



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 24 February 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

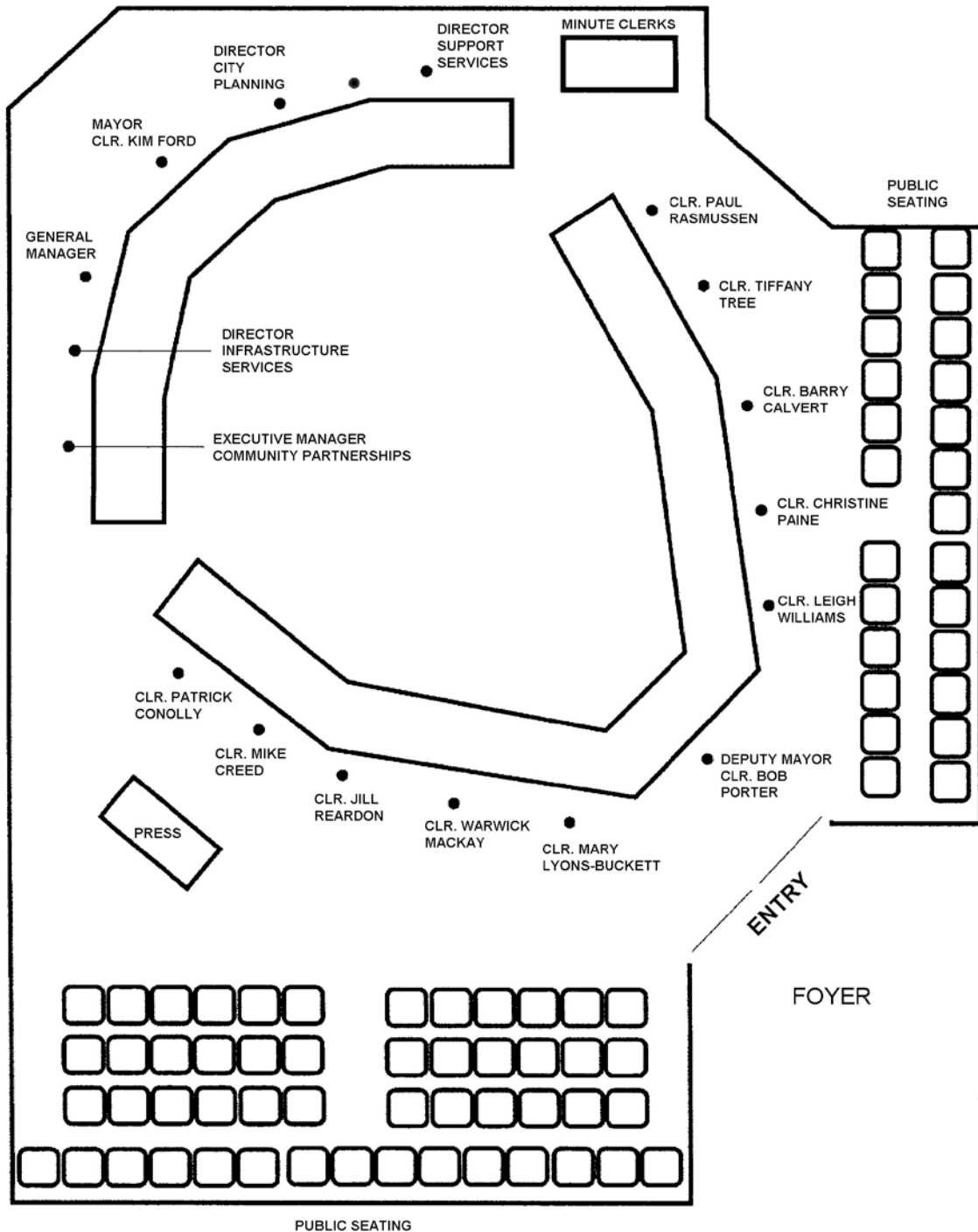
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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 3 - Reports for Determination

PLANNING DECISIONS

Item: 18 CP - Development Application - DA0183/14 - Subdivision - Community Title - 67, 67A, 67B Browns Road, Kurrajong - (95498, 88784, 125590)

Previous Item: 236, Ordinary (9 December 2014)

Development Information

File Number: DA0183/14
Property Address: 67, 67A, and 67B Browns Road, Kurrajong
Applicant: PGH Environmental Planning
Owner: Croft Manor Farm Pty Limited
Proposal Details: Subdivision - Community Title - Subdivision to create three residential lots and one community title lot
Estimated Cost: \$25,000
Zone: RU4 Primary Production Small Lots
Date Received: 8/04/2014
Advertising: 15/04/2014 - 12/05/2014

Key Issues:

- ◆ Lot averaging requirements of Hawkesbury Local Environmental Plan 2012
- ◆ Flora and fauna preservation
- ◆ Concerns raised by other landowners in the vicinity

Recommendation: Approval

REPORT:

Executive Summary

This application seeks approval for a four lot Community Title Subdivision of Lots 1, 4 and 5 in DP 270798, 67, 67A and 67B Browns Road, Kurrajong in accordance with the lot averaging requirements of Hawkesbury Local Environmental Plan 2012.

The matter was reported to Council's Ordinary Meeting of 9 December 2014. At this meeting it was resolved that:

"the matter be deferred for a site inspection."

An inspection of the subject land was undertaken on 5 February 2015 and was attended by the landowner and their consultant (the applicant), the Mayor, Councillor Ford and Councillors Paine, Lyons-Buckett and Rasmussen and also by the Director City Planning, Manager Development Services and Senior Town Planner.

This Report demonstrates that the proposed development is consistent with the relevant planning considerations and therefore it is recommended that the proposal be approved.

Description of Proposal

The application proposes a four lot Community Title Subdivision of Lots 1, 4 and 5 in DP 270798, 67, 67A and 67B Browns Road Kurrajong. It is proposed that Lot 4 DP 270798 would be subdivided to create two lots. Lot 1 DP 270798 would be retained as the vacant neighbourhood land for the conservation of the Endangered Ecological Community (EEC) vegetation and other native vegetation and incorporating the existing common driveway. Existing Lot 5 DP 270798 is retained in its current configuration and is nominated as proposed Lot 2 in the current application. The proposed lots will have the following attributes:

- Proposed Lot 1 will have an area of 11.89 hectares and is to be retained as a community allotment shared by the proposed remaining Lots 2, 3 and 4. The lot will contain the private access way and the native vegetation communities located on the subject site.
- Proposed Lot 2 will have an area of 1.504 hectares and will be vacant.
- Proposed Lot 3 will have an area of 1.1 hectares and will contain two existing sheds and part of a dam.
- Proposed Lot 4 will have an area of 1.567 hectares and will contain an existing residence and part of a dam.

Access to the lots will be via the existing shared driveway from Browns Road.

The existing dam, partly located on proposed Lots 3 and 4, is proposed to be retained and will be formalised within the title documents and "*Community Management Statement*". The dam will be re-vegetated to improve water quality and provide fringing aquatic fauna habitat and as a static water supply in the event of a bushfire.

A detailed Bushland Management Plan (BMP) has been prepared by Eco Logical Australia along with cost estimates to implement this Plan. The BMP proposes to revegetate the lower section of proposed Lots 3 and 4 to increase the extent of the Endangered Ecological Community which was identified within this property. Additionally, the BMP will provide a framework to guide management actions within the Community Title Subdivision.

Description of the Land and its Surroundings

The land has a total area of 15.41ha and contains a single storey dwelling, garage, two sheds and a dam.

Approximately 11.8 hectares of the site is occupied by native vegetation which is located at the rear of the property. A number of natural drainage lines run through the property and drain towards Little Wheeny Creek which runs along the western property boundary.

The surrounding area is predominantly occupied by rural residential properties on lots ranging in size from 5000m² to 8ha.

Background

DA0480/12 for a three Lot Community Title Subdivision of Lot 2 in DP 884356, 67 Browns Road Kurrajong was approved at Council's Ordinary Meeting of 7th March 2013. The lots were subdivided in accordance with the lot averaging requirements of Hawkesbury Local Environmental Plan 2012. Details of the approved three lots are as follows:

- A community allotment shared by proposed Lot 2 and 3. The lot would total approximately 11.9 ha in area and contain a private access way and the native vegetation communities located on the subject site.
- Lot 2 has a total area of 2 ha and contains the existing dwelling and dam located on the subject site.
- Lot 3 has a total area of 1.5 ha and contains two existing sheds. This lot was created for further residential development.

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A subsequent boundary adjustment between Lots 2 and 3 was carried out to create the current Lots 4 and 5. This boundary adjustment was carried out as 'exempt' development under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

History of the Application

On 29 May 2014, the applicant was sent correspondence from Council that asked for additional information pertaining to:

1. Provision of the plan that showed the extent of Endangered Ecological Community (EEC) on the subject land.

Comment: A plan has been provided.

2. Being able to demonstrate that the proposed subdivision creating one extra averaging lot would result in a better environmental outcome in view of the fact that the previously approved subdivision had already resulted in the creation of a community lot to preserve vegetation.

