



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 27 October 2015

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

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

Public Participation

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

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

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

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

Voting

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

Planning Decision

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

Business Papers

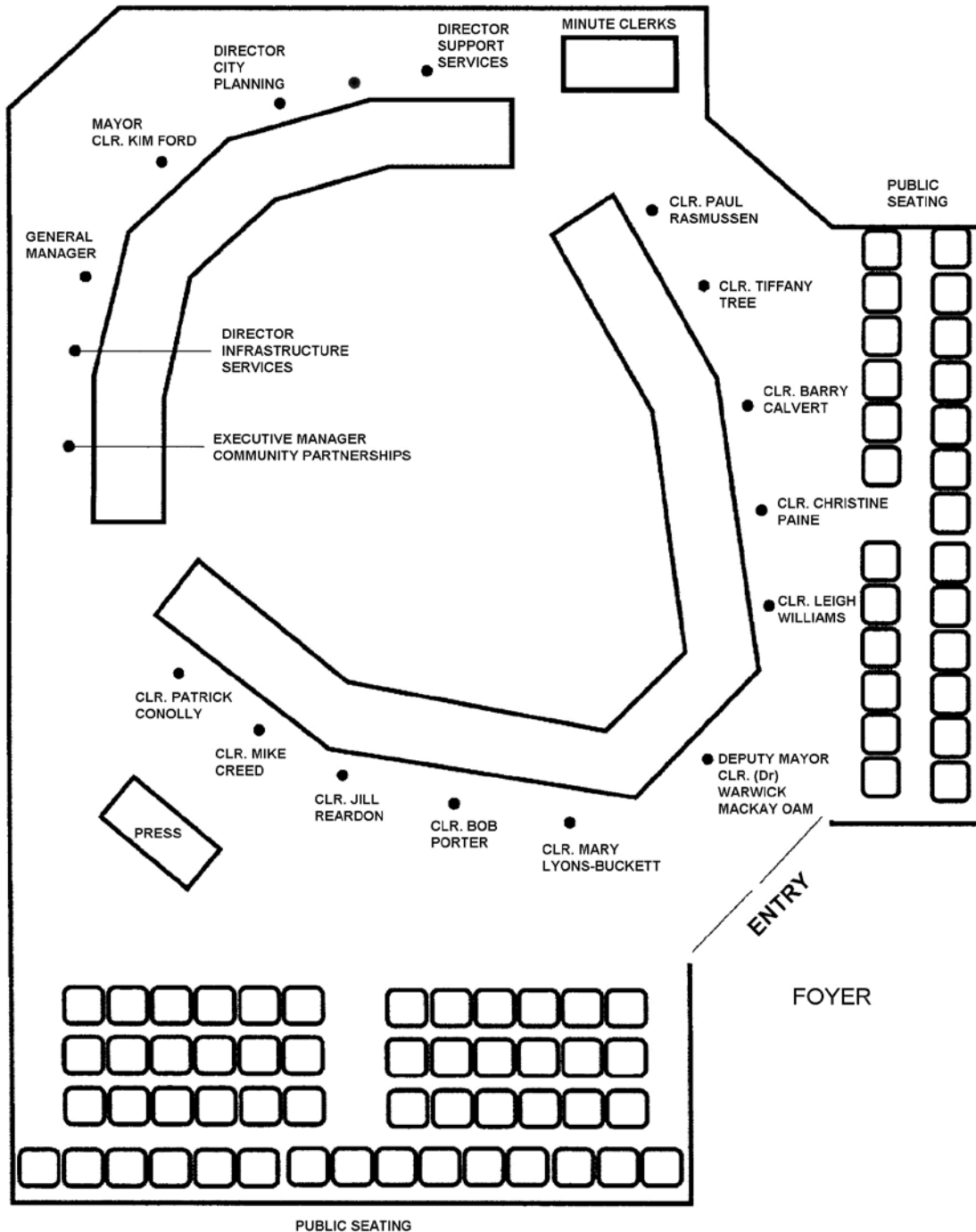
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>.

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

Further Information

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

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

MM Release of IPART Final Report - "Assessment of Council Fit for the Future Proposals" - (79351, 79353, 12048)

REPORT:

This Mayoral Minute outlines the impact of the NSW Government's Fit for the Future Program as it relates to our Council and proposes a response to further strengthen our position of retaining Hawkesbury City Council as a stand - alone body to genuinely represent our community.

This Council has been assessed as meeting scale and capacity, being an essential requirement for a council to stand alone. However, Council does not meet the financial sustainability criteria strictly within the timeframe stipulated by IPART, being 2019/2020.

Despite Council meeting this requirement in 2021, and Council meeting all the remaining criteria as required by IPART, the 'clinical' assessment methodology applied by IPART, resulted in Council being deemed "Not Fit".

Council needs to determine its preference in regard to our response to IPART's assessment. As Council meets scale and capacity, there is no apparent requirement to explore merger options as a preferred way forward. However, the issue of financial sustainability as measured and determined by IPART, needs to be, and can be addressed.

Background

On Tuesday, 20 October 2015 the NSW Government released the Final Report issued by IPART as a result of its "Assessment of Council Fit for the Future Proposals" (the Report). When releasing the Report the NSW Government has indicated that councils were invited to provide feedback on the Report and indicate their preferences by 18 November 2015. Details of available funding packages for merging councils were also provided.

Subsequent to the release of the Report a number of other documents have been forwarded to councils in relation to actions to now be taken. An electronic copy of the Report, in two volumes was forwarded to all Councillors on 20 October 2015. The Report can also be viewed on the IPART website at:

http://www.ipart.nsw.gov.au/Home/Industries/Local_Govt/Reviews/Fit_for_the_future/Review_of_Local_Council_Fit_For_The_Future_proposals/News/Final_Report_on_Fit_for_the_Future_Council_proposals_released

The IPART assessment of Council's submission indicates that Council has satisfied the issues of scale and capacity (a necessity for a "stand alone" council); infrastructure and service management and efficiency but does not satisfy the issue of sustainability as Council has not met the operating performance ratio within the timeframe as referred to above.

Disappointingly, the IPART report therefore deems Hawkesbury City Council as "Not Fit". This is only due to Council not meeting the required Operating Performance Ratio (one of the seven criteria) by 2019/2020. Although Council's Fit for the Future (FFTF) submission did predict meeting the operating performance ratio by 2021, which is reasonable in the circumstances, it is clear that had Council met this criteria by 2019/2020 Council would have been deemed "Fit".

In relation to the operating performance ratio the IPART assessment of Council's submission states:

"The council's operating performance ratio was -12.5% in 2013-14 and is forecast to be -1.1% by 2019-20. Its operating performance ratio forecast relies upon the successful application for and adoption of a special variation from 2017-18 of 29.7% cumulative over 5 years (16.0%

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above the rate peg) as well as service level reductions to fund asset maintenance and Renewals."

In this regard, the body of the Report also comments:

"We assessed Hawkesbury as meeting the scale and capacity criterion as its proposal is consistent with the ILGRP's preferred option for no change. However, Hawkesbury did not meet the financial criteria overall based on its negative operating performance ratio of -1.1% in 2019-20. In addition, the improvement in its operating performance relies on a proposed SV of 16.0% above the rate peg over five years from 2017-18 (29.7% including the rate peg) to approach break-even, as well as unspecified service level reductions to fund asset maintenance and renewals."

Both Blacktown and Campbelltown City Councils are the other councils in the metropolitan area in a similar position to Council in that they meet the scale and capacity requirements but have not met all sustainability criteria.

Council's submission on the IPART methodology for the FFTF process did argue that Council should be given longer to meet this criteria (as country councils have received a longer period than metropolitan councils) in view of the nature of our area (being a mixture of metropolitan and country features) but obviously IPART did not accept this view. For the information of Councillors the following was Council's submission on this aspect:

"Which of the Rural Council Characteristic are the most relevant considering a council must satisfy a majority of the characteristics to be considered a rural council?"

While Council is classified as a metropolitan council (for FFTF purposes) it would like to take the opportunity presented by the Consultation Paper to comment on this question.

Limitation of current metropolitan –vs- rural council categories. *As a metropolitan fringe (peri-urban) council, Council meets or partially meets the nine Rural Council Characteristics outlined in the Consultation Paper. Situated as it is on the metropolitan fringe of the Greater Sydney Region, Council straddles the divide between the urban metropolitan councils to its east and south, and rural councils to its west and north. Accordingly it encapsulates the characteristics of both metropolitan and rural councils. While the south east corner of the LGA is predominantly urban, the remainder of LGA forms a much larger rural hinterland. In this key respect (in comparison with the metropolitan councils to its east) Council has a relatively small population spread over a large area (a population of 65,000 persons across 2,793 km². As outlined in the Consultation Paper, this demographic pattern is deemed to be the primary determinant of a rural council.*

Accordingly Council believes the simple categorisation of councils as either 'metropolitan' or 'rural' does not adequately capture the particular characteristics and challenges facing peri-urban councils. The current metropolitan/rural category model carries the explicit expectation that a peri-urban council has the same capacity as a metropolitan council to achieve the FFTF benchmarks. This assumption is misplaced.

Recalibration of FFTF time frames. *It is Council's contention that the 'must meet' time frame for FFTF benchmarks which apply to metropolitan councils should not be rigidly imposed on peri-urban councils. The assessment methodology should take into account the particular circumstances of peri-urban councils and adjust the 'must meet' time frame for these councils to a more realistic level. In particular the time frame for achieving the Operating Performance Ratio (OPR) should be extended for peri-urban councils to the 'plan to meet within 10 years' time frame applied to rural councils.*

The primary factor impacting on Council's OPR is its current incapacity to fully fund annual depreciation charges which in turn is a function of the size of its Infrastructure Backlog. As a peri-urban council, Council maintains a large asset holding (in excess of \$1 Billion) – more than half of which is made up of 1,038km of local roads - which services a relatively small and

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dispersed population. In effect, Council's ability to achieve a break-even OPR will be contingent on its capacity to address its Infrastructure Backlog and raise the additional revenue required to fund asset maintenance and renewal over the longer term.

Accordingly, Council would argue that the assessment of a council's performance against the OPR benchmark should take into account the current factors driving the OPR result. For peri-urban councils this will be primarily a function of their performance against the asset related FFTF benchmarks. There should be internal consistency between the two in relation to required time frames for meeting the applicable FFTF benchmarks.

To this end, Council is pleased that the IPART has acknowledged that the varying circumstances of councils will impact on the time frames required for councils to improve their performance (p 19 of the Consultation Paper). As outlined above, Council believes this flexible approach will be required in the assessment of the FFTF performance of peri-urban councils."

In connection with IPART's technical assessment the General Manager has provided me with the following comments:

"Council has been deemed "Not Fit" due to not meeting the required Operating Performance Ratio (one of the seven criteria) by 2019/2020. Council's submission indicated that this Ratio would be met by 2020/2021.

Council does not satisfy the criterion for sustainability based on its forecast for a negative Operating Performance Ratio by 2019/2020. The Operating Performance Ratio represents the gap between Council's operating expenditure and its operating income. Council's Fit for the Future proposal indicates Council's Operating Performance Ratio, on a three year average from 2017/2018 (in line with IPART's methodology), is forecast at -1.1% as at 2019/2020.

Council's proposal demonstrated a steady improvement in this Ratio over the three years improving from -2.1% in 2017/2018, equating to an operating loss of \$1.4M, to -0.5% or a loss of \$351,000 in 2019/2020. The improvement in this result is reliant upon the successful application for and adoption of a Special Rate Variation (SRV) from 2017/2018 of 29.7% cumulative over five years, (16% above the rate peg) as well as a number of strategies including service level reviews.

In 2021/2022, it is forecast that Council's Operating Performance Ratio, based on a three year average, would be + 0.8% or a surplus of \$650,000. Essentially over a period of two years from the FFTF timeframe, Council would meet all the required seven criteria.

In preparing its proposal, specifically in regard to the proposal for a SRV over a period of five years commencing in 2017/2018, the level of increase above rate pegging was considered within the context of the community's capacity to pay. Proposed increases over rate-pegging were spread over a timeframe extending beyond The FFTF assessment period so as to limit the burden on rate-payers in any one year. It is further to be noted that Council's proposal specifically highlighted the issue of not meeting the required Ratio within the specified timeframe, and requested IPART to consider taking into account the particular characteristics and challenges facing peri-urban councils, which should allow for a longer timeframe for the Ratio to be met.

SRV strategies appear to be a common strategy put forward by a number of councils. Some councils already have approved SRVs, while others have put it forward as a strategy to become "Fit". In both cases, the strategy has enabled the councils to be assessed as either "Fit" or "able to become Fit" in their current form based on the recommendations in the IPART's Report.

In its assessment IPART noted that the improvement in Council's operating performance ratio was also reliant on 'unspecified service level reductions'.

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Council's FFTF Proposal included projected operating savings of \$1,484,900 to be achieved by 2019/2020. The source of these savings were costed and outlined in its FFTF Proposal and were principally derived from the application of an annual 1% efficiency dividend to its road operations be achieved over four years (generating savings of \$600,000 by 2019/2020); an annual 1% efficiency dividend over four years to be applied to Corporate Support and Discretionary Services excluding employee costs and overheads (generating savings of \$405,404), and the progressive application of cost recovery pricing paths for non-core business units which were projected to reduce the operating losses of these services by \$425,000 by 2019/2020. As noted in the IPART assessment these savings were to be used to fund asset maintenance and renewals.

Council's FFTF proposal also included a service level review. This strategy was to be based on the outcome of a proposed community engagement process to review service levels and determine the community's willingness to pay for its preferred levels of service and/or to accept a reduced level of service. As the outcome of this community engagement strategy was yet to be determined, Council's FFTF proposal did not attempt to quantify the net savings to be achieved by this strategy, and accordingly no projected savings were incorporated into Council's financial modeling. It is unclear if this strategy relates to the 'unspecified service level reductions' mentioned in the IPART assessment.

Conceivably, if Council had identified service level reductions to achieve projected savings in by 2019/2020, and these savings were included in Council's FFTF modeling, then Council would have achieved the required operating performance ratio result and would have therefore been deemed "Fit" by IPART.

In light of Council meeting all other six criteria, the amount by which Council does not meet the criteria in 2019/2020, being \$351,00 in that year, and the very short timeframe in which the result would be turned around to meet the required criteria, being two years, it is considered that Council is in a position to become "Fit" in its current form."

In connection with the Report's comment that "a merger between Hawkesbury and The Hills may be a better alternative to Hawkesbury's proposal to stand alone", I would suggest that while the Assessment indicated that there is a small financial benefit of merging the two councils this would in no way compensate for the disruption and loss of identity which would be experienced by our community. I feel that our residents and this Council have been misled by the State Government. On one hand we were asked to present a case as a stand-alone no change council and now a merger is being touted.

In association with the release of the Report the Premier and Minister for Local Government forwarded a letter directly to me together with a Fact Sheet detailing the "Next Steps" and details of the Stronger Communities Fund. Copies of these documents are attached to this Mayoral Minute.

In addition, on 21 October 2015 the Department of Premier & Cabinet forwarded a letter to the General Manager, a copy of which is also attached to this Mayoral Minute. The relevant points of this letter, which are also in line with the "Next Steps" of the supplied Fact Sheet, are:

"Should you wish to participate in this consultation:

- please provide any comments you wish to make in relation to IPART's findings on your council's submission; and
 - if your council's submission was found by IPART to be "not fit" as it **did not meet scale and capacity**, or if your council adjoins a council that **did not meet scale and capacity**, please advise of any preferences your council may have regarding merging partners."
- (Emphasis added)

With regard to the second dot point it would appear that this does not apply to this Council as while Council was deemed "Not Fit" it **did** meet the scale and capacity requirement and there is only one council that adjoins us that did not meet the scale and capacity requirement which is Gosford City Council, it would be neither logical or appropriate to suggest a merger with that council.

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In the light of the information now available I would suggest that there are now two options available to Council, namely:

Option 1

As requested by the NSW Government the Council could provide feedback in relation to IPART's assessment of Council in the terms of the previous comments contained in this Mayoral Minute concerning the assessment. Further, that Council advise the Government that it now intends to proceed with the Council's FFTF proposal and will review and amend the implementation of the proposal so as to achieve the required operating performance ratio at an earlier date than currently specified in Council's proposal.

In the terms of the second part of the comments sought, Council should advise the NSW Government that as Council meets the scale and capacity requirements of the FFTF process and there is not an appropriate neighbouring council "not fit" due to scale and capacity to consider merging with, council is not considering a merger. As such, action will be taken to achieve the required operating performance ratio at an earlier date than currently specified in Council's proposal.

Option 2

The following option is ONLY proposed if councillors believe that the interests, identity and the future of the Hawkesbury Community are best served by a merger. This is NOT a position I believe in or could support.

Initiate discussions with adjoining councils with a view to achieving a merger proposal. The "status" of our adjoining councils as a result of the FFTF assessment was:

- Blacktown City Council – "Not Fit" but satisfies scale and capacity and is a "no change" council.
- Blue Mountains – "Fit" and is a "no change" council
- Cessnock City Council – "Fit" with no merger proposal
- Gosford City Council – "Not Fit", does not meet scale and capacity with the ILGRP option being for a merger with Wyong Council
- The Hills Shire Council - "Fit" and is a "no change" council
- Lithgow City Council - "Not Fit" but satisfies scale and capacity and ILGRP proposal is for involvement with a Central West Joint Organisation
- Penrith City Council - "Fit" and is a "no change" council
- Singleton Council – "Fit" and ILGRP option is for involvement with a Hunter Joint Organisation.

If Council were to pursue this option the merged council may potentially have access to funding from the Stronger Communities Fund. I consider that the financial inducement to merge would be absorbed and exceeded by merger costs.

Other Councillors may have an alternate opinion, but I would suggest that Council should not pursue a possible merger with an adjoining council as it is possible for Council to achieve the FFTF criteria as suggested in Option 1 and Council should respond in the fashion suggested by this option.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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RECOMMENDATION:

That:

- 1 Council respond to the NSW Government's request for comments from Council as a result of the recently released IPART report regarding the Assessment of Council Fit for the Future Proposals in the manner suggested by Option 1 as referred to in this Mayoral Minute.
- 2 A further report be submitted to Council regarding possible strategies to amend Council's Fit for the Future proposal so as to achieve the required operating performance ratio at an earlier date than specified in the original proposal.

ATTACHMENTS:

- AT - 1** Letter to Mayor from Premier and Minister for Local Government and attachments re: Fit for the Future announcements.
- AT - 2** Letter to General Manager from Department of Premier & Cabinet re: Fit for the Future announcements.

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AT - 1 Letter to Mayor from Premier and Minister for Local Government and attachments re: Fit for the Future announcements.

20 OCT 2015

Dear Mayor

As you are aware, the NSW Government received the Independent Pricing and Regulatory Tribunal (IPART) Assessment of Council Fit for the Future Proposals on Friday 16 October.

After four years of partnership and consultation with councils, the NSW Government is providing councils with a final 30 day consultation opportunity to inform the Government's position on local government reform and respond to the IPART findings.

We would like to thank those councils that have used the Fit for the Future process as an opportunity to improve services and infrastructure and ensure value for money for the community. In particular we would like to thank the councils that have shown leadership in putting forward options for structural change.

The IPART report has however confirmed that the system of local government in NSW is not working as well as it should be. It has also confirmed that there are real benefits for the communities of NSW as a result of merging.

The IPART report has found reducing waste and red tape through local government mergers could free up to \$2 billion over the next 20 years for NSW ratepayers.

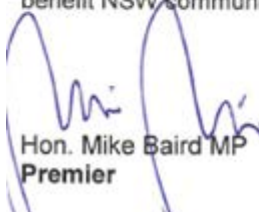
The IPART report has also shown a real improvement in the financial position of councils, following a number of years of operating deficits and growing infrastructure backlogs. The Government will closely monitor councils' delivery against the ambitious plans they have set. Councils that have not met the criteria are encouraged to consider what steps need to be taken.

For many councils the next 30 days are a final opportunity to do the right thing for the future of communities, which in many cases may include merging with neighbouring councils.

To support councils and communities, the NSW Government today announced the new Stronger Communities Fund, providing each new council up to \$15 million to invest in community infrastructure projects such as sporting fields, libraries, and parks. Funding of up to \$10 million for each new council will also be available to ensure ratepayers do not pay for the up-front costs of merging. This funding will be available to those mergers agreed to by councils and the NSW Government. More information is available at www.fitforthefuture.nsw.gov.au.

You will receive a letter from the Secretary of the Department of Premier & Cabinet outlining the process for feedback from councils by 18 November 2015 and eligibility for the Stronger Communities Fund.

We encourage you to take advantage of this final opportunity to support the changes that will benefit NSW communities.



Hon. Mike Baird MP
Premier



Hon. Paul Toole MP
Minister for Local Government



Stronger Councils. Stronger Communities.

