



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 29 October 2013

location: council chambers

time: 6:30 p.m.



# mission statement

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

## **How Council Operates**

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

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

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

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

### **Meeting Procedure**

The Mayor is Chairperson of the meeting.

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

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

### **Public Participation**

Members of the public can register to speak on any items in the business paper other than the Confirmation of Minutes; Mayoral Minutes; Responses to Questions from Previous Meeting; Notices of Motion (including Rescission Motions); Mayoral Elections; Deputy Mayoral Elections; Committee Elections and Annual Committee Reports. To register, you must lodge an application form with Council prior to 3pm on the day of the meeting. The application form is available on Council's website, from the Customer Service Unit or by contacting the Manager - Corporate Services and Governance on (02) 4560 4444 or by email at [council@hawkesbury.nsw.gov.au](mailto:council@hawkesbury.nsw.gov.au).

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

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

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

## **Voting**

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

## **Planning Decision**

Under Section 375A of the Local Government Act 1993, voting for all Planning decisions must be recorded individually. Hence, the Chairperson will ask Councillors to vote with their electronic controls on planning items and the result will be displayed on a board located above the Minute Clerk. This will enable the names of those Councillors voting For or Against the motion to be recorded in the minutes of the meeting and subsequently included in the required register. This electronic voting system was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

## **Business Papers**

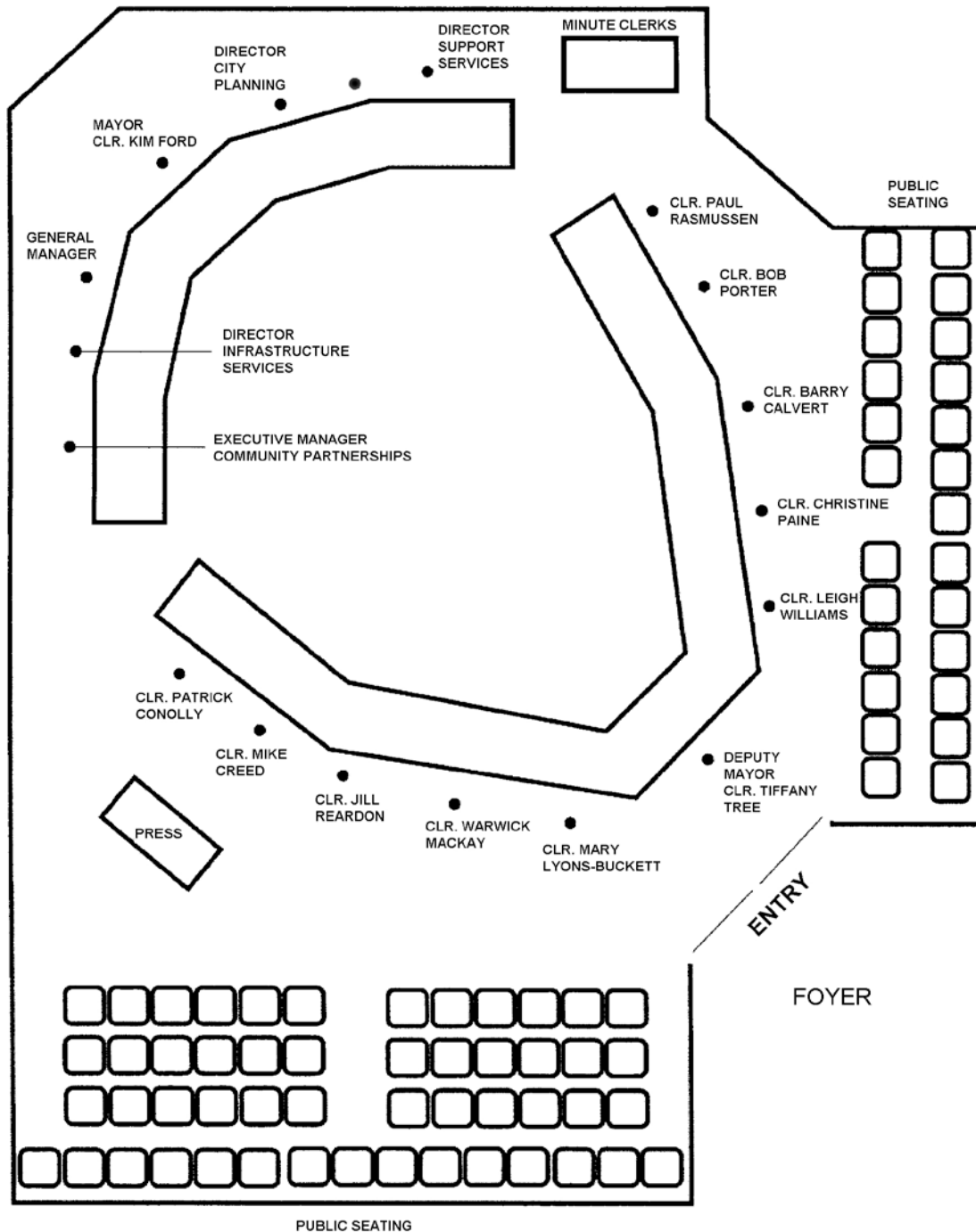
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

Hard copies of the business paper can be viewed at Council's Administration Building and Libraries after 12 noon on the Friday before the meeting, and electronic copies are available on CD to the public after 12 noon from Council's Customer Service Unit. The business paper can also be viewed on the public computers in the foyer of Council's Administration Building.

## **Further Information**

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

# Hawkesbury City Council





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- **SECTION 2 - Mayoral Minutes**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
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**SECTION 1 - Confirmation of Minutes**

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**ORDINARY MEETING**

**Mayoral Minutes**



## ORDINARY MEETING

### Mayoral Minutes

#### SECTION 2 - Mayoral Minutes

##### MM1 - Representation on the ANZAC Centenary Committee - (79351, 120428, 79956)

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###### REPORT:

In the year 2015, the 100th Anniversary of the First World War will be acknowledged in a number of ways across Australia.

The Federal Member for Macquarie, Ms Louise Markus is seeking Council representation on a local ANZAC Centenary Committee. This Committee has been established to aid the distribution of a \$100,000 Federal Government grant promised under the former Labor Government in honour of the 100th Anniversary.

The Federal grant is to aid community groups with refurbishing and establishing World War One commemorations. The commemorations can be for example, the refurbishment of time weary plaques and monuments as well as establishment of new commemorative gestures.

The local ANZAC Centenary Committee will be responsible for overseeing the grant application process and selecting the final applications which will then go through to the Department of Veteran's Affairs for approval.

###### RECOMMENDATION:

That Council nominate a representative to the local ANZAC Centenary Committee established by the Federal Member for Macquarie.

###### ATTACHMENTS:

There are no supporting documents for this report.

**oooO END OF MAYORAL MINUTE Oooo**

## ORDINARY MEETING

### Mayoral Minutes

#### MM2 - October 2013 Bushfires - Provision of Financial Support - (79351, 120428, 73835)

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#### REPORT:

We would all, unfortunately, be aware of the devastation and destruction that has resulted from the current NSW bushfire crisis and the outstanding efforts of the Rural Fire Service (RFS) and other emergency services to battle the bushfires in an attempt to bring the situation under control. The contribution of the people within these organisations and the many volunteers engaged in both fighting these fires and supporting those at the 'front line' cannot be commended highly enough. Without them the extent and seriousness of the damage would no doubt have been far worse.

The effects of the bushfires in the Hawkesbury LGA have been significant but fortunately, to date, the damage to property has been relatively limited. However, we are all aware of the extensive and devastating damage to property that occurred in the Blue Mountains LGA and our sympathy is extended to the hundreds of families in that area who either lost or suffered extensive damage to their homes as well as all those also affected by the bushfires in other areas.

Whilst the destruction of large areas of bushland is significant the associated destruction and damage caused to many hundreds of properties with large numbers of people losing their homes and possessions is tragic. Fortunately bushland will ultimately recover but it will be virtually impossible for many people to replace their lifetime memories that may have been lost when their homes were destroyed.

The response from the entire community in support of those who have and are suffering from this tragedy, both in financial and physical terms, can only be admired and commended. Council has been providing physical support when possible and will continue to monitor the situation with a view to providing further assistance, if and when necessary or appropriate.

A number of Appeals have been established to collect and distribute assistance to those affected by the bushfires and I would recommend that in addition to the support already provided by Council that Council also provide financial assistance by making a donation of \$5,000 to the Salvation Army October 2013 Bush Fire Appeal. This is the same level of donation made by Council following the Victorian Bushfires and Queensland Floods.

#### RECOMMENDATION:

That Council:

1. Place on record its sincere and deepest regrets in respect of the tragic NSW Bushfires and the devastation that has occurred and express its sympathy to all those affected by the bushfires, particularly for those who have lost or suffered damage to their homes and possessions.
2. Make a donation of \$5,000 to the Salvation Army October 2013 Bush Fire Appeal in support of those affected by the bushfires.

#### ATTACHMENTS:

There are no supporting documents for this Mayoral Minute.

oooO END OF REPORT Oooo

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section

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reports  
for determination

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## ORDINARY MEETING

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### SECTION 3 - Reports for Determination

#### PLANNING DECISIONS

**Item: 204**                      **CP - DA0092/13 - Lot 133 DP 204686 - 91 Walmsley Road, Lower Macdonald - (95498, 119388)**

**Previous Item:**

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#### **Development Information**

**File Number:** DA0092/13  
**Property Address:** 91 Walmsley Road, Lower Macdonald  
**Applicant:** Mr JE Sargeant  
**Owner:** Mr JE Sargeant  
**Proposal Details:** Dwelling House with Attached Garage, Associated Boat Storage Area, and Demolition of Existing Dwelling and Shed  
**Estimated Cost:** \$212,000  
**Zone:** RU5 Village  
**Date Received:** 19/02/2013  
**Advertising:** 5/03/2013 - 19/03/2013

**Key Issues:**

- ◆ Flooding
- ◆ Acid Sulfate Soil
- ◆ Building Height Plane

**Recommendation:** Deferred Commencement Conditional Approval

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#### **REPORT:**

##### **Executive Summary:**

The applicant is seeking approval for the construction of a two storey split level dwelling with an attached garage and boat storage area as well as the demolition of the existing dwelling and detached shed on the site.

The proposal is contrary to the development controls contained within the Development of Flood Liable Land Policy as the proposal involves the replacement of a dwelling with a floor level greater than three metres below the 1 in 100 year flood level of 6.8 AHD (Australian Height Datum) for the area.

The application is being reported to Council as it is a requirement that all variations to the provisions of the Development of Flood Liable Land Policy that are greater than 10% are to be considered by Council. The variation to the controls is in the order of 32%.

It is considered that, given the proposal is to replace an existing dwelling and that the applicant has justified the non compliance in relation to the flood control requirements, it is recommended that the application be supported.

##### **Description of Proposal**

The application proposes the construction of a split level dwelling house with an attached garage, associated boat storage area and the demolition of an existing dwelling and shed on the site.

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The ground floor of the proposed dwelling will consist of non-habitable areas and is to have a finished floor level of 2.85m AHD. The middle floor consists of the main entry, kitchen, living and alfresco areas. The proposed middle floor level is 4.075m AHD. The first floor level will contain four bedrooms, an en-suite and a bathroom and is proposed to have a finished floor level of 5.85m AHD.

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

Sydney Regional Environmental Plan No 20 (SREP 20) - Hawkesbury Nepean River  
Hawkesbury Local Environmental Plan (HLEP) 2012  
Hawkesbury Development Control Plan (HDCP) 2002  
Development of Flood Liable Land Policy

### Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act)

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

**a. The provisions of any:**

**i. Environmental Planning Instrument:**

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

It is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and that the development is generally consistent with the general and specific aims, planning considerations, planning policies and recommended strategies contained with SREP 20. The development is consistent with existing development in the immediate locality.

### Hawkesbury Local Environmental Plan 2012

The subject land is zoned RU5 Village under Hawkesbury Local Environmental Plan 2012.

The objectives of the RU5 Zone are:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To maintain the rural character of the village and ensure buildings and works are designed to be in sympathy with the character of the village.*
- *To protect hilltops, ridge lines, river valleys, rural landscape and other local features of scenic significance.*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.*

The proposed development is defined as a '**dwelling house**' under this Plan. Dwelling houses are permissible in the RU5 Zone with consent.

The dwelling is considered to satisfy the objectives of the zone as the proposal will maintain the emerging character of Walmsley Road. The Wisemans Ferry area has been undergoing re-development in recent years where older housing stock (typically weekend and holiday accommodation) has been demolished to make way for new dwelling house development. It is considered the proposal will not detract from the existing local scenic features or character of the area.

**Clause 6.1 Acid Sulfate Soils**

The land is identified as being Class 3 on the Acid Sulfate Soils Map. Sub-clause (2) requires that Development Consent be obtained where works are proposed more than 1 metre below the natural ground surface or the works are likely to lower the watertable.

Sub-clause (3) requires an acid sulfate soils management plan be prepared and submitted to the consent authority prior to development consent being granted.

The works below ground excavation that are proposed to be more than 1 metre will be for the installation of subsurface water tank and associated infrastructure.

Clause 6.1 of the Hawkesbury Local Environmental Plan 2012 requires a plan that is prepared specifically, in accordance with the Acid Sulfate Manual. A deferred commencement condition is recommended to be imposed to obtain a more detailed plan (site specific) as the applicant has provided a Generic Acid Sulfate Soils Management Plan.

**Clause 6.3 Flood Liable Land**

The subject land is below the flood planning level of 6.8 metres AHD (Australian Height Datum). The development as proposed is considered to be consistent with the objectives of Clause 6.3 which are:

- a) *to minimise the flood risk to life and property associated with the use of land;*
- b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change;*
- c) *to avoid significant adverse impacts on flood behaviour and the environment.*

The land already contains a dwelling which is proposed to be demolished to make way for the proposed new dwelling. The risk to life and property is not increased as a result of the proposal. The Macdonald River is tidal in this area however there is currently no accepted benchmark or agreed extent to sea level rise that can be used to establish any increase in flood level hazard. Further, the design of the development will not have any significant impact upon known flood levels or flood behaviour.

Further, it is considered that the development as proposed will not demonstrably impact upon the environment in terms of erosion, siltation and stability of the river bank.

**Development of Flood Liable Land Policy**

Following the commencement of Hawkesbury Local Environmental Plan 2012, the Development of Flood Liable Land Policy (the Policy) came into effect.

Clause 3 of the policy provides the following:

*Notwithstanding subclauses (1), (2), (7) and (8), a building that was lawfully situated on any land at 30 June 1997 may be extended, altered, added to or replaced if the floor level of the building, after the building work has been carried out, is not more than 3 metres below the floor height standard for the land immediately before the commencement day.*

The existing dwelling on site is considered to be lawful as it was constructed around 1966 by the property owner at the time when the property was within Colo Shire. The existing dwelling is to be demolished to permit construction of the proposed dwelling.

The proposed finished floor level of the lowest floor is to be 2.85m AHD (3.95m below the 1 in 100 year flood level, or 0.95m greater than the three metre limitation in the Policy.) This is a 32% variation to the control provided by Clause 3 of the Policy.

The variation is considered acceptable as the habitable floor level of the proposed dwelling (4.075 metres AHD) will be 165mm higher than the habitable floor level of the existing dwelling (being 3.91m AHD).

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

There are no draft Environmental Planning Instruments applicable to the land.

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

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

**Part A Chapter 3 - Notification**

The application was notified to adjacent property owners in accordance with HDCP. No submissions were received as a result of the notification to adjoining owners.

**Part D - 1.3 Height**

Due to the proposal being located on flood prone land, exemptions to the Building Height Plane may be granted.

There is a breach of the Building Height Plane requirement to both the Eastern and Western elevations of the dwelling. The extent of this non-compliance includes to the boat store along the Western elevation for a distance of 12.38m and the eastern elevation for a distance of 13.8m and along all areas of the first floor.

It should be noted that the existing dwelling currently breaches the building height plane. The proposed dwelling has no adverse impact with regard to overshadowing onto adjoining land and the building levels are governed by the flood planning level. In this regards, there is limited opportunity to reduce the encroachment.

It is considered that the variation to the Building Height Plane be supported.

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

There are no planning agreements applicable to the proposed development.

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

The proposed development is generally consistent with the provisions of the Environmental Planning and Assessment Regulation, 2000.

Based on the supplied estimated value-of-works of \$212,000 a Section 94A Development Contribution of \$2120 is payable should the application be approved.

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

**Context and Setting**

The surrounding land uses consist of residential dwellings, outbuilding and associated services along Walmsley Road. The proposal is considered to be compatible with surrounding developments and will unlikely alter the nature of development within the locality.

**Access, Transport and Traffic**

Access to the site is considered satisfactory. The traffic generated by the development is unlikely to have any significant impact upon the adjoining residential development.



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### Utilities

Electricity and telephone services are available to the site. It is considered that the proposal would not place unreasonable demands on the provision of services.

On site water storage and waste water treatment would need to be provided to the site and is proposed. Comments have been provided by Council Environmental Health officers Regulatory Services and are included as a part of the recommended conditions.

### Natural Hazards

The site is subject to the 1 in 100 year flood level of the area.

An assessment of the proposal against the flooding controls has been addressed previously in this report.

### Cumulative Impact

The proposed development is permissible with the consent of Council and no significant adverse cumulative impact is foreseen.

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

There are no constraints from surrounding land uses that would make this development prohibitive and it is considered that the development will not adversely impact adjoining land uses.

The site is considered able to support the proposed development due to the proposed dwelling is replacing an existing lawful dwelling. Suitable services are available onsite and will not be required to be changed/upgraded as a result of the proposal.

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

The application was notified to the relevant state government agency (Office of Water) in accordance with the Environmental Planning and Assessment Act 1979, as well as was notified to adjacent property owners in accordance with Hawkesbury Development Control Plan.

The Office of Water raised no objection.

There were no submissions from the adjoining property owners as a result of the notification in accordance the Hawkesbury Development Control Plan.

#### e. The Public Interest:

The proposal is consistent with the desired character provisions of the relevant planning instruments affecting the site.

### 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.

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### RECOMMENDATION:

That:

- A. The variation of clause 3 of the Development of Flood Liable Land Policy be supported;
- B. Development Application No. DA0092/13 for the construction of a two storey dwelling on Lot 133 DP: 204686, known as 91 Walmsley Road, Lower MacDonald, be approved subject to the conditions as follows:

### Deferred Commencement

#### Schedule 1

1. An acid sulfate soils management plan is to be prepared, specifically in accordance with the Acid Sulfate Soils Manual, and provided to Council for review and approval by the Director of City Planning.

### General Conditions

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

Plans are listed as follows:

- Site Plan – Project No 1563, Dated 1 Dec 12, No 01/07
- Ground Floor Plan – Project No 1563, Dated Dec 12, No 02/07
- First Floor Plan – Project No 1563, Dated Dec 12, No 03/07
- Elevations – Project No 1563, Dated Dec 12, No 04/07
- Elevations – Project No 1563, Dated Dec 12, No 054/07

BASIX Certificate 462193S issued 16 January 2013

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
3. The development shall comply with the provisions of the National Construction Code / Building Code of Australia at all times.
4. The approved use shall not commence until all conditions of this Development Consent have been complied with.
5. The dwelling shall not be used or occupied prior to the issue of an Occupation Certificate.
6. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.
7. The external finishes are colours and materials are to have a low reflective quality similar to the surrounding development.

### Prior to Construction Certificate Issue

8. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$2,120 shall be paid to Hawkesbury City Council.

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- a) The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).
  - b) The contribution is to be paid prior to the commencement of works and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.
9. The applicant shall submit a report from a suitably qualified engineer which verifies the following:
- a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
  - b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the forces of flood waters (including buoyancy forces) and the impact of debris.
  - c) All finishes, Plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.

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

- 10. An 'Application to Install a Sewage Management Facility' must be submitted and approved for the new dwelling with Hawkesbury City Council prior to any works being commenced in relation to the sewage management facility.
- 11. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
- 12. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
- 13. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
- 14. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
- 15. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - a) Unauthorised access to the site is prohibited.
  - b) The owner of the site.
  - c) The person/company carrying out the site works and telephone number (including 24 hour, seven days emergency numbers).
  - d) The name and contact number of the Principal Certifying Authority.
- 16. Qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

### ***During Construction***

- 17. The dwelling shall be provided with on-site water storage vessels of minimum 100,000L capacity, which incorporates the following:

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- A draw off line with a 65mm Storz fitting and non-return foot valve which extends to the base of the water tank for Rural Fire Service access.
  - The domestic line shall terminate so as to retain a minimum of 10,000L permanently in the tank. If an emergency sprinkler system is installed a minimum of 22,000L will be required.
  - All tanks shall have an access hatch, minimum 800mm in diameter, to gain entry directly through the lid.
  - In recognition that no reticulated water supply exists, a 3kw (5hp) petrol or diesel powered pump shall be installed and maintained.
18. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
19. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
20. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am - 6pm and on Saturdays between 8am - 4pm.
21. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
- a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
22. Compliance certificates (known as Part 4A Certificates) are to be issued for Critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority .
23. No trees are to be removed without the prior approval of Council.
24. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
25. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am - 6pm and on Saturdays between 8am - 4pm.

### ***Prior To Issue Of Occupation Certificate***

26. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
- a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.

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- b) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
  - c) The type of timber installed indicating both species and durability as required by AS 1684.
  - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved
27. The on-site sewage management system shall be installed and commissioned in accordance with the design in On-site Wastewater Management Assessment and Design for Lot 133 DP 204686 No.91 Walmsley Road, Lower McDonald NSW by Kerry Flanagan Wastewater On-site Wastewater Management, dated 27 May 2013.
28. The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 and 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
29. The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).

### **Advisory**

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

### **ATTACHMENTS:**

**AT - 1** Locality Maps

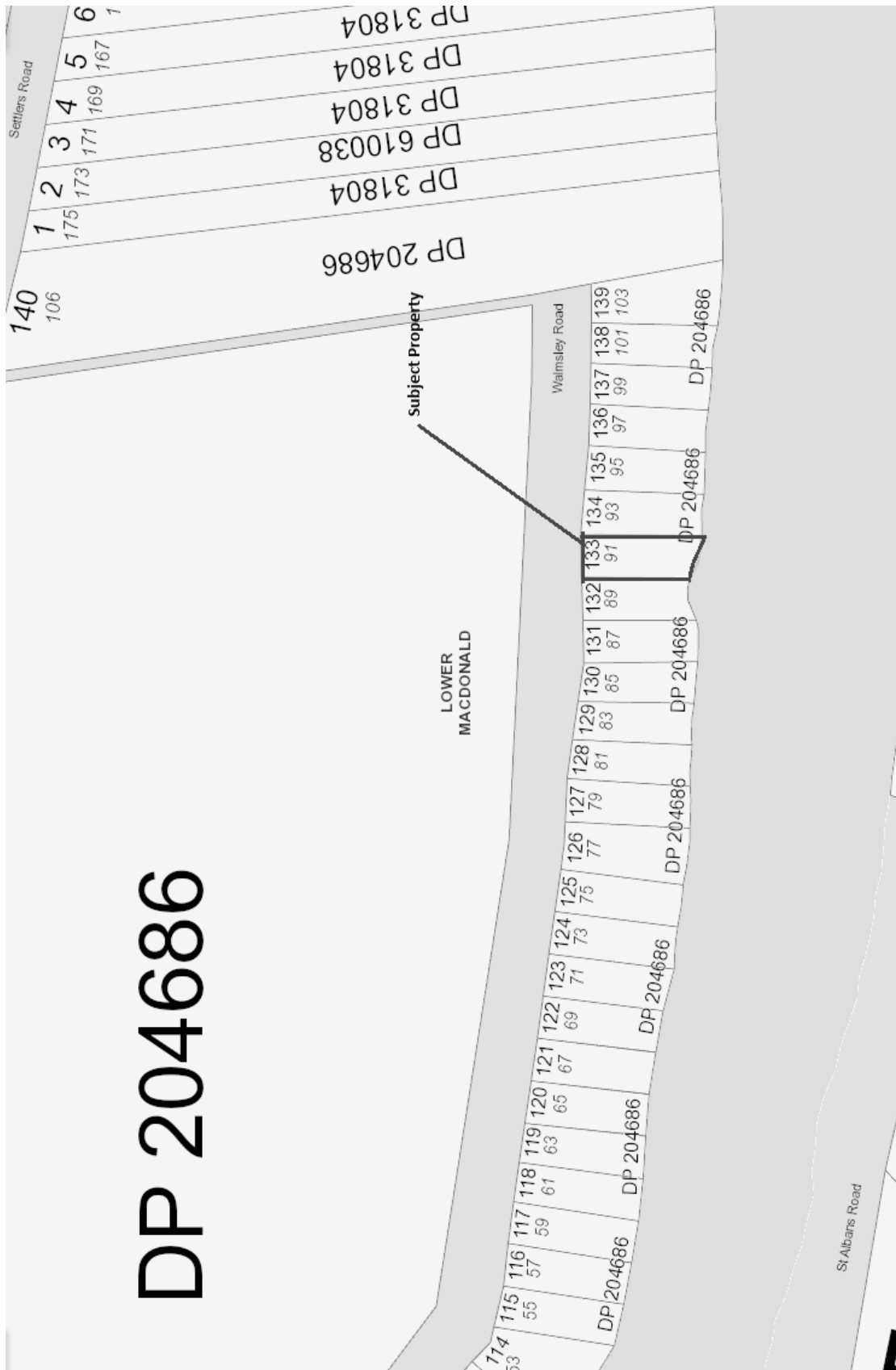
**AT – 2** Aerial Map

**AT – 3** Plans

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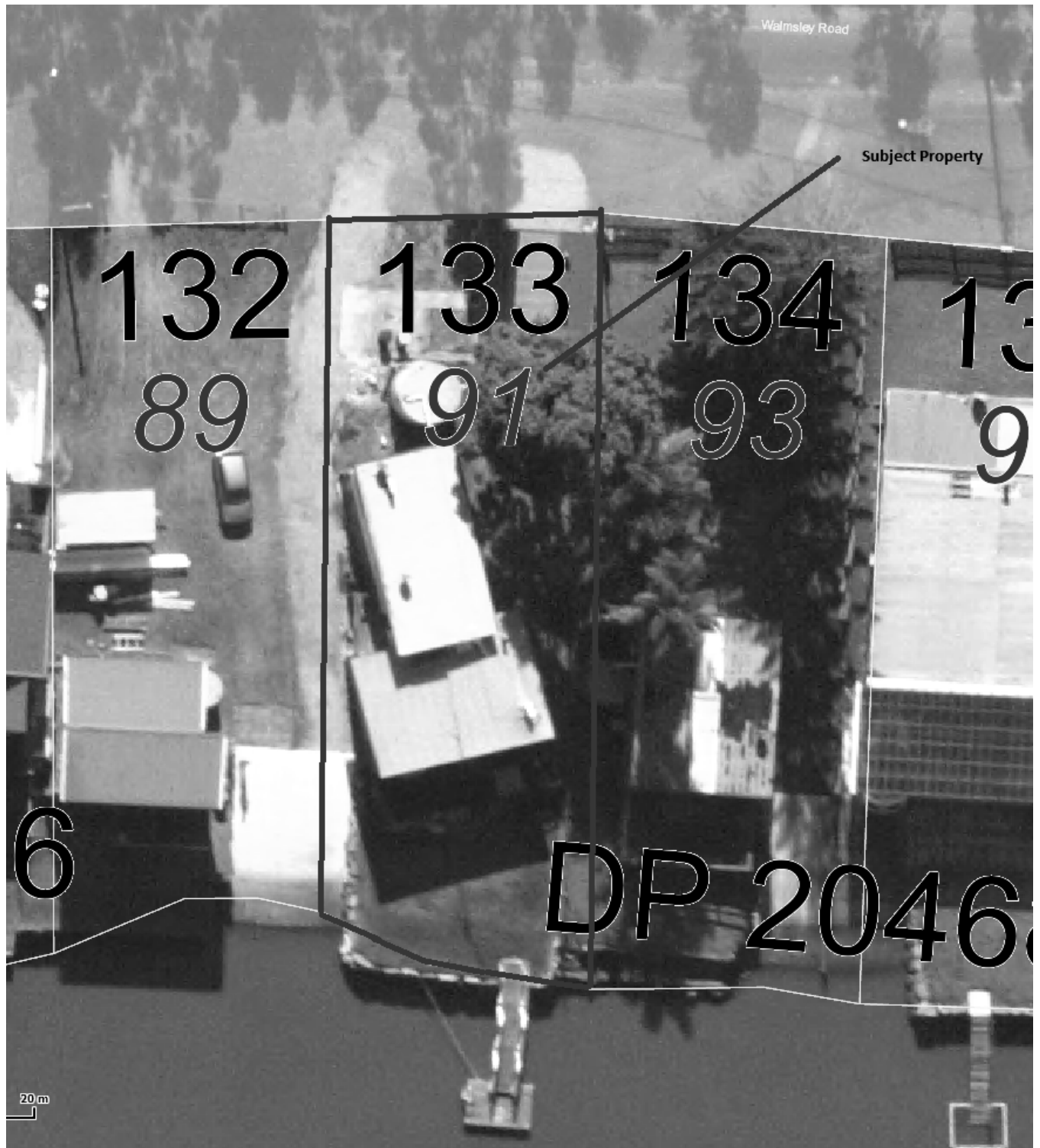
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AT – 2 Aerial Map