Comment: The applicant responded by providing a Bushland Management Plan and stated in the covering letter:

"The community lot (Lot 1) is 11.81 hectares in area. The community management statement provides a number of by-laws that include (By-law 7) the community property be 'maintained and actively managed to encourage survival of native flora and fauna and removal of weeds and to provide access and landscaping along the Private Access way for the enjoyment of all owners, or assignees'.

At present the consent is silent in respect of the actual maintenance works therefore further investigations have been undertaken and in support of the creation of an additional lot a detailed Bushland Management Plan (BMP) has been prepared by Eco Logical Australia along with cost estimates to implement the BMP.

Noticeably the BMP proposes to revegetate the lower section of the existing Lot 4 (proposed lot 3) to increase the extent of an endangered ecological community (EEC) which was identified within this area. Additionally, the BMP will provide a framework to guide management actions within the Community Title Subdivision.

The cost estimates over a three year period amount to \$107,262 and it is considered that creation of an additional lot will substantially benefit the survival of native flora and fauna in the community lot (lot 1) by sharing the costs between three rather than two land owners.

Clarification of Vegetation to be removed for Building Envelope on Proposed Lot 3

The BMP identifies that 'the proposed subdivision of Lot 4 will include the construction of a building envelope, effluent waste area, and Asset Protection Zone (APZ). The building envelope will result in the removal of a small patch of Pinus radiata (Radiata Pines) and a mixed native/exotic grass layer. A mature Eucalyptus punctata (Grey Gum) will be retained.'

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It is considered that the responsibility for the management actions in the BMP should generally be as follows:

Management Action	Developer	Community Management (All Lot Owners)
Waste Removal (Management Zone 1)	Initially - Prior to issue of subdivision certificate	On-going monitoring and management
Ecological Burn (Management Zone 1)		On-going monitoring and management
Tree Protection Fencing	Initially - Prior to issue of subdivision certificate	
Marking Out the BMP Area – delineate boundaries for weed management	Initially - Prior to issue of subdivision certificate	
Erosion and Sediment Control Plan Development	Initially - Prior to issue of subdivision certificate	
Erosion and Sediment Control Plan Implementation		On-going during any construction (individual owners)
Revegetation and Bank Stabilisation Works North of the Dam (Management Zone 3)	Initially - Prior to issue of subdivision certificate provided that the works do not contradict the terms of the 100B bushfire safety authority issued by the NSW Rural Fire Service.	On-going monitoring and management (Management Zones 2 and 3)
Habitat Enhancement	All initial planting - Prior to issue of subdivision certificate provided that the works do not contradict the terms of the 100B bushfire safety authority issued by the NSW Rural Fire Service.	On-going monitoring and management. In the case of Management Zone 3 the individual owners of proposed Lots 3 and 4.
Management of Human Activity		On-going monitoring and management (Management Zones 1 and 2)
Introduced Fauna Control		On-going monitoring and management (All Management Zones)
Asset Protection Zone		Initial works and on-going monitoring and management (individual owners)
Revegetation	All initial planting - Prior to issue of subdivision certificate provided that the works do not contradict the terms of the 100B bushfire safety authority issued by the NSW Rural Fire Service.	On-going monitoring and management (All Management Zones) including replacement planting in Management Zone 3 after 2017
Monitoring and Reporting	Establish photo monitoring points and take initial photos prior to works commencing- Prior to issue of subdivision certificate	On-going monitoring and reporting (All Management Zones)

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Management Action	Developer	Community Management (All Lot Owners)
Plot Based Monitoring	Establish plot based monitoring system using “ <i>BioMetric Methodology</i> ” within all management zones - Prior to issue of subdivision certificate	On-going monitoring and annual reporting (All Management Zones)
Review of BMP		Annually

The developer should amend the “Community Management Statement” where necessary to reflect the management actions required in the BMP.

3. Clarification as to whether the existing dam on the land is to be filled in or retained as a water source for fire fighting purposes.

Comment: The applicant has advised that the dam would be retained and its placement over two lots will be formalised in the title documents and within the Community Management Scheme. The dam would be revegetated to improve water quality and provide fringing aquatic fauna habitat and as a static water supply in the event of a bushfire.

Council on 18 September 2014, sent a further letter that raised the following issues:

1. Non-compliance with the lot averaging provisions of Clause 4.1C (5) of LEP 2012 so that three rather than four lots could be created on the land.

Comment: The Applicant obtained a legal opinion that concludes when considering an averaging subdivision under subclause 4.1C(5) a “lot does not include a lot created for a public purpose or a lot created as neighbourhood property under the Community Land Development Act 1989”. The land area is 15.4ha with a minimum lot size of 4ha and based upon the above this allows three lots plus one community lot, consistent with LEP 2012.

It is agreed that the proposed subdivision complies with the lot density provisions of Clause 4.1C of LEP 2012.

2. It is difficult to ascertain how the creation of a third residential block could result in a better environmental outcome as required by Clause 4.1C (4) (b) of LEP 2012 than had already been achieved under DA0480/12.

Comment: The Applicant obtained a legal opinion which stated:

“Respectfully, the Council is applying an incorrect test by comparing the averaging subdivision proposed under DA 183/14 to the subdivision under DA 480/12 (which also applied averaging subdivision).

The true test under c4.1C(4)(b) is a comparison between the averaging subdivision method and not using the averaging subdivision method. If the averaging subdivision method is not used, then the alternative method of subdivision (to use the phrasing of c4.1C(1) is subdivision pursuant to clause 4.1. The Council fails to compare DA 183/14 with a notional subdivision under clause 4.1 and instead undertakes a comparison with an earlier iteration of the averaging subdivision method.

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Even if it was a valid approach to compare the proposed subdivision with the earlier iteration of the averaging subdivision method, which for reasons described it is not, then arguably there remains better prospects of the proposed subdivision achieving a better environmental outcome in that all things being equal three individual lots owners (DA183/14) will have better prospects than two individual lots owners (lots 2 and 3) of making the necessary financial contributions to properly look after and manage the neighbourhood community lot containing the EEC."

An additional opinion was sought from a firm with expertise in Community Management Statements and that company's correspondence states:

"We have perused the Ecological Australia report and would suggest that it quite clearly provides a better environmental outcome than was originally envisaged and ensures the long term survival of the Endangered Ecological Community of Lot 1.

Our forte is not in that area but in the preparation of Management Statements and it is our opinion that the document currently registered is almost totally ineffective.

By-law 7 does not prescribe an appropriate schedule for maintenance or rehabilitation etc and Council's clauses in Part 5 almost totally avoid the issue.

We would submit that the adoption of the Ecological Australia report together with additional conditions would provide a positive environmental outcome immeasurably superior to the current documentation."

After considering the above advice it is agreed that the proposed subdivision complies with the environmental outcome provisions of Clause 4.1C (4) (b) of LEP 2012.

Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44)
- Sydney Regional Environmental Plan No 20 (No.2 - 1997) - Hawkesbury Nepean River (SREP 20)
- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Hawkesbury Development Control Plan 2002 (DCP 2002)

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

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

a. The provisions of any:

i. Environmental Planning Instrument:

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

This plan applies to land within the Hawkesbury Local Government Area for which development consent is sought having a total land area in excess of 1 hectare. The application does not propose the removal of any vegetation which is considered to be core koala habitat or potential koala habitat. Council is not prevented from granting consent to the proposal under this Plan.

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

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

Hawkesbury Local Environmental Plan 2012 (LEP 2012)

The proposal is consistent with the requirements of LEP 2012. The subject property is zoned RU4 Primary Production Small Lots. The Lot Size Map shows a minimum allotment size of 4ha for the land.

The application has been submitted pursuant to Clause 4.1C which provides an exemption to the minimum allotment size requirement within the RU4 Primary Production Small Lots zone where it can be demonstrated that at least 20% of the lot being subdivided is occupied by an endangered ecological community and that an averaging subdivision would result in a better environmental outcome for the development of the land. As a lot averaging subdivision, the lot yield from subdivision remains the same as that from a conventional subdivision, however the minimum lot size can be reduced. The Lot Averaging Map shows that the land is within the area designated "Y" with a minimum 1 hectare lot size.

The application is supported by a flora and fauna assessment report which has identified that the land contains approximately 3.2ha (21%) of endangered ecological communities, being made up of Shale Sandstone Transition Forest and Western Sydney Dry Rainforest. This is the same report that was submitted and accepted with the previously approved three lot subdivision that utilised the lot averaging provisions.

The land has a total area of 15.41ha. Under Clause 4.1 the minimum lot size for any lot created is required to be 4ha. Under that provision three lots could be created on the site. Under Clause 4.1C the minimum lot size can be reduced to 1ha on the subject land for an "averaging subdivision". An "averaging subdivision" is defined under Clause 4.1C (5) as follows:

"averaging subdivision means the subdivision of land to which this clause applies that will not create more lots than the number resulting from:

(a) if the land is in Zone RU1 Primary Production or Zone RU4 Primary Production Small Lots—dividing the area (in hectares) of the original lot for the land being subdivided by the minimum lot size (in hectares) shown on the Lot Size Map in relation to that land...."