FACT SHEET – NEXT STEPS The final consultation opportunity for councils

After four years of partnership, the NSW Government is giving councils a final 30-day consultation opportunity to inform the Government's position on local government reform and respond to the IPART findings

20 October 2015

Councils receive briefing from the Premier and Minister on the findings of the IPART assessment of council Fit for the Future proposals.

21 October 2015

Councils receive an invitation from the Secretary of the Department of Premier and Cabinet to provide feedback on the IPART report and indicate their merger preferences.

By 18 November

Councils are encouraged to review IPART's assessment of their Fit for the Future submission and respond.

The assessment is available on the IPART website www.ipart.nsw.gov.au.

Councils should provide feedback using the online portal on the Department of Premier and Cabinet's website, which will be available shortly.

For councils that are assessed as being not fit due to scale and capacity, or who neighbour a council that was not fit due to scale and capacity, the Government would also like to know, through the online portal, the merger preferences of these councils.

Funding is available for mergers agreed to by councils and the NSW Government.

By end 2015

The Government will consider responses from councils, decide on next steps and inform councils and the community.



Stronger Councils. Stronger Communities.

STRONGER COMMUNITIES FUND Funding for councils and communities

Newly created councils and their communities will receive up to \$25 million

A Stronger Communities Fund of up to \$15 million is available, providing new councils a head start on community infrastructure projects like sporting fields, libraries, or parks

Additional funding of up to \$10 million will be provided to ensure ratepayers do not fund the up-front costs of merging

Councils have until 18 November 2015 to put forward their merger preferences and be eligible for funding

Funding will be available for council mergers that are supported by merging partners, supported by the Government and submitted to the Department of Premier and Cabinet by 18 November 2015

Fund	Metro Sydney*	Regional
Stronger Communities Fund	\$10 million OR \$15 million if three or more councils merging	\$5 million OR \$10 million if three or more councils merging
Merger Implementation Grant	\$10 million	\$5 million

*Includes Newcastle, Wollongong and surrounds.

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AT - 2 Letter to General Manager from Department of Premier & Cabinet
re: Fit for the Future announcements.



Premier
& Cabinet

Reference: A1372057

Mr Peter Jackson
General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

Email: peter.jackson@hawkesbury.nsw.gov.au

Dear Mr Jackson

The Premier, the Hon Mike Baird MP and the Minister for Local Government, the Hon Paul Toole MP, have written to your Mayor about the Independent Pricing and Regulatory Tribunal's (IPART) assessment of your council's "Fit for the Future" submission.

The NSW Government has announced a final period of consultation, which will close on Wednesday 18 November 2015. The consultation is an opportunity to inform the Government's position on local government reform, and its response to IPART's findings.

Should you wish to participate in this consultation:

- please provide any comments you wish to make in relation to IPART's findings on your council's submission; and
- if your council's submission was found by IPART to be "not fit" as it did not meet scale and capacity, or if your council adjoins a council that did not meet scale and capacity, please advise of any preferences your council may have regarding merging partners.

To provide advice, please use the online template hosted on the Department of Premier and Cabinet's website. Details will be provided separately on how to access this template.

A significant funding package is available for council mergers that are:

- supported by the merging partners; and
- supported by the Government.

Details of this package are available at www.olg.nsw.gov.au. If you have any questions in relation to this letter, please contact John Clark, Executive Director on (02) 9228 3570 or Steve Orr, Executive Director on (02) 9228 5518.

Yours sincerely

oooO END OF MAYORAL MINUTE Oooo

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section

3

reports
for determination

ORDINARY MEETING

Meeting Date: 27 October 2015

ORDINARY MEETING

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 172 **CP - DA0135/15 - 'Shalimar' 380 Grose Vale Road, Grose Vale - Lot 10 DP 531053 - Tourist and Visitor accommodation - (95498, 18885, 18886)**

Development Information

File Number: DA135/15
Property Address: 'Shalimar' 380 Grose Wold Road, Grose Vale
Applicant: Richard Karl Steenbeeke
Owner: Mr RK Steenbeeke and Mrs AB Steenbeeke
Proposal Details: Tourist and Visitor Accommodation - Use of three rail carriages as tourist and visitor accommodation
Estimated Cost: \$105,000
Zone: RU4 Primary Production Small Lots
Date Received: 16/03/2015
Advertising: 02/04/2015 to 24/04/2015 and 29/07/2015 to 12/08/2015

Key Issues: ♦ Proximity to existing residences

Recommendation: Refusal

REPORT:

Executive Summary

The Development Application seeks consent for the installation of three rail carriages to be used as cabins for tourist and visitor accommodation at 380 Grose Wold Road, Grose Vale.

Tourist and visitor accommodation is permitted on the land under Hawkesbury Local Environmental Plan 2012 (LEP 2012) and the development is subject to the requirements of Hawkesbury Development Control Plan 2002 (HDCP 2002).

An assessment of the proposal reveals that the development would have the potential to result in adverse impacts on the amenity of the neighbouring residential area. It is considered that there are more suitable locations on the subject site that the proposal could be relocated in order to ameliorate the impacts anticipated with the proposal.

The applicant has been advised that the location of the development is an issue and Council has received a number of submissions raising objection to the proposal. Given that the application has not been amended to address the proximity of the development to the adjoining residential area it is recommended that the proposal not be supported.

The application is being reported to Council at the request of Councillor Calvert.

Description of Proposal

The application proposes to install three train carriages to be used as tourist cabins for short term accommodation at 380 Grose Wold Road, Grose Vale.

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The proposed development includes the following aspects:

- construction of a new access driveway from Duffy Avenue to service the proposed development
- Import three train carriages to the site to be converted into cabins
- undertake cut and filling earthworks to provide a level pad for the proposed cabins
- construction of decking surrounding proposed cabins
- construction of parking for up to five vehicles
- construction of a levelled area for horse training and vehicle turning requirements
- installation of an effluent disposal system to service the cabins.

It is anticipated that the cabins would be primarily used by travelling public for weekend holidays with some extended periods of stay between one and four weeks.

The development would be managed by the property owner off-site and it is expected that the cabins would support up to 16 persons at any one time. It is proposed that each cabin would provide accommodation for a maximum of:

- six persons for Cabin 1
- eight persons for Cabin 2
- two persons for Cabin 3.

Cooking facilities would be provided in each cabin so that visitors could make their own meals while staying in the facility.

No signage is proposed for the development with advertising on the internet and local newspapers proposed.

The application is supported by the following documents:

- Statement of Environmental Effects, prepared by Urban City Consulting
- Management Plan for Tourist and Visitor Accommodation
- Bushfire self-assessment checklist for single dwelling applications, prepared by the applicant.

History of Application

16 March 2015	Application submitted.
2 April 2015	Application notified to adjoining properties.
24 April 2015	Notification period closed. Two submissions and one petition with seven signatures received.
29 April 2015	RFS issued a Bushfire Safety Authority
1 May 2015	Additional information letter sent to applicant concerning location of carriages, proposed cut and fill, parking, access, effluent disposal, landscaping and public submissions received.
13 May 2015	Applicant requested additional time to address Council's letter dated 1 May 2015.
8 July 2015	Amended plans and additional information submitted by applicant concerning Council letter dated 1 May 2015. Application proposed to relocate carriages 7m from Duffy Avenue setback instead of 4m as originally proposed.
29 July 2015	Amended plans notified to adjoining properties.
7 August 2015	Amended plans reviewed by the RFS and a revised Bushfire Safety Authority issued.

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|-------------------|--|
| 12 August 2015 | Notification period of amended plans closed with two submissions received. |
| 7 September 2015 | A meeting held with the applicant advising them to relocate the cabins to a more suitable area. |
| 14 September 2015 | Applicant requested details in respect to why the RFS requirements changed. |
| 19 September 2015 | Applicant advised that they must comply with the bushfire safety authority conditions issued by the RFS on 4 August 2015. It is noted that the bushfire assessment submitted is a bushfire self-assessment checklist for single dwelling applications, prepared by the applicant, not a qualified bushfire consultant for tourist accommodation. |

Site and Locality Description

The subject land is legally known as Lot 10 in DP 531053, has a site area of 3.085 Hectares, fronts Grose Wold Road and has a secondary side access to Duffy Avenue.

The land contains one dwelling, a number of animal shelters, a farm dam and grazing paddocks. The site is relatively cleared of trees and has been historically used for rural residential uses and grazing.

The area is characterised by rural residential land uses with a small cluster of residential houses neighbouring the northern property boundary.

Issues Relevant to the Decision

- Location of proposed development and impact on amenity of the surrounding locality.

Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1989

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

a. The provisions of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The application does not involve the removal of potential or core Koala habitat as identified under this plan. The site is not covered by any significant vegetation that would be likely to support Koala Habitat. Therefore it is considered that the proposal is not contrary to the aims and objectives of this plan.

State Environmental Planning Policy No. 55 – Remediation of Land

A review into the history of the property has revealed that the land has been used for residential and agricultural/grazing purposes. There is no evidence to suggest that the land is contaminated to a state that would prevent the land from being used for tourist accommodation.

On this basis the property is considered suitable for the proposed development.

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

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

Hawkesbury Local Environmental Plan 2012

The subject land is zoned RU4 Primary Production Small Lots and the proposed development is permitted with consent under this plan being best defined Tourist and Visitor Accommodation.

The proposal is considered generally acceptable having regard to clause 4.3 Height of buildings, clause 6.1 Acid Sulfate Soils and clause 6.4 Terrestrial biodiversity.

The site is adjacent to 663 Grose Vale Road which contains locally listed heritage item no. I451 (House). It is considered that the site has the capacity to be able to establish tourist cabins on the land without having an impact on the heritage setting and view of the adjoining heritage item. In this respect there is suitable separation between the adjoining heritage item and the subject site which is on the lower side of Grose Wold Road. Therefore the proposal is consistent having regard to Clause 5.10 of this plan.

An assessment of the proposal against the overall objectives of the RU4 zone has been undertaken and it is considered that the location of the proposed development has the potential to result in conflicts with the adjoining residential locality.

On 1 May 2015 the applicant was advised that the application is required to reconsider the location of the proposed development with respect to its proximity to the adjoining residential area. The applicant submitted additional information on 8 July 2015 justifying the location of the development, modifying the setback of cabin 1 and 2 from 4m to 7m and proposing additional landscaping to address the concerns from adjoining neighbours.

The application was re-notified and the issues in respect to impacts on adjoining residential development remain generally unchanged with the proposed development still within close proximity to adjoining residential area. It is considered that the development is contrary to the following objective of the RU4 zone:

To minimise conflict between land uses within this zone and land uses within adjoining zones.

In this respect the development does not provide for a sufficient setback distance between the proposed activity and the adjoining RU5 Village zone and a more suitable alternative location should be chosen on the subject land to address concerns in respect to setbacks, noise, visual amenity and traffic.

The proposal is inconsistent having regard to Clause 6.7 – Essential Services in that insufficient information has been submitted to consider onsite effluent disposal for the development in accordance with the requirements of Hawkesbury DCP.

Furthermore the proposal is inconsistent with the aims of the LEP which are to provide for the orderly and economic development of the land and encourage tourism-related development that will not have conflicts with other land uses in the locality. The application proposes the installation of the cabins on a steep part of the land within close proximity to adjoining residential area. It is considered that the proposal could be relocated to a more appropriate part of the site which would result in fewer earthworks and provide greater separation between the proposed activity and the adjoining residential area in order to minimise issues in respect to land use conflicts.

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

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

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

Hawkesbury Development Control Plan (HDCP) 2002

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

Part A Chapter 3 - Notification

The application was notified between 2 April 2015 and 24 April 2015. Two submissions and one petition with seven signatures were received raising objection to the development.

The application was modified in response to the concerns raised in the submissions received and the development was renotified between 29 July 2015 and 12 August 2015. Two submissions were received in response to the application and are discussed under the submission section of this report below.

Part C Chapter 1 - Landscaping

A landscaping plan has been submitted with the application and proposes landscaping around the proposed cabins.

Part C Chapter 7 - Effluent Disposal

The application states that the proposed cabins would be serviced by an onsite effluent disposal system that uses evapotranspiration beds. Nominal figures for effluent disposal areas have been calculated using Australian Standards and the total maximum number of people expected for the development.

The information provided is insufficient having regard to the matters of consideration required to be submitted in respect to this chapter. In this respect any proposed effluent disposal system for a tourist facility should be supported by a waste water feasibility study, prepared by a suitably qualified and experienced person that includes the following information at a minimum:

- site and soil assessment
- site assessment taking into account property boundaries, proximity to watercourses, dams, threatened species or native vegetation, buffer distances
- installation and operation plan
- site analysis plan
- an assessment and recommendation of more than one system to service the development
- specifications for different systems
- certification that suitable soil and water balance testing has been undertaken.

Given that the application is not supported by a wastewater feasibility study or addresses the minimum requirements listed above the proposal is determined inconsistent with this DCP chapter.

Part C Chapter 2 – Car parking and Access

The application proposes parking for up to five vehicles. This is considered to be acceptable based on the anticipated number of visitors to the site.

Part E Chapter 3 - Grose Wold

This chapter aims to provide guidelines for development within the Grose Wold Area in respect to vegetation, scenic quality and water quality. A site assessment of the proposal reveals that the proposed cabins would be located in one corner of the site that is steep and within close proximity to an adjoining residential area.

It is considered that the cabins could be more appropriately relocated towards the middle of the property in one central location with access to Grose Wold Road. This would ensure that all activities are moved further away from the adjoining residential area and that the amount of excavation and access works would be reduced.

Furthermore relocating the development closer to Grose Wold Road would mean the proposal would be higher than the current location and provide better opportunities for the cabins to take advantage of the properties main views towards the west.

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

N/A

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

Should the proposal be supported the development would be subject to development contributions plans under Council's Section 94A Development Contributions Plan 2006 and compliance with the requirements of the Building Code of Australia (BCA)/National Construction Code.

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

The likely matters have been considered in the assessment of this application and it has been found that the location of the proposed activity has the potential to adversely impact the neighbouring residential area with respect to noise, traffic and amenity.

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

As previously mentioned in this report it is considered that the proposal has not adequately taken into consideration site specific matters such as the developments proximity to adjoining residential area, effluent disposal, amenity of the locality and traffic.

It is considered that there is sufficient space available on the site to relocate the cabins and provide for the more orderly development of the land without impacting adjoining developments.

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

New South Wales Rural Fire Service

The cabins are defined as a 'special fire protection purpose' and therefore the proposal constitutes integrated development. As a consequence the proposal was referred to the Rural Fire Service (RFS) for assessment. On 7 August 2015 a Bushfire Safety Authority was issued.

Public Submissions

The application was notified to adjoining property owners in accordance with the DCP. Four submissions and one petition, with seven signatures, were received in response to the notification of the application. All submissions raised objection to the proposal to establish the development within close proximity to the residential area of Duffy Avenue and the impacts associated with traffic and noise.

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The submissions also raised concerns in respect to the following points:

- the slope of the land is inappropriate for the development and required unnecessary excavation works associated with establishing building envelopes and driveway access
- safety of vehicles turning onto Duffy Avenue from Grose Vale road as opposed to using a more larger road such as Grose Wold Road
- safety of moving carriages onto the site via Duffy Avenue
- overlooking of cabins from residential properties
- privacy of adjoining residential houses
- Duffy Avenue is too narrow to support visitors with horse floats and boats
- who will maintain and manage the noise and waste of the site.

The applicant responded to the issues raised above stating the following:

- survey details have been submitted confirming that cut and fill will be between 1m and 1.7m
- Duffy Road is the best access point for the delivery of the carriages
- the cabins have been moved 7m off the northern boundary to improve the setback to adjoining residential properties
- the location of the cabins has been chosen away from established grazing paddocks, minimise tree removal and not have an impact on the significance of the adjoining heritage item
- landscaping plans have been submitted to provide screening between cabins 1 and 2 and adjoining properties.

Whilst a number of measures have been proposed to address the issues raised in the submissions the proximity of the development to adjoining residential development and its associated impacts on noise and traffic remain largely unchanged.

It is considered that there are more suitable locations on the subject land that could support the proposal without impacting the adjoining residential area.

Furthermore overall appearance of the development could be more appropriately designed by clustering the cabins closer to Grose Wold Road consistent with the established building pattern. This would ensure that the scenic quality of the locality would be protected, and the occupants of the tourist facility would not be subject to overlooking from the adjoining residential area.

Based on the matters raised in the submissions it is considered likely the location of the development would result in the creation of unnecessary land use conflicts in an instance where the cabins could be relocated elsewhere on the subject land.

e. The Public Interest:

The proposed development is considered to be contrary to the general public interest in that the proposal does not satisfy the overall objectives of the zone and aims of HLEP 2012. It is believed that suitable space is available on the subject land that would be better suited to support the proposal and would minimise potential impacts on the adjoining residential area.

Conclusion

The environmental impacts anticipated with the proposal are those relating to proximity of the development to the adjoining residential area and impacts on noise, traffic and visual impacts. The applicant was advised that the location of the proposed development should be reconsidered in order to address these matters however no substantial changes were made. It is therefore recommended that the proposal not be supported.

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Planning Decision

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

RECOMMENDATION:

That development application DA0135/15 at Lot 10 in DP 531053, 380 Grose Wold Road, Grose Vale for Tourist and Visitor Accommodation - Use of three rail carriages as tourist and visitor accommodation be refused for the following reasons:

1. The development application contains insufficient information to justify that the likely impacts of the proposed development in terms of Section 79C of the Environmental Planning and Assessment Act, 1979 will not be significant. In particular insufficient justification has been submitted concerning on site effluent disposal.
2. The development fails to satisfy the objectives of the RU4 Primary Production Small Lots zone of Hawkesbury Local Environmental Plan 2012 in that the proposed cabins are within close proximity to an adjoining residential area and the proposal would result in the creation of land use conflict with respect to noise, traffic and amenity.
3. The development fails to satisfy the overall aims of Hawkesbury Local Environmental Plan 2012 in that the location of the proposed cabins will result in conflicts with other land uses in the locality and it is considered there is sufficient area available on the subject property to relocate the development in order to reduce any potential conflicts with adjoining land uses.
4. The development application does not demonstrate that future development of the land will not unreasonably impact on adjoining properties.
5. The proposed development has the potential to have an adverse impact on the amenity of residents in the immediate locality in respect to noise, traffic and amenity impacts.
6. Approval would not be in the general public interest.

