using coconut-fibre "coir-logs" Sections would be left open with mown grassed areas providing easy graded access to the river. Semi-aquatic plants and snags would be introduced and secured to reduce wave action and enhance habitat qualities.

Stabilising the riverbank and erosion control (incl. establish demonstration site approx 90m length) is estimated at \$75,000.

## 6. Weed management and restoration strategy.

It is recommended that a strategic approach is taken to weed management involving bank stabilisation and an integrated riparian restoration/ regeneration strategy with the following aims to be implemented:

- To seek an appropriate level of government funding assistance and grants for works to be implemented in stages (starting with a demonstration site);
- To encourage local community (volunteer) involvement as an integral part of the program including supervision, teaching of skills and support;
- To promote community education, involvement and stewardship in the management of the reserve's natural riparian vegetation;
- To provide long-term stability to riverbanks, reducing erosion impacts, improving water quality and habitat values;
- To maintain focus on recovery, recruitment, long term durability, expansion and consolidation of fragmented natural habitat, native populations and species.

A second community meeting was held on Sunday, 4 August 2013 to discuss in broad terms what the draft plan outlined, as proposed during the Council Briefing session on 4 June 2013. Feedback for this meeting was that the road was the highest priority with the boat ramp and bank stabilisation being the second priority.

## ORDINARY MEETING

Meeting Date: 24 September 2013

The draft Plan of Management and Master Plan is now complete and in accordance with statutory requirements, it is proposed to place the Plan on public exhibition for the mandatory 28 day period, with an additional two week period provide to allow the community to provide written submissions.

Results of the consultation will be reviewed and any significant changes incorporated into the Plan prior to final consideration by Council and adoption.

### Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions 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 (or is a nominated) strategy in the Community Strategic Plan being:

- Develop plans to enhance the character and identity of our towns and villages.

### Financial Implications

There are no direct financial implications arising from this report with any future works or improvements to the Reserve dependent on the availability of funding. Adoption of the Plan of Management will enable applications for grant funding to be made to assist in future works delivery.

Funding of \$50,000 is available in the current budget to undertake works that may be identified as priority. Matching grant funding has been sought.

### RECOMMENDATION:

That the Holmes Drive Reserve Draft Plan of Management and Master Plan be placed on public exhibition for the mandatory 28 day consultation period, with a further 14 day period for the completion of written submissions.

### ATTACHMENTS:

- AT - 1** Holmes Drive Reserve Park Draft Plan of Management and Master Plan Issue C - (*To be distributed under separate cover*)

oooO END OF REPORT Oooo

**Item: 198 IS - Pughs Lagoon and Smith Park Draft Plan of Management - (95495, 79344)**

---

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

A draft Plan of Management for Pughs Lagoon and Smith Park has been developed in accordance with the Local Government Act 1993.

The draft Plan of Management has been developed internally and is based on the 2008 Pughs Lagoon and Smith Park Plan of Management. The updated version of the Plan considers management issues that have arisen since the 2008 plan and is consistent with Council strategic documents developed since the original plan.

It is recommended that the draft Plan of Management be placed on public exhibition for the mandatory 28 day consultation period, with a further 14 day period for the completion of written submissions.

Results of the consultation will be reviewed and any significant changes incorporated into the Plan prior to final consideration by Council.

**Consultation**

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. It is proposed that the Plan of Management be placed on public exhibition for the mandatory 28 day consultation period, with a further 14 day period for the completion of written submissions.

**Background**

The Local Government Act, 1993 (the Act) provides Councils with a specific approach to the management of community land. It states that there must be a plan of management applying to the land and outlines restrictions on the use of such land. Plans of management must be reviewed every five years.

A Plan of Management for Community Land must identify the following criteria:

- The category of land,
- The objectives and performance targets of the plan with respect to the land,
- The means by which the council proposes to achieve the plan's objectives and performance targets,
- The manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets, and
- Actions that may require the prior approval of Council to the carrying out of any specified activity on the land.

Two of the three parcels of land that make up this park are Crown Land under Council's care and control. To provide consistency of management, the Plan includes all parcels under Council's care and control, including Crown Land. The objectives developed in the draft Plan meets the principles of Crown Land management as set out in the Crown Lands Act 1989.

Council staff have reviewed and updated the Plan, in accordance with the Local Government Act (1993) which requires review of Plans of Management for community land, every five years.

The management issues affecting Pughs Lagoon and Smith Park remain largely the same as those addressed in the 2008 Plan; it is believed that the 2008 plan addresses the current issues sufficiently, to require only an update rather than complete overhaul of the 2008 Plan of Management. Community

## ORDINARY MEETING

Meeting Date: 24 September 2013

consultation, consisting of public exhibition of the draft Plan is considered sufficient to provide Council with any changes in values held by the community since development of the 2008 Plan of Management.

The proposed changes to be exhibited will consist of the following:

- Updated reference to relevant government departments where names have changed
- Updated reference to current Council strategic documents
- Updated description of existing facilities, including condition of the lagoon
- Updated zoning reference and map in accordance with the 2012 LEP
- Updated reference to Council being Trust Manager for Crown Land
- Added the permissibility of low impact canoe/row boat hire (see A7 - Action Plan)

It is recommended that the draft Plan of Management be placed on public exhibition and re-reported to Council with any changes for adoption.

### Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place

- 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 (or is a nominated) strategy in the Community Strategic Plan being:

- Develop plans to enhance the character and identity of our towns and villages.

### Financial Implications

No financial implications applicable to this report.

### RECOMMENDATION:

The Pughs Lagoon and Smith Park Draft Plan of Management be placed on public exhibition for the mandatory 28 day consultation period, with a further 14 day period for the completion of written submissions.

### ATTACHMENTS:

- AT - 1** Pughs Lagoon and Smith Park Draft Plan of Management - *(to be distributed under separate cover).*

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 24 September 2013

### SUPPORT SERVICES

**Item: 199      SS - General Purpose Financial Statements and Special Purpose Financial Statements for 2012/2013 - (79350, 95496)**

---

#### **REPORT:**

##### **Executive Summary**

Section 413(1) of the Local Government Act, 1993 (LGA) requires that *“a council must prepare financial reports for each year, and must refer them for audit as soon as practicable.”* The unaudited Annual Financial Statements for 2012/2013 have been completed and are ready for audit.

The purpose of this report is to refer the General Purpose Financial Statements and Special Purpose Financial Statements (Financial Statements) for the financial year 2012/2013 to audit.

##### **Consultation**

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

##### **Background**

Section 413(1) of the LGA requires that *“a council must prepare financial reports for each year, and must refer them for audit as soon as practicable.”* Section 416(1) of the LGA requires a council's financial reports for a year to be prepared and audited within four months after the end of the year concerned.

The unaudited Financial Statements for 2012/2013 have been completed and are ready for audit. This report recommends that Council refer the draft Financial Statements for audit by completing the Statements attached as Attachment 1 to this report.

Clause 215 (1) of the Local Government (General) Regulation 2005 determines the format of Council's declaration. It requires that the statement must:

- (a) Be made by resolution of Council; and
- (b) Be signed by –
  - (i) the Mayor, and
  - (ii) at least one other member of the Council, and
  - (iii) the Responsible Accounting Officer, and
  - (iv) the General Manager

Clause 215 (2) of the Regulation also requires that Council's Statement must indicate:

- (a) Whether or not Council's annual financial reports have been drawn up in accordance with:
  - The Local Government Act, 1993 and the Regulations made there under
  - The Australian Accounting Standards and Professional Pronouncements
  - The Local Government Code of Accounting Practice and Financial Reporting
- (b) Whether or not those reports present fairly the Council's financial position and operating result for the year;
- (c) Whether or not those reports are in accordance with the Council's accounting and other records; and

## ORDINARY MEETING

Meeting Date: 24 September 2013

- (d) Whether or not the signatories know of anything that would make those reports false or misleading in any way.

Council's Financial Statements for the financial year 2012/2013 have been prepared in accordance with the requirements detailed in Clause 215(2)(a) to (c) of the Local Government (General) Regulation, 2005, as outlined above. Council's Chief Financial Officer, as the Responsible Accounting Officer, considers that these Statements fairly present Council's financial position.

The Financial Statements are prepared by Council staff and comply with Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting. The Financial Statements are required to be audited by an independent auditor, and lodged with the Division of Local Government (DLG) before 7 November 2013.

The Financial Statements for the financial year 2012/2013 will be presented to Council's Audit Committee meeting to be held on the 10 October 2013.

The table below provides a summary of the key results. These figures are draft and may be subject to audit adjustments.