The proposal creates four lots but complies with the definition included in Clause 4.1C (5) because the definition of what constitutes a lot in that clause excludes neighbourhood property under the Community Land Development Act 1989.

"Original lot for land being subdivided means a lot that includes the land being subdivided:

(a) that existed on 24 March 2005 (the day lot averaging provisions commenced under Hawkesbury Local Environmental Plan 1989), and ..."

The proposed subdivision involves the creation of two lots from existing Lot 4. Existing lots 1, 4 and 5 DP 270798 were derived from Lot 2 in DP 884356 which was in existence on 24 March 2005. Lot 2 in DP 884356, being the 'original lot' had a total area of approximately 15.4 hectares and therefore had a lot yield entitlement of 3 development lots. Only two development lots were created from the subdivision approved by DA0480/12.

Clause 4.1C (4) (b) states that before Council can grant consent to an "averaging subdivision" it must be satisfied:

"(b) that there will be a better environmental outcome from an averaging subdivision than there would be without such a subdivision and that the long-term survival of the endangered ecological community or regionally significant wetland will be enhanced...."

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The previously approved three lot Community Title subdivision (DA0480/12) created Lot 1 as a community allotment shared by proposed Lot 2 and 3. This lot contains a private access way, as well as the native vegetation located to the rear of the subject land. This lot was created to facilitate the preservation of this existing vegetation, which contains the endangered ecological communities identified on the subject land in accordance with the requirements for lot averaging subdivisions.

With the establishment of this community lot and taking into account the additional measures proposed within the BMP submitted with the current DA, it is considered that the proposed development complies with the provisions of Clause 4.1C (4) (b).

It is also acknowledged that there is proposed to be a revegetation area of 0.7ha comprised of 2,045 m² of revegetation and 4,782m² of assisted revegetation that would attempt to create an additional area of Shale/Sandstone Transitional Forest partly over proposed Lots 3 and 4.

Condition 33 of the consent for DA0480/12 required, prior to the issue of a Subdivision Certificate, that:

“A Management Statement complying with Schedule III of the Community Land Development Act, 1989 shall be lodged with and approved by Council. This statement is to include a provision that Lot 1 is not to be used for the purpose of erecting a dwelling or any other building.”

The “Community Management Statement” has been submitted to Council, however will require amendment to incorporate the relevant management actions contained within the BMP.

The proposed building envelope of Lot 2 will be located relatively close to the existing dwelling on site in order to minimise the potential disturbance of any native vegetation for the purposes of the erection of a dwelling, establishment of effluent disposal or bushfire asset protection zones. This arrangement was approved in the previous application.

The proposed building envelope on proposed Lot 3 and associated effluent disposal area is also close to the existing dwelling on proposed Lot 4 for similar reasons although there would be some vegetation removal. A small patch of Radiata Pines and mixed native/exotic grass layer would be removed. A mature grey gum would be retained according to the applicant. Thus the development complies with the Part 5 provisions relating to preservation of trees.

The proposed development would not detrimentally impact upon any heritage items.

Acid sulphate soils, earthworks and flooding are not issues associated with the application. The proposed development assists with the protection and preservation of important native flora and therefore fauna.

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

There are no draft environmental planning instruments that directly relate to the land or the specified development.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (DCP) 2002

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

Part A Chapter 2 - General Information

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

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Part A Chapter 3 - Notification

The application was notified to adjacent property owners in accordance with DCP 2002. Nine submissions from four respondents raising objections to the proposal have been received in response to the application. The matters raised in the submissions are discussed further in this Report.

Part D Chapter 2 – Subdivision

The location of the building envelope and below ground effluent disposal area for proposed Lot 2 is as approved in DA0480/12. Proposed Lot 4 houses the existing dwelling on the land.

A building envelope, below ground effluent disposal area and asset protection zone is shown for proposed Lot 3. The building envelope area is shown as 2000m². It is straddled by a line of trees but these are not considered to be significant vegetation. As stated earlier the building envelope will result in the removal of a small patch of Radiata Pines and a mixed native/exotic grass layer. A mature Grey Gum will be retained.

An “On-site Waste Water Management Report” has been submitted with the application that addresses proposed Lot 3 (the new vacant residential lot) and proposed Lot 4 (the new reconfigured lot housing the existing dwelling). It recommends the retention of the existing Aerated Wastewater Treatment System (AWTS) on proposed Lot 4 with a new subsurface irrigation area of 460m². For proposed Lot 3 it recommends an AWTS and a subsurface drip irrigation area of 460m².

The approved subdivision in DA0480/12 did not strictly comply with the set rules in relation to width to depth ratios and driveway access. In this respect the prescribed width to depth ratio of new allotments is set at 1:5 and the minimum driveway access requirement width is 4.5m.

The applicants requested Council consider a variation to the width to depth ratio rules on the basis that the lots are generally regular in shape and the proposed 1:6 ratio provided does not prevent the land from being used for rural residential purposes. It is also acknowledged that the existing lot is irregular in size and does not comply with the width to depth ratio rules.

It was considered that the variations requested in relation to width to depth ratio would be supported as the applicant had been able to demonstrate that noncompliance with the rules would not result in any significant issues in terms of use of the land or traffic generation.

It is thus considered reasonable to apply the previously approved variation to the current application if it were to be approved.

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

There are no planning agreements or draft planning agreements entered into under section 93F of the Environmental Planning and Assessment Act, 1979

v. Matters prescribed by the Regulations:

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

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

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

It is considered unlikely that the proposed development would have any significant adverse environmental or social impacts on the locality. The subdivision would aid in preserving existing vegetation communities located on the site and allow for the suitable rural residential development of the land without fragmenting any existing bushland.

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

c. Suitability of the site for the development:

The land is considered to be suitable for the proposed development because it complies with applicable statutory planning controls and is generally consistent with the intent of the planning policies and provisions included in DCP 2002.

No natural hazards exist that would prevent the proposed subdivision.

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

NSW Rural Fire Service (RFS)

The application was referred to the Rural Fire Services as the development requires approval under section 100B of the Rural Fires Act 1997.

On 23 May 2014 the RFS issued a bushfire safety authority under Section 100B.

Public Submissions

Nine submissions were received from four respondents as a result of the notification of the development. The matters raised in the submissions are discussed below:

Traffic

- Increased traffic from new lot (additional dwelling) as driveway would not cope with extra traffic
- Narrow driveway dangerous for fire safety

Comment: The proposal intends to utilise an existing battle axe handle used to service the existing dwelling. It is considered that the traffic generation associated with the creation of an additional development lot (proposed lot 3) would be low and not of a nature that would significantly impact the amenity of the surrounding area. As a result of the proposal the driveway would service three residential lots which is an increase of one when compared to the currently approved subdivision on the site.

Council's Subdivision Engineer and the Rural Fire Service have no objections to the access arrangements. It is considered that the access proposed would suitably service the proposed development.

Amenity of the locality

- Increased number of dwellings within close proximity to each other.
- The character of the area would change to one of residential living as a consequence of approving irregular shaped lots smaller than 4ha
- Privacy

- Developer's consultant previously stated three lots was the maximum number of lots appropriate to the site

Comment: The application has been submitted pursuant to Clause 4.1C of LEP 2012. The very nature of this clause encourages smaller lots to be created in areas which are free of any native vegetation areas and aims to preserve contiguous parcels of bushland. Consequently the lot averaging subdivision rules essentially promote dwellings to be located closer to each other than what would be done if the lots were to be subdivided into 4ha allotments in accordance with the minimum allotment size map. It should be noted that properties surrounding the site have already been subdivided via lot averaging subdivision and it would be unlikely that the support of this subdivision would significantly change the context/character of the locality. The lot sizes and configuration of the proposed lots are consistent with the subdivision pattern of the locality.

All of the lots proposed to be used for residential purposes are greater than 1ha in area and so comply with the lot size provisions of LEP 2012.

A site inspection has revealed that the proposed development lots are of an adequate size and shape to provide for rural residential living appropriately setback from adjoining developments as there is sufficient separation between existing dwellings and the proposed building envelope.

Flora and fauna and environment

- Discrepancy between the flora and fauna report submitted and other reports prepared for adjoining properties
- Validity of flora and fauna report
- Dam on property should be retained
- Possible conflicts over water rights to the dam as it would be jointly owned
- Proposed environmental improvement funding needs to be guaranteed and how can Council commit future owners
- Developer should be responsible for environmental improvement works costs
- There are no substantive additional environmental improvements even if the BMP is implemented and there are some retrograde environmental impacts if the BMP is implemented

Comment: Whilst the flora and fauna assessment report submitted does not identify the flora and fauna communities described in the flora and fauna assessment reports submitted for the neighbouring properties, it should be acknowledged that those reports did not undertake a specific survey of the subject site.