ATTACHMENTS:

AT - 1 Locality Map

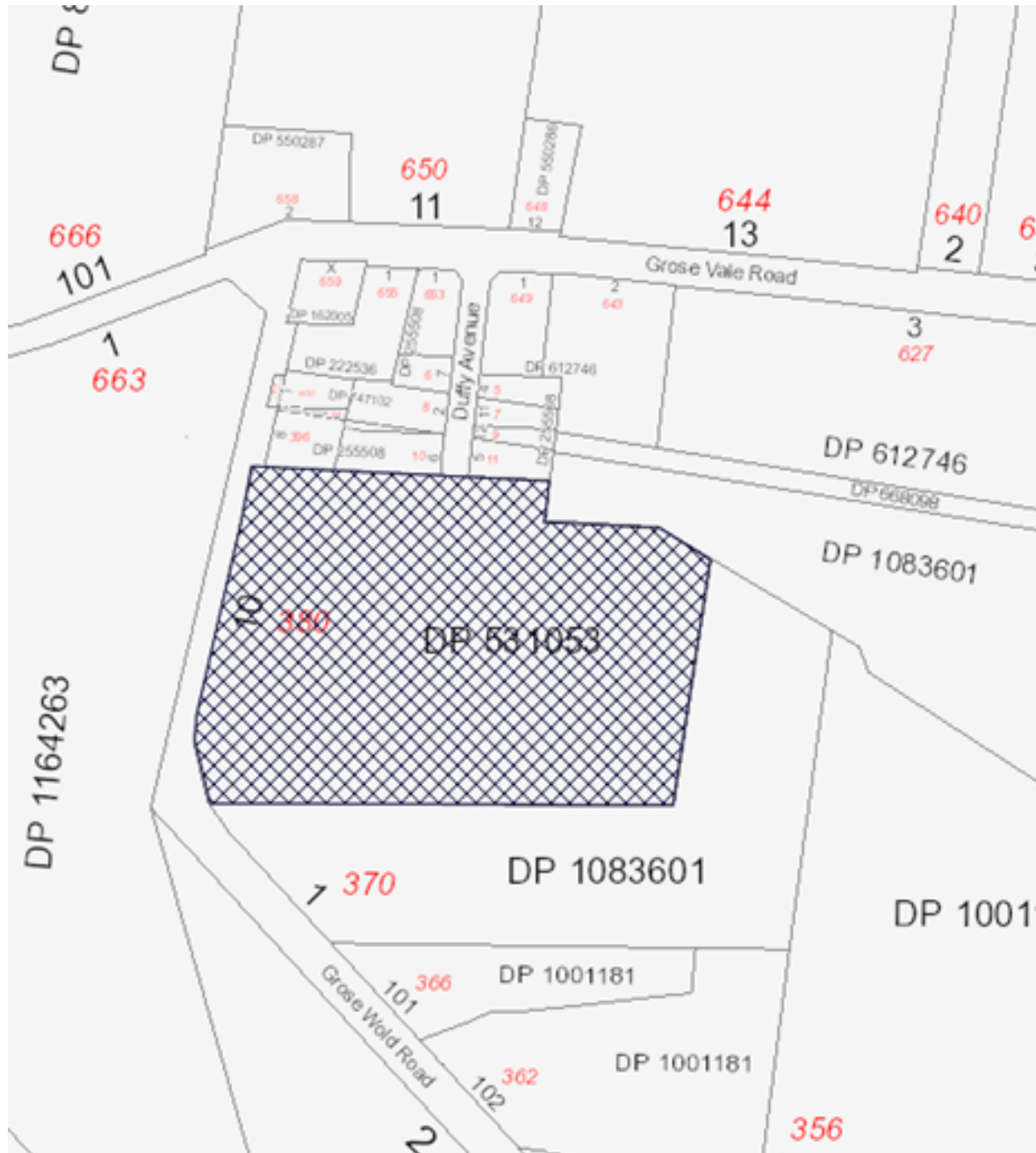
AT – 2 Aerial Map

AT – 3 Plans

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AT - 1 Locality Map



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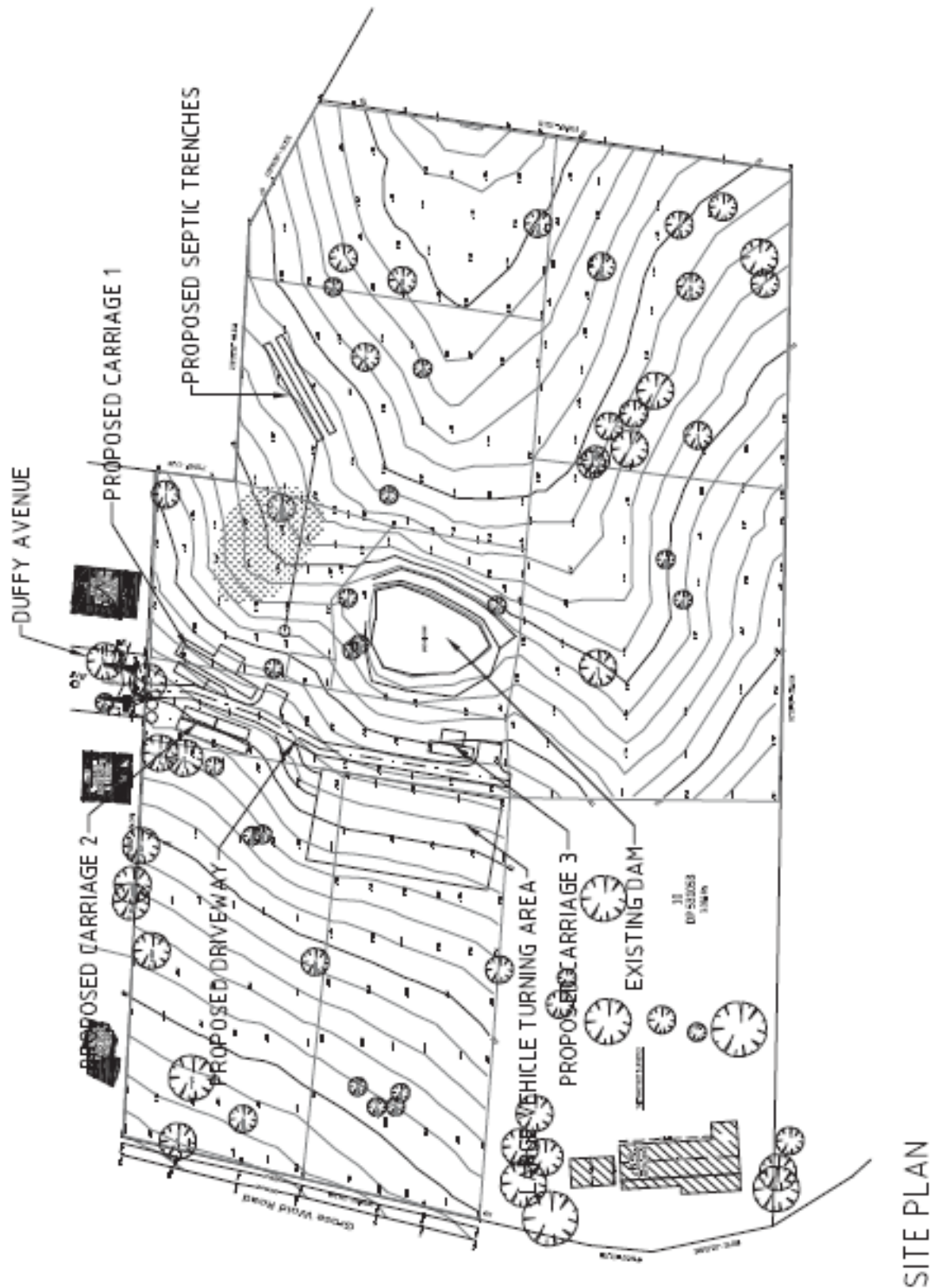
AT – 2 Aerial Map



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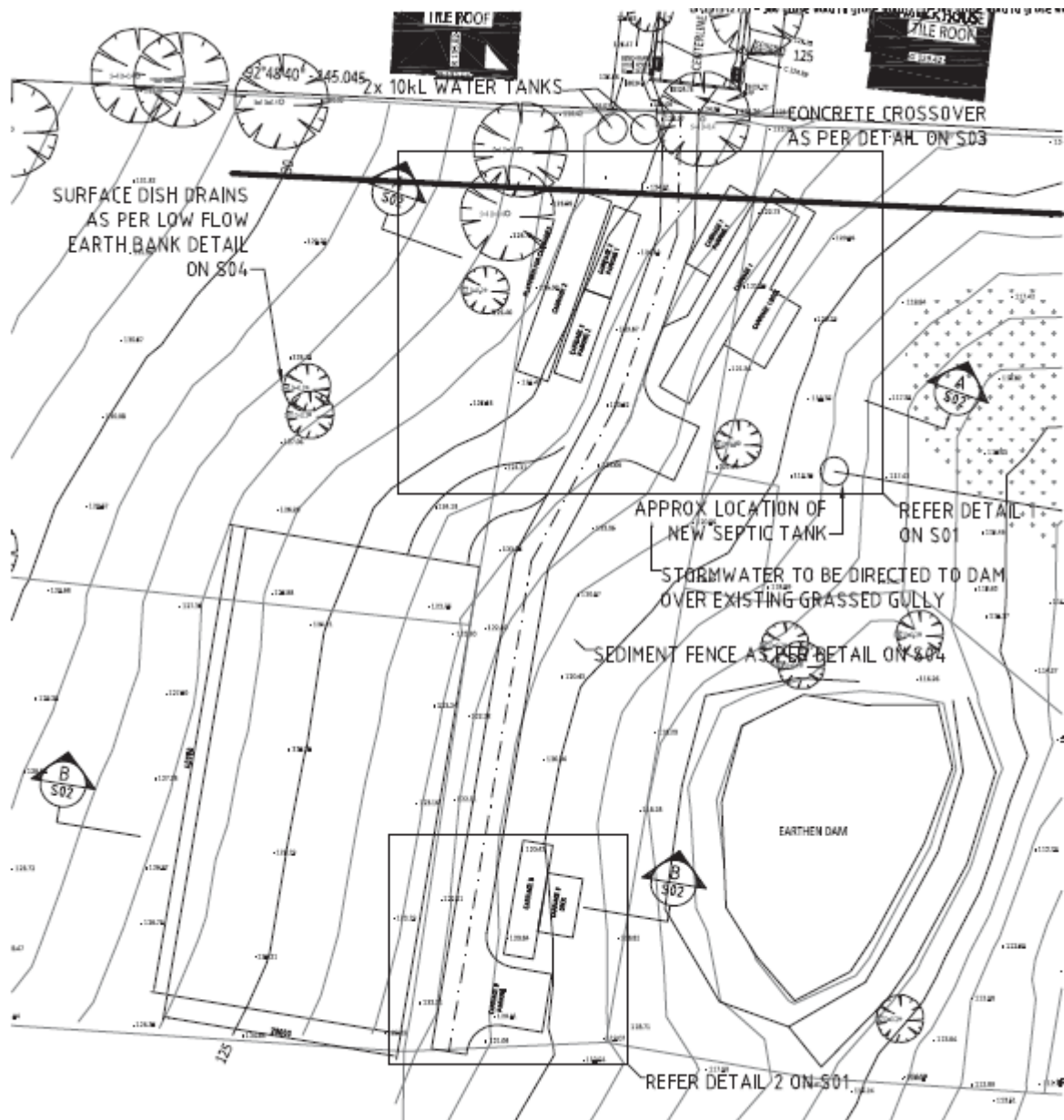
AT - 3 Plans



SITE PLAN

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PART SITE PLAN

oooO END OF REPORT Oooo

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Item: 173 **CP - DA0430/15 - 328 Windsor Street, Richmond - Lot L DP 163938 - Use of Shop 1 as a Food and Drink Premises - (79351, 134666, 134667, 13090, 13091)**

Development Information

File Number: DA0430/15
Property Address: 328 Windsor Street, Richmond
Applicant: Yves Linxe and Theresa Clancy
Owner: Mr HMJ Buckett and Ms MJ Lyons
Proposal Details: Use of Shop 1 as a Food and Drink Premises - Cafe
Estimated Cost: \$80,000
Zone: B2 Local Centre under Hawkesbury Local Environmental Plan 2012
Date Received: 15/07/2015
Advertising: Not required under Hawkesbury Development Control Plan 2002

Recommendation: Approval

REPORT:

Executive Summary

The Development Application seeks consent for the use of an existing commercial premise at 328 Windsor Street, Richmond as food and drink premises - café.

Food and drink premises are permitted with consent on the land under Hawkesbury Local Environmental Plan 2012 (LEP 2012) and the development is subject to the requirements of Hawkesbury Development Control Plan 2002 (HDCP 2002).

An assessment of the proposal reveals that the application should be supported as the proposed café would allow for the continued use of the land for commercial premises. It is recommended that the application be approved subject to the conditions recommended in this report.

The application is being reported to Council as Councillor Lyons Buckett is part owner of the subject property.

Introduction

This application seeks Council's approval for the fit out and use of Shop 1, 328 Windsor Street, Richmond for the purposes of a Food and Drink Premises - Cafe. The subject property is legally identified as Lot L in DP 163938. Shop 1 has a floor area of approximately 71.19m².

Description of Proposal

The cafe would provide both eat-in and takeaway food options for their customers and would serve coffee, freshly pressed juices and vegetarian meals. A detailed description of the proposed activities onsite includes:

Use

- Business operating hours of 7am to 7pm, seven days a week. The applicant has advised that all loading, unloading and waste collection would be conducted within the business operating hours.
- use of the existing floor areas as a take away food and drink premises with seating for approximately 20 - 25 customers
- kitchen area for cooking, food preparation and storage.

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Fit out works

- installation of new customer service counter fitted with a coffee machine and refrigerated food display cabinet
- installation of production benches, wash basins and kitchen areas
- installation of cookers, range hoods servicing the food production areas.

Signage

- one awning fascia sign and one under awning sign facing Windsor Street
- one awning fascia sign and one under awning sign facing the laneway
- no illumination has been proposed.

The application is supported by a waste management plan which explains that the onsite manager/owner would insure all waste onsite is appropriately dealt with and the majority of waste would be managed off site.

On 22 September 2015 the applicant confirmed that toilet facilities for the development are available on the existing building.

Issues Relevant to the Decision

- Food premises fit-out requirements

Council Policies, Procedures and Codes to Which the Matter Relates

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

Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1989

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

a. The provisions of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed signage is best defined as business identification signs and the proposal is considered to be consistent with the aims, objectives and Schedule 1 provisions of SEPP 64.

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

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

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Hawkesbury Local Environmental Plan 2012

The subject site is zoned B2 – Local Centre and the proposal is permitted with consent being best defined as a Food and drink premises under this plan.

The proposed use is consistent with the overall aims and objectives of the B2 – Local Centre zone as the proposal would encourage employment opportunities and promote the expansion of business activities to meet the needs of the area.

The development is consistent having regard to the following clauses of the LEP:

Clause 5.10 Heritage conservation – The proposal conforms with the existing streetscape and would not impact the views or setting of nearby locally listed heritage items at 340-334 Windsor Street.

Clause 6.6 Aircraft noise – The land is subject to an ANEF noise contour of 25-30 and the proposal is acceptable having regard to this clause as the development is not for a noise sensitive use.

Clause 6.7 Essential services – The site has suitable access to water, electricity and sewer and the proposal would not require any significant extension or modifications to existing services.

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

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

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

Hawkesbury Development Control Plan (HDCP) 2002

The proposed development is generally consistent with HDCP 2002 and past development approvals issued for the use of the site.

The proposal is consistent having regard to Part C – Chapter 2 – Car Parking and Access. The site contains three parking spaces at the rear of the property that were approved as part of the original building. The car parking rate for commercial premises and cafes are the same under the DCP and the application does not propose to increase floor areas of the building. It is unlikely that the proposal would result in the generation of significant traffic impacts on the locality and the proposal would primarily rely on parking within the established commercial area along Windsor Street and Council's Bosworth Street car park which is in close proximity to the proposal. It is therefore considered that sufficient car parking is available within the locality.

The signage is acceptable having regard to Part C - Chapter 3 – Signs. The proposed awning fascia signs and under awning signs are considered to be business identification and branding signage associated with the café and is consistent with other shop front signs in the vicinity.

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

N/A

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

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

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

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Suitable conditions of consent have been applied to ensure compliance with these requirements where relevant. The payment of S94A contributions is not required based on the value of works.

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

The proposed development would have no significant adverse impacts upon the natural or built environments or negative social or economic impacts on the locality.

Surrounding land uses consist of retail and business uses. The proposed use and business operating hours are considered compatible with the existing retail context of the locality.

The external signage works to the building are acceptable for the intended use of the site and are consistent with other uses within the shopping centre.

The proposed development is not expected to have an unreasonable impact upon the existing streetscape or the existing character of the locality.

c. Suitability of the site for the development:

The site is considered able to support the proposed development. The site and building are of sufficient area and dimensions, and are relatively free of environmental constraints that could hinder the operation of the site for its intended use.

The application has been referred to Council's internal Environmental Health and Building Certifiers for comment. No objection to the proposal was raised subject to the conditions recommended in their comments. These conditions have been included as part of the recommended list of conditions in this report below.

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

No submissions were received in response to the lodgement of this application.

e. The Public Interest:

The proposal is consistent with the relevant planning controls affecting the site and is consistent with the character of the locality. It is therefore considered that the proposal is not contrary to the public interest.

Conclusion

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

Planning Decision

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

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RECOMMENDATION:

That development application DA0430/15 at Lot L DP 163938, 328 Windsor Street RICHMOND NSW 2753 for use of Shop 1 as a Food and Drink Premises - Cafe be approved subject to the following conditions.

General Conditions

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The development shall comply with the provisions of the Building Code of Australia (BCA) / National Construction Code.
3. No building works shall be commenced prior to the issue of an appropriate construction certificate.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
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. All premises offering food, packaged or otherwise, are to be registered with Council and have inspections conducted by Council's officers as necessary/required. 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

Prior to Issue of Construction Certificate

7. A slop sink should be installed so that mop water does not contaminate the kitchen sinks. Mop water and water used for washing garbage receptacles must not be disposed of using a storm water drainage inlet. Details are to be provided to Principal Certifying Authority prior to issue Construction Certificate.
8. All food premises are to comply with Hawkesbury City Council's Food Premises Fit Out Code. Details are to be provided to Principal Certifying Authority prior to issue Construction Certificate.

Prior to Commencement of Works

9. At least two days prior to commencement of works, notice is to be given to Council, in accordance with the Environmental Planning and Assessment Regulation.
10. 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.
11. 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.
12. 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.

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During Construction

13. 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.
14. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 132 092.
15. Any area used for storage of food or food appliances/equipment is to comply with the relevant section of Hawkesbury City Council's Food Premises Fit Out Code including Section 7.0 - Storerooms.
16. Ceilings throughout the premises are to be solid and are to comply with section 4.0 of Council's Food Premises Fit Out Code. 'Drop in' ceiling panels are not permitted over food preparation or food storage areas.
17. All walls, floors, benches, shelves, chairs, fittings and the like are to be constructed with materials that are smooth, durable, impervious to moisture, and capable of being easily cleaned with a disinfectant. Fittings and equipment should be constructed so as not to harbour food, insects or vermin.
18. The floors are to be covered with a durable, non-toxic, impervious surface, graded to trapped floor waste outlets (where necessary), and connected to an approved drainage installation. The floor covering is to be free of protrusions or gaps.
19. Where used, floor tiles are to be epoxy grouted.
20. All wall/floor junctions in the food preparation and storage area(s), including any prefabricated low temperature room wall and floor, shall be coved according to Council's Food Premises Fit Out Code. The coving is to be a minimum radius of 25mm using a smooth impervious material of a light colour. Where walls and floors are tiled, the coving is to be of a tile type. "Stick on" coving is not permitted. Feather edge skirting is not permitted.
21. The premises 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.
22. The exhaust hood, filters and flue are to be installed and maintained as per Australian Standard AS 1668. The system should be adequate so that a smoke or odour emission nuisance does not occur as a result of the development.
23. Equipment and appliances are to be installed on legs or castors as specified by Council's Food Premises Fit Out Code. Where plinths are to be used, the plinths shall be sealed to the floor, be covered in an equivalent finish to the floor, and the equipment/appliance effectively sealed to the plinth. Coving should also be provided to the plinth where necessary.

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24. Mandatory inspections shall be carried out and compliance certificates issued only by Council or an accredited certifier for the following components or construction:

a) on completion of fit out of the premises prior to the use commencing.

Prior to Issue of Interim Occupation Certificate

25. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Use of the Development

26. No internal or external alterations shall be carried out without prior approval of Council.
27. 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
- 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.
28. Operating hours shall be limited to 7am to 7pm, seven days a week.
29. The signs shall not be illuminated.
30. All work and the storage of goods or materials or waste shall be confined within the building or approved areas at all times.
31. A portable thermometer accurate to $\pm 1^{\circ}\text{C}$ is to be available at the premises at all times for the purposes of checking cold and hot foods for compliance temperatures.
32. Potentially hazardous foods should be stored below 5°C , or above 60°C at all times in accordance with The Food Act 2003.