Item	2012/2013	2011/2012
Income from continuing operations (excluding Capital Grants and Contributions)	\$61.6m	\$59.9m
Expenses from continuing operations	\$64.7m	\$68.8m
Net Operating result	(\$3.1m)	(\$8.9m)
Capital Grants and Contributions	\$14.4m	\$17.2m
Total Assets	\$860.1m	\$812.2m
Total Equity	\$834.0m	\$791.1m
Cash and Investments	\$44.5m	\$40.4m
Unrestricted Current ratio	4.83	4.86
Rates, Annual Charges, Interest & Extra Charges Outstanding Ratio	6.40%	6.26%

A copy of the audited General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2013, will be submitted for adoption at the Council Meeting on 12 November 2013. A detailed explanation on these key results will be included in the financial statements presented at that meeting. At the Council Meeting on 12 November 2013, a presentation relating to these statements will be given by Council's External Auditor, Mr D Banicevic from PricewaterhouseCoopers.

This report recommends that Council refer the draft Financial Statements for audit, by completing the attached statements (Attachment 1).

### Conformance to 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

### Funding

There are no financial implications applicable to this report.

## ORDINARY MEETING

Meeting Date: 24 September 2013

### RECOMMENDATION:

That:

1. Council note the following Statement in respect of Section 413(2)(c) of the Local Government Act 1993 as to its Annual Financial Statements:
  - a) Council's annual Financial Statements for 2012/2013 have been drawn up in accordance with:
    - The Local Government Act 1993 (as amended) and the Regulations made there under;
    - The Australian Accounting Standards and Professional Pronouncements; and
    - The Local Government Code of Accounting Practice and Financial Reporting; and
  - b) The Statements present fairly the Council's financial position and operating result for the year; and
  - c) The Statements are in accordance with the Council's accounting and other records; and
  - d) The signatories do not know of anything that would make these Statements false or misleading in any way.
2. Council sign the "Statement by Councillors and Management". The Statements are to be signed by the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer.
3. Council seek a presentation from its External Auditor, PricewaterhouseCoopers, at a Council Meeting following the completion of the audit.

### ATTACHMENTS:

- AT - 1** Statements by the Council on the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2013.

**AT - 1 Statements by the Council on the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2013**

**HAWKESBURY CITY COUNCIL**

**General Purpose Financial Statements  
FOR THE YEAR ENDED 30 June 2013**

**STATEMENT BY COUNCILLORS AND MANAGEMENT  
MADE PURSUANT TO SECTION 413 (2) (c)  
OF THE LOCAL GOVERNMENT ACT 1993 (as amended)**

The General Purpose Financial Statements have been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the regulations made thereunder,
- The Australian Accounting Standards and Professional Pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these Financial Statements:

- Presents fairly the Council's operating result and financial position for the year, and
- Accords with Council's accounting and other records.

We are not aware of any matter that would render the Statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 24 September 2013.

---

***Councillor Kim Ford, Mayor***

---

***Councillor Tiffany Tree, Deputy Mayor***

---

***Peter Jackson, General Manager***

---

***Emma Galea, Responsible Accounting Officer***

## HAWKESBURY CITY COUNCIL

### Special Purpose Financial Statements FOR THE YEAR ENDED 30 June 2013

#### STATEMENT BY COUNCILLORS AND MANAGEMENT MADE PURSUANT TO THE LOCAL GOVERNMENT CODE OF ACCOUNTING PRACTICE AND FINANCIAL REPORTING

The Special Purpose Financial Statements have been prepared in accordance with:

- The NSW Government Policy Statement “*Application of National Competition Policy to Local Government*”.
- The Division of Local Government guidelines “*Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality*”.
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water (Department of Environment, Climate Change and Water) Guidelines – “Best Practice Management of Water and Sewerage”.

To the best of our knowledge and belief, these Financial Statements:

- Present fairly the operating result and financial position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render the Statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 24 September 2013.

---

***Councillor Kim Ford, Mayor***

---

***Councillor Tiffany Tree, Deputy Mayor***

---

***Peter Jackson, General Manager***

---

***Emma Galea, Responsible Accounting Officer***

oooO END OF REPORT Oooo

**ORDINARY MEETING****Meeting Date:** 24 September 2013**Item: 200 SS - Monthly Investments Report - August 2013 - (96332, 95496)****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 \$43.81 million in investments at 31 August 2013.

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 \$43.81 million in investments as at 31 August 2013. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
<b>On Call</b>								
ANZ	A1+	AA-	31-Aug-13		3.90%	4,200,000	9.59%	
CBA	A1+	AA-	31-Aug-13		2.50%	3,100,000	7.08%	
<b>Total On-call Investments</b>								<b>7,300,000</b>
<b>Term Investments</b>								
ANZ	A1+	AA-	24-Oct-12	23-Oct-13	4.62%	1,000,000	2.28%	
ANZ	A1+	AA-	24-Apr-13	06-Nov-13	4.40%	1,000,000	2.28%	
ANZ	A1+	AA-	08-May-13	06-Nov-13	4.30%	2,000,000	4.57%	
ANZ	A1+	AA-	26-Jun-13	29-Oct-13	4.25%	1,500,000	3.42%	
ANZ	A1+	AA-	26-Jun-13	20-Nov-13	4.25%	1,500,000	3.42%	
ANZ	A1+	AA-	03-Jul-13	28-Jan-14	4.25%	500,000	1.14%	
CUA	A-2	BBB	06-Feb-13	15-Jan-14	4.40%	250,000	0.57%	
NAB	A1+	AA-	30-Jan-13	19-Dec-13	4.42%	1,500,000	3.42%	
NAB	A1+	AA-	16-Jan-13	15-Jan-14	4.43%	1,000,000	2.28%	
NAB	A1+	AA-	30-Jan-13	29-Jan-14	4.42%	2,000,000	4.57%	
NAB	A1+	AA-	06-Feb-13	05-Feb-14	4.35%	2,000,000	4.57%	
NAB	A1+	AA-	21-Aug-13	20-Aug-14	3.94%	2,000,000	4.57%	
NAB	A1+	AA-	21-Aug-13	19-Aug-15	4.25%	1,000,000	2.28%	
St George	A1+	AA-	22-Aug-12	18-Sept-13	5.16%	2,000,000	4.57%	
St George	A1+	AA-	22-Aug-12	16-Oct-13	5.16%	1,500,000	3.42%	

## ORDINARY MEETING

**Meeting Date: 24 September 2013**

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
Westpac	A1+	AA-	20-Feb-13	19-Feb-14	4.30%	1,500,000	3.42%	
Westpac	A1+	AA-	20-Mar-13	19-Mar-14	4.35%	1,000,000	2.28%	
Westpac	A1+	AA-	20-Mar-13	19-Mar-14	4.35%	2,000,000	4.57%	
Westpac	A1+	AA-	08-Apr-13	08-Apr-14	4.60%	1,000,000	2.28%	
Westpac	A1+	AA-	08-Apr-13	08-Apr-14	4.60%	2,000,000	4.57%	
Westpac	A1+	AA-	15-May-13	15-May-14	4.15%	1,000,000	2.28%	
Westpac	A1+	AA-	22-May-13	28-May-14	4.20%	2,000,000	4.57%	
Westpac	A1+	AA-	03-Jul-13	19-Dec-13	4.30%	1,000,000	2.28%	
Westpac	A1+	AA-	24-Jul-13	15-Jan-14	4.25%	2,260,000	5.16%	
Westpac	A1+	AA-	07-Aug-13	29-Jan-14	4.20%	1,000,000	2.28%	
Westpac	A1+	AA-	07-Aug-13	06-Aug-14	4.10%	1,000,000	2.28%	
<b>Total Term Investments</b>								<b>36,510,000</b>
<b>TOTAL INVESTMENT AS AT 31 AUGUST 2013</b>								<b>43,810,000</b>

### *Performance by Type*

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	7,300,000	3.31%	Reserve Bank Cash Reference Rate	2.50%	0.81%
Term Deposit	36,510,000	4.39%	UBS 90 Day Bank Bill Rate	2.56%	1.83%
<b>Total</b>	<b>43,810,000</b>	<b>4.21%</b>			

### *Restricted/Unrestricted Funds*

Restriction Type	Amount \$
External Restrictions -S94	8,908,490
External Restrictions - Other	4,391,584
Internal Restrictions	22,387,260
Unrestricted	8,122,666
<b>Total</b>	<b>43,810,000</b>

Funds subject to external restrictions cannot be utilised for any purpose other than that specified, in line with legislative requirements. Externally restricted funds include funds relating to Section 94 Contributions, Domestic Waste Management, Stormwater Management and Grants.

Internal restrictions refer to funds allocated through a Council Resolution for specific purposes, or to meet future known expenses. Whilst it would 'technically' be possible for these funds to be utilised for other purposes, such a course of action, unless done on a temporary internal loan basis, would not be recommended, nor would it be 'good business practice'. Internally restricted funds include funds relating to Tip Remediation, Plant Replacement, Risk Management and Election.