The flora and fauna report has specifically identified that approximately 3.2ha of the 11.8ha native vegetation located on the site is occupied by endangered ecological communities. The previously approved three lot Community Title subdivision (DA0480/12) created a community lot for the preservation of existing endangered ecological communities identified on the subject land. This lot will remain and will not be altered.

The Applicant has submitted a BMP which includes management details and costings in order to demonstrate a better environmental outcome. Legal advice obtained and submitted by the Applicant confirms that the requirements of Clause 4.1C (4) (b) of LEP 2012 have been met (as outlined earlier in this report). That advice is considered correct.

A table earlier in the report in the "History" section suggests the responsibilities of the developer and the owners in respect of implementing the BMP. It adopts the principle that the developer should be responsible for the cost of the initial environmental improvements works. It is also noted that if the BMP contradicts the terms of the RFS general terms of approval then the RFS requirements take precedence.

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Originally the current application showed that the dam on the property would be filled. Subsequently the applicant advised in writing that the dam would be retained. The rights applicable for this dam will be addressed in the revised Community Management Statement.

Non-compliance with Council's subdivision requirements

- The application proposes irregular shaped allotments
- Council should stand by previous approval for three lots

Comment: As detailed in the assessment report above it is considered that suitable justification had been provided in respect to the previous DA0480/12 in relation to why that proposal did not strictly comply with Council's DCP rules. That precedent could not be ignored in respect of the current application.

Furthermore it is considered that the shape of the proposed allotments in this application is appropriate given that the Applicant has submitted a proposal that has taken into consideration the sites environmental constraints and location of existing buildings. In addition, the lot shapes of the proposed lots are considered to be consistent with existing allotments within the locality.

Process

- Owner's consent from 67B Browns Road should be provided
- In view of the concerns expressed by residents, especially the accuracy of the information provided by the developer, Council should inspect the site

Comment: As the proposal is on land that was part of a previous community title subdivision, the proposed subdivision will have an impact on all existing lots, as an increase in the number of lots may change entitlements/responsibilities in respect to community land. As such owner's consent for all lots within the existing subdivision is required. Owner's consent from 67B Browns Road was provided by letter dated 12th May 2014. It is noted that since lodgement of the application, 67B Browns Road has been sold. The new owners are aware of this application and have provided a submission in respect to the application. The proposed conditions of consent deal with the concerns of these new owners in regard to the costs and responsibilities of the implementation of the Bushland Management Plan.

Council Planning staff inspected the land as part of the process of assessing the DA.

Effluent disposal

- Effluent disposal area uphill from dwelling envelope on proposed Lot 3
- Concerns with the adequacy of the "On-site Wastewater Management Report"

Comment: An "On-site Wastewater Management Report" dated 22 August 2014 prepared by Envirotech Environmental and Engineering Consultancy Services recommends installation of a low-pressure effluent irrigation system designated for effluent application only for proposed Lot 3. It shows the building envelope (about 200m²) located approximately 6.4m to the west of the 460m² irrigation area. Based on the survey plan this means that the irrigation area would be slightly upslope from the dwelling envelope. The report does not recommend any site modification is needed for the system to work.

Council's Sewerage Management Facility Officer is satisfied with the proposed on-site waste treatment approach.

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Conclusion

It is considered that the matters raised within the submissions, whilst important, do not warrant refusal of the application. The proposed development complies with the statutory planning provisions applicable to the land.

e. The Public Interest:

Support of the subdivision is generally consistent with Council's subdivision rules and the general public interest as the proposal would encourage the use of the land for rural residential purposes while allowing for the preservation of existing endangered ecological communities.

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 DA0183/14 at Lot 1 DP 270798, Lot 4 DP 270798, Lot 5 DP 270798, 67, 67A and 67B Browns Road, Kurrajong for Subdivision - Community Title - Subdivision to create three residential lots and one community title lot be approved subject to the following conditions:

New South Wales Rural Fire Service Conditions

Asset Protection Zones

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

1. At the issue of subdivision certificate and in perpetuity the entire property of proposed Lot 4 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. At the issue of subdivision certificate for proposed Lots 2 and 3 the areas marked as "APZ" on Sydney Registered Surveyors plan referenced, 1881 Browns, dated 2/4/14 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' until such time further development is undertaken on each Lot.

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

Drawing Number	Prepared by	Dated
Detail Survey Over Pt. Lot 1, Lot 2 & Lot 3 in DP 270798 1881 Browns Sheet 1 of 3 Amendment C	Sydney Registered Surveyors	2/04/2014
Detail Survey Over Pt. Lot 1, Lot 2 & Lot 3 in DP 270798 1881 Browns Sheet 2 of 3 Amendment D	Sydney Registered Surveyors	7/04/2014
Detail Survey Over Pt. Lot 1, Lot 2 & Lot 3 in DP 270798 Existing Registered Deposited Plan 1881 Browns Sheet 3 of 3 Amendment D	Sydney Registered Surveyors	7/04/2014
Document	Prepared by	Dated
Bushland Management Plan	Ecological Australia	3/11/2014
On-site Wastewater Management Report	Envirotech	22/08/2014

4. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
5. The existing dam partly located on proposed Lots 3 and 4 is proposed to be retained which is to be formalised within the title documents and "Community Management Statement".
6. The existing dam partly located on proposed Lots 3 and 4 is to be available as a static water supply in the event of a bushfire.
7. An Application to Install a Sewage Management Facility must be lodged and approved for any new dwellings or structures with amenities with Hawkesbury City Council prior to any works being commenced in relation to the sewage management facility.
8. The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).
9. The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
10. 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.

Prior to Issue of Construction Certificate

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

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All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

12. Construction of access and drainage are not to commence until three copies of the plans and specifications of the proposed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
13. Payment of a Construction certificate checking fee of \$324.73 and a Compliance Certificate inspection fee of \$659.67 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2015. Fees required if an accredited certifier is used will be provided on request.
14. The Bushland Management Plan is to be reviewed and amended and approved by Council to take into account the Rural Fire Service requirements as outlined in the bushfire safety authority issued under Section 100B and dated 23rd May 2014.
15. The Bushland Management Plan is to be amended to include the responsibility for its implementation as generally included in the following table:

Management Action	Developer	Community Management (All Lot Owners)
Waste Removal (Management Zone 1)	Initially - Prior to issue of subdivision certificate	On-going monitoring and management
Ecological Burn (Management Zone 1)		On-going monitoring and management
Tree Protection Fencing	Initially - Prior to issue of subdivision certificate	
Marking Out the BMP Area – delineate boundaries for weed management	Initially - Prior to issue of subdivision certificate	
Erosion and Sediment Control Plan Development	Initially - Prior to issue of subdivision certificate	
Erosion and Sediment Control Plan Implementation		On-going during any construction (individual owners)
Revegetation and Bank Stabilisation Works North of the Dam (Management Zone 3)	Initially - Prior to issue of subdivision certificate provided that the works do not contradict the terms of the 100B bushfire safety authority issued by the NSW Rural Fire Service.	On-going monitoring and management (Management Zones 2 and 3)
Habitat Enhancement	All initial planting - Prior to issue of subdivision certificate provided that the works do not contradict the terms of the 100B bushfire safety authority issued by the NSW Rural Fire Service.	On-going monitoring and management. In the case of Management Zone 3 the individual owners of proposed Lots 3 and 4.
Management of Human Activity		On-going monitoring and management (Management Zones 1 and 2)
Introduced Fauna Control		On-going monitoring and management (All Management Zones)

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Management Action	Developer	Community Management (All Lot Owners)
Asset Protection Zone		Initial works and on-going monitoring and management (individual owners)
Revegetation	All initial planting - Prior to issue of subdivision certificate provided that the works do not contradict the terms of the 100B bushfire safety authority issued by the NSW Rural Fire Service.	On-going monitoring and management (All Management Zones) including replacement planting in Management Zone 3 after 2017
Monitoring and Reporting	Establish photo monitoring points and take initial photos prior to works commencing- Prior to issue of subdivision certificate	On-going monitoring and reporting (All Management Zones)
Plot Based Monitoring	Establish plot based monitoring system using " <i>BioMetric Methodology</i> " within all management zones - Prior to issue of subdivision certificate	On-going monitoring and annual reporting (All Management Zones)
Review of BMP		Annually

The amended Bushland Management Plan is to be approved by Council.

Prior to Commencement of Works

16. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
17. 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.
18. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
19. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
20. 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.
21. 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.

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During Construction

22. 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.
23. During the construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request.
24. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
25. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
26. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
27. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
28. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
29. Extension of the concrete driveway (4m wide) for the full length of the access arm to Proposed Lot 3.
30. The natural vegetation within proposed Lot 1 shall be fenced off to prevent domestic animals and livestock from entering these areas.
31. Works identified as the responsibility of the developer in accordance with the amended approved Bushfire Management Plan are to be undertaken by the developer.
32. It is required that the existing on-site sewage management system be inspected by Council and be issued with a current licence to operate.