Advisory Notes

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

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

*** The applicant is advised to consult with the relevant:

- a) water and sewer provider
- b) electricity provider
- c) natural gas provider
- d) telecommunications carrier
- e) road authority

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

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

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ATTACHMENTS:

AT - 1 Locality Map

AT - 2 Aerial Map

AT - 3 Plans

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AT - 1 Locality Map



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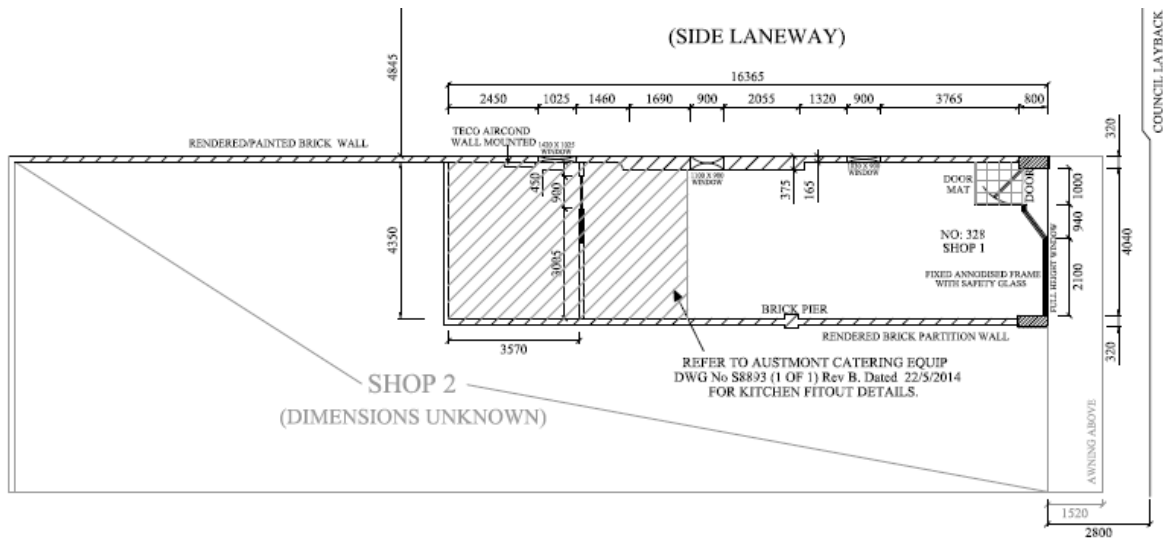
AT - 2 Aerial Map



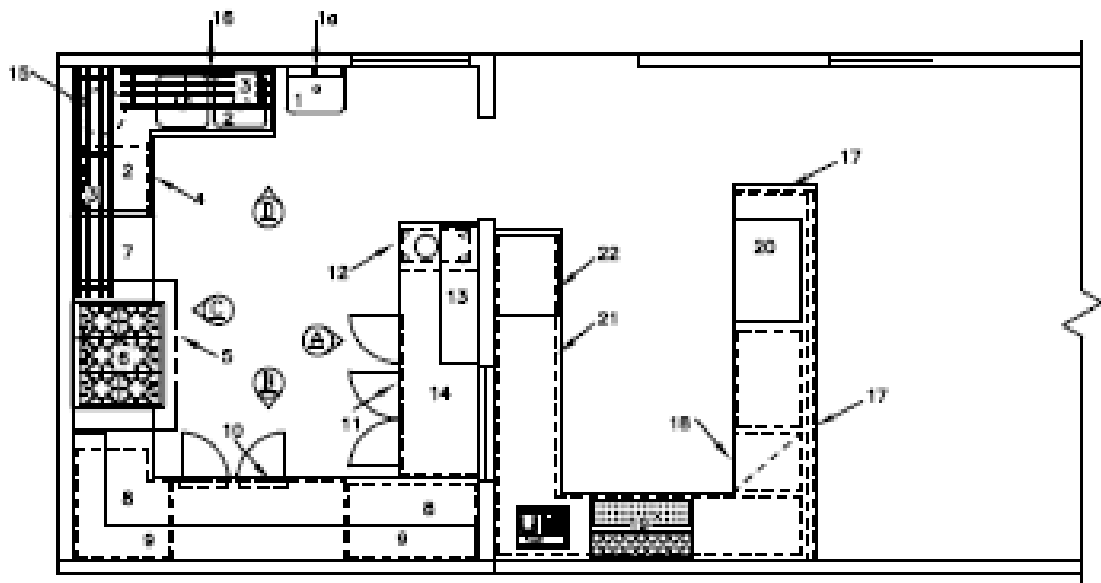
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AT - 3 Plans



SITE FLOOR PLAN - 1/328 WINDSOR STREET, RICHMOND
SCALE 1:150 (A3)



EQUIPMENT LAYOUT B

scale 1:50

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Item: 174 **CP - S960081/15 - 89 Boundary Road, Glossodia - Lot 7 DP 7571 - Modifications to the consent for landfilling, construction of a farm building, erection of igloos and growing beds - (95498, 116927, 15110, 130392)**

Development Information

File Number: S960081/15 (DA0088/15)
Property Address: 89 Boundary Road, Glossodia
Applicant: Aconsult
Owner: Mr BJ and Mrs M Bugeja
Proposal Details: Section 96 Amendment – Modifications to the consent for landfilling, construction of a farm building, erection of igloos and the establishment of additional growing beds for horticulture
Estimated Cost: \$50,000
Zone: RU1 Primary Production
Date Received: 31 July 2015
Advertising: 18 August 2015 to 1 September 2015
Key Issues: ♦ Section 96 Provisions
Recommendation: Approval in respect of condition 8, only.

REPORT:

Executive Summary

The application seeks to amend Development Consent No. DA0088/15 for landfilling, construction of a farm building, erection of igloos and the establishment of additional growing beds at 89 Boundary Road, Glossodia. This Section 96 Application seeks the deletion or amendment of a number of conditions regarding the retention of native vegetation, the establishment of landscaping buffers, igloo setbacks and the timing of the development.

These conditions were imposed to protect the amenity of the locality and, with the exception of the condition detailing a time limit for the importation of further fill, there appears to be limited justification for the proposed amendments. Accordingly it is recommended that the majority of the conditions are maintained as originally imposed.

The Section 96 Application is being reported to Council as the original consent was determined by Council. Furthermore, the proposal seeks to modify and delete conditions that were specifically imposed by Council at the Ordinary meeting of 12 May 2015.

Development Description

Pursuant to Section 96(2) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval to modify Development Consent No. DA0088/15 for landfilling, construction of a farm building, erection of igloos and the establishment of additional growing beds.

The original consent was issued to allow for the extension of a previously approved cut flower farm and retrospectively formalise the extensive landfilling works that were undertaken to the rear of the property without approval.

Having reviewed the consent, the Applicant believes a number of conditions have been unreasonably imposed. The deletion or modification of Conditions 7, 8, 10, 11, 22, 34, 36 and 41 of the consent is requested with this Section 96 Application.

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Conditions 7, 8, 10, 11, 22, 34, 36 and 41 of Development Consent No. DA0088/15 state:

- "7. *No native vegetation shall be removed from the site, with the exception of the vegetation located within the approved growing beds, within the approved area of fill and within 10m of the growing beds.*
8. *All fill work to be undertaken within two months of approval, with the adjoining owners to be notified 24-hours prior to fill being delivered.*
10. *A detailed landscaping plan shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate/ Design Compliance Certificate.*

The plan shall detail the following:

- *The identified remnant vegetation located in the southwest corner of the site shall be retained, with the exception of the vegetation located within the approved growing beds, within the approved area of the fill and within 10m of the growing beds.*
- *A vegetation buffer with a minimum width of 5m shall be provided along the northern property boundary with 119 Boundary Road.*
- *A vegetation buffer with a minimum width of 20m shall be provided east of the dam (between the dam and the growing beds/ igloos).*
- *A minimum 10m wide vegetation buffer zones shall be planted along the southern and western boundaries of the property. Existing native trees and shrubs within these buffer zones shall be retained.*

The vegetation to be planted within these buffer zones shall consist of a mixture of native and exotic trees, shrubs and groundcover species of local provenance and a landscape plan be submitted to Council prior to landscaping being commenced.

11. *The igloos are to be located a minimum of 10m from the northern property boundary with 119 Boundary Road. Amended plans demonstrating compliance with this requirement are to be provided prior to the release of the relevant Construction Certificate.*

The igloos or the growing beds are to be reduced in size to achieve this requirement. The growing beds shall not be moved further to the south.

22. *A two coat bitumen seal is to be applied to the access driveway for a distance of not less than 75 metres from the front (Boundary Road) boundary of the site so as to minimise dust generation from vehicular traffic.*

34. *The igloos are to be located a minimum of 10m away from the northern property boundary with 119 Boundary Road.*

A vegetation buffer with a minimum width of 5m shall be provided within this setback, immediately adjoining the northern boundary as indicated in the approved plans. The vegetation to be planted within this buffer zone shall consist of a mixture of native and exotic trees, shrubs and groundcover species of local provenance.

36. *Minimum 10m wide vegetation buffer zones shall be planted along the southern and western boundaries of the property. Existing native trees and shrubs within these buffer zones shall be retained.*

The vegetation to be planted within these buffer zones shall consist of a mixture of native and exotic trees, shrubs and groundcover species of local provenance and a landscape plan be submitted to Council prior to landscaping being commenced.

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41. *The landscaping works shall be completed before the cultivation of the growing beds."*

Conditions 8 and 22 were specifically imposed by Council at its meeting of 12 May 2015 to address amenity (noise and dust) concerns associated with the importation of further fill. Council also resolved to amend Conditions 10, 11 and 34, which were recommended by Council staff, to allow the use of exotic vegetation within the required landscape buffers.

Summary Recommendation

Condition 8 of the consent establishes a time limit of two months to complete the additional landfilling works. The original consent was issued on 21 May 2015 and as the earthworks are yet to be undertaken this condition cannot be complied with. Based on the amount of fill material, associated truck movements and procedural requirements, the amendment of this condition as suggested by the Applicant is considered reasonable.

However, the other conditions were imposed to minimise and mitigate potential amenity and environmental impacts associated with the development. The imposition of such conditions has been consistently applied to other agricultural uses within the vicinity and accordingly the other amendments are not supported.

Background

Applications previously submitted for the property include:

- BA0392/89 (Approved) – Construction of a detached dwelling in addition to the existing dwelling house onsite.
- DA0054/02 (Approved) – Enlargement of the existing dam, clearing of native vegetation and the operation of a cut flower farm.
- DA0405/07 (Approved) – Landfilling and the construction of an agricultural farm shed and igloos.
- DA0657/10 (Refused) – Operation of a poultry farm. This application was determined by the Joint Regional Planning Panel (JRPP).
- DA0341/12 (Approved) – Alterations and additions to the dwelling house.
- DA0088/15 (Approved) - Landfilling, construction of a farm building, erection of igloos and the establishment of additional growing beds.

As detailed above, approvals for 'horticulture' (a cut flower farm) were previously issued by Council. The farm is not currently operating however associated landfilling, tree removal and building works were undertaken. As a result Development Consent No. DA0088/15 accepted that the consents for horticulture had been secured.

In addition to the expansion of the cut flower farm operations, Development Consent No. DA0088/15 was approved to formalise unauthorised landfilling that was undertaken to the rear of the property. In this regard a significant amount of fill (approximately 8,000m³) was imported to the site, with site investigations revealing fragments of asbestos containing material (ACM) and building waste within the fill.

A Clean-Up Notice under Section 91 of the Environment Operations Act 1997 was served on the owners of the property and in response a Detailed Site Investigation Report was received. This report included testing of the existing fill material and ultimately concluded that the fill was free of contamination. The report detailed that the ACM was limited to three samples only, which were subsequently removed from the site. In this regard the site is no longer considered contaminated.

Council Policies, Procedures and Codes to which the matter relates

- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)

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- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP No. 44)
- State Environmental Planning Policy No. 55 – Remediation of land (SEPP No. 55)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

Section 96 Assessment

Section 96(2) of the EP&A Act states:

"A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification."

The submitted application seeks to modify conditions that were imposed on the original consent. The overriding use and permissibility of the development are not to be altered and accordingly it is accepted that the modified proposal comprises substantially the same development as was originally approved.

The notification of this Section 96 Application was undertaken from 18 August to 1 September 2015 in accordance with Part A Chapter 3 of the HDCP 2002. Two submissions were received in response to the notification of the application.

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

The property does not currently operate as a cut flower farm. Vegetation removal was undertaken on the site previously to allow for the operation of the farm however no such activities are currently undertaken onsite. It is unclear why such extensive vegetation removal is required.

Officer's Comment: The report prepared for Development Consent No. DA0088/15 accepted that previous consents had been secured for the use of the property for horticulture.

The plans submitted with this Section 96 Application indicate that the area of the growing beds will be expanded to the southwest corner of the site. This would involve the further removal of native vegetation and necessitate the deletion or amendment of Conditions 7, 10 and 36.

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The Applicant has advised that the reason *"for the owners wanting to extend the growing areas into those remaining and available areas of the property ... (is) to ensure that both the initial investment into establishing the flower farm and subsequent, future ongoing operation of the farm ... (is) economically viable, that is, supported by an income generated that was able to be generated on the basis of maximizing the production of flowers in those available areas of the property"*. The Applicant further argues that this remnant vegetation is of limited significance.

As detailed in the original report, the Applicant relies on previous Flora and Fauna Reports to justify the removal of this vegetation. However, these reports are out-dated. Furthermore, the Flora and Fauna Report dating from 2007 recommends the conservation and revegetation of this area.

Based on the information provided, as well as the cut flower farm's history of inactivity, there does not appear to be any justification for the further expansion of the growing areas. The retention of these conditions as imposed by Council is therefore recommended.

The sealing of the driveway is required to minimise dust and noise pollution.

Officer's Comment: A significant number of trucks have already visited the site to undertake the previously unauthorised landfill works. At this time Council received complaints from neighbours regarding noise and dust impacts.

At the meeting of 12 May 2015 Council resolved to impose Condition 22 of the consent which requires the construction of a two coat bitumen sealed access driveway so as to minimise dust generation from vehicular traffic. The retention of this condition should help to alleviate future noise and dust concerns associated with heavy vehicles bringing additional material to the site and for vehicle movements during the operation of the flower farm.

There is no need to amend the condition which sets a time limit of two months for the completion of the landfilling. The fill material will be obtained for free and is readily available from excavation sites.

Officer's Comment: Condition 8 of the consent states the following:

"All fill work to be undertaken within two months of approval, with the adjoining owners to be notified 24-hours prior to the fill being delivered."

This condition was imposed by Council at the 12 May 2015 meeting.

The original consent was issued on 21 May 2015 and the remaining earthworks are yet to be undertaken. A Design Compliance Certificate will also need to be obtained for this landfilling so this condition cannot be complied with as currently worded.

Council typically places a one year timeframe on the completion of earthworks, although it is understood that the intent of this condition was to limit the period of time that adjoining owners would be exposed to potential amenity impacts. Based on the amount of remaining fill and the procedural steps still required, it is recommended that Condition 8 is amended to allow a two month time period to complete the works after the obtainment of the necessary certificate.

Buffer zones should be implemented for the farm.

Officer's Comment: The submitted plan proposes 3m wide vegetation buffers along the northern, southern and western boundaries as opposed to the 5m and 10m buffer zones imposed with Conditions 10, 34 and 36 of the original consent. The Applicant also seeks to amend Condition 11 to retain the location of the igloos as originally proposed.

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The Applicant argues that reduced buffer zones and igloo setbacks are appropriate given that the *"land adjoins properties zoned for Primary Production. The use of the subject site, for agricultural pursuits, therefore should not create a conflict with the land uses forecast to be carried out on adjacent lands. Typically reasonable and reduced setbacks are applied where there is no potential for land use conflict, that is, where agricultural land adjoins similarly zoned land rather than (say) where an agricultural land parcel may adjoin or interface with residential land"*.

These conditions, which were amended by Council to allow the use of exotic vegetation, were imposed to minimise and mitigate potential amenity and environmental impacts associated with the development. Whilst the area is zoned RU1 Primary Production, such a zoning allows for a wide variety of agricultural, animal establishment and residential uses. The application of buffer zones and setbacks as detailed in the original consent seeks to accommodate and protect current future development, thereby avoiding landuse conflict.

The imposition of such conditions has been consistently applied to other agricultural uses within the vicinity of the site such as 119 and 133 Boundary Road.

Condition 41 of the consent requires the plantation of the buffer zones and landscaping areas prior to the cultivation of the growing beds. Such a condition is required to ensure the landscaping works are actually undertaken.

The retention of Conditions 10, 11, 34, 36 and 41 are recommended.

A watercourse runs through the rear of the property and accordingly the Section 96 Application was referred to the Office of Water as 'integrated development'. The Office of Water have provided a response detailing that their original General Terms of Approval would continue to apply should the modified proposal be supported.

The modified proposal comprises substantially the same development as that which was approved and may be considered under the Section 96(2) provisions of the EP&A Act.

Section 79C Matters for Consideration

The modified proposal has been considered against the heads of consideration under Section 79C of the EP&A Act.

The subject land is zoned RU1 Primary Production under the HLEP 2012. As discussed previously in this report, approvals have been issued for the use of the land as a cut flower farm. Under the HLEP 2012, such a use falls under the definition of horticulture, which is a form of 'intensive plant agriculture'. Horticulture and intensive plant agriculture are permissible within the RU1 Primary Production zone.

The modified proposal will not alter the permissibility of the development.

The zone objectives of the RU1 Primary Production zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage agricultural activities that do not rely on highly fertile land.

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- 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.
- To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.
- To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.
- 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 development is consistent with the objectives of the zone in that it involves an agricultural activity and will promote primary industry diversity within the municipality. However, the modifications proposed with this Section 96 Application are contrary to the landuse conflict, environmental and landscape value objectives of the zone. It is therefore recommended that the conditions imposed by Council are maintained as discussed in this report.

Developer Contributions

Not applicable. The original development was exempt from the payment of Section 94A Contributions based on the estimated value-of-works.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) and 96(2) having been taken into consideration.

The conditions subject to this review were imposed to minimise and mitigate potential amenity and environmental impacts associated with the development. The imposition of such conditions has been consistently applied to other agricultural uses within the vicinity of the site and it is considered that the making of allowances for this property only would be contrary to the public interest.

With the exception of Condition 8 it is considered that there is no justification for the deletion or amendment of these conditions.

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 Council, as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) modify Development Consent No. DA0088/15 for landfilling, construction of a farm building, erection of igloos and the establishment of additional growing beds for horticulture on Lot 7 DP 7571, known as 89 Boundary Road, Glossodia, in the following manner:

Condition 8 is to be modified as follows:

8. All fill work is to be carried out and completed within 60 days from the approval of the relevant Design Compliance Certificate/Construction Certificate. Adjoining owners and Council shall be notified in writing a minimum of 24 hours prior to fill being delivered.

ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Aerial Map
- AT - 3** Plan of the Proposal

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AT - 1 Locality Plan



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AT - 2 Aerial Map



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CITY PLANNING

Item: 175 **CP - Draft Business Case for the Dredging of Hawkesbury River between Windsor and Sackville Ferry - (95498, 124414, 113545)**

Previous Item: NM, Ordinary (30 March 2010)
 152, Ordinary (28 August 2012)
 NM3, Ordinary (13 November 2012)
 168, Ordinary (27 August 2013)
 87, Ordinary (13 May 2014)
 168, Ordinary (29 September 2015)

REPORT:

Executive Summary

The purpose of this report is to present the findings of the Business Case Report for the Navigation Dredging of the Hawkesbury River between Windsor and Sackville Ferry which was undertaken by WorleyParsons consultants.

The report finds that dredging at any of the nominated locations would result in a net cost to Council and solely on economic grounds, dredging is not viable for Council to pursue without a funding partner. However, there are other social benefits to dredging and the report recommends that, subject to appropriate funding, that further work be undertaken to enable a tender/Expression of Interest for dredging to be prepared.

Consultation

The issues raised in this report concern matters which require community consultation under Council's Community Engagement Policy should Council determine to undertake any dredging work in the Hawkesbury River.

Background

In March 2012, Council engaged WorleyParsons to undertake preliminary investigations of the Hawkesbury River dredging at seven priority locations. Those locations were identified by Council's Floodplain Risk Management Advisory Committee at the meeting of 18 April 2011 as follows:

- Sackville Ferry
- Sackville Gorge
- Ebenezer Church
- Pitt Town Bottoms
- Sandy Point
- Cattai Creek
- Bens Point.

The WorleyParsons August 2012 summary report from the investigation, *"Hawkesbury River Pre-dredging Investigations between Windsor and Sackville Ferry"* concluded that, from a navigation perspective, dredging was not required at any of the locations *"Based on available data and assumptions for navigation requirements of a 50 m to 100 m fairway, with an acceptable channel bed level of -1.9 m to -2.1 m AHD and below (i.e. a minimum functional water depth of 1.8 m)"*. The navigation requirements of 1.8 m functional water depth was determined based on the draught of 1.5 m for a 20 m power boat and an under keel clearance of 0.3 m.

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Following discussion in August 2012 WorleyParsons report Council decided to assess viability of navigation dredging to maintain an alternative minimum functional water depth of 3.0 m. This alternative depth was identified with a view to enable navigation for larger recreational and commercial vessels within the project area.

The report concluded that:

"If an alternative minimum functional water depth of 3.0 m were to be adopted, along with a required fairway width of 50 m to 100 m, dredging would be required at Sackville Ferry, Cattai Creek, Pitt Town Bottoms and Bens Point. Dredging in these areas would require planning approval and other licences."

"To achieve the 3.0 metres functional depth along the full study area, the entire length of the river would likely require dredging".

The WorleyParsons report, dated 17 August 2012 was considered by Council on 28 August 2012 when it was resolved:

"That:

- 1. The Hawkesbury River Dredging Investigations Report prepared by WorleyParsons dated 17 August 2012 be received and noted.*
- 2. Further work on this matter will proceed upon completion of the Estuary Management Plan currently being prepared by Council and due for completion and adoption by Council prior to September 2013."*

On 13 November 2012 at its meeting Council considered a Notice of Motion in relation to this matter and resolved:

"That:

- 1. Council investigate the dredging of the Hawkesbury River at the seven points previously identified as having a sediment build up.*
- 2. The \$46,000 previously allocated for this purpose be used to identify; volumes, types of dredged material and suitable storage locations.*
- 3. Council make application to the State Government for a licence to dredge before 30 September 2013."*

In accordance with part one and two of the 13 November 2012 resolution and as the next stage of the consultancy from March 2012, WorleyParsons consultants were instructed to carry out Pilot Sediment Core Sampling and Analysis at the seven priority locations. The sediment testing has generated baseline geochemical data and indicated that the sediments do not seem to be contaminated above environmental guideline concentrations.