Unrestricted funds may be used for general purposes in line with Council's adopted budget.

### **Investment Commentary**

The investment portfolio increased by \$4.78 million for the month of August 2013. During August 2013, income was received totalling \$11.46 million, including rate payments amounting to \$7.28 million, while payments to suppliers and staff costs amounted to \$5.65 million.

## ORDINARY MEETING

Meeting Date: 24 September 2013

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

As at 31 August 2013, Council has invested \$3.5 million with second tier financial institutions, that are wholly owned subsidiaries of major trading banks, and \$0.25 million invested with a second tier institution that is not a wholly owned subsidiary of a major Australian trading bank, with the remaining funds being invested with first tier institutions. Council's adopted Investment Policy allows Council to invest funds with second tier Authorised Deposit-taking Institutions that are wholly owned subsidiaries of major Australian trading banks, subject to conditions stipulated in the Policy. Investments in second tier financial institutions, that are not wholly owned subsidiaries of major trading banks, are limited to the amount guaranteed under the Financial Claims Scheme (FCS) for Authorised Deposit-taking Institutions (ADIs), in line with Council's Investment Policy.

The FCS protects depositors by guaranteeing deposits (up to the cap) held in ADIs incorporated in Australia, and allows quick access to deposits if an ADI becomes insolvent. A permanent guarantee cap, per account holder, per ADI, of \$250,000, has been in place since 1 February 2012.

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 25 June 2013.

### ***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 Community Strategic Plan**

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

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

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Maintain and review a sustainable long term financial framework.

### **Financial Implications**

Funds have been invested with the aim of achieving budgeted income in 2013/2014.

### **RECOMMENDATION:**

The report regarding the monthly investments for August 2013 be received and noted.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**ORDINARY MEETING****Meeting Date:** 24 September 2013

**Item: 201 SS - Consultants Utilised by Council - 1 January 2013 to 30 June 2013 - (95496, 79337)**

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

At the meeting of Council held on 14 June 2005, consideration was given to a report regarding the consultants utilised by Council in 2003/2004 and 2004/2005. Subsequently, in recent years, Council has been provided with reports outlining consultants utilised by Council on a six monthly basis.

The purpose of this report is to provide details of the various firms, or persons, the Council has utilised as consultants for the period from January to June 2013.

**Consultation**

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

**Background**

At the meeting of Council held on 14 June 2005, consideration was given to a report regarding the consultants utilised by Council. The report detailed various consultants, the purpose of the engagement, and the expenditure in 2003/2004 and 2004/2005.

Subsequently, in recent years, Council has considered reports outlining consultants utilised by Council for six monthly periods, being January to June and July to December each year.

The following table provides details of the various firms, or persons, the Council has utilised as consultants for the period from January to June 2013, detailing the purpose of the consultancies and the amount (excluding GST) paid in this period:

<b>Firm</b>	<b>Purpose</b>	<b>Funding Source</b>	<b>External Requirement</b>	<b>6 Months to 30/06/2013</b>
Allen Management Solutions	Community Strategic Plan Review	General Funds	No	\$3,125.00
APrince Consulting Pty Limited	Garden Organics Tender and contract documentation - WASIP	Reserve Funds	No	\$3,008.75
Asset Technologies Pacific	Asset Management System Implementation	Reserve Funds	No	\$10,800.00
Barker Ryan Stewart	Civil Engineering Design Services	General Funds	No	\$5,550.00
Bewsher Consulting	Hawkesbury Floodplain Risk Management Study and Plan	General Funds / Grant Funds	No	\$89,256.39
BMT WBW Pty Ltd	Upper Hawkesbury Estuary Management Plan and Study	General Funds / Grant Funds	No	\$67,172.69

# ORDINARY MEETING

Meeting Date: 24 September 2013

Firm	Purpose	Funding Source	External Requirement	6 Months to 30/06/2013
David Braunstein	WH&S Professional Services	General Funds	No	\$6,000.00
Chameleon	Power Budget and Power Planner software training	General Funds	No	\$3,815.67
Clouston Associates	Regional Open Space and Recreation Strategy	General Funds / Grant Funds	No	\$16,299.50
Consulting Earth Scientists Pty Ltd	WMF monthly and quarterly environmental monitoring and Annual Report	Internal Reserve	Environment Protection Authority	\$35,056.92
Kirsten Davies and Associates Consultants	Development of Hawkesbury Cultural Plan and review of achievements against current Cultural Plan	General Funds	No	\$16,000.00
GHD Pty Ltd	Hawkesbury City Waste Management Facility Master Plan	Internal Reserve	No	\$49,881.00
GLN Planning Pty Ltd	Hawkesbury S94 and S94A Contribution Plans	Reserve Funds	No	\$5,320.00
Infrastructure Management Group	Road Infrastructure Condition Audit	General Funds	No	\$85,065.00
Ironbark Constructions Pty Ltd	Building restoration consultancy services	General Funds	No	\$640.00
Landarc	McQuade Park Draft Plan of Management	General Funds / Grant Funds	No	\$1,250.00
Landarc	Holmes Drive Reserve Draft Plan of Management	General Funds	No	\$14,500.00
Justin Long Design	Hawkesbury Leisure Centre Facility Plan and Design Services	General Funds	No	\$5,000.00
OCP Architects Pty Ltd	Heritage advisory services January - June 2013	General Funds	No	\$5,236.00
OHS Services Australia - Minerva Consulting Group	WH&S Professional Services	General Funds	No	\$80,498.25
The Playground Doctor	Council playground site inspections January – June 2013	General Funds	No	\$4,340.00
Redman Solutions	Desktop Workshop and onsite training for Trapeze software	General Funds	No	\$1,800.00

**ORDINARY MEETING****Meeting Date:** 24 September 2013

<b>Firm</b>	<b>Purpose</b>	<b>Funding Source</b>	<b>External Requirement</b>	<b>6 Months to 30/06/2013</b>
C C Reeves	Heritage advisory services	General Funds	No	\$3,372.50
Ian Reynolds and Associates	Operational Review of City Planning Division	General Funds	No	\$35,300.00
Slattery Australia Pty Ltd	Preparation of Preliminary Cost Plan for Public Amenities in Kable Street Windsor	General Funds	No	\$920.00
Spectra Financial Services	Investment advisory services January to June 2013	General Funds	Division of Local Government	\$8,000.00
Support Services for Business Information	Microfiche Project and Archive processes	General Funds	No	\$4,440.00
Technology One Ltd	Property and Rating and ECM upgrade	General Funds	No	\$6,180.00
Vekta Pty Ltd	Waste Management Facility volumes December 2012 and Plan	Internal Reserve	Environment Protection Authority	\$10,900.00
Workplace Navigation Pty Ltd	Workers Compensation Management Services	General Funds	No	\$9,375.00
K D Wood Valuations (Aust) Pty Ltd	Valuation Reports for Council owned properties	General Funds	No	\$1,500.00
John Woodhouse	IT operations consultancy services	General Funds	No	\$3,884.00
Worley Parsons	Hawkesbury River Dredging investigations	General Funds / Grant Funds	No	\$25,280.00
<b>TOTAL</b>				<b>\$618,766.67</b>

**Conformance to 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.

**Funding**

This is an information report requested by Council and costs detailed have been met within existing budgets.

**RECOMMENDATION:**

That the information concerning consultancies utilised by Council during the period January to June 2013 be received.

**ORDINARY MEETING**

**Meeting Date:** 24 September 2013

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date:** 24 September 2013

ordinary

section 4

reports  
of committees

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

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

**SECTION 4 - Reports of Committees**

**ROC - Audit Committee Minutes - 14 August 2013 - (95496, 91369)**

The meeting commenced at 4.17pm

---

<b>Present:</b>	Harry Khouri Nisha Maheshwari Councillor Paul Rasmussen
<b>Apologies:</b>	Ellen Hegarty Councillor Bob Porter
<b>In Attendance:</b>	Peter Jackson - General Manager Laurie Mifsud - Director Support Services Steven Kelly - Internal Auditor Emma Galea - Acting Chief Financial Officer Dennis Banicevic - Council's External Auditor Amy Dutch - Minute Secretary

---

**REPORT:**

**RESOLVED** on the motion of Councillor Paul Rasmussen and seconded by Mr Harry Khouri that the apologies be accepted.

**Attendance Register of Audit Committee**

Member	20.2.2013	8.05.2013	14.8.2013		
Councillor Bob Porter	✓	✓	A		
Councillor Paul Rasmussen	✓	A	✓		
Councillor Mike Creed (Alternate)	N/A	N/A	N/A		
Councillor Jill Reardon (Alternate)	N/A	N/A	N/A		
Ms Ellen Hegarty	✓	✓	A		
Mr Harry Khouri	✓	✓	✓		
Ms Nisha Maheshwari (Chair)	✓	✓	✓		

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

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Mr Harry Khouri and seconded by Councillor Paul Rasmussen that the Minutes of the Audit Committee held on the 8 May 2013, be confirmed.