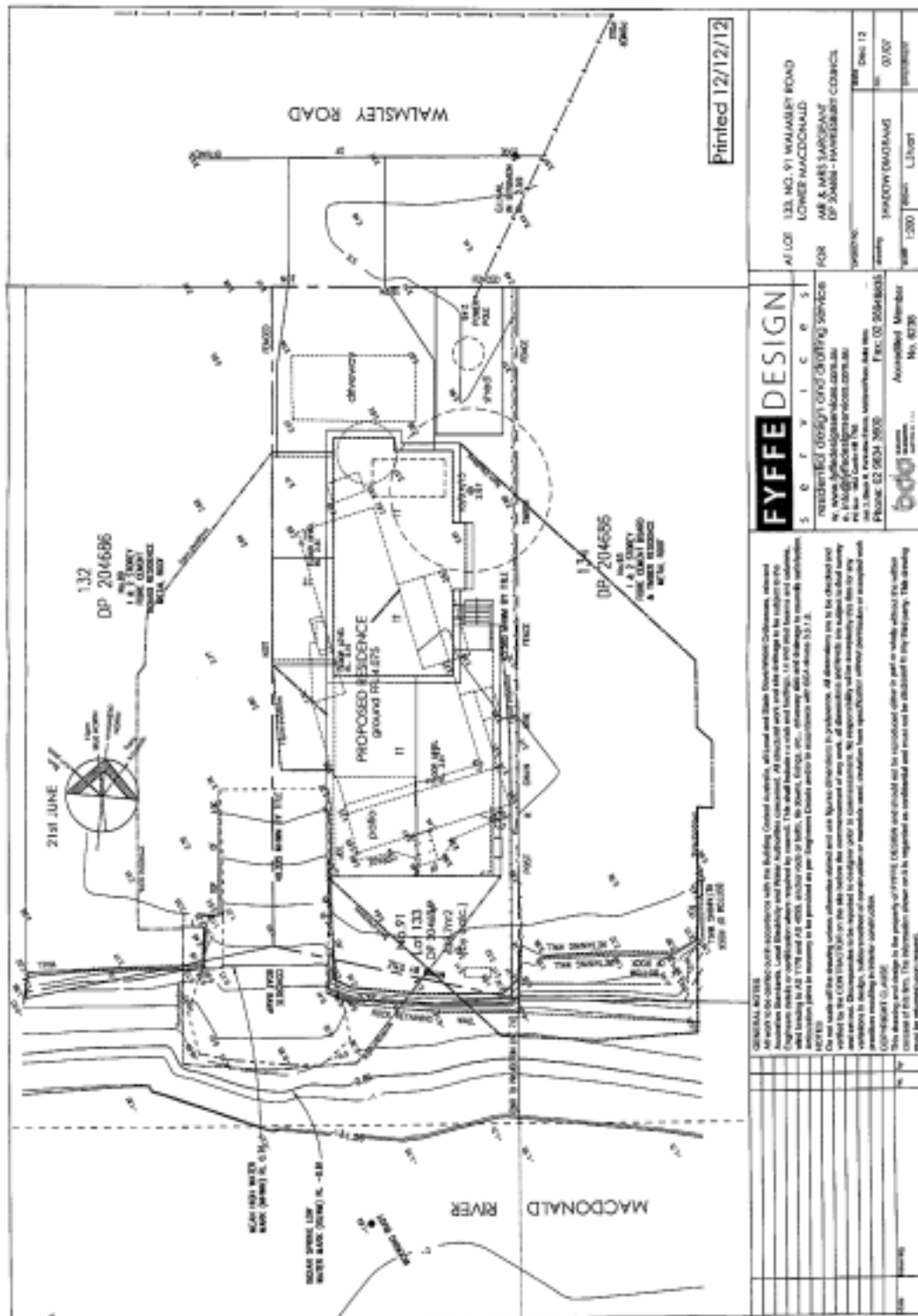




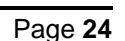
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## AT - 3 Plans



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**Item: 205** CP - DA0267/13 - Lot 6 DP 873934 - 47 Pine Place, Grose Vale - Tourist and Visitor Accommodation - (95498, 126104)

**Previous Item:** 194, Ordinary (24 September 2013)

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### Development Information

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

**Key Issues:**

- ◆ Bush fire prone land
- ◆ Car Parking

**Recommendation:** Approval

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### REPORT:

#### Executive Summary

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

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

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

#### Background

On 24 September 2013, Council resolved to defer determination of this application pending a site inspection. Accordingly, an inspection was held on Thursday, 10 October 2013 attended by the land owners, the Mayor, Councillor Ford, the Deputy Mayor, Councillor Tree, Councillors Conolly and Lyons-Buckett, Director City Planning and Manager Development Services.

#### Issues Relevant to the Decision

- Bush fire prone land
- Car parking

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### Description of Proposal

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

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

The proposal is supported by the following:

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

### Description of the Land and its Surroundings

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

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

### History

BA0462/98      Construction of dwelling  
MA0237/98      Garage

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

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

### Section 79C Matters for Consideration

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

**a. The provisions of any:**

**i. Environmental Planning Instrument:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

But does not include

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

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

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

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

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

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

### Clause 5.9 Preservation of trees or vegetation

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

### Clause 6.1 Acid sulphate soils

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

### Clause 6.4 Terrestrial biodiversity

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

**Clause 6.7 Essential services**

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

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

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

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

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

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

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

Part A Chapter 2 – General Information

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

Part A Chapter 3 – Notification

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

Part C Chapter 2 - Car parking and Access

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

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

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

Effluent disposal

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

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



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

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

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

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

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

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

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

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

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

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

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

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

***Public Submissions***

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

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

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

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

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

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

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

### ***Integrated Authority***

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

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

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

### **Conclusion:**

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

### **Developer Contributions**

The Contribution Plan applies a levy of 0.5% of the value of development under this plan. The estimated cost of works associated with this application is \$101,000 resulting in a contribution of \$505. Appropriate conditions have been included in this regard.

### **Planning Decision**

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

**RECOMMENDATION:**

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

**NSW Rural Fire Service Conditions**

Asset Protection Zones

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

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

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

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

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

Water and Utilities

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

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

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

Evacuation and Emergency Management

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

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

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### Design and Construction

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

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

### Landscaping

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

### **Hawkesbury City Council conditions**

#### ***General Conditions***

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

Architectural Drawing Title / Number	Prepared By	Dated
Proposed Site Plan, Drawing No: DA.03/A	LT+ Associates	10/07/2013
Site Analysis and Site Management Plan, Drawing No. DA.04/A	LT+ Associates	10/07/2013
Proposed Elevations, Drawing No. DA.07/A	LT+ Associates	10/07/2013
Section A-A + B-B & Construction Notes, Drawing No. DA.08/A	LT+ Associates	10/07/2013
Proposed Schedule of External Finishes + BASIX Comments, Drawing No. DA.09/A	LT+ Associates	10/07/2013

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia / National Construction Code.
5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
6. The development shall be constructed and maintained in accordance of the New South Wales Rural Fire Services Conditions of approval.

#### ***Prior to Issue of Construction Certificate***

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

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

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

8. Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Council.
9. The drinking water to be supplied to the tourist and visitor accommodation shall consistently meet the Australian Drinking Water Guidelines 2011 and any subsequent amendments to the guidelines. Details are to be provided to the Principal Certifying Authority.

### Prior to Commencement of Works

10. Erosion and sediment control devices are to be installed, in accordance with the HDCP 2002, and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence / erosion control device.
11. The application to install a Sewage Management Facility - S0039/13 must be approved with Hawkesbury City Council prior to any works being commenced in relation to the sewage management facility.
12. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
13. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.
14. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
15. Toilet facilities (to the satisfaction of Council) shall be provided for worker throughout the course of building operations. Such facility shall be located wholly within the property boundary.
16. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
17. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - a) Unauthorised access to the site is prohibited.
  - b) The owner of the site.
  - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - d) The name and contact number of the Principal Certifying Authority.
18. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

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### *During Construction*

19. The building must be designed and constructed to comply with the requirements of the National Construction Code – Building Code of Australia Volume Two as a 'Class 1b' building.
20. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of three horizontal to one vertical, retaining walls, stone flagging or terracing shall be constructed.
21. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved and maintained as shown on the approved plan.
22. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
23. A bitumen sealed rural footway crossing minimum three metres wide shall be constructed to the entrance of the new driveway in accordance with the Hawkesbury DCP Appendix "E", "Civil Works Specification". Prior to works commencing the applicant shall consult with Council regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.
24. The development shall be completed in accordance with the approved colours and finishes as specified in drawing No.DA.09/A dated 10 July 2013.
25. Screening plants shall be planted out along the western side of the tourist and visitor accommodation as shown on the approved plan in the form of a hedgerow to provide a suitable screening between the site and its adjoining properties. Planting shall consist of a mixture of trees, shrubs and plants of local provenance.
26. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
27. The site shall be secured to prevent the depositing of any unauthorised material.
28. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
29. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
30. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
31. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
32. All roof water shall be drained to the water storage vessel/s.

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

33. The following certificates are to be provided to Principal Certifying Authority, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
  - c) The type of timber installed indicating both species and durability as required by AS 1684.
  - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
34. A bush fire emergency evacuation and management plan shall be developed for the development. The plan shall advise occupants of bush fire evacuation procedures and emergency telephone numbers. The applicant shall contact NSW Rural Fire Service for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.

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

35. An appropriate drinking water management system, in compliance with NSW Health requirements and the Public Health Act 2010 and regulation 2012 is to be provided for the tourist and visitor accommodation.
36. Reduced bushfire fuel loads are to be maintained at all times to the property boundary.
37. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
  - a) been assessed by a properly qualified person, and
  - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
38. No internal or external alterations shall be carried out without prior approval of Council.
39. The tourist and visitor accommodation shall not be used for permanent occupation as a residence.
40. The tourist and visitor accommodation facility shall only be used for short term tourist accommodation and is not to be made available for long term accommodation. In this regard any continuous length of stay is to be restricted to not more than four weeks.
41. The activity shall be carried out in accordance with the management plan submitted with the application.
42. A copy of the guest register is to be provided to Council every six months from the date of commencement of the use of the proposed tourist and visitor accommodation facility.

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43. All premises offering food, packaged or otherwise, are to be registered with Hawkesbury City Council and have inspections conducted by Council's officers as necessary/required. The fit out and ancillary works are to be inspected by a Council Environmental Health Officer prior to commencement of any food preparation or retail operations at the premises.
44. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food Safety Standards 3.2.2 and 3.2.3. These are available on line at [www.foodstandards.gov.au](http://www.foodstandards.gov.au).
45. All food premises are to comply with Hawkesbury City Council's Food Premises Fit Out Code. Ceilings throughout the premises are to be solid and are to comply with section 4.0 of Hawkesbury City Council's Food Premises Fit Out Code. 'Drop in' ceiling panels are not permitted over food preparation or food storage areas.
46. The premise is to be fitted with adequate hand washing facilities for the preparation of food. Hand washing basins are required in addition to other basins and sinks in any toilet, AND in any food preparation area. Where separate additional food preparation areas are provided, an additional hand washing basin is needed. Hand washing basins are required;
  - a) to be fitted with hand's free taps such as knee or foot operated devices;
  - b) with hot and cold running potable water;
  - c) with a common spout delivering water of at least 40° Centigrade.
  - d) to be easily accessible at all times.
47. A supply of soap and single use paper hand towels should be fitted to the wall in an appropriate and durable dispenser adjacent to any hand washing basin.
48. The area used for storage of garbage receptacles is to be completely separate from any food preparation and storage areas and kept in a clean condition, so as to not create offensive odours.
49. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
50. Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour and dust), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
51. In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

### **Advisory Notes**

- \*\*\* The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner [Local Government (General) Regulation 2005].
- \*\*\* The installed sewage system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
- \*\*\* The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.



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\*\*\* Should any Aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

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

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

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

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

\*\*\* The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

### ATTACHMENTS:

**AT - 1** Locality Map

**AT – 2** Aerial Photograph

**AT – 3** Site Plan

**AT – 4** Elevations

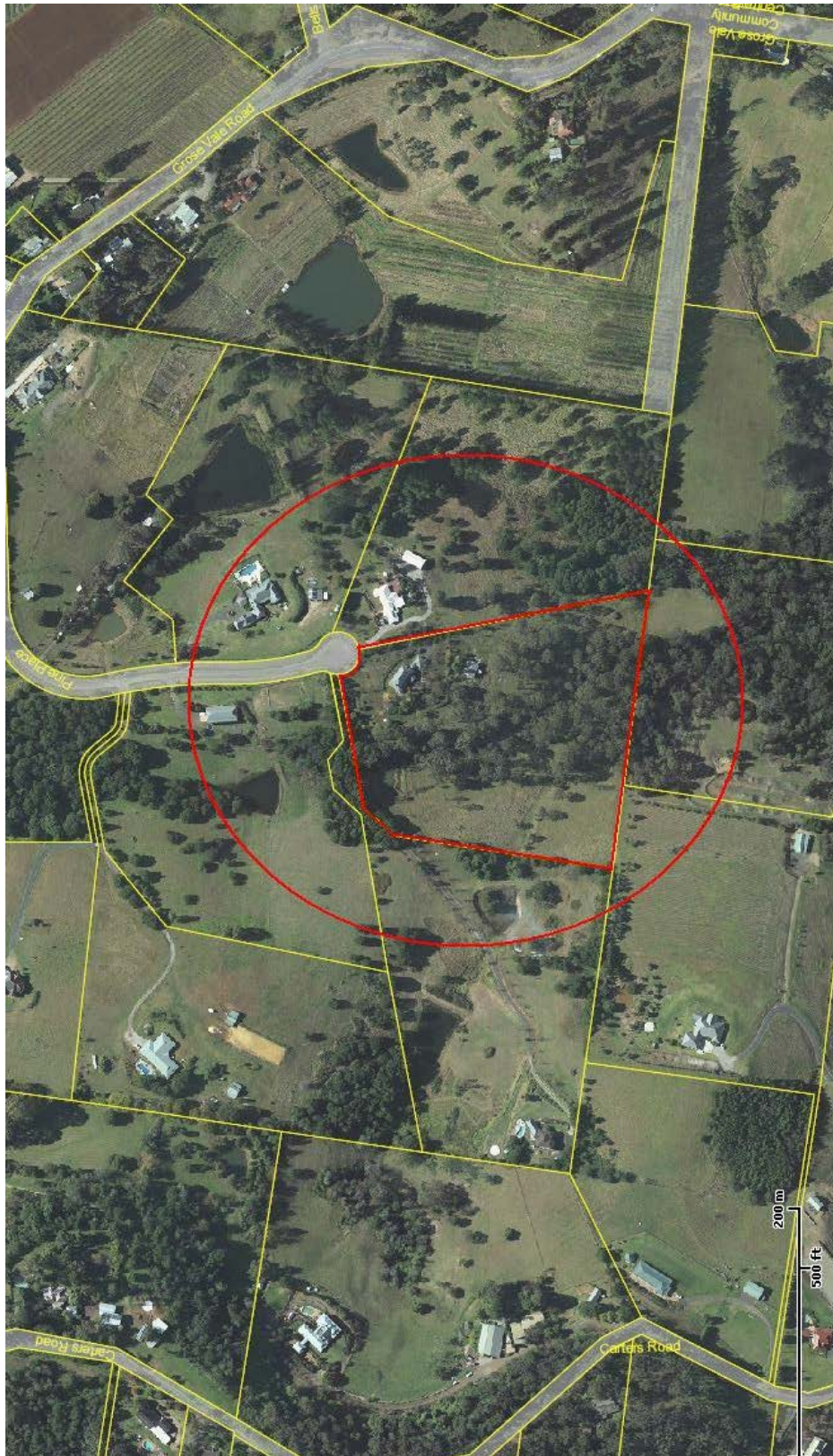
**Meeting Date:** 29 October 2013

The map displays a residential area with several lots and roads. A central lot, DP 873934, is highlighted with a red circle and a black outline. This lot is situated on Grose Vale Road, which runs vertically through the center of the map. To the left of Grose Vale Road, there is a road labeled Pine Place. To the right, there is a road labeled Carters Road. The map also shows other roads such as Bell's Road and Grose Vale Community Centre. Various lots are labeled with DP numbers and acreage, including DP 873934 (0.31), DP 873934 (0.45), DP 873934 (0.47), DP 873934 (0.5), DP 873934 (0.54), DP 873934 (0.56), DP 873934 (0.58), DP 873934 (0.6), DP 873934 (0.62), DP 873934 (0.64), DP 873934 (0.66), DP 873934 (0.68), DP 873934 (0.7), DP 873934 (0.72), DP 873934 (0.74), DP 873934 (0.76), DP 873934 (0.78), DP 873934 (0.8), DP 873934 (0.82), DP 873934 (0.84), DP 873934 (0.86), DP 873934 (0.88), DP 873934 (0.9), DP 873934 (0.92), DP 873934 (0.94), DP 873934 (0.96), DP 873934 (0.98), DP 873934 (1.0), DP 873934 (1.02), DP 873934 (1.04), DP 873934 (1.06), DP 873934 (1.08), DP 873934 (1.1), DP 873934 (1.12), DP 873934 (1.14), DP 873934 (1.16), DP 873934 (1.18), DP 873934 (1.2), DP 873934 (1.22), DP 873934 (1.24), DP 873934 (1.26), DP 873934 (1.28), DP 873934 (1.3), DP 873934 (1.32), DP 873934 (1.34), DP 873934 (1.36), DP 873934 (1.38), DP 873934 (1.4), DP 873934 (1.42), DP 873934 (1.44), DP 873934 (1.46), DP 873934 (1.48), DP 873934 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ORDINARY MEETING

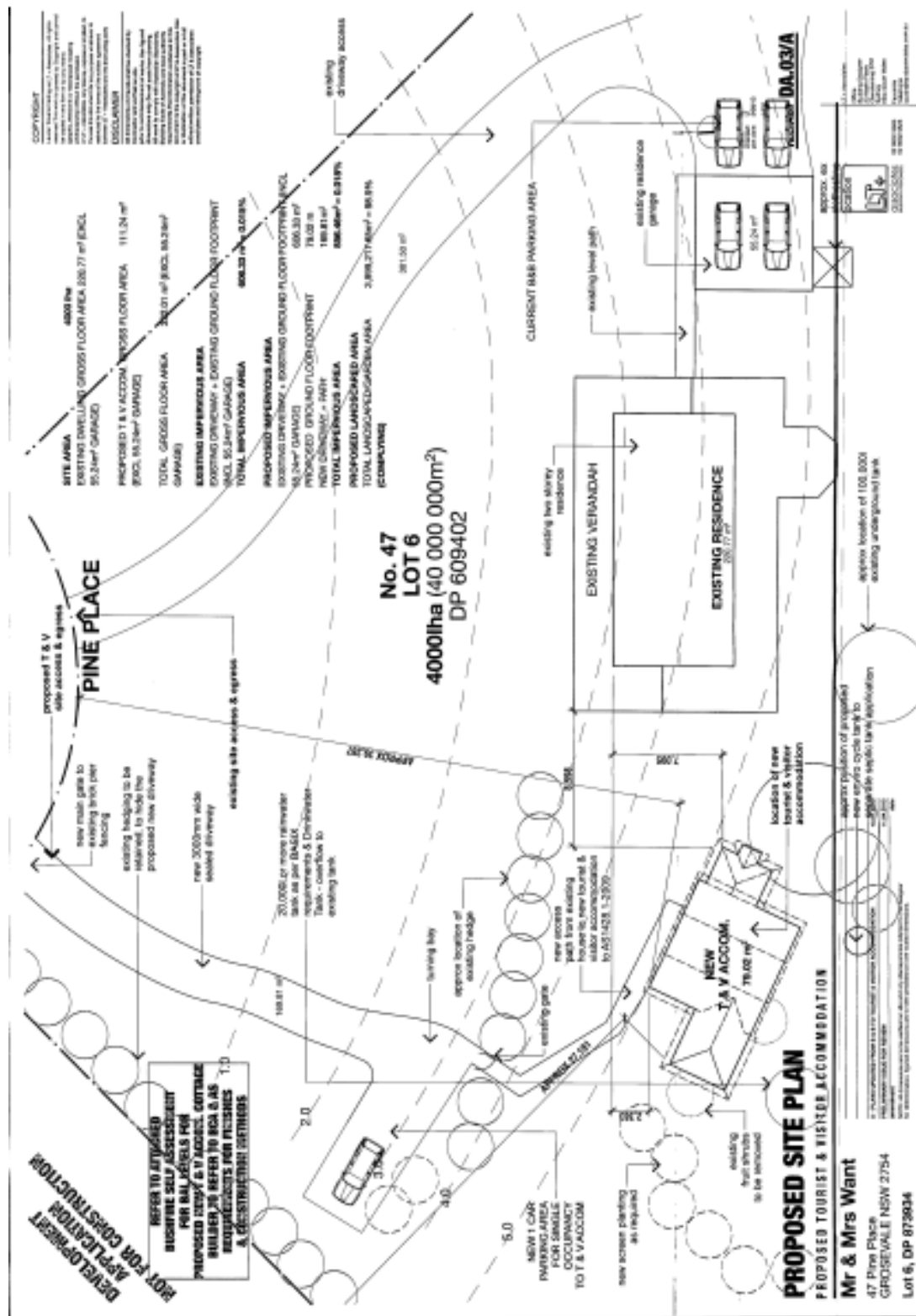
Meeting Date: 29 October 2013

AT - 2 Aerial Photograph





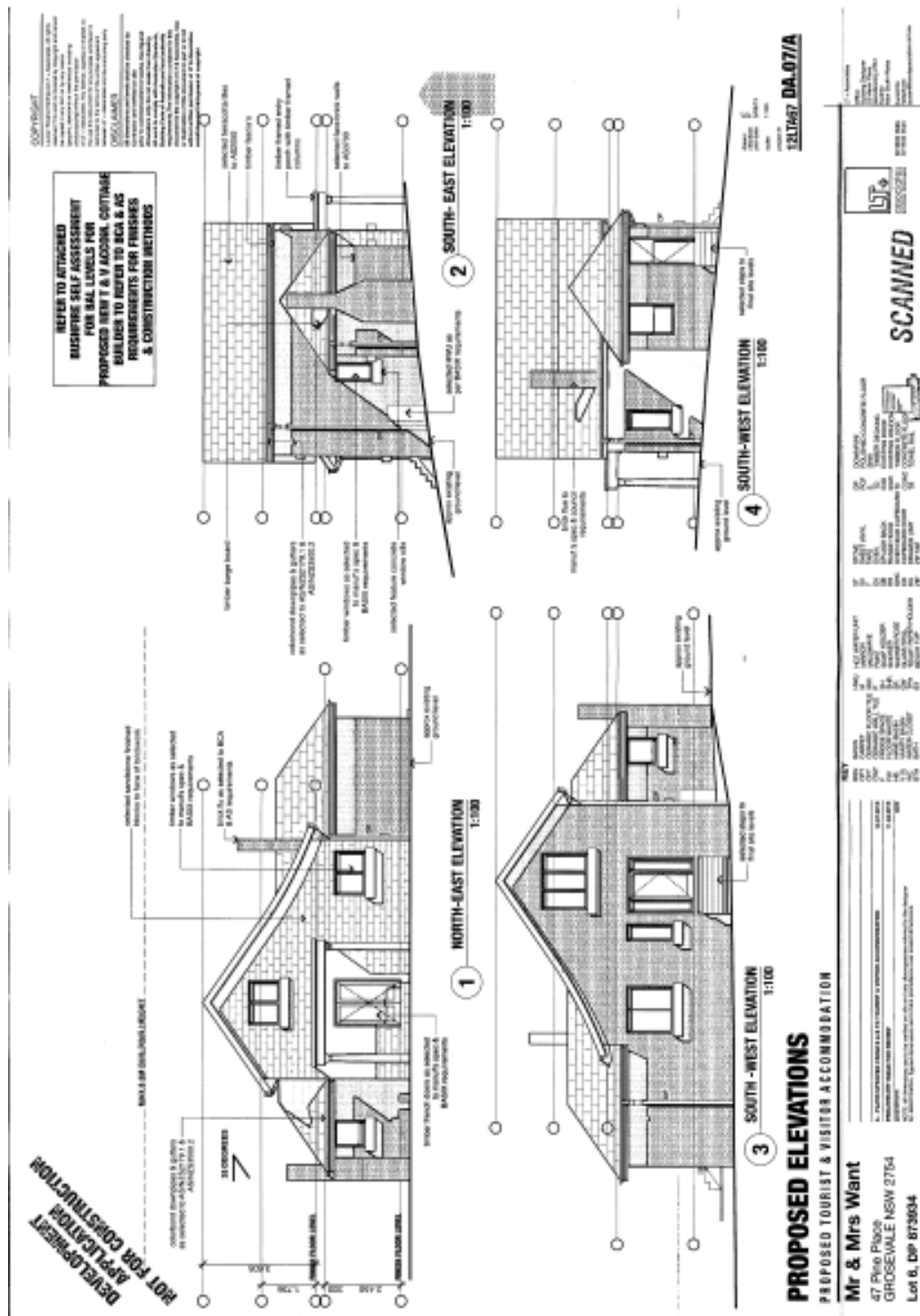
## AT - 3 Site Plan



# ORDINARY MEETING

Meeting Date: 29 October 2013

## AT - 4 Elevations



oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 29 October 2013

### GENERAL MANAGER

Item: 206

GM - Australasian Waste and Recycling Expo - (79351)

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#### REPORT:

##### Executive Summary

The Australasian Waste and Recycling Expo will be held in Melbourne, Victoria from 19-20 November 2013. Due to the relevance to Council's business, it is recommended that the Australasian Waste and Recycling Expo 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 Australasian Waste and Recycling Expo will be held in Melbourne, Victoria from 19-20 November 2013. The Expo is known as Australia's most established commercial event dedicated to the waste and recycling industry. The two day seminar program will offer quality keynote presentations and panel discussions from industry and government leaders.

