



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 28 March 2017

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

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

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

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 Chairperson will then ask the Councillors to vote, generally by a show of hands or voices. Depending on the vote, a motion will be 'Carried' (passed) or 'Lost'.

## **Planning Decision**

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

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

## **Business Papers**

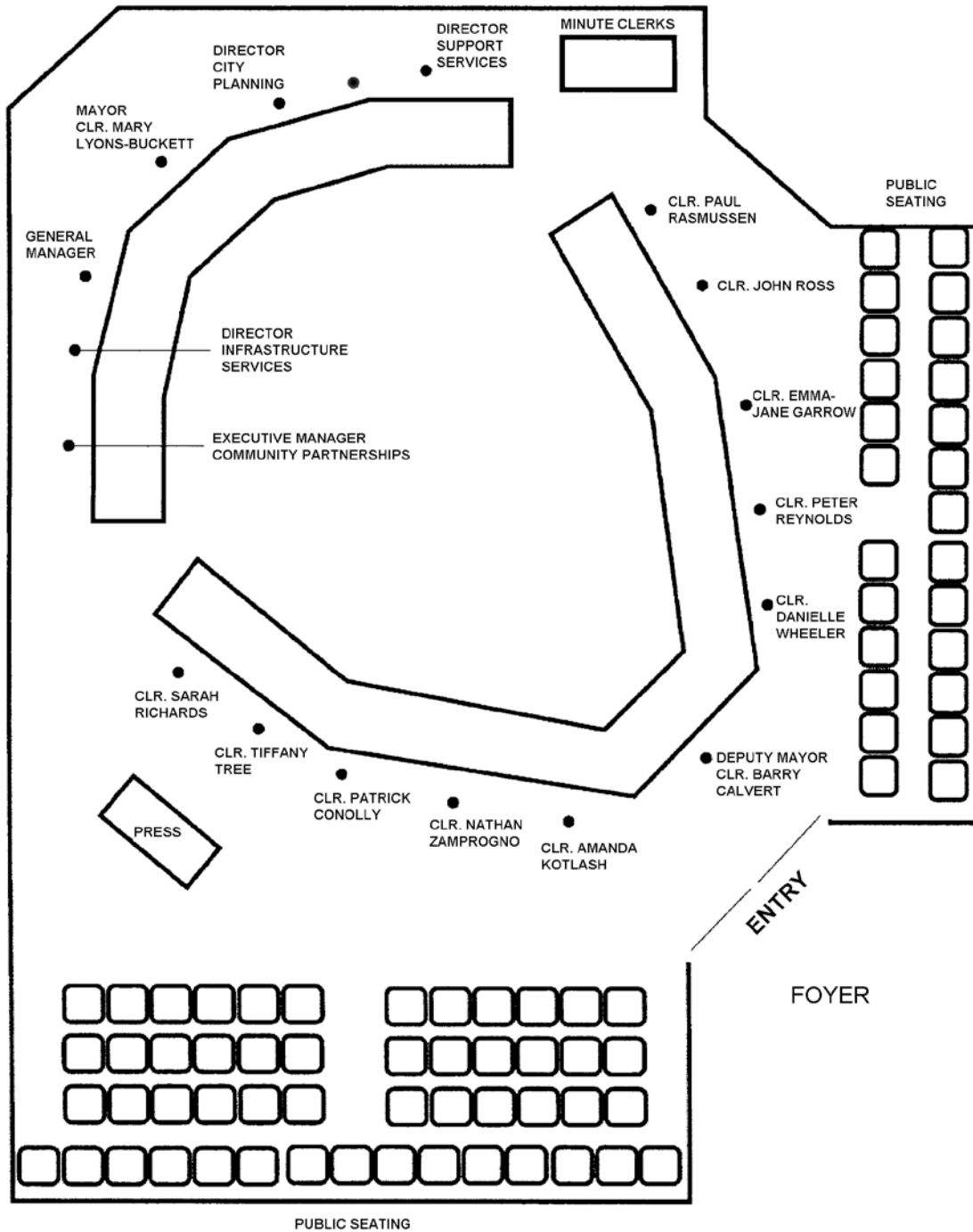
Business papers can be viewed online from 12pm on the Friday before the meeting on Council's website <http://www.hawkesbury.nsw.gov.au>

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

## **Further Information**

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

# Hawkesbury City Council





**ORDINARY MEETING**

**Table of Contents**

**Meeting Date: 28 March 2017**

**AGENDA**

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

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 28 March 2017



**ORDINARY MEETING****Table of Contents****Meeting Date:** 28 March 2017**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>SECTION 1 - Confirmation of Minutes</b>		<b>3</b>
<b>SECTION 3 - Reports for Determination</b>		<b>7</b>
<b>GENERAL MANAGER</b>		<b>7</b>
Item: 57	GM - 2017 National General Assembly of Local Government - (79351, 82046)	7
Item: 58	GM - Affordable Housing Australia Conference - (79351)	9
Item: 59	GM - Australian Local Government Women's Association Annual Conference - (79351, 82046)	11
<b>CITY PLANNING</b>		<b>13</b>
Item: 60	CP - Draft Hawkesbury Community Strategic Plan 2017-2036 - Community Engagement - (95498, 124414)	13
Item: 61	CP - Permissibility of Detached Dual Occupancy within the Hawkesbury Local Government Area - (95498, 124414)	19
Item: 62	CP - Submission on the Draft West District Plan - (95498, 124414)	53
<b>INFRASTRUCTURE SERVICES</b>		<b>57</b>
Item: 63	IS - Proposed Markets for McLeod Park, South Windsor - (95495, 79354)	57
Item: 64	IS - Windsor Bridge Replacement Project - RMS Draft Urban Design and Landscape Plan Consultation - (123265, 95495)	59
<b>SUPPORT SERVICES</b>		<b>65</b>
Item: 65	SS - Monthly Investments Report - February 2017 - (95496, 96332)	65
<b>SECTION 4 - Reports of Committees</b>		<b>71</b>
ROC	Local Traffic Committee - 13 March 2017 - (80245)	71
<b>QUESTIONS FOR NEXT MEETING</b>		<b>83</b>
	Councillor Questions from Previous Meetings and Responses - (79351)	83
<b>CONFIDENTIAL REPORTS</b>		<b>85</b>
Item: 66	SS - Property Matter - Assignment of Lease from Wayne Edwards Holdings Pty Ltd to J Jona and W Koro - 35 Macquarie Street, Windsor - (95496, 112106, 130695) CONFIDENTIAL	85
Item: 67	SS - Property Matter - Lease to Nufarm Petroleum Pty Limited - Road Reserve adjoining Lot 105 in Deposited Plan 1042797 - 501-509 Bells Line of Road, Kurmond - (95496, 112106, 136181) CONFIDENTIAL	86

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 28 March 2017

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:** 28 March 2017



## ORDINARY MEETING

Meeting Date: 28 March 2017

### SECTION 3 - Reports for Determination

#### GENERAL MANAGER

Item: 57                      GM - 2017 National General Assembly of Local Government - (79351, 82046)

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#### REPORT:

##### Executive Summary

The 2017 National General Assembly of Local Government (NGA), conducted by the Australian Local Government Association (ALGA), will be held in Canberra from 18 to 21 June 2017. Due to its relevance to Council's business, it is recommended that the 2017 NGA be attended by Councillors and appropriate staff.

##### Consultation

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

##### Background

The NGA of the ALGA will be held from 18 to 21 June 2017 in Canberra. The NGA represents a unique opportunity for leading Australian companies to connect with delegates from councils across Australia. The NGA is an opportunity for key local government representatives to debate issues of national significance, hear from political academic speakers as well as to develop policy and fiscal strategy for the coming year.

Cost of attendance at the 2017 NGA will be approximately \$2,200 plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made:

Total Budget for Financial Year 2016/2017	\$48,000
Expenditure to date	\$19,998
Outstanding Commitments as at 20 March 2017 (approx.)	\$14,130
Budget balance as at 20 March 2017 (approx. including outstanding commitments)	<u>\$13,872</u>

It should be noted that the outstanding commitments referred to above are in relation to Councillor attendance at the following conferences, which have previously been authorised by Council:

- 2017 Local Government NSW Tourism Conference held at Taree in March 2017
- 2017 Local Government Professionals Australia National Congress and Business Expo to be held in May 2017
- 2017 Floodplain Management Australia National Conference to be held in May 2017.

## **ORDINARY MEETING**

**Meeting Date:** 28 March 2017

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

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

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

and is also consistent with the strategies in the CSP being:

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

### **Financial Implications**

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

### **RECOMMENDATION:**

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2017 National General Assembly of Local Government at an approximate cost of \$2,200, plus travel expenses per delegate be approved.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 28 March 2017

Item: 58

GM - Affordable Housing Australia Conference - (79351)

### REPORT:

#### Executive Summary

The Affordable Housing Australia Conference will be held in Sydney from 17 to 18 May 2017. Due to its relevance to Council's business, it is recommended that the Affordable Housing Australia Conference be attended by Councillors and appropriate staff.

#### Consultation

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

#### Background

The Affordable Housing Australian Conference will be held in Sydney from 17 to 18 May 2017. The Conference will bring together experts, not only from Australia but international case studies as well and will be an opportunity to examine the issues of affordable housing and discuss innovative ways to address the challenges.

Cost of attendance at the Affordable Housing Australia Conference will be approximately \$2,050 plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made:

Total Budget for Financial Year 2016/2017	\$48,000
Expenditure to date	\$19,998
Outstanding Commitments as at 20 March 2017 (approx.)	\$14,130
Budget balance as at 20 March 2017 (approx. including outstanding commitments)	\$13,872

It should be noted that the outstanding commitments referred to above are in relation to Councillor attendance at the following conferences, which have previously been authorised by Council:

- 2017 Local Government NSW Tourism Conference held at Taree in March 2017
- 2017 Local Government Professionals Australia National Congress and Business Expo to be held in May 2017
- 2017 Floodplain Management Australia National Conference to be held in May, 2017.

#### Conformance to the Hawkesbury Community Strategic Plan

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

- Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Have friendly neighbourhoods, connected communities, and supported household and families.
- Have future residential and commercial development designed and planned to minimise impacts on local transport systems, allowing easy access to main metropolitan gateways.

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

- Encourage affordable, diverse and quality housing solutions in serviced areas.

**ORDINARY MEETING**

**Meeting Date:** 28 March 2017

**Financial Implications**

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

**RECOMMENDATION:**

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Affordable Housing Australia Conference at an approximate cost of \$2,050, plus travel expenses per delegate be approved.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 28 March 2017

**Item: 59**                      **GM - Australian Local Government Women's Association Annual Conference - (79351, 82046)**

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### REPORT:

#### Executive Summary

The 2017 Australian Local Government Women's Association (ALGWA) Annual Conference will be held at Penrith from 4 to 6 May 2017. Due to its relevance to Council's business, it is recommended that the 2017 ALGWA Annual Conference be attended by Councillors and appropriate staff.

#### Consultation

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

#### Background

The 2017 ALGWA Annual Conference will be held at Penrith from 4 to 6 May 2017. The Conference features an entertaining, thought-provoking and informative program of speakers and workshops.

Cost of attendance at the 2017 ALGWA Annual Conference will be approximately \$1,220 plus travel expenses per delegate. Due to its close proximity to the Hawkesbury, it is anticipated that accommodation during the Conference will not be required and therefore, not included in the expected costs.

Budget for Delegate Expenses - Payments made:

Total Budget for Financial Year 2016/2017	\$48,000
Expenditure to date	\$19,998
Outstanding Commitments as at 20 March 2017 (approx.)	\$14,130
Budget balance as at 20 March 2017 (approx. including outstanding commitments)	<u>\$13,872</u>

It should be noted that the outstanding commitments referred to above are in relation to Councillor attendance at the following conferences, which have previously been authorised by Council:

- 2017 Local Government NSW Tourism Conference held at Taree in March 2017
- 2017 Local Government Professionals Australia National Congress and Business Expo to be held in May 2017
- 2017 Floodplain Management Australia National Conference to be held in May 2017.

#### Conformance to the Hawkesbury Community Strategic Plan

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

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

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

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

**ORDINARY MEETING**

**Meeting Date:** 28 March 2017

**Financial Implications**

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

**RECOMMENDATION:**

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2017 Australian Local Government Women's Association Annual Conference at an approximate cost of \$1,220, plus travel expenses per delegate be approved.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 28 March 2017

### CITY PLANNING

**Item: 60**                      **CP - Draft Hawkesbury Community Strategic Plan 2017-2036 - Community Engagement - (95498, 124414)**

**Previous Item:**        280, Ordinary (11 December 2007)  
                              76, Ordinary (29 April 2008)  
                              56, Ordinary (31 March 2009)  
                              220, Ordinary (13 October 2009)  
                              255, Ordinary (24 November 2009)  
                              188, Ordinary (9 October 2012)  
                              225, Ordinary (11 December 2012)  
                              213, Ordinary (11 October 2016)  
                              273, Ordinary (13 December 2016)

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### **REPORT:**

#### **Executive Summary**

The Hawkesbury Community Strategic Plan (CSP) sits above all other Council plans and policies. Its purpose is to identify the Hawkesbury community's priorities and aspirations for the future, and the strategies within it should take into consideration the issues and pressures that affect the community, and the level of resources realistically available. Given this, the significance of the CSP to the community, and to Council is of the highest order, and ensuring that it is fully reflective of the Hawkesbury community's aspirations is viewed as critical.

Legislation strictly requires that each newly elected Council must review their respective CSP and develop a new Delivery Program (DP) by 30 June in the year following the local government elections (i.e. 30 June 2017). As the CSP informs the development of the DP, subsequent Operational Plan and annual budget, Council considered a report to its Ordinary Meeting of 11 October 2016 that highlighted that it was essential for Council to commence its review of the CSP as soon as possible in order to enable it to inform the development of subsequent plans and policies and meet legislative timeframes. At its Meeting on 11 October 2016, Council resolved to commence the process to review the Hawkesbury CSP on the basis, and timeframe outlined in that report and the draft Community Engagement Strategy (CES) attached to that report.

Following the adoption by Council at its Meeting on 11 October 2016 of the process to review the CSP, that process commenced and advanced to a point where the Draft CSP was ready to be considered by Council for adoption for the purposes of community engagement at its Ordinary Meeting of 13 December 2016.

The CES implemented a range of engagement methods to inform, consult, and involve the community in the review of the CSP, and what the Hawkesbury should aspire to be in 20 years. The engagement process spanned a seven week period from 23 January 2017 until 12 March 2017 which was significantly longer than the statutory 28 day public exhibition period prescribed by legislation, and importantly was reflective of the nature and importance of the reason for engagement.

The main aim of the CES was to verify with the community their aspirations for the future, their priorities, challenges/considerations for our future, and whether or not the directions and strategies contained within the Draft Hawkesbury CSP were an appropriate response.

The purpose of this report is to report back to Council on the outcomes of the CES and ongoing review of the draft Hawkesbury CSP, and to recommend amendments to the draft for formal adoption.

**Development of the Draft Community Strategic Plan**

On 11 October 2016, Council adopted a process and strategy to review the CSP. In accordance with this process, Councillors have played an integral part in initial construction of a Draft CSP for community engagement and the further refinement of the content of the Draft CSP. Councillor involvement has included individual sessions with the external consultant engaged by Council to assist in the preparation of the consultation draft, active participation in a CSP weekend workshop, and ongoing reviews of the working draft conducted over several further briefing sessions and mini workshops, and the provision of written feedback and comment throughout this process.

Councillors also attended town meetings and participated on information kiosks to listen and engage directly with residents about the content of the CSP which has subsequently informed Councillor input into the refinement of the working draft.

**Consultation - Community Engagement**

At Council's Ordinary Meeting of 11 October 2016, Council resolved:

*"That as required under the Local Government Act 1993, Council commence the process to review the Hawkesbury Community Strategic Plan 2013-2032 on the basis of the process, and timeframe outlined in this report, and the Draft Community Engagement Strategy attached to this report."*

The adopted CES was prepared under Council's Community Engagement Policy as a Level 1 trigger that reflected the need to engage with the Hawkesbury community and all stakeholders in a transparent and collaborative manner. The CES was devised for both the engagement associated with the Draft Hawkesbury CSP, and the Draft DP, with the latter still to be formally considered by Council.

It was also considered that there would be considerable benefits to the CSP review process if Councillors were directly involved in the implementation of various components of the CES, in addition to the actual review process. Such an approach has provided Councillors an opportunity to hear directly from the community on matters in a structured manner.

The CES implemented a range of engagement methods to inform, consult, and involve the community in the review of the CSP, and what the Hawkesbury should aspire to be in 20 years. The engagement process spanned a seven week period from 23 January 2017 until 12 March 2017 which was significantly longer than the statutory 28 day public exhibition period prescribed by legislation, and importantly was reflective of the nature and importance of the reason for engagement.

The main aim of the CES was to verify with the community their aspirations for the future, their priorities, challenges/considerations for our future, and whether or not the directions and strategies contained within the Draft Hawkesbury CSP were an appropriate response.

As an outline of the engagement process undertaken as part of the CES, the following provides a snapshot:

- nine Town Meetings across the Hawkesbury attended by 350 people. Locations included Pitt Town, St Alban's, Kurrajong, Colo Heights, North Richmond, Glossodia, Windsor, Richmond and Bligh Park
- over 250 Big Picture Challenges for the future of the Hawkesbury raised by the community
- over 400 Individual Priorities for works or services within each neighbourhood identified
- shopping centre 'Listening Kiosks' held at Windsor, Richmond, Bilpin, North Richmond, and Wilberforce providing the opportunity to engage directly with the Hawkesbury community



## ORDINARY MEETING

Meeting Date: 28 March 2017

- 'Listening Kiosks' at various events during the engagement process including, Australia Day Awards, Richmond Pool Party, and McLeod Park Opening
- targeted youth engagement: Richmond Pool Party, Western Sydney University Open Day and at the Family Fun Day at the Oasis Aquatic and Leisure Centre by way of Vox Pop's
- information postcards sent to all ratepayers with rates instalment notices and the community newsletter
- an average of 30 people per day viewed the Draft Hawkesbury Community Strategic Plan via the Your Hawkesbury Your Say (YHYS) page which included the Online Survey
- in excess of 2,100 copies of the Draft Hawkesbury Community Strategic Plan document were given to residents through various sources (Town Meetings, Listening Kiosks, events, customer service counter, displays at libraries).