**SECTION 3 - Reports for Determination**

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

**Item: 1      AC - Status Report - Management Responses to Audit Recommendations - July 2013 - (91369, 79351, 121470)**

---

**DISCUSSION:**

- Ms Maheshwari enquired if the recommendations were the result of an Internal Audit or External Audit. Mr Banicevic advised that it was an Internal Audit.
- Mr Kelly noted that the training relating to staff responsible for purchasing has now been completed.
- Ms Maheshwari commented that it was good to see that the bulk of the work had been carried out.

**RECOMMENDATION TO COMMITTEE:**

That the attached Status Report on Management Responses regarding Audit recommendations be noted.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by **Mr Harry Khouri**.

That the attached Status Report on Management Responses regarding Audit recommendations be noted.

**Item: 2      AC - Status Report - Management Responses to Development Applications Audit Recommendations - July 2013 - (91369, 121470, 79351)**

---

**DISCUSSION:**

- Mr Jackson noted that the next time this matter is reported to the Committee there may be some changes due to the recent review and consultants report regarding the organisation structure of Council. He advised that there will be some changes occurring within the City Planning Division that will assist in refocusing on priority areas within the division such as the Development Assessment processes.
- Mr Kelly advised that some of the information contained within the report has been provided by Council's Manager of Planning and noted that there has been an improvement in the number of items that have been completed. He also made reference to the formation of the Development Application Monitoring Advisory Committee that will now be monitoring Development Applications.
- Mr Khouri enquired about the level of advice that is provided to applicants prior to their submission of a Development Application and whether or not this would have an effect of processing times. Mr Jackson advised that advice is provided however it is often the case that additional information is still required and the need for matters to be referred to external organisations also delays decisions being made. Mr Jackson noted that the number of Development Applications awaiting decision has decreased.
- Mr Khouri enquired if external organisations are able to approve Development Applications. Mr Jackson advised that they are not able to.

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

- Mr Banicevic made reference to contestable services such as CCs, OCs, CDCs etc and enquired if Council has reviewed their fees and charges versus the actual cost to process the applications. Mr Jackson advised that fees have been reviewed and adjusted accordingly. He also added that Council's fees are probably not competitive when compared to Private Certifiers fees due to the fact that costs involved in processing the applications have been reviewed and are priced accordingly. Mr Kelly advised that the contestable services had been looked at during the IAB audit.

Councillor Rasmussen enquired if problems are often picked up when Private Certifiers have issued certificates such as CC's and how these issues are discovered. Mr Jackson advised that these issues are usually identified when subsequent applications are submitted for the property or other matters are being followed up by staff.

**RECOMMENDATION TO COMMITTEE:**

That the attached Status Report on Management Responses regarding the Development Applications Audit recommendations be noted.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Mr Harry Khouri.

That the attached Status Report on Management Responses regarding the Development Applications Audit recommendations be noted.

**Item: 3      AC - Procurement - (96334, 91369, 121470, 79351)**

---

**DISCUSSION:**

- Mr Kelly noted that the tendering procedures referred to in the report will be developed within the next financial year and that a Purchase Card Usage OMS will also be developed.
- Councillor Rasmussen enquired what happens when Council accrues Frequent Flyer points. Mr Jackson advised that points are not accrued by Council as organisations can't do this.
- Mr Jackson noted that there has been an increase in the number of staff submitting gift and benefit notifications due to the recent re-education of staff.
- Mr Khouri enquired if the same gift and benefit notification requirements apply to staff of organisations who receive funding from Council such as the Sports Council. Mr Banicevic also enquired if they applied to 355 Committees. Mr Jackson advised that Council does not have any 355 Committees. He also advised that Council will be working with associated organisations such as the Sports Council to ensure that their practices are in line with Councils practices, this also includes procurement, purchasing and tendering practices. Mr Jackson noted that Council staff have provided assistance to the Sports Council regarding tendering.
- Ms Maheshwari made reference to the delegations review noted at the bottom of page 22 of the Business Paper and enquired if they had been carried out. Ms Galea advised that the review and changes were carried out at the end of 2012. Ms Galea added that the new procedure requires a more stringent sign off process to be followed to assist in the control of delegations and also to ensure that delegations are not exceeded. Ms Maheshwari enquired if the delegations are noted in a policy and Ms Galea confirmed that they are.

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

- Mr Banicevic enquired if staff are able to approve their own purchases. Mr Galea advised that the current software cannot prevent this however staff have been educated that they are not to do so. Ms Galea added that the Procurement section run a details exception report to monitor the issue. Mr Kelly advised that an Audit of the Accounts Payable is scheduled for the future.
- Mr Banicevic enquired if a receipt can be invoiced and processed without a purchase order and added that regular suppliers should be told not to provide their goods and services without a purchase order. Ms Galea advised that the new procedures in place address this matter and will assist in cases where it has occurred, it is not standard practice for this to occur. The new procedures and recent re-education of staff has already seen an increase in commitments. This matter will be monitored and results will be reported to Senior Management.

Councillor Rasmussen enquired about the compliance with the purchasing procedures. Ms Galea advised that the procedures were rolled out effective of 1 July 2013 and that training has been provided to relevant staff. Prior to the rollout of the procedure approximately 20% of staff were completing this process however following the roll out of the new procedures this will be monitored with the aim of 100% compliance being reached.

- Councillor Rasmussen enquired if payments are made early if discounts are offered for early payment. Ms Galea advised that the system allows for this if there is a genuine discount.

**RECOMMENDATION TO COMMITTEE:**

That the Internal Audit Report – Procurement be received and noted.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Mr Harry Khouri.

That the Internal Audit Report – Procurement be received and noted.

**Item: 4      AC - Roads and Maritime Services DRIVES Database - (91369, 79351, 121470, 93364)**

---

**DISCUSSION:**

- Mr Kelly advised that the Compliance section has requested an annual audit be carried out each year for the last two years. The results from Council's log have been cross-referenced with the RMS logs and the RMS have indicated that they are happy that the records match up.
- Mr Banicevic enquired if the log is automated. Mr Kelly advised that it is automated.

**RECOMMENDATION TO COMMITTEE:**

That the Internal Audit Report – Roads and Maritime Services DRIVES Database, be received and noted.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Mr Harry Khouri.

That the Internal Audit Report – Roads and Maritime Services DRIVES Database, be received and noted.

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

**Item: 5      AC - Fleet Management - (96334, 121470, 79351, 91369)**

---

**DISCUSSION:**

- Mr Banicevic enquired if Officers with fleet cars keep a logbook that records private and business use. Mr Jackson advised that logbooks are not kept as it is not a statutory requirement. Mr Banicevic indicated that if the FBT requirements change a logbook would be required. He raised the issue regarding staff with high private usage versus staff with low private usage and whether or not it was fair that it is possible for staff members to get two different levels of benefit from paying the same fleet car fee. Mr Jackson advised that the fleet cars are added to staff packages to attract candidates to work at Council. Ms Galea indicated that it is up to the individual staff member to decide if the fleet car is the right choice for them. Mr Kelly advised that the new leaseback costs would assist in addressing this matter.
- Mr Banicevic enquired if the fleet cost is costed out to relevant branches or to the organisation as a whole. Ms Galea advised that fleet is covered by a centralised budget however the breakup can be separated if figures are required.
- Councillor Rasmussen enquired how long fleet cars are retained. Mr Jackson advised two years or 60,000km.

**RECOMMENDATION TO COMMITTEE:**

That the Internal Audit Report – Fleet Management be received and noted.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Mr Harry Khouri.

That the Internal Audit Report – Fleet Management be received and noted.

**SECTION 4 - General Business**

- Mr Jackson requested an additional meeting be scheduled to review the Draft Accounts. Ms Galea indicated that there is only a limited timeframe in which the meeting can be held due to the timing and requirements to report the matter to Council. The Committee agreed to the meeting being held 10 October 2013 at 4pm in the Council Chambers. Ms Maheshwari requested that the Draft Accounts be provided as early as possible to allow the Committee sufficient time review them. Mr Kelly advised that the Accounts will be hand delivered to Committee Members as early as possible.
- Mr Banicevic enquired about the results of the TCorp report. Mr Jackson advised that Council's rating was moderate with a negative outlook.

The meeting terminated at 5:30pm.

Submitted to and confirmed at the meeting of the Audit Committee held on 20 November 2013.

**oooO END OF REPORT Oooo**

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

**ROC - Heritage Advisory Committee Minutes - 22 August 2013 - (80242)**

The meeting commenced at 5:03pm in Council Chambers.