In relation to part three of the 13 November 2012 resolution there is no single "licence to dredge", as there are a number of licences and approvals required to undertake dredging. There are licences or leases to use Crown Land (the river bed is Crown Land and requires a licence to use or occupy) that has a number of matters that need to be considered in that application.

The Council report of 28 August 2012 partly addressed the process and requirements for an application of a dredging licence. However, to further address part 3 of the 13 November Council resolution another report on the requirements for a licence application was presented to Council on 27 August 2013. This report described the fact that more than one licence is required and that there is significant investigation work required prior to making that application.

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At the Council meeting on 27 August 2013 it was resolved:

"That:

1. *Council receive and note the information in this report including the impacts of this on Council's resolution of 13 November 2012.*
2. *Part three of Council's resolution of 13 November 2012 be amended to the following:*
"Council continue to pursue the required information and approvals for the dredging of parts of the Hawkesbury river as previously identified by Council."
3. *Formal quotations be obtained from suitably qualified persons/companies to complete the work specified in Table 1 of this report.*
4. *Upon receipt of the quotations requested in part 3, a report on the full costing of the investigation work required for obtaining approval to dredge be brought to Council.*
5. *The matter be further discussed at the next available Briefing Session.*

At the Councillor Briefing Session of 15 October 2013 a range of investigations required and the preparation of a business case were discussed in relation to parts 3 and 4 of the 27 August 2013 resolution. It was agreed at this Briefing Session that the formal quotations could not be finalised until Council had defined matters such as dredging type, land base for processing, market for dredged product, etc. It was also agreed at the Briefing Session that to assist with this consideration a formal business case was to be prepared prior to obtaining formal quotations from contractors to undertake the work specified in the Table 1 of the report to Council.

Following competitive procurement process in November 2014 Council engaged WorleyParsons consultants to undertake the business case for the Hawkesbury River navigation dredging.

The objective of the business case preparation is to develop a business case/plan to determine the potential viability and the justification of resource investment in undertaking navigation dredging of the Hawkesbury River at seven identified priority locations between "The Breakaway" (upstream of Windsor Bridge) and Sackville Ferry.

The brief for the business case work required the following:

- A detailed business case for the proposed dredging works;
- Identification of dredging options i.e. dredging at seven priority locations and the entire river bed of the investigation area;
- Identification of potential dredging methods (mechanical e.g. grab bucket and hydraulic e.g. cutter suction);
- Assessment for dredge volumes and estimate of costs;
- Market demand for sediment and potential for income from the sale of the sediment to offset dredging costs;
- Identification of suitable location for land base dredging operation;
- Identification of key risks associated with the proposal and mechanisms to minimise these risks.

At the Councillor Briefing Session held on 2 June 2015, the WorleyParsons consultant presented the initial draft findings of the business case.

On 5 August 2015 a draft report titled "Navigation Dredging of the Hawkesbury River between 'The Breakaway' and Sackville Ferry Business Case" dated 31 July 2015, was received.

Explanation of Investigative terminology

The business case reports the findings of the investigations, including hydro-survey data analysis, dredge options and quantity and cost estimation to achieve a functional water depth of 3.0 metres.

Navigability assessment and dredging volume estimation is based on the hydro-survey or bathymetric data of the river bed. Understanding of the term "bathymetry" is critical to interpretation of the report findings. Hence, an explanation of the technical term bathymetry is noted below.

Bathymetry (*Bathymetric or Hydrographic survey*) is the study of underwater depth of lake or ocean floors. In other words, bathymetry is the underwater equivalent to topography. Bathymetric (or hydrographic) charts are typically produced to support safety of surface or sub-surface navigation, and usually show underwater riverbed or seafloor relief or terrain as contour lines (called depth contours).

This bathymetric data showing the underwater 'contours' of the riverbed profile is presented in Appendix A of the consultant's report.

Various survey techniques are used for Bathymetric survey including Echo Sounder. Echo Sounder is also routinely used by the Roads and Maritime Services (RMS) generally after a significant flood event to assess river bed level change along the navigable waterways and to adjust the navigation buoys and markers to ensure safe navigation. The RMS sounding survey is generally a for the purposes of moving navigation markers only and is not designed to be used for bathymetric evaluation for dredging investigations. Echo sounding for Bathymetric survey requires a more rigorous process, greater accuracy, survey reference points, and a high level of data quality control.

Navigation Dredging of the Hawkesbury River between 'The Breakaway' and Sackville Ferry Business Case - Draft Report by WorleyParsons dated 31 July 2015

Summary information of the Business Case Report dated 31 July 2015 prepared by WorleyParsons is presented below. The report documents the findings of the additional investigations to achieve a functional water depth of 3.0 metres along the seven priority locations as well as along the full length of the project area.

Methodology

The business case investigation analysed three sets of bathymetric data available from 2011, 1987 -1988 and 1978 -1980 surveys. The 1987 survey covers the upstream half of the project area between Windsor and Sandy Point. The 1978 survey covers the downstream half of the study area between Cattai Creek and Sackville Ferry. The 2011 Sydney Water survey data covers the full project area.

This data was used to create a three-dimensional model of the terrain of the river bed over the entire length of the study area to assess river bed and cross-section changes, navigability, sediment deposition and determine the dredge volume.

Nine dredging options were considered along the seven priority locations. In addition an option to dredge the entire river has also been assessed.

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The table below presents dredge options, chainage description and volumes of material (solid) associated with each of the options.

Option	Location Description	Volume of Dredge (m ³)	Start Chainage	End Chainage	Total Length (m)
BP1	Ben's Point	46,700	0	1500	1500
PT1	Pitt Town Bottoms	49,100	5700	7800	2100
SP1	Sandy Point (includes area into meander)	140,200	8450	10950	2500
SP2	Sandy Point (area at upstream of meander only)	32,700	8450	9500	1050
CC1	Cattai Creek	40,100	13300	14200	900
CC2	Cattai Creek (including additional area downstream)	87,000	13300	15650	2350
N/A	Ebenezer Church	No dredging required			
EC1	Ebenezer Church (area downstream of priority area, upstream of Sackville Gorge)	48,500	16500	18200	1700
SG1	Sackville Gorge	59,500	18300	19700	1400
N/A	Sackville Ferry	No dredging required			
SF1	Sackville Ferry (straight reach upstream)	173,900	28850	31200	2350
HR1	Entire Project area where functional depth is currently less than 3 m	830,700	0	31200	31200

Dredging Methods, Transportation, Dewatering and Disposal

The Cutter Suction Dredge or Training Suction Hopper Dredge method has been suggested as the most suitable dredging technique as dredging from the shoreline cannot be undertaken. Dewatering methods are likely to be required on shore at laydown areas to extract liquid from washing and screening of dredge material. The Consultant's report recommends that the methodology for dredging and dewatering be put to tender to ensure an innovative and the most cost effective approach is proposed.

Reuse of the dredged material is the most appropriate disposal method. There is potential to generate income from the sale of the dredge material for reuse which can offset dredging costs.

Previous work on pilot sediment sampling analysis results found contamination to be within the acceptable range in all core samples. The analysis also established that between 80 to 100 percent of the samples comprised of sand sized sediment. The dredge sediment appears to be suitable for reuse.

However, to produce saleable sand, the dredged material would require washing and screening. An on-site facility (or facilities) would be required to be established to undertake this work. This laydown and sediment processing facilities would ideally need to be located close to the river to allow for material transportation directly from transport barges or pipeline. The facility also must have adequate access for large road vehicles to remove sand for market and have sufficient area for dewatering, washing, screening and stockpiling of sand. Development approval for that facility would also be required.

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Preliminary Council investigation revealed that there is limited Council controlled land along the river foreshore and the tenderer or Council will need to acquire or enter into a land lease agreement for the duration of the dredging operation and sediment stockpile.

Market Conditions

Market price is largely affected by market demand, particularly within the local region. The 'gate price' is the sale price of dredge material after extraction and processing and is the price paid by users to the supplier. The gate price should exceed the sum of the following costs in order to generate a return from sale:

- cost of extracting the dredge material
- cost of processing the extracted dredge material
- royalty costs, fees, licences etc.
- transport costs.

Note: this does not consider the cost of the onsite facility or related approval processes.

Following is an estimate of additional costs associated with the sale of dredge material.

Item	Cost per m ³ (\$)	Cost per tonne (\$)
Royalties Payable to Crown Lands	\$0.45	\$0.70
Washing and Screening (including materials handling)	\$10.00	\$6.25
Longer term stockpiling (for later sale)	\$ 2.80	

Estimate of Costs

The cost estimates are based on 'WorleyParsons' experience with similar projects (*such as the dredging of Botany Bay in the vicinity of the Kurnell Refinery Wharf*), construction costs reference material (e.g. *'Rawlinson's Construction Handbook'*) and discussions with vendors and operators. A 40% contingency was added to the WorleyParsons estimate due to uncertainties in the rates and quantities.

In costing, WorleyParsons adopted a market price of \$25/m³ for the sale of the sediment. This rate is based on information presented in the Sydney Construction Sand Product Snapshot.

Costs associated with dredging can vary depending on the volume and nature of material to be extracted, as well as the end use of the extracted material. The cost estimates for each of the priority locations assumes that each area will be dredged independent of the others and as such separate costs for mobilisation and site establishment apply to each site. Summary cost for each dredge option investigated is presented in the table below:

Dredge Options	Location Description	Volume of Dredge Material (m ³)	Total Project Cost Estimate \$M	Revenue from Sale \$M	Net Cost \$M	Net Cost per m ³
BP1	Ben's Point	46,700	\$5.2	\$1.1	\$4.1	\$88
PT1	Pitt Town Bottoms	49,100	\$5.3	\$1.1	\$4.2	\$85
SP1	Sandy Point (includes area into meander)	140,200	\$8.0	\$2.3	\$5.6	\$40

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Dredge Options	Location Description	Volume of Dredge Material (m ³)	Total Project Cost Estimate \$M	Revenue from Sale \$M	Net Cost \$M	Net Cost per m ³
SP2	Sandy Point (area at upstream of meander only)	32,700	\$4.5	\$0.75	\$3.8	\$116
CC1	Cattai Creek	40,100	\$4.9	\$0.90	\$4.0	\$100
CC2	Cattai Creek (including additional area downstream)	87,000	\$7.2	\$2.0	\$5.2	\$60
N/A	Ebenezer Church	No dredging required				
EC1	Ebenezer Church (area downstream of priority area, upstream of Sackville Gorge)	48,500	\$5.3	\$1.1	\$4.2	\$87
SG1	Sackville Gorge	59,500	\$5.8	\$1.3	\$4.5	\$76
N/A	Sackville Ferry	No dredging required				
SF1	Sackville Ferry (straight reach upstream)	173,900	\$11.4	\$3.9	\$7.4	\$43
HR1	Entire Project area where functional depth is currently less than 3 m	830,700	\$40.7	\$18.6	\$22.1	\$27

A detailed cost breakdown is provided in Appendix F of the report. Cost items related to mobilisation and project set-up are amongst the largest component of the costs. Hence, the economies of scale associated with undertaking Dredging Option HR1 (entire project area) result in significant savings and cost efficiencies although the up-front capital cost of Option HR1 is substantial at a net cost of \$22.1M.

For most priority areas, the revenue from sale equates to about 15% to 25% of the total project cost. Assuming money made from sale is injected back into the project, savings in the total project costs of about 20% on average can be achieved for most of the priority areas.

However, if dredging of the entire study area were adopted, the improved efficiencies combined with the revenue from sales would result in a 45% saving on total project costs.

Funding Opportunities

Review of funding opportunities identified a potential funding opportunity under a low interest loan under a Public Reserves Management Fund Program and grant funding under the NSW Government's Rescuing our Waterways Program that supports the Sustainable Dredging Strategy.

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The NSW Government's Dredging Strategy supports projects to improve the accessibility and environmental health of the State's waterways. Under the program the successful applicant is required to provide 50% of the project cost plus project management fees.

In December 2014, Council submitted an application to the NSW Rescuing our Waterways Program for the completion of investigations, environmental assessments and necessary approvals to allow future dredging in the upper reaches of the Hawkesbury River. In March 2015 Council was advised by the Director of Infrastructure and Land Management, Crown Lands that due to strong interest in the program not all projects could be funded and that Council's project proposal for the Hawkesbury River was unsuccessful. Council could resubmit an application for the completion of dredging investigations as and when the NSW Government announces the next round of funding application under the Rescuing our Waterways Program.

Environmental and Social Costs and Benefits of Dredging

Some areas of the river retain significant natural values, in particular around Sackville Gorge. The River is an important natural feature of the Hawkesbury and highly regarded for its aesthetics and role in the local ecosystem. Social benefits associated with increased navigability will allow for increased tourism and leisure uses as well as potentially allowing for larger commercial vessels to use the river. While dredging activities have the potential to have adverse effects on the surrounding areas, careful planning of dredging projects can also allow for opportunity to provide environmental, social and economic benefits.

An environmental assessment of a dredging activity is required before a dredging licence can be approved.

Key Findings of the Report

Investigations for the business case report have established that there are areas of the Hawkesbury River between The Breakaway and Sackville Ferry where functional water depths are less than 3.0 metres and fairway widths are less than 100 metres. In fact, there are some areas where the fairway width is less than 50 metres.

Therefore, if safe navigation is to be defined by the provision of a fairway width of 100 metres and a functional depth of 3.0 metres dredging could be considered in some areas.

The investigation has involved the development of a business case to support dredging where it is warranted. The business case has considered the volume of material that would need to be dredged to achieve the specified navigation criteria. It also assessed the costs associated with undertaking dredging and associated works and any revenue that might be able to be secured from the sale of dredged material in the Sydney market.

The business case has focussed on the seven priority areas, in addition it has also considered other locations within the study area where dredging could be undertaken including the option of dredging the entire project area. The options with the greatest potential that could be supported from a business case perspective are as follows:

- Option SP1 - Sandy Point (full meander)
 - Dredge Volume = 140,200 m³
 - Net Project Cost = \$5.6M
 - Net Cost per m³ = \$40
- Option CC2 - Cattai Creek plus downstream meander
 - Dredge Volume = 87,000 m³
 - Net Project Cost = \$5.2M
 - Net Cost per m³ = \$60

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- Option SF1 - Straight reach leading into Sackville Ferry priority area
 - Dredge Volume = 173,900 m³
 - Net Project Cost = \$7.4M
 - Net Cost per m³ = \$43

In each case, the "Net Cost" includes an allowance for the revenue that would be secured from the sale of the sand component of the dredged material.

Dredging of the entire study area (referred to as Option HR1) is estimated to involve the removal of about 830,000 m³ of material. This is estimated to cost \$40.7M, but would deliver revenue associated with the sale of sand amounting to \$18.6M. Hence, the net cost of the project is estimated at \$22.1M which equals to \$27/ m³.

The business case assessment also established the following:

1. No profit can be made from the "total" project.
2. Sale of dredge material could fund 15% to 25% of the project cost in the case of individual priority areas. This increases to 45% in the case of undertaking dredging over the entire length of the study area.
3. The governing factors that influence financial viability are:
 - a) Mobilisation and preliminary costs are significant due to the need to have multiple extraction and stockpile locations along 35 kilometres of the river;
 - b) cost associated with disposal of waste is significant (assumed that 10% of dredge material is unsuitable and will be disposed at landfill);
 - c) the larger the volume that can be dredged over one period the larger the % savings of the total project cost which can be made through revenue from saleable material;
 - d) local land based sand extraction areas exist nearby at Maroota, Calga and Somersby, and serve to provide competition that may impact on the potential sale price for sand that could be dredged from the river. These land based operations typically operate at a lower overhead than a water based extractive industry and thereby reduce the viability of the water based extraction.

It is recommended that the following actions in relation to pursuing dredging operations be undertaken:

- Council allocate \$150,000 to pursue preparation of Environmental Assessment, additional sediment sampling and survey, planning approvals, Crown Land Licence, Fisheries permit, POEO Act licence, EPA consent and other permits and approvals identified in the Environmental Assessment.
- Prepare tender documentation, subject to dredging licence and associated approvals, for further consideration of an Expression of Interest (EOI) process to test the business case assumptions on one of the identified areas. This would be the subject of a further report to Council prior to proceeding with the EOI process.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Directions statements;

- To look after our cultural and environmental assets for future generations so that they too can enjoy and benefit from a clean River and natural eco-systems, rural and cultural landscape.

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

- Facilitate ecologically sustainable development through the retention and long term management of natural assets.

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Financial Implications

Funding in the order of \$150,000 would be required should Council wish to pursue the environmental assessment and submission of an application for dredging licence and associated permits.

Conclusion

The consultant's draft report indicates that whilst there may be some public benefit in improving the navigability in the Hawkesbury River there is unlikely to be profitable return due to high establishment, de-establishment and monitoring costs associated with dredging operation and limited rate of return on investment. In this regard the basic economic business case for river dredging is not economically viable for Council to pursue.

However, from previous resolutions it is evident that Council may wish to pursue this matter further to verify the business case. Assuming that this is Council's wish, this report recommends a combination of; lobbying of State Authorities (RMS) to undertake dredging in nominated areas as the river is owned by the Crown; and progress to obtain the necessary approvals and licences for one dredging location and 'test' the viability via a Tender or Expression of Interest process.

RECOMMENDATION:

That:

1. Council receive and note the *Navigation Dredging of the Hawkesbury River between 'The Breakaway' and Sackville Ferry Business Case - Draft Report* by WorleyParsons dated 31 July 2015.
2. Council lobby the RMS to undertake the navigation dredging based on investigation work undertaken by Council.
3. Council continue to pursue other levels of government for funding for dredging activity and actions as outlined in this report.

ATTACHMENTS:

- AT - 1** *Navigation Dredging of the Hawkesbury River between 'The Breakaway' and Sackville Ferry Business Case - Draft Report* by WorleyParsons dated 31 July 2015 - (Distributed Under Separate Cover)

oooO END OF REPORT Oooo

Item: 176

CP - Request to Revoke Dangerous Dog Declaration - (95498, 96330, 89744)

REPORT:

Executive Summary

An application to revoke a Dangerous Dog Declaration under Section 39(1) of the Companion Animals Act previously issued by Council, has been received from Ms Annette Sinclair.

Under the provisions of the Companion Animals Act, the owner of a dog that has been declared dangerous can apply to the Council of the area in which the dog is ordinarily kept (whether or not it is the Council that made the declaration) for the declaration to be revoked. The application cannot be made until 12 months after the dog was declared dangerous.

It is proposed that the Dangerous Dog Declaration, the subject of this report, be revoked.

Consultation

Discussions with, and a report from, Council's Companion Animal Officers has confirmed that there have been no issues with the offending dog since the dog was declared dangerous in January 2013, and the dog's owner had put all legislative requirements of owning a dangerous dog in place whilst the Order was in place.

The dog has undergone a temperament assessment by Dr Zammit, a qualified assessor, on 16 June 2014.

Background

Council placed the Dangerous Dog Declaration on the dog, a desexed Great Dane, approximately two years ago.

The Order was placed in response to a report of the dog being aggressive and intimidating to a local resident in the area whilst walking past the dog's registered address.

There was a risk identified to the residents in the area because of this behaviour and the frequency of the dog not being contained within the confines of the property, which led to the Dangerous Dog Declaration being issued.

The dog has undergone a behavioural assessment within the last two years which was carried out by Dr Zammit who has advised that the dog does not have any anti-social behaviour tendencies and is considered stable.

During the temperament assessment processes, the dog was subjected to similar situations that previously would trigger the attack responses from the dog. During these tests the dog did not show signs of aggression or previous behavioural problems.

The report from Dr Zammit concluded that the dog, when subjected to numerous forms of stressors under various environmental conditions, is no longer considered a threat to the community.

Furthermore the owner of the dog Ms Annette Sinclair has informed Council that she is moving to a more secure location, where the yard is fully fenced, in an area where there is no road frontage and is quite isolated.

The dog has not been involved in an incident since the Dangerous Dog Declaration was issued, and as part of legislative requirements an appeal can be lodged after 12 months of a Dangerous Dog Order being issued.

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Section 9.7.2. of the 2010 Guideline on the Exercise of Functions under the Companion Animals Act stipulates that a Dangerous Dog Declaration can only be revoked by a resolution of Council.

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

There are no financial implications associated with this report.

RECOMMENDATION:

That:

1. The Dangerous Dog Declaration placed on the dog (a Great Dane) owned by Ms Annette Sinclair, be revoked.
2. In accordance with the requirements of the Companion Animals Act, Council will notify the Deputy Director General of the revocation within seven days of its decision.
3. The applicant be notified in writing of the revocation of the Dangerous Dog Order.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 27 October 2015

INFRASTRUCTURE SERVICES

Item: 177 **IS - Exclusive Use of Governor Phillip Reserve - USA vs Australia B.A.D. Power Boat Challenge Race - (95495, 79354, 73829)**

REPORT:

Executive Summary

An application has been received from the Upper Hawkesbury Power Boat Club to hold an 'exclusive use' event at Governor Phillip Reserve. The Upper Hawkesbury Power Boat Club is seeking the dates of Saturday, 16 January and Sunday, 17 January 2016 for the USA vs Australia B.A.D. Power Boat Challenge Race.