The outcomes of the CES are discussed in the Community Engagement Section of this report, and the amended Hawkesbury CSP has a series of additional pages to highlight the CES undertaken, in addition to the outcomes of that process.

### Background

The Hawkesbury CSP sits above all other Council plans and policies. Its purpose is to identify the Hawkesbury community's priorities and aspirations for the future, and the strategies within it should take into consideration the issues and pressures that affect the community, and the level of resources realistically available. Given this, the significance of the CSP to the community, and to Council is of the highest order, and ensuring that it is fully reflective of the Hawkesbury community's aspirations is viewed as critical.

The Integrated Planning and Reporting Framework requires all local authorities in NSW to produce a CSP with a minimum timeframe of 10 years and is more directional than an actioning type document. All subsequent plans and policies that outline Council's actions stem from the CSP including the Resourcing Strategy, DP with a timeframe of four years (term of the Council), an annual Operational Plan and an Annual Report.

In summary, all local authorities are required to have in place the following Integrated Planning and Reporting Framework:

- a CES that sets out how each council will engage its community when developing or reviewing its CSP
- a CSP (minimum timeframe of 10 years - it should be noted that the current CSP has a timeframe of 20 years)
- a Resourcing Strategy that includes a long term financial plan, a workforce management strategy and an asset management policy, strategy and plans
- a Delivery Program covering the four year term of Council
- an Operational Plan, including a statement of revenue policy, and a detailed annual budget.

## ORDINARY MEETING

Meeting Date: 28 March 2017

The CSP must contain:

- a community vision statement
- strategic objectives addressing social, environmental, economic and civic leadership (quadruple bottom line) issues identified by the community
- strategies for achieving each objective

Legislation strictly requires that each newly elected Council must review their respective CSP and develop a new DP by 30 June in the year following the local government elections (i.e. 30 June 2017). As the CSP informs the development of the DP, subsequent Operational Plan and annual budget, Council considered a report to its Ordinary Meeting of 11 October 2016 that highlighted that it was essential for Council to commence its review of the CSP as soon as possible in order to enable it to inform the development of subsequent plans and policies and meet legislative timeframes. At its Meeting on 11 October 2016, Council resolved to commence the process to review the Hawkesbury CSP on the basis, and timeframe outlined in that report, and the draft CES attached to that report.

Following the adoption by Council at its Meeting on 11 October 2016 of the process to review the CSP, that process commenced and advanced to a point where the Draft CSP was ready to be considered by Council for adoption for the purposes of community engagement at its Ordinary Meeting of 13 December 2016. At that Meeting, Council resolved as follows:

"That:

1. *The Draft Community Strategic Plan as attached as Attachment 1 to this report be adopted for the purpose of community engagement, with the engagement process to be in accordance with the Community Engagement Strategy adopted by Council on 11 October 2016.*
2. *Following the implementation of the Community Engagement Strategy a further report be submitted to Council to consider the outcomes of the engagement strategy and amend, if required, the draft prior to adoption of the Community Strategic Plan."*

Councillors have been an integral part of this review process, including involvement in ongoing reviews of the working draft CSP Structure, Vision, Mission, Values, new Focus Areas, and the Key Directions, Strategies and Measures.

The review process has been an exhaustive process, with the principal aim being to prepare a new CSP following a significant review process designed to ensure it is reflective of the Hawkesbury community's aspirations.

The purpose of this report is to report back to Council on the outcomes of the CES and ongoing review of the draft Hawkesbury CSP, and to recommend amendments to the draft for formal adoption.

There are a series of attachments to this report to assist in understanding the outcomes of the CES, formal submission, and the proposed amendments to the draft Hawkesbury CSP as a consequence of engagement with the community and ongoing review of the draft. These attachments include:

- Attachment 1 - Draft Hawkesbury Community Strategic Plan 2017-2036 - Summary on Community Engagement Outcomes
- Attachment 2 - Draft Hawkesbury Community Strategic Plan 2017-2036 - Summary of Submission and Responses
- Attachment 3 - Draft Hawkesbury Community Strategic Plan 2017-2036 - Summary of Proposed Amendments following engagement and review
- Attachment 4 - Amended Hawkesbury Community Strategic Plan 2017-2036

### *Community Engagement*

A summary of the Community Engagement Outcomes is contained within Attachment 1. The engagement highlighted the following main outcomes:

- a summary of the Community Engagement Outcomes is contained within Attachment 1
- the engagement highlighted that for the most part consideration of the main challenges facing the Hawkesbury contained within the draft CSP reflected the views expressed by the community
- additionally, the responses to the Key Directions and Strategies contained within the draft CSP indicated a strong level of support from the community either through the Online Survey or recorded feedback throughout the period of community engagement.
- The Summary contained within Attachment 1 details this feedback.

### *Submission*

A single formal submission was received in respect of the draft CSP, and Attachment 2 provides a summary of that submission in addition to a response to each of the matters raised in the submission. As highlighted in the attachment, the following amendments to the draft CSP have been recommended.

- A single formal written submission was received in respect of the draft CSP and Attachment 2 provides a summary of that submission in addition to a response to each of the matters raised in the submission.
- Attachment 2 also responds to submissions received as part of the Online Survey with 22 submissions received via that method.
- As highlighted in the attachment, a number of amendments to the draft CSP have been recommended in conjunction with the process of ongoing review of the draft CSP by Councillors and staff.

### *Amended Hawkesbury Community Strategic Plan*

In addition to the outcomes of the Community Engagement, and single formal submission there has been a process of ongoing review of the draft CSP involving councillors and staff. This ongoing review has been particularly mindful of the relationship between the CSP and the DP which is currently under construction. As a consequence there have been a series of amendments proposed to the draft CSP. Attachment 3 provides a Summary of Proposed Amendments following the engagement and review process, whilst Attachment 4 contains the Amended Hawkesbury Community Strategic Plan 2017-2036 which has been recommended for Council to adopt.

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

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

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

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

- Achieve community respect through good corporate governance and community leadership and engagement; and
- Make decisions in ways that are transparent, fair, balanced and equitable supported by appropriate resource allocations

## ORDINARY MEETING

Meeting Date: 28 March 2017

### Financial Implications

Funding to enable the review of the Hawkesbury CSP and CES as required by legislation has already been included within the 2016/2017 Adopted Operational Plan.

### RECOMMENDATION:

That

1. Council receive the outcomes of the Community Engagement Strategy associated with the Draft Hawkesbury Community Strategic Plan.
2. Council adopt the amended Hawkesbury Community Strategic Plan 2017-2036 attached as Attachment 4 to this report.
3. Subject to any necessary minor editing and layout amendments that do not change the intent of the Plan, the adopted Hawkesbury Community Strategic Plan 2017-2036 be published.

### ATTACHMENTS:

- AT - 1** Draft Hawkesbury Community Strategic Plan 2017-2036 - Summary on Community Engagement Outcomes - *(Distributed Under Separate Cover)*
- AT - 2** Draft Hawkesbury Community Strategic Plan 2017-2036 - Summary of Submission and Responses - *(Distributed Under Separate Cover)*
- AT - 3** Draft Hawkesbury Community Strategic Plan 2017-2036 - Summary of Proposed Amendments following engagement and review - *(Distributed Under Separate Cover)*
- AT - 4** Amended Hawkesbury Community Strategic Plan 2017-2036 - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 28 March 2017

**Item: 61**                      **CP - Permissibility of Detached Dual Occupancy within the Hawkesbury Local Government Area - (95498, 124414)**

**Previous Item:**            239, Ordinary (9 December 2014)  
                                 41, Ordinary (31 March 2015)  
                                 NM1, Ordinary (31 May 2016)

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### REPORT:

This report has been prepared as a response to the Notice of Motion on 11 October 2016, where Council resolved:

*"That:*

- 1. Council provide an update on the status of the previous Council's attempts to allow Detached Dual Occupancy in the Hawkesbury LGA.*
- 2. The update include who is currently considering the application, what action they still require to be taken to approve it and a timeframe for when we should have a result."*

The report highlights the actions undertaken to date, the outcomes of those actions, the significance of the Hawkesbury-Nepean Flood Risk Management Strategy, and discussion on potential options for Council to consider in this respect.

Recommendations have been made with respect to:

- Council advocating for the release of the Hawkesbury-Nepean Flood Risk Management Strategy.
- Council considering the inclusion of regional flood issues in its submission to the Greater Sydney Commission regarding the Draft West District Plan.
- Reconsidering options in terms of the permissibility of secondary dwellings and dual occupancy (detached) across the Hawkesbury Local Government Area following the release of the Hawkesbury-Nepean Flood Risk Management Strategy.

### Consultation

Given this matter is reporting on the previous actions of Council in respect of the permissibility of secondary dwellings and detached dual occupancy, no consultation is required.

### Background

This report has been prepared as a response to the Notice of Motion at Council's Ordinary Meeting dated 11 October 2016, where Council resolved:

*"That:*

- 1. Council provide an update on the status of the previous Council's attempts to allow Detached Dual Occupancy in the Hawkesbury LGA.*
- 2. The update include who is currently considering the application, what action they still require to be taken to approve it and a timeframe for when we should have a result."*

## ORDINARY MEETING

Meeting Date: 28 March 2017

The following provides an outline of the actions undertaken to date, the outcomes of those actions, the significance of the Hawkesbury-Nepean Flood Risk Management Strategy, and discussion on potential options for Council to consider in this respect.

### ***Council's Ordinary Meeting 9 December 2014***

At Council's Ordinary Meeting of 9 December 2014, a report was considered in respect of the Permissibility of Rural Secondary Dwellings and Detached Dual Occupancy in the Hawkesbury Local Government Area LGA.

The purpose of the report to the Ordinary Meeting of 9 December 2014 was to discuss options for making secondary dwellings and detached dual occupancy development types permitted within the rural zones of the Hawkesbury LGA under the Hawkesbury Local Environmental Plan (LEP 2012). The report indicated that the current provisions of the LEP 2012 prohibit both secondary dwellings and detached dual occupancy development in rural and environmental zones. The previous Plan, LEP 1989, also had the same prohibitions in place. The report provided a consolidation of previous reports, briefings and resolutions that stemmed back from 2012, with a number of options discussed in that report summarised as follows:

1. Locational criteria for permitted secondary dwellings.
2. Citywide permissibility of secondary dwellings in all rural and environmental zones.
3. Locational criteria for permitting detached dual occupancy.
4. Citywide permissibility of detached dual occupancy in all rural and environmental zones.

A copy of the report to Council's Ordinary Meeting of 9 December 2014 has been included as Attachment 1. The report recommended that both Option 1 and Option 3 be pursued which would have involved a planning proposal being prepared that sought to amend Clause 2.5 of LEP 2012 to permit secondary dwellings and detached dual occupancy within certain rural areas and zones.

The report also recommended that accompanying development controls (via a new DCP chapter) and a contributions plan (a new Section 94 Plan) be prepared.

Further, the report suggested that an amendment to Council's enforcement policy include a 12 month moratorium on orders after the gazettal of a planning amendment. This was recommended at the time in order to assist with the regulation of unauthorised development and to encourage the submission of development applications for converting existing unauthorised land uses or buildings to either secondary dwellings or dual occupancy development.

Following consideration of the matter, Council resolved as follows at its Ordinary Meeting of 9 December 2014:

*"That:*

1. *The report regarding the options for amending Hawkesbury Local Environmental Plan 2012 to permit "secondary dwellings" and "detached dual occupancy" be received and noted.*
2. *Council officers prepare a concept planning proposal for discussion with the Department of Planning in February 2015 based on the recommendations in this report for both Option 1 and Option 4 (4 ha) to amend Local Environmental Plan 2012 to permit "secondary dwellings" and "detached dual occupancy" within all rural zones and E3 & E4 environmental zones.*
3. *Should the Department of Planning and Environment support the preliminary discussions about the concept planning proposal, a planning proposal be prepared and be referred to the Department for a gateway determination.*

## ORDINARY MEETING

Meeting Date: 28 March 2017

4. Council also amend the Residential Land Strategy to address the Policy change to permit Secondary Dwellings and Detached Dual Occupancy as described in this report.
5. A further report be presented to Council in the first quarter of 2015 providing an update on the status of the planning proposal, Development Contributions (Section 94) Plan, DCP chapter and Enforcement Policy chapter preparation."

Given this resolution of Council, Officers then proceeded to action this matter, and included provisions for both the secondary dwellings and detached dual occupancy uses within all rural zones and E3 and E4 environmental zones as part of the report presented to Council regarding the General Amendments planning proposal.

### Council's Ordinary Meeting 31 March 2015

At Council's Ordinary Meeting of 31 March 2015, Council considered a report in respect of the General Amendments to LEP 2012. LEP 2012 was gazetted on 21 September 2012 and at the same time repealed LEP 1989. The primary objective in preparing LEP 2012 was to convert the provisions of LEP 1989 into the Department of Planning and Environment's standardised local environmental plan (known as the "standard instrument") without making substantial or significant changes to underlying land use permissibility's or minimum lot size provisions.

However, as outlined within that report since the gazettal of LEP 2012 a number of matters had arisen, including the permissibility of certain land uses; Policy for minimum lot sizes within the township of Wilberforce; the interpretation and application of clauses; and minor drafting and mapping errors. In addition, Council had received some requests to make amendments to the LEP.

The report also included a recommendation with respect to the inclusion of secondary dwellings and dual occupancy (detached) as part of the General Amendments planning proposal, with the proposed amendment to the LEP 2012 relevant to this matter being:

Item 1.17	
<b>Description</b>	Insert a local provision for <i>dual occupancies (detached)</i>
<b>Proposed Amendment</b>	<p>Insert new controls in the LEP, preferably in Clause 5.4, relating to <i>dual occupancy (detached)</i> development:</p> <p><b><i>Dual occupancy (detached)</i></b></p> <p>(a) <i>If development for the purposes of dual occupancy (detached) is permitted in the RU1, RU2, RU4, RU5, E3 and E4 zones the development shall not be located on a lot smaller than 4 hectares.</i></p> <p>(b) <i>Development consent must not be granted for the erection of more than 2 dwellings on a lot to which this clause applies.</i></p> <p>(c) <i>Development consent must not be granted for the subdivision of a dual occupancy on a lot to which this clause applies.</i></p>
<b>Explanation</b>	<p>These new provisions relate to Councils resolution to change the permissibility of <i>dual occupancies (detached)</i> as referred to in Item 3.3 of this planning proposal and a report presented to Council at the Ordinary meeting of 9 December 2014. The report of 9 December 2014 is included in Attachment 6 of this planning proposal.</p> <p>As part of Council's resolution to permit <i>dual occupancies (detached)</i> in certain zones it was proposed that a minimum lot size provision of 4ha be required for this land use in order to ensure that there would be sufficient land area to allow for this type of development.</p>

## ORDINARY MEETING

Meeting Date: 28 March 2017

Item 3.3	
<b>Description</b>	Permit <i>secondary dwellings</i> and <i>dual occupancies (detached)</i> with consent in certain zones
<b>Proposed Amendment</b>	<p>Permit <i>secondary dwellings</i> and <i>dual occupancies (detached)</i> with consent in the following zones:</p> <ul style="list-style-type: none"> <li>• RU1 Primary Production</li> <li>• RU2 Rural Landscape</li> <li>• RU4 Primary Production Small Lots</li> <li>• RU5 Village</li> <li>• E3 Environmental Management</li> <li>• E4 Environmental Living.</li> </ul>
<b>Explanation</b>	<p>Council resolved at the Ordinary meeting of 9 December 2014 that Council officers prepare a planning proposal to permit <i>secondary dwellings</i> and <i>dual occupancies (detached)</i> within all rural zones and E3 and E4 environmental zones.</p> <p>The reasoning behind this was to allow for additional housing opportunities on land within the rural and environmental zones that currently permit <i>dual occupancies (attached)</i>. This will not increase housing densities or expected land uses than what would otherwise be envisaged by the current LEP. The report considering this proposed amendment is included in Attachment 6 to this planning proposal.</p>

Following consideration of the matter, Council resolved as follows at its Ordinary Meeting of 31 March 2015:

*"That a planning proposal be prepared and forwarded to the Department of Planning & Environment seeking a Gateway Determination to:*

1. *Adopt newly defined uses and change the permissibility of current uses under LEP 2012 as outlined in this report and attachment.*
2. *Re-draft clauses within LEP 2012 which are unclear or have lost the intent of the clauses previously included under LEP 1989.*
3. *Make minor corrections to particular wording or referencing identified in the written instrument and maps of LEP 2012.*
4. *Rezone Lot 1 DP 1041524, 46 Bourke Street Richmond (known as "Pound Paddock") to RE1 Public Recreation.*
5. *Reclassify two parcels of Council managed land being Lots 2 and 3 in DP582878, 1913 and 1905 Bells Line of Road, Kurrajong Heights from 'community' land to 'operational' land."*

Given this resolution of Council, Officers then proceeded to action this matter, and included provisions for both the secondary dwellings and dual occupancy (detached) uses within all rural zones and E3 and E4 environmental zones as part of the General Amendments planning proposal lodged with the Department of Planning and Environment (DP&E) for a Gateway Determination.