---

**Present:** Professor Ian Jack - Chair  
Mr Jonathan Auld - Deputy Chair  
Ms Michelle Nichols  
Mr John Miller  
Ms Judith Newland  
Ms Carol Roberts  
Mr Glenn Falson  
Councillor Patrick Conolly

**Apologies:** Ms Janice Hart

**In Attendance:** Mr Matthew Owens  
Mrs Shari Hussein  
Ms Robyn Kozjak

---

**REPORT:**

**RESOLVED** on the motion of Mr John Miller and seconded by Mr Jonathan Auld that the apology be accepted.

**CONFIRMATION OF MINUTES**

It was noted Ms Carol Roberts absence and apology from the meeting of 9 May 2013 was inadvertently omitted in the Minutes.

**RESOLVED** on the motion of Mr John Miller and seconded by Mr Jonathan Auld that the Minutes of the Heritage Advisory Committee held on the 9 May 2013, be confirmed with the above amendment.

*Mrs Hussein arrived 5:06pm*

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

**Attendance Register of Heritage Advisory Committee**

Member	21.02.13	09.05.13	22.08.13	
Councillor Patrick Conolly	✓	A	✓	
Mr Glenn Falson	✓	A	✓	
Ms Janice Hart	✓	✓	A	
Mr John Miller	✓	✓	✓	
Professor Ian Jack	A	✓	✓	
Ms Carol Roberts	✓	✓	✓	
Mr Jonathan Auld	✓	✓	✓	
Ms Michelle Nichols	✓	✓	✓	
Ms Judith Newland	✓	✓	✓	

Comment [RK1]: Should read as an apology.

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

**SECTION 3 - Reports for Determination**

**ITEM: 1      Draft Heritage in the Hawkesbury - Education and Awareness Strategy**

---

*This item commenced and was finalised with minimal discussion, however, was revisited once Item 2 concluded.*

**DISCUSSION:**

- Ms Nichols raised concern the list of heritage items available on the heritage database was deficient in that it only listed approximately 80 items from this Council area and believed the reasons were because Council's listings did not match the required format.

Mr Owens responded that matter was being addressed and progressed and from a legal perspective was not an issue. Mrs Hussein added had been building on adding heritage information on Council's website to assist the public with researching their properties by way of FAQ's, links to heritage related organisations etc.

- The Chair asked if Council had a strategy in place for compiling a decent bibliography.

Ms Nichols responded the library holds an existing bibliography comprising of public and non-public material which would require work to bring it up to date, however, believed it would make a good starting point. The Committee thanked Ms Nichols for the offer and agreed to further confer with her regarding expanding the existing bibliography.

- Ms Nichols advised once Council had completed designing the new website, she would arrange for the upload of fact sheets which included tips on researching one's land through property searches.
- Mrs Hussein referred to History Week and Heritage Festival events on page 13 of the agenda ("Heritage Connections") and asked if the Committee might assist in the compilation of a calendar to post on Council's website to highlight the timing of those events.

Ms Nichols responded the Heritage Festival was generally held in April and History Week held in September. The Chair added at this stage dates had not been announced for next year's events.

- Ms Nichols reported in past years workshops aimed at people who owned heritage properties were held over a weekend where various heritage experts attended and asked if Council would be prepared to organise a similar event.

Mrs Hussein agreed that type of event would align with the proposed action "Hold Seminars etc" in the Strategy (it was noted proposed actions list was not included in the report).

*Councillor Conolly arrived at 5:37pm*

- Ms Nichols suggested consideration be given to launching the Barn Study at a future event and input from the Committee determined the Barn Study should be launched at the National Trust Heritage Festival in April 2014.
- Mr Miller suggested a study also be initiated for slab dwellings whilst they're still standing (*and before it's too late*).

Mrs Hussein responded some heritage listing sheets do have notations in that regard, advising the number of slab barns was approximately 196, however several more items had been identified, bringing the number closer to over 200. Mr Owens added if identified in the Strategy would assist with funding from external sources.

## ORDINARY MEETING

### Reports of Committees

- The Chair referred to the Thematic History (noting it had not been officially launched) and enquired as to the possibility of adding it to Council's website.

Mrs Hussein confirmed there were funds in the heritage reserve to facilitate that work, and Ms Nichols confirmed the Thematic History was 'ready to go', with copyright clearance etc. The Committee agreed to Mrs Hussein's suggestion for more information to be brought back to the next meeting in order to progress the launch of the Thematic History.

Further discussion arose and it was subsequently determined the Slab Barn Study and Thematic History would be launched concurrently at the National Trust Heritage Festival in April 2014.

- Mr Miller referred to the CD from Bathurst Council he had previously provided to the Committee relating to driving tours and asked if any progress had been made in relation to ideas this Council might pursue to do something similar.

Mrs Hussein responded an approach on that had not yet been explored, however, advised she had examined current technologies including an iPhone app developed by the Heritage Council of Victoria in conjunction with the Commonwealth Department of Sustainability. Mrs Hussein advised several heritage tours were included in the app, including some audio walking tours.

Ms Nichols reported the Cultural Services division had developed several walking tours and driving tours, adding the information was not formatted into the latest technology, and she believed it would cost in excess of \$10,000 to develop into an app. Mr Auld added Parramatta Council had developed a walking tour of Parramatta app at a cost of \$25,000 - \$30,000. It was agreed this would be a good project to investigate, and the Committee subsequently determined to aim to apply for grant funding next year for this project.

Mrs Hussein added the Strategy included social media which covered various technologies, and reminded members some universities provided students to undertake projects which would further reduce costs.

- Ms Nichols advised cemetery tours information sheets were now available on Council's website.

#### RECOMMENDATION TO COMMITTEE:

That the:

1. Draft "***Heritage in the Hawkesbury - education and awareness strategy***" provided in this report be recommended to Council for approval.
2. "***Heritage in the Hawkesbury - education and awareness strategy***" be regularly reviewed as part of Council's adopted three year Heritage Strategy.

#### MOTION:

RESOLVED on the motion of Mr Glenn Falson, seconded by Ms Michelle Nichols.

#### ***Refer to COMMITTEE RECOMMENDATION***

#### COMMITTEE RECOMMENDATION:

That the:

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

1. Draft “***Heritage in the Hawkesbury - education and awareness strategy***” provided in this report be recommended to Council for approval.
2. “***Heritage in the Hawkesbury - education and awareness strategy***” be regularly reviewed as part of Council’s adopted three year Heritage Strategy.

**ITEM: 2          Thompson Square Nomination**

---

**DISCUSSION:**

- The Chair advised as he was involved in the preparation of correspondence relating to the nomination of Thompson Square for National Listing, (the subject of the report), it would be appropriate for him to temporarily remove himself from the Chair.

*Mr Auld, Deputy Chair, assumed the Chair.*

- Ms Roberts asked if the CD accompanying the subject correspondence had been brought to the Committee.  
  
Mrs Hussein responded the CD has not been brought to the Committee, however she would organise copies of CD's to be provided to the Committee.
- The Committee agreed to the recommendation and Mr Owens confirmed he would respond to Mr Edds advising the matter had been before the Committee and that a separate report would be put to Council supporting the nomination.
- The Chair referred to part 2 of the recommendation and advised Tony Burke was no longer Minister for Sustainability, Environment, Water, Population and Communities. It was determined Mr Burke's name be omitted, leaving only the Minister's portfolio title as this was likely to change due to the pending federal elections.

*Professor Jack resumed the Chair resumed at 5:17pm.*

**RECOMMENDATION TO COMMITTEE:**

That:

1. The information be received and a response be provided to Mr Edds advising that the Heritage Advisory Committee has considered the correspondence from G & C Edds, I & J Jack Consortium and Associates regarding Thompson Square, Windsor.
2. Council provide a letter of support (consistent with the existing Council resolutions) for the National Heritage nomination of Thompson Square to the Honourable Tony Burke, MP Minister for Sustainability, Environment, Water, Population and Communities, Minister for the Arts.

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

**MOTION:**

RESOLVED on the motion of Ms Michelle Nichols, seconded by Ms Judy Newland.

***Refer to COMMITTEE RECOMMENDATION***

That

1. The information be received and a response be provided to Mr Edds advising that the Heritage Advisory Committee has considered the correspondence from G & C Edds, I & J Jack Consortium and Associates regarding Thompson Square, Windsor.
2. Council provide a letter of support (consistent with the existing Council resolutions) for the National Heritage nomination of Thompson Square to the Minister for Sustainability, Environment, Water, Population and Communities, Minister for the Arts.

**SECTION 5 - General Business**

- Next meeting scheduled for 7 November 2013.
- Councillor Conolly raised discussion regarding the commencement time of the meetings and the Committee agreed future meetings would commence at 5:30pm and close at 6:30pm.