This event will be run in the same format as the annual Upper Hawkesbury Power Boat Club's Power Boat Spectacular with the addition of competitors from the USA. These events create positive flow on benefits to the community, and it is recommended that exclusive use of the reserve be granted.

Consultation

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

Background

There are a number of exclusive use events that are held at Governor Phillip Reserve over the year. The Two Day Spectacular is one of these events and this year they have competitors from the USA. They are calling the event the USA vs Australia B.A.D. Power Boat Challenge Race.

The Upper Hawkesbury Power Boat Club is seeking the dates of Saturday, 16 January and Sunday, 17 January 2016 for their USA vs Australia B.A.D. Power Boat Challenge Race.

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

The Plan of Management for the Windsor Foreshore Parks allows for these types of activities to occur.

These events raise the profile of the Hawkesbury region and increase visitation with benefits to the business community and it is recommended that exclusive use be granted to Upper Hawkesbury Power Boat Club.

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

Income will be generated through user charges for use of the Reserve in accordance with the 2015/2016 Adopted Operational Plan.

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RECOMMENDATION:

That:

1. Approval be granted to the Upper Hawkesbury Power Boat Club for “exclusive use” of Governor Phillip Reserve for the 2016 USA vs Australia B.A.D. Power Boat Challenge Race to be held on Saturday, 16 January and Sunday, 17 January 2016.
2. The approvals 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) the Governor Phillip Exclusive Use Policy
 - e) the Governor Phillip Noise Policy
 - f) a Traffic Management Plan which has been approved as part of the Special Event Application.
3. As the applicant has 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 applicant.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 27 October 2015

Item: 178

IS - Rural Fire Service Bid and Estimates 2016/2017 - Hawkesbury District - (95495, 79016, 73835)

REPORT:

Executive Summary

Council provides funding contributions to the NSW Rural Fire Service (RFS) through both a statutory charge and additional discretionary funding to support the operation of the district service and facilities.

Hawkesbury RFS seeks Council endorsement of its budget submissions for the next financial year at this time of year in order to align with the State Budget process. Council's contribution to the funding of the RFS has grown significantly in recent years, reflecting increased resourcing provided State wide to address bushfire management. Council's statutory share of the cost is 11.7% of the total, with the 2016/2017 bid representing a total Council contribution of \$737,357. This contribution is however subject to the actual allocations approved by the NSW RFS.

This report recommends the endorsement of the proposed budget to enable submission to the State Government for their budget determination.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy, however will be subject to public exhibition as part of the 2016/2017 Operational Plan.

Background

Under the provisions of the Rural Fires Act 1997, Local Government provides a statutory contribution to the cost of the NSW RFS. Additional statutory contributions are also made to NSW Fire and Rescue as well as the State Emergency Service.

Hawkesbury RFS has submitted its estimates for the 2016/2017 financial year for Council's consideration. The attached estimates consist of two components, the Rural Fire Fighting Fund (RFFF) bid, which is submitted to the NSW RFS, and a 'Council Bid' which is presented to Council for consideration. Council is statutorily required to contribute 11.7% of the RFFF budget. The 'Council Bid' component is discretionary and it is for Council to determine the appropriate funding commitment. There is also an amount identified as 'Provided by Council' which is the cost identified directly related to the Service Level Agreement between Council and the RFS which includes insurance of stations (\$10,000) and Council rates (\$12,500), totalling \$22,500.

The 2016/2017 RFFF estimates include a bid for a major program of tanker replacement at a cost of \$1.46M. The total RFFF bid is \$2.397M.

Additional to this component of the RFFF bid is the contribution to State wide programs and insurances and this has been estimated at an amount of \$2M. Reimbursement of Council's 11.7% contribution to these program charges for the previous year is sought as part of the budget process and this has been included within the documentation.

The submission also includes an additional Council funding component for a range of programs at a cost of \$235,000.

Overall the total Council contribution sought is \$737,357. It should be noted that the estimated Council contribution is dependent on the success of the bid for this level of RFFF funding.

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Council has not yet been advised of the approved funding for Hawkesbury RFS for the current 2015/2016 year.

For 2016/2017, confirmation of funding will be undertaken as part of Council's budget process.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

- Upgrade the necessary physical infrastructure and human services to meet contemporary needs and expectations.

Financial Implications

Consideration of funding will be required as part of the 2016/2017 budget preparation. Should the bid be accepted / approved in its entirety, the total cost to Council is estimated at \$737,357.

Council's costs are subject to external decisions made by the NSW RFS and actual costs are only known when the approved allocations are made by the NSW RFS.

RECOMMENDATION:

That the 2016/2017 Rural Fire Fighting Fund estimates as submitted by the Hawkesbury Rural Fire Service be endorsed in principle to enable submission to the NSW RFS for consideration.

ATTACHMENTS:

AT - 1 Rural Fire Service Estimates 2016/2017

ORDINARY MEETING

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AT - 1 Rural Fire Service Estimates 2016/2017

HAWKESBURY RURAL FIRE DISTRICT BID & ESTIMATES 2016-2017			
ACTION	RFS BID	COUNCIL BID	PROVIDED BY COUNCIL
Mtce & Repairs - Stations/Equipment Sheds (Station maintenance & repair)	\$25,000.00		
Mtce & Repairs - Radio (Radio repairs)	\$10,000.00		
Mtce & Repairs - Petrol/Oil (Fuel)	\$60,000.00		
Mtce & Repairs - Vehicles (Vehicle maint & repair)	\$75,000.00	\$25,000.00	
Telephone Charges - Telephone Fixed	\$22,000.00		
Telephone Charges - Telephone Mobile	\$3,000		
Electrical Tagging & Fire Extinguisher Maint		\$10,000.00	
Part Time Wages - Cleaning		\$25,000.00	
Wages - Casual		\$45,000.00	
Printing & Stationery		\$20,000.00	
Equipment (Council General)		\$12,000.00	
Catering		\$15,000.00	
Group Officer vehicle replacement (2)		\$50,000.00	
Field Day		\$15,000.00	
Training		\$18,000.00	
Council rates			\$12,500.00
Insurance stations			\$10,000.00
GRN radio access fees	\$145,795.00		
Insurance Red Fleet	\$69,032.00		
Radio Base Station Site Fees	\$16,000.00		
Electricity & Water - stations	\$50,000.00		
Electricity & Water - Fire Control / WOOSH / Wilberforce Station / Stores			
Staff vehicle changeovers	\$29,000.00		
Personnel Carrier	\$59,000.00		
Computer replacements	\$1,700.00		
Travel expenses	\$3,000.00		
Vehicle running costs	\$40,300.00		
Staff Phones	\$6,000.00		
Network Provision (Communications Platform)	\$3,248.00		
PPE (inc CABA)	\$115,000.00		
Tanker Replacement Programme (inc. trade-ins)	\$1,460,450.00		
Other Firefighting Equipment (inc CABA)	\$115,000.00		
Community Safety	\$2,000.00		
Information Services & GIS Contribution	\$86,362.00		
TOTALS	\$2,396,887.00	\$235,000.00	\$22,500.00
Plus RFS Staff Wages	\$837,438.00		
TOTAL	\$3,234,325.00		
Plus RFS Programme Charges (EST)	\$2,000,000.00		
TOTAL	\$5,234,325.00		
Reimbursement of Council Programme Charges [15/16]	\$150,123.00		
TOTAL BID to RFS (EST)	\$5,384,448.00		
Councils Statutory Contribution 11.7% (EST) [16/17]		\$629,980.42	
COUNCIL CONTRIBUTION (EST)		\$887,480.42	
Less Reimbursement of 11.7% [15/16] Programme Charges(EST)		\$150,123.00	
TOTAL COUNCIL CONTRIBUTION (EST)		\$737,357.42	

oooO END OF REPORT Oooo

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SUPPORT SERVICES

Item: 179

SS - Monthly Investments Report - September 2015 - (96332, 95496)**REPORT:****Executive Summary**

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

This report indicates that Council held \$47.70 million in investments as at 30 September 2015.

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 \$47.70 million in investments as at 30 September 2015. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
CBA	A1+	AA-			1.75%	3,900,000	8.18%	
Total On-call Investments								3,900,000
Term Investments								
ANZ	A1+	AA-	06-Aug-15	04-Nov-15	3.00%	1,500,000	3.14%	
ANZ	A1+	AA-	19-Aug-15	18-Nov-15	2.90%	3,000,000	6.29%	
ANZ	A1+	AA-	26-Aug-15	16-Dec-15	2.90%	1,000,000	2.10%	
ANZ	A1+	AA-	26-Aug-15	13-Jan-16	2.90%	1,000,000	2.10%	
ANZ	A1+	AA-	02-Sep-15	27-Jan-16	2.95%	1,500,000	3.14%	
ANZ	A1+	AA-	26-Aug-15	17-Feb-16	2.90%	1,000,000	2.10%	
ANZ	A1+	AA-	02-Sep-15	27-Apr-16	2.90%	1,000,000	2.10%	
ANZ	A1+	AA-	02-Sep-15	27-Apr-16	2.90%	1,000,000	2.10%	
ANZ	A1+	AA-	19-Aug-15	15-Jun-16	2.95%	2,000,000	4.19%	
ANZ	A1+	AA-	19-Aug-15	17-Aug-16	2.95%	2,000,000	4.19%	
Bankwest	A1+	AA-	14-May-15	21-Oct-15	3.00%	1,500,000	3.14%	
Bankwest	A1+	AA-	08-Jul-15	04-Nov-15	2.90%	1,000,000	2.10%	
CBA	A1+	AA-	19-Mar-15	21-Oct-15	3.05%	1,000,000	2.10%	
CBA	A1+	AA-	01-Apr-15	02-Oct-15	2.98%	2,000,000	4.19%	
CBA	A1+	AA-	08-Apr-15	07-Oct-15	3.02%	1,000,000	2.10%	
CBA	A1+	AA-	08-Apr-15	07-Oct-15	3.02%	500,000	1.05%	

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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-	03-Oct-14	07-Oct-15	3.59%	1,000,000	2.10%	
NAB	A1+	AA-	15-Oct-14	07-Oct-15	3.60%	500,000	1.05%	
NAB	A1+	AA-	06-May-15	13-Jan-16	2.93%	1,000,000	2.10%	
NAB	A1+	AA-	06-May-15	13-Jan-16	2.93%	1,000,000	2.10%	
NAB	A1+	AA-	24-Feb-15	24-Feb-16	3.15%	1,000,000	2.10%	
NAB	A1+	AA-	24-Feb-15	24-Feb-16	3.15%	1,000,000	2.10%	
NAB	A1+	AA-	27-Feb-15	02-Dec-15	3.14%	2,000,000	4.19%	
NAB	A1+	AA-	04-Mar-15	02-Mar-16	3.13%	2,000,000	4.19%	
NAB	A1+	AA-	06-May-15	04-May-16	2.93%	2,000,000	4.19%	
NAB	A1+	AA-	08-Jul-15	06-Jul-16	3.00%	2,000,000	4.19%	
Westpac	A1+	AA-	04-Feb-15	04-Feb-16	3.40%	1,000,000	2.10%	
Westpac	A1+	AA-	27-May-15	02-Mar-16	3.05%	1,300,000	2.73%	
Westpac	A1+	AA-	20-May-15	16-Mar-16	3.05%	2,000,000	4.19%	
Westpac	A1+	AA-	02-Jun-15	30-Mar-16	3.05%	2,000,000	4.19%	
Westpac	A1+	AA-	10-Jun-15	06-Apr-16	3.05%	2,000,000	4.19%	
Total Term Investments								43,800,000
TOTAL INVESTMENT AS AT 30 September 2015								47,700,000

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	3,900,000	1.75%	Reserve Bank Cash Reference Rate	2.00%	-0.25%
Term Deposit	43,800,000	3.02%	UBS 90 Day Bank Bill Rate	2.18%	0.84%
Total	47,700,000	2.92%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions - S94	7,016,002
External Restrictions - Other	4,316,298
Internal Restrictions	24,485,281
Unrestricted	11,882,419
Total	47,700,000

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

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

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

Investment Commentary

The investment portfolio increased by \$1.80 million during the month of September 2015. The movement was the net result of income and expenditure, and surplus of cash available for investment from the previous month. During September 2015, income was received totalling \$6.72 million, including rate payments amounting to \$3.97 million, while payments to suppliers and staff costs amounted to \$7.48 million.

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

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

As at 30 September 2015, Council's investment portfolio is all invested with major Australian trading banks or wholly owned subsidiaries of major Australian trading banks and in line with Council's Investment Policy.

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

Council's investment portfolio complies with Council's Investment Policy, adopted on 30 June 2015.

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:

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

Financial Implications

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

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RECOMMENDATION:

The report regarding the monthly investments for September 2015 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 180 **SS - Code of Conduct Complaints Statistics Report - 1 September 2014 to 31 August 2015 - (95496)**

Previous Item: 3, Ordinary (5 February 2013)

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 Office of Local Government (OLG).

The purpose of this report is to submit the required Code of Conduct complaints statistics for the period from 1 September 2014 to 31 August 2015.

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 OLG.

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 then NSW Division of Local Government, 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 OLG. 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,*

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- f) *without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,*
- 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 2014 to 31 August 2015:

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.	5
b) The number of code of conduct complaints referred to a conduct reviewer.	2
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
d) The number of code of conduct complaints investigated by a conduct reviewer.	2 (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.	1 complaint - Breach of the Code was found and counselling recommended. 1 complaint - Ongoing at reporting date.
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.	Total Cost (including staff costs) = Approximately \$11,090 (excl. GST where relevant) Note: 1 complaint ongoing at reporting date.

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

Conformance to the Hawkesbury Community Strategic Plan

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

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

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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 2014 to 31 August 2015, be noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 181**SS - Disclosure of Interest Returns - Councillors and Designated Persons - (95496, 96333)**

REPORT:**Executive Summary**

The Local Government Act, 1993 (the Act) details the statutory requirements in respect of the lodgement of Returns disclosing interests of 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 these Returns, lodged with the General Manager, have been tabled.

Consultation

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

Background

Section 450A of the Local Government Act, 1993 relates to the register of Returns disclosing interests of Councillors and Designated Persons 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).

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

Councillor	Return Period	Date Lodged
Clr Barry Calvert	01/07/2014–30/06/2015	11/08/2015
Clr Patrick Conolly	01/07/2014–30/06/2015	25/08/2015
Clr Michael Creed	01/07/2014–30/06/2015	30/09/2015
Clr Kim Ford	01/07/2014–30/06/2015	25/08/2015
Clr Mary Lyons-Buckett	01/07/2014–30/06/2015	28/07/2015
Clr Warwick Mackay	01/07/2014–30/06/2015	02/09/2015
Clr Christine Paine	01/07/2014–30/06/2015	25/08/2015
Clr Robert Porter	01/07/2014–30/06/2015	28/07/2015
Clr Paul Rasmussen	01/07/2014–30/06/2015	31/07/2015
Clr Jill Reardon	01/07/2014–30/06/2015	31/07/2015
Clr Tiffany Tree	01/07/2014–30/06/2015	25/08/2015
Clr Leigh Williams	01/07/2014–30/06/2015	25/08/2015

Position	Return Period	Date Lodged
General Manager	01/07/2014–30/06/2015	09/07/2015
Manager Human Resources	01/07/2014–30/06/2015	20/07/2015
Human Resources Coordinator	01/07/2014–30/06/2015	24/08/2015
Manager Corporate Communications	01/07/2014–30/06/2015	13/07/2015
Manager Risk Management	01/07/2014–30/06/2015	09/07/2015
Senior Strategic Planner	01/07/2014–30/06/2015	27/07/2015
Internal Auditor	01/07/2014–30/06/2015	10/07/2015
Director City Planning	01/07/2014–30/06/2015	14/07/2015
Manager Strategic Planning	01/07/2014–30/06/2015	10/08/2015
Strategic Planning Coordinator	01/07/2014–30/06/2015	25/08/2015
Senior Strategic Environmental Planner	01/07/2014–30/06/2015	16/07/2015
Senior Strategic Land Use Planner	01/07/2014–30/06/2015	31/07/2015
Senior Strategic City Planner	01/07/2014–30/06/2015	13/07/2015
Senior Strategic Asset Planner	01/07/2014–30/06/2015	04/08/2015
Development Services Manager	08/09/2014 – 30/06/2015	18/08/2015
Subdivision and Development Engineer	01/07/2014–30/06/2015	14/07/2015
Town Planning Coordinator	01/07/2014–30/06/2015	25/08/2015
Senior Town Planner	01/07/2014–30/06/2015	28/08/2015
Senior Town Planner	01/07/2014–30/06/2015	20/07/2015
Town Planner	01/07/2014–30/06/2015	09/07/2015

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Position	Return Period	Date Lodged
Town Planner	01/07/2014–30/06/2015	09/07/2015
Town Planner	01/07/2014–30/06/2015	09/07/2015
Town Planner (Maternity Relief)	01/07/2014–30/06/2015	03/09/2015
Building Coordinator	01/07/2014–30/06/2015	13/07/2015
Senior Building and Development Officer	01/07/2014–30/06/2015	17/07/2015
Senior Building and Development Officer	01/07/2014–30/06/2015	03/08/2015
Building and Development Officer	01/07/2014–30/06/2015	20/07/2015
Building and Development Officer	08/07/2014 – 30/06/2015	10/07/2015
Manager Environment and Regulatory Services	01/07/2014–30/06/2015	22/07/2015
Environmental Health Coordinator	01/07/2014–30/06/2015	14/07/2015
Environmental Health Officer	01/07/2014–30/06/2015	24/08/2015
Environmental Health Officer	01/07/2014–30/06/2015	07/08/2015
Environmental Health Officer	01/07/2014–30/06/2015	09/07/2015
Environmental Health Officer	28/07/2014 – 30/06/2015	24/08/2015
SMF Program Coordinator	01/07/2014–30/06/2015	27/08/2015
Technical Officer SMF	01/07/2014–30/06/2015	21/08/2015
Technical Officer SMF	01/07/2014–30/06/2015	21/07/2015
Companion Animals Coordinator	01/07/2014–30/06/2015	13/07/2015
Companion Animals Controller	01/07/2014–30/06/2015	13/07/2015
Companion Animals Controller	01/07/2014–30/06/2015	13/07/2015
Administration Officer	01/07/2014–30/06/2015	13/07/2015
Compliance and Enforcement Coordinator	01/07/2014–30/06/2015	22/07/2015
Compliance and Enforcement Officer	01/07/2014–30/06/2015	14/07/2015
Compliance and Enforcement Officer	01/07/2014–30/06/2015	23/07/2015
Compliance and Enforcement Officer	01/07/2014–30/06/2015	07/09/2015
Parking Patrol Officer	01/07/2014–30/06/2015	11/08/2015
Parking Patrol Officer – Casual	01/07/2014–30/06/2015	27/07/2015
Director Infrastructure Services	01/07/2014–30/06/2015	27/07/2015
Manager Building and Associated Services	01/07/2014–30/06/2015	16/09/2015
Building Services Coordinator	01/07/2014–30/06/2015	27/07/2015
Building Services Officer	01/07/2014–30/06/2015	21/07/2015
Building Services Officer	01/07/2014–30/06/2015	14/07/2015
Communications Engineer	01/07/2014–30/06/2015	27/07/2015
Manager Construction and Maintenance	01/07/2014–30/06/2015	22/07/2015
Construction and Maintenance Engineer	01/07/2014–30/06/2015	19/08/2015

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Position	Return Period	Date Lodged
Asset Management Systems Engineer	01/07/2014–30/06/2015	16/07/2015
Manager Parks and Recreation	01/07/2014–30/06/2015	10/07/2015
Land Management Officer	01/07/2014–30/06/2015	21/07/2015
Parks Project Officer	01/07/2014–30/06/2015	14/07/2015
Parks Supervisor	01/07/2014–30/06/2015	28/07/2015
Richmond Swimming Pool Superintendent	01/07/2014–30/06/2015	02/09/2015
Manager Waste Management	01/07/2014–30/06/2015	13/07/2015
Technical Officer Trade Waste	01/07/2014–30/06/2015	27/07/2015
Wastewater Management Project Engineer	01/07/2014–30/06/2015	27/07/2015
Waste Management Coordinator	01/07/2014–30/06/2015	09/07/2015
Manager Design and Mapping Services	01/07/2014–30/06/2015	03/08/2015
Design Investigation Coordinator	01/07/2014–30/06/2015	13/07/2015
Design Engineer	01/07/2014–30/06/2015	21/07/2015
Project Engineer	01/07/2014–30/06/2015	16/07/2015
Project Engineer	01/07/2014–30/06/2015	30/09/2015
Spatial Information Coordinator	01/07/2014–30/06/2015	13/07/2015
Director Support Services	01/07/2014–30/06/2015	16/07/2015
Manager Corporate Services and Governance	01/07/2014–30/06/2015	14/07/2015
Property Services Coordinator	01/07/2014–30/06/2015	18/08/2015
Property Officer	01/07/2014–30/06/2015	29/07/2015
Property Officer	01/07/2014–30/06/2015	09/07/2015
Publishing Manager	01/07/2014–30/06/2015	14/07/2015
Chief Financial Officer	01/07/2014–30/06/2015	28/08/2015
Deputy Chief Financial Officer	01/07/2014–30/06/2015	10/07/2015
Restorations Officer	14/07/2014 – 30/06/2015	22/07/2015
Financial Accountant	01/07/2014–30/06/2015	28/08/2015
Rates Team Leader	01/07/2014–30/06/2015	10/07/2015
Supply Coordinator	01/07/2014–30/06/2015	13/08/2015
Procurement Officer	01/07/2014–30/06/2015	21/07/2015
Procurement Officer	01/07/2014–30/06/2015	22/07/2015
Information Services Manager	01/07/2014–30/06/2015	22/07/2015
Corporate Systems and Database Administrator	01/07/2014–30/06/2015	28/08/2015
Senior Network Administrator	01/07/2014–30/06/2015	18/08/2015
Manager Cultural Services	01/07/2014–30/06/2015	14/07/2015
Library Coordinator	01/07/2014–30/06/2015	16/07/2015

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Position	Return Period	Date Lodged
Community History Librarian	01/07/2014–30/06/2015	27/08/2015
Customer Service Librarian	01/07/2014–30/06/2015	15/07/2015
Museum and Gallery Director	01/07/2014–30/06/2015	15/09/2015
Museum and Gallery Director	01/07/2014–30/06/2015	14/07/2015
Visitor Information Centre Coordinator	01/07/2014–30/06/2015	03/08/2015
Executive Manager Community Partnerships	01/07/2014–30/06/2015	18/08/2015
Community Program Coordinator	01/07/2014–30/06/2015	05/08/2015
Customer Service Manager	01/07/2014–30/06/2015	28/07/2015
Customer Service Team Leader	01/07/2014–30/06/2015	27/08/2015

The above Councillors and Designated Persons have lodged their Section 449(3) Returns prior to the due date of 30 September 2015, as required by the Act, for the receipt of the Returns.