The Gateway Determination for Council's General Amendments planning proposal (LEP003/15) was issued by DP&E on 19 February 2016, and whilst it advised to proceed there were implications for the secondary dwellings and dual occupancy (detached) component of the planning proposal. A copy of the Gateway Determination has been included as Attachment 2, but relevant to this matter the correspondence included the following:



## ORDINARY MEETING

Meeting Date: 28 March 2017

*"Please note that Council's proposed item 3.3, the inclusion of an amendment to permit secondary dwellings and dual occupancies (detached) with consent in all rural zones and the E3 and E4 environmental zones is not supported at this time, and is to be deleted from the current planning proposal. Advice from the Hawkesbury-Nepean Valley Flood Management Taskforce requests that this aspect of the proposal be deferred until the completion of the current phase of Taskforce work."*

The correspondence also included the following:

*"In addition, A Plan for Growing Sydney (Action 4.2.2) requires councils to undertake an evacuation capacity assessment that considers regional and cumulative issues, prior to rezoning land in the Hawkesbury-Nepean Valley. Deferring Item 3.3, and the related Item 1.17, from the current planning proposal gives Council the opportunity to consider the findings of the Taskforce and prepare the necessary evacuation capacity assessment prior to resubmitting this aspect of the plan for Gateway determination. The Department will continue to work with Council and other agencies to address flood and emergency management issues when planning for growth in the Hawkesbury."*

As such, in order for the General Amendments planning proposal to continue in the LEP amendment process these aspects of the proposal had to be deleted, and indeed have been.

### **Notice of Motion Ordinary Meeting 31 May 2016**

Following consideration of a Notice of Motion at its Ordinary Meeting of 31 May 2016, Council resolved as follows:

*"That:*

1. *The Acting General Manager expedite a request for a review of the Gateway Determination for the "Hawkesbury Local Environmental Plan 2012 General Amendments" planning proposal (Department Ref: PP\_2015\_HAWKE\_007-00 (15/12048) and Council Ref: LEP003/15) in relation to the Council resolution of the Ordinary Meeting, 9 December 2014 and include in that request all the relevant information to the NSW Department of Planning and Environment on detached dual occupancy in rural zones within the Hawkesbury LGA. This will include:*
  - a) *the report and resolution of 9 December 2014*
  - b) *the letter dated 21 August 2015 from Ms Maree Abood on behalf of the Chairman of Hawkesbury Nepean Floodplain Taskforce*
  - c) *the letter dated 19 February 2016 from the Department of Planning and Environment to Hawkesbury City Council.*
2. *Should the review required by point 1 above not be determined by 31 July 2016, a planning proposal be prepared as resolved by Council on 9 December 2014, amending the Hawkesbury Local Environmental Plan 2012 to permit Detached Dual Occupancy and Secondary Dwellings in all rural zones and E3 and E4 Environmental Zones and it be forwarded to the Department of Planning and Environment to obtain a Gateway Determination.*
3. *Council staff pursue the action required by point 2 above as a priority planning proposal and be completed and forwarded to the Department of Planning and Environment no later than Monday, 22 August 2016."*

Given this resolution of Council, Officers entered into a series of discussions with DP&E and Infrastructure NSW with respect to a review of the Gateway Determination for Council's General Amendments planning proposal. Both the DP&E and Infrastructure NSW made it clear to Officers that a review of the Gateway Determination would be unsuccessful until the completion of the current phase of the Hawkesbury-Nepean Valley Flood Management Taskforce.

It should also be noted by this stage that there had been an increasing number of Gateway Determinations for residential proposals (even small scale) for sites located above the 1:100 Flood Level, but below the Probable Maximum Flood (PMF) Level that had either been refused at the Gateway, or had been amended to reduce the residential density of the proposal.

As such, given the fact that it was clear from both DP&E and Infrastructure NSW that a review of the Gateway Determination would be unsuccessful, Officers commenced preparation of a planning proposal to amend the LEP 2012 to permit Detached Dual Occupancy and Secondary Dwellings in all rural zones and E3 and E4 Environmental Zones as required by point 3 of Council's resolution of 31 May 2016. This planning proposal was completed and submitted to DP&E, and a Gateway Determination dated 10 October 2016 was received, a copy of which has been included as Attachment 3. That Determination was such that the planning proposal should not proceed for the following reasons:

- "1. *The planning proposal has not adequately addressed inconsistencies with section 117 Direction 4.3 Flood Prone Land.*
2. *The planning proposal has not demonstrated consistency with A Plan for Growing Sydney."*

### ***Hawkesbury-Nepean Flood Risk Management Strategy***

The NSW Government announced the Hawkesbury-Nepean Flood Management Review to reduce the potential flood risk to life, the economy and social amenity in the Hawkesbury-Nepean Valley in late 2012, with the review commencing in early 2013.

The Strategy resulting from that review is a comprehensive long term plan for the NSW Government, local councils, businesses and the community to manage the risk posed by regional floods in the Hawkesbury-Nepean Valley, and has been developed by the Hawkesbury-Nepean Valley Flood Risk Management Taskforce.

The Strategy is based on the best available evidence using flood, population, evacuation and climate modelling as well as cost-benefit analysis. It is an integrated mix of infrastructure and non-infrastructure actions which will be implemented in two phases, with the first focusing on those actions that can be implemented in the short term.

The latest advice is that the Hawkesbury-Nepean Flood Risk Management Strategy summary report will be released in 2017, but it is understood that the Strategy was completed approximately 15 months ago, and has remained unreleased since that time.

It is clear from the Gateway Determinations for both of the Council instigated planning proposals in respect of secondary dwellings and dual occupancy (detached), and a series of decisions for residential proposals even of a minor nature that until the release of the Hawkesbury-Nepean Flood Risk Management Strategy, the DP&E will not permit proposals past the Gateway stage that increase the residential density within the Hawkesbury-Nepean Valley. As such there is somewhat of a stalemate in this respect which requires the release of the Hawkesbury-Nepean Flood Risk Management Strategy in order to move forward.

The risk of flood and its impacts to the Hawkesbury-Nepean Valley is significant, and it is likely that even when the Strategy is released the position of DP&E may well remain unchanged until such time as a number of the strategies are implemented. However, the implementation of those strategies cannot commence until such time as the Hawkesbury-Nepean Flood Risk Management Strategy is released. Its release is considered to be essential in order to address the risk and impacts of flooding on a regional basis first and foremost, but also in order to fully understand the implications for residential land strategies in the Hawkesbury-Nepean Valley. Given this it is considered that Council should advocate for the release of the Strategy, and a recommendation in this respect has been made.

***Options for Consideration***

Based on the matters previously raised in this report, it is considered that there are a number of options for Council to consider based on Council's currently expressed intent to permit secondary dwellings and dual occupancy (detached) across the LGA. These options include:

***Preparation of a New or Amended Planning Proposal***

Given the two previous attempts associated with the permissibility of secondary dwellings and dual occupancy (detached) across the LGA has resulted in the same outcome i.e. not proceed at the present time, it is considered that a further application would be highly unlikely at this stage to gain approval through the Gateway process.

Council could consider the potential to submit an amended planning proposal in respect of secondary dwellings and dual occupancy (detached) such that the amendment would only apply to areas of the Hawkesbury LGA above the PMF Level. In this respect it should be noted that such an option had been included as part of previous discussions with DP&E and Infrastructure NSW who did not support such an approach. It should also be noted that such an approach would entail extensive work in terms of the preparation of the proposal given the complexities of flooding and flood evacuation in particular, and as a consequence the identification of land to which such a proposal would apply to. It should also be noted that such an approach would likely result in the exclusion of significant areas of land (particularly east of the river) and if successful would introduce differing provisions in similarly zoned land across the wider LGA. It is also considered that the outcome of such an approach is uncertain given the previous advice from DP&E and Infrastructure NSW, and as such it is not recommended that such an option be supported by Council.

***Advocate for release of the Hawkesbury-Nepean Flood Risk Management Strategy***

Given the discussion above, it is considered that the release of the Hawkesbury-Nepean Flood Risk Management Strategy is a key to moving forward both in terms of the management of risk in the Hawkesbury-Nepean Valley in addition to fully understanding the implications for residential land strategies.

As such it has been recommended that Council advocate for the release of the Hawkesbury-Nepean Flood Risk Management Strategy.

***Submission to Greater Sydney Commission Draft West District Plan***

The Hawkesbury-Nepean Valley covers a number of local authorities with the impacts and risk of flooding particularly relevant to both the Hawkesbury and Penrith LGA's. The draft West District Plan prepared by the Greater Sydney Commission (GSC) is currently on exhibition until the end of March 2017, and there is a separate report considering Council's submission to that draft Plan included within these same Business Papers.

It is considered that the impacts of flooding within the Hawkesbury-Nepean Valley are of a regional significance, and as such it is recommended that Council consider the inclusion of regional flood issues as part of a submission to the GSC regarding the draft West District Plan.

***Reconsider Options following release of the Hawkesbury-Nepean Flood Risk Management Strategy***

As this report has highlighted, the risk of flood and its impacts to the Hawkesbury-Nepean Valley is significant, and it is likely that even when the Strategy is released the position of DP&E may well remain unchanged until such time as a number of the strategies are implemented. However, the implementation of those strategies cannot commence until such time as the Hawkesbury-Nepean Flood Risk Management Strategy is released. Its release is considered to be essential in order to address the risk and impacts of flooding on a regional basis first and foremost, but also in order to fully understand the implications for residential land strategies in the Hawkesbury-Nepean Valley. Given this it is considered that Council should reconsider options in respect of secondary dwellings and dual occupancy (detached) on an LGA wide basis following the release of the Hawkesbury-Nepean Flood Risk Management Strategy.

## ORDINARY MEETING

Meeting Date: 28 March 2017

### Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Places Direction Statement:

- Offers residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury
- 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

and is also consistent with the nominated strategy in the Hawkesbury Community Strategic Plan being:

- Encourage affordable, diverse and quality housing solutions in serviced areas

### Financial Implications

There are no financial implications applicable to this report.

### RECOMMENDATION:

That:

1. Council receive this report as the response to the Notice of Motion from Council's Ordinary Meeting dated 11 October 2016.
2. Council advocate for the release of the Hawkesbury-Nepean Flood Risk Management Strategy.
3. Council consider the inclusion of regional flood issues in its submission to the Greater Sydney Commission regarding the Draft West District Plan.
4. Following the release of the Hawkesbury-Nepean Flood Risk Management Strategy, Council reconsider options in terms of the permissibility of secondary dwellings and dual occupancy (detached) across the Hawkesbury Local Government Area.

### ATTACHMENTS:

- AT - 1** Report on Permissibility of Secondary Dwellings and Detached Dual Occupancy to Council's Ordinary Meeting dated 9 December 2014
- AT - 2** Gateway Determination dated 19 February 2016
- AT - 3** Gateway Determination dated 10 October 2016

## ORDINARY MEETING

Meeting Date: 28 March 2017

### **AT - 1 Report on Permissibility of Secondary Dwellings and Detached Dual Occupancy to**

#### **Council's Ordinary Meeting dated 9 December 2014**

## ORDINARY MEETING

Meeting Date: 09 December 2014

Item: 239

**CP - Permissibility of Rural "Secondary Dwellings" and "Detached Dual Occupancy" in the Hawkesbury Local Government Area - (95498, 124414)**

### **REPORT:**

#### **Executive Summary**

The purpose of this report is to discuss options for making "secondary dwellings" and detached dual occupancy (DDO) development types permitted within the rural zones of the Hawkesbury area under the Hawkesbury Local Environmental Plan (LEP 2012). The current provisions of the Hawkesbury's Local Environmental Plan 2012 (LEP 2012) prohibit both "secondary dwellings" and "detached dual occupancy" development in rural and environmental zones. The previous Plan, LEP 1989, also had the same prohibitions in place. This report responds to various requests relating to this matter from councillors.

Based on previous council reports, briefings, and resolutions, the options discussed in this report are as follows:

1. Locational criteria for permitted "secondary dwellings".
2. Citywide permissibility of "secondary dwellings" in all rural and environmental zones.
3. Locational criteria for permitting "detached dual occupancy".
4. Citywide permissibility of "detached dual occupancy" in all rural and environmental zones.

The report recommends that both Option 1 and Option 3 be pursued that involves a planning proposal being prepared that seeks to amend Clause 2.5 of Local Environmental Plan 2012 to permit "secondary dwellings" and "detached dual occupancy" within certain rural areas and zones.

The report also recommends that accompanying development controls (via a new DCP chapter) and a contributions plan (a new Section 94 Plan) be prepared.

Further, the report suggests that an amendment to Council's enforcement policy include a 12 month moratorium on orders after the gazettal of a planning amendment. This will assist with the regulation of unauthorised development and to encourage the submission of development applications for converting existing unauthorised land uses or buildings to either "secondary dwellings" or "dual occupancy" development.

#### **Background**

There have been a variety of discussions at Council meetings relating to dual occupancy and these include:

On 26 June 2012, Council considered a Notice of Motion and then a subsequent report and briefing on the following:

*"That a report be submitted to Council regarding the possible amendment of the Hawkesbury Local Environmental Plan to incorporate provisions, similar to those utilised by The Hills and Penrith City Councils, allowing second dwellings on appropriately sized lots and the possible implementation of an associated infrastructure levy where a second dwelling is approved to contribute to the cost of upgrading infrastructure, including roads, affected by such approvals."*

On 24 June 2014, a report on the "Progress and Review of Hawkesbury Residential Land Strategy" was considered and Council resolved:

## ORDINARY MEETING

Meeting Date: 28 March 2017

## ORDINARY MEETING

Meeting Date: 09 December 2014

"That:

1. *The areas identified in the Hawkesbury Residential Land Strategy for large lot residential investigation be mapped to align with cadastral boundaries and form an addendum to that Strategy.*
2. *The investigation area for Kurmond identified by Council on 5 February 2013 be reviewed and be the first area to have a development/structure plan (as described in the report) prepared.*
3. *A report be brought back to Council in September 2014 identifying priority areas for the preparation of structure plans and Section 94 Plans.*
4. *Future planning proposals for residential development must be consistent with any structure plan and/or Section 94 Plan prepared for the locality. If no such plan is in place the applicant is to work with Council to prepare same as part of the planning proposal. Existing planning proposals currently submitted to Council will continue to be processed.*
5. *A Voluntary Planning Agreement Policy, which includes a template agreement and Clauses, be drafted and reported to Council for consideration.*
6. *Existing Council Policies in relation to development be reviewed to be consistent with the Hawkesbury Residential Land Strategy.*
7. *The suggested action for the introduction of Second dwellings on rural properties as outlined in this report be commenced and reported back to Council in the fourth quarter of 2014.*
8. *Once the addendum mentioned in part 1 of the resolution has been added, that the Hawkesbury Residential Land Strategy be placed on public exhibition to allow the Community to comment.*
9. *The review of the Hawkesbury Residential Land Strategy be referred to a Councillor Briefing Session."*

In response to the resolution above, on 7 October 2014 a Councillor Briefing Session was held about the Residential Land Strategy Review.

At the Ordinary Meeting of 28 October 2014, Council considered a Notice of Motion from Councillor Porter as follows:

*"Council amend the Hawkesbury LEP 2012 in the following manner to permit detached dual occupancies in certain rural and environmental zones with an area of two hectares or greater:*

1. *Dual Occupancy (detached) as currently defined in the LEP be permitted with consent in the following zones:*
  - *RU1 Primary Production*
  - *RU2 Rural Landscape*
  - *RU4 Primary production small lots*
  - *E3 Environmental Management*
  - *E4 Environmental Living.*
2. *Insert the following additional clause:*

*Dual Occupancies (detached) in certain rural and environmental zones.*

## ORDINARY MEETING

Meeting Date: 28 March 2017

## ORDINARY MEETING

Meeting Date: 09 December 2014

- a) *The objective of this clause is to ensure that effluent generated by dual occupancies is managed on-site to protect waterways and the amenity of the adjoining lots.*
- b) *This clause applies to land in the following zones:*
  - *RU1 Primary Production*
  - *RU2 Rural Landscape*
  - *RU4 Primary production small lots*
  - *E3 Environmental Management*
  - *E4 Environmental Living.*
- c) *Development consent must not be granted for a dual occupancy detached on a lot to which this clause applies unless the lot has an area of at least two hectares.*
- d) *Development consent must not be granted for the erection of more than two dwellings on a lot to which this clause applies.*
- e) *Development consent must not be granted for the subdivision of a dual occupancy on a lot to which this clause applies into a strata, company or community title."*

In relation to this Motion Council resolved the following:

*"That this Notice of Motion be included in the report on detached dual occupancies on certain rural properties to be brought to Council in December 2014."*

This report seeks to consider that option as well as detail alternative approaches for consideration.

At the Human Services Advisory Committee meeting of 6 November 2014, the Committee resolved:

*"That staff prepare a report to the Committee on the provision of affordable rental housing and that report be subsequently reported to Council."*

Whilst this matter did not arise from the discussion about dual occupancy development at the Committee level, both affordable housing and housing affordability have been raised by Council during debates and briefings on dual occupancy.

It should be noted that affordable housing and housing affordability are not issues that would drive the permissibility of dual occupancy in rural areas as they are very separate issues that need careful consideration. For that reason this issue will not be addressed in this report. The abovementioned report is expected to be submitted to the Committee in the first half of 2015.

### Consultation

The issues raised in this report do not trigger the community consultation requirements of Council's Policy. However, should Council resolve to proceed to prepare a planning proposal and accompanying changes to the Residential Land Strategy, the DCP, a draft development (S94) Contributions Plan and an amendment to Council's enforcement policy, there will be a separate report to Council proposing a community engagement strategy for those processes.

### What is the Difference Between a "Secondary Dwelling" and "Dual Occupancy?"

Both secondary dwellings and dual occupancy involves two separate, self-contained permanent dwellings for permanent residents and each has their own kitchen, bathroom and laundry. However the size and scale of these dwellings are quite different as defined in LEP 2012.

## ORDINARY MEETING

Meeting Date: 28 March 2017

## ORDINARY MEETING

Meeting Date: 09 December 2014

A "secondary dwelling" only has a maximum floor space of a 60 square metres or no more than 10% of the total floor area of the principal dwelling whichever is greater (e.g. a one bedroom granny flat). Currently "secondary dwellings" are only permitted within residential areas under State Environmental Planning Policy (Affordable Rental Housing) 2009 and LEP 2012.

Secondary dwellings are designed to complement the design of the principal dwelling and be subservient to the principal dwelling in terms of visual bulk and scale (e.g. siting, height, setbacks, materials, roof pitch). A secondary dwelling can be attached or detached as shown below.