*The meeting closed at 6:07pm.*

**oooO END OF REPORT Oooo**

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

**ROC - Human Services Advisory Committee Minutes - 29 August 2013 - (123486)**

The meeting commenced at 9:34am in Council Chambers

---

<b>Present:</b>	Councillor Barry Calvert, Chairperson Ms Vickie Shackley, Deputy Chairperson Mr Matt Randell
<b>Apologies:</b>	Councillor Jill Reardon Councillor Patrick Conolly Mr Nick Sabel, Wentworth Community Housing Ms Denise Handcock Ms Douglas Carbery Mr Chris McAlpine, Community Representative Mr Glenn Powers, Community Representative Mr Matthew Owens, Hawkesbury City Council
<b>In Attendance:</b>	Mr Joseph Litwin, Hawkesbury City Council Mr Michael Laing, Hawkesbury City Council Ms Deborah Hilton, Hawkesbury City Council Mr Phil Pleffer, Hawkesbury City Council Ms Birgit Walter - HARC Ms Jane Uff - HARC Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council

---

**REPORT:**

The meeting was opened by the Chair and as visitors were in attendance Mr Laing invited all attendees to introduce themselves.

**APOLOGIES:**

**RESOLVED** on the motion of Ms Vickie Shackley and seconded by Councillor Calvert that the apologies be accepted.

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Ms Vickie Shackley and seconded by Councillor Calvert that the Minutes of the Human Services Advisory Committee held on the 11 July 2013, be confirmed.

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

**Attendance Register of Human Services Advisory Committee**

Member	02/05/13	11/07/13	29/08/13		
Councillor Barry Calvert - Chair	✓	✓	✓		
Ms Vickie Shackley - Deputy Chair	✓	✓	✓		
Councillor Patrick Conolly	A	A	A		
Councillor Jill Reardon	✓	A	A		
Ms Denise Handcock	✓	✓	A		
Mr Matt Randell	A	✓	✓		
Mr Douglas Carbery	✓	✓	A		
Mr Nick Sabel	✓	A	A		
Mr Chris McAlpine	✓	✓	A		
Mr Glenn Powers	✓	A	A		

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

**SECTION 5 - General Business**

- **Planning Processes for Redbank - North Richmond - Mr Phillip Pleffer**
- **Social Impact Assessment (SIA) for Redbank - Mr Joseph Litwin**
- **Ms Birgit Walter and Ms Jane Uff - representatives from Hawkesbury Action and Resource Consortium (HARC)**

Mr Litwin invited Mr Phil Pleffer to address the Committee on the planning process in relation to Redbank and handed over to Mr Pleffer.

*Mr Pleffer reported:*

- Two major planning proposals before Council (rezoning applications), Redbank - North Richmond and Jacaranda Ponds - Glossodia.
- Redbank planning proposal seeks to amend LEP (Local Environmental Plan). LEP specifies what can and cannot be done in various locations, specifies zones, uses and minimum lot sizes for subdivision. (*Mr Pleffer distributed a flowchart of planning proposal process*).
- Received approximately 300 submissions for Redbank which deals with planning proposal and provides commentary on VPA (Voluntary Planning Agreement).
- Special clause in VPA to deal with provision of state infrastructure to ensure adequate provision made for state infrastructure.
- Below LEP is DCP (Development Control Plan). Possibly will have specific Chapter dealing with Redbank. Does not deal with community facilities. DCP pertains to subdivision and building controls.
- VPA will ensure community facilities and services - gives certainty at DA stage those commitments in VPA will be fulfilled.

**Status of VPA**

- Draft VPA initially drawn up by proponent. Requires fine tuning based on feedback from this Committee and submissions received. VPA will be put on exhibition for approximately 28-30 days. Timeframe for exhibition not yet established.
- Alternative to VPA is traditional Section 94 Plan which would include Schedule of Works.

Parties (developer, Council and RMS) progressing discussions. Staff due to meet with the NSW Department of Planning & Infrastructure on Monday 2 September 2013.

**Questions:**

- Ms Walter referred to the report from RMS and raised concern there appeared to be a vast discrepancy with costs and made enquiry regarding purchase of land.

Mr Pleffer responded the developer had already purchased the land (five years ago).

- Ms Uff referred to the report relating to current traffic congestion and asked how future congestion was taken into account.

Mr Pleffer responded that information will be included in the TMAP (Transport Management and Accessibility Plan), adding the RMS was undertaking further studies in this regard.

## ORDINARY MEETING

### Reports of Committees

- The Chair suggested the Committee review the SIA and from that document decipher what it thinks would be suitable locations for new infrastructure and recommend it gets built into VPA.

Mr Litwin added the SIA was endeavouring to measure the difference between a 'limited growth' scenario for North Richmond and a 'growth' scenario as a result of the Redbank Planning Proposal. Mr Litwin advised there was not enough detail in the draft VPA regarding facilities to be provided, costs etc.

- The Chair asked for clarification of the role of the Committee and Mr Litwin responded the recommendations in the SIA should be considered by the Committee and that information taken to a working party as part of discussions and negotiations. Mr Litwin added essentially the Committee's role would be to review the draft VPA and ensure the exhibited material included all elements the Committee believed should be included in the VPA. Mr Litwin added issues relating to community needs assessment (the SIA) only are to be identified, (and not traffic issues).

Discussions arose regarding the formation of a working party to discuss/identify gaps in the SIA and it was agreed membership would comprise of Councillor Calvert, Birgit Walter (to declare interest), Vickie Shackley, Joseph Litwin and Michael Laing. Chris McAlpine was also suggested by the Chair.

- The Chair asked the Committee to draw on local knowledge to decipher what infrastructure was required at what location (eg child centres, community facilities etc).
- Mr Pleffer advised the planning proposal will be reported to Council in the future, and at that same meeting Council would consider the draft VPA with a view to placing it on exhibition. The Chair was mindful of members of the Committee not in attendance and suggested they be given the opportunity to attend the SIA working party meeting or make comments on the draft report.

#### **MOTION:**

RESOLVED on the motion of Councillor Calvert, seconded by Mr Matt Randell.

#### ***Refer to COMMITTEE RECOMMENDATION***

That this Committee form a provisional SIA working party and approach other members not in attendance to ascertain their interest in attending an SIA working party meeting on 12 September at 9:00am.

The Chair invited Ms Uff and Mr Randell to email their input to Ms Kozjak.

- Ms Walters suggested a cultural education process be planned to assist people from diverse backgrounds to integrate with the current community. It was suggested Mr Randell email a submission on ways to assist with such integration as it was agreed cultural competence was important and should be fostered.
- Ms Walter raised existing community facilities as an issue and reported facilities would need to be substantially extended and improved to accommodate the proposed increased population in North Richmond.

Mr Litwin agreed a review of community facilities may identify a need to reconfigure existing community facilities, and not necessarily create additional facilities.

- Ms Walter raised outreach services to North Richmond as an issue, advising that should be incorporated into the plan as currently there is not enough space to accommodate that service.

## ORDINARY MEETING

### Reports of Committees

- Ms Walter added HARC (a consortium of 14 community organisations in the Hawkesbury), have put in submissions to Jacaranda Ponds and Redbank proposals as they were especially concerned about adequate funding for services for an increased population. Ms Walter added HARC undertook a survey of human services (received 39 responses), and main concerns included infrastructure costs and travel time for staff and clients. Ms Walter added the organisation meets bi-monthly.
- The Chair made reference to the Committee's Constitution advising he believed there was no provision for further membership, however, advised he would like to invite HARC as regular guests and asked if the membership could be widened. The Chair noted the Extraordinary Meeting on September 17 was pending wherein Committees were reviewed and suggested there may be opportunity to review the Constitution then.

Mr Litwin responded the Constitution would need to be amended to increase membership by way of report to Council. The Chair added he believed HARC were needed on this Committee and Mr Laing advised the Committee had capacity to fill casual vacancies as they became available and would investigate the option to have HARC attend as regular guests. It was agreed HARC be invited to the next meeting on 31 October 2013.

#### **Update re Homelessness Strategies - Mr Michael Laing**

*Mr Laing reported:*

- the recommendations from the Homelessness Workshop Council held on 26 June, 2013 were reported to Council on 30 July 2013 and adopted;
- a report on Homeless People in Public Places was also presented to Council on 30 July 2013 but was deferred to a Councillor Briefing Session on 20 August 2013. A further report from this briefing session will be reported to Council in the near future;
- there was a Hawkesbury Homeless Hub held at St. Matthews Ministry Centre on 25 July 2013 and the next Homeless Hub will be on 28 November 2013;
- a Hidden Homelessness Event for youth homelessness was held in South Windsor on 8 August 2013 during Homeless Persons Week;
- the Nepean Blacktown Taskforce on Homelessness met at Penrith Council on 28 August 2013: The 10 Year Plan to End Homelessness was due to be completed by December 2013; the UWS Research the 4 Councils co-funded will also be completed by the end of the year. Mr Laing added it was hoped that the preliminary findings from this Research ("Service Delivery System and the Unintended Causation and Perpetuation of Homelessness in the Nepean/Blacktown Region") will be available for consideration in the "Going Home Staying Home" system reforms in October/November 2013.