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

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

- 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

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Item: 182

SS - Exemption from Rating - 378 Windsor Street, Richmond, 55 Windsor Street, Richmond and 57 Windsor Street, Richmond - (96332, 95496, 22933)

REPORT:

Executive Summary

A rating exemption may be sought by an individual or organisation based on certain criteria as set out in the Local Government Act, 1993 (the Act).

The Act stipulates the criteria required to be met for a rating exemption to apply. Section 556 (1)(h) of the Act stipulates that land that belongs to a public benevolent institution or public charity, and is used or occupied by the institution or charity for the purposes of the institution or charity, is exempt from all rates, other than water supply special rates and sewerage special rates.

An application has been received from New Haven Farm Home Ltd requesting an exemption from rating for the following properties: 378 Windsor Street, Richmond; 55 Windsor Street, Richmond and 57 Windsor Street, Richmond.

This report recommends that Section 556(1)(h) of the Act is applied to the rating exemption sought for the properties detailed above.

Consultation

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

Background

An application has been received from New Haven Farm Home Ltd (the owner of the properties) requesting an exemption from rating for the properties known as 378 Windsor Street, Richmond (Lot 1 DP 626775), 55 Windsor Street, Richmond (Lot Y DP 383922) and 57 Windsor Street, Richmond (Lot X DP 383922).

New Haven Farm Home Ltd is a registered charity catering for the needs of people with an intellectual disability by providing accommodation and community support within the Hawkesbury.

The property at 378 Windsor Street, Richmond consists of two villas. The villas were occupied as from 14 July 2015.

The properties at 55 Windsor Street, Richmond and 57 Windsor Street, Richmond consist of three villas. The villas were occupied as from 11 September 2015.

The application for rating exemption is made in accordance with Section 556(1)(h) of the Act which provides as follows:

"S556 What land is exempt from all rates?

- (1) *The following land is exempt from all rates, other than water supply special rates and sewerage special rates:*
 - (h) *land that belongs to a public benevolent institution or public charity and is used or occupied by the institution or charity for the purposes of the institution or charity."*

ORDINARY MEETING

Meeting Date: 27 October 2015

Conformance to the Hawkesbury Community Strategic Plan

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

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

Funding

This report recommends the abandonment of a total amount of \$3,103.62 for the three properties referred to in this report. This amount will be funded from Service 120 - Rating Services within the 2015/2016 Adopted Operational Plan, but will subsequently be recovered through the notional yield calculation for 2016/2017.

RECOMMENDATION:

That:

1. New Haven Farm Home Ltd be granted an exemption from rating, in accordance with Section 556(1)(h) of the Local Government Act 1993, for the property known as 378 Windsor Street, Richmond (Lot 1 DP 626775). The exemption to apply, commencing from 1 July 2015, and the amount of \$1,644.94, be abandoned in respect of rates for the 2015/2016 rating year.
2. New Haven Farm Home Ltd be granted an exemption from rating, in accordance with Section 556(1)(h) of the Local Government Act 1993, for the property known as 55 Windsor Street, Richmond (Lot Y DP 383922). The exemption to apply commencing from 1 October 2015, and the amount of \$729.34, be abandoned in respect of rates for the 2015/2016 rating year.
3. New Haven Farm Home Ltd be granted an exemption from rating, in accordance with Section 556(1)(h) of the Local Government Act 1993, for the property known as 57 Windsor Street, Richmond (Lot X DP 383922). The exemption to apply commencing from 1 October 2015, and the amount of \$729.34, be abandoned in respect of rates for the 2015/2016 rating year.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ordinary

section 4

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 4 - Reports of Committees

ROC **Hawkesbury Access and Inclusion Advisory Committee - 27 August 2015 - (124569, 96328)**

The meeting commenced at 4pm.

Present: Mr Alan Aldrich, Community Representative
 Ms Debbie Court, Community Representative
 Mr Desmond Crane, Community Representative
 Ms Melanie Oxenham, Community Representative
 Ms Kate Barlow, District Health Service Representative
 Councillor Barry Calvert, Hawkesbury City Council
 Councillor Leigh Williams, Hawkesbury City Council

Apologies: Mr Ken Ferris, Community Representative
 Mr Gary London, Community Representative
 Ms Carolyn Lucas, Community Representative
 Ms Mary-Jo McDonnell, Community Representative
 Mr Robert Bosshard, Community Representative

In Attendance: Joseph Litwin - Executive Manager - Community Partnerships
 Meagan Ang - Community Development Co-ordinator
 Jan Readford - Minute Secretary

REPORT:

RESOLVED on the motion of Ms Debbie Court and seconded by Mr Desmond Crane that the apology be accepted.

Attendance Register

Member	25/9/2014 [Postponed from 28/8/2014]	23/10/2014	26/2/2015	7/05/2015 [Postponed from 16/4/2014]	27/08/2015
Councillor Barry Calvert	✓	A	✓	✓	✓
Councillor Leigh Williams	✓	✓	✓	A	✓
Mr Alan Aldrich	✓	✓	✓	A	✓
Ms Alison Baidon	N/A	✓	✓	✓	✓
Mr Robert Bosshard	✓	A	A	A	A
Ms Debbie Court	✓	✓	✓	✓	✓
Mr Desmond Crane	✓	✓	✓	✓	✓
Mr Ken Ferris	A	A	A	✓	A
Ms Carolyn Lucas	✓	✓	✓	A	A
Mr Gary London	✓	A	✓	✓	A
Ms Mary-Jo McDonnell	✓	✓	A	✓	A
Ms Melanie Oxenham	✓	✓	✓	A	✓

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

SECTION 1 - Minutes

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Debbie Court and seconded by Mr Desmond Crane that the Minutes of the Hawkesbury Access and Inclusion Advisory Committee held on the 7 May 2015, be confirmed.

SECTION 2 - Presentations to the Committee

1. Role of the Community Connector, UnitingCare

Ms Ang welcomed Ms Simmone Bullivant and Ms Emma Smith to the meeting to provide details of the role of the Community Connectors with the rollout of the National Disability Insurance Scheme in the Nepean. Ms Bullivant and Ms Smith are both Community Connectors with UnitingCare.

Ms Bullivant advised that the role of the Community Connector is to assist families and individuals, including children less than 18 years, during the planning stages. This includes ensuring they are prepared, able to set goals to suit their individual needs as part of their NDIS Plan, know how to implement their Plan, able to review available funding under the NDIS to suit their requirements, adequately complete the application forms and include all required information. The Community Connector is only involved until the implementation stage.

Ms Bullivant indicated that there are 2,000 people with a disability expected to be phased into the NDIS, of which 1,000 people are already connected via a service group. The Community Connectors are involved in testing individuals for eligibility. Pre-planning workshops will be offered, and whilst not a requirement, are of benefit to some people. Workshops are also open to the public.

Mr Bosshard referred to his recent experience in relation to the NDIS, where children were expected to make decisions regarding their own needs, instead of a family member, and advised that this was unrealistic. Mr Bosshard advised that the process is onerous and is concerned that some clients will fall through the cracks if they do not understand the forms, or the wording, or get the Plan right.

Mr Aldrich is concerned that the cut-off is 64 years and enquired who is funding the 65 years and over group. Ms Ang advised it is the Federal Department of Social Services.

Ms Ang referred to a Community Care Forum coming up where Ms Mary Hawkins from the National Disability Insurance Agency (NDIA). Ms Ang has found that Ms Hawkins is very helpful when discussing any enquiries. This is a public meeting and Committee members are welcome to attend.

Ms Court enquired if there was a right of appeal if a mistake was made or a change required. Ms Bullivant advised there is a right of appeal which should be lodged within the first 12 months.

Ms Ang enquired what happens beyond the planning stage in relation to components that are not used by an individual. Ms Bullivant advised that the NDIA will monitor.

Ms Oxenham is aware that support providers will assist people who may fall outside the area of assistance. Ms Oxenham has an access 1300 number and will forward it to Council.

Mr Litwin referred to the approximate 2,000 people who will be part of the annual phase in and enquired what statistics are available in terms of numbers of individuals seeking access funding. Ms Bullivant advised that this information is likely available on the UnitingCare website, where other information including operational guidelines is available.

Clr Calvert asked if an invitation can be extended to Ms Bullivant and Ms Smith to attend HAIAC meetings in the future. Ms Smith advised that they or their representative would be happy to attend.

SECTION 3 - Reports for Determination

Item: 1 HAIAC - National Disability Insurance Scheme Roll Out in Nepean - (124569, 96328)

DISCUSSION:

- Ms Oxenham enquired about what Council is doing to raise awareness of the NDIS rollout. Ms Ang advised that at this stage, Council had promoted workshops. Council can also include information in its community newsletter, and Rates Notices which go to 25,000 households, however, real time distribution of information needs to be considered. Mr Litwin indicated that Council has an online searchable directory, and could add a link specifically for Community Services, however this and the other options mentioned, necessitate people reading the information. Without knowing which households have people with a disability, it is impossible to target those households specifically.
- Ms Baildon referred to the presentation provided by the Community Connectors from UnitingCare earlier in the meeting and noted the Committee was advised that currently only people who are already registered with a disability service are contacted with information regarding the NDIS.
- Mr Aldrich indicated that sourcing disability access information is difficult, if not impossible, and is concerned about the lack of available assistance for those with a disability 65 years and over, as the NDIS only covers those to 64 years.
- Mr Crane noted that Centrelink is unable to assist with any information, and that there does not appear to be a government department providing information on access to disability services. Mr Crane indicated that Empowerability had recently helped a young person in the first stages of their NDIS application by attending a meeting with them.
- Ms Baildon advised that a link to both the NDIS and other Aged Care services had been placed on the Hawkesbury Area Health Service website.
- Mr Aldrich referred to the difficulties personally experiences being wheelchair bound, including the problems associated with timely lodgement of any requirements in the next round of 'Enable' quarterly funding. A recent request lodged by Mr Aldrich's therapist was not successful.
- Mr Crane indicated that a large number of people stopped for assistance recently when he manned an information stand in a Penrith shopping centre.
- Mr Cane referred to the Expo held in the past by Penrith Council and asked if Hawkesbury Council could hold a similar event. Ms Ang referred to the Activity Plan that provides for opportunities under the Access and Inclusion Plan, and noted that an Expo has been planned for late February 2016.
- Mr Litwin will seek further advice about some of the options discussed and report to the next Committee meeting.

RECOMMENDATION TO COMMITTEE:

That the information be received.

ORDINARY MEETING
Reports of Committees

MOTION:

RESOLVED on the motion of Mr Alan Aldrich, seconded by Mr Desmond Crane.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. Council obtain advice on the NDIS from relevant authorities and investigate options for the provision of real time information regarding the NDIS via Council's website to assist people with a disability in the Hawkesbury community.

Item: 2 HAIAC - Third Party Verification Outcome - (124569, 96328)

RECOMMENDATION TO COMMITTEE:

That:

- That the information be received.
- That the Committee review the Access and Inclusion Policy and provide feedback to the October Committee meeting.

MOTION:

RESOLVED on the motion of Ms Melanie Oxenham, seconded by Ms Debbie Court.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

- That the information be received.
- That the Committee review the Access and Inclusion Policy and provide feedback to the October Committee meeting.

Item: 3 HAIAC - Pilot Project University of Sydney - Disability Inclusive Disaster Preparedness in NSW: Enabling Local Community Resilience through Collaboration - (124569, 96328)

DISCUSSION:

- Ms Ang advised that the Hawkesbury is one of three areas nominated to participate in the pilot project. Representatives from each of the local areas including community service groups, disability organisations, local emergency organisations including the SES, local government, and local business groups, will work together on the project.

ORDINARY MEETING
Reports of Committees

- Cllr Calvert noted that an Organisational Self-Assessment Tool would be developed and enquired if it would be provided to the Rural Fire Service to assist with maximising their practices. Ms Ang advised that the Pilot is about working with people in the community to make sure they are involved in an emergency.
- Ms Baildon advised that the Hawkesbury Area Health Service, Hawkesbury Private Hospital has had experience in the promotion of community interest in workshops, and also ensures that her staff attend for the benefit of frail and incapacitated people in care. Mr Aldrich agreed that the experience of Hawkesbury Area Health Service, Hawkesbury Private Hospital, would promote further involvement to assist with passing it on to the community.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Barry Calvert, seconded by Ms Alison Baildon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Item: 4 HAIAC - Committee Annual Report for 2014/2015 - (124569, 96328)

DISCUSSION:

- Mr Aldrich referred to past discussions regarding the development of an accessible bush walk or river side walk and enquired if the Committee could request funding from Council for this development. Cllr Williams suggested that staff be asked to consider funding for this project.
- Mr Litwin advised that Council is currently updating the Mobility Map for Windsor, and that this project could possibly be considered as part of that work. Mr Litwin also advised that when this access matter was raised originally, the decision was made to commence with the implementation of mobility exercise equipment.
- Ms Ang will discuss potential grant options with Council's Parks Projects Officer.
- Mr Litwin advised that funding for park improvements has been included in this years' budget. Mr Johnson will be requested to attend a Committee meeting to advise what is planned and the potential for this development.

RECOMMENDATION TO COMMITTEE:

That the Hawkesbury Access and Inclusion Advisory Committee approve the Annual Report of the activities of the Committee for submission to Council.

MOTION:

RESOLVED on the motion of Mr Desmond Crane, seconded by Mr Alan Aldrich.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The Hawkesbury Access and Inclusion Advisory Committee approve the Annual Report of the activities of the Committee for submission to Council.
2. Council's Parks Projects Officer be requested to attend a Committee meeting to provide an overview of what has been planned within the 2015/2016 Budget for park improvements, which will provide an opportunity for the Committee to discuss the development of an accessible bush walk or river side walk.

Item: 5 HAIAC - Progress on Access and Inclusion Plan - (124569, 96328)

DISCUSSION:

- Ms Ang referred to the 10 items identified for priority from those listed in the Access and Inclusion Plan and advised that work has progressed in some areas.

RECOMMENDATION TO COMMITTEE:

That matters raised by the Committee relating to the progress of the Access and Inclusion Plan, be noted.

MOTION:

RESOLVED on the motion of Ms Debbie Court, seconded by Ms Melanie Oxenham.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That matters raised by the Committee relating to the progress of the Access and Inclusion Plan, be noted.

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

DISCUSSION:

- Ms Ang advised that both she and Mr Crane had conducted a recent audit at Wilberforce Shopping Centre.
- Ms Ang referred to the email from Mr Robert Phipps, included in the report, highlighting an access issue with parking in the Centrelink carpark in Windsor. Ms Ang has met with Council's Design and Mapping Services Manager, Mr Chris Amit and Mr Phipps to discuss the issues raised related to parking. The Centrelink building also houses Medicare and the National Disability Insurance Agency (NDIA). Footpath issues identified outside Centrelink are being rectified by Council. However, Council does not own the Centrelink site and therefore has no jurisdiction over the carpark. Cllr Williams suggested the owner of the building be contacted instead of liaising with Centrelink. Mr Litwin will seek advice from the Director City Planning.

ORDINARY MEETING
Reports of Committees

- Mr Aldrich asked if the Committee could write to the Federal Member for Macquarie, Louise Markus and ask her to find a more appropriate location to house the NDIA.
- Cllr Calvert suggested a letter be sent from this Committee to Centrelink about the issue.
- Mr Litwin will prepare a report to Council, requesting that Council make representations to Centrelink regarding accessibility to their offices, and to the Federal Member for Macquarie, Ms Louise Markus MP, requesting assistance with access to National Disability Insurance Agency Office, and will contact Mr Phipps in response to his email to advise Council's actions.

RECOMMENDATION TO COMMITTEE:

That matters raised by the Committee in relation to Access and Inclusion Committee audits, be noted.

MOTION:

RESOLVED on the motion of Councillor Barry Calvert, seconded by Mr Alan Aldrich.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The matters raised by the Committee in relation to Access and Inclusion Committee audits, be noted.
2. Council to be requested to make representations to the Windsor Centrelink Office and the Federal Member for Macquarie, regarding accessibility issues identified in the Centrelink carpark and to the National Disability Insurance Scheme Office.

SECTION 4 - General Business

1. Mr Aldrich referred to a time in the past when the Committee wanted the Council to become an active employer of people with a disability. At the time Council was concerned about the associated risks. Cllr Williams advised that this was because there was no access to the top floor of the council building.

Mr Aldrich referred to the local TAFE where people with a disability can attend and study numerous courses which are intended to increase their opportunities. In this light, Mr Aldrich requested that this employment issue now be revisited by Council.

Mr Litwin will invite Council's Human Resources Manager to discuss this matter with the Committee.

2. Ms Oxenham referred to the working group that had been formed to look at some strategies in relation to the Access and Inclusion Plan, and requested an update on its status.

Ms Ang advised there has been minimal progress to date, however, did indicate that some things have moved on. Mr Litwin advised that a report will be prepared providing an update on progress to date.

ORDINARY MEETING
Reports of Committees

The meeting terminated at 5:30pm.

Submitted to and confirmed at the meeting of the Hawkesbury Access and Inclusion Advisory Committee held on 22 October 2015.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC **Development Application Monitoring Advisory Committee - 3 September 2015**
- (79351, 127794)

The meeting commenced at 5pm.

Present: Councillor Kim Ford, Chairperson
 Councillor (Dr) Warwick Mackay OAM
 Councillor Bob Porter
 Councillor Paul Rasmussen

Apologies: Councillor Mike Creed
 Mr Matthew Owens, Hawkesbury City Council

In Attendance: Mr Peter Jackson, Hawkesbury City Council
 Ms Cristie Evenhuis, Hawkesbury City Council

REPORT:

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

Attendance Register

Member	6/11/14	12/3/15	03/09/15
Councillor Kim Ford	✓	✓	✓
Councillor Bob Porter	✓	✓	✓
Councillor Mike Creed	A	A	A
Councillor (Dr) Warwick Mackay OAM	✓	✓	✓
Councillor Paul Rasmussen	A	A	✓
Mr Peter Jackson (GM)	✓	✓	✓
Mr Matt Owens (DCP)	✓	✓	A
Ms Cristie Evenhuis (MDS)	✓	✓	✓

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

SECTION 1 - Minutes

CONFIRMATION OF MINUTES:

RESOLVED on the motion of Councillor Bob Porter and seconded by Councillor (Dr) Warwick Mackay that the Minutes of the Development Application Monitoring Advisory Committee held on the Thursday, 03 September 2015, be confirmed.