A secondary dwelling shares the same water meter and sewer connection as the principal dwelling and is rated as one land holding so no additional garbage service is provided or charged. Subdivision of "secondary dwellings" on residential land is prohibited by the SEPP.

A "dual occupancy" involves two separate dwellings, has no maximum floor space and both dwellings can be of any floor space and any number of bedrooms. In dual occupancy development where an original cottage is retained, the second (new) dwelling is often substantially larger in floor space, number of occupants and number of bedrooms, bathrooms and living areas.

Currently only attached "dual occupancy" (i.e. dwellings that are joined or closely connected) are permitted in the rural and environmental zones under LEP 2012. The Development Control Plan (DCP) requires the appearance of one dwelling to be achieved with an integrated design of the two buildings. In residential zones both attached and detached "dual occupancy" is permitted with no floor space limits under LEP 2012.

Any rural "dual occupancy" is required to have individual water tanks and onsite systems for each dwelling but the development would be rated as one land holding. An additional garbage service is provided if requested and charged accordingly. Subdivision of an attached dual occupancy is prohibited.

### What is not a "secondary dwelling" or "detached dual occupancy"?

- An "attached dual occupancy" - two dwellings joined by a common wall (or floor) or by a connection no more than six metres apart
- The approved temporary use of a "farm building" whilst building a "dwelling" that is converted back to a "farm building" later on (this is a staged development approval to ensure there is only one "dwelling" on the land at any time)
- Dwelling "alterations and additions" to create more living areas or bedrooms but does not include second kitchen, laundry and separate entry.
- An approved "rural workers dwelling", "rural tourist facility" or "bed and breakfast".
- A structure that is currently being used for residential purposes but has not obtained approval.

### Existing Statutory Situation - "Secondary Dwellings"

Currently, the construction of a second dwelling, even of small scale (e.g. one bedroom) on a rural or environmental zone would be categorised as an "attached dual occupancy". Hence it would be subject to the full requirements applicable to a dual occupancy development including S94A payments and bushfire requirements etc.

### Options for Permitting "Secondary Dwellings" within LEP 2012

- **Option 1** - Amend the Land Use Table of LEP 2012 to permit "secondary dwellings" with consent within all rural zones and the E3 and E4 environmental zones.
- **Option 2** - Amend "Clause 2.5 - Additional permitted uses for particular land" of LEP 2012 to allow "secondary dwellings" as an additional permitted use in certain areas and circumstances (using locational criteria).



## ORDINARY MEETING

Meeting Date: 28 March 2017

## ORDINARY MEETING

Meeting Date: 09 December 2014

Option 1 - Secondary dwellings permitted in all rural and environmental zones	Option 2 - Secondary dwellings permitted in certain areas and circumstances
The Hills, Penrith and some other councils use this option.	This is a new approach subject to consultation with the Department of Planning and Environment.
Proliferation of detached dual occupancy throughout the rural and environmental zones in an ad-hoc fashion.	Proliferation is controlled with the identification of selected land within a certain distance of rural village/neighbourhood centres, transport and facilities.
May adversely affect the rural character and rural resource lands.	Does not affect the rural character.
There may be an unreasonable demand for additional services and facilities.	There may not be a large demand.
Conflicts with the Residential Land Strategy which aims to concentrate rural residential development within and around existing rural villages and neighbourhood centres. i.e., requires an amendment to the Strategy as resolved on 24 June 2014.	Generally consistent with the Residential Land Strategy, but may still require an amendment to the Strategy as resolved on 24 June 2014.
Requires an amendment to the existing Land Use Table and land use definitions.	Requires an amendment to Schedule 1 and inclusion of an additional LEP map layer to identify land suitable for 'detached dual occupancy'.

Table 1 - Implications for Permitting "Secondary Dwellings" within Rural and Environmental Zones

### Recommendation for "Secondary Dwellings" in Rural Areas

It is recommended that:

- a) "Clause 2.5 of LEP 2012 be amended with an accompanying map layer to permit "secondary dwellings" within the RU1, RU2, RU4, RU5 and E3 and E4 zones on a minimum lot size of 2 hectares subject to development consent.
- b) Add the words "secondary dwelling" into the RU1, RU2, RU4, E3 and E4 zones of LEP 2012 as required to make that land use permitted with development consent. The definition is already included in LEP 2012.

### Options for Permitting Detached Dual Occupancy within Rural and Environmental Zones

**Option 3** - Amend "Clause 2.5 - Additional permitted uses for particular land" of LEP 2012 to allow "detached dual occupancy" as an additional permitted use in certain areas and circumstances (using locational criteria).

**Option 4** - Amend the Land Use Table of LEP 2012 to permit "detached dual occupancy" with consent within all rural zones and the E3 and E4 environmental zones.

### Option 3 - Location criteria for Detached Dual Occupancy

In Council's report of 24 June 2014 regarding the Residential Land Strategy (RLS), the following information was included:

## ORDINARY MEETING

Meeting Date: 28 March 2017

## ORDINARY MEETING

Meeting Date: 09 December 2014

*"...It is suggested that investigation be undertaken into permitting detached dual occupancy dwellings in a variety of locations that are defined by certain criteria that is set in the RLS. In this regard the criteria used for the consideration of large lot residential proposals, i.e. Section 3.3.8 Role of Rural Residential Development, should be used to consider the permissibility of detached dual occupancy. The suggested criteria proposed is the same as in the above mentioned Section 3.3.8 with changes shown in italics (NOTE: the following criteria is a suggestion only and is subject to further consultation):*

*All future detached dual occupancy residential development in rural locations must:*

- Be able to have separate onsite sewerage disposal systems*
- Cluster around or on the periphery of villages*
- Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within 1.5 – 2.0 km radius)*
- Address environmental constraints and with minimal environmental impacts and*
- Be within the servicing capacity of the rural village*
- Have a minimum allotment size of 2.0ha.*

*If outside the above criteria and is located on a heritage listed property, detached dual occupancy permitted where attachment to the main dwelling would be detrimental to the significance of the heritage item.*

### **Suggested Action**

*That when mapping the location for rural residential development proposals as an addendum to the RLS an additional map, accompanied by defined criteria as mentioned above, be prepared to indicate the locations where detached dual occupancies can be considered for rezoning.*

*Detached Dual Occupancy development should only be permitted once an appropriate infrastructure contribution plan (Section 94 Plan) is in place. Additionally, whilst Council has existing Policies to address retrospective development, there is a need for Policy/procedure clarification to guide how existing illegal dual occupancy dwellings, if found, will be addressed in relation to building controls (BCA matters), compliance action and contribution payments by these developments..."*

Council resolved at that time that the suggested action for the introduction of second dwellings (detached dual occupancies) on rural properties as outlined in that report be commenced and reported back to Council in the fourth quarter of 2014. This report now discusses these matters in more detail below.

### **Comment:**

#### *Separate Onsite Sewerage Disposal Systems*

The increase from a single dwelling to a dual occupancy increases the number of occupants on a site and therefore the demand on a disposal system. Typically original on-site wastewater systems are not designed to accommodate significantly larger dwellings and a doubling of occupants. For a dual occupancy (particularly larger dwellings with more bedrooms) new separate systems would need to be required to be installed to ensure that potentially adverse environmental impacts in sensitive rural areas are avoided or at least the risk is minimised.

#### *Cluster around or on the Periphery of Villages*

This is consistent with the identified areas for growth around existing centres nominated in the Residential Land Strategy. To change this approach will require a change to the Residential Land Strategy and also Council would need to justify in its planning proposal to the Department of Planning and Environment a strategic rationale for increasing housing in rural areas (away from rural villages) that would be isolated from services, facilities and would also need to meet bushfire, flooding and rural access requirements. This is because housing targets and housing diversity options for the Hawkesbury are already planned for within the Residential Lands Strategy and by already permitting attached dual occupancy.

## ORDINARY MEETING

Meeting Date: 28 March 2017

## ORDINARY MEETING

Meeting Date: 09 December 2014

*Cluster around Villages with Services that Meet Existing Neighbourhood Criteria Services as a Minimum (within 1.5 - 2.0 km radius)*

The distance from services is a critical planning consideration for future development in areas that have limited public transport. Housing affordability and affordable housing are intrinsically linked to these criteria. In this regard, should a detached dual occupancy be developed on a rural property it is not likely to have access to public transport, will be required to have a private vehicle and is likely to have medium to high rental costs (due to the amenity of the 2 hectare property) as Council does not have any control over the rents charged for these developments. It is clear that the suggestion of "1.5km -2.0km radius" can be amended. However the proximity of services is the most important factor in locational criteria.

The location criteria is also an important consideration in relation to future growth options. The permissibility of dual occupancy development in an ad-hoc fashion will also limit medium to long term growth options. In this regard, uncontrolled development will limit future growth patterns or may "sterilise" land in the longer term for future development options.

*Address Environmental Constraints and with Minimal Environmental Impacts and be within the Servicing Capacity of the Rural Village*

This is consistent with the identified areas for growth around existing centres nominated in the Residential Land Strategy.

*Have a Minimum Allotment Size of 2.0ha.*

Presumably the minimum lot size of 2 hectares was selected as being of sufficient size to cater for most onsite wastewater systems, however it is suggested that the additional subclauses be added to address other potentially significant environmental matters that need to be considered. A proposed wording is:

*"The objective of this clause is to ensure that:*

- a) effluent generated by dual occupancies is managed on-site to protect waterways and the amenity of the adjoining lots; and*
- b) sufficient evacuation for major bushfire events and 1:100 flood events is provided; and*
- c) legal access to a public road is provided; and*
- d) vegetation removal to accommodate the curtilage of a dwelling/s and outbuildings is minimised; and*
- e) additional demand on emergency services is minimised."*

**Option 4 - Amend the land use table in LEP 2012 to permit "Detached Dual Occupancy" in all rural zones subject to a minimum lot size of 2 hectares**

<b>Option 3 - Detached dual occupancy permitted in all rural and environmental zones</b>	<b>Option 4 - Detached dual occupancy permitted in certain areas and circumstances</b>
The Hills and Penrith permit detached dual occupancy. However Blacktown and Camden only permit attached dual occupancy in the same fashion as Hawkesbury.	This is a new approach subject to consultation with the Department of Planning and Environment.
Proliferation of detached dual occupancy throughout the rural and environmental zones in an ad-hoc fashion.	Proliferation is controlled with the identification of selected land within a certain distance of rural village/neighbourhood centres.
May adversely affect the rural character and rural resource lands.	Does not affect the rural character.
There may be an unreasonable demand for additional services and facilities.	There may not be a large demand.

## ORDINARY MEETING

**Meeting Date: 28 March 2017**

## ORDINARY MEETING

**Meeting Date: 09 December 2014**

<b>Option 3 - Detached dual occupancy permitted in all rural and environmental zones</b>	<b>Option 4 - Detached dual occupancy permitted in certain areas and circumstances</b>
Conflicts with the Residential Land Strategy which aims to concentrate rural residential development within and around existing rural villages and neighbourhood centres, i.e., requires an amendment to the Strategy as resolved on 24 June 2014.	Generally consistent with the Residential Land Strategy, but may require a minor amendment.
Requires an amendment to the existing Land Use Table and land use definitions.	Requires an amendment to Schedule 1 and inclusion of an additional LEP map layer to identify land suitable for 'detached dual occupancy'.

*Table 2 - Implications for Permitting "Detached Dual Occupancy" within rural and environmental zones*

### **Aligning Detached Dual Occupancy with Minimum Lot Sizes for Subdivision**

The current minimum lot sizes for the Hawkesbury are shown in Table 3. For comparison with other councils see Appendix 1. The Hills Council approach aligns the lot size for "detached dual occupancy" with the zoning. There is no specified minimum lot size for "secondary dwellings" as they are considered under the minimum lot size provisions for dwellings under Clause 4.1A. Whereas Camden Council's approach is similar to Hawkesbury in prohibiting "detached dual occupancy" and "secondary dwellings in rural areas."

The previous planning provisions that applied in Penrith (under Penrith LEP 201 (Rural Lands) required a minimum lot size of 2ha for the construction of a dwelling. The amended planning provisions for Penrith's new standard template LEP maintain this requirement and extend the 2 hectare minimum lot size to the construction of a "dual occupancy" or "secondary dwelling".

To simply transfer the 2 hectare minimum to the Hawkesbury area for every rural and environmental zone would actually be inconsistent with the Penrith approach as the 2 hectare minimum is currently the only size applicable. However, the only 2 hectare minimum lot size in the Hawkesbury is in E3 Environmental Management zone (see Table 3).

<b>RU1 Primary Production</b>	<b>RU2 Rural Landscape</b>	<b>RU4 Primary production small lots</b>	<b>E3 Environmental Management</b>	<b>E4 Environmental Living</b>
AB3 <b>40 hectares</b> including Bilpin, Putty, St Albans, Upper McDonald, Lower McDonald, Upper and Lower Colo, part of Wiseman's Ferry, part of Leets Vale, Kurrajong Heights, part of Yarramundi,	AB1 <b>10 hectares</b> including Lower Portland, East Kurrajong, Kurmond, Tennyson, Glossodia (rural areas), part of Agnes Banks, Richmond Lowlands, Cornwallis, Ebenezer	Z2 <b>4 hectares</b> including Blaxland's Ridge, Grose Vale, Grose Wold	Z1 <b>2 hectares</b> Including Kurrajong Hills, Bowen Mountain, part of Agnes Banks, part of Lower McDonald, part of Leets Vale, Cattai, Maraylya, Wilberforce (rural areas)	AF <b>400 hectares</b> Including Kurrajong Hills (The Islands)

*Table 3 - Current Minimum Lot sizes for Subdivision in Hawkesbury LEP 2012*

## ORDINARY MEETING

Meeting Date: 28 March 2017

## ORDINARY MEETING

Meeting Date: 09 December 2014

### Recommendation for “Detached Dual Occupancy” in Rural Areas

As discussed above, a 2 hectare minimum does not correlate with the minimum lot sizes already chosen as being appropriate for the Hawkesbury area for dwellings. Hence, this approach is not appropriate. Instead it is proposed that the location criteria and Hawkesbury minimum lot sizes be used and that:

- a) “Detached dual occupancy” only be permitted consistent with the minimum lot size for a dwelling in that zone.
- b) “Attached dual occupancy” continue to be permitted in all zones.
- c) Add the words “dual occupancy (detached)” into the RU1, RU2, RU4, E3 and E4 zones of LEP 2012 as required to make that land use permitted with development consent. The definition is already in LEP 2012.

### Development Controls for “Secondary Dwellings” and “Detached Dual Occupancy”

Permissibility is, however, only one step in the process of securing development consent. All development applications must meet the zone objectives and be assessed against the detailed development controls contained in Hawkesbury Development Control Plan and the matters identified by Section 79C of the *Environmental Planning and Assessment Act 1979*.

*Example - Penrith City Council - Design & Siting of Rural Detached Dual Occupancy*

Section D1 Rural Land Use within the Penrith DCP requires design and siting of rural detached dual occupancies to be:

1. *In close proximity to and associated with the existing dwelling on the site*
2. *Be behind the existing dwelling house*
3. *similar or sympathetic design to the existing dwelling on the site*
4. *detached with a minimum separate of 10m*
5. *the second dwelling must be significantly smaller than the existing dwelling (by approximately 50% in area)*
6. *similar external finishes*
7. *access is limited to one driveway only with shared access*
8. *one electricity line and meter serving both properties*
9. *minimum site area of 2 hectares*
10. *existing vegetation is retained*

#### Comment:

Development controls of a similar nature could be considered for Hawkesbury, however, currently attached dual occupancy is not subject to these types of restrictions.

The controls should be developed so that there are consistent controls for attached and detached dual occupancy development. In a review of a number of other Councils use of Local Provisions in their LEPs it is noted that they have added a clause to specifically facilitate dual occupancy development in rural areas.

### Recommendation

That Council staff develop an additional local provisions clause for LEP 2012 to permit dual occupancy development in rural areas. This clause would then be used in the discussions with the Department of Planning and Environment. The clause will need to be specific to the Hawkesbury and would include the following:

- Planning considerations for local conditions relevant to the Hawkesbury such as infrastructure (including emergency services), flooding, bushfire, access, vegetation removal, on-site wastewater and heritage, and

## ORDINARY MEETING

Meeting Date: 28 March 2017

## ORDINARY MEETING

Meeting Date: 09 December 2014

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- a) “Detached dual occupancy” only be permitted consistent with the minimum lot size for a dwelling in that zone.
- b) “Attached dual occupancy” continue to be permitted in all zones.
- c) Add the words “dual occupancy (detached)” into the RU1, RU2, RU4, E3 and E4 zones of LEP 2012 as required to make that land use permitted with development consent. The definition is already in LEP 2012.

### Development Controls for “Secondary Dwellings” and “Detached Dual Occupancy”

Permissibility is, however, only one step in the process of securing development consent. All development applications must meet the zone objectives and be assessed against the detailed development controls contained in Hawkesbury Development Control Plan and the matters identified by Section 79C of the *Environmental Planning and Assessment Act 1979*.

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1. *In close proximity to and associated with the existing dwelling on the site*
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3. *similar or sympathetic design to the existing dwelling on the site*
4. *detached with a minimum separate of 10m*
5. *the second dwelling must be significantly smaller than the existing dwelling (by approximately 50% in area)*
6. *similar external finishes*
7. *access is limited to one driveway only with shared access*
8. *one electricity line and meter serving both properties*
9. *minimum site area of 2 hectares*
10. *existing vegetation is retained*

#### Comment:

Development controls of a similar nature could be considered for Hawkesbury, however, currently attached dual occupancy is not subject to these types of restrictions.

The controls should be developed so that there are consistent controls for attached and detached dual occupancy development. In a review of a number of other Councils use of Local Provisions in their LEPs it is noted that they have added a clause to specifically facilitate dual occupancy development in rural areas.