Documentation shall be submitted to Council showing that the existing and proposed on-site sewage management systems (tank and disposal area) are located wholly on proposed Lots 3 and 4 and that the existing premises' on-site sewage management system must not burden the proposed new allotment.

Prior to Issue of Subdivision Certificate

33. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.

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34. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
35. Written clearance from the electricity provider shall be submitted to the Principal Certifying Authority.
36. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
37. The existing dam partly located on proposed Lots 3 and 4 is to be re-vegetated to improve water quality and provide fringing aquatic fauna habitat in accordance with the approved Bushland Management Plan.
38. Works identified in the amended and approved Bushfire Management Plan to be undertaken prior to the issue of the Subdivision Certificate are to be completed.
39. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted to Council. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
40. All works designated to be carried out 'prior to issue of subdivision certificate' within the approved Bushland Management Plan shall be completed.
41. A revised Management Statement complying with Schedule III of the Community Land Development Act, 1989 shall be lodged with and approved by Council. This statement is to include a provision that Lot 1 is not to be used for the purpose of erecting a dwelling or any other building and is to reflect the relevant construction, management, monitoring and reporting requirements of the implementation of the approved Bushland Management Plan (as amended).
42. Payment of a Subdivision Certificate Release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.
43. Creation of a restriction on use of land pursuant to the Conveyancing Act as follows:
 - a) Requiring that any future dwelling on proposed Lots 2 and 3 be restricted to the building envelope shown on the Detail Survey Over Pt. Lot 1, Lot 2 & Lot 3 in DP 270798 1881 Browns Sheet 1 of 3 Amendment C prepared by Sydney Registered Surveyors and dated 2-04-14.
 - b) Requiring that any future dwelling on Lot 2 be restricted to a maximum cut or fill depth of 2m.
 - c) Requiring that all development on the lots be confined to Lots 2, 3 and 4.
 - d) Prohibiting clearing of native vegetation located on Lot 1.
 - e) Prohibiting domestic animals and stock from entering the native vegetation areas on Lot 1.
 - f) Prohibiting the development of a structure, including a dwelling, on Lot 1.

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Advisory Notes

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

- a) Water and sewer provider
- b) Electricity provider
- c) Natural gas provider
- d) Telecommunications carrier
- e) Road authority

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

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

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

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

ATTACHMENTS:

AT - 1 Locality Plan and Aerial Photo

AT - 2 Subdivision Plan

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AT - 2 Subdivision Plan



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ORDINARY MEETING

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Item: 19 **CP - Draft Voluntary Planning Agreement for Development known as Jacaranda Ponds Glossodia - (95498, 124414)**

REPORT:

Executive Summary

A draft Voluntary Planning Agreement (VPA) has been prepared in relation to the proposed development for approximately 580 residential allotments known as Jacaranda Ponds, Glossodia.

This report recommends that the draft VPA as attached to this report be placed on public exhibition.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy as well as a statutory requirement for public exhibition for a period of 28 days.

In this regard, it is proposed that the draft VPA be placed on public exhibition for a minimum of 28 days where it will be available for viewing at Council's offices in Windsor as well as on Council's website. Council staff will also be available for questions on the draft document during normal business hours and, if possible, to speak to resident groups. The draft VPA will also be the subject of the first meeting of the Glossodia Community Reference Group that was formed by Council on 14 October 2014 to consider these matters.

Background

On 27 March 2012 Council resolved, (in part), to prepare a planning proposal as follows:

"That:

1. *Council support the preparation of a Planning Proposal for the land comprising of:*

*Lot 2 DP 533402 and Lot 52 DP 1104504, 103 Spinks Road, Glossodia
Lot 20 DP 214753, 213 Spinks Road, Glossodia
Lot 75 DP 214752, 361 Spinks Road, Glossodia
Lot 3 DP 230943, James Street, Glossodia
Lot 44 DP 214755, 3 Derby Place, Glossodia
Lot 50 DP 751637, 746A Kurmond Road, Freemans Reach
Lots 1, 2 and 3 DP 784300, 780A - 780C Kurmond Road, North Richmond*

to rezone the land primarily for large lot residential and/or residential development."

The above resolution also included the requirement to prepare a Voluntary Planning Agreement (VPA) between the Council and the applicant. A preliminary draft VPA was prepared and was included in the documentation that was placed on public exhibition as part of the planning proposal exhibition.

On 10 December 2013, Council considered a report on the finalisation of the planning proposal for the above properties where the matter was deferred for a Councillor Briefing Session.

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On 4 February 2014, Council finalised the planning proposal and resolved the following:

"That:

1. *The planning proposal as described in the report be forwarded to the Department of Planning and Infrastructure for making of the Plan, subject to the following amendment:*
 - *The minimum lot size for subdivision on 361 Spinks Road being increased to 2,000m².*
2. *The Department of Planning and Infrastructure be requested to consider the inclusion of an appropriate clause into Part 6 of the LEP 2012 to require satisfactory arrangements be made for the provision of designated State public infrastructure including schools, RFS and emergency services prior to the determination of a development application for urban subdivision.*
3. *The Voluntary Planning Agreement be finalised in relation to the matters raised in the "Voluntary Planning Agreement" section of this report and, when finalised, be reported to Council prior to public exhibition. This report is to be provided to Council as soon as possible and prior to the gazettal of the planning proposal for the site.*
4. *In finalising the works detail in the Voluntary Planning Agreement, roads are to remain a top priority with consideration to be given to the findings (or recommendations) of the Social Impact Assessment being considered by Council's Human Services Advisory Committee.*
5. *The Voluntary Planning Agreement is to be finalised and signed by all parties prior to determination of any development application for the proposed development.*
6. *A report be brought to the 11 March 2014 Ordinary Council Meeting on options, costs and funding sources to upgrade the Glossodia Shopping Precinct.*
7. *A Community Reference Group be established to aid in the further consultation process following a report regarding the establishment of the same."*

In accordance with part 7 of the above resolution the Community Reference Group was finalised by Council on 14 October 2014.

In accordance with the resolution of 4 February 2014 the draft VPA has been prepared and is the subject of this report. The following is a summary of the main points of the VPA:

1. The total value of contributions per proposed allotment in this draft VPA is \$30,000. (Note: the developer has made a separate agreement with the RMS in relation to a regional roads contribution of an additional \$10,000 per allotment.)
2. The VPA proposes a combination of works and cash contributions by the developer. The contribution towards road works is approximately \$12.276M, or 70.5% of the total contribution and the contribution towards Open Space and Community Facilities is approximately \$5.124M, or 29.5% of the total contribution.
3. The proposed road works are shown in the attached draft VPA in Schedule 1 and include, but limited to; proposed rehabilitation works in Spinks Road, Creek Ridge Road and Gorriks Lane; culvert replacement in Spinks Road at currency creek; intersection works at Spinks Road/Kurmond Road, Wire Lane/Kurmond Road.

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4. The proposed open space and community facilities are shown in the attached VPA in Schedule 2. These works consist of a combination of works, such as footpath (Derby Place to shops), bus stop (Spinks Road), park embellishments, and cash contributions towards refurbishment and extension to existing community centre and pre-school and works in Woodbury Reserve.
5. All land required to be dedicated to Council (approximate value of \$5M - \$6M) for open space, stormwater drainage or riparian areas is to be dedicated to Council at no cost (See Clause 11.3.5).

The draft VPA lists works and cash contributions to the value of \$17.4M (580 lots x \$30,000 per lot). The works listed in Schedules 1 and 2 are estimated only and the full design and costing has not been undertaken and cannot be determined until the appropriate approvals are in place. As these costs and works are estimated only, Schedule 3 of the draft VPA proposes a method of determining the priority of the works and for reaching agreement of costs for the works.

In Schedule 3 it is proposed to form a “*VPA Schedule Projects Selection Committee*” made up of two developer representatives and two Council staff representatives. This Committee would meet to set the priorities of works to match the staging of the development, and also to agree on the costs of the proposed works. The Committee would also meet to determine if there are sufficient funds to complete certain projects as the development proceeds and, if not, then will determine the required cash contribution to ensure that the development contributes works and/or cash to the total value of \$30,000 per allotment (CPI adjusted).

The draft VPA also contains standard clauses and provisions for the payment of contributions, dedication of land and facilities, dealing with disputes, insolvency of the developer, transfer of the agreement to another party (must be agreed to by Council), etc.

This report recommends that the draft VPA be placed on public exhibition and following that exhibition the VPA be reported back to Council addressing all submissions, if any, received during that exhibition.

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

The draft VPA proposes developer contributions, in the form of works and cash, to a total value of \$17.4M being \$30,000 per allotment. The proposed works have been determined based on the additional needs for infrastructure that the development will generate. It is considered that the VPA and the works required as part of any development approvals for the site will be adequate for the development and will be at little or no cost to Council.