SECTION 4 - Reports for Information

Item 1 Development Application Statistics 1 January 2015 - 31 March 2015

RECOMMENDATION TO COMMITTEE:

That the information regarding the Development Application Statistics for the period 1 January 2015 - 31 March 2015 be received and noted.

Note: The Committee considered Items 1 and 3 jointly.

MOTION:

RESOLVED on the motion of Councillor Bob Porter, seconded by Councillor Paul Rasmussen.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That the information regarding the Development Application Statistics for the period 1 January 2015 - 31 March 2015 and 1 April to 30 June 2015 be received and noted.

Item 2 Development Application (DA) Riverfront Land/Properties - January - March 2015

RECOMMENDATION TO COMMITTEE

That the information regarding the development application processing and requirements for riverfront land/properties January 2015 - March 2015 be received and noted.

Note: The Committee considered Items 2 and 4 jointly.

MOTION:

RESOLVED on the motion of Councillor Bob Porter, seconded by Councillor Paul Rasmussen.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That the information regarding the development application processing and requirements for riverfront land/properties January 2015 - March 2015 and April - June 2015 be received and noted.

ORDINARY MEETING
Reports of Committees

Item 3 Development Application Statistics 1 April 2015 - 30 June 2015

RECOMMENDATION TO COMMITTEE:

That the information regarding the Development Application Statistics for the period 1 April 2015 - 30 June 2015 be received and noted.

Note: The Committee considered Items 1 and 3 jointly.

MOTION:

RESOLVED on the motion of Councillor Bob Porter, seconded by Councillor Paul Rasmussen.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information regarding the Development Application Statistics for the period 1 January 2015 to 31 March 2015 and 1 April 2015 - 30 June 2015 be received and noted.

Item 4 Development Application (DA) Riverfront Land/Properties - April - June 2015

RECOMMENDATION TO COMMITTEE:

That the information regarding the development application processing and requirements for riverfront land/properties April 2015 - June 2015 be received and noted.

Note: The Committee considered Items 2 and 4 jointly.

MOTION:

RESOLVED on the motion of Councillor Bob Porter, seconded by Councillor Paul Rasmussen.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information regarding the development application processing and requirements for riverfront land/properties January 2015 - March 2015 and April 2015 - June 2015 be received and noted.

ORDINARY MEETING
Reports of Committees

SECTION 5 - General Business

There were no matters raised.

The meeting terminated at 5:43pm.

Submitted to and confirmed at the meeting of the Development Application Monitoring Advisory Committee to be scheduled.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC Local Traffic Committee - 12 October 2015 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on 12 October 2015, commencing at 3pm.

Present:	Councillor Kim Ford (Chairman) Inspector Ian Woodward, NSW Police Force Snr Constable Debbie Byrnes, NSW Police Force Snr Constable Rob Wright, NSW Police Force Mr Steve Grady, Busways
Apologies:	Mr Dominic Perrottet, MP (Hawkesbury) Mr James Suprain, Roads and Maritime Services Mr Mark Carruthers, Roads and Maritime Services Ms Jill Lewis, NSW Taxi Council Mr Ralph Harlander, Taxi Driver, Local Taxi Companies Representative
In Attendance:	Mr Chris Amit, Manager, Design & Mapping Services Ms Judy Wong, Community Safety Coordinator Mrs Cathy Mills, Personal Assistant, Infrastructure Services

The Chairman tendered an apology on behalf of Mr Mark Carruthers, Roads and Maritime Services, advising that Mr Mark Carruthers, Roads and Maritime Services, concurred with the recommendations as contained in the formal agenda and had granted proxy to himself to cast vote(s) on his behalf.

MOTION:

RESOLVED on the motion of Snr Constable Debbie Byrnes, seconded by Councillor Kim Ford, that the apologies be accepted.

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Snr Constable Rob Wright, seconded by Councillor Kim Ford, that the minutes from the previous meeting held on Monday, 14 September 2015 be confirmed with the following correction to the attendance table of the meeting. The correction being the addition of "Mr Mark Carruthers" representing Roads and Maritime Services as present at the meeting held on Monday, 14 September 2015.

Item 1.2 Business Arising

There was no Business Arising.

SECTION 2 - Reports for Determination

Item: 2.1 **LTC - Proposed No Stopping Zones and Line Marking along Old Bells Line of Road and Grose Vale Road - Kurrajong Village (Hawkesbury) - (80245)**

Previous Item: 160, Ordinary (29 September 2015)

REPORT:

A report on the parking capacity for the Kurrajong Village was presented to Council at its Ordinary meeting on 29 September 2015.

The available parking capacity across the Village precinct was considered to be sufficient and the report recommended that no changes be made to implement timed parking. Safety improvements such as edge line marking as well as the provision of 'No Stopping' zones at all intersections connecting to this section of road was outlined in the report and the following resolved by Council:

"That:

1. *The following line marking and sign posting measures (subject to referral to and support of the Local Traffic Committee) be undertaken (as outlined in Attachment 1) along the Kurrajong Village Precinct extending from No 54/63 Old Bells Line of Road, adjacent to the Gateway treatment, through to Grose Vale Road at its intersection with Drummond Road;*
 - a) *The existing centre line marking be supplemented with Edge lines on both sides of the road.*
 - b) *Intersection regulatory restrictions be implemented with 'No Stopping' zones."*

Discussion:

The section of road investigated extended from No 54/63 Old Bells Line of Road, adjacent to the Gateway treatment, through to Grose Vale Road at its intersection with Drummond Road. This covers a distance of approximately 425 metres (250 metres along Old Bells Line of Road and 175 metres along Grose Vale Road). The speed limit along this section of road is 40km/h.

As part of the investigation line marking and sign posting was reviewed. This section of road across the Village Precinct has double barrier (BB) centre lines marked. It is proposed to provide Edge lines on both sides of the road which will establish parking lanes on both sides of the road. There have been previous complaints in relation to speeding through the Village and the provision of the Edge lines will create a narrowing effect of the roadway that tends to lead to drivers taking care and discourage speeding. The additional line marking will aid in the safe and orderly movement of traffic through the Village Precinct.

Currently the side streets leading to this section of road are not sign posted at its intersections. In accordance with the Australian Road Rules, vehicles should not be parking within ten metres of an intersection. Australian Road Rule 170 (ARR170) – "Stopping in or near an intersection" stipulates in part that a driver must not stop on a road within ten metres from the nearest point of an intersecting road at an intersection without traffic lights.

During the investigation it was noted that some vehicles were parked close to the intersection reducing the available sight distance for drivers negotiating the intersection. It is proposed to sign post all intersections along this section of road in accordance with the details provided in Attachment 1. The provision of regulatory sign posting will improve the sight distance at the intersections. The sign posting of the intersections will have only a minor effect on the available number of on-street parking spaces with only the removal of one parking space (No. 16 along Grose Vale Road at its intersection with Old Bells Line of Road).

In summary it is recommended that existing centre line marking along Old Bells Line of Road and Gorse Vale Road along the Kurrajong Village Precinct be supplemented with Edge lines on both sides of the road. Intersection regulatory restrictions be implemented with 'No Stopping' zones with Double Barrier (BB) linemarking undertaken in Drummond Road, Timms Hill Road and Woodburn Road to match the extent of the proposed 'No Stopping' zones.

RECOMMENDATION TO COMMITTEE:

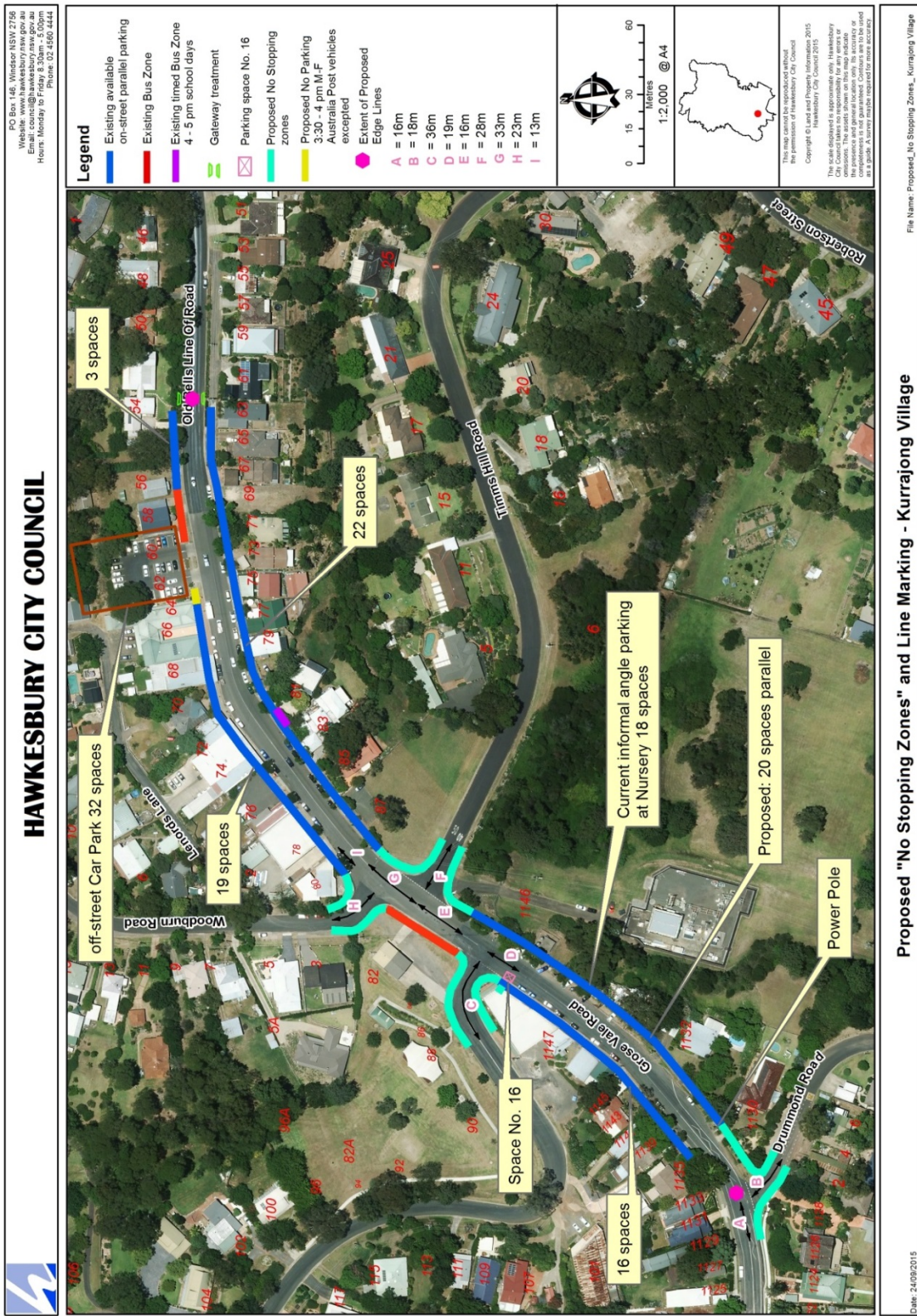
That the following line marking and sign posting measures be undertaken (as outlined in Attachment 1) along the Kurrajong Village Precinct extending from No 54/63 Old Bells Line of Road, adjacent to the Gateway treatment, through to Grose Vale Road at its intersection with Drummond Road;

1. The existing centre line marking be supplemented with Edge lines on both sides of the road.
2. Intersection regulatory restrictions be implemented with 'No Stopping' zones.
3. Double Barrier (BB) line marking be provided in Drummond Road, Timms Hills Road and Woodburn Road at its respective intersections to match the extent of the proposed 'No Stopping' zones.

APPENDICES:

AT – 1 Proposed 'No Stopping' Zones and Line Marking – Kurrajong Village

AT – 1 Proposed 'No Stopping' Zones and Line Marking – Kurrajong Village



COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Kim Ford, seconded by Snr Constable Debbie Byrnes.

Support for the Recommendation: Unanimous support

That the following line marking and sign posting measures be undertaken (as outlined in Attachment 1) along the Kurrajong Village Precinct extending from No 54/63 Old Bells Line of Road, adjacent to the Gateway treatment, through to Grose Vale Road at its intersection with Drummond Road;

1. The existing centre line marking be supplemented with Edge lines on both sides of the road.
2. Intersection regulatory restrictions be implemented with 'No Stopping' zones.
3. Double Barrier (BB) line marking be provided in Drummond Road, Timms Hills Road and Woodburn Road at its respective intersections to match the extent of the proposed 'No Stopping' zones.

SECTION 3 - Reports for Information

Item: 3.1 LTC - Local Traffic Committee Meeting Calendar 2016 - (Hawkesbury) - (80245)

REPORT:

The current format for the Local Traffic Committee (LTC) meetings is to meet on the second Monday of the month, commencing at 3pm in the Large Committee Room, Council Offices at 366 George Street, Windsor.

Proposed is a list of dates, outlined below, for 2016 in the current Monday format (second Monday of the month) with the exception of June which is proposed to be held on the third Monday due to the Queen's Birthday public holiday on 13 June 2016.

- 11 January 2016
- 08 February 2016
- 14 March 2016
- 11 April 2016
- 09 May 2016
- 20 June 2016 (third Monday due to Queen's Birthday Holiday on 13 June 2016)
- 11 July 2016
- 08 August 2016
- 12 September 2016
- 10 October 2016
- 14 November 2016

ORDINARY MEETING
Reports of Committees

RECOMMENDATION TO COMMITTEE:

That the 2016 Local Traffic Committee Meetings be undertaken from January to November on the second Monday of the month with the exception of June which will be undertaken on the third Monday.

APPENDICES:

There are no supporting documents for this report.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Kim Ford, seconded by Snr Constable Debbie Byrnes.

Support for Recommendation: Unanimous support

That the 2016 Local Traffic Committee Meetings be undertaken from January to November on the second Monday of the month with the exception of June which will be undertaken on the third Monday.

SECTION 4 - General Business

There was no General Business.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Monday, 9 November 2015 at 3pm in the Large Committee Rooms.

The meeting terminated at 3:50pm.

oooO END OF REPORT Oooo

ordinary

section 5

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 5 - Notices of Motion

NM1 **Infrastructure Issues and Windsor Bridge - (79351, 105109, 125612)**

Submitted by: Councillor Lyons-Buckett

NOTICE OF MOTION:

That Council:

1. Seek a meeting between the Member for Hawkesbury, Hon. Dominic Perrottet MP, Councillors, Council representatives and community representatives to discuss infrastructure issues in the Hawkesbury LGA.
2. Congratulate CAWB on their commitment to heritage protection and their recent award for community advocacy from the National Trust.

BACKGROUND:

Infrastructure inadequacy is a major problem experienced by many local government areas including the Hawkesbury. The issue of the proposed Windsor Bridge Replacement Project is at an impasse. While waiting for the NSW Land and Environment Court to hand down a decision on the challenge to the Minister's decision about the bridge replacement, the divisiveness surrounding this situation continues.

With the aim of reaching a solution for the future by addressing the range of possible alternatives should the current project not proceed and due to changes in both Council and State representation since the initial decision was made, it would be beneficial to commence discussions on this matter. It is imperative for the future of the Hawkesbury that Council has a clear direction of what infrastructure is required and how and where that should be located. If a bypass is to be considered in the future then we should begin consideration of the best locations for this now.

To support the goals within the Hawkesbury Community Strategic Plan, particularly those clauses which promote retention and enhancement of the historic, social, cultural and environmental character of Hawkesbury's towns and aim to deliver the best outcomes for Hawkesbury residents, meaningful interactions and discussions between stakeholders is required.

The commitment and longevity of the occupation by CAWB of Thompson Square supported by a diverse section of the community, is indicative of the depth of concern about the proposed bridge replacement, its limitations in alleviating traffic congestion and its potential to irreversibly destroy valuable heritage assets in the Hawkesbury. Regardless of opinion on the role of CAWB, its presence illustrates the need for Council to exhibit civic leadership in facilitating discussions so that the needs of all residents can be considered fairly and rationally.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM2

Proposed changes to Hawkesbury Earthcare Centre - (79351, 105109, 125612)

Submitted by: Councillor Lyons-Buckett

NOTICE OF MOTION:

That Council write to the Vice Chancellor of Western Sydney University and our local Member, Louise Markus expressing our concern at the proposed changes to the Hawkesbury EarthCare Centre at Western Sydney University Hawkesbury Campus.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM3

Report Outlining S94A Exemption Options - (79351, 105109, 80104)

Submitted by: Councillor Paine

NOTICE OF MOTION:

That a report come back to Council outlining options available to residents who have had the misfortune of losing their house due to fire or other unforeseen circumstances, with a view to granting an exemption from S94A contributions when rebuilding a similarly structured dwelling.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

REPORT:

Questions - 29 September 2015

#	Councillor	Question	Response
1	Rasmussen	Enquired if Resolution 357 from Item 205 of the Ordinary Meeting held on 28 October 2014, to make a submission to the RMS regarding the Richmond Bridge has been acted upon, and requested that any correspondence relating to such could be forwarded to the Councillors.	The Director Infrastructure Services advised that a submission had been made and Council had not yet received a response from RMS as advised in response to a Question Without Notice on 30 June 2015. Further requests seeking response have been made of RMS. A copy of this correspondence has been forwarded to Councillors.
2	Rasmussen	Requested an update on Resolution 148 from the Mayoral Minute of the Ordinary Meeting held on 30 June 2015 regarding parking on the Bells Line of Road, North Richmond, and requested that any correspondence relating to such could be forwarded to the Councillors.	<p>The Director Infrastructure Services advised that on 31 August 2015, a response had been received from Mr Andrew Gee MP, Parliamentary Secretary for the Deputy Premier and Regional Roads. The response indicated that RMS would investigate if parking restrictions along Bells Line of Road between Pitt Lane and Grose Vale Road, North Richmond could be safely implemented prior to the commencement of Stage 2 construction works. A copy of this correspondence has been forwarded to Councillors.</p> <p>As per advice in that correspondence, Council made further contact with RMS again requesting that implementation of the parking restrictions for Bells Line of Road be put in place immediately.</p> <p>Subsequently, as advised in an email to Councillors on 28 September 2015, concept designs for the intersection have been released, with those designs proposing the removal of parking at this location. RMS have advised that given this consultation process is underway that alteration to restrictions will be dependent on the finalisation of the process.</p>

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
3	Rasmussen	Enquired if the complaints relating to noise at the Richmond Lowlands polo fields have been followed up.	The Director City Planning advised that any complaints received are being investigated and the consent conditions for uses in the locality are being checked for compliance.
4	Williams	Enquired if Council staff are continuing to represent Council at community liaison meetings with ELF.	The Director City Planning advised staff were continuing to represent Council at Elf Mushroom's community liaison meetings and advised staff would be attending the next meeting scheduled for 18 November 2015.
5	Mackay	Enquired if a bronze plaque at McQuade Park has been stolen.	The Director Infrastructure Services advised that the bronze plaque has been stolen and arrangements are being made for a replacement as soon as possible.
6	Lyons-Buckett	Requested an update on the report to Sydney Water requesting information on the water capacity for Kurrajong.	The Director City Planning advised a detailed response from Sydney Water has been sent under separate cover to Councillors on 13 October 2015, via email.
7	Porter	Enquired when the next report relating to the Hawkesbury Horizons Program will be provided to Council.	The Director City Planning advised the second meeting of the Hawkesbury Horizons Working Group was scheduled to take place on 22 October 2015. Feedback from that meeting would be collated and reported to the Ordinary Meeting on 24 November 2015.
8	Reardon	Enquired if dumped waste along Grose Vale Road, between Bowen Mountain Road and Westbury Road, could be removed.	The Director Infrastructure Services advised that instructions had been given to remove the dumped waste.
9	Creed	Requested an update on the investigation of an unauthorised event held at the Richmond Lowlands referred to in a response given at the meeting of 14 July 2015 in relation to his previous question in this regard.	The Director City Planning advised that appropriate action will be considered following the completion of additional investigations.
10	Rasmussen	Enquired if Council staff have been invited to attend the tourism strategy committee that is to be formed by Dominic Perrottet, MP.	The General Manager advised that staff have been invited and nominated to attend this committee.

oooO END OF REPORT Oooo

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 183 **IS - Land Acquisition - Bridge Replacement - Part of 413 and 441 West
Portland Road, Sackville/Lower Portland - (95495, 9157, 9158, 6377, 6378)
CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 184 **SS - Property Matter - Council Lease from Endeavour Energy of 18 Lieutenant Bowen Road, Bowen Mountain (being Lot 609 in Deposited Plan 222231) - (95496, 112106, 124575) CONFIDENTIAL**

Reason for Confidentiality

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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.



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