### Recommendation

That Council staff develop an additional local provisions clause for LEP 2012 to permit dual occupancy development in rural areas. This clause would then be used in the discussions with the Department of Planning and Environment. The clause will need to be specific to the Hawkesbury and would include the following:

- Planning considerations for local conditions relevant to the Hawkesbury such as infrastructure (including emergency services), flooding, bushfire, access, vegetation removal, on-site wastewater and heritage, and

## ORDINARY MEETING

Meeting Date: 28 March 2017

## ORDINARY MEETING

Meeting Date: 09 December 2014

- Introduce location specific controls into the LEP via a map for "Lot sizes for dual occupancy development map",
- Subject to discussion with the Department, there may be a need to introduce provisions for development to be limited to an "Existing Holding" (A holding as defined at a certain date, as this is contained in some other Council dual occupancy provisions). Should that be required the details would be reported back to Council prior to formalising.

### Funding for Infrastructure

Infrastructure includes drainage, roads, bridges, intersections, footpaths, roundabouts, community and cultural facilities such as neighbourhood centres and libraries and open space such as parks and playground equipment. New development (and the new residents) contributes to the demand on existing infrastructure in an incremental but cumulative way.

Typically councils provide for new infrastructure via the collection of a development contribution (a cash levy) on each additional dwelling or new lot. Currently in the Hawkesbury Local Government Area this is only done when the value of the new dwelling exceeds \$150,000. This has implications for the consideration of allowing existing buildings to be converted to dual occupancy and also for small scale dwellings to be used as a detached dual occupancy dwelling. Essentially under the current contributions plan virtually no additional funds could be collected for infrastructure as most conversions and small "granny flat" dwellings would fall below this threshold.

In this regard, the appropriate contributions for new, additional dwellings, including the conversion of existing structures whether legal or unauthorised, would need to be developed to ensure that these additional dwellings, and residents, make appropriate contributions to the provision of infrastructure.

### Development Contributions Plans under Section 94 and Section 94A of the *Environmental Planning and Assessment Act 1979*

The purpose of development contributions (under either section) is, amongst other things, to ensure adequate public facilities are provided for additional development and prevent the existing community being financially burdened by having to provide extra public amenities and services required as a result of additional development.

The S94A levies do not apply in addition to S94 levies. The S94 Plans apply instead of S94A plans unless the contribution required to be paid under the S94 Plans is less than 1% of the value of the works in the Development Application (in which case the S94A Plan applies). If the plans are contradictory on how they relate to each other, the most recently adopted plan shall take precedence.

It is not possible to charge both S94 and S94A levies to the same development or property.

If a contribution has already been paid under a S94 Plan, then no contribution is payable on that portion of the land already levied and paid.

### Hawkesbury City Council

#### *Section 94 Contributions Plan 2008 (not currently applied to new development LGA wide)*

This Plan was a citywide plan (now only applies to Pitt Town and some minor other areas) applying to forms of development and had categories for:

- Community facilities
- Recreation facilities
- Park improvements
- Car parking
- Intersection improvements
- Road maintenance

## ORDINARY MEETING

Meeting Date: 28 March 2017

## ORDINARY MEETING

Meeting Date: 09 December 2014

The Plan identified different rates for different 'catchment' areas across the LGA and applied different rates according to the nature of capital works required. It was prepared in conjunction with a comprehensive capital works program for which the levies contribute in a cumulative fashion over time.

### **Comment:**

This type of Plan is useful for collection in relation to distinct catchment areas. In this regard, should detached dual occupancies be permitted more broadly, a S94 Plan would be the more appropriate contributions plan to apply.

### **Section 94A Plans**

Section 94A Development Contributions Plan 2006 is a citywide plan that is applied based on the costs of construction works for new development. S94A levies paid to council are applied towards meeting the costs of provision or augmentation of new public facilities. A schedule of proposed facilities is included in the plan and includes toilets, community buildings, parks structures and landscaping.

- The existing plan does not provide for traffic related works such as upgrades intersections, road widening, traffic lights or roundabouts.
- The plan does not apply to dwellings or works with a value of less than \$150,000.

### **Comment:**

This type of plan is useful for low to no growth areas and when the value of works exceeds the threshold amount. If the development falls below the threshold it may still have an impact on resources but no levy can be made.

### *Voluntary Planning Agreements*

Under Section 93F of the *Environmental Planning and Assessment Act 1979*, Hawkesbury has agreed to Voluntary Planning Agreements (VPAs) for specific urban release areas (e.g. North Richmond and Glossodia).

### **Comment:**

VPAs are not relevant to small, incremental developments as they cannot individually provide a valuable item of sufficient public benefit (e.g. bridge, road works) to warrant an agreement.

### **Other Development Contribution Options - Comparison with Penrith Council**

Penrith Council has 4 development contributions plans that are citywide as well as more than 10 other contributions plans related to distinct locations for release areas for housing business and industrial release areas as well as separate plans for both Penrith CBD and St Marys CBD.

The citywide contribution plans are applied to all dual occupancy in both residential and rural areas (outside the new housing release areas) for the following categories:

1. Open space
2. Cultural facilities
3. Footpaths

To calculate the contribution the plan applies a rate of 3.1 persons for each additional dwelling. A credit is given for an existing dwelling hence the contribution is only payable on the new dwelling (regardless of size/number of bedrooms).



## ORDINARY MEETING

Meeting Date: 28 March 2017

## ORDINARY MEETING

Meeting Date: 09 December 2014

### *Voluntary Planning Agreements*

Under Section 93F of the *Environmental Planning and Assessment Act 1979*, Penrith City Council has multiple Voluntary Planning Agreements (VPAs) for specific urban release areas and large developments.

### *Works-in-Kind*

Works in kind (WIK) means the developer doing work or providing something in lieu of a cash contribution that is levied in a S94 Plan. This is typically only used for larger development and major housing release areas and is not relevant to individual sites for "secondary dwellings" or "dual occupancy".

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

The proposal is consistent with the Looking After People and Places Direction Statement:

- Offers residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury
- 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

and is also consistent with the nominated strategy in the Hawkesbury Community Strategic Plan being:

- Encourage affordable, diverse and quality housing solutions in serviced areas

### **Financial Implications**

The preparation of a planning proposal could be accommodated within existing staff resources. However, the preparation of a developer contributions plan would require additional funds to provide resources for the plan and the supporting capital works program to be developed (as discussed in a separate report in the business paper on this matter). Ongoing specialist resources (staff, auditors, electronic systems) would be required to monitor the contributions plan, contributions register and allocation of funds.

Additional development assessment staff resources would be required to handle enquiries and processing of development applications and building upgrade requirements for both new detached dual occupancy applications and conversion of existing buildings.

In addition, after the 12 month moratorium there would need to be temporary additional regulatory staff resources for enforcement of unauthorised dual occupancy development.

### **Conclusion**

In preparing standard template LEPs, the NSW Department of Planning and Environment (DPE) has indicated that if a council proposes to allow new dwellings within rural zones that early discussion with the relevant State Government officers should occur well before a planning proposal proceeds to the gateway.

The position that is discussed in this report in regards to the development of secondary dwellings and dual occupancies in the Hawkesbury signals a significant policy change. It is important that council is sure that the provisions of the LEP will result in the intended outcome, and is aware of, and accepts any potential outcomes that cannot be managed through the LEP/DCP and development contributions (S94) provisions.

## ORDINARY MEETING

Meeting Date: 28 March 2017

## ORDINARY MEETING

Meeting Date: 09 December 2014

In addition, particularly in the process to authorise the apparent unauthorised development in rural areas, conditions of development consent may be applicable in relation to development contributions (S94) and may require upgrades to existing buildings to current Building Code of Australia (BCA), BASIX and other requirements.

### Planning Decision

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

### RECOMMENDATION:

That:

1. The report regarding the options for amending Hawkesbury Local Environmental Plan 2012 to permit "secondary dwellings" and "detached dual occupancy" be received and noted.
2. Council officers prepare a concept planning proposal for discussion with the Department of Planning in February 2015 based on the recommendations in this report for both Option 1 and Option 3 to amend Local Environmental Plan 2012 to permit 'secondary dwellings' and "detached dual occupancy" within certain rural zones.
3. Should the Department of Planning and Environment support the preliminary discussions about the concept planning proposal, a planning proposal be prepared and be referred to the Department for a gateway determination.
4. Council also amend the Residential Land Strategy to address the Policy change to permit Secondary Dwellings and Detached Dual Occupancy as described in this report.
5. A further report be presented to Council in the first quarter of 2015 providing an update on the status of the planning proposal, Development Contributions (Section 94) Plan, DCP chapter and Enforcement Policy chapter preparation.

### ATTACHMENTS:

**AT - 1** Permissibility of Rural "Secondary Dwellings" and "Dual Occupancy"

**ORDINARY MEETING**  
**Meeting Date: 28 March 2017**

**ORDINARY MEETING**  
**Meeting Date: 09 December 2014**

**AT - 1 Permissibility of Rural "Secondary Dwellings" and "Dual Occupancy"**

**Hawkesbury City Council**

**CURRENT**

Hawkesbury LEP (EXISTING)	RU1 Primary Production	RU2 Rural Landscape	RU4 Primary production small lots	E3 Environmental Management	E4 Environmental Living
Secondary Dwellings	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
ADO	Permitted	Permitted	Permitted	Permitted	Permitted
DDO	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Minimum Lot Size of DDO	40 hectares	10 hectares	4 hectares	40 hectares	400 hectares* (The Islands)

**PROPOSED**

Hawkesbury LEP (Option 1&3)	RU1 Primary Production	RU2 Rural Landscape	RU4 Primary production small lots	E3 Environmental Management	E4 Environmental Living
Secondary Dwellings	Permitted	Permitted	Permitted	Permitted	Permitted
ADO	Permitted	Permitted	Permitted	Permitted	Permitted
DDO	Permitted	Permitted	Permitted	Permitted	Permitted
Minimum Lot Size	40 hectares	10 hectares	4 hectares	40 hectares	400 hectares* (The Islands)

**Comparison with other Councils**

Penrith LEP 2010 (*cl 6.8)	RU1 Primary Production	RU2 Rural Landscape	RU4 Primary production small lots	E3 Environmental Management	E4 Environmental Living
Secondary Dwelling	Permitted*	Permitted*	Permitted*	Permitted*	Permitted*
ADO	Permitted*	Permitted*	Permitted*	Permitted*	Permitted*
DDO	Permitted*	Permitted*	Permitted*	Permitted*	Permitted*
Minimum Lot Size SD, ADO or DDO*	2 hectares	2 hectares	2 hectares	2 hectares	2 hectares

\* "Clause 6.8 Dual occupancies and secondary dwellings in certain rural and environmental zones

- (1) The objective of this clause is to ensure that effluent generated by dual occupancies or secondary dwellings is managed on site to protect waterways and the amenity of adjoining lots.
- (2) This clause applies to land in the following zones:
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU4 Primary Production Small Lots,

## ORDINARY MEETING

**Meeting Date: 28 March 2017**

## ORDINARY MEETING

**Meeting Date: 09 December 2014**

(d) E3 Environmental Management,  
(e) E4 Environmental Living.

- (3) Development consent must not be granted for a dual occupancy on a lot to which this clause applies unless the lot has an area of at least 2 hectares.
- (4) Development consent must not be granted for a secondary dwelling on a lot to which this clause applies unless the lot has an area of at least 2 hectares or it can be demonstrated that the existing on-site effluent disposal system has sufficient capacity for the secondary dwelling.
- (5) Development consent must not be granted for the erection of more than 2 dwellings on a lot to which this clause applies.
- (6) Development consent must not be granted for the subdivision of a dual occupancy on a lot to which this clause applies into a strata, company or community title."

Hills LEP 2012	RU1 Primary Production	RU2 Rural Landscape	RU6 Transition	E4 Environmental Living
Secondary Dwellings	Permitted	Permitted	Permitted	Permitted
ADO	Permitted	Permitted	Permitted	Permitted
DDO	Prohibited	Prohibited	Prohibited	Prohibited
Minimum Lot size for DDO	10 hectares	10 hectares	2 hectares	2000 square metres

Camden LEP 2010	RU1 Primary Production	RU2 Rural Landscape	RU4 Primary production small lots	E4 Environmental Living
Secondary Dwellings	Permitted	Permitted	Permitted	Prohibited
ADO	Permitted	Permitted	Permitted	Permitted
DDO	Prohibited	Prohibited	Prohibited	Prohibited
Minimum Lot size for DDO	N/A	N/A	N/A	N/A

oooO END OF REPORT Oooo

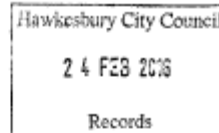
ORDINARY MEETING

Meeting Date: 28 March 2017

AT - 2 Gateway Determination dated 19 February 2016



Planning &  
Environment



Mr Peter Jackson  
General Manager  
Hawkesbury Shire Council  
PO Box 146  
Windsor NSW 2756

Our Ref: PP\_2015\_HAWKE\_007-00 (15/12048)  
Your Ref: LEP003/15

Attn: Mr Philip Pleffer

Dear Mr Jackson

**Hawkesbury Local Environmental Plan 2012 General Housekeeping Amendments**

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* for a planning proposal to amend *Hawkesbury Local Environmental Plan 2012* by making a suite of general amendments.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed, subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with Section 117 Direction 3.1 (Residential Zones) and 6.2 (Reserving Land for Public Purposes) are of minor significance.

Please note that Council's proposed item 3.3, the inclusion of an amendment to permit secondary dwellings and dual occupancies (detached) with consent in all rural zones and the E3 and E4 environmental zones is not supported at this time, and is to be deleted from the current planning proposal. Advice from the Hawkesbury-Nepean Valley Flood Management Taskforce requests that this aspect of the proposal be deferred until the completion of the current phase of Taskforce work (the advice of the Taskforce is attached).

In addition, *A Plan for Growing Sydney* (Action 4.2.2) requires councils to undertake an evacuation capacity assessment that considers regional and cumulative issues, prior to rezoning land in the Hawkesbury-Nepean Valley. Deferring Item 3.3, and the related Item 1.17, from the current planning proposal gives Council the opportunity to consider the findings of the Taskforce and prepare the necessary evacuation capacity assessment prior to resubmitting this aspect of the plan for Gateway determination. The Department will continue to work with Council and other agencies to address flood and emergency management issues when planning for growth in the Hawkesbury.



SCANNED

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1

## ORDINARY MEETING

Meeting Date: 28 March 2017

Please note also Condition 2 of the Gateway determination, which requires that the planning proposal be amended prior to exhibition to include a five-year sunset clause in the proposed clause 5.1A Development on land intended to be acquired for public purposes.

The Minister delegated plan making powers to councils in 2012. It is noted that Council has not requested to be issued with delegation for this planning proposal. Given that the proposal includes the reclassification of community land to operational land with the discharge of interests, and the Governor's approval is required, it is not possible to delegate the plan making function.

The amending Local Environmental Plan addressing the other general amendments is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 54(2)(d) of the *Environmental Planning and Assessment Act 1979* if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Derryn John of this office to assist you. Mr John can be contacted on (02) 9860 1505.

Yours sincerely

**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

19/02/2016  
Encl: Hawkesbury-Nepean Flood Management Taskforce Comments

## ORDINARY MEETING

Meeting Date: 28 March 2017



21 August 2015

Dr Liz Develin  
Deputy Secretary  
The Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

PO Box R220  
Royal Exchange NSW 1225  
P+612 8016 0100  
Email@insw.com  
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ABN 85 051 300 516

Dear Dr Develin,

Thank you for the opportunity to comment on the Hawkesbury City Council Planning Proposal for General Amendments to Hawkesbury Local Environmental Plan (LEP) 2012 (Planning Proposal).

The Hawkesbury-Nepean Flood Management Taskforce is currently progressing the recommendations of the 2013 Hawkesbury-Nepean Valley Flood Management Review with the aim of improving the community's resilience to flood risk in the Hawkesbury-Nepean Valley (the Valley). The Hawkesbury City Council local government area (LGA) boundaries fall within the Valley. Some areas of the LGA are liable to riverine flooding from the Hawkesbury-Nepean River and are below the maximum flood level.

The Planning Proposal includes a proposed amendment (Item 3.3) to permit secondary dwellings and dual occupancies (detached) within all rural zones and E3 and E4 environmental zones subject to the Hawkesbury Local Environmental Plan 2012. The Taskforce recommends that consideration of this proposal be deferred pending the completion of the current phase of Taskforce work. The reasons for this recommendation are outlined below.

The 1997 *Achieving a Hawkesbury-Nepean Floodplain Management Strategy* and the Hawkesbury City Council's 2012 *Hawkesbury-Nepean Floodplain Risk Management Study and Plan* identified flood evacuation constraints in the Valley. Work completed by the Taskforce supports the identification of flood evacuation constraints in the Valley. Consequently, the need to improve the capacity of road infrastructure to provide adequate evacuation capacity is a key consideration for the Taskforce.

Currently, the time to safely evacuate the Windsor-Richmond population exceeds the Bureau of Meteorology forecasting horizon because of the extreme flood depths and rates of rise, increasing population and large number of low points in flood evacuation roads. The Planning Proposal acknowledges that 'emergency management and flood evacuation are significant issues in the Hawkesbury'. However, any further rezonings would further exacerbate the evacuation capacity issue.

Proposals for additional development located below the probable maximum flood level require assessment of the cumulative impacts of the proposals on evacuation capacity now and following future growth. This assessment may identify the need for additional investment in evacuation infrastructure. It is important that this additional investment be quantified and suitable resources be allocated it. If this does not occur, there is an increased risk to life if the increased development is not

## ORDINARY MEETING

Meeting Date: 28 March 2017

matched with supporting evacuation infrastructure. This requires a regional approach to the assessment of the impact of development on evacuation capacity. The Taskforce is developing a process to understand and manage these cumulative impacts which will be considered by government towards the end of 2015.

Therefore, it is recommended that consideration of current planning proposals be deferred until the implications of its cumulative impacts on evacuation planning can be determined in light of the recommendations to be made by government.

If you have any questions please do not hesitate to contact Maree Abood at [maree.abood@insw.com](mailto:maree.abood@insw.com) (phone: 02-8016-0167).