Cost of attendance at the Australasian Waste and Recycling Expo will be approximately \$2,000 per delegate.

Budget for Delegate Expenses - Payments made:

• Total Budget for Financial Year 2013/2014	\$45,500
• Expenditure to date	\$17,939
• Budget Balance as at 17/10/2013	\$27,561

##### Conformance to Community Strategic Plan

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

- Be a place where we value, protect, and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes
- Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment

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

- Reduce our environmental footprint through resource and waste management
- Engage with the community and work together to care for our environment

##### Financial Implications

Funding for the cost of attendance at this Conference will be provided from the Delegates Expenses within the 2013/2014 Operational Plan.

**ORDINARY MEETING**

**Meeting Date:** 29 October 2013

**RECOMMENDATION:**

That the attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Australasian Waste and Recycling Expo at an approximate cost of \$2,000 per delegate be approved.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 29 October 2013

Item: 207                      **GM - Classification of Council's Membership of Local Government NSW - (79351)**

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### REPORT:

#### Executive Summary

Earlier this year the former Local Government Association of NSW (LGA) and the Shires Association of NSW (SA) were amalgamated to form the organisation now known as Local Government NSW (LGNSW). Prior to the amalgamation Hawkesbury City Council (HCC) was a member of the LGA.

Under the "Rules" of LGNSW there are two "categories" of member councils, namely "Metropolitan/Urban councils" and "Rural/Regional councils". HCC is covered by the definition of a "Rural/Regional council" under the "Rules" of LGNSW. While the membership definition is considered important the main effect appears to relate to nomination to and voting for the Board of LGNSW.

In view of the circumstances it is considered that Council's definition as a "Rural/Regional council" is not appropriate and that Council should make representations to LGNSW for the "Rules" of the association to be amended so that HCC is incorporated in the definition as a "Metropolitan/Urban council".

#### Consultation

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

#### Background

Earlier this year the former LGA and SA were amalgamated to form the organisation now known as LGNSW. The first Annual Conference of LGNSW was recently held and the Conference incorporated the election of Directors to the Board of the organisation.

In the past HCC was a member of the LGA, took part in voting for Directors for the Board of the LGA and had a councillor wished to nominate for a Director's position it would have been as a Director of the LGA.

Under the new "Rules" of LGNSW councils are defined as either a "Metropolitan/Urban council" or a "Rural/Regional council". Schedule A of the Rules lists those councils defined as a "Metropolitan/Urban council" which are:

*"Ashfield; Auburn; Bankstown; The Hills Shire; Blacktown; Botany Bay; Burwood; Camden; Campbelltown; Canada Bay; Canterbury; Fairfield; Holroyd; Hornsby; Hunters Hill; Hurstville; Kogarah; Ku-ring-gai; Lane Cove; Leichhardt; Liverpool; Manly; Marrickville; Mosman; North Sydney; Parramatta; Penrith; Pittwater; Randwick; Rockdale; Ryde; Strathfield; Sutherland Shire; Sydney; Warringah; Waverley; Willoughby; and Woollahra."*

The Hawkesbury River County Council is defined as a "Metropolitan/Urban County council".

All other councils, including HCC, are defined as "Rural/Regional councils". Apparently, when part of the former LGA, HCC was defined as a "Rural/Regional council" as were a number of other councils who are not incorporated in the above list but who were members of the LGA at the time.



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The effect of this definition is that should a councillor from HCC wish to nominate as a Director of the Board it would be as a "Rural/Regional council" and voted upon by other "Rural/Regional councils". There are a total of 20 Directors on the Board in addition to the President, immediate Past President, two Vice Presidents and a Treasurer. Of the 20 Directors, ten are elected from "Metropolitan/Urban councils" and ten from "Rural/Regional council". As indicated earlier in this report, previously a councillor from HCC who may have wished to nominate for a Director position would have done so for the former LGA. This would appear to equate to a nomination as a "Metropolitan/Urban council" Director under the current Rules.

In view of HCC's location and its relationship to the 'metropolitan' area of Sydney it is suggested the HCC's definition as a "Rural/Regional council" member of LGNSW may not be appropriate. It is also suggested that HCC has more of a direct connection/relationship to the "Metropolitan/Urban councils" of LGNSW than it would to most "Rural/Regional councils".

In this regard it is interesting to note that the Division of Local Government (DLG) in its publications refers to HCC being classified as UFM (Urban Fringe Medium) under the Australian Classification of Local Governments system. The DLG also describes this as:

*"The Australian Classification of Local Governments (ACLG) classifies councils into 22 categories according to their socioeconomic characteristics and their capacity to deliver a range of services to the community."*

*Councils are first classified as either urban or rural. Urban councils are then divided into four categories – capital city, metropolitan developed, regional town/city or fringe. Rural councils are divided into three categories – significant growth, agricultural or remote. The final classification step for both urban and rural councils is based on population."*

Other related references to HCC include:

- Some plans in the Draft Metropolitan Strategy for Sydney to 2031 suggests the HCC area to be in a "Metropolitan Rural Area".
- HCC is covered by the State's "Western Sydney and Blue Mountains Regional Action Plan".
- The last report by the Independent Local Government Review Panel included HCC in the table for "Boundary Options for Metropolitan Councils" and referred to HCC as "Metropolitan fringe" and also as the "peri-urban fringe".
- For road funding purposes within the RMS road funding regime HCC is defined as a metropolitan council.

In view of the above, it is suggested that it would be appropriate for Council to make representations to LGNSW for the Rules (Constitution) of the association to be amended to include HCC as a "Metropolitan/Urban council" and identified as such in Schedule A attached to the Rules. Any proposed amendment to the Rules in this regard can only occur as a result of a resolution at a Conference of LGNSW. As, due to other related provisions, this issue could not have been considered at the recent Conference the first opportunity for this to occur would be at the 2014 Conference.

Wollondilly Shire Council (WSC) is in a similar position to HCC in this regard. It is understood that WSC is also interested in approaching LGNSW on this matter and, as such, it is suggested that Council should advise WSC of its approach to LGNSW and encourage that Council to make a similar approach.

### **Conformance to Community Strategic Plan**

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

- Maintain its independent identity and voice through strong local government and community institutions.

## ORDINARY MEETING

Meeting Date: 29 October 2013

and is also consistent with the nominated strategy in the Community Strategic Plan 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 financial implications directly associated with this matter.

### RECOMMENDATION:

That Council:

1. Make representations to Local Government NSW for the Rules of the association to be amended to include Hawkesbury City Council as a "Metropolitan/Urban council" and identified as such in Schedule A attached to the Rules as distinct from the current situation where Council is encompassed by the definition as a "Rural/Regional council".
2. Advise Wollondilly Shire Council of this Council's actions and as Wollondilly Shire Council is in a similar position seek its support of Council's approach to Local Government NSW by that Council also seeking inclusion as a "Metropolitan/Urban council" member of the association.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 29 October 2013

**Item: 208**                      **GM - Hawkesbury Sister City Committee - Council Delegates - (79351, 73610)**

**Previous Item:**            191, Extra-Ordinary (17 September 2013)

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### REPORT:

#### Executive Summary

At the Extra-Ordinary meeting held 17 September, 2013 Council considered the various committees of Council and representation to these committees. A decision regarding representation on the Hawkesbury Sister City Committee was deferred at that time.

#### Consultation

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

#### Background

At the Extra-Ordinary meeting held 17 September 2013 Council considered the various committees of Council and representation to these committees. A decision regarding the nomination of Council's two delegates to the Hawkesbury Sister City Committee was deferred and clarification regarding the dates and time of the Association's regular meetings was requested by Council.

The President of the Hawkesbury Sister City Association has advised that although the monthly meeting dates for 2014 have not as yet been confirmed, it is envisaged that the meetings will be held on the second Monday of the month commencing at 7:30pm. The only exceptions would be in January, when no meeting is held and in June, due to the public holiday.

The Hawkesbury Sister City Committee monthly meetings scheduled for the remainder of 2013 are as follows:

- Monday, 11 November 2013 (Annual General Meeting will also be held)
- Monday, 9 December 2013.

Details regarding the meetings dates for the remainder of 2013 were circulated to Councillors via email and in response Councillor B Calvert advised that he was able to attend the Hawkesbury Sister City Committee meetings for the remainder of 2013.

A decision regarding Council's two delegates to the Hawkesbury Sister City Committee for the remainder of the 2013/2014 term is required.

As detailed in the report of the Extra-Ordinary meeting held 17 September 2013 the Hawkesbury Sister City Association is an incorporated Body responsible for co-ordinating Sister City activities and falls within category type c) being:

- c) Committees in which Council has a Financial Interest - these Committees may manage Council owned facilities or funded services auspiced by Council. They generally operate as autonomous entities (incorporated associations) in accordance with their own constitutions. These Committees have a financial relationship with Council in that Council either provides a direct (financial) or an in-kind contribution (land or facilities) to support their operations, or Council has delegated responsibility for the management of a Council funded or Council auspiced services to them.

## **ORDINARY MEETING**

**Meeting Date:** 29 October 2013

### **Conformance to Community Strategic Plan**

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

- Maintain its independent identity and voice through strong local government and community institutions.

and is also consistent with the nominated strategy in the Community Strategic Plan 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 financial implications applicable to this report.

### **RECOMMENDATION:**

That Council further consider the nomination of Council's two delegates to the Hawkesbury Sister City Committee.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**Item: 209                      GM - Possible relocation of staff to rear section of former Library Building - (79351)**

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

At the Councillor Briefing Session on 15 October 2013, reference was made to the current cramped and difficult office conditions that exist in parts of Administration Building at present, particularly in the City Planning section. It was suggested that it may be possible to alleviate this situation at a relatively minimal cost by the relocation of some staff to the rear section of the former Library building which, due to the recent surrender of the lease, has become available.

It is proposed to relocate a number of existing staff from the City Planning section of the office accommodation on the ground floor of the Administration Building to the abovementioned location. This would enable the rearrangement of the existing office space to provide a more acceptable working environment for the remaining staff and also provide sufficient space to cater for recent and pending staff additions and changes.

**Consultation**

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

**Background**

As has been indicated on occasions in the past the office space accommodation currently available in the Administration Building is at best well utilised and in areas overly cramped and provides difficult working conditions for a number of staff.

Whilst all office accommodation areas in the Administration Building are at or close to capacity the area occupied by City Planning staff, as well as some Finance staff, on the Ground Floor of the building is particularly difficult. The present situation has and will continue to be exacerbated by staff additions/changes such as the staff to address requirements of the recent swimming pool fencing legislation, changes to the Strategic Planning Section, additional resources required in association with the recent release of the Vineyard Precinct of the North West Growth Sector, etc. In short, there is not the available office space to cater for these additional requirements with current arrangements bordering on the unacceptable.

Following the recent surrender of the lease of the former Library building (which was the subject of reports to Council) the main front section of the building remains tenanted by the former lessee's sub-tenants and the rear section (former Library Workroom) is vacant as it had been vacated prior to the surrender by a sub-tenant. This area has been utilised as office space and is currently ideally configured for this purpose.

In view of the increasingly difficult situation with office accommodation as referred to above it is proposed that Council utilise the rear section of the former Library building and that a number of staff be relocated to this area. This would not only improve the environment and working conditions of those staff relocated but would also have the same effect for the remaining staff as well as providing more available office space for the changing situations referred to above.

Currently, the City Planning section of the office has an area of approximately 315m<sup>2</sup> and is occupied by 43 staff, including a number of Finance staff relocated in association with the establishment of the new Customer Service arrangements and Counter. The rear section of the former Library Building has an area of approximately 126m<sup>2</sup> and it is proposed that 16 staff would be relocated to this area.

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As the area at the rear of the former Library building was previously utilised for office purposes significant reconfiguration or maintenance work is not required. It is estimated to relocate the staff as proposed would involve an expenditure of approximately \$60,000 (electrical, IT re-cabling, furniture, minor adjustments, etc.). This would appear reasonable given the improvements that would be achieved and would be far less than an extension or change to the existing office accommodation. It is proposed that this cost would be funded from the Contingency Reserve.

This proposal was discussed with Councillors at the Councillor Briefing Session on 15 October 2013 when general support of the proposal was indicated by those Councillors present.

### **Conformance to 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.

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

- Make decisions in ways that are transparent, fair, balanced and equitable supported by appropriate resource allocations.

### **Financial Implications**

It is proposed that the costs associated with the relocation of a number of staff to office accommodation at the rear of the former Library building estimated at approximately \$60,000 be funded from the Contingency Reserve.

### **RECOMMENDATION:**

That Council endorse the proposal outlined in the report for the relocation of staff to office accommodation available at the rear of the former Library building and that the costs involved in such relocation be met from the Contingency Reserve.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**INFRASTRUCTURE SERVICES**

**Item: 210**                      **IS - Governor Phillip Reserve - World Championship Powerboat Racing Event - (79354, 95495)**

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**REPORT:**

**Executive Summary**

A application has been received from Fastwater Promotions to host a 'World Championships' Powerboat Racing Event at Governor Phillip Reserve between 16-18 May 2014.

The event organisers are requesting exclusive use for Saturday, 17 May and Sunday, 18 May 2013 as well as an increase in noise limits for their events for two hours per day of the event. The noise limits sought are similar to the Bridge to Bridge and other large boating events that currently occur on the river.

Due to this being a new event, the organisers have been requested to consult with the community. The organisers have written to residents adjoining the Reserve outlining the event, allowing a two week feedback period. Only one response was received offering no objection to the event.

The event does not meet Council's 'Governor Phillip Reserve - Exclusive Use Policy' in that it is not one of the four regular events approved. This event however did not exist at the time of the development of the Policy and the Policy is also concurrently due for review. As part of the review a number of issues such as additional events and the operational needs of major events will be addressed. The Policy will be reported back to Council early in the new year.

Pending the review and in order to facilitate this event, it is recommended that approval be granted for this event and for a variation to the noise restriction.

The event organisers have also sought a waiver of fees for the event, and this request is also supported.

**Consultation**

The Event Organisers have undertaken a community consultation process in accordance with Council's Community Engagement Policy.

**Background**

The Hawkesbury River is used for a number of ski and boating activities, for both recreational and competition events.

In order to manage and balance the needs of users and the broader community, noise limits are imposed on recreational and racing vessels by the Roads and Maritime Service (RMS). For significant, national or international events, approval to exceed the standard noise limits may be given subject to Council providing a written approval.

In response to this, and given a number of regular events, Council adopted a Policy (Governor Phillip Reserve Noise Policy) to cover both these and other events which may be proposed.

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*"Where an organisation is seeking to stage an event where it is proposed to exceed the allowable noise limit by 3dB(A) in excess of the applicable limits as outlined in this Policy, then the event holder is required to consult with the community prior to seeking approval from Council for the noise variation. The event holder should apply an appropriate community engagement tool as outlined in Council's Community Engagement Policy to seek comments/submissions from the community which, if received, are to be forwarded to Council. Council will not however consider any variation which exceeds the maximum allowable noise limit of 115dB(A)."*

An application has been received from Fastwater Promotions seeking to host a World Championship Powerboat Racing Event at Governor Phillip Reserve between 16-18 May 2014.

The event organisers are requesting an increase in noise limits for this event up to 115 dB(a) for two hours per day of the event.

Due to this being a new event, the organisers have been requested in accordance with Council's Policy to consult with the community prior to a report being put to Council. The organisers have written to residents adjoining the Reserve outlining the event, allowing two weeks for residents to provide feedback. Only one response was received, raising no objection to the event being held.

The noise limits sought by the organisers are similar to the Bridge to Bridge and other large boating events that currently occur on the river.

The event is new and thus the organisers have requested that the exclusive use fees and charges be waived until the event is better established. Council recently waived the fees and charges for the Sydney Blues and Roots Festival at Hollands Paddock for similar reasons and a similar response is recommended. Should Council determine to waive the fees, it is recommended that the organisers acknowledge this by identifying Council as a sponsor of the event. Fees applicable for the event total \$1,525.50.

It is recommended that the event be approved with increased noise limits and that exclusive fees and charges be waived in this instance.

The organisers are also seeking exclusive use for the two days of the event. The event does not meet Councils 'Governor Phillip Reserve - Exclusive Use Policy' in that it is not one of the four regular events approved, as the event was not established, and therefore not considered, at the time the Policy was developed. The Policy, however, is due for review, and is expected to be brought to Council in the new year, with issues such as this request and operational needs for major events being addressed.

It is anticipated that the event will have significant flow-on benefits to the business community and it is recommended that exclusive use be granted over consecutive days (17-18 May 2014) for the 'World Championships' Powerboat Racing Event.

It is therefore recommended that approval for exclusive use be given for this event.

Approval for Traffic Management is to be undertaken as part of a Special Event Application.

### **Conformance to Community Strategic Plan**

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

- Help create thriving towns centres, each with its own character that attract residents, visitors and businesses

### **Financial Implications**

Waiving of the fees estimated at \$1,525.50 will result in a loss of potential income; however this amount has not been included in the budgeted income for 2013/2014.



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### RECOMMENDATION:

That:

1. Approval be granted to Fastwater Promotions for 'Exclusive Use' of Governor Phillip Reserve for World Championship Power Boat Racing Event on 17-18 May 2014.
2. The amendment to the noise limits for this event, as outlined within the report, be adopted.
3. Exclusive fees and charges be waived in this instance.
4. The approval be subject to the following conditions/documents:
  - a) Council's general park conditions.
  - b) Council's Fees and Charges.
  - c) The Windsor Foreshore Plan of Management.
  - d) Governor Phillip Reserve Noise Policy.
  - e) A Traffic Management Plan which has been approved as part of the Special Event Application.
5. As the applicants have not advised alternative dates in the event of inclement weather, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicants.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 29 October 2013

**Item: 211**                      **IS - Hawkesbury International Sand Sculpting Championship 2014 - (95495, 128023)**

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### REPORT:

#### Executive Summary

An application has been received from Sandstorm Events Pty Ltd on behalf of Heart of the Hawkesbury to host the 'Hawkesbury International Sand Sculpting Competition 2014' within McQuade Park, Windsor.

The event has previously been held at Howe Park, where it has run for the past two years. The event includes sand sculptures, vendors and buskers and an admission fee will be charged to cover the costs of running the event.

Due to the event running longer than three days, the provisions of the Local Government Act 1993 requires the community to be notified of the event with all submissions to be considered by Council.

The event was advertised in accordance with the Local Government Act with five responses including two objections being received.

This report recommends that Council grant exclusive use for the area, and waive fees for the event.

#### Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. The community engagement process undertaken as detailed in this report meets the criteria for the minimum level of community engagement required under Council's Policy.

The event has been advertised for a 28 day consultation period in accordance with the Local Government Act 1993.

#### Background

The Hawkesbury International Sand Sculpting Competition is proposed to be held in Windsor from Thursday, 26 December 2013 to Monday, 27 January 2014 commencing at 10am and finishing at 7pm daily. The event will bump in between the 13-25 December 2013 and bump out between 28 January - 7 February 2014.

Due to the event running longer than three days, Council is required to notify the community of the event in accordance with the Local Government Act 1993. Following the notification period of 28 days, Council must consider all applications prior to giving a lease or licence.

A report was considered by Council at its Ordinary Meeting on 27 August 2013 and it was resolved:

*"That:*

1. *Community notification of the Hawkesbury International Sand Sculpting Championship 2014 to be held in McQuade Park, between 26 December 2013 – 27 January 2014, be carried out in accordance with the Local Government Act 1993.*
2. *The notification is to identify that the application seeks an approval for a five year period.*
3. *Following the closure of the notification period, the matter with any feedback, be re-reported to Council."*

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The event was advertised from 19 September 2013 to 18 October 2013 with five submissions received. There were two objections, two in support of the event and one enquiry.

The issues raised in the submissions and responses are as follows:

Issue	Response
Supporting the event to be away from the Windsor CBD, to reduce congestion	Noted.
Agreeing that McQuade Park offers a better opportunity to grow the event and that it was still close enough for people to go into Windsor (provided by one of the sponsors of the event).	Noted.
Concerns that large events like this has meant people are parking within private property.	The Plan of Management for McQuade Park expressly authorises the granting of leases and licences for events and festivals within the park. The event organisers plan to use part of the park as a car park which would reduce the need for visitors to park externally.
Did not want the event moved to McQuade Park as they felt it would reduce the economic benefit to the town of Windsor and the Hawkesbury.	The event organisers have chosen McQuade Park as an alternative site as it gives the event an opportunity to grow, as well as reducing the congestion within the Windsor township, and consideration has been given to the benefit to local businesses.
Concern for the use of the internal car park by users of the nearby Bowling Club, to ensure parking for members on Tuesdays, Wednesdays and Fridays.	It relation to parking for the nearby Bowling Club is recommended that the event organisers provide a Parking Management Plan for the event. This coupled with marshals on the event days directing parking within the park, they could work with the bowling club to ensure dedicated space for the bowlers.

The exclusive use of McQuade Park, eastern side of the lake area (see attached map), requires formal approval of Council. Based on Council's fees and charges for exclusive use, a fee of \$44,752 would also apply (inclusive of event and set up/removal times).

The event is still establishing its identity in Windsor and the organisers have requested that the exclusive use fees and charges be waived until the event is better established. Council recently waived the fees and charges for the Sydney Blues and Roots Festival at Holland's Paddock for similar reasons and a similar response is recommended. Should Council determine to waive the fees, it is recommended that the organisers acknowledge this by identifying Council as a major sponsor of the event.

There will be approximately 350 tonnes of sand utilised within McQuade Park. Due to potential damage to the grassed area, an appropriate bond would be allocated to cover any damage during the event. To ensure the site is repaired as quickly as possible, the organisers would be asked to remove all materials and repair any damage within a two week period after the conclusion of the event. Failure to do this would result in Council staff undertaking any repairs and recouping the expense from the bond.

The event organisers propose to use part of the McQuade Park (west of the lake) as a car park (see attached map).

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A Special Event Application – Impacts of traffic has been submitted to Council for consideration by the Local Traffic Committee. As the event is contained wholly within McQuade Park, the applicant has indicated that traffic control is not required along the surrounding road network. Parking for the event will be within McQuade Park and the surrounding road network. The Event Plan submitted by the event organiser indicated that traffic management will be undertaken for activities such as sand delivery.

The applicant has requested a five year approval for this site. Due to limited negative feedback in relation to the event and to give the event some security, it is recommended that a five year approval be approved.

The event is unique in NSW and has the potential to attract many tourists to the Hawkesbury, provide substantial economic benefit and raise the profile of the area.