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Planning Decision

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

RECOMMENDATION:

That the:

1. Draft Voluntary Planning Agreement (VPA) attached to this report be placed on public exhibition for a minimum of 28 days. During this time the draft VPA be made available at the Council offices in Windsor and on the Council website.
2. Draft VPA be the subject of a meeting with the Glossodia Community Reference Group.
3. Draft VPA be reported back to Council following public exhibition.

ATTACHMENTS:

AT - 1 Copy of Draft Voluntary Planning Agreement for Jacaranda Ponds

ORDINARY MEETING

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AT - 1 Copy of Draft Voluntary Planning Agreement for Jacaranda Ponds

THIS PLANNING AGREEMENT is made on the day of 2015

BETWEEN:

Parties

HAWKESBURY CITY COUNCIL ("the Council")

AND:

E J COOPER AND SON PTY LTD (ACN 000 269 750) ("the Developer")

Introduction

- A. The Developer is the registered proprietor of part of the Development Land.
- B. On 27 June 2012 the Council lodged the Rezoning Application with the Department of Planning and Infrastructure to rezone the Development Land from its existing Mixed Agricultural Zone under the *Hawkesbury Local Environmental Plan 2012* to rural residential/residential housing zones. The rezoning will facilitate 580 residential lots, a range of community-recreation facilities, environmental corridors and a new package plant sewer system on the Development Land.
- C. The Developer proposes to make Development Applications to Council for Development Approval to carry out the Proposed Development if the Development Land is rezoned in accordance with the Rezoning Application.
- D. The Developer has offered to provide the Developer's Contribution and to dedicate the Dedication Land on the terms and conditions contained in this agreement if Development Approval is granted to the Proposed Development.

And it is agreed as follows

1 Definitions and Interpretation

In this agreement the following words and letters have the meanings set out below.

- 1.1 "Act" means the Environmental Planning and Assessment Act 1979 (NSW) (as amended from time to time).
- 1.2 "Approval" means any approvals consents, modifications, certificates (of all types) permits, endorsements, licenses, conditions or requirements (and any variation to them) which may be required by Law for the Proposed Development, the Roads Works or the Community Works.
- 1.3 "Authority" means a government, semi-government, local government, statutory, public, ministerial, civil, administrative, fiscal or judicial body, commission, department, agency, tribunal or other authority or body.
- 1.4 "Base CPI" means the CPI number for the quarter ending immediately before the commencement of this Agreement.

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- 1.5 "Business Day" means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the place where an act and thing is to be performed or a payment is to be made.
- 1.6 "Cash Contribution" means, subject to clause 7 and clause 8.2, the maximum amount of \$1,691,800.
- 1.7 "Community Works" means, subject to clause 7 and clause 8.2, the construction of, or cash contribution in lieu of works, as determined by the VPA Schedule Projects Selection Committee as outlined in Schedule 3 towards, the community facilities outlined in Schedule 2.
- 1.8 "Completion Certificate" has the meaning given in clause 9.5.1.
- 1.9 "Cost Certificate" has the meaning given in clause 9.5.2.
- 1.10 "Costs" include costs, charges, fees, disbursements and expenses, including those incurred in connection with advisers.
- 1.11 "CPI" means the Consumer Price Index released by the Australian Bureau of Statistics for "Sydney - All Groups" or such other consumer price index that might replace it.
- 1.12 "CPI Review Date" means each anniversary of the date of this agreement.
- 1.13 "Current CPI" means the CPI number for the quarter ending immediately before the relevant CPI Review Date.
- 1.14 "Dedication Land" means those parts of the Development Land that the Rezoning Application proposes will be zoned RE1.
- 1.15 "Defects Liability Period" means, in respect of each stage of the Proposed Development, the period of 12 months from the date of the Completion Certificate, or the date of satisfactory rectification of a defect under clause 12.1, for the selected Road Works and Community Works carried out in connection with the relevant stage.
- 1.16 "Developer's Contribution" has the meaning given in clause 6.2.
- 1.17 "Development Application" means an application under Part 4 of the Act for Development Approval.
- 1.18 "Development Approval" means a development consent issued under the Act with respect to all or part of the Proposed Development.
- 1.19 "Development Land" means the land comprising:
- Lot 2 DP 533402 and Lot 52 DP 1104504, 103 Spinks Road, Glossodia
 - Lot 20 DP 214753, 213 Spinks Road, Glossodia
 - Lot 75 DP 214752, 361 Spinks Road, Glossodia
 - Lot 3 DP 230943, James Street, Glossodia
 - Lot 44 DP 214755, 3 Derby Place, Glossodia
 - Lot 50 DP 751637, 746A Kurmond Road, Freemans Reach
 - Lots 1, 2 and 3 DP 784300, 780A - 780C Kurmond Road, North Richmond

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- 1.20 "Dispute" in connection with this agreement means an argument, a controversy, a difference, a dispute including of opinion or interpretation.
- 1.21 "Event of Insolvency" means anyone or more of the following occurrences:
- (i) the Developer becomes bankrupt, is served with a bankruptcy notice or a bankruptcy petition, has committed an act of bankruptcy or has entered into an arrangement within and under the meaning of the *Bankruptcy Act 1976* (Cth); or
 - (ii) the Developer becomes subject to any order or declaration under the *Mental Health Act 2007* (NSW) or is otherwise incapable of managing his or her own affairs.
 - (iii) if the Developer is a company, if:
 - (a) a resolution is passed for the winding up or liquidation of that company;
 - (b) a liquidator, provisional liquidator, receiver, receiver manager, controller, controlling manager, administrator, voluntary administrator or official manager is appointed to the Developer or a resolution is passed for the purposes of placing that party in the control of an external administrator;
 - (c) it suspends payment of its debts or is unable to pay its debts including of money payable under this agreement or is deemed insolvent;
 - (d) it fails to or is taken as having failed to comply with a statutory demand under the *Corporations Act 2001* (Cth);
 - (e) if anything analogous or having substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction with respect to the Developer.
- 1.22 "Gazettal" means publication in the NSW Government Gazette of the rezoning of the Development Land from the Mixed Agricultural Zone to rural residential/residential housing zones to make the Proposed Development permissible subject to obtaining development consent.
- 1.23 "GST" has the same meaning as the GST Act and other words or expressions used in the GST Act which have a particular defined meaning (including any applicable legislative determinations and Australian Taxation Office public rulings) have the same meaning.
- 1.24 "GST Act" means A New Tax System (Goods and Services Tax) Act 1999 (Cth) (as amended from time to time).
- 1.25 "LPI" means Land and Property Information.
- 1.26 "Law" means:
- (i) the common law and principles of equity;
 - (ii) the requirements of legislation, regulations and by-laws; and

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(iii) a binding order made by an Authority.

- 1.27 **"Maximum Community Works Contribution"** means, subject to clause 7 and clause 8, works and cash contribution in lieu of works, as determined by the VPA Schedule Projects Selection Committee as outlined in Schedule 3, to the value of \$3,432,200.
- 1.28 **"Maximum Total Contribution"** means, subject to clause 7 and clause 8, works and cash contributions to the value of \$17,400,000.
- 1.29 **"Maximum Road Works Contribution"** means, subject to clause 7 and clause 8, works, and cash contribution in lieu of works as determined by the VPA Schedule Projects Selection Committee as outlined in Schedule 3, to the value of \$12,276,000.
- 1.30 **"Mortgage"** means a mortgage charge, lien pledge, title retention, deposit arrangement, caveat or equitable interest.
- 1.31 **"Party"** means a party to this agreement, including their successors and assigns.
- 1.32 **"VPA Schedule Projects Selection Committee"** means the committee established under clause 9.4 which is constituted, and has the role and functions, as generally outlined in Schedule 3.
- 1.33 **"Proposed Development"** means the rezoning and subdivision of the Development Land into approximately 580 residential lots and including community-recreation facilities, environmental corridors and a package plant sewerage system.
- 1.34 **"Residential Allotment"** means a lot comprising part of the Development Land to be created as part of the Proposed Development that is intended to be used for the purposes of a single dwelling house without being further sub-divided.
- 1.35 **"Residential Allotment Contribution"** means subject to clause 7.1.1, clause 8 and Schedule 3, works or cash to the value of \$30,000.
- 1.36 **"Rezoning Application"** means a Planning Proposal to rezone the Development Land in order to allow the Proposed Development to be carried out on that land.
- 1.37 **"Road Works"** means the road upgrades and improvements outlined in Schedule 1, or cash contribution in lieu of works, as determined by the VPA Schedule Projects Selection Committee as outlined in Schedule 3.
- 1.38 **"Subdivision Certificate"** means a certificate issued under section 109C(d) of the Act with respect to the Proposed Development.
- 1.39 **"Transfer"** means to settle, assign, transfer, convey, alienate, otherwise dispose of or part with possession of.

2 Interpretation:

In this agreement unless the contrary intention appears:

- 2.1 One gender includes the opposite gender.
- 2.2 The singular includes the plural and the plural includes the singular.