Yours ~~sincerely~~

Maree Abood on behalf of  
Mark Bethwaite AM  
Independent Chair  
Hawkesbury-Nepean Valley  
Flood Management Taskforce





## Gateway Determination

**Planning Proposal (Department Ref: PP\_2015\_HAWKE\_007\_00) to amend Hawkesbury Local Environmental Plan 2012 by making a number of general amendments.**

I, the Deputy Secretary Planning Services at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that general amendments to the *Hawkesbury Local Environmental Plan 2012* as listed on Schedule 1 to this determination should proceed, subject to the following conditions:

1. The Planning Proposal is to be amended prior to exhibition to delete the proposed amendment to permit secondary dwellings and dual occupancies (detached) with consent in all rural zones and the E3 and E4 environmental zones (Item 3.3). The associated item relating to a local provision for dual occupancies (detached) (Item 1.17) is to be similarly deleted.

Council is requested to consider the findings of the current phase of the Hawkesbury-Nepean Flood Management Taskforce, and to prepare an evacuation capacity assessment that considers regional and cumulative issues, as per Action 4.2.2 of *A Plan for Growing Sydney*, prior to resubmitting this component of the planning proposal for separate Gateway determination.

2. The Planning Proposal is to be amended prior to exhibition to include a five-year sunset clause in the proposed clause 5.1A Development on land intended to be acquired for public purposes. The sunset clause should guarantee that development consent is not granted to any development on land identified on the Land Reservation Acquisition Map unless the consent authority is satisfied that the development and its use will cease no later than 5 years after development consent is granted.
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant section 117 Directions:
  - Hawkesbury - Nepean Catchment Management Authority;
  - Sydney Metropolitan Catchment Management Authority;
  - Office of Environment and Heritage;
  - NSW Department of Primary Industries - Minerals and Petroleum;
  - NSW Rural Fire Service;
  - Transport for NSW - Roads and Maritime Services;
  - State Emergency Services;
  - Sydney Water.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

Specific advice is to be sought from Transport for NSW - Roads and Maritime Services, confirming that Lots 2 and 3 in DP582878, 1913 & 1905 Bells Line of Road, Kurrajong Heights are not required for current or future road purposes.

## ORDINARY MEETING

Meeting Date: 28 March 2017



### Planning & Environment

4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing Local Environmental Plans* (Department of Planning and Infrastructure 2013).
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated this 19<sup>th</sup> day of February 2016

**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

Delegate of the Greater Sydney Commission



**Planning &  
Environment**

**Gateway Determination**

*Planning Proposal (Department Ref: PP\_2015\_HAWKE\_007\_00) to amend Hawkesbury Local Environmental Plan 2012 by making a number of general amendments.*

**Schedule 1**

**Written Instrument Amendments**

- 1.1 Amend Clause 2.8 Temporary Use of Land
- 1.2 Insert a new clause relating to boundary adjustments
- 1.3 Amend Clause 4.1D Exceptions to minimum subdivision lot size for certain land
- 1.4 Amend Clause 4.1E Exceptions to minimum subdivision lot size for Grose Wold
- 1.5 Amend Clause 4.1D Exceptions to minimum subdivision lot size for certain land and Clause 4.1F Exceptions to minimum subdivision lot size for certain land in North Richmond
- 1.6 Amend Clause 4.2A Residential development and subdivision prohibited on certain land
- 1.7 Insert a new provision, in Schedule 2 Exempt Development, relating to the subdivision of land for the purposes of granting a lease, licence or other estate over Council owned or managed land in accordance with the Local Government Act 1993
- 1.8 Amend the signage provisions in Schedule 2 Exempt Development
- 1.9 Amend the LEP to identify relevant acquisition authority of land to be acquired or change the zone of certain lands
- 1.10 Amend Clause 5.1A Development on land intended to be acquired for public purposes
- 1.11 Insert additional of controls relating to bed and breakfast accommodation
- 1.12 Amend to Clause 6.10 Certain development on Lot 1, DP 827148, Richmond Road, Clarendon
- 1.13 Amend Clause 6.11 Residential accommodation at Johnston and New Streets, Windsor
- 1.14 Amend property description of Item 11 in Schedule 1 Additional Permitted Uses 1.15 Amend listings in Schedule 4 Classification and reclassification of public land
- 1.16 Amend heritage item listings in Schedule 5 Environmental heritage
- 1.17 (Deleted)
- 1.18 Insert a local provision for temporary events on public land
- 1.19 Insert storage structure into Schedule 2 Exempt development



## Planning & Environment

### Gateway Determination

*Planning Proposal (Department Ref: PP\_2015\_HAWKE\_007\_00) to amend Hawkesbury Local Environmental Plan 2012 by making a number of general amendments.*

#### Schedule 1 (Cont.)

##### Map Amendments

- 2.1 Heritage Map amendments
- 2.2 Amend LEP maps to resolve inconsistency between Land Reservation Acquisition Map 008DB and Land Zoning Map 008DB
- 2.3 Amend the map legend and correct the reference symbols on Lot Size Map
- 2.4 Amend minimum lot sizes within Wilberforce township
- 2.5 Amend Land Zoning Map for Lot 1 DP 1041524 "Pound Paddock", 46 Bourke Street, Richmond from RE2 Private Recreation to RE1 Public Recreation
- 2.6 Amend Land Zoning Map 012 and associated LEP maps to match cadastral information for Lot 16, DP 1205408, 916 Settlers Road, Central Macdonald

##### Land Use Amendments

- 3.1 Permit function centres with consent in certain zones
- 3.2 Permit eco-tourist facilities with consent in certain zones
- 3.3 (Deleted)
- 3.4 Permit veterinary hospitals with consent in the RU2 Rural Landscape zone
- 3.5 Permit community facilities and public administration buildings in the SP2 Infrastructure zone

##### Reclassification of Council Owned Land

- 4.1 Reclassify Lots 2 and 3 in DP582878, at Nos 1913 & 1905 Bells Line of Road, Kurrajong Heights from community land to operational land.

ORDINARY MEETING

Meeting Date: 28 March 2017

AT - 3 Gateway Determination dated 10 October 2016



Our ref: PP\_2016\_HAWKE\_007\_00 (16/11200)  
Your ref: LEP011/16

Mr Laurie Mifsud  
Acting General Manager  
Hawkesbury City Council  
PO Box 146  
Windsor NSW 2756

Attn: Philip Pleffer

Dear Mr Mifsud

**Planning proposal to amend Hawkesbury Local Environmental Plan 2012**

I am writing in response to your Council's letter dated 29 August requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to permit dual occupancies (detached) and secondary dwellings in all rural and E3 and E4 environmental zones, including a clause to restrict development of dual occupancies (detached) to land within an area of not less than four (4) hectares.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should not proceed for the reasons outlined in the attached Gateway determination.

In determining the proposal in this manner I took into consideration *A Plan for Growing Sydney*, which requires councils to undertake an evacuation capacity assessment that considers regional and cumulative issues, prior to rezoning land in the Hawkesbury-Nepean Valley. The proposal does not adequately address the current flood and flood evacuation risks associated with the inclusion of these additional land uses.

Should you have any queries in regard to this matter, I have arranged for Ms Alicia Hall of the Department's regional office to assist you. Ms Hall can be contacted on (02) 9860 1587.

Yours sincerely

**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**  
*10/10/2016*  
Encl: Gateway Determination

Department of Planning and Environment  
320 Pitt Street Sydney 2000 | GPO Box 39 Sydney 2001 | [planning.nsw.gov.au](http://planning.nsw.gov.au)



### Gateway Determination

**Planning proposal (Department Ref: PP\_2016\_HAWKE\_008\_00):** to amend Hawkesbury Local Environmental Plan 2012 to permit dual occupancies (detached) and secondary dwellings in all rural and E3 and E4 environmental zones, including a clause to restrict development of dual occupancies (detached) to land within an area of not less than four (4) hectares.

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the *Hawkesbury Local Environmental Plan (LEP) 2012* to permit dual occupancies (detached) and secondary dwellings in all rural and E3 and E4 environmental zones, including a clause to restrict development of dual occupancies (detached) to land within an area of not less than four (4) hectares, should not proceed for the following reasons:

1. The planning proposal has not adequately addressed inconsistencies with section 117 Direction 4.3 Flood Prone Land.
2. The planning proposal has not demonstrated consistency with *A Plan for Growing Sydney*.

Dated 10th day of October 2016

**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

**Delegate of the Greater Sydney Commission**

Hawkesbury Council PP\_2016\_HAWKE\_008\_00 (16/11648)

oooO END OF REPORT Oooo

**Item: 62****CP - Submission on the Draft West District Plan - (95498, 124414)**

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

In November 2016, the Greater Sydney Commission (GSC) released the Draft West District Plan for public exhibition. The purpose of this report is to seek Council's endorsement to prepare a submission on the Draft West District Plan, addressing the key issues and considerations contained within this report to the GSC prior to the end of the exhibition period on 31 March 2017.

**Consultation**

The GSC is currently consulting the community with respect to the six draft district plans that are currently on public exhibition until 31 March 2017. The submissions will be used by the GSC to inform the final district plans, including the West District Plan.

Given the significant engagement strategy associated with the draft Hawkesbury Community Strategic Plan that Council has just completed, it is considered relevant to inform the GSC of the outcomes of that engagement process as they relate to the Draft West District Plan.

**Background**

The GSC during 2016 had embarked on the preparation of six District Plans covering Metropolitan Sydney. District Plans previously known as Subregional Plans are subregional strategic planning documents that link the overarching Sydney Metropolitan Strategy (A Plan for Growing Sydney) with local environmental planning activities. The Hawkesbury Local Government Area (LGA) is located within the West District, along with the Blue Mountains and Penrith LGA's.

This report provides a brief overview of the Draft West District Plan, lists the key issues that are considered relevant to include within a submission, and seeks Council's endorsement to prepare a submission on the Draft West District Plan, addressing the key issues and considerations contained within this report to the GSC prior to the end of the exhibition period on 31 March 2017.

**District Plans**

The GSC outlines the role of District Plans as:

District Plans sit in the middle of the hierarchy of metropolitan, district and local planning for the Greater Sydney Region and will:

- Implement a strategic and integrated approach to managing Greater Sydney's growth by linking State and regional-level aspiration with Local Environmental Plans (LEPs) and providing a clear line of sight between these documents.
- Align land use decision and infrastructure planning through better research, decision-making and collaboration with local government and key State agencies and stakeholders.
- Be monitored and reported on, with implementation managed by coordination across Government.

## ORDINARY MEETING

Meeting Date: 28 March 2017

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

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

Included in the District Planning exhibition process is a draft amendment to A Plan for Growing Sydney, Sydney's current Metropolitan Strategy. The draft amendment, Towards our Greater Sydney 2056 is included within the Draft West District Plan. Exhibition of this draft amendment facilitates early public consultation to be undertaken to inform the comprehensive review of the Metropolitan Strategy, which will be undertaken by the GSC during 2017. Some of the key issues for Council to consider as part of its submission relate to comments on a potential change in direction in metropolitan planning.

Together, the draft District Plans envision Sydney as a metropolis of 'three cities' including:

- an 'Eastern City' (focused around the Sydney CBD)
- a 'Central City' (focussed around Greater Parramatta)
- a 'Western City' (focused around the future Western Sydney Airport).

The Draft West District Plan lays out actions and priorities against three major themes including Productivity, Liveability, and Sustainability. The following summarises the Draft West District Plans proposed actions and priorities in each of these three areas.

### *Productivity*

The proposed priorities and actions for the West District aim to accommodate more jobs in the District, particularly in Greater Penrith in the short to medium term, and boost its international tourism industry. They address the low share of knowledge intensive jobs in the West District which will be enabled in the long term by the investment in Western Sydney Airport and focus more immediately on health and education precincts. Better transport connections will provide better access to a greater choice of jobs closer to where people live. The overarching priorities are:

- creating a framework to deliver the Western City
- building international tourism
- planning for job target ranges for strategic and district centres
- planning for Greater Penrith as Sydney's Western Gateway
- increasing, strengthening and diversifying the skill base
- accessing a greater number of metropolitan jobs and centres within 30 minutes
- accessing local jobs, goods and services within 30 minutes
- managing freight activities
- managing employment and urban services land.

### *Liveability*

The proposed priorities and actions for the West District are based on the Districts unique way of life as a bushland city with access to global opportunities throughout Greater Sydney. The Districts many places from unique towns and villages to the growing Greater Penrith area and the opportunities that will come from the investment in Western Sydney Airport provide a strong foundation to improve quality of life for residents. The overarching priorities are:

- improving housing choice
- improving housing diversity and affordability
- coordinating and monitoring housing outcomes and demographic trends
- creating great places



## ORDINARY MEETING

Meeting Date: 28 March 2017

- fostering cohesive communities
- responding to peoples need for services.

### *Sustainability*

The proposed priorities and actions for a sustainable West District focus on the Districts expansive bushland, waterways and biodiversity, which attract people from around the world and provide a unique way of life for its residents. As the District grows, these assets will be enhanced, and the Districts efficiency and resilience boosted. The overarching priorities are:

- enhancing the West District in its landscape
- protecting the Districts waterways
- protecting and enhancing biodiversity
- delivering Sydney's Green Grid
- managing the Metropolitan Rural Area
- creating an efficient West District
- planning for a resilient West District
- managing flood hazards in the Hawkesbury-Nepean Valley.

### **Draft Submission**

Preparation of a draft submission will be based upon input from the Hawkesbury community in terms of reflecting the outcomes of Council's recent community engagement process associated with the Draft Hawkesbury Community Strategic Plan as they relate to the District Plan, Councillors through a workshop session with the District Commissioner and subsequent input, and internal staff who have either reviewed the draft Plan or have attended a number of the workshops associated with the preparation of the draft Plan or thorough the engagement processes of the GSC.

Included at Attachment 1 is a Summary of Key Issues to include in the submission to the Greater Sydney Commission regarding the Draft West District Plan (*Distributed Under Separate Cover*). This highlights the key issues for consideration as part of Council's submission, and it is from these key points that it is intended to draft the final submission on the Draft West District Plan, addressing the key issues and considerations contained within this report to the GSC prior to the end of the exhibition period on 31 March 2017.

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

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

### **Next Steps**

The draft District Plans and the draft amendment to the Metropolitan Strategy are on exhibition until 31 March 2017. It is then envisioned that the District Plans will be finalised in conjunction with the updated Metropolitan Strategy towards the end of 2017. It is expected that there will be an additional exhibition period later in 2017 regarding the comprehensive review of the Metropolitan Strategy.

It is considered essential that Council provides a submission to the GSC on the Draft West District Plan, particularly given the low prominence that the Hawkesbury currently has in the draft Plan.

## ORDINARY MEETING

Meeting Date: 28 March 2017

### Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Theme

- Have constructive and productive partnerships with residents, community groups and institutions

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

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

### Financial Implications

There are no direct financial implications applicable to this report.

### RECOMMENDATION:

That Council prepare and forward a submission on the Draft West District Plan, addressing the key issues and considerations contained within Attachment 1 of this report to the Greater Sydney Commission prior to the end of the exhibition period on 31 March 2017.

### ATTACHMENTS:

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

**oooO END OF REPORT Oooo**

**INFRASTRUCTURE SERVICES**

**Item: 63**                      **IS - Proposed Markets for McLeod Park, South Windsor - (95495, 79354)**

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**REPORT:**

**Executive Summary**

Council has received an application from the Windsor Business Group Inc. (WBG) to hold a monthly local Saturday market at McLeod Park, South Windsor. The markets plan to engage local providores (i.e. farmers and local artisans). It is considered that this initiative should be supported to encourage activation of the area.

Accordingly, this report recommends that the markets be approved for one year.

**Consultation**

The proposed use of the McLeod Park for markets is in accordance with the exhibited and adopted generic plans of management and therefore does not trigger a requirement for further community engagement.

**Background**

Council received an application from the Windsor Business Group Inc to hold a monthly local market at McLeod Park, South Windsor. The markets as proposed would sell local produce and would run from 8am to 1pm on the third Saturday of each month. The WBG would like to commence in May, 2017.

Councils 'Markets – Commercial and Non Profit Policy' which was adopted in 1999, states that:

*"Proposals by groups wishing to operate markets or the like on a commercial or non-profit basis are to be referred to the full Council for consideration. Requests for alterations of original consents for markets are also to be referred to Council."*

McLeod Park comes under Council's generic plans of management which allows for such usage. The Park has recently been upgraded and the markets will help activate the area. There should not be a need for vehicles to access the site as they can unload/load close to the area they will be using. A bond would be retained to cover any damage.

There are currently markets held on Council land in Richmond Park and Windsor Mall on a weekly basis and markets in McQuade Park and Governor Phillip Park on a monthly basis. McQuade Park is the nearest market and this is held on the fourth Saturday of the month. Council does not have a policy as to how many markets are allowed and whilst these markets may compete against each other, they may also provide good competition and expand.

This market would be seen as a community market as the WBG is a not-for-profit organisation. The application for community markets is \$100 and fees and charges to run the event require Council determination. A Price on Application (POA) has been adopted in Council's Fees and Charges in regard to the applicable daily rate, as it is not known where requests will be received for markets. The markets at Richmond Park and Governor Phillip Park are seen as Commercial markets and are charged a flat fee of \$600 per market. The community market held in McQuade Park is charged at \$10 per stall.

It is recommended that WBG be given permission to hold markets at McLeod Park for one year on the third Saturday of each month, subject to set conditions and that a standard rate of \$10 per stall be charged. The markets to be limited to 24 stalls, to reduce potential for conflicts and site impacts.

## ORDINARY MEETING

Meeting Date: 28 March 2017

### Conformance to the Hawkesbury 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

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

- Differentiate, brand and promote the Hawkesbury as a tourism destination

### Financial Implications

There are no financial implications applicable to this report.