### Conformance to Community Strategic Plan

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

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

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

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

### Financial Implications

Waiving of the fees estimated at \$44,752 will result in a loss of potential income; however this amount has not been included in the budgeted income for 2013/2014.

### RECOMMENDATION:

That:

- A. Exclusive use be granted for the area within McQuade Park between the lake and the car park adjacent to the Windsor Bowling club, for a five year period, with the fees and charges for exclusive use not being charged for the event on this occasion, however, such fee and charges would be applicable for the second and subsequent years. In view of the fees and charges being waived by Council for this year, the applicant is to identify Council as a major sponsor of the event in all publications and advertising.
- B. Approval be granted to the Sandstorm Events Pty Ltd /Heart of the Hawkesbury to run the 'Hawkesbury International Sand Sculpting Competition and Festival' within McQuade Park between 26 December 2013 to 27 January 2014 subject to the following conditions:
  1. The reserve is to be left clean and tidy with the organisation being responsible for collection and disposal of all waste (including sand from the sand sculptures and the area being restored to its original condition); the applicant is to lodge with Council a damage bond of \$20,000, (cash or bank guarantee) which is refundable less any costs incurred by Council, administrative or otherwise, to clean or restore the area.
  2. The applicant is to remove all materials and repair any damage within a two week period of the events completion. Failure to do this would result in Council staff undertaking the repairs, recouping the expense from the bond.
  3. The applicant and any hire companies/vendors submitting to Council a Public Liability Policy for \$20,000,000, covering all parties utilising the site with Council's interest noted on that Policy.

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4. If required, the applicant is to obtain all necessary permits/approvals in relation to amusement devices/rides and liaise with Integral Energy regarding the supply of power and the proximity to power supply lines.
5. The sale and consumption of alcoholic beverages is not approved for the event.
6. The event manager/applicant must undertake a Risk Assessment of the proposed event including pre-event preparations. The assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards. The event manager/applicant is responsible for ensuring that procedures are followed and that they comply with the requirements of the Work Health and Safety Regulations 2011.
7. Only vehicles engaged in essential work or operations are to access the park. Those vehicles are not to travel more than 10km per hour, can travel no closer than 10m to the pond area and must give way to pedestrians.
8. In the event that traffic control is required at the access points to McQuade Park and the surrounding road network, the event organiser is to submit a Road Occupancy Application (ROA) to Council which will include a Traffic Control Plan (TCP) and associated Traffic Management Plan (TMP)
9. The 'Hawkesbury International Sand Sculpting Competition and Festival' are to be consistent with Council's Sustainable Events Management Policy, with both rubbish bins and recycling bins to be provided.
10. Any generators provided should be constructed, maintained and managed so that the  $LA_{eq, (15min)}$  noise levels, measured at any point in accordance with the New South Wales Environment Protection Authority Industrial Noise Source Policy 2000, do not exceed 5dB  $LA_{eq, (15min)}$  above background levels with respect to noise amenity of residential dwellings and associated outdoor areas.
11. Public address speakers/music speakers should be directed away from residential properties. Where speakers are mounted on poles, they are to be inclined downwards at an angle of approximately 45 degrees from the horizontal.
12. A sound limiting circuit or similar monitoring system is to be included for the PA/sound system to control the signal amplitude to a fixed level regardless of the loudness of the operator's voice, or the volume control of the amplifier.
13. Provide a noise complaints hotline by the festival organisers to be made available to the surrounding area in case noise nuisance occurs. Provide a manager onsite at all opening times in case the noise level is required to be reduced. The manager if so required by an authorised officer, the acoustic consultant or the NSW Police Force, must have the authority to order the reduction of noise level produced.
14. Where noise complaints are received, the acoustic consultant/ organisers are to arrange noise monitoring to be conducted at the affected property using  $LA_{eq, (15min)}$ . When the noise level exceeds the noise level requirements set by Hawkesbury City Council, reduction strategies are to be implemented to reduce the noise level to the requirement set by Hawkesbury City Council. Numbers, locations and noise monitoring readings from complaints received are to be included in an acoustic compliance report. Such report is to be submitted to Council within 14 days of the completion of the event.
15. According to the guidelines for concerts, events and organised gatherings and considering that within the management plan patronage has been proposed to be a maximum of 500 at any one time with a maximum 4,000 participants per day. Amenities are required to be provided for a minimum of 500 people. Three portable toilets are to be provided and approval is granted to use the Memorial Park (part of McQuade Park) toilets subject to organisers being responsible for restocking and cleaning them at least three times a day or more frequently as

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- required. Liquid soap and paper towels are also to be provided. The cleaning contractor's details, insurance and risk assessment need to be provided prior to the event.
16. Toilet locations must be well-marked and well-lit.
  17. Portable toilets are required to be pumped out at least every 24 hours or more frequently if required.
  18. Ensure that the effluent from the portable toilets is removed off the site to an appropriate facility to accept such waste. The waste shall be transported and disposed of by appropriately licensed facilities.
  19. All portable gas cylinders used throughout the subject sites must be secured both top and bottom, by ropes or chains to a structural post, wall, or similar anchor point.
  20. An adequate supply of potable water must be supplied with respect to toilet, shower and refreshment facilities (non-potable water should not be used without prior approval).
  21. No pyrotechnical display of any kind is to occur without prior approval from WorkCover and independent consent from Hawkesbury City Council.
  22. Dust suppression and minimisation strategies must be employed to manage potential dust nuisances within the sites. This is to apply to parking areas, access roads and within the festival site.
  23. Mosquito repellent is required to be made available to prevent possible cases of mosquito borne diseases.
  24. Sunscreen is required to be made available to prevent potential adverse sun exposure.
  25. Strategies must be adopted to prevent any light spillage from the festival onto any surrounding residential property boundaries.
  26. All food vendors are to be registered with Hawkesbury City Council and notified with the NSW Food Authority prior to the event.
  27. All food vendors are to notify Council and the Food Authority of their Food Safety Supervisors details prior to the event. Should any of the food stalls / operators not have a Food Safety Supervisor, one should be made available per food stall / operator prior to the commencement of the event.
  28. A registration certificate through Hawkesbury City Council must be obtained and displayed for all food premises, stalls or food vending vehicles.
  29. Food premises, stalls or food vending vehicles must comply with the appropriate food standards including but not limited to the Food Safety Standards, Hawkesbury City Council's Temporary Food Code and Food Act 2003. Inspections may be conducted by Council's Environmental Health Officers prior or during the event.
  30. Food premises, stalls or food vending vehicles must obtain a copy of and abide by the NSW Food Authority's Food Handling Guidelines for Temporary Events and Hawkesbury City Council's Food Safety Guidelines for Charities and Community Organisations.
  31. Food premises, stalls or food vending vehicles must have an adequate supply of potable water. Provision of a supply of potable water for sinks and hand basins is essential. Non-potable water is not permitted to be used within the subject sites.

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32. Food premises, stalls or food vending vehicles must have hand washing facilities supplied with warm water, with liquid soap and paper towel. Potable water must be used for hand washing.
33. Food premises, stalls or food vending vehicles must have a temperature measuring device onsite that is capable of measuring to  $\pm 1^{\circ}\text{C}$ .
34. Food products are required to be stored in vermin and insect proof storage areas. All foods are to be protected and covered.
35. All liquid waste (including hand washing) is to be collected, stored appropriately and disposed of at a waste facility licensed to accept such waste.
36. Solid waste products are to be stored in sealed bins or containers and disposed of as required/necessary. The waste shall be transported and disposed of by appropriately licensed facilities.
37. Fats and oils generated from the caterers should be collected in appropriate storage containers and transported and disposed of at an appropriate facility to accept such waste. The waste shall be transported and disposed of by appropriately licensed facilities.
38. All waste generation is required to be transported to an appropriate waste facility to accept such waste (no waste generated from this event is to be transported to Hawkesbury City Council's waste facility). The waste shall be transported and disposed of by appropriately licensed facilities.
39. In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident where material harm to the environment is caused or threatened that which occurs in the course of carrying out the approved activity.
40. Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
41. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

### ATTACHMENTS:

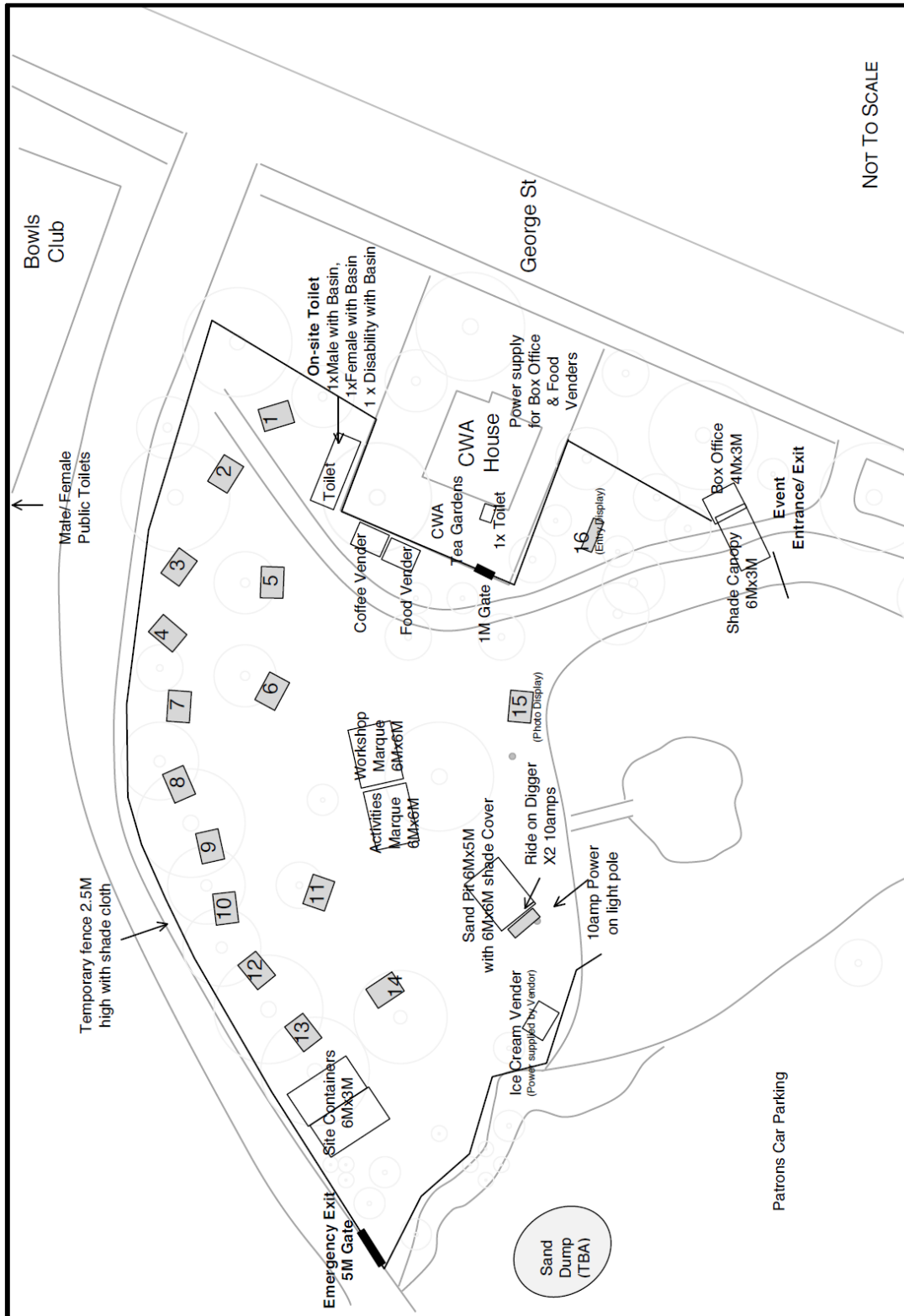
**AT - 1** Hawkesbury International Sand Sculpting Championship 2014 Event Plan

**AT - 2** Hawkesbury International Sand Sculpting Championship 2014 Parking Plan

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## AT - 1 Hawkesbury International Sand Sculpting Championship 2014 Event Plan

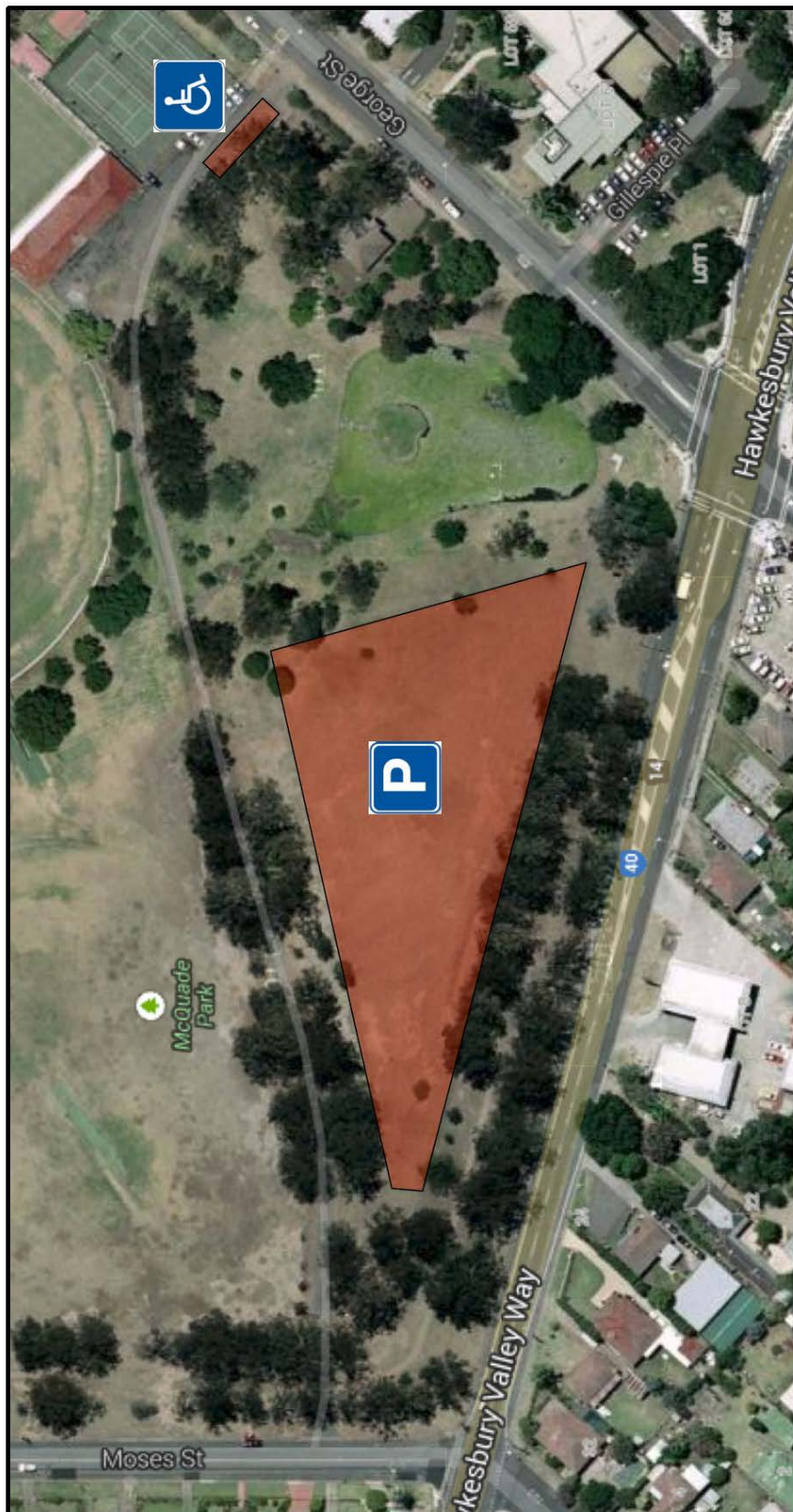




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AT - 2 Hawkesbury International Sand Sculpting Championship 2014 Parking Plan



oooO END OF REPORT Oooo

**ORDINARY MEETING****Meeting Date:** 29 October 2013**SUPPORT SERVICES****Item: 212**                      **SS - Monthly Investments Report - September 2013 - (96332, 95496)****Previous Item:**            144, Ordinary (29 June 2010)**REPORT:****Executive Summary**

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

This report indicates that Council held \$45.41 million in investments at 30 September 2013.

It is recommended that this report be received and noted.

**Consultation**

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

**Background**

The following table indicates that Council held \$45.41 million in investments as at 30 September 2013. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
<b>On Call</b>								
ANZ	A1+	AA-	30/09/2013		3.90%	5,200,000	11.49%	
CBA	A1+	AA-	30/09/2013		2.50%	700,000	1.58%	
<b>Total On-call Investments</b>								<b>5,900,000</b>
<b>Term Investments</b>								
ANZ	A1+	AA-	24/10/2012	23/10/2013	4.62%	1,000,000	2.20%	
ANZ	A1+	AA-	24/04/2013	06/11/2013	4.40%	1,000,000	2.20%	
ANZ	A1+	AA-	08/05/2013	06/11/2013	4.30%	2,000,000	4.40%	
ANZ	A1+	AA-	26/06/2013	29/10/2013	4.25%	1,500,000	3.30%	
ANZ	A1+	AA-	26/06/2013	20/11/2013	4.25%	1,500,000	3.30%	
ANZ	A1+	AA-	03/07/2013	28/01/2014	4.25%	500,000	1.10%	
CUA	A-2	BBB	06/02/2013	15/01/2014	4.40%	250,000	0.55%	
NAB	A1+	AA-	30/01/2013	19/12/2013	4.42%	1,500,000	3.30%	
NAB	A1+	AA-	16/01/2013	15/01/2014	4.43%	1,000,000	2.20%	
NAB	A1+	AA-	30/01/2013	29/01/2014	4.42%	2,000,000	4.40%	
NAB	A1+	AA-	06/02/2013	05/02/2014	4.35%	2,000,000	4.40%	

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Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
NAB	A1+	AA-	21/08/2013	20/08/2014	3.94%	2,000,000	4.40%	
NAB	A1+	AA-	21/08/2013	19/08/2015	4.25%	1,000,000	2.20%	
NAB	A1+	AA-	03/09/2013	03/09/2014	3.90%	2,000,000	4.40%	
NAB	A1+	AA-	03/09/2013	02/09/2015	4.10%	2,000,000	4.40%	
St George	A1+	AA-	22/08/2012	16/10/2013	5.16%	1,500,000	3.30%	
Westpac	A1+	AA-	20/02/2013	19/02/2014	4.30%	1,500,000	3.30%	
Westpac	A1+	AA-	20/03/2013	19/03/2014	4.35%	1,000,000	2.20%	
Westpac	A1+	AA-	20/03/2013	19/03/2014	4.35%	2,000,000	4.40%	
Westpac	A1+	AA-	08/04/2013	08/04/2014	4.60%	1,000,000	2.20%	
Westpac	A1+	AA-	08/04/2013	08/04/2014	4.60%	2,000,000	4.40%	
Westpac	A1+	AA-	15/05/2013	15/05/2014	4.15%	1,000,000	2.20%	
Westpac	A1+	AA-	22/05/2013	28/05/2014	4.20%	2,000,000	4.40%	
Westpac	A1+	AA-	03/07/2013	19/12/2013	4.30%	1,000,000	2.20%	
Westpac	A1+	AA-	24/07/2013	15/01/2014	4.25%	2,260,000	4.98%	
Westpac	A1+	AA-	07/08/2013	29/01/2014	4.20%	1,000,000	2.20%	
Westpac	A1+	AA-	07/08/2013	06/08/2014	4.10%	1,000,000	2.20%	
Westpac	A1+	AA-	18/09/2013	05/03/2014	4.10%	1,000,000	2.20%	
<b>Total Term Investments</b>								<b>39,510,000</b>
<b>TOTAL INVESTMENT AS AT 30 SEPTEMBER 2013</b>								<b>45,410,000</b>

## Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	5,900,000	3.73%	Reserve Bank Cash Reference Rate	2.50%	1.23%
Term Deposit	39,510,000	4.31%	UBS 90 Day Bank Bill Rate	2.59%	1.72%
<b>Total</b>	<b>45,410,000</b>	<b>4.23%</b>			

## Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	8,981,514
External Restrictions - Other	3,240,865
Internal Restrictions	21,421,803
Unrestricted	11,765,818
<b>Total</b>	<b>45,410,000</b>

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

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

## ORDINARY MEETING

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

### ***Investment Commentary***

The investment portfolio increased by \$1.60 million for the month of September 2013. During September 2013, income was received totalling \$6.62 million, including rate payments amounting to \$4.17 million, while payments to suppliers and staff costs amounted to \$5.97 million.

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

Council has a loan agreement for an amount of \$5.26 million under the Local Government Infrastructure Renewal Scheme (LIRS). The full amount was drawn down upon signing the agreement in March 2013, with funds gradually being expended over a period of approximately two years. 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 30 September 2013, Council has invested \$1.5 million with second tier financial institutions, that are wholly owned subsidiaries of major trading banks, and \$0.25 million invested with a second tier institution that is not a wholly owned subsidiary of a major Australian trading bank, with the remaining funds being invested with first tier institutions. Council's adopted Investment Policy allows Council to invest funds with second tier Authorised Deposit-taking Institutions that are wholly owned subsidiaries of major Australian trading banks, subject to conditions stipulated in the Policy. Investments in second tier financial institutions, that are not wholly owned subsidiaries of major trading banks, are limited to the amount guaranteed under the Financial Claims Scheme (FCS) for Authorised Deposit-taking Institutions (ADIs), in line with Council's Investment Policy.

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

Council's investment portfolio complies with Council's Investment Policy, adopted on 25 June 2013.

### ***Investment Certification***

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

### **Conformance to Community Strategic Plan**

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

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

### **Financial Implications**

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

**ORDINARY MEETING**

**Meeting Date:** 29 October 2013

**RECOMMENDATION:**

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

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 29 October 2013

**Item: 213**                      **SS - 2013/2014 Cycleway Funding - Ministerial Representations - (95496, 96328)**

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### REPORT:

#### Executive Summary

This report has been prepared to advise Council of the decision of Roads and Maritime Services (RMS) to decline Council's application for annual cycleway funding for 2013/2014. The report proposes that Council make representations to the Minister in relation to the decision of the RMS to discontinue its joint-funding of Council's Cycleway Program and to seek support of the local State Members of Parliament to these representations.

#### Consultation

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

#### Background

In May 2010, Council adopted the Hawkesbury Mobility Plan. The Mobility Plan evaluated a range of technical factors including analysis of traffic volumes, trip attractors and generators and traffic accident data, and combined this analysis with the findings of community surveys and consultations to identify a program of works to consolidate and expand the shared pathway network within the Hawkesbury Local Government Area.

In adopting the Mobility Plan, Council indicated that priority should be given to the construction of the proposed off-road shared pathway linking Richmond and Windsor. Since the adoption of the Mobility Plan, Council's cycleway/shared pathway funds have been allocated to this project. Accordingly, Council staff prepared and submitted a staged works plan to the RMS to complete the Richmond to Windsor off-road shared pathway and this program has provided the basis for a Council annual application for RMS cycleway funding. This funding is provided on a 50:50 basis with Council contributing \$50,000 for a total annual cycleway funding allocation of \$100,000.

#### Current Situation

In September 2012, Council submitted its cycleway funding application for the 2013/2014 financial year. The application was submitted as part of Council's Annual Program Funding Application to the RMS which covers a number of different program components.

In September 2013, Council received advice to the effect that a total of \$758,000 had been approved for various works. However the \$50,000 Cycleway Program component had been omitted from the approved schedule of works. Council staff subsequently contacted the RMS to query the omission of the cycleway funding, and were advised that Council's Cycleway Funding Application for 2013/2014 had been declined.

Council staff contacted a number of adjoining councils to determine if they had been successful in securing cycleway funding. Both Penrith and Blue Mountains Council's indicated that they had received a cycleway funding allocation for 2013/2014.

The decision of the RMS to decline Council's Cycleway Funding Application for 2013/2014 will mean that Council is practically unable to proceed with the planned extension of the shared pathway along Hawkesbury Valley Way.

It should be noted that all the priority cycleway routes identified in the Mobility Plan are on roadways under the control of the RMS. Council has previously made representations to the RMS to allocate additional funding to accelerate the construction of shared pathways on the trafficable routes under their control.

## ORDINARY MEETING

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While these representations were not successful in securing additional funding, Council had continued to receive an Annual Cycleway Grant from the RMS which has enabled Council to gradually extend its shared pathway network. The decision of the RMS to decline Council's Annual Cycleway Funding Application for 2013/2014 may place Council's future Cycleway Program in jeopardy.

For this reason, it is proposed that Council make representations to the NSW Minister for Roads and Ports to seek advice as to the reasons for Roads and Maritime Services declining Council's 2013/2014 Cycleway Funding Application and to request that the Minister review this decision and seek the support of the local State Members of Parliament to these representations.

### **Conformance to Community Strategic Plan**

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

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

and is also consistent with the nominated strategy in the Community Strategic Plan 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**

The report advises that Council has not been successful in receiving its Annual Cycleway Funding Grant of \$50,000. Consequently there is currently a \$50,000 shortfall in the projected income required to fund Council's 2013/2014 Shared Pathway Program under the Hawkesbury Mobility Plan.

### **RECOMMENDATION:**

That Council make representations to the NSW Minister for Roads and Ports to seek advice as to the reasons for Roads and Maritime Services declining Council's 2013/2014 Cycleway Funding Application and to request that the Minister review this decision and seek the support of the local State Members of Parliament in respect of these representations.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 29 October 2013

**Item: 214**                      **SS - Administration of all Hawkesbury Local Government Elections - (95496)**

**Previous Item:**            25, Ordinary (26 February 2013)

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### REPORT:

#### Executive Summary

Council, at its meeting on 26 February 2013, resolved to enter into a contract or make arrangements with the NSW Electoral Commissioner, for the Electoral Commission to administer all elections for Hawkesbury City Council, including constitutional referendums and polls, until the conclusion of the 2016 Ordinary Election for Councillors.