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- 2.3 A party includes that party's executors, administrators, successors, permitted assigns, permitted legal representatives and substitutes.
- 2.4 Dollars or \$ means Australia dollars and all money payable under this agreement is payable in that currency.
- 2.5 "Including" and similar expressions are not words of limitation.
- 2.6 Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- 2.7 Headings, any table of contents or index are for convenience only and do not affect interpretation of this agreement.
- 2.8 An explanatory note which relates to this agreement does not affect the interpretation of this agreement.
- 2.9 A provision of this agreement must not be construed to the disadvantage of a party merely because that party was responsible wholly or partly for the preparation of this agreement or the inclusion of a term or condition in this agreement.
- 2.10 If an act and thing must be done on a specific day which is not a business day, it must be done instead on the next business day.
- 2.11 A person means and includes a person, a body corporate, Authority, firm, body of persons, association, trust, joint venture or other legal commercial entity or undertaking recognized by law whether or not incorporated.

3 Planning Agreement

- 3.1 This agreement
 - 3.1.1 applies to the Development Land;
 - 3.1.2 is a planning agreement within the meaning set out in section 93F of the Act;
 - 3.1.3 is to be registered on the title of the Development Land under section 93H of the Act;
 - 3.1.4 is not a confidential document and may be exhibited without restriction by either party.
- 3.2 Subject to clause 3.3, this agreement operates from the date it is executed.
- 3.3 Clause 6 of this agreement will only operate if and when Council grants Development Approval (or Development Approvals as the case may be) to the Proposed Development on the Development Land.

4 Application of s94 and s94A of the Act to the Development

This agreement excludes the application of section 94A and section 94 of the Act to the Proposed Development. Subject to clause 14 should this agreement be terminated in accordance with clause 20 section 94A and section 94 of the Act will apply to the Proposed Development.

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5 Registration of this Agreement

(a) Either:

- (i) within 20 Business Days of the date of the Gazetteal; or
- (ii) within 120 days from the commencement of this Agreement;

whichever is the latter, the Developer must take all reasonable steps to procure the registration of the Agreement on the relevant folios of the register held by the LPI pertaining to the Development Land.

(b) The Council agrees:

- (i) to provide a release and discharge of this Agreement with respect to the Development Land or any lot, including a strata lot, created on subdivision of the Development Land on satisfaction by the Developer of the obligation to provide the Developer's Contribution; and
- (ii) to do all things reasonably necessary, including the execution of any documents, to enable the Developer to remove the notation of this Agreement on the relevant folios of the register, held by the LPI pertaining to the Land.

(c) The Council acknowledges that the registration of this Agreement on the relevant folios of the register held by the LPI pertaining to the Development Land, in combination with the security to be provided in respect of the Defects Liability Period under clause 12.2, together constitute suitable means of enforcement of this Agreement for the purposes of s93F(3)(g) under the *Environmental Planning and Assessment Act 1979*.

6 Developer's Contribution

6.1 Subject to the terms of this agreement, including clause 3.3, the Developer agrees to provide the Developer's Contribution.

6.2 The Developer's Contribution comprises:

- 6.2.1 such of the Road Works that are selected by the VPA Schedule Projects Selection Committee, up to the value of the Maximum Road Works Contribution; and
- 6.2.2 such of the Community Works that are selected by the VPA Schedule Projects Selection Committee, up to the value of the Maximum Community Works Contribution;

in accordance with clause 9 and Schedule 3 of this agreement and subject to receiving any necessary Approval for such works; and

6.2.3 the Cash Contribution.

6.3 For the avoidance of doubt, the parties agree and acknowledge that:

- (a) the Maximum Road Works Contribution functions as a cap on the Developer's Contribution required in respect of the Road Works, such that

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no further contribution is required in respect of the Road Works if the Developer's expenditure or contribution to the Council in respect of the Road Works has reached the Maximum Road Works Contribution; and

- (b) the Maximum Community Works Contribution functions as a cap on the Developer's Contribution required in respect of the Community Works, such that no further contribution is required in respect of the Community Works if the Developer's expenditure or contribution to the Council in respect of the Community Works has reached the Maximum Community Works Contribution.

7 Calculation of Developer's Contributions

7.1 The Developer and Council acknowledge and agree that:

- 7.1.1 the Maximum Total Contribution has been calculated on the basis that approximately 580 Residential Allotments can be achieved on the Development Land and, subject to clause 8 and Schedule 3, the Developer will contribute cash and works to the maximum value of \$30,000 (as at the commencement of this Agreement and as adjusted in accordance with clause 8) per Residential Allotment (being the Residential Allotment Contribution);
- 7.1.2 if more or less than 580 Residential Allotments can be achieved on the Development Land, the Maximum Total Contribution is to be revised such that, subject to clause 8, the Developer's Contribution will have a maximum value of the Residential Allotment Contribution multiplied by the number of achievable Residential Allotments; and
- 7.1.3 if the Maximum Total Contribution is adjusted under clause 7.1.2, the Maximum Road Works Contribution the Maximum Community Works Contribution and the Cash Contribution must each be revised on a proportionate basis in accordance with the revision to the Maximum Total Contribution.

8 CPI Adjustment of Developer's Contributions

8.1 On each CPI Review Date the Residential Allotment Contribution will be calculated as follows:

$$RAC_c = RAC_b \times \frac{\text{Current CPI}}{\text{Base CPI}}$$

Where:

RAC_b = The Residential Allotment Contribution at the commencement of this Agreement (i.e. \$30,000)

RAC_c = Adjusted Residential Allotment Contribution at CPI review date.

8.2 On each CPI Review Date the Maximum Road Works Contribution the Maximum Community Works Contribution and the Cash Contribution must be adjusted on a proportionate basis in accordance with the adjustment to the Maximum Total Contribution.

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9 Staged Provision of Selected Road Works and Community Works

- 9.1 The parties acknowledge that it is intended that the Proposed Development will be undertaken in stages.
- 9.2 For each stage, subject to clauses 6 and 7 and Schedule 3, the Developer must provide:
- 9.2.1 the Road Works, to the extent that those works are selected by the VPA Schedule Projects Selection Committee in accordance with Schedule 3 and subject to and in accordance with any necessary Approval for such works; and
 - 9.2.2 the Community Works, to the extent that those works are selected by the VPA Schedule Projects Selection Committee in accordance with Schedule 3 and subject to and in accordance with any necessary Approval for such works; but
- only if the Maximum Road Works Contribution or Maximum Community Works Contribution, respectively, has not yet been reached.
- 9.3 Within 20 Business Days of the commencement of this agreement the Council and the Developer are to constitute the VPA Schedule Projects Selection Committee.
- 9.4 The Council and the Developer are to follow the procedures and steps as outlined in Schedule 3 to this agreement in respect of each application for Development Approval for a particular stage of the Proposed Development that is lodged with Council by the Developer.
- 9.5 Upon completion of the selected Road Works and Community Works for each stage of the Proposed Development the Developer must deliver to Council:
- 9.5.1 a certificate from the Developer's project manager certifying that the selected Road Works and Community Works for the particular stage of the Proposed Development have been completed in accordance with any necessary Approval(Completion Certificate); and
 - 9.5.2 a certificate from an experienced and reputable quantity surveyor appointed by the Developer certifying the aggregate value of the selected Road Works and Community Works completed for the particular stage of the Proposed Development (Cost Certificate), including all reasonable design, consultancy and project management costs, which are not to include the Developer's internal project management and internal costs incurred in delivering the selected Road Works and Community Works.
- 9.6 The Developer must deliver to Council a Completion Certificate and a Cost Certificate for the selected Road Works and Community Works carried out in connection with each stage of the Proposed Development prior to the issue of a Subdivision Certificate for the relevant stage.
- 9.7 The parties agree that unless the Council disputes a Costs Certificate by notice in writing within 20 Business Days of receipt of the Costs Certificate, the aggregate value of the works in the Costs Certificate will comprise the relevant expenditure for those works in calculating whether the Maximum Road Works Contribution and/or Maximum Community Works Contribution has been reached.