### RECOMMENDATION:

That:

1. The Windsor Business Group Inc be given approval to hold a monthly market on the third Saturday of each month, at McLeod Park for one year.
2. A fee of \$10 per stall be charged with a maximum of 24 stalls allowed.
3. The General Manager be given authority to negotiate additional markets, if required.
4. The approval be subject to the following:
  - a) Council's general Park conditions
  - b) Council's Fees and charges
  - c) The Generic Plans of Management
  - d) Management of conflict with other users.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**Item: 64                      IS - Windsor Bridge Replacement Project - RMS Draft Urban Design and Landscape Plan Consultation - (123265, 95495)**

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**REPORT:**

**Executive Summary**

The Roads and Maritime Services (RMS) has prepared a draft Urban Design and Landscape Plan (UDLP) as required, as part of the Windsor Bridge replacement project to indicate how the integrated design process has taken into account the overall built, natural and community environment. The UDLP is currently on public exhibition until 7 April 2017. As required under the project approval, RMS has consulted with Council during the preparation of the plan, with general feedback and comments made on the basis that a formal response would be made when the totality of the plan is known. This consultation has generally been on specific design elements of infrastructure to be maintained by Council in the future.

Council's comments on the UDLP remain qualified, as the plans relating to Heritage and Interpretation have not been finalised by RMS. It is considered that further comment should be able to be made on UDLP elements, when these plans are released. Ideally, the full suite of studies should have been released together.

The report recommends that Council provides its comments to RMS as outlined within the body of this report.

**Consultation**

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

**Background**

The Roads and Maritime Services (RMS) has prepared a draft Urban Design and Landscape Plan (UDLP) as part of the Windsor Bridge replacement project. The draft UDLP is required to indicate how the integrated design process has taken consideration of the built, natural and community environment with a particular sensitivity to the unique heritage values of the area.

This document (draft UDLP) is part of a suite of other documents being prepared by RMS to satisfy their approval to deliver the Windsor Bridge project. The suite of documents include a Strategic Conservation Management Plan (SCMP), Interpretation Plan (IP), recording of historical sites and archaeological investigation of Aboriginal and cultural heritage within the project area.

RMS is undertaking consultation on the draft UDLP from 13 March 2017 until 7 April 2017. Details of the UDLP are available on the RMS website with physical displays being provided at both the Windsor and Richmond libraries. Feedback is required on the draft UDLP which will be considered in formulating its Final Plan to be submitted to the Department of Planning and Environment for approval. It is considered that the full suite of documentation should have been released together to enable an integrated and comprehensive response as many aspects are likely to overlap.

The draft UDLP states that it outlines specific design approaches and benefits such as; unique heritage values, improved views of the river, buildings and land, safer access and connectivity between the river foreshores and town, increased green space as part of the reunification of Thompson Square, rehabilitation of the river foreshores, planting of trees, and integration of various material types with the existing visual character.

The document also proposes measures as to how the bridge replacement considers various aspects such as the character of the River and its banks, the landscape setting, the township of Windsor, the historic fabric of the area, surrounding park, approach roads, and flooding history. The structure and design elements take into consideration these features in formulating outcomes for components such as the piers, abutments, pavements, kerbs, tree species, vegetation, lighting etc. An example of this is the treatment for the bridge abutments where the draft UDLP makes reference to the use of a brick finish to reflect on the materials used in the local historical buildings.

RMS has consulted with Council staff in relation to the UDLP through requests for advice on various elements relating to the infrastructure that Council would ultimately be responsible for. This includes paving materials, integration of hard and soft surface areas, selection of tree species, ability to maintain landscape areas, extent of scour protection of the river bank, lighting within the project area etc.

During those discussions it has been made clear that the advice given is only done so for the purposes of providing commentary on specific elements, and that there could be no endorsement of individual elements without the benefit of seeing the final UDLP and how it integrates with the SCMP and Interpretation Plan.

There are many elements contained within the draft UDLP which have a bearing on Council in relation to fitting in with the overall ambience of the area and also the future upkeep and maintenance of these features. It is important that any asset handover to Council does not have financial implications.

Council's staff have reviewed the draft UDLP and comments specific to sections within the draft UDLP are contained in Attachment 1. The following comments are key issues which need further consideration or commentary by the RMS.

#### ***Lighting within Thompson Square***

The existing lighting within Thompson Square is part of the street lighting network. These lights are maintained by Endeavour Energy in a similar manner to the overall street lighting network. The type of lighting nominated within the draft UDLP, which is a LED Luminaire (L4 as contained in Table 4.1 – Gerard LED P3 42W) is acceptable to Endeavour Energy to be added to their list.

Recent advice since the release of the draft UDLP from RMS is that OEH have stated some reservation on the type of light selected for Thompson Square – (Gerard LED). OEH have indicated that RMS must adopt a lighting option that sympathises with the current lighting in Thompson Square. The preference from OEH is to utilise a light similar to the existing lights in Thompson Square (such as a "Bourke Hill" LED). This pole top type light is more in keeping with the heritage aspects of the area whereas the Gerard light is slightly more modern. The suggested light by OEH is not part of the Endeavour Energy list and initial advice from Endeavour Energy is that this type of light is unlikely to be added to the street lighting network list. This means that Council will have to set up a maintenance regime for the future upkeep and maintenance of these lights.

In addition to the lighting in Thompson Square, a Blue Interpretative light is proposed on the Windsor side of the Bridge to represent the level of the 1867 flood. This light is also not part of the Endeavour Energy list and will need to be maintained by Council. Separately, the provision of this light should be assessed as part of the as yet unreleased Interpretation Plan.

Whilst it is appreciated that the replacement lights and Interpretative lights need to fit in with the overall aspects of the area, the provision of lights not contained within the Endeavour Street lighting network list is not the preferred option. Further response from RMS and Endeavour Energy is sought.

***Viewing Platform – Windsor Side***

A viewing platform is proposed on the Windsor side of the bridge. RMS proposes to construct the viewing platform utilising the first span of the existing bridge. The viewing platform will be an asset RMS will hand over to Council to maintain. RMS has been advised that Council at this stage cannot formally commit to accepting the asset from RMS. The matter can be further reviewed and considered based on public and agency comments on the desirability of the viewing platform, when the UDLP, SCMP and Interpretation Plans are exhibited.

One of the concerns from an asset management point of view will be the ongoing maintenance of such a structure. RMS have advised that this structure would be handed over to be a Council asset. Specific details are required on the construction of the viewing platform as to what sections of the old bridge are being retained and what is new. Whilst a maintenance program can be identified, a capitalised maintenance cost would need to be established, and potentially be sought by Council. Council would also seek some form of indemnity against issues or damage resulting from retention of part of the structure.

***Thompson Square Gradient***

The proposed gradient in Thompson Square, which creates a park over the current road to the existing bridge, will have a gradient in the order of 1 in 4. The previous proposal by RMS was to have the area terraced; however this option was amended as part of its approval. (Refer to Table 1.1. of the draft UDLP– approval condition B6).

Whilst it is not physically possible to reduce the gradient without retaining walls or terracing, the 1 in 4 gradient may pose potential issues from a maintenance point of view and may require specialised equipment, or alternate maintenance strategies.

***General Maintenance Zones***

Maintenance zones are yet to be agreed to and determined for the whole project extent. RMS maintain the trafficable area along a State road (generally between kerbs). There are various design aspects of this project that need to be taken into consideration such as: traffic islands, the centre island for the roundabout at Freemans Reach Road, footpaths contained within the raised elements near the abutments, stairs abutting the bridge structure, signs, vegetation adjacent to kerbs such as those within the clear zone at the roundabout, lighting etc.

Due to the various treatment types nominated in and around features such as the roundabout at Freemans Reach Road, Councils position is that there is a need to establish a maintenance buffer zone which RMS is responsible for. The treatment types appear to be a key aspect for RMS as part of its approval process.

***Relationship of UDLP to Heritage Issues***

As indicated the UDLP is part of a suite of documents and is expected to supplement and relate to the SCMP and Interpretation Plan. In order to ensure that there are no significant issues arising from the UDLP, the draft UDLP has been referred to Councils Heritage advisor to review and provide any comment back to Council. At the time of writing this report, this advice had not been received. Any advice that is received will be distributed prior to the Council meeting. Advice from the Heritage Advisor will also be sought when other documentation is released.

Council's submission to the RMS should be qualified in respect of any heritage, conservation or interpretation aspects as these can only be considered and addressed in conjunction with the Strategic Conservation Management Plan and Interpretation Plan.

It is proposed that the comments formulated within Attachment 1 and the contents of the report be forwarded to RMS.

**Conformance to the Hawkesbury Community Strategic Plan**

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

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

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

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

**Financial Implications**

There are no financial implications arising from this report.

**RECOMMENDATION:**

That:

1. The information contained in this report be received.
2. A submission be made to Roads and Maritime Services relating to the draft Urban Design and Landscape Plan, as detailed in the report and attachment and including advice received from Council's Heritage Advisor.
3. The RMS be advised in that submission that, in the absence of the Strategic Conservation Management Plan and Interpretation Plan, its comments are qualified and that Council reserves the right to review its advice and submission when these other documents are released.

**ATTACHMENTS:**

- AT - 1** Hawkesbury City Council comments relating to the Roads and Maritime Service's draft Urban Design and Landscape Plan



**AT - 1 Hawkesbury City Council comments relating to the**

**Roads and Maritime Service's draft Urban Design and Landscape Plan**

- Pg. 2 The extent of the Thompson Square Conservation Area should be shown consistent with Heritage listings and controls.
- Pg. 5 2.2 Hawkesbury-Nepean River Crossings  
The Yarramundi Bridge Crossing has not been shown in Figure 2.3.
- Pg. 24 Retaining the existing bridge to first abutment – The matter should be further reviewed and considered based on public and agency comments on the desirability of the viewing platform, when the SCMP and Interpretation Strategy are exhibited.
- One of the concerns from an asset management point of view will be the ongoing maintenance of such a structure. Specific details are required on the construction of the viewing platform as to what sections of the old bridge are being retained and what is new. Whilst a maintenance program can be identified, a capitalised maintenance cost would need to be established, and potentially be sought by Council. Council would also seek some form of indemnity against issues or damage resulting from retention of part of the structure.
- Pg. 24 Wilberforce Road, retaining the abutment and linking to Macquarie Park pathway network. RMS needs to establish the maintenance requirements in retaining the old bridge abutments. The retention of the abutment and future maintenance should be the responsibility of RMS in line with the scour protection zone for the northern bank.
- Pg. 24 It is noted that as part of the approval process that the terracing of the park area is not permissible. The proposed Slope of 1 in 4 slope will be difficult to mow based on the current available equipment Council currently has. To maintain this area, Council may need to invest in specialized equipment or use a contractor to meet its WHS requirements as a minimum. Unless an alternate treatment method is possible, Council and RMS will need to reach an agreement on funding provision to facilitate the future maintenance of this area.
- Pg. 31 Heritage interpretation viewing platform – if the road level changes to achieve access to the wharf this may affect the accessibility of the viewing deck, only achievable if the superstructure changes to manage the level differences. Further details are required. It should be pointed out that a viewing platform, as depicted in Plate 4.1 already exists in the vicinity of the Bridge site. RMS needs to further establish the requirements of the additional viewing platform as part of the Interpretation Plan and SCMP.
- Pg. 39 Bridge Abutment Materials – address the maintenance aspects including graffiti removal. Subject to materials Council may consider entering into a contract to maintain this element.
- Pg. 47 Sandstone Kerb – need to indicate where the original sandstone kerb that exists in the various section of roadway, is to be reused within the project or elsewhere.
- Pg. 48 & 49 Walls, Fencing & Balustrades – an overall fencing solution is required to ensure all fencing is consistent and integrated with Heritage value/interpretation. The plan has an ad-hoc mixture of fencing types. The provision and position of all rail/fencing whilst satisfying heritage requirements must also meet safety requirements.
- Pg. 50 Park Furniture – recommend that existing furniture be removed and replaced fully including new bins, similar to Richmond Park, which uses Street Furniture Australia Mall Style, curved frame, black powder coated, timber slats.
- Characteristics of a new furniture suite, could be more contemporary in nature but also reflect the colonial heritage of the square. In this regard, a unique characteristic that is seen in colonial open space is the circular seating surrounding feature trees.

## ORDINARY MEETING

Meeting Date: 28 March 2017

- Pg. 55      Lighting in Thomson Square – The light type indicated as L4 in Table 4.1 is acceptable to Endeavour Energy to be included in the street lighting network list. The light type L5 would need concurrence and acceptance by Endeavour Energy. Council cannot accept lights which are not part of the street lighting network. This should be further considered in conjunction with the Strategic Conservation Management Plan and Interpretation Plan.
- Pg. 59      Plant Species selection – remove from the species selection *Dietes irioides* not suited for the area.
- Limit the use of *Casuarina spp* as significant stands already exist on both sides of the river and this species has a propensity to create a monoculture.
- Pg. 65      Maintenance – given the significance of the site require RMS to have a 12 month establishment and maintenance period prior to Council handover.
- General    Cross Sections are required for Thompson Square along the projected long section (Figure 4.13) to get a better perspective of the final shape proposed. Power for events also needs to be provided as well as water supply and taps to water any planting/turf both sides of the bridge.
- Access into Thompson Square "park" around its perimeter needs to be limited to pedestrians only. Treatment along The Terrace by way of a barrier is required to separate the park and vehicles.
- The interface at the lower end of the park and where it intersects The Terrace requires a defined and constructed surface drain such as a concrete dish drain.
- The major tree planting within Thompson Square also relates to existing species within the square and surrounding properties. The use of deciduous trees will allow for the square to be well utilised both in summer (shaded) and winter (sun). Consideration will need to be given for succession planting of major trees within the square as existing trees scenes.
- These aspects should also be addressed in the Strategic Conservation Management Plan and Interpretation Plan.

oooO END OF REPORT Oooo

**ORDINARY MEETING****Meeting Date: 28 March 2017****SUPPORT SERVICES****Item: 65****SS - Monthly Investments Report - February 2017 - (95496, 96332)****REPORT:****Executive Summary**

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

This report indicates that Council held \$41.2 million in investments at 28 February 2017.

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 \$41.2 million in investments as at 28 February 2017. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
CBA	A1+	AA-			1.25%	400,000	0.97%	
Tcorp	A1+	AA-			2.63%	3,535,734	8.56%	
Total On-call Investments								3,935,734
Term Investments								
ANZ	A1+	AA-	07-Sep-16	02-Mar-17	2.69%	2,500,000	6.06%	
ANZ	A1+	AA-	21-Sep-16	04-Apr-17	2.70%	1,200,000	2.91%	
ANZ	A1+	AA-	14-Sep-16	14-Jun-17	2.71%	1,000,000	2.43%	
ANZ	A1+	AA-	14-Sep-16	14-Jun-17	2.71%	1,000,000	2.43%	
ANZ	A1+	AA-	14-Sep-16	05-Jul-17	2.71%	1,500,000	3.64%	
ANZ	A1+	AA-	01-Feb-17	31-Jan-18	2.70%	1,000,000	2.43%	
Bankwest	A1+	AA-	08-Feb-17	05-Jul-17	2.70%	1,000,000	2.43%	
NAB	A1+	AA-	27-Apr-16	30-Mar-17	3.10%	1,000,000	2.43%	
NAB	A1+	AA-	27-Apr-16	27-Apr-17	3.10%	2,000,000	4.85%	
NAB	A1+	AA-	31-Aug-16	28-Jun-17	2.60%	2,000,000	4.85%	
NAB	A1+	AA-	05-Aug-16	03-Aug-17	2.78%	1,000,000	2.43%	
NAB	A1+	AA-	17-Aug-16	16-Aug-17	2.75%	1,500,000	3.64%	
NAB	A1+	AA-	23-Nov-16	18-Oct-17	2.72%	1,000,000	2.43%	
NAB	A1+	AA-	23-Nov-16	22-Nov-17	2.75%	1,500,000	3.64%	
NAB	A1+	AA-	14-Dec-16	13-Dec-17	2.70%	1,500,000	3.64%	
NAB	A1+	AA-	08-Feb-17	07-Feb-18	2.60%	2,000,000	4.85%	
St George	A1+	AA-	24-Jan-17	24-Jan-18	2.70%	1,500,000	3.64%	
St George	A1+	AA-	22-Feb-17	22-Feb-18	2.61%	1,000,000	2.43%	

## ORDINARY MEETING

**Meeting Date: 28 March 2017**

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
Westpac	A1+	AA-	30-Mar-16	30-Mar-17	3.10%	500,000	1.21%	
Westpac	A1+	AA-	06-Apr-16	14-Apr-17	3.10%	1,000,000	2.43%	
Westpac	A1+	AA-	04-May-16	04-May-17	3.05%	2,000,000	4.85%	
Westpac	A1+	AA-	23-Nov-16	24-May-17	2.80%	2,000,000	4.85%	
Westpac	A1+	AA-	17-Aug-16	12-Jul-17	3.00%	1,000,000	2.43%	
Westpac	A1+	AA-	03-Aug-16	03-Aug-17	2.90%	800,000	1.94%	
Westpac	A1+	AA-	05-Aug-16	03-Aug-17	3.00%	1,000,000	2.43%	
Westpac	A1+	AA-	24-Aug-16	24-Aug-17	3.00%	800,000	1.94%	
Westpac	A1+	AA-	31-Aug-16	07-Sep-17	3.00%	1,000,000	2.43%	
Westpac	A1+	AA-	07-Sep-16	07-Sep-17	3.00%	1,000,000	2.43%	
Westpac	A1+	AA-	19-Oct-16	18-Oct-17	3.00%	1,000,000	2.43%	
Total Term Investments								37,300,000
TOTAL INVESTMENT AS AT 28 February 2017								41,235,734

### **Performance by Type**

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	3,935,734	2.49%	Reserve Bank Cash Reference Rate	1.50%	0.99%
Term Deposit	37,300,000	2.82%	UBS 90 Day Bank Bill Rate	1.78%	1.04%
Total	41,235,734	2.79%			

### **Restricted/Unrestricted Funds**

Restriction Type	Amount \$
External Restrictions - S94	6,999,799
External Restrictions - Other	3,656,095
Internal Restrictions	20,637,238
Unrestricted	9,942,602
Total	41,235,734

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

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

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

## ORDINARY MEETING

Meeting Date: 28 March 2017

### ***Investment Commentary***

The investment portfolio increased by \$7,000 for the month of February 2017. During February 2017, income was received totalling \$8.6 million, including rate payments amounting to \$5.4 million, while payments to suppliers and staff costs amounted to \$6.1 million. The remaining change in the investment portfolio relates to the timing of the redemption and lodging of term deposits, which is dependent upon Council cash flow requirements.