On 25 June 2013, amendments to Section 296 of the Local Government Act, 1993 (the Act), relating to the conduct of elections commenced. The NSW Electoral Commission (NSWEC) has subsequently advised that, as a result of these amendments, resolutions previously passed by councils requesting the Commission to conduct their future elections are no longer valid.

The NSW Division of Local Government (DLG) and the NSWEC have now advised Council that for these decisions to be effective, appropriate wording of the resolutions needs to be used.

This report recommends the adoption of model wording for a resolution to engage the NSWEC to conduct all elections, Council polls and constitutional referendums as previously resolved by Council on 26 February 2013.

#### Consultation

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

#### Background

Council, at its meeting on 26 February 2013, gave consideration to a report regarding the administration of all elections for Council, including constitutional referendums and polls, until the conclusion of the 2016 Ordinary Election for Councillors. A copy of the report is attached as Attachment 1.

At that meeting, Council resolved, as follows:

*"That:*

- 1. In accordance with Section 296(2) of the Local Government Act, 1993, Council enter into a contract or make arrangements with the NSW Electoral Commissioner, for the Electoral Commissioner to administer all elections for Hawkesbury City Council, including constitutional referendums and polls, until the conclusion of the 2016 Ordinary Election for Councillors.*
- 2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council, if required."*

In June 2013, Section 296 of the Act regarding the conduct of elections was amended. The amendments enhance the flexibility of councils to make decisions on the conduct of their elections. The key changes to Section 296 of the Act include:

- Councils are able to decide up to 18 months prior to an ordinary election to enter into a contract with the NSW Electoral Commission to conduct all of their elections, referendums and polls and to enter into any such contract up to 15 months before the election.



## ORDINARY MEETING

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- The contract may be terminated by either party at any time following the ordinary election and will expire 18 months prior to the next ordinary election unless terminated earlier.
- Councils may also enter into a contract with the NSWEC to conduct their individual elections (other than ordinary elections), referendums and polls at any time.
- In exceptional circumstances the NSWEC may agree to conduct an ordinary election at any time.

Subsequently, the NSWEC advised that, as a result of the above amendments to Section 296 of the Act, resolutions previously passed by councils requesting the NSWEC to conduct their future elections are no longer valid. This means that Council's Resolution of 26 February 2013, outlined above, is no longer valid.

The DLG and the NSWEC have now advised Council that for the original decision by Council on 26 February 2013 to engage the NSWEC to be effective, appropriate wording of a resolution needs to be used. Therefore, suggested model wording for a resolution of Council in regard to this matter has been provided that ensures conformance with the legislative framework.

Accordingly, the recommendation in this report contains the model resolution wording provided by the DLG and the NSWEC, to engage the NSWEC to administer all Hawkesbury City Council elections, Council polls and constitutional referendums.

As Council on 26 February 2013 has previously resolved that the NSWEC administer all elections for Council, the recommendation contained in this report is recommended for adoption.

### **Conformance to Community Strategic Plan**

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

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

### **Financial Implications**

Council currently has an amount of \$249,544 in the Election Reserve. Further amounts will be provided to the Election Reserve over the next two financial years to ensure sufficient funds are available to meet the anticipated costs of the 2016 Council Elections.

### **RECOMMENDATION:**

That the Hawkesbury City Council ("the Council") resolves:

1. Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

**ORDINARY MEETING**

**Meeting Date:** 29 October 2013

**ATTACHMENTS:**

- AT - 1** Report to Council Meeting, 26 February 2013 (Item 25) – Administration of all Hawkesbury Local Government Elections

## ORDINARY MEETING

Meeting Date: 29 October 2013

### **AT - 1 Report to Council Meeting, 26 February 2013 (Item 25) - Administration of all Hawkesbury Local Government Elections**

ITEM: 25                      SS - Administration of all Hawkesbury Local Government Elections - (95496)

Previous Item:              Item 228, (Ordinary 11 October 2011)

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#### **REPORT:**

##### **Executive Summary**

The Local Government Act, 1993 (the Act), provides that council elections including constitutional referendums and polls are to be administered by the general manager of the council concerned.

The Act also provides that a council may, within 12 months after an ordinary election of councillors for the area, resolve that the council enter into a contract or make arrangements with the Electoral Commissioner to administer all elections for the council.

It is proposed to recommend that Council engage the NSW Electoral Commissioner to administer all the Hawkesbury City Council Elections, constitutional referendums and polls, until the conclusion of the 2016 Ordinary Hawkesbury Local Government Elections.

##### **Consultation**

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

##### **Background**

Since 1995, Hawkesbury City Council Local Government Elections have been undertaken by the NSW Electoral Commission.

Council, at its meeting on 11 October 2011, resolved, in part, that the Electoral Commissioner be advised that Council wishes to engage the Commission to conduct the Hawkesbury Local Government Elections in 2012.

In accordance with Council's resolution, the Electoral Commissioner was engaged to conduct the 2012 Elections. Subsequently, the NSW Electoral Commissioner conducted the Hawkesbury Local Government Elections held in September 2012. The next Local Government Elections are due to be conducted in 2016.

Section 296 of the Act sets out who is to administer all elections for Council, including the 2016 Local Government Elections. Section 296 of the Act is as follows:

#### ***"296 Elections to be administered by general manager of council or Electoral Commissioner***

- (1) *Elections for the purposes of this Chapter are to be administered by the general manager of the council concerned.*

**Note.** *Section 18 provides that certain provisions of this Act (relating to the conduct of elections) apply to council polls and constitutional referendums, with such modifications as may be necessary, in the same way as they apply to elections.*

- (2) *Despite subsection (1), a council may resolve that the council is to enter into a contract or make arrangements with the Electoral Commissioner for the Electoral Commissioner to administer all elections for the council for the purposes of this Chapter.*

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- (3) *Such a resolution may only be made within 12 months after an ordinary election of councillors for the council's area.*
- (4) *If such a contract is entered into or such arrangements made, the Electoral Commissioner is to administer all the elections of the council until the conclusion of the following ordinary election for councillors.*
- (5) *In this section, **election** does not include an election of the mayor or a deputy mayor by the councillors."*

Sections 296A and 296B of the Act apply to elections administered by the General Manager or Electoral Commissioner and are as follows:

### **"296A Elections administered by a general manager**

- (1) *This section applies to an election administered by the general manager of a council.*
- (2) *The general manager is to appoint a returning officer and a substitute returning officer for the election. In the absence of the returning officer, the substitute returning officer is to exercise the functions of the returning officer.*
- (3) *The returning officer is to appoint one or more electoral officials.*
- (4) *An employee of a council for an area cannot be appointed as a returning officer or substitute returning officer for that area. However, an electoral official may be an employee of the council.*
- (5) *A general manager cannot be appointed as a returning officer, substitute returning officer or electoral official for any area.*
- (6) *For the purpose of conducting an election, the returning officer and substitute returning officer for an area are entitled to access to any relevant records of the council for the area.*
- (7) *For the purpose of administering an election, the general manager is to:*
  - (a) *appoint the polling places, and*
  - (b) *determine the fees payable to the returning officer, substitute returning officer and electoral officials.*
- (8) *For the purpose of conducting an election, the returning officer is to determine any matter not provided for by this Act or the regulations.*
- (9) *Expenses incurred by the returning officer, substitute returning officer and electoral officials in connection with an election are to be met by the council.*
- (10) *The returning officer and the substitute returning officer must not vote at any election that they are conducting.*

### **296B Elections administered by the Electoral Commissioner**

- (1) *This section applies to an election administered by the Electoral Commissioner.*
- (2) *The Electoral Commissioner is to appoint a returning officer and a substitute returning officer for each area. The returning officer is to conduct elections on behalf of, and under the direction of, the Electoral Commissioner. In the absence of the returning officer, the substitute returning officer is to exercise the functions of the returning officer.*
- (3) *The returning officer is to appoint one or more electoral officials.*

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- (4) *An employee of a council for an area cannot be appointed as a returning officer or substitute returning officer for that area. However, an electoral official may be an employee of the council.*
- (5) *For the purpose of conducting an election, the returning officer and substitute returning officer for an area are entitled to access to any relevant records of the council for the area.*
- (6) *For the purpose of conducting an election, the Electoral Commissioner is to:*
  - (a) *appoint the polling places, and*
  - (b) *determine the fees payable to the returning officer, substitute returning officer and electoral officials, and*
  - (c) *determine any matter not provided for by this Act or the regulations.*
- (7) *The Electoral Commissioner, the returning officer and the substitute returning officer must not vote at any election that they are conducting."*

In summary, Section 296(1) of the Act provides that Council elections are to be administered by the General Manager. However, Sections 296(2) and (3) of the Act state that Council may, within 12 months after an ordinary election, resolve that Council enter into a contract or make arrangements with the Electoral Commissioner to administer all elections for the Council other than elections of the Mayor and Deputy Mayor by Councillors. Section 296(4) of the Act states that if such a contract is entered into, or such arrangements made, the Electoral Commissioner is to administer all elections, constitutional referendums and Council polls, until the conclusion of the following ordinary election of Councillors, scheduled to be held in 2016.

As indicated earlier, since 1995 Hawkesbury City Council Local Government Elections have been undertaken by the NSW Electoral Commissioner, including the latest election held in September 2012. It is considered that these elections have been successfully undertaken by the NSW Electoral Commissioner.

There are a number of advantages if Council were to again engage the NSW Electoral Commissioner to administer all the Council elections until the conclusion of the 2016 Local Government Elections, including:

- If the General Manager were to administer the elections, Council would be required to develop its own manuals, procedures and practice notes for use in the election; source its own polling staff, facilities and supplies; develop its own security procedures and processes in association with the conduct of the election; source and operate its own count facilities; and obtain its own legal advice in relation to election provisions and requirements, etc.
- In the time since Council last conducted its own elections, there have been significant changes in electoral procedures and requirements. As such, it is considered that the expertise, and associated historical supporting documentation, is not sufficiently available within the organisation to successfully undertake the election without significant external resources.
- A successful and independent electoral process is important in any election that may be undertaken. A significant element relating to the successful running of an election is risk management, and it is suggested that the best approach is to appoint those with the most expertise and experience in undertaking the process, and in this case it is suggested that this is the Electoral Commission.
- If the election was undertaken by Council, due to the extensive work that would be required, as referred to previously, it is considered that the Returning Officer, Substitute Returning Officer and other staff would need to be engaged for a considerable period prior to the election, whereas due to documentation, facilities and experience already available to the Commission, this usually only occurs within 6-8 weeks of the election. This would considerably increase the wages component of the election if conducted by Council.

## ORDINARY MEETING

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- In addition, when assessing the cost of a Council run election, all “hidden” costs (i.e. the cost of the time of existing staff, including the General Manager, who may work on the election, the use of Council facilities and equipment, etc,) must also be incorporated in the final reported cost. In this light, it is considered that it would be likely that the cost of an election undertaken by Council would be similar to a charge made by the Electoral Commission if it were appointed to conduct the election.

With regard to costs, the 2008 Election conducted by the Commission incurred a charge of \$273,500. The 2012 Election, also conducted by the Commission, incurred a charge of \$287,376, being a 5% increase on the 2008 Election costs.

Accordingly, in view of the contents of this report and the difficulties that would be encountered if Council were to conduct the Elections, with little, if any, real cost savings, it is strongly recommended that Council engage the NSW Electoral Commissioner to administer all elections until the conclusion of the 2016 Ordinary Hawkesbury Local Government Elections.

### Conformance to Community Strategic Plan

The proposal is consistent with the Shaping our future together Directions statement;

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

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

- Have ongoing engagement and communication with our community, governments and industries.

### Financial Implications

Council currently has an amount of \$174,544 in the Election Reserve. Further amounts will be provided to the Election Reserve over the next three financial years to ensure sufficient funds are available to meet the anticipated costs of the 2016 Council Elections.

### RECOMMENDATION:

That:

1. In accordance with Section 296(2) of the Local Government Act, 1993, Council enter into a contract or make arrangements with the NSW Electoral Commissioner, for the Electoral Commissioner to administer all elections for Hawkesbury City Council, including constitutional referendums and polls, until the conclusion of the 2016 Ordinary Election for Councillors.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council, if required.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 29 October 2013

**Item: 215**                      **SS - Code of Conduct Complaints Statistics Report - 1 September 2012 to 31 August 2013 - (95496)**

**Previous Item:**            3, Ordinary (5 February 2013)

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### REPORT:

#### Executive Summary

Under Council's adopted "Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW" the Complaints Coordinator is required to submit a report on a range of complaints statistics to the Council. These complaints statistics are also required to be provided to the NSW Division of Local Government (DLG).

The purpose of this report is to submit the required Code of Conduct complaints statistics for the period from 1 September 2012 to 31 August 2013.

It is recommended that Council note the contents of the report.

#### Consultation

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

#### Background

Council, at its meeting on 5 February 2013, gave consideration to a report regarding the review and release of the new Model Code of Conduct by the DLG.

At that meeting, Council adopted the Model Code of Conduct with some relatively minor amendments as the Council's Code of Conduct, and also adopted the 'Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW' (the Procedures) issued by the DLG, as the Council's Procedures. Both of these documents became effective on and from 1 March 2013.

Under the provisions of Clause 3.12 of the Procedures, the General Manager has appointed the Director Support Services as the Complaints Coordinator.

Clause 12.1 of the Procedures states that Council's Complaints Coordinator must, within three months of the end of September each year, report on a range of complaints statistics to the Council. Clause 12.2 of the Procedures requires Council to provide the complaints statistics to the DLG. Clauses 12.1 and 12.2 of the Procedures are as follows:

*"12.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:*

- a) The total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September,*
- b) the number of code of conduct complaints referred to a conduct reviewer,*
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,*
- d) the number of code of conduct complaints investigated by a conduct reviewer,*
- e) the number of code of conduct complaints investigated by a conduct review committee,*
- f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,*

**ORDINARY MEETING****Meeting Date:** 29 October 2013

- g) *the number of matters reviewed by the Division and, without identifying particular matters, the outcome of the reviews, and*
- h) *the total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.*

12.2 *The council is to provide the Division with a report containing the statistics referred to in clause 12.1 within 3 months of the end of September of each year."*

In accordance with Clause 12.1 of the Procedures, the following complaints statistics are provided to Council in respect of the period from 1 September 2012 to 31 August 2013:

Information Required	Reported Details
a) The total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September.	13
b) The number of code of conduct complaints referred to a conduct reviewer.	4
c) The number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints	Nil/Not Applicable
d) The number of code of conduct complaints investigated by a conduct reviewer.	3 (+1 ongoing at reporting date)
e) The number of code of conduct complaints investigated by a conduct review committee.	Nil
f) Without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures.	<p>The outcomes were as follows:</p> <ul style="list-style-type: none"> <li>• 1 breach of the code was found and an apology recommended;</li> <li>• 2 'No breaches' of the code were found and no further action taken;</li> <li>• 1 matter is ongoing at the reporting date.</li> </ul>
g) The number of matters reviewed by the Division and, without identifying particular matters, the outcome of the reviews.	Nil
h) The total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.	<p>\$14,980 (Excl. GST) – Conduct Reviewers \$10,385 (Approx.) – Staff time (+1 ongoing at reporting date, costs unknown)</p> <p>Total Cost = Approx. \$25,365 (excl. GST where relevant)</p>

The above complaints statistics will also be forwarded to the DLG as required under Clause 12.2 of the Procedures.

### Conformance to Community Strategic Plan

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

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



**ORDINARY MEETING**

**Meeting Date:** 29 October 2013

**Funding**

There are no financial implications applicable to this report.

**RECOMMENDATION:**

That the report under Clause 12.1 of the Council's Procedures for the Administration of the Code of Conduct, in respect of the Code of Conduct complaints statistics for the period from 1 September 2012 to 31 August 2013, be noted.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 29 October 2013

### Item: 216                      **SS - Execution of Variation to Service Agreement - Family and Community Services - (95496, 96328)**

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#### REPORT:

##### Executive Summary

This report has been prepared to seek Council's approval to execute a variation to the Service Agreement previously signed by Council with Family and Community Services, NSW Government for funding for the 2013/2014 financial year. These funds are provided for the operation of community services.

##### Consultation

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

##### Background

Council receives funding from Family and Community Services, NSW Government (formerly Community Services Department of Human Services NSW) to operate a number of community services within the City of Hawkesbury.

A variation to the previously executed Service Agreement has been received from Family and Community Services, NSW Government detailing changes to total funding for the 2013/2014 financial year to \$487,885. The revised funding amounts are as listed below:

Community Builders Salary Subsidy	\$5,836
Community and Youth Worker Salary Subsidy	\$35,694
Family Support Hawkesbury and Community Hub	\$223,509
Peppercorn Forgotten Valley Community and Youth	\$113,337
Peppercorn Family Services Forgotten Valley	\$109,509

**Revised Total 2013/2014 Funding    \$487,885**

With the exception of the Local Government Salary Subsidy Programs, Council has delegated management responsibility for the operation of these funded services to Peppercorn Services Inc (PSI). This delegation requires PSI to operate within the policy and operational framework defined by the recently executed Memorandum of Terms of Delegation entered into between Council and PSI in September 2013.

Peppercorn Services Inc. has established financial, operational and governance systems to manage and operate the services transferred to its control in compliance with the Memorandum.

To facilitate the remittance of these funds, Family and Community Services NSW Government, requires Council to execute a variation to the Service Agreement under the Seal of Council.

##### Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- Have friendly neighbourhoods, connected communities, and supported households and families.

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

- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities.

## **ORDINARY MEETING**

**Meeting Date:** 29 October 2013

The Community Strategic Plan advocates for the continued provision of a range of human services to address the diverse needs of the Hawkesbury Community. Executing funding agreements for the provision of these human services in partnership with government agencies and community organisations is a primary strategy for achieving the broad thrust of the Community Strategic Plan.

### **Financial Implications**

There are no financial implications arising from this report.

### **RECOMMENDATION:**

That the authority be given to execute, under the Seal of Council, a variation to the Service Agreement with Family and Community Services, NSW Government to accept funds for the 2013/2014 financial year as outlined in this report.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 29 October 2013

**Item: 217**                      **SS - Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 79337)**

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### REPORT:

#### Executive Summary

The Local Government Act, 1993 (the Act) details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Councillors and Designated Persons. This report provides information regarding Returns recently lodged with the General Manager by Councillors and Designated Persons. It is recommended that Council note that the Disclosure of Pecuniary Interests and Other Matters Returns, lodged with the General Manager, have been tabled.

#### Consultation

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

#### Background

Section 450A of the Act, 1993 relates to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 450A of the Act is as follows:

- "1.    *The General Manager must keep a register of returns required to be lodged with the General Manager under section 449.*
2.    *Returns required to be lodged with the General Manager under section 449 must be tabled at a meeting of the council, being:*
  - (a)    *In the case of a return lodged in accordance with section 449 (1) - the first meeting held after the last day for lodgement under that subsection, or*
  - (b)    *In the case of a return lodged in accordance with section 449 (3) - the first meeting held after the last day for lodgement under that subsection, or*
  - (c)    *In the case of a return otherwise lodged with the general manager - the first meeting after lodgement."*

With regard to Section 450A(1), a register of all Returns lodged by Councillors and Designated Persons, in accordance with Section 449 of the Act, is currently kept by Council as required by this part of the Act.

With regard to Section 450A(2), all Returns lodged by Councillors and Designated Persons, under Section 449 of the Act, must be tabled at a Council Meeting as outlined in subsections (a), (b) and (c).

With regard to Section 450(2) (a), the following Section 449(1) Returns have been lodged:

Position	Return Date	Date Lodged
Environmental Health Officer	24/06/2013	12/08/2013
Sewerage Management Facility - Technical Officer	08/07/2013	05/08/2013

The Returns have been lodged prior to the due dates for the receipt of the Returns, being three months after the return dates.

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With regard to Section 450(2)(b), the following Section 449(3) Returns have been lodged:

<b>Councillor</b>	<b>Return Period</b>	<b>Date Lodged</b>
Clr Barry Calvert	01/07/2012 - 30/06/2013	17/09/2013
Clr Patrick Conolly	01/07/2012 - 30/06/2013	17/09/2013
Clr Mike Creed	01/07/2012 - 30/06/2013	17/09/2013
Clr Kim Ford	01/07/2012 - 30/06/2013	26/09/2013
Clr Mary Lyons-Buckett	01/07/2012 - 30/06/2013	13/08/2013
Clr Warwick Mackay	01/07/2012 - 30/06/2013	11/09/2013
Clr Christine Paine	01/07/2012 - 30/06/2013	13/08/2013
Clr Robert Porter	01/07/2012 - 30/06/2013	09/07/2013
Clr Paul Rasmussen	01/07/2012 - 30/06/2013	13/08/2013
Clr Jill Reardon	01/07/2012 - 30/06/2013	17/07/2013
Clr Tiffany Tree	01/07/2012 - 30/06/2013	30/9/2013
Clr Leigh Williams	01/07/2012 - 30/06/2013	09/7/2013

<b>Position</b>	<b>Return Period</b>	<b>Date Lodged</b>
General Manager	01/07/2012 - 30/06/2013	30/07/2013
Human Resources Manager	01/07/2012 - 30/06/2013	02/08/2013
Human Resources Officer	01/07/2012 - 30/06/2013	02/09/2013
Corporate Communication Manager	01/07/2012 - 30/06/2013	22/08/2013
Manager Risk Management	01/07/2012 - 30/06/2013	26/07/2013
Senior Strategic Planner	01/07/2012 - 30/06/2013	15/08/2013
Internal Auditor	01/07/2012 - 30/06/2013	08/08/2013
Director City Planning	01/07/2012 - 30/06/2013	12/08/2013
Planning Manager	01/07/2012 - 30/06/2013	01/08/2013
Strategic Planning Co-ordinator	01/07/2012 - 30/06/2013	27/08/2013
Senior Strategic Planner	05/03/2013 – 30/6/2013	02/08/2013
Senior Strategic Planner	01/07/2012 - 30/06/2013	24/07/2013
Senior Strategic Planner	01/07/2012 - 30/06/2013	27/07/2013
Senior Strategic Planner	01/07/2012 - 30/06/2013	08/08/2013
Subdivision and Development Engineer	01/07/2012 - 30/06/2013	25/07/2013
Subdivision and Development Engineer	01/07/2012 – 30/06/2013	03/09/2013
Town Planning Co-ordinator	01/07/2012 – 30/06/2013	28/08/2013
Senior Town Planner	01/07/2012 – 30/06/2013	03/09/2013
Senior Town Planner	01/07/2012 - 30/06/2013	01/08/2013
Town Planner	01/07/2012 - 30/06/2013	25/07/2013

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Position	Return Period	Date Lodged
Town Planner	01/07/2012 - 30/06/2013	07/08/2013
Building and Development Co-ordinator	01/07/2012 - 30/06/2013	21/08/2013
Building and Development Officer	01/07/2012 - 30/06/2013	22/08/2013
Senior Building Surveyor	01/07/2012 - 30/06/2013	31/07/2013
Building and Development Officer	01/07/2012 - 30/06/2013	26/07/2013
Executive Manager - Community Partnerships	01/07/2012 - 30/06/2013	28/08/2013
Customer Services Manager	01/07/2012 - 30/06/2013	20/08/2013
Community Program Co-ordinator	01/07/2012 - 30/06/2013	05/09/2013
Community Program Co-ordinator (Maternity Relief)	05/03/2013 – 30/06/2013	05/09/2013
Manager Regulatory Services	01/07/2012 - 30/06/2013	26/07/2013
Senior Environmental Health Officer	01/07/2012 - 30/06/2013	25/07/2013
Environmental Health Officer	01/07/2012 - 30/06/2013	02/09/2013
Environmental Health Officer	25/06/2013 - 30/06/2013	12/08/2013
Environmental Health Officer	01/07/2012 - 30/06/2013	24/07/2013
Environmental Health Officer	01/07/2012 - 30/06/2013	24/07/2013
Sewerage Management Facility Coordinator	01/07/2012 - 30/06/2013	06/08/2013
Sewerage Management Facility - Technical Officer	01/07/2012 - 30/06/2013	09/08/2013
Companion Animals Team Leader	01/07/2012 - 30/06/2013	25/07/2013
Companion Animals Controller	01/07/2012 - 30/06/2013	30/07/2013
Companion Animals Controller	01/07/2012 - 30/06/2013	26/07/2013
Administration Officer	01/07/2012 - 30/06/2013	26/07/2013
Compliance and Enforcement Coordinator	01/07/2012 - 30/06/2013	02/09/2013
Compliance and Enforcement Officer	01/07/2012 - 30/06/2013	26/07/2013
Compliance and Enforcement Officer	01/07/2012 - 30/06/2013	06/08/2013
Compliance and Enforcement Officer	01/07/2012 - 30/06/2013	06/09/2013
Parking Patrol Officer	16/10/2012 – 30/6/2013	14/08/2013
Parking Patrol Officer	01/07/2012 - 30/06/2013	06/08/2013
Parking Patrol Officer	01/07/2012 - 30/06/2013	29/07/2013
Parking Patrol Officer	03/04/2013 – 30/06/2013	09/08/2013
Director Infrastructure Services	01/07/2012 - 30/06/2013	23/08/2013
Manager Building and Associated Services	01/07/2012 - 30/06/2013	02/09/2013
Building Services Coordinator	01/07/2012 - 30/06/2013	12/09/2013
Building Services Officer	01/07/2012 - 30/06/2013	02/09/2013

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Position	Return Period	Date Lodged
Building Services Officer	01/07/2012 - 30/06/2013	01/08/2013
Manager Construction and Maintenance	01/07/2012 - 30/06/2013	30/07/2013
Construction / Maintenance Engineer	01/07/2012 - 30/06/2013	12/08/2013
Asset Management System Engineer	16/10/2012 – 30/06/2013	21/08/2013
Manager Parks and Recreation	01/07/2012 - 30/06/2013	15/08/2013
Land Management Officer	01/07/2012 - 30/06/2013	16/08/2013
Land Management Officer (Maternity Relief)	01/07/2012 - 30/06/2013	25/07/2013
Project Officer	01/07/2012 - 30/06/2013	25/07/2013
Parks Foreman	01/07/2012 - 30/06/2013	24/07/2013
Swimming Pool Superintendent	01/07/2012 - 30/06/2013	25/07/2013
Manager Water and Waste Management	01/07/2012 - 30/06/2013	24/07/2013
Waste Management Officer	28/05/2013 – 30/6/2013	24/07/2013
Wastewater Maintenance/Project Engineer	01/07/2012 - 30/06/2013	21/09/2013
Wastewater Maintenance/Project Engineer	01/07/2012 - 30/06/2013	29/08/2013
Manager Design and Mapping Services	01/07/2012 - 30/06/2013	25/07/2013
Design Investigation/Project Engineer	01/07/2012 - 30/06/2013	03/09/2013
Project Engineer	01/07/2012 - 30/06/2013	08/08/2013
Design Engineer	01/07/2012 – 30/06/2013	24/07/2013
GIS Co-ordinator	01/07/2012 - 30/06/2013	24/07/2013
Director Support Services	01/07/2012 - 30/06/2013	05/08/2013
Manager Corporate Services and Governance	01/07/2012 - 30/06/2013	27/08/2013
Senior Property Officer	01/07/2012 - 30/06/2013	24/07/2013
Property Officer	01/07/2012 - 30/06/2013	09/08/2013
Property Officer (Maternity Relief)	01/07/2012 - 30/06/2013	24/07/2013
Print Room Co-ordinator	01/07/2012 - 30/06/2013	26/07/2013
Chief Financial Officer	01/07/2012 - 30/06/2013	20/08/2013
Senior Financial Accountant	01/07/2012 - 30/06/2013	20/08/2013
Senior Management Accountant	01/07/2012 - 30/06/2013	08/08/2013
Financial Accountant	01/07/2012 - 30/06/2013	30/08/2013
Rates Team Leader	01/07/2012 - 30/06/2013	22/08/2013
Supply Co-ordinator	01/07/2012 - 30/06/2013	20/08/2013
Administration Officer (Purchasing)	01/07/2012 - 30/06/2013	30/07/2013
Administration Officer (Purchasing)	01/07/2012 - 30/06/2013	21/08/2013
Information Services Manager	01/07/2012 - 30/06/2013	24/07/2013

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<b>Position</b>	<b>Return Period</b>	<b>Date Lodged</b>
Senior Network Administrator	01/07/2012 - 30/06/2013	23/08/2013
Corporate Systems and Database Administrator	10/07/2012 – 30/06/2013	30/08/2013
Manager Cultural Services	01/07/2012 - 30/06/2013	06/08/2013
Information and Lending Services Librarian	01/07/2012 - 30/06/2013	30/07/2013
Local Studies and Outreach Librarian	01/07/2012 – 30/06/2013	20/08/2013
Museum and Gallery Director	01/07/2012 - 30/06/2013	23/08/2013
Museum and Gallery Director (Maternity Relief)	02/12/2012 - 30/06/2013	23/08/2013
Visitor Information Centre Co-ordinator	13/08/2012 – 30/06/2013	12/08/2013

All the above Councillors and Designated Persons have lodged their Section 449(3) Returns prior to the due date of 30 September 2013, as required by the Act for the receipt of the Returns.