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- 9.8 For each stage, the Developer, if it wishes, may undertake any of the Road Works or Community Works that are selected by the VPA Schedule Projects Selection Committee to be carried out in connection with a stage of the Proposed Development other than the current stage subject to any necessary Approvals for that work being obtained. If the Developer completes those Road Works or Community Works, the Developer will be released from any obligation to complete those same works in connection with the stage of the Proposed Development in which the relevant Road Works or Community Works have been selected..
- 9.9 Council acknowledges and agrees that:
- 9.9.1 subject to clause 9.9.2, the Road Works and Community Works are not listed in order of priority; and
- 9.9.2 subject to Schedule 3, as the Maximum Road Works Contribution and Maximum Community Works Contribution function as caps on the Road Works and Community Works portions of the Developer's Contribution respectively, any items of the Road Works and Community Works, or parts thereof, will be built only if there are sufficient funds available from the Maximum Road Works Contribution and Maximum Community Works Contribution respectively; and
- 9.9.3 for the purpose of the Maximum Road Works Contribution or Maximum Community Works Contribution, the costs expended by the Developer in respect of reasonable design, consultancy and project management, excluding the Developer's internal project management and internal costs incurred, for Road Works and Community Works are included in the calculation of the aggregate value of those works.
- 9.10 Following completion of the Road Works or Community Works selected by the VPA Schedule Projects Selection Committee, in accordance with any necessary Approvals, the Developer must take all steps and do all things reasonably necessary to procure the Completion Certificate for the works.
- 10 Payment of Cash Contribution**
- 10.1 The Developer must pay the Cash Contribution to Council as a contribution to the Community Facilities and Open Space works nominated as cash contributions in Schedule 2.
- 10.2 The Cash Contribution must be paid to Council, prior to the issue of the Subdivision Certificate, on a 'pro-rata' basis. The pro-rata payment calculation is to be based on the number of Residential Allotments included in the Subdivision Certificate for the relevant stage.
- 11 Dedication Land**
- 11.1 In addition to the Developer's Contribution, for each stage of the Proposed Development, the Developer must take all steps necessary to register at the LPI the transfer of that part of the Dedication Land that is zoned RE1 and is located within the relevant stage of the Proposed Development to the Council in accordance with the timing specified in the relevant stage's Development Approval.
- 11.2 The parties acknowledge and agree that the value of the Dedication Land (as at the date of this agreement) is approximately \$5,000,000-\$6,000,000.

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- 11.3 The Developer must effect the transfer of the Dedication Land that is zoned RE1 for each stage by:
- 11.3.1 either:
- (i) delivering the certificates of title for the relevant part of the Dedication Land to Council; or
 - (ii) producing the certificates of title for the relevant part of the Dedication Land with LPI; and
- 11.3.2 delivering to Council either:
- (i) a form of transfer in respect of the relevant portion of the Dedication Land executed by the Developer in registrable form transferring the relevant part of the Dedication Land for \$1.00; or
 - (ii) a deposited plan which indicates that the relevant part of the Dedication Land is intended to be dedicated to the Council;
- 11.3.3 assisting with any enquiries or requisitions made by the LPI; and
- 11.3.4 taking any other necessary action to give effect to the transfer of the title of the relevant part of the Dedication Land to the Council.
- 11.3.5 For the avoidance of doubt, the parties acknowledge and agree that other than in the circumstances where the Dedication Land is transferred to the Council for \$1.00 in accordance with clause 11.3.2(i), the Dedication Land is to be transferred to Council at no cost to Council.
- 11.4 Council agrees that it will accept the Dedication Land (or parts thereof) free of all encumbrances and interests other than any easements or interests required by any Authority or utility service provider currently noted on the title of the Dedication Land or required under any Development Approval, and will take all action necessary on its part to give effect to the transfer of the title of the relevant part of the Dedication Land to Council.
- 12 Defects Liability**
- 12.1 If Council notifies the Developer within the Defects Liability Period of a defect in any of the selected Road Works or Community Works that the Developer has carried out, the Developer must remedy that defect to the reasonable satisfaction of Council, within a reasonable period (having regard to the nature of the defect).
- 12.2 From the date a Completion Certificate is issued, and accepted by Council in writing, in respect of relevant works, until the expiration of the Defects Liability Period, the Developer must provide the Council with security in the form of a bank guarantee to a maximum amount of 20% of the value of those works as set out in the relevant Cost Certificate.
- 12.3 On and from the expiry of the Defects Liability Period, and subject to the Developer resolving all Defects that are notified to it during the Defects Liability Period, Council releases the Developer from, and agrees that the Developer is not liable for, any liability or loss arising from or in connection with the performance of the Road Works and the Community Works.

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13 G.S.T

- 13.1 Unless otherwise expressly stated all money or other sums payable or consideration to be provided under this agreement are exclusive of GST.
- 13.2 Despite Clause 13.1, to the extent that the Commissioner of Taxation, a Court or Tribunal determines that any supply made under or in connection with this agreement is a taxable supply, the GST exclusive consideration otherwise to be paid or provided for that taxable supply is increased by the amount of any GST payable in respect of that taxable supply and that amount must be paid at the same time and in the same manner as the GST exclusive consideration is otherwise to be paid or provided and a valid Tax invoice is to be delivered to the recipient of the taxable supply and this clause will not merge on completion or termination of the agreement.

14 Dispute Resolution

14.1 Reference to Dispute

If a dispute arises between the Parties in relation to this Agreement, then the Parties must resolve that dispute in accordance with this clause.

14.2 Notice of Dispute

The Party wishing to commence the dispute resolution processes must notify the other Party in writing of:

- (a) the intent to invoke this clause;
- (b) the nature or subject matter of the dispute, including a summary of any efforts made to resolve the dispute other than by way of this clause; and
- (c) the outcomes which the notifying Party wishes to achieve (if practicable).

14.3 Representatives of Parties to Meet

- (a) The representatives of the Parties must promptly (and in any event within 15 Business Days of the written notice provided in accordance with clause 14.2) meet in good faith to attempt to resolve the notified dispute.
- (b) The Parties may, without limitation:
 - (i) resolve the dispute during the course of that meeting;
 - (ii) agree that further material, expert determination in accordance with clause 14.5 or consideration is needed to effectively resolve the dispute (in which event the Parties will, in good faith, agree to a timetable for resolution); and
 - (iii) agree that the Parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

14.4 No party may constrain

If:

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- (a) at least one meeting has been held in accordance with clause 14.3; and
- (b) the Parties have been unable to reach an outcome identified in clause 14.3(b)(i) to (iii); and
- (c) any of the Parties, acting in good faith, forms the view that the dispute is reasonably unlikely to be resolved in accordance with a process agreed under clause 14.3, then, that Party may, by 15 Business Days written notice to the other Party, terminate the dispute resolution process in respect of that dispute. The termination of the process set out in this clause does not of itself amount to a breach of this Agreement.

14.5 Expert Determination

- (a) If a Dispute arises between Parties to this Agreement, the Parties may agree to refer the Dispute to expert determination in Sydney, New South Wales administered by the Australian Commercial Dispute Centre (ACDC).
- (b) The expert determination will be conducted in accordance with the ACDC Rules for Expert Determination (Rules) in force at the date of this Agreement. The Rules set out the procedures to be adopted, the process of selection of the expert and the costs involved, including the Parties' respective responsibilities for the payment of the expert's costs and other costs of the expert determination.
- (c) The expert determination will be final and binding on the Parties.
- (d) This clause 14.5 survives termination of this Agreement.

14.6 Urgent Relief

At any time, a Party may, without inconsistency with anything in this clause 14, seek urgent interlocutory relief in respect of a dispute under this Agreement from any Court having jurisdiction.

15 Agreement of the Developer

15.1 The Developer warrants that it:

- 15.1.1 is the legal and beneficial owner of part of the Development Land;
- 15.1.2 will take all practicable steps and use best endeavours and do all acts and things required to procure:
 - 15.1.2.1 the execution of any documents necessary to effect registration of this agreement with LPI; and
 - 15.1.2.2 the production of the relevant certificates of title for the Development Land and the registration of this agreement at LPI on the title of the Development Land within twenty (20) Business Days of the date of the commencement of this agreement.
- 15.2 Council shall not be required to seal any sub-division plan made pursuant to the Gazettal unless and until this agreement has been registered at LPI on the title of the Development Land.

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16 Compulsory Acquisition

- (a) If the Developer and/or the Land Owner do not procure the transfer of all or part of the Dedication Land that is zoned RE1, in accordance with clause 11, the Developer and Land Owner agree that the Council may compulsorily acquire all or part of the Dedication Land that is zoned RE1 in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW) for the amount of \$1.
- (b) The Land Owner and the Council agree that:
 - (i) clause 16(a) is an agreement between the Land Owner and the Council for the purpose of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW); and
 - (ii) the Land Owner and the Council have agreed on all relevant matters concerning the compulsory acquisition and the compensation to be paid for the acquisition.

17 Enforcement by any party

- (a) Without limiting any other remedies available to the Parties, this Agreement may be enforced by any Party in any court of competent jurisdiction.
- (b) Nothing in this Agreement prevents:
 - (i) a Party from bringing proceedings in a court of competent jurisdiction to enforce any aspect of this Agreement or any matter to which this Agreement relates, subject to compliance with clause 14; and
 - (ii) the Council from exercising any function under the Act or any other Act or law.

18 Assignment

- 18.1 The Developer must not Transfer its interest in the whole or any part of the Development Land (other than a Residential Allotment located in a stage for which the relevant Developer's Contribution has been provided to Council) without the written consent of the Council, such consent not to be unreasonably withheld or delayed.
 - 18.1.1 Approval is reasonably withheld if the proposed assignee, or person is not solvent and reputable and the assignment or encumbrance will materially adversely affect the obligations of the Developer and the rights of the Council under this Agreement.
 - 18.1.2 Any request to the Council from the Developer or Land Owner to assign, encumber or deal with any right, obligation or interest under this Agreement to another party must include, but not be limited to, financial details and references relating to that other party. The Council must also be permitted to make reasonable enquiries into