Mr Laing distributed the HSAC Annual Report which will be reported to Council's Extraordinary Meeting on 17 September 2013.

The Chair thanked Mr Pleffer, Ms Uff and Ms Walters for their attendance. Ms Walter subsequently thanked the Committee for inviting her and Mrs Uff, advising she welcomed the opportunity to collaborate with the Committee.

The meeting closed at 11:09am.

oooO END OF REPORT Oooo

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

**ROC - Local Traffic Committee - 9 September 2013 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Monday, 9 September 2013, commencing at 3pm.

**ATTENDANCE**

<b>Present:</b>	Councillor Kim Ford (Chairman) Mr Richard McHenery, Roads and Maritime Services Mr Bart Bassett, MP (Londonderry) Snr Constable Debbie Byrnes, NSW Police Force
<b>Apologies:</b>	Mr Kevin Conolly, MP (Riverstone) Mr Ray Williams, MP (Hawkesbury) Councillor Mike Creed - (Alternate Delegate) Snr Constable Romelda McNerney, NSW Police Force Mr Kristian Calcagno, RMS Ms Jill Lewis, NSW Taxi Council Mr Phil Davies, Westbus Mr Carlos DeSousa, Hawkesbury Valley Bus Service
<b>In Attendance:</b>	Mr Chris Amit, Manager, Design & Mapping Services Ms Judy Wong, Community Safety Coordinator Ms Laurel Tweedie, Administrative Officer, Infrastructure Services

---

The Chairman tendered an apology on behalf of Mr Kevin Conolly (Riverstone) advising that Mr Kevin Conolly (Riverstone) concurred with recommendations as contained in the formal agenda and had granted proxy to himself to cast vote(s) on his behalf.

**SECTION 1 - Minutes**

**Item 1.1      Confirmation of Minutes**

The Committee resolved on the motion of Mr R McHenery, seconded by Snr Constable D Byrnes, that the minutes from the meeting held Monday, 12 August 2013 be confirmed

**Item 1.2      Business Arising**

There was no Business Arising from the previous minutes.

**SECTION 2 - Reports for Determination**

**Item: 2.1      LTC - 9 September 2013 - Item 2.1 - Proposed Intersection works adjacent to 96 Grose Vale Road, North Richmond - Seniors Living DA0852/08 - (Londonderry) - (80245, 112157)**

---

**REPORT:**

**Introduction**

The development of a seniors housing and aged care facility in the vicinity of No 96 Grose Vale Road (original reference No. 108 Grose Vale Road), was approved by Council on the 15 September 2009. When completed, the development (since named Kingsford Smith Village) will comprise 200 homes and an 80 bed nursing home.

Councils consent (DA0852/08) conditioned the establishment of an access and pedestrian crossing to the development off Grose Vale Road with provisions for any other works required to make the construction effective as follows:

33. *Under the provisions of the Roads Act 1993, all works within the Grose Vale Road and Arthur Phillip Drive road reserve are to be approved by Hawkesbury City Council and the bulk earthworks be completed prior to the release of the Subdivision Certificate for Stage 1A. These works are to include the establishment and fencing of an area for the temporary site compound (as shown on the development staging plan – May 2010) including preparation of the existing ground surface for vehicle hard stand, site / amenity sheds and material stockpiles, the establishment of the required APZ and construction access to the rear of the future ILU stages, intersection bulk earth works at Grose Vale Road to accommodate the bus stop, approach and departure lanes, pedestrian crossing and associated refuge, footpaths, signage, stormwater and associated works and the extension of Arthur Phillip Drive to facilitate a turning head.*
79. *The Construction of the proposed entrance works in Grose Vale Road to provide for turning lanes into the proposed development. Works are to include line marking and signage, plus any other works required to make construction effective.*
80. *The 60km/h speed limit in Grose Vale Road is to be extended further to the west beyond the new intersection \*. The location of signage and associated road marking is to be determined by Hawkesbury City Council prior to any work being undertaken. All costs involved in signage, road marking etc. are to be at the expense of the developer.*

**Discussion**

The partial construction of a rural type 'T' intersection with incorporated provisions for auxiliary left and right lanes and widening for bus zones on either side of Grose Vale Road was completed in July 2013.

The Grose Vale Road Signage and Linemarking Plan prepared by J. Wyndham Price - Plan No. 8486/CC33 – Issue H, includes the following works:

- the intersection layout with the associated signs and line marking.
- the intersection layout includes works such as kerb and gutter, pavement, regulatory and warning signs, linemarking, pedestrian refuge, lighting for the pedestrian refuge, turning lanes and indented bus bays.
- the regulatory signs for the intersection include adjustment to the speed zone extent (with RMS), No Stopping zones and Bus Zone zones.

## ORDINARY MEETING

### Reports of Committees

- the installation of a pedestrian refuge is to be undertaken in accordance with RMS TDT 2011/01a.

The owners of the development, North Richmond Joint Venture have recently (email dated 9/8/2013) submitted comments relating to Councils consent and the works completed to date. The following is an extract taken from these comments:

*"A Site Compatibility Certificate (SCC) was granted by DP&I in 2007, in compliance with SEPP (Seniors) 2004. This was then followed by a development application for Seniors Living being approved by HCC in September 2009. In accordance with this DA, access to Grose Vale Rd for residents of the Seniors Living Development (SLD) is required to be provided within a certain distance and grade of the project. Grose Vale Rd is currently an unclassified regional road under the care and control of HCC. This requirement for access to this road is fulfilled by the establishment of a pedestrian footpath up to Grose Vale Rd, which has recently been completed. This path connects to a new road alignment, bus bays and pedestrian path on Grose Vale Rd currently completed to 95%. For residents (and the general public if they wish to do) to use the bus bays, a crossing of Grose Vale Rd is required to access the westbound side of the carriageway.*

*Based on the review of the RMS response to the SLD proposal prior to DA approval in 2009, it is confirmed that a pedestrian refuge is appropriate, which was concurred with at the meeting of the Development Traffic Committee on the 8 July 2013. Subsequent to this meeting, J. Wyndham Prince Plan, Grose Vale Rd - Signage and Line marking plan, denoted 8464/CC33 Revision H (dated 08/08/13) was submitted to HCC for approval. This revised plan complies with both the RMS assessment in 2009 and the subsequent concurrence by the Development Traffic Committee in July 2013. This plan is attached, and is submitted for Council approval so the finishing works (remaining 5%) to Grose Vale Rd can be completed for the benefit of the future SLD residents and the general public in this area. These finishing works comprise final AC seal, signage, and linemarking to Grose Vale Rd."*

The warrant for the provision of a pedestrian crossing in accordance with the Australian Standard (AS 1742.10-1990) cannot be met at this site as the site is currently being developed. Currently pedestrian numbers are zero and it is anticipated that numbers will be low during the early years of occupation.

Traffic volumes on Grose Vale Road adjacent to the development were measured in 2005 with a value of 4967. Taking into account growth factors, the estimated traffic volumes in 2013 would be in the order of 5400 vehicles.

The Minimum peak hour traffic and pedestrian requirements for the installation of a pedestrian crossing in accordance with AS1742.10 – 1990 under clause 6.2.2. are shown in Table 1.

**Table 1: Requirements of Australian Standard 1742.10 - 1990**

Time	Minimum number of Pedestrians (P)	Minimum number of Vehicles (V)	P x V
Peak hour	60	600	90,000

Based on the current pedestrian and traffic movements at this location, it is proposed to provide a pedestrian refuge for the expected random user and to satisfy Councils approval requirements for a road crossing. Should there be an increase in pedestrian movements at this site and the warrant for both vehicles and pedestrians can be met and the associated approval provided, the works associated with the pedestrian refuge will allow for the pedestrian refuge to be transformed to a pedestrian crossing with the provision of the associated linemarking and signage. The Grose Vale Road Signage and Line marking Plan prepared by J. Wyndham Price - Plan No. 8486/CC33 – Issue H, outlines the details of the intersection works.

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

**Committee Discussion**

Mr R McHenery, Roads and Maritime Services (RMS), advised the Committee that the Plan submitted for the intersection works requires the following amendments:

- The No Stopping Signs should be placed no further than 50 metres apart.
- Continuity (C1) lines need to be provided along the lip of the gutter across both bus bays.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr B Bassett MP, seconded by Mr R McHenery.