The above details are now tabled in accordance with Sections 450A(2)(a) and (b) of the Act, and the abovementioned Returns are available for inspection if requested.

**Conformance to Community Strategic Plan**

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

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

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

- Have ongoing engagement and communication with our community, governments and industries.

**Financial Implications**

No financial implications applicable to this report.

**RECOMMENDATION:**

That the information be received and noted.

**ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo



## ORDINARY MEETING

Meeting Date: 29 October 2013

**Item: 218**                      **SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - Review - (95496)**

**Previous Item:**            175, Ordinary (27 August 2013)

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### REPORT:

#### Executive Summary

Councils are required by the Local Government Act, 1993 (the Act) to adopt a Policy on the Provision for the Payment of Expenses and the Provision of Facilities to Councillors. The Act requires that the Policy be reviewed annually and be publicly exhibited prior to changes to the Policy being adopted.

At its meeting on 27 August 2013, Council resolved to place its amended Policy on public exhibition.

The period to lodge submissions closed at 5:00pm on Thursday, 10 October 2013, following a public exhibition process. No submissions have been received.

The report recommends adoption of the exhibited Policy.

#### Consultation

The public were provided with the opportunity to review and comment on the Policy, and the proposed amendments, through a statutory 28 day public exhibition process.

#### Background

Section 252 of the Act, requires a council, within five months after the end of each financial year, to adopt a policy for the payment of expenses and the provision of facilities to Councillors.

Section 253 of the Act also details requirements to be complied with prior to such a policy being adopted or amended in the following terms:

- "(1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submission and make any appropriate changes to the draft policy or amendment.*
- (3) Despite subsection (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
  - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
  - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
  - (c) a copy of the notice given under subsection (1).*

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- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252(1) even if the council proposes to adopt a policy that is the same as its existing policy."*

At the meeting of Council held on 27 August 2013, Council considered a report regarding the Policy on the Provision for the Payment of Expenses and the Provision of Facilities to Councillors and resolved as follows:

*"That the amended Policy for Payment of Expenses and Provision of Facilities to Councillors attached as Attachment 1 to the report be placed on public exhibition for a period of at least 28 days and that the matter be reported back to Council at the conclusion of the exhibition period".*

The amended Policy proposed minor alterations to the previous Policy, specifically:

- Update current legislation references;
- Further note relevant reimbursement clause from the Local Government Act 1993;
- Minor typographical corrections.

In accordance with the above resolution the amended Policy was placed on public exhibition. The period to lodge submissions closed on Thursday, 10 October 2013. No submissions have been received.

As no submissions were received during the exhibition period, it is now appropriate for the Council to adopt the amended Policy which is attached to this report, as Attachment 1.

### **Conformance to Community Strategic Plan**

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

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

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

- Have ongoing engagement and communication with our community, governments and industries.

### **Financial Implications**

The cost of providing expenses and facilities in accordance with the Policy would be met from the 2013/2014 Adopted Operational Plan.

### **RECOMMENDATION:**

That:

1. The Policy for Payment of Expenses and Provision of Facilities for Councillors, attached as Attachment 1 to the report, be adopted.
2. As required by Section 253(4) of the Local Government Act, 1993, a copy of the adopted Policy be forwarded to the NSW Division of Local Government within the Department of Premier and Cabinet, together with a copy of the public notice placing the draft Policy on public exhibition, and advice that during the required exhibition period, the Council received no submissions in respect of the draft Policy.

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**ATTACHMENTS:**

- AT - 1** Policy for Payment of Expenses and Provision of Facilities to Councillors - (*Distributed Under Separate Cover*).

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 29 October 2013

**Item: 219**                      **SS - Redevelopment of Community Facilities Update - (95496, 96328)**

**Previous Item:**        265, Ordinary (29 November 2011)  
                              247, Ordinary (8 November 2011)  
                              205, Ordinary (13 September 2011)  
                              108, Ordinary (31 May 2011)  
                              197, Ordinary (31 August 2010)

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### REPORT:

#### Executive Summary

This report has been prepared to advise Council of progress in the redevelopment of the Hawkesbury Seniors Centre site to create the Richmond Village Technology and Performing Arts Centre, and the redevelopment of Pound Paddock to accommodate a Disability Services Centre and associated 'gateway' treatment. It provides a brief background to each project and the current status of these projects.

#### Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Both projects have however been the subject of extensive community consultation over a number of years.

#### Background

##### *Richmond Village Technology and Performing Arts Centre*

This project had been identified as a priority community infrastructure project and had been included in Council's adopted Section 94 and Section 94A Plans since 2005. The proposed completion date for the project was originally scheduled for 2009. However, Section 94 and 94A receipts were less than anticipated, and prior to 2011, insufficient funds had been collected to commence the project. The project was scheduled to be commenced in 2012/2013 and was included in Council's adopted works program for that financial year. The project has been the subject of extensive community consultation, which included two user group surveys conducted in 2005 and 2008, and the appointment by Council in 2010 of a community working party to prepare a draft design brief for the proposed re-development, which was reported and adopted by Council in November 2011.

The design brief provided for the reconfiguration and refurbishment of the existing Seniors Centre to create dedicated spaces for a Seniors café, an informal lounge and reading area, a technology room and a small audio-visual theatre. This refurbishment was intended to update the existing Seniors Centre to improve its functionality and to create a more-contemporary facility which could better respond to the changing needs of senior residents. The design brief also provided for an extension to the Seniors Centre to create multi-purpose activity spaces, including a wet-area craft/art studio and an activity hall with a sprung-wooden floor to accommodate exercise classes, dancing and other physical activities. This additional floor-space was intended to provide a shared community space to complement the Seniors Centre and was designed to support a range of recreational and active lifestyle pursuits for all ages.

On the basis of the adopted design brief, preliminary plans for the project were completed in early 2012 and referred to the design working party for review. The design working party endorsed the plans and provisional costings for the project were then prepared, which indicated that there was a shortfall in the available funding for the project based on the preliminary design. In order to progress the project, Council staff canvassed a number of options which included identifying design changes to bring the project closer to budget, seeking supplementary Section 94A funds for the project (which were subsequently approved by Council in conjunction with the preparation and adoption of the 2013/2014 Operational Plan) and sourcing external grants.

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To this end, in December 2012, Council applied for a \$1.86M grant under Round 4 of the Regional Development Australia Fund (RDAF). The quantum of funding available under RDAF 4 enabled Council to expand to the proposed scope of the project. In addition to the endorsed plan for the project, the RDAF 4 application also provided for the inclusion of a second story to the Centre, to facilitate the possible relocation of the Richmond Branch Library to create a contemporary 'community knowledge centre', and the refurbishment of the existing library building to create a black box theatre and performing arts rehearsal studio. Although shortlisted, the application for this larger project - the Richmond Village Technology and Performing Arts Precinct - was ultimately unsuccessful. Council was however subsequently invited to apply for \$285,000 under Round 5 of the RDAF, and following a report to Council in July 2013, Council resolved to use this opportunity to seek funding to enable the project to be completed as initially conceived. In August 2013, Council was advised that its RDAF 5 application for a contribution to the Richmond Village Technology and Performing Arts Centre was successful. The requirement to submit funding applications under RDAF 4 and RDAF 5 has meant that the practical implementation of the project was put on hold pending the outcome of these applications.

### *Current Status*

Documentation for the Development Application (DA) for the Richmond Village Technology and Performing Arts Centre is currently being prepared and will be lodged shortly. The preparation of the DA documentation required a number of technical and engineering reports for which external consultants were engaged. Subject to the assessment of the DA, it is anticipated that the project would commence in February/March 2014 with a practical completion date of January 2015.

During the construction-phase for the project, the Hawkesbury Seniors Leisure and Learning Centre will be closed. Peppercorn Services Inc. (PSI) who manage the building and operate the programs delivered from the Centre, have investigated and identified a contingency plan to maintain continuity of service provision by using other venues within Richmond and Windsor. These arrangements include the relocation of the Centre-Based Meals Program for a 12 month period to the Windsor Bowling Club and the relocation of the activities of the seniors computer group, U3A activities, and seniors activity groups to the Richmond Occasional Child Care Service facility (which has been vacated due to the closure of the ROCC Service) and the adjoining Hall 3. PSI is also investigating securing access to the St Andrews Church Hall in Richmond to cater for any 'overflow' activities which cannot be accommodated in the other venues.

Members of the Hawkesbury Seniors Leisure and Learning Centre have been involved in developing these contingency provisions, including visits to the proposed alternate venues, to ensure that they are appropriate for their activities. Members are accepting of the redevelopment and understand the necessity to relocate to the alternative venues. There are some minor concerns raised by members which PSI will be able to address. Plans for the redevelopment of the site have been displayed at the Seniors Leisure and Learning Centre.

### *Pound Paddock Redevelopment*

As Council will be aware, the proposal to construct a Disability Services Centre on Pound Paddock was first received in December 2010. In order to comply with the provisions of the Local Government Act 1993, a comprehensive community consultation and public notification process was subsequently carried out with Ministerial approval for the proposal being granted in July 2013. As part of the redevelopment process, Council has also allocated funds for the redevelopment of that portion of Pound Paddock not earmarked for the Disability Services Centre.

The Disability Services Centre is to be funded and constructed by North West Disability Services Inc. (NWDS). In September 2013, NWDS lodged a Development Application (DA) for the Disability Services Centre. Subject to the assessment of the DA, NWDS anticipates that the project would commence in late 2013 or early 2014 with a practical completion date in Spring 2014. It is anticipated that Council will undertake improvements to Pound Paddock during the construction of the Disability Services Centre – these improvements include a fenced off-leash dog area, public BBQ facilities and shelter, pathways, bicycle training path for young children, tree plantings and landscaping. As part of this redevelopment it is also proposed to refurbish the existing public toilets at Pound Paddock.

### **Conformance to Community Strategic Plan**

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The proposal is consistent with the Looking After People and Place Directions statement;

- Have friendly neighbourhoods, connected communities, and supported households and families

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

- Upgrade the necessary physical infrastructure and human services to meet contemporary needs and expectations.
- 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 financial implications arising directly from this report. The costs of the proposed Disability Services Centre will be wholly met by NWDS. The proposed improvements to Pound Paddock are to be funded from the Section 94A Development Contribution Reserve.

### RECOMMENDATION:

That the information be received.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 29 October 2013

**Item: 220**                      **SS - Update: Homeless People in Public Places - (95496, 96328)**

**Previous Item:**            148, Ordinary (30 July 2013)  
                                 NM1, Ordinary (13 July 2010)

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### REPORT:

#### Executive Summary

This report has been prepared to re-submit the previous Council Report (considered by Council at its Ordinary Meeting of 30 July 2013) in relation to the impact of homeless people using the McQuade Park grandstand for shelter. The report includes an update on the current situation in McQuade Park and additional information based on the discussion of this matter at the Councillor Briefing Session held on 20 August 2013. The report restates possible options to deal with the situation as previously reported to Council as well as other options raised by Councillors at the Councillor Briefing Session.

#### Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. The previous report to Council on this matter was prepared in response to representations made by local residents regarding concerns as to the increased visibility of homeless people occupying the McQuade Park grandstand. These residents have been advised that this matter has been re-reported to Council.

#### Background

In June and July 2013, Council received a number of complaints regarding the impact of homeless people using the McQuade Park grandstand for shelter. This issue had also been the subject of media articles in local papers.

A report was prepared for the Ordinary Meeting of 30 July 2013 to advise Council of these representations and the steps taken by Council staff in response to these representations. The inclusion of the report on the Business Paper also provided the opportunity for residents to address Council in relation to this issue. A copy of the previous report to the Council Meeting on 30 July 2013 is attached to this report as Attachment 1.

In considering this report, Council resolved '*that the matter be deferred to the next Councillor Briefing Session*'.

The matter was subsequently considered at the Councillor Briefing Session held on 20 August 2013. Council staff invited a representative of Wentworth Community Housing (WCH) to attend the Councillor Briefing Session to answer questions in relation to the activities of WCH, as they applied to the situation in McQuade Park.

#### Additional Information

As advised at the Councillor Briefing Session, one of the longer-term homeless persons who had been using the McQuade Park grandstand for shelter has secured housing through the Project 40 Program operated by WCH. Unfortunately, another homeless resident who had been using the McQuade Park grandstand contracted a chest infection and subsequently passed away at Nepean Hospital - which speaks to the vulnerability and precarious situation of the chronically homeless. At the moment, there is one homeless person who is regularly using the McQuade Park grandstand for shelter. The homeless person is in contact with local services and is working with WCH to secure appropriate housing.

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In relation to options for dealing with the situation at McQuade Park a number of other suggestions in addition to the three options identified in the Council Report of 30 July 2013, were made at the Councillor Briefing Session. These included:

An integrated re-housing strategy: It was proposed that Council investigate the development of an innovative approach to responding to homelessness by Council taking on a co-ordinating role which would see Council engaging with homeless people, assessing their requirements, co-ordinating the provision of services to meet their needs, and working with other services to secure housing. Council currently does not have the staff expertise or resources to take on such a role - a role which to all intents and purposes would replicate the existing Project 40 service delivered by WCH. To this end, Council has sought advice from WCH as to the cost of contracting WCH to undertake this role for the Hawkesbury Local Government Area. A copy of the response from WCH is attached to this report as Attachment 2. WCH have estimated that the cost of a program that would target up to eight chronically homeless people, would be \$311,000 per annum.

As outlined in Attachment 2, Project 40 is a collaborative, innovative 'housing first' approach to offering permanent supportive housing for chronically homeless people in the outer-western suburbs of Sydney. The outcomes of Project 40 have exceeded international benchmarks. As advised at the Councillor Briefing Session, funding for Project 40 will expire in June 2014 and its continuation will be subject to the outcome of the 'Going Home Stating Home' Reform Plan currently being undertaken by Housing NSW. The Plan outlines the strategies for reforming specialist homelessness services in NSW to increase the focus on prevention and early intervention and make services easier for clients to access. The reform will also review the allocation of resources to ensure they are based on need rather than history and will develop the sector and its workforce to strengthen the quality of services. In considering this issue, Council may wish to make representations to local members for Hawkesbury, Riverstone and Londonderry and to the NSW Minister for Family and Community Services to support the Project 40 model and to advocate for the continued funding of this model given its success in securing housing for chronically homeless people in outer-wester Sydney (and the Hawkesbury in particular) and providing the necessary support services to enable homeless people to maintain their tenancies.

Emergency Shelter: The option of providing an emergency shelter alternative for the chronically homeless was also discussed at the Councillor Briefing Session. The possibility of entering into a partnership with a church-based group to develop and operate an emergency shelter was canvassed on the basis that a church-based group might be able to operate such a service using volunteers. Council staff are not aware of any emergency shelter in NSW which is operated primarily by volunteers and which is able to provide a 24/7 service. The experience across Australia suggests that paid staffing is critical to the success of emergency shelters to ensure that appropriate supervision and support can be provided to homeless people using the emergency shelter. Based on the Social, Community, Home Care and Disability Services Industry Award 2010, the minimum staffing requirement for an emergency shelter (four shift workers and one Co-ordinator) would be in the vicinity of \$350,000 per annum. The costs of establishing and operating a venue for the shelter would be additional to these staffing costs.

In summary, the options available to Council are:

1. Managing the visibility of homeless people through enforcement action.
2. Additional measures to lessen the impact of the use of the grandstand by homeless people.
3. Maintain current strategy.
4. Contract Wentworth Community Housing to deliver a coordinated 'housing first' service.
5. Establish an emergency shelter.



**Conclusion**

As Council has been previously advised, the Commonwealth and State Governments hold the legislative responsibility for funding services to assist homeless people. In general, Local Government does not have access to the resources required to supply or maintain such services, and its primary role has been to work with other levels of government and community organisations to better co-ordinate strategies to respond to the needs of homeless people. To date, Council's response to the situation at McQuade Park has been informed by Council's Homelessness Policy and NSW Government's 'Protocol for Homeless People in Public Places'. While, from time to time, issues have arisen, in the main homeless people and local residents had co-existed without significant problems and Council has continued to work with local service providers to provide information to homeless people and to assist them to make contact with available services.

In this context, Council's approach to the issues outlined in this report should be primarily based on maintaining its current strategy. In addition to this approach, Council may wish to consider some of the options outlined in the previous Council report of 30 July 2013 to lessen the impact of homeless people using the McQuade Park grandstand. As part of its lobbying and advocacy brief, as documented in Council's Homelessness Policy, it is also proposed that Council write to local State Members of Parliament and the NSW Minister for Family and Community Services, to express its support of the Project 40 Program, and to advocate for its retention post June 2014.

**Conformance to Community Strategic Plan**

The proposal is consistent with the Looking After People and Place Directions statement;

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

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

- Make decisions in ways that are transparent, fair, balanced and equitable supported by appropriate resource allocations

**Financial Implications**

The financial implications arising from this report are as outlined in the report and in the previous Council report of 30 July 2013.

**RECOMMENDATION:**

That:

1. The information be received.
2. In respect to the use of the McQuade Park grandstand by homeless people, Council determine which (if any) of the options, as outlined in this report and the previous Council report of 30 July 2013, it wishes to pursue, with a further report to be prepared on the costs and operational details of the preferred option.
3. Council make representations to the NSW Minister for Family and Community Services, to express its support of the Project 40 Program, and to advocate for its retention post June 2014 and seek the support of the local State Member of Parliament in respect of these representations.

**ORDINARY MEETING**

**Meeting Date:** 29 October 2013

**ATTACHMENTS:**

- AT - 1** Previous Council Report - Item 148: CP - Homeless People in Public Spaces, Ordinary Meeting, 30 July 2013.
- AT - 2** Wentworth Community Housing Homelessness Program and costing for service provision to Hawkesbury LGA.

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### **AT - 1 Previous Council Report - Item 148: CP - Homeless People in Public Spaces - (95498, 96328), Ordinary Meeting, 30 July 2013**

**ITEM: 148**                      **CP - Update: Homeless People in Public Places - (95496, 96328)**

**Previous Item:**              NM1, Ordinary, (13 July 2010)

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#### **Executive Summary**

This report has been prepared to advise Council of representations which have been received regarding the increased visibility of homeless people in public spaces with particular reference to McQuade Park, Windsor. The report outlines Council's response to these concerns, and canvassing further possible options to deal with this situation.

#### **Consultation**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. The report has been prepared in response to representations made by local residents regarding concerns as to the increased visibility of homeless people occupying the McQuade Park grandstand. Responses have been forwarded to these residents who have been advised that the matter is the subject of a report to Council. In the preparation of this report, Council staff have also consulted with Wentworth Community Housing, Hawkesbury Local Area Command and local agencies providing services to homeless people.

#### **Background**

Homelessness refers to a set of circumstances where people are unable to access safe and secure accommodation and may be required to stay in a refuge or with friends - in this context homelessness is often invisible. People sleeping 'rough' in public spaces constitutes a smaller but more visible proportion of the homeless population. Homelessness is generally associated with a range of factors - mental illness, substance abuse, domestic violence, poverty and family breakdown - which can prevent people from accessing appropriate housing. Some people, faced with a complex set of needs, may not have the life skills required to maintain secure housing.

Historically, governments have responded to homelessness by:

- managing visibility - viewing homeless people as an 'unsightly problem' who need to be 'moved on' by employing strategies like alcohol free zones, anti-loitering provisions etc;
- alleviation - accepting that homeless people are members of the community who require accommodation and support services.

Commonwealth and state governments hold the legislative responsibility for funding services to assist homeless people. These can be direct services like refuges or social housing projects; or 'indirect' services which target the causes of homelessness - i.e. employment programs, income support, alcohol and mental health counselling, family reconciliation, skills training etc. In general, local government does not have access to the resources required to supply or maintain such services and its primary role has been to work with other levels of government and community organisations to better co-ordinate strategies to respond to the needs of homeless people.

Council adopted a Homelessness Policy on 6 May 2002 (based on the Local Government and Shires Association *Local Government Model Policy on Homelessness*). The Policy commits Council to working in partnership with state and commonwealth governments and other stakeholders to undertake a broad range of strategies including examining issues of homelessness; facilitating co-ordinated approaches by local services; advocating for reforms that address the underlying structural issues linked to the causes of homelessness; lobbying for the adequate funding of services for homeless people; encouraging the provision of affordable housing; ensuring that homeless people are not denied access to council services,

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facilities and public spaces; and by training Council staff to consider the needs of homeless people in their work.

### Homeless People in McQuade Park

In recent times, Council has received a number of complaints regarding the impact of homeless people using the McQuade Park grandstand for shelter. This issue has also been the subject of media articles in local papers.

There are three men that have been using the McQuade Park grandstand for shelter on an ongoing basis. One homeless person has been using the grandstand for two years with the other two men arriving over the last six months. These men are well known to local service providers and have been receiving assistance from these service providers.

More recently, a number of other persons have been using the McQuade Park grandstand for shelter, including four young people who set up an impromptu campsite in bushes near the grandstand. The activities of more recent arrivals to the grandstand appear to have been the cause of resident complaints including;

- incidents of public urination;
- restricted use of grandstand and nearby areas by local residents and sporting groups due to the occupation of the grandstand by homeless people;
- the hygiene and cleanliness of the grandstand (due to the lack of toilet and other facilities);
- a suggestion of illicit drug use;
- community safety (particularly for young children)
- fire-hazard arising from smoking and the use of burners in the grandstand.

While residents have expressed sympathy for the plight of homeless people they believe that the current situation cannot continue and that 'balance' needs to be restored to the use of McQuade Park. As possible solutions, residents have requested that the grandstand lighting be left permanently on, that Council investigate the installation of sensor security lighting, that the police conduct regular patrols, and that Council install 'no camping signs' on McQuade Park.

### Response to Date

To date, Council has responded to residents' concerns in accordance with the NSW Government's 'Protocol for Homeless People in Public Places' (Attachment 1), and Council's own Homelessness Policy. The Protocol and Policy both recognise that homeless people have the same entitlement as any member of the public to be in a public place while at the same time respecting the right of local communities to live in a safe and peaceful environment.

In response to the concerns of local residents Council staff have;

- taken action to prevent the use of the vegetated areas of McQuade Park being used as an impromptu camping site;
- liaised with Hawkesbury Local Area Command who have confirmed that there has been no reported increase of criminal activity at McQuade Park, and that McQuade Park is regularly patrolled as part of day-to-day policing activities;
- liaised with local service providers who are in regular contact with homeless people using McQuade Park to seek their assistance in advising homeless people of resident concerns and in particular eliminating any fire-hazards to the grandstand;
- liaised with Wentworth Community Housing who are aware of the situation and are in contact with the homeless people and are working with them to secure housing;

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- inspected the grandstand and determined that it is in reasonable condition in terms of cleanliness and hygiene.