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

Council has a loan agreement for an amount of \$5.3 million under the Local Government Infrastructure Renewal Scheme (LIRS). The full amount was drawn down upon signing the agreement in March 2013, with funds gradually being expended over the period during which the program of works is being delivered. The loan funds have been placed in term deposits, with interest earned on unexpended invested loan funds being restricted to be used for works relating to the LIRS Program projects.

As at 28 February 2017, Council's investment portfolio is all invested with major Australian trading banks or wholly owned subsidiaries of major Australian trading banks and in line with Council's Investment Policy.

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

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

### ***Investment Certification***

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

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

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

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

### **Financial Implications**

Funds have been invested with the aim of achieving budgeted income in Service 121 – Investments within the 2016/2017 Adopted Operational Plan.

### **RECOMMENDATION:**

The report regarding the monthly investments for February 2017 be received and noted.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**ORDINARY MEETING**

**Meeting Date:** 28 March 2017

ordinary

section 4

reports  
of committees

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



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

**SECTION 4 - Reports of Committees**

**ROC                      Local Traffic Committee - 13 March 2017 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Council Chambers, Windsor, on Monday, 13 March 2017, commencing at 3pm.

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**Present:**                      Mr Christopher Amit, Hawkesbury City Council (Chairman)  
                                     Inspector Ian Woodward, NSW Police Force  
                                     Ms Tina Kaur, Roads and Maritime Services

**Apologies:**                      Councillor Peter Reynolds, Hawkesbury City Council  
                                     Mr Steve Grady, Busways

**In Attendance:**                      Ms Sophie Hill, Hawkesbury City Council  
                                     Ms Judy Wong, Hawkesbury City Council

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Mr Christopher Amit advised the Committee that the position of Chair is to be undertaken in accordance with RMS (formerly RTA) Guidelines "Delegation to Councils for Regulation of Traffic" Section 5.3 which states that the meeting is to be convened by a Council Representative, either voting or non-voting. On this basis Mr Amit is to take up the position of the Chair for this meeting as agreed to with Councillor Reynolds.

The Acting Chairman Mr Amit tendered an apology on behalf of Councillor Peter Reynolds, advising that Councillor Peter Reynolds concurred with recommendations as contained in the formal agenda and had granted proxy to himself to cast vote(s) on his behalf.

RESOLVED on the motion of Inspector Ian Woodward, seconded by Ms Tina Kaur that the apologies be accepted.

**SECTION 1 - Minutes**

**Item 1.1                      Confirmation of Minutes**

The Committee resolved on the motion of Ms Tina Kaur seconded by Mr Christopher Amit that the minutes from the previous meeting held on Monday, 13 February 2017 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 - Parramatta Cycling Club Road Cycling Races 2017 - Oakville Events  
(Hawkesbury) - (80245, 82935)**

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**REPORT:**

**Introduction:**

An application has been received from the Parramatta Cycling Club seeking approval (in traffic management terms) to conduct the Parramatta Cycling Club Road Cycling Races 2017 - Oakville Events.

The event organiser has advised;

- The event has been held annually, over the past 20 years.
- Parramatta Cycling Club has been conducting club-level road racing on the roads around Oakville. Some who have engaged in these races have gone on to achieve great success in the Olympics, Commonwealth Games and World Championships.
- The cycling events will be held on 12 separate Saturdays and one Sunday, during the period of 19 March 2017 to 23 September 2017,
- The proposed dates are;
  - 19 March 2017 (Sunday)
  - 08 April 2017
  - 22 April 2017
  - 29 April 2017
  - 13 May 2017
  - 27 May 2017
  - 10 June 2017
  - 24 June 2017
  - 29 July 2017
  - 12 August 2017
  - 26 August 2017
  - 09 September 2017
  - 23 September 2017
- Each event will be conducted between 1pm and 4:30pm, with racing commencing at 2pm.
- The event is a Race and there will be four to five graded races on the day,
- There will be approximately 60 participants,
- Approximately 10 to 15 spectators are expected,
- There will be four to five groups with each group not to exceed 20 riders,
- The event starts and finishes at Oakville Public School, located at No. 46 Ogden Road, Oakville,
- Utilising the School's parking facilities will eliminate traffic congestion in the start/finish area.
- Traffic control arrangements will be in place with no road closures required,

## ORDINARY MEETING

### Reports of Committees

- The average speeds for races at Category 2 level vary from 30kph to 40kph, all of which are well below the posted speed limit. The only exception to this situation is the final sprint, which traditionally occurs within the last 200 metres of the race. In order to protect all riders and motorists, this section of the course is sterilised by the exclusion of motorised vehicles for the period of the sprint, generally less than 60 seconds,
- The course follows an anti-clockwise direction which utilises left turns only at intersections to ensure the safety of participants and motorists,
- The course has been chosen because of its remote location and minimum impact on the local amenity,
- Accredited traffic marshals are in constant two way radio communication between marshals and all escort vehicles and the start line,
- Prior to racing commencing, the course is subject to a physical inspection, in the event that circumstances have changed since the last race,
- The Club will utilise a roaming Commissaires vehicle as an escort for public awareness and also for observing race and road infringements,
- All riders are informed that should they breach any directive, by the marshal, commissaire or official, they face disqualification. If in the view of such officials the breach is serious, the riders also face fines and potential suspension,
- All riders in the event are to be licensed through the Australian Cycling Federation and there is a policy of no license, no start,
- The Bicycle Race will be conducted along the following route;
  - Commencing at Oakville Public School, Oakville, and entering Ogden Road,
  - Travel a short distance along Ogden Road and then into Hanckel Road,
  - Travel along Hanckel Road and turn left into Old Pitt Town Road,
  - Travel along Old Pitt Town Road and turn left into Saunders Road,
  - Travel along Saunders Road and turn left into Smith Road,
  - Travel along Smith Road and turn left into Ogden Road,
  - Travel along Ogden Road finishing at Oakville Public School.
  - The route distance is approximately 7.2 kilometres
- Parramatta Cycling Club conducted a course survey in February 2017 and found the road surface in adequate condition for bicycle races to be conducted.

Refer to Attachment 1: Parramatta Cycling Club Road Cycling Races 2017 - Oakville Events - Event Route Plan.

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

**Discussion:**

It would be appropriate to classify the event as a “**Class 2**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) as the event may disrupt minor traffic and transport systems along the specified route and there may be a low scale disruption to the non-event community. Speed limit, traffic volume and road width details are provided in the following table:

Oakville Route			
Road Name	Speed Limit (km/h)	ADT (Year)	Sealed Carriageway Width (m)
Hanckel Road	60 and 70	1498 (2002)	5.7
Ogden Road	60 and 70	190 (1999)	8.0
Old Pitt Town Road	70	1264 (2002)	6.0 to 8.0
Saunders Road	70	718 (2000)	5.4 to 5.8
Smith Road	70	342 (1999)	6.1

The event organiser should assess the risk and address the suitability of the route as part of the risk assessment considering the road width, number of bicycles, traffic volume and bicycles travelling close to the edge of the sealed travelling lane.

The course follows an anti-clockwise direction which utilises left turns only at intersections to ensure the safety of participants and motorists with traffic controls in place. No road closures are proposed, although there will be a sprint at the end of the race within the last 200 metres of the course which the event organiser is proposing to close off under traffic control for approximately 60 seconds.

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document Set ID No: 5807012):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Transport Management Plan – referred to in the application as Traffic Management Plan (TMP),
5. Proposed Road Racing Schedule 2017,
6. Event Route Plan,
7. Copy of Insurance Policy which is valid to 30 November 2017,
8. Copy of the application to the NSW Police Force

The event on 19 March 2017 will not be considered in the recommendation as it not within the required time frame for consideration and approval through the March LTC and subsequent Council meeting.

**RECOMMENDATION TO COMMITTEE:**

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Parramatta Cycling Club Road Cycling Races 2017 - Oakville Events planned for;
  - 19 March 2017 (Sunday)
  - 08 April 2017
  - 22 April 2017
  - 29 April 2017
  - 13 May 2017
  - 27 May 2017
  - 10 June 2017
  - 24 June 2017
  - 29 July 2017
  - 12 August 2017
  - 26 August 2017
  - 09 September 2017
  - 23 September 2017

by the Parramatta Cycling Club along the Oakville Route be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);

## ORDINARY MEETING

### Reports of Committees

- 4b. the event organiser is to assess the risk and address the suitability of the entire route as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to submit a Traffic Control Plan (TCP) for the entire route, which needs to include details such as the specific position of barriers, signs etc, required for the event which includes the closing sprint at the end of the race, to Council and the Roads and Maritime Services - RMS (formerly RTA) for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4e. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4f. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;
- 4g. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4h. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4i. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4j. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4k. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

#### **During the event:**

- 4l. access is to be maintained for businesses, residents and their visitors;
- 4m. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4n. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);

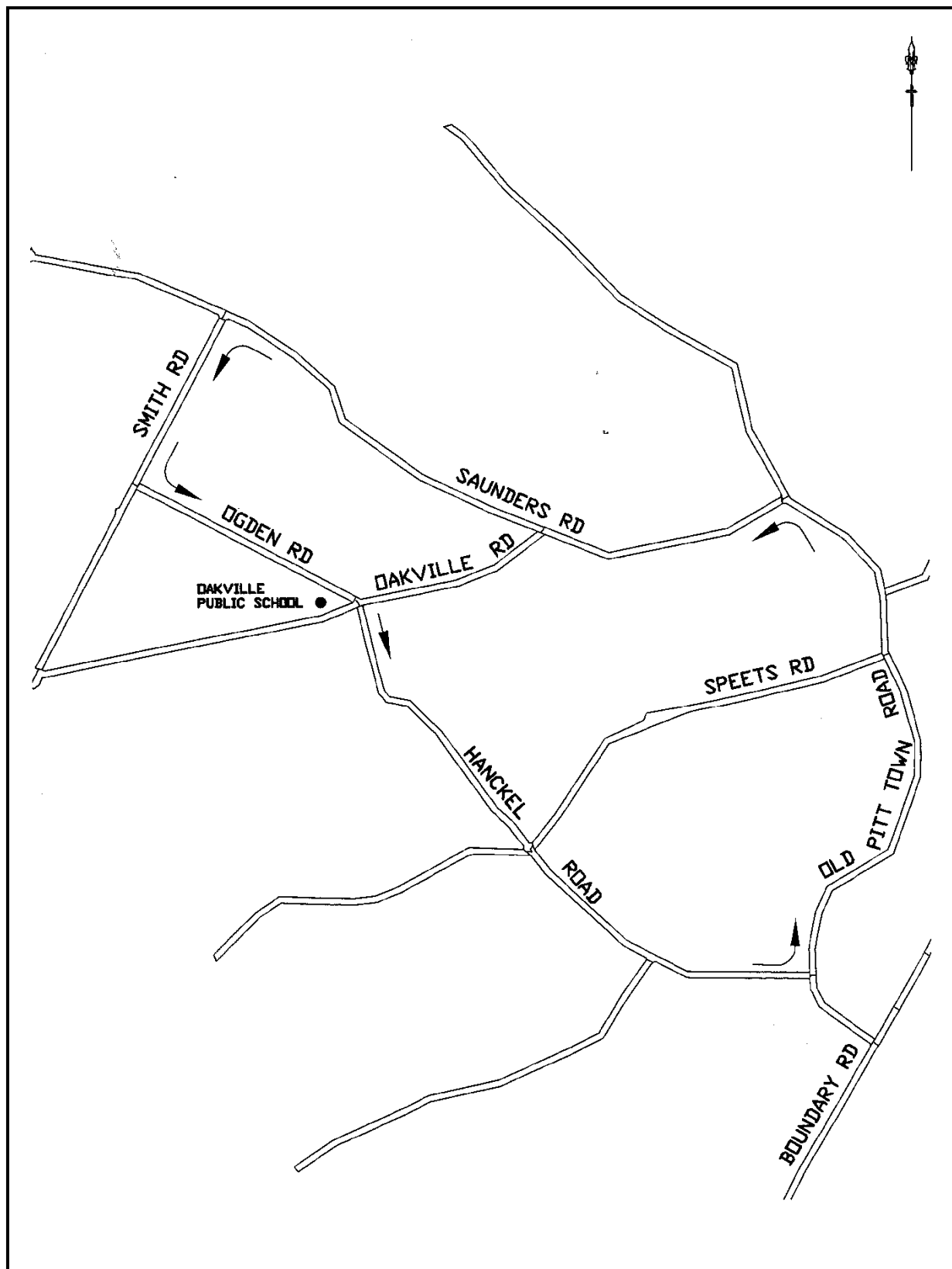
**ORDINARY MEETING**  
**Reports of Committees**

- 4o. the cyclists are to be made aware of and are to follow all the general road user rules whilst cycling on public roads;
- 4p. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4r. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

**APPENDICES:**

- AT - 1** Parramatta Cycling Club Road Cycling Races 2017 - Oakville Events - Event Route Plan  
**AT - 2** Special Event Application - (ECM Document Set ID No: 5807012) - *see attached*.

AT - 1 Parramatta Cycling Club Road Cycling Races 2017 - Oakville Events - Event Route Plan





**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Inspector Ian Woodward, seconded by Ms Tina Kaur.

Support for the Recommendation:        Unanimous support

That

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Parramatta Cycling Club Road Cycling Races 2017 - Oakville Events planned for;
  - 08 April 2017
  - 22 April 2017
  - 29 April 2017
  - 13 May 2017
  - 27 May 2017
  - 10 June 2017
  - 24 June 2017
  - 29 July 2017
  - 12 August 2017
  - 26 August 2017
  - 09 September 2017
  - 23 September 2017

by the Parramatta Cycling Club along the Oakville Route be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
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- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to submit a Traffic Control Plan (TCP) for the entire route, which needs to include details such as the specific position of barriers, signs etc, required for the event which includes the closing sprint at the end of the race, to Council and the Roads and Maritime Services - RMS (formerly RTA) for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
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**ORDINARY MEETING**  
**Reports of Committees**

- 4j. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4k. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

**During the event:**

- 4l. access is to be maintained for businesses, residents and their visitors;
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- 4q. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4r. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

**SECTION 3 - Reports for Information**

There are no Reports for Information.

**SECTION 4 - General Business**

There was no General Business.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Monday, 10 April 2017 at 3pm in the Small Committee Room.

The meeting terminated at 4:30pm.

**oooO END OF REPORT Oooo**

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

**ORDINARY MEETING**  
Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

**Councillor Questions from Previous Meetings and Responses - (79351)**

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**REPORT:**

**Questions - 14 March 2017**

#	Councillor	Question	Response
1	Reynolds	Enquired if Council staff consulted with the Heritage Advisory Committee and/or Council's Heritage Advisor, before providing input to the RMS consultants, in relation to the Draft Urban Landscape Design for Thompson Square, Windsor.	The Director Infrastructure Services advised that advice has been sought from Council's Heritage Advisor on the, now released, UDLP.  A report on this matter is contained within this Business Paper.
2	Reynolds	Enquired if the RMS requires Council permission to conduct investigations into the proposed electrical sign in Richmond Park on March Street, Richmond and if the RMS requires Council permission to erect the sign on Council owned land.	The Director Infrastructure Services advised that Council previously refused owners consent to enable the location of the sign within Richmond Park. RMS have now proposed to fully locate the structure within March Street, which is a State Road. Council approval is not required, however as the sign will be adjacent to a State Heritage Listed park, approval by the Office of Environment and Heritage is understood to be required. Council staff have made a submission indicating objection to the proposed location.
3	Wheeler	Enquired if the Local Traffic Committee could investigate the creation of a clearway on Macquarie Street between Christie Street and Bridge Street, Windsor.	The Director Infrastructure Services advised that the matter would be referred to the Local Traffic Committee and/or RMS for review.

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

#	Councillor	Question	Response
4	Wheeler	Requested comments on the trucks that are providing fill to a property in the East Kurrajong and Tennyson area.	The Director City Planning advised that the truck movements are importing fill material in accordance with a Duck Processing Facility on Tennyson Road that was approved by Council on 31 May 2016. The construction site is being certified by a Private Certifier and Council has approached the Certifier regarding improved management of those truck movements.
5	Kotlash	Enquired if Council is aware of any plans for an ambulance depot west of river and requested that Council enquire as to how Ambulance NSW plan for such a service and how Council could be involved to augment the process.	The Director Infrastructure Services advised that Council is unaware of any proposals or plans. Correspondence will be forwarded to NSW Ambulance Service for advice on their planning.
6	Zamprogno	Requested that Old Pitt Town Road, near Brinsley Oval receive repairs.	The Director Infrastructure Services advised that interim repairs would be carried out, and more substantial repairs would be undertaken following drainage investigation.
7	Zamprogno	Requested a written response in relation to non-conformance or regulatory action at Teviot Street Richmond and if the SEPP applies to this property.	The Director City Planning advised that a written response was forwarded to Councillor Zamprogno on Thursday 16 March 2017. The response advised of the regulatory action being taken and included an explanation that the SEPP (Exempt and Complying Development Codes) 2008 does not apply to that development.

oooO END OF REPORT Oooo

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

**CONFIDENTIAL REPORTS**

**Item: 66**                      **SS - Property Matter - Assignment of Lease from Wayne Edwards Holdings Pty Ltd to J Jona and W Koro - 35 Macquarie Street, Windsor - (95496, 112106, 130695) CONFIDENTIAL**

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**Reason for Confidentiality**

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

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

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

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

**Item: 67**                      **SS - Property Matter - Lease to Nufarm Petroleum Pty Limited - Road Reserve adjoining Lot 105 in Deposited Plan 1042797 - 501-509 Bells Line of Road, Kurmond - (95496, 112106, 136181) CONFIDENTIAL**

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**Reason for Confidentiality**

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

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ordinary  
meeting

end of  
business  
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