Support for Recommendation: Unanimous

That:

1. The proposed regulatory and warning signs, line marking, pedestrian refuge and lighting for the pedestrian refuge for the intersection works adjacent to 96 Grose Vale Road as part of DA 0852/08, be undertaken in accordance with the plan prepared by J Wyndham Prince – Plan No 8486/CC33 – Issue H, with all costs to be met by the Developer.
2. The following amendments be undertaken to the plan prepared by J Wyndham Prince – Plan No. 8486/CC33 – Issue H, to ensure:
  - a) The No Stopping zone signs be placed no further than 50 metres apart.
  - b) Continuity (C1) lines be provided along the lip of the gutter across both bus bays.

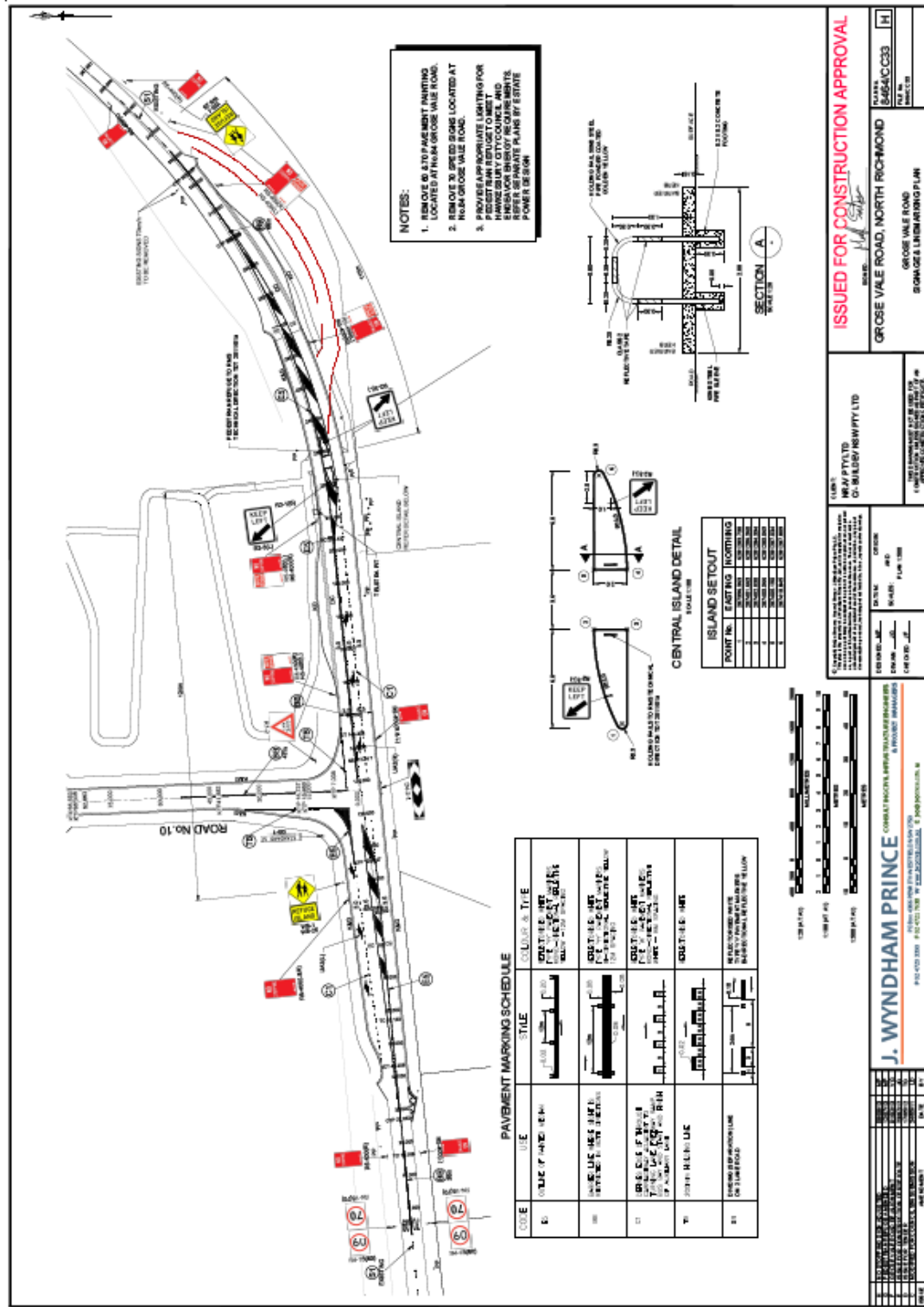
**APPENDICES:**

**AT – 1** Grose Vale Road, North Richmond – Signage and Linemarking Plan - Plan No. 8486/CC33 – Issue H.

# ORDINARY MEETING

## Reports of Committees

### AT 1 - Grose Vale Road, North Richmond – Signage and Linemarking Plan - Plan No. 8486/CC33 – Issue H



**SECTION 3 - Reports for Information**

There were no Reports for Information.

**SECTION 4 - General Business**

**Item: 4.1      Provision of Pedestrian Refuge on Castlereagh Road, Richmond - (Londonderry) - (80245)**

**Previous Item:**      Item 4.1, LTC (9 January 2012)

---

**REPORT:**

Mr Bart Bassett MP requested that Roads and Maritime Service (RMS) provide a pedestrian refuge on Castlereagh Road between John Tebbutt Place and Lennox Street, Richmond. The Refuge is required to assist School Children accessing Richmond High School.

Mr Chris Amit advised the Committee that the matter has previously been forwarded to RMS to investigate providing either a pedestrian crossing or pedestrian refuge at this location. RMS previously indicated that that the site did not meet the warrant for a pedestrian crossing.

Mr Richard McHenery (RMS) advised the Committee that the matter will be investigated and advised Mr Bassett to make a formal request in writing to the RMS as Castlereagh Road is a State Road.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of, Mr K Ford, seconded by Mr B Bassett MP.

Support for Recommendation: Unanimous

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

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

**Item: 4.2**      **Intersection Investigation by Roads and Maritime Service (RMS) March Street and East Market Street, Richmond - (Londonderry) - (80245)**

**Previous Item:**      Item 4.2, LTC (15 April 2009)

---

**REPORT:**

Mr Bart Bassett advised the committee that he attended a site meeting with representatives from RMS in early July 2013 to look at options for this intersection. One option is to ban the Right Hand Turn from March Street (west) into East Market Street (South).

Mr Bassett advised that he suggested to RMS for traffic heading to Penrith to turn right, further up (west) at Bosworth Street and then onto Lennox Street and bring them back onto East Market Street. The issue RMS have with this option is that Lennox Street between Bosworth Street and East Market Street is a Council Road and not a State Road. One way to get around this is for RMS to take over this section of Lennox Street (similar to how they took over Paget Street and Londonderry Road south of Lennox Street in 2010).

Mr Chris Amit advised the Committee that this intersection has been previously raised at LTC and correspondence forwarded to RTA/RMS to investigate and take action.

Mr Richard McHenery advised the Committee that RMS has commenced the investigation process which includes traffic counts. The traffic counts will enable modelling of the intersection to formulate a treatment. During the investigation it has been noted that the traffic banks up along March Street from East Market Street back to West Market Street during the afternoon.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr B Bassett, seconded by Snr Constable D Byrne.

Support for Recommendation: Unanimous

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Monday, 14 October 2013 at 3pm in the Large Committee Rooms.

The meeting terminated at 4:20pm.

**oooO END OF REPORT Oooo**

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

**ORDINARY MEETING**  
Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

**Councillors Questions from Previous Meetings and Responses (79351)**

---

**REPORT:**

**Questions – 10 September 2013**

#	Councillor	Question	Response
1	Williams	Requested that the accumulating dumped rubbish at Godolla Road near Creek Ridge Road be removed.	The Director City Planning advised that the matter will be investigated and the rubbish removed as soon as practicable.
2	Lyons-Buckett	Requested clarification regarding damage to the Mayoral car, and if there was damage, who was driving and what the repair costs were.	The General Manager advised that in May 2013 a kangaroo collided with the side of the Mayoral car which the Mayor was driving at the time. The cost of repairs for the damage was \$3,623.
3	Reardon	Requested that a Richmond Town Centre sign be erected on the approach to Richmond.	The Director Infrastructure Services advised that the matter will be investigated.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

Questions for Next Meeting

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

**CONFIDENTIAL REPORTS**

**Item: 202      IS - Tender No. WR06-12/13 - Tender for the Provision of Pavement Marking Services 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)(c) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

*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: 203      SS - Property Matter - Lease to The Hills Family Trust - Shop 8 Wilberforce Shopping Centre - (125631, 95496, 102035) CONFIDENTIAL**

---

**Reason for Confidentiality**

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

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

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



ordinary  
meeting

end of  
business  
paper

This business paper has  
been produced  
electronically to reduce  
costs, improve efficiency  
and reduce the use of  
paper. Internal control  
systems ensure it is an  
accurate reproduction of  
Council's official copy of  
the business paper.