### Further Options

It is likely that the McQuade Park grandstand will continue to be used by homeless people. Discussions with homeless people indicates that the grandstand provides them with an added sense of security as it is elevated and allows them to monitor the movement of people (homeless people are regularly subject to violence and prefer to be in locations which afford them a relative degree of safety).

As indicated above, Council's response to date has been in accordance with NSW Government's 'Protocol for Homeless People in Public Places' which aims to ensure that homeless people are treated respectfully and appropriately and not discriminated against on the basis of their homeless state.

It is clear that the increased use of the McQuade Park grandstand by homeless people has given rise to recent concerns by local residents that the balance between the entitlement of homeless people to occupy a public place, and the safety and amenity of McQuade Park has been adversely affected. In responding to these concerns, Council may wish to consider the following options;

#### (a) Managing the Visibility of Homeless People through Enforcement Action

Council could erect "No Camping" or "No Overnight Stays Permitted" signs (as advocated by some residents). The challenge would be to practically enforce these restrictions. Council or Police could require the offender to move on, but as the homeless person has no place of abode, it is highly likely that the offender would simply relocate to an alternate public space in Windsor. Furthermore, there is nothing to prevent the offender from returning to the grandstand at a later time which would require after hours policing and round the clock surveillance at some considerable additional expense to Council.

Repeated offences would attract fines which, if issued, are unlikely be paid. Council would then be required to take further action for the non-payment of the fine - action which is likely to exacerbate the already perilous position of the homeless person. Council's Manager of Regulatory Services has advised that such action would be inconsistent with the "Protocol for Homeless People in Public Places" and that while concerning, the current circumstances within McQuade Park do not appear to constitute grounds for enforcement action as the activities of homeless people, while inconvenient, do not pose a threat to property, other persons or the homeless people themselves.

#### (b) Additional Measures to Lessen the Impact of the Use of the Grandstand by Homeless People

Consultation with the Sports Council (who manage McQuade Park on Council's behalf), has identified some possible further measures to respond to concerns of residents regarding the use of the grandstand by homeless people.

It may be possible to provide the homeless people using the grandstand with a storage area under the grandstand (there is a location at the back of the change rooms that could be used for this purpose). This would enable the homeless people to store their belongings during the day to give other persons 'unfettered' access to the grandstand. Should this be an option, consideration would need to be given to how this provision could best be implemented - the issue of keys –vs - unrestricted access; possible usage conflicts when sporting groups use the change rooms; the potential that homeless people may use the change room to sleep, and how the use of the showers by homeless people could be managed.

In response to a suggestion from a local resident, the possibility of providing homeless people with round-the-clock access to the toilets under the grandstand was also assessed. This option is feasible but would require a more regular cleaning and maintenance regime and could expose the grandstand to the increased risk of vandalism. It may also require the

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installation of more robust toilet facilities and sinks. While willing to consider these measures, the Sports Council has indicated that they would have an expectation that Council would contribute to the increased costs of managing the site.

### (c) Maintain Current Strategy

The grandstand at McQuade Park has been used as a shelter by homeless people for a number of years with some local residents providing practical assistance and support to the homeless people using the grandstand. This situation was based on an acceptance of the reality of homelessness, and an acknowledgement that for some people, the possibility of finding and sustaining appropriate housing is limited. While from time to time, issues have arisen, in the main homeless people, sporting groups and local residents had co-existed without significant problems. The recent concerns have stemmed from the increase in the numbers of homeless people using the McQuade Park grandstand with these numbers fluctuating in recent times. It may be the case that without intervention the situation will revert to the previous 'reasonable' balance. Under this option, Council staff can continue to work with local service providers to provide information to homeless people using the grandstand and to assist them to make contact with available services.

### Conformance to Community Strategic Plan

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

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

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

- Make decisions in ways that are transparent, fair, balanced and equitable supported by appropriate resource allocations

### Financial Implications

There are no financial implications arising directly from this report. However, two of the options canvassed in the report will require additional funding.

### RECOMMENDATION:

That:

1. The information be received.
2. In respect to the use of the McQuade Park grandstand by homeless people, Council determine which (if any) of the options as outlined in this report it wishes to pursue with a further report to be prepared on the costs and operational details of the preferred option.

### ATTACHMENTS:

- AT - 1 Protocol for Homeless People in Public Places, October 2012, Department of Family and Community Services, NSW Government

AT - 1 Protocol for Homeless People in Public Places, October 2012,  
Department of Family and Community Services, NSW Government



Family &  
Community Services  
Housing NSW

## Protocol for Homeless People in Public Places

October 2012

The following government organisations with an operational presence in public places or who provide a service to assist homeless people have endorsed the Protocol:

- Housing NSW
- Community Services
- Department of Premier and Cabinet
- NSW Police Force
- Office of Environment and Heritage
- NSW Health
- RailCorp
- State Transit Authority of NSW
- Sydney Harbour Foreshore Authority
- Sydney Olympic Park Authority
- Aboriginal Affairs NSW
- Ambulance Service of NSW

Each of the above organisations will implement the Protocol within its own business and will determine how it should be used by all relevant staff, including contract staff such as security officers. Organisations will deal with complaints about the application of the Protocol through their existing complaints mechanism.

Local councils have been advised of the Protocol to inform their responses.

### What is the Protocol?

The NSW Government introduced the Protocol to help ensure that homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their homeless status. The Protocol also aims to assist homeless people to receive services if they need or request them. It is an important element in the Government's strategy for responding effectively to homelessness.

### The Protocol

A homeless person is not to be approached unless:

- they request assistance;
- they appear to be distressed or in need of assistance;
- an official seeks to engage with the person for the purpose of information exchange or provision of a service;
- their behaviour threatens their safety or the safety and security of people around them;
- their behaviour is likely to result in damage to property or have a negative impact on natural and cultural conservation of environment, including cultural heritage, water pollution and fire risks;



- they are sheltering in circumstances that place their or others' health and safety at risk (for example, staying in derelict buildings, high risk areas);
- they are a child who appears to be under the age of 16;
- they are a young person who appears to be 16 to 17 years old who may be at risk of significant harm;
- they are a child or young person who is in the care of the Director-General of the Department of Family and Community Services or the parental responsibility of the Minister for Family and Community Services.

The Protocol does not prevent organisations from taking appropriate action where health or safety is at risk or a breach of the peace or unlawful behaviour has occurred.

If homeless people require assistance, officials can:

- involve appropriate services directly;
- provide advice or information on available services; and
- provide a contact point that the homeless person can either call or go to for further advice or help.

#### **Underlying principles of the Protocol**

The Protocol is based on the following principles:

- Homeless people have the same entitlement as any member of the public to:
  - be in public places, at the same time respecting the right of local communities to live in a safe and peaceful environment;
  - participate in public activities or events; and
  - carry with them and store their own belongings.
- Organisations that work in areas where their responsibilities are likely to bring them into contact with homeless people will receive sufficient information to enable them to assist homeless people if required, or help homeless people make contact with appropriate services.
- Homeless people have diverse backgrounds and needs, these should be considered in any response:
  - Cultural sensitivity and respect should be applied when engaging with Aboriginal homeless people and those from a culturally and linguistically diverse background;
  - Many homeless people have complex needs such as mental health and/or drug and alcohol issues, or cognitive impairment. These issues may result in behaviour that is seen to be antisocial; and
  - Homeless people may have experienced other issues that affect their needs. For example, they may have experienced domestic violence or left custody or statutory care, or they may be asylum seeking refugees with no contacts in the community.
  - The Protocol does not override existing laws, statutory requirements or regulations. It does not reduce the powers of organisations or their authority to enforce specific laws and regulations.
- Homeless people have the same access to a right of reply and appeals/complaints mechanisms as all members of the public.

#### **Where the Protocol applies**

The Protocol applies only to public places such as parks and outdoor spaces ordinarily accessible to the public. It does not apply to private property, or property which is not generally accessible to the public.

#### **Review of the Protocol**

This Protocol will be reviewed every two years from the date of its publication, October 2012.



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### For further information contact:

Manager, Homelessness Policy and Programs

Housing NSW  
Locked Bag 4001  
ASHFIELD BC 1800

or go to the Housing NSW website at [www.housing.nsw.gov.au](http://www.housing.nsw.gov.au)

### Useful contact numbers

#### Homeless Persons Information Centre

**1800 234 566** (toll free) or **02 9265 9081** (in Sydney)  
(7 days, 9am – 10pm, closed each day between 1pm – 2pm)

This is a telephone information and referral service for crisis accommodation for people aged over 18 years who are homeless or at risk of homelessness.

#### Housing NSW After Hours Temporary Accommodation Line

**1800 152 152** (free call)  
(4.30pm – 10pm Monday to Friday 10am – 10pm weekends and public holidays)

This state-wide telephone service provides temporary accommodation for homeless people outside normal Housing NSW office hours. Clients are offered accommodation for a limited number of nights and are asked to visit a local Housing NSW office the next working day to make arrangements for more suitable longer-term accommodation.

#### LawAccess NSW

**1300 888 529**  
(9am – 5pm Monday to Friday, excluding public holidays)

This state-wide telephone service provides free legal information, referrals and, in some cases, advice to people in NSW who have a legal problem.

#### Aboriginal Legal Service (NSW/ACT) Limited

**02 8303 6600** (Redfern - Zone Office)  
(8.30am – 5.30pm Monday to Friday)

This service assists Aboriginal people and Torres Strait Islander people with representation in court, advice and information, and referral to further support services.

#### Centrelink Indigenous Phone Service

**136 380**  
(8am – 5pm Monday to Friday)

This state-wide telephone service is for Indigenous Australians living in regional and remote areas who would like advice on Centrelink payments and services.

#### Centrelink Employment Services and Job Network

**132 850**  
(8am – 5pm Monday to Friday)

This state-wide telephone service assists individuals with their Centrelink payments. This line can also be used to book an appointment with the nearest Centrelink social worker.

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### State-wide services available 24 hours, 7 days

**Child Protection Helpline**

- general community 132 111
- mandatory reporters 133 627

This telephone service, staffed by professionally qualified caseworkers, is available for reporting suspected abuse, neglect or risk of significant harm of children and young people.

The Mandatory Reporter Guide can be accessed via  
<http://sdm.community.nsw.gov.au/mrg/app/summary.page>.

The NSW Government's Keep Them Safe: a shared approach to child and wellbeing action plan can be accessed via <http://www.keepthemsafe.nsw.gov.au/home>

### Domestic Violence Line

1800 656 463 (free call)  
1800 671 442 (TTY)

This telephone service provides counselling, information and referrals for those experiencing domestic violence.

### Lifeline

131 114

This telephone counselling service takes calls from people needing emotional support and provides services in suicide prevention, crisis support and mental health support.

### NSW Rape Crisis Centre

1800 424 017 (free call)

This telephone and online service provides crisis counselling, support and referral for anyone who has experienced sexual violence.

### Salvo Care Line

1300 36 36 22 (Regional NSW)  
02 8736 3292 (Sydney metropolitan)

This telephone service is staffed by trained counsellors available to listen, assist and provide referrals for people facing a crisis in their lives.

### YConnect Line (young people)

1800 424 830  
02 9318 1531 (Sydney metropolitan)

This telephone service provides access to services, accommodation or referral for young people who are homeless or at risk of homelessness.

### Alcohol and Drug Information Service

02 9361 8000 (Sydney metropolitan)  
1800 422 599 (outside Sydney)

This telephone service provides information, referral, crisis counselling and advice about alcohol and illegal drugs.

### NSW Mental Health Line

1800 011 511

This telephone service is staffed by mental health professionals and provides mental health information and referral services.

**AT - 2 Wentworth Community Housing Homelessness Program and costing for Service Provision to Hawkesbury LGA****Wentworth Community Housing Homelessness Program****Project 40**

Wentworth Community Housing adopted the new Housing First approach to homelessness three years ago through its Project 40 program. It is an innovative model offering permanent supportive housing for chronically homeless people in the outer-western suburbs of Sydney.

Tenants are provided with safe, secure homes and support teams to help them stay healthy and stable. The retention rate for Project 40 tenants is 92 per cent — far exceeding the 85 per cent retention rate achieved over 20 years by Pathways to Housing in New York, which pioneered Housing First.

In its first two years, Project 40 provided 45 permanent supportive houses for chronically homeless people, making a substantial contribution to the Australian Government's national target of halving homelessness by 2020 and providing supported accommodation to all rough sleepers who seek it.

**Project 40 service system integration**

Wentworth Community Housing, working as part of the Nepean-Blacktown Regional Taskforce on Homelessness, developed and is now delivering reform programs based on overseas evidence about the most effective ways of reducing homelessness.

Project 40 is a homelessness reform project under the NSW Homelessness Action Plan with Commonwealth/State funding. It is a model that shows how supportive housing can help the most vulnerable chronically homeless people sustain their tenancies and radically improve their lives.

The project has strong community buy-in across the four local government areas where Project 40 homes are located – Penrith, Blacktown, the Blue Mountains and the Hawkesbury. Networks have been built between service providers, government agencies and community organisations, and the work of lead agency Wentworth Community Housing is backed by the Project 40 Consortium, a local collaboration of organisations.

The success of Project 40 demonstrates the effectiveness of assertive outreach and supportive housing in reducing chronic homelessness. Referrals, assessment, allocation and case management are provided within an integrated service system through local coordination groups comprising agencies that work with homeless people (Centrelink, NSW Health, specialist homelessness services, neighbourhood centres, NGOs and charities). Local services provide tailor made support — such as medical or psychiatric care, financial counselling or family reconnection — to help tenants settle and eventually become independent.

**Project 40 vital statistics**

ITEM	NUMBER	COMMENT
Number of tenancies after first year	27	End of 2011
Number of tenancies	45	November 2012
Tenancy retention rate	92%	Exceeds international benchmarks



## Project 40 reform programs

### *Assertive outreach*

Chronically homeless people are contacted by assertive outreach workers at homelessness hotspots (riverbanks, parks, under bridges etc) and at homelessness hubs. The difference between this and traditional outreach programs is the intense follow-up — after making contact, the worker visits the homeless person persistently over weeks and months, gradually breaking down the fear that is generated by bad experiences with authorities. Outreach workers help rough sleepers navigate the health, housing and welfare systems from which they have become isolated and encourage them to join the NSW Housing Register and apply for Project 40 housing. This “whatever it takes” approach has proved highly successful in building bridges with isolated people who are at risk of dying early because they struggle alone with untreated chronic physical and mental illnesses.

### *Homelessness hubs – “one-stop shops”*

Hubs are one of the best ways of connecting with hard-to-reach rough sleepers, offering “carrots” such as hot food, health checks and hair cuts. Attendees are linked to housing, health and Centrelink services, but the primary aim is to connect homeless people with an outreach worker who, over time, builds a trusting relationship to overcome the barriers that entrench homelessness. Hubs are located in places where rough sleepers gather, such as church halls or parks.

### *Prevention and rapid rehousing*

Designed to stop people with good tenancy records who are temporarily homeless becoming chronically homeless. Short-term accommodation and support is followed by rapid rehousing, which includes brokerage to resolve the housing crisis. A pilot in the Blue Mountains diverted families away from crisis services and into private rental homes. Supported accommodation and brokerage can be provided for up to six months. Wentworth is also planning pilots in Penrith and the Hawkesbury.

### *Culturally appropriate support for vulnerable Aboriginal families*

Assertive outreach is used to help Aboriginal people overcome the barriers to housing. Wentworth’s team of Aboriginal specialists make an initial assessment and then formulate support plans grounded in Aboriginal culture and spirituality. In the Blue Mountains, the assertive outreach team piloted a nine-week program for at-risk young Aboriginal men, incorporating Aboriginal culture and bush knowledge. This was then followed up with a further program for young Aboriginal men in Mt Druitt.

### *Vulnerability Index survey*

The Vulnerability Index survey builds a register of rough sleepers who are most at risk of dying on the street; the most at-risk are then given priority housing as it becomes available. Coordinated by Wentworth, outreach workers from Project 40, Centrelink, youth services and the Salvation Army seek out and survey people who are sleeping rough, couch surfing or living in tents, cars and caravan parks. Rough sleepers are asked about their health, time spent in institutions, time spent homeless and their housing history, including the use of crisis accommodation. Wentworth maintains the VI database which provides valuable evidence on homelessness trends and characteristics.

## The support model

Rather than taking a generic SHS case-management approach, Project 40 provides intensive support from teams of mental health, drug and alcohol, and cultural specialists in locations that are comfortable for the tenant, such as their home or a cafe, rather than an office or clinical environment.

Project 40 is a collaborative recovery model which includes the principle of harm minimisation, where relapses are part of the recovery process and are used to inform strategies that strengthen a person’s

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recovery. A trauma-informed method of care is used because 84 per cent of Project 40 tenants have experienced trauma.

Below is the costing for a program that would target 8 rough sleeping people/families.

### Costings

#### Staffing:

Co-ordinator @ 3 days per week	\$37,000
Assertive outreach worker @ 3 days per week	\$37,000
On costs x 2 @ 23%	\$18,000
Training x 2	\$4,000

#### Brokerage:

Payment to support agencies for 8 clients	\$84,000
Set up costs x 8 properties x \$10,000	\$80,000

#### Estimate of contribution to overhead costs

Rent	\$10,000
Office expenses	\$10,000
Office set up	\$10,000
Car lease	\$16,000
Mobile phones x 2	\$2,000
Incidentals e.g. stationary etc	\$3,000
<b>TOTAL COST</b>	<b>\$311,000</b>

NB: The overhead costs are specific to the project

oooO END OF REPORT Oooo

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**Meeting Date:** 29 October 2013

ordinary

section 4

reports  
of committees

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



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

**SECTION 4 - Reports of Committees**

**ROC - Floodplain Risk Management Advisory Committee - 3 October 2013 - (86589)**

The meeting commenced at 4:07pm in Council Chambers.

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<b>Present:</b>	Councillor Bob Porter, Chairperson Mr Trevor Devine, Deputy Chairperson Councillor Mary Lyons-Buckett Councillor Warwick Mackay, Hawkesbury City Council Mr Ted Books, Community Representative Mr Damian Moon, Community Representative Mr Geoffrey Bessell, Community Representative Mr Kevin Jones, SES
<b>Apologies:</b>	Councillor Tiffany Tree, Hawkesbury City Council Councillor Jill Reardon, Hawkesbury City Council Councillor Kim Ford, Hawkesbury City Council Mr Robert Bowman Mr Peter Cinque, SES Mr Les Sheather, Community Representative Mr Harry Panagopoulos, Office of Environment and Heritage Mr Matthew Owens, Hawkesbury City Council Mr Phil Pleffer, Hawkesbury City Council Mrs Louise Markus MP, Federal Member for Macquarie Mr Ray Williams MP, Member for Hawkesbury Mr Bart Bassett MP - Member for Londonderry
<b>In Attendance:</b>	Mr Chris Amit, Hawkesbury City Council Ms Robyn Kozjak, Minute taker
<b>Non Attendance:</b>	Ms Kirstan Smelcher - RAAF

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**REPORT:**

The Chair opened the meeting by welcoming the Committee and subsequently handed the meeting over to Mr Amit for the conduct of Election of Chairperson and Deputy Chairperson.

**CHANGE TO ORDER OF BUSINESS:**

Mr Amit advised members of the process for the election of Chairperson and Deputy Chairperson. Item 2 of the Business Paper was brought forward for the purposes of electing a Chairperson and Deputy Chairperson.

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

Member	03/10/13				
Councillor Bob Porter - Chairperson	✓				
Councillor Tiffany Tree	A				
Councillor Jill Reardon	A				
Councillor Warwick Mackay	✓				
Councillor Mary Lyons-Buckett	✓				
Mr Peter Cinque OAM - (SES Sydney Western Division)	A				
Mr Harry Panagopoulos - (Office of Environment and Heritage)	A				
Ms Kirstan Smeldher - (Dept of Defence)	X				
Snr Inspector Robert Bowman - (Industry & Investment NSW) -Primary Industries	A				
Mr Kevin Jones - (SES Headquarters)	✓				
Mr Les Sheather - (Community Member)	A				
Mr Geoffrey Bessell - (Community Member)	✓				
Mr Damian Moon (Community Member)	✓				
Mr Trevor Devine - Deputy Chairperson	✓				
Mr Ted Books (Community Member)	✓				

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

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

**ITEM: 2     Election of Chairperson and Deputy Chairperson**

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Mr Chris Amit called for nominations for the position of Chairperson, one nomination was received, being:

Councillor Porter	Nominated by Mr Trevor Devine
	Seconded by Mr Ted Books

**MOTION:**

RESOLVED on the motion of Mr Trevor Devine, seconded by Mr Ted Books

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That an election for the position of Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2013/2014 term of the Committee be carried out.

Mr Chris Amit declared Councillor Porter re-elected as the Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2013/2014 term of the Committee.

Mr Chris Amit called for nominations for the position of Deputy Chairperson, one nomination was received, being:

Mr Trevor Devine	Nominated by Councillor Porter
	Seconded by Mr Geoffrey Bessell

**MOTION:**

RESOLVED on the motion of Councillor Porter, seconded by Mr Geoffrey Bessell

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That an election for the position of Deputy Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2013/2014 term of the Committee be carried out.

Mr Chris Amit declared Mr Trevor Devine elected as the Deputy Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2013/2014 term of the Committee.

*Mr Amit handed the meeting over to Councillor Porter as re-elected Chair.*

**APOLOGIES:**

**RESOLVED** on the motion of Mr Geoffrey Bessell and seconded by Councillor Mackay that the apologies be accepted.

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Mr Damian Moon and seconded by Mr Trevor Devine that the Minutes of the Floodplain Risk Management Advisory Committee held on 22 July, 2013, be confirmed.

**BUSINESS ARISING FROM THE MINUTES:**

Mr Books made reference to the dredging information provided by Mr Davidson and stressed he believed dredging should be undertaken in a modern way, ie using a mobile dredge under satellite control, and to avoid using the old system of operating a stationary bucket chain dredger at one spot. Mr Books cited an example of poor dredging above Yarramundi Bridge where over the years sand was gouged out from that area (and which has never repaired itself), via a mobile bucket chain and causing turbulence to the river. Mr Books added if this Council does not pressure the government to undertake dredging in a controlled, modern way, which would afford a duplication of benefit, the Hills Shire and Hornsby Shire Council would step in and implement the dredging.

**SECTION 3 - Reports for Determination**

**ITEM: 1     Declarations of Interest**

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**DISCUSSION:**

- The Chair referred to the Declarations of Interest report and also to the report in item 3 of the business paper which relates to pecuniary interest exemptions for advisory committee members. Discussion was raised concerning dispensation from the Minister for Local Government previously granted to Councillors of the Committee in relation to pecuniary interests and the Committee subsequently agreed dispensation should again be sought from the Minister.
- Mr Devine suggested community members withdraw previous declarations.
- Councillor Mackay declared a pecuniary interest as he lives on property which would be severely affected by an inundation of water during a flood event.
- Councillor Porter declared a pecuniary interest as the access to his property on Grono Farm Road is inundated at a 1:100 flood, as is his son's property on Hendrens Road (to which he has an interest).

**RECOMMENDATION TO COMMITTEE:**

That:

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

**MOTION:**

RESOLVED on the motion of Mr Geoffrey Bessell, seconded by Mr Ted Books.

***Refer to COMMITTEE RECOMMENDATION***

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

**COMMITTEE RECOMMENDATION:**

That:

1. General disclosures of interest listed in this report be received.
2. Other specific disclosures of interest be declared if deemed appropriate.
3. The Committee seeks a determination under S.458 of the *Local Government Act 1993* from the Minister for Local Government to exercise his discretion so as to remove pecuniary interest disabilities of Councillors on Hawkesbury's Floodplain Risk Management Advisory Committee with respect to their consideration of and voting on floodplain management issues.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr Trevor Devine, seconded by Mr Damian Moon

As item 3 "*Pecuniary Interest Exemptions for Advisory Committee Members*" of the FRMAC Business Paper relates to the current item 1, those items be discussed, moved and seconded concurrently.

**SECTION 4 - Reports for Information**

**ITEM: 3     Pecuniary Interest Exemptions for Advisory Committee Members**

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**RECOMMENDATION TO COMMITTEE:**

That the Committee receive and note this report.

**COMMITTEE RECOMMENDATION:**

Refer to recommendation in Item 1.

**SECTION 5 - General Business**

- Mr Devine asked if an update could be provided regarding a previous resolution to investigate and identify roads east of the Jim Anderson Bridge and associated costs to update, as per a recommendation in the Floodplain Risk Management Study and Plan (FRMS&P).
- Mr Amit responded that he would need to clarify the specific resolution and advised that the matter would be investigated in relation to Mr Devine's query. Mr Jones suggested Mr Devine may be referring to road duplication options and Mr Devine confirmed he was referring to the two items that were recommended in the FRMS&P and resolved to action.

**MOTION:**

RESOLVED on the motion of Mr Geoffrey Bessell, seconded by Councillor Mackay

***Refer to COMMITTEE RECOMMENDATION***

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

**COMMITTEE RECOMMENDATION:**

That a report be included in the next FRMAC Business Paper identifying lane duplication options east of the Jim Anderson Bridge and the associated costs to provide for two outbound lanes and one inward lane as identified and recommended in the FRMS&P.

Discussion arose regarding future meeting dates for 2014 and it was determined tentative dates to be provided by Ms Kozjak.

*The meeting closed at 4:39pm.*

**oooO END OF REPORT Oooo**

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

**ROC - Waste Management Advisory Committee - 9 October 2013 - (95249)**

The meeting commenced at 4:17pm in Council Chambers.

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<b>Present:</b>	Councillor Leigh Williams, Chairperson Councillor Bob Porter, Deputy Chairperson Councillor Tiffany Tree, Hawkesbury City Council Mr Geoffrey Bessell, Community Member
<b>Apologies:</b>	Councillor Jill Reardon, Hawkesbury City Council Ms Robin Woods, Community Member Ms Sophie Barrett - Hawkesbury City Council
<b>In Attendance:</b>	Mr Matthew Owens, Hawkesbury City Council Mr Jeff Organ, Hawkesbury City Council Mr Ramiz Younan, Hawkesbury City Council Ms Suzanne Stuart, Hawkesbury City Council Mr Oliver Bradshaw, Hawkesbury City Council Ms Robyn Kozjak, Minute Taker, Hawkesbury City Council

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**REPORT:**

**RESOLVED** on the motion of Councillor Porter and seconded by Councillor Tree that the apologies be accepted.

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Councillor Porter and seconded Mr Bessell that the Minutes of the Waste Management Advisory Committee held on 12 June 2013, be confirmed.

**BUSINESS ARISING FROM THE MINUTES:**

Councillor Porter enquired as to the status of the Crown Land acquisition (UWS). Mr Organ responded Council had agreed to commence the process for compulsory acquisition of the land as per Council's resolution of 13 August 2013, and staff have been informed native title research was being undertaken as the next step of the process.

**SECTION 3 - Reports for Determination**

**ITEM:1                    Election of Chairperson and Deputy Chairperson**

---

Mr Owens called for nominations for the position of Chairperson, one nomination was received, being:

Councillor Williams	Nominated by Councillor Porter
	Seconded by Mr Bessell

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

**MOTION:**

RESOLVED on the motion of Councillor Porter, seconded by Mr Bessell

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That an election for the position of Chairperson of the Waste Management Advisory Committee for the 2013/2014 term of the Committee be carried out.

Mr Owens declared Councillor Williams elected as the Chairperson of the Waste Management Advisory Committee for the 2013/2014 term of the Committee.

Mr Owens called for nominations for the position of Deputy Chairperson, one nomination was received, being:

Councillor Porter	Nominated by Councillor Williams
	Seconded by Mr Bessell

**MOTION:**

RESOLVED on the motion Councillor Williams, seconded by Mr Bessell

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That an election for the position of Deputy Chairperson of the Waste Management Advisory Committee for the 2013/2014 term of the Committee be carried out.

Mr Owens declared Councillor Porter elected as the Deputy Chairperson of the Waste Management Advisory Committee for the 2013/2014 term of the Committee.

*Mr Owens handed the meeting over to the incoming Chair.*

**SECTION 4 - Reports for Information**

**ITEM 2:                    Monitoring undertaken at the Hawkesbury City Waste Management Facility**

---

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

RESOLVED on the motion of Councillor Porter, seconded by Mr Bessell

***Refer to COMMITTEE RECOMMENDATION***



**COMMITTEE RECOMMENDATION:**

That the information be received.

**ITEM 3:                   Progress Report - Waste Education Officer- New Garden Organics Collection Service**

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**DISCUSSION:**

- Ms Stuart advised the education campaign undertaken for the green waste collection service was very successful and included the preparation of waste management booklets, advertisements in newspapers, FAQ's on Council's website, two shopping centres displays etc. Ms Stuart reported she believed the public were generally very supportive of the proposal.
- Councillor Tree asked if there was an "opt out" option for the green bins. Mr Owens responded there was no 'opt out' option, however, there was an 'opt in' option, advising the service will be provided to multi-unit dwellings upon request.
- Councillor Porter asked if the service could extend to other green matter such as vegetable matter, reporting this type of waste generates a large amount of methane at the waste facility. Ms Stuart responded the service provided only for garden organics such as leaves, flowers, branches etc. Mr Bradshaw added food waste was quite difficult and expensive to manage (would require a new fleet of trucks), however, it was something which could be looked at in the future as an option.
- The Chair asked if the bins would be checked to ensure they were being used correctly and not used as regular bins. Mr Bradshaw responded compliance checks would be undertaken, and Mr Owens added contractors will be able to monitor contamination as the trucks record what is dropped into the truck from the bin with cameras which also note the GPS location.

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

RESOLVED on the motion of Councillor Tree, seconded by Councillor Porter.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the information be received.

**ITEM 4: Progress Report - Waste Education Officer - Chemical CleanOut 2013**

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**DISCUSSION:**

- Councillor Tree expressed her concern at the large amount of asbestos being dumped in the LGA and believed the cause related to the prohibitive costs of disposing of the material. Councillor Tree suggested Council confer with Holroyd City Council who is recognised as a leader of best practice in asbestos management, initiating campaigns such as free collection of asbestos and anti-asbestos campaigns for schools. Councillor Tree asked if Council would consider implementing similar programs.
- Councillor Tree asked if it was possible to explore the potential of developing the extra (UWS) land (once secured) to allow for asbestos material to be accepted at the WMF and Mr Younan responded Council's WMF was not licensed to manage asbestos materials. The Chair asked if it was possible to apply for an amended licence to facilitate asbestos management at the WMF and Mr Bradshaw responded the matter could be investigated, however agreed with Mr Younan that it may be prohibitive for setting up asbestos-specific containment cells due to WorkCover and other regulatory barriers.
- Mr Younan reported the nearest WMF that accepted asbestos was Marsden Park.

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

RESOLVED on the motion of Councillor Tree, seconded by Councillor Williams

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. The information be received.
2. Council liaise with WSROC Councils and write to State Members for Londonderry, Riverstone and the Hawkesbury to make representation to the State Government in relation to the prohibitive costs associated with asbestos dumping.

**ITEM 5: Progress Report - Waste Education Officer - Garage Sale Trail 2013**

---

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

RESOLVED on the motion of Councillor Tree, seconded by Councillor Porter.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the information be received.

**SECTION 5 - General Business**

- Councillor Porter referred to past computer, video and television recycling events held by Council and asked if a permanent drop off area for those items could be provided at the WMF, in line with other Councils providing that service. Mr Bradshaw acknowledged and reported 150 televisions and computers were collected four weeks ago from the landfill and advised he would investigate options (ie transport and storage costs) in having a permanent drop off area. Mr Organ added there were a number of e-waste collection schemes which could be investigated and advised he would bring a report to the next meeting.
- The Chair made reference to a system (demonstrated at the Coffs Harbour Waste Conference) which charged customers based on the weight of their garbage. The Chair reported individual's bins were tagged by a barcode and once the bin was lifted by the truck's machinery (which included technology that measures the weight), software onboard the truck linked the owner and weight data which was then transferred to a billing system. The Chair suggested this type of system may be a good method to reduce the amount of landfill. Mr Owens responded the feasibility of implementing such a system would be investigated and an indicative cost provided at the next meeting.
- Councillor Tree made enquiry re waste education programs for pre-schoolers (adding she believed young children made the best champions with their knowledge of what should and shouldn't go into a bin). Ms Stuart responded Envirocom Australia undertakes waste education programs targeting primary schools, high schools and pre-schools. Mr Owens added the program was funded under WaSIP (Waste and Sustainability Improvement Program), which also covered funding for Council's Waste Education Officer. Mr Owens advised the WaSIP ended next year and details of the replacement program in relation to funding the Waste Education Officer was uncertain.
- Mr Younan referred to the outcomes of the waste levy review undertaken by the EPA and reported the recommendations out of the review align future waste levy funding to stimulate waste and recycling infrastructure (green waste processing , anaerobic digestion processes, biological processing systems and mechanical systems), and community education targeting food and garden waste.
- Future meeting dates for the WMAC - TBA.

The meeting closed at 5:06pm.

**oooO END OF REPORT Oooo**

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

ordinary

section 5

notices of motion

**ORDINARY MEETING**

Notices of Motion

## ORDINARY MEETING

### Notices of Motion

#### SECTION 5 - Notices of Motion

##### **NM - Fire mitigation for Bowen Mountain and Bowen Mountain Road - (79351, 80105, 82191)**

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**Submitted by:** Councillor Williams

##### **NOTICE OF MOTION:**

That:

1. Council acknowledges the concern of the Bowen Mountain Association with regard to serious bush fire threats to the Bowen Mountain village and the lack of safe ingress/egress to Bowen Mountain;
2. A report be brought to Council identifying possible actions in the short and longer term, with estimates of costs, to mitigate the bush fire threat to the village to improve means of emergency evacuation from Bowen Mountain. Such report to cover matters such as the creation of an additional evacuation route from the village and improvements to the safety of Bowen Mountain Road such as the creation of lay-bys at various intervals and widening of the road verge to allow a breakdown lane on each side of the road from the village to Carters Road;
3. Council write to our State and Federal Members of Parliament seeking their assistance in raising grant funds to facilitate the fire mitigation works.

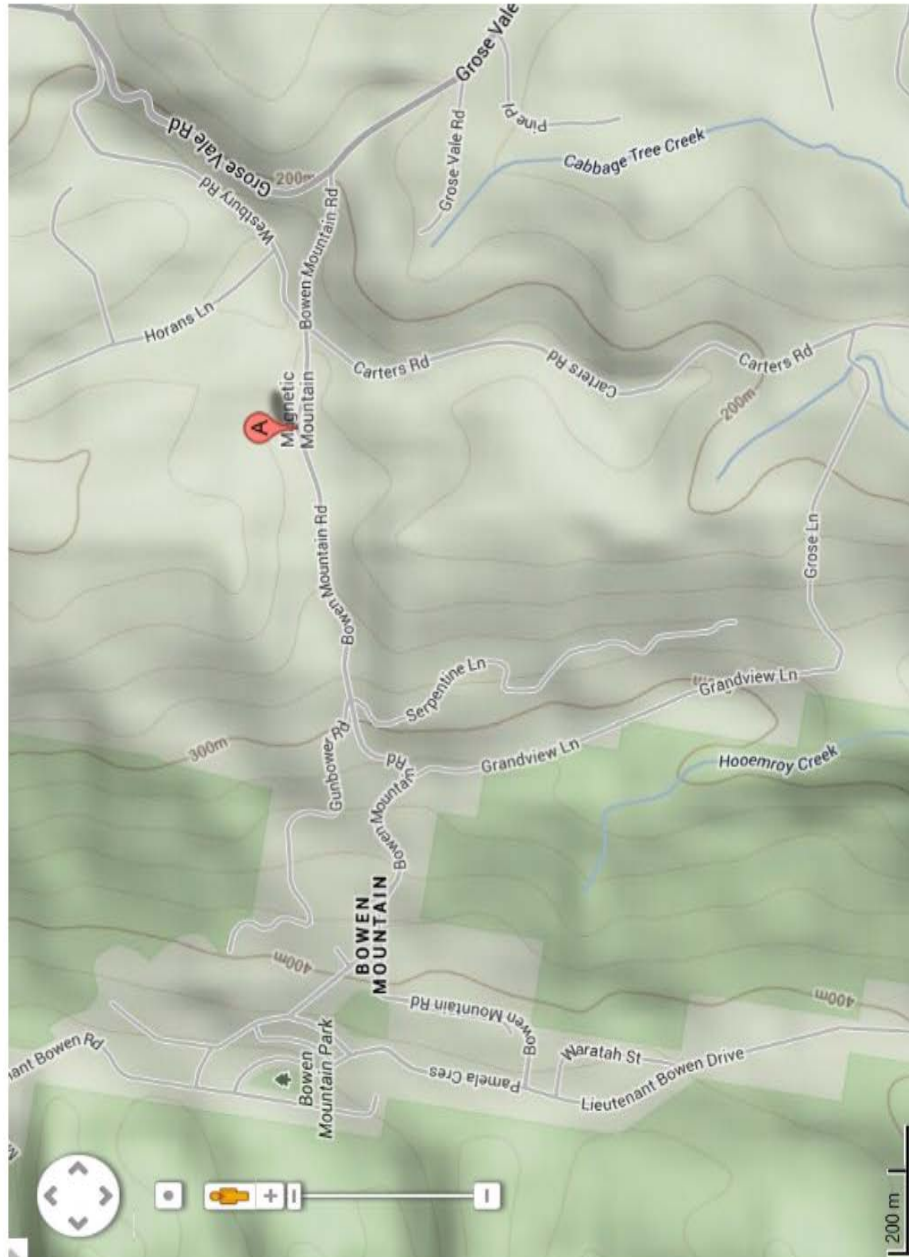
##### **ATTACHMENTS:**

**AT - 1** Fire mitigation for Bowen Mountain and Bowen Mountain Road

**AT - 1 Fire mitigation for Bowen Mountain and Bowen Mountain Road**

**FIRE AND BOWEN MOUNTAIN COMMUNITY.**

**A request to Hawkesbury Council for assistance to make Bowen Mt Rd safer for evacuation.**





**BOWEN MOUNTAIN ROAD:** The only exit road able to be used by residents in an evacuation.

**BOWEN MOUNTAIN COMMUNITY:** Some Statistics from 2011 Census data: 544 dwellings, population 1460, of whom 942 over 18. Approx 12% renting. Employment status 776 employed, of which 67% are working full time and 32% part-time. Retirees, seniors and elderly aged approx 13% of population. Disability statistics (needing help in day-to-day assistance) approx 2.7%.

**BOWEN MOUNTAIN ASSOCIATION (BMA)** is a group which maintains strong networks within the community and the wider Hawkesbury. The BMA works closely with Rural Fire Service volunteers and is involved in running informative and recreational events for its community. It has discussed the issue of fire safety and evacuation most recently at its meeting on 14th October.

**THE ISSUE:** **BOWEN MOUNTAIN ROAD** winds down to connect with Westbury Rd to Kurrajong and Grose Vale Rd to Nth Richmond. In the event of extreme fire conditions, residents will be told that if they cannot feasibly defend their homes to leave early.

The Fire Threat Bushfire Survival Maps given to residents at our latest meeting with RFS, indicate that bush fire threat is high with flame impact being very noticeable along the Bowen Mt Rd.

For this to be a safe evacuation, the road needs to be upgraded. It needs to have good line-of-sight, be as clear as feasible of flammable vegetation and falling trees; and to have passing lanes or lay-bys for emergency vehicles to access properties. At present, it is used by a variety of heavy vehicles : buses, water tankers, RFS and other emergency vehicles, sewerage and waste collection , commercial and industrial machinery. During the fire period this will not necessarily be reduced. There is potential for serious accidents, due to car collision , falling trees, overturned tankers, or just the volume of traffic causing a slowdown and leading to panic.

**What can be done about this ?**

**In the short-term,** clearing of roadside vegetation, removal of short-lived trees such as wattles and leaning or dead trees, slashing of hedges and banks, and opening up existing areas beneath power-lines.

**In the longer-term,** examination of the possibility of a second route off the mountain, or further strategic widening and mitigation of the narrow road, tight bends and poor lines of sight.

**Supporting information:**

- Photos taken on 19th October, shown in the attached pages.
- Maps showing potential for widening or mitigation measures (and indicating where photos were taken). These will be presented at Council on 29th October.
- Bush Fire Risk maps as attached. Detail on these maps is rather poor.

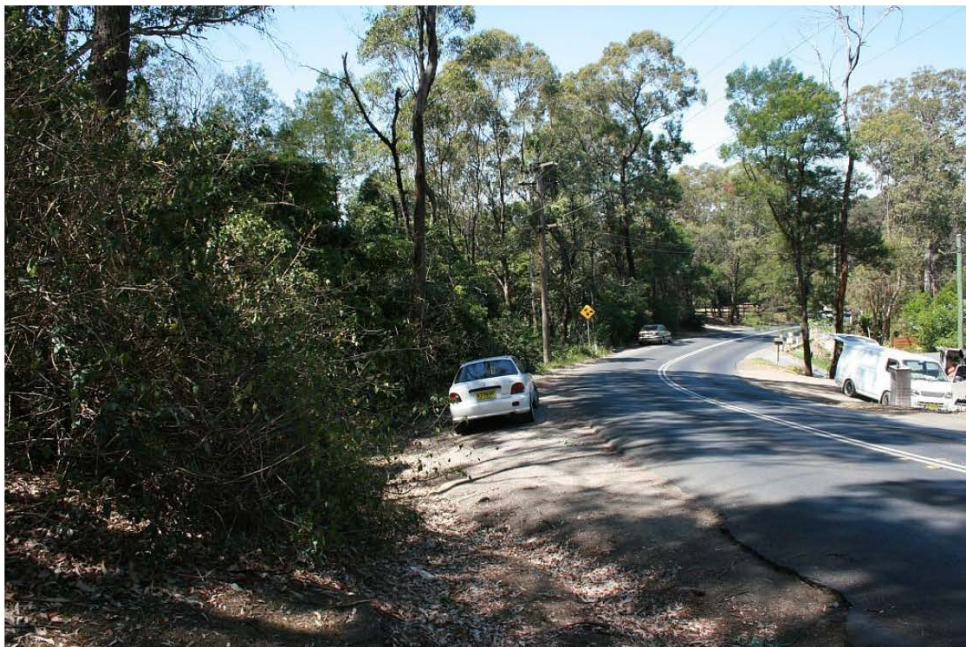
## ORDINARY MEETING

### Notices of Motion



Fig 1. Bowen Mt Rd intersection with Wattle St. Leaning tree to be removed. 36 B Mt Rd.

Fig 2. Looking downhill from intersection showing potential easement on left. Needs clearing of wattles and lantana. Drainage and powerline easement. Between 36 and 34 B Mt Rd.





## ORDINARY MEETING

### Notices of Motion



Fig 3. Dead tree hung up in small sapling..requests to Council for removal unsuccessful. 34 B Mt Rd.



Fig 4. and 5. Large easement (power lines) area being used for commercial parking at 30 Bowen Mt Rd. Needs clearing of lantana, wattles, and levelling to create safe passing area.





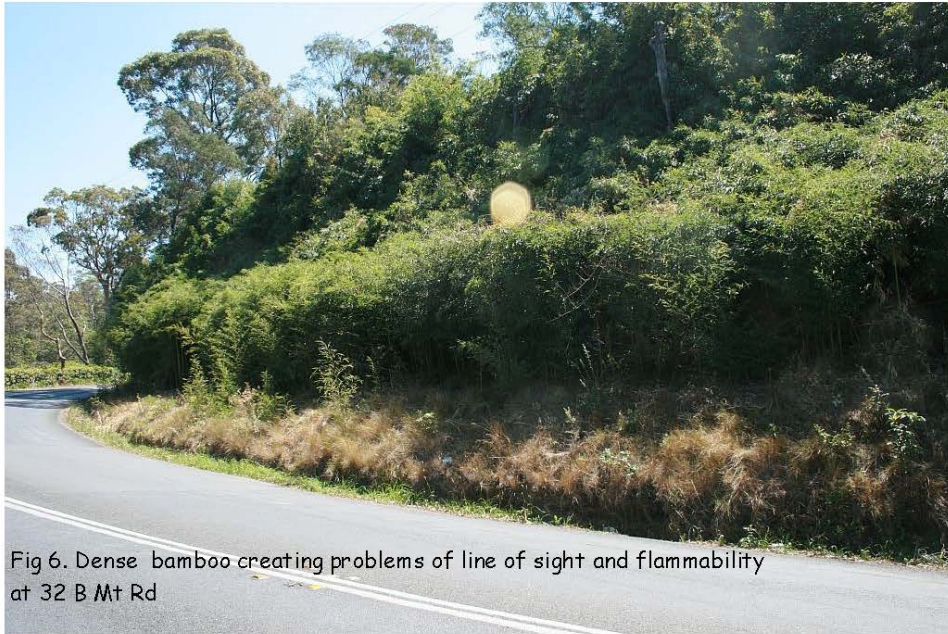


Fig 6. Dense bamboo creating problems of line of sight and flammability at 32 B Mt Rd



Fig 7. Looking from Grandview Lane intersection uphill to No 30 Bowen Mt Rd...dense woody weed growth beneath power lines.





Fig 8. Intersection of Grandview Lane with B Mt Rd. Dense woody weed growth and poor line of sight on bends.



Fig 9. Grose Lane connects Grandview and Carters Rd. Grandview and Grose Lane are unsuitable as alternative diversion : too narrow, dense bush, fallen tree, poor road condition.



## ORDINARY MEETING

### Notices of Motion

**Aerial of Wattle St to Grandview Lane** with red circles indicating some wider parts of road (beneath utilities?) and approximate locations of photos.





## Notices of Motion

Red=Flame impact. Orange = Radiant Heat impact. Yellow = Ember Impact. Green = Be Aware



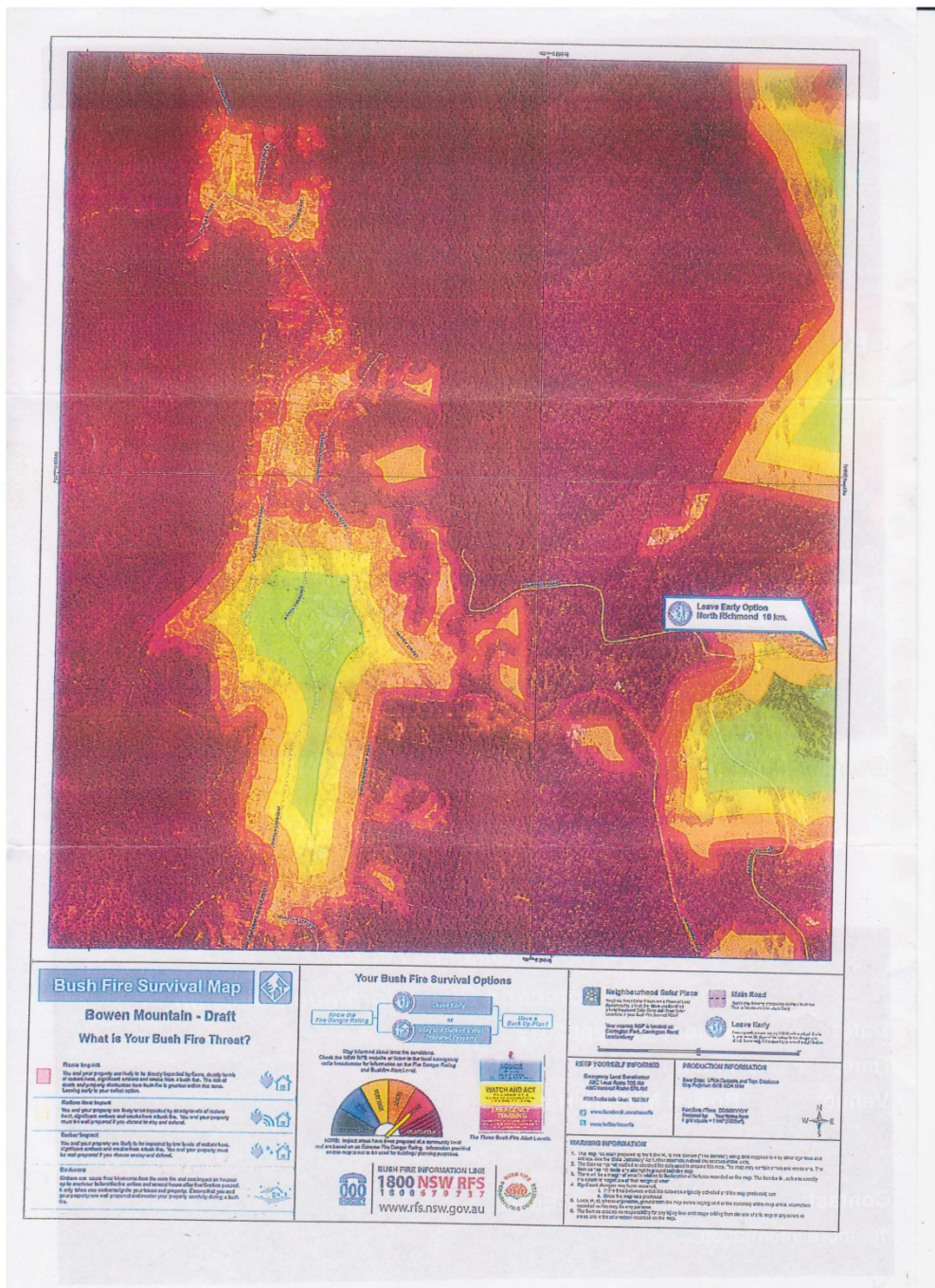


# ORDINARY MEETING

## Notices of Motion

**BUSH FIRE SURVIVAL MAP 2: Bunya Crescent and northern section.**

**Red**=Flame impact. **Orange** = Radiant Heat impact. **Yellow** = Ember Impact. **Green** = Be Aware



oooo END OF NOTICE OF MOTION Oooo



**ORDINARY MEETING**  
Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

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

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**REPORT:**

**Questions - 24 September 2013**

#	Councillor	Question	Response
1	Calvert	Requested clarification if any contracts for the proposed Windsor bridge had been let and if there is an expected completion date.	The Director Infrastructure Services sought advice from the Roads and Maritime Services (RMS) and their response indicated that they have not engaged contractors to build or procure material or equipment for the bridge proposal. RMS advises that a procurement process has been carried out to form an alliance to allow for early contractor involvement to help in the design process for the project, indicating this process is not uncommon and was previously used for projects such as the Inner West Busway along Victoria Road on the Iron Cove Bridge. Further advice indicates that the contractor can only proceed to the building stage if planning approval is granted. Should planning approval not be granted then the contract will be terminated. As planning approval has not been granted no completion date has been set at this time.
2	MacKay	Requested that investigation into the possibility of placing CCTV cameras around the toilet blocks at Skeleton Reserve, Lower Portland in order to dissuade vandalism and other undesirable activities around the park due to the locked toilets.	The Director Infrastructure Services advised that the matter will be investigated.
3	Creed	Requested that the potholes and road edging on Grose Vale Road be investigated and repaired.	The Director Infrastructure Services advised that instructions have been issued for road repairs and shoulder maintenance to be undertaken.

**ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**ORDINARY MEETING**

Questions for Next Meeting

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

**CONFIDENTIAL REPORTS**

**Item: 221**                      **IS - Tender No. 00931 - Low Pressure Sewer Connections Various Sites**  
**Wilberforce - (79340) 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 tenders for the supply of goods and/or services to Council) and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

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

**Item: 222**                      **SS - Property Matter - Lease to Optus Networks Pty Limited - Part of Stan Stevens Studio, Ground Floor, Deerubbin Centre - 300 George Street, Windsor - (95496, 112106, 121806) 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

end of  
business  
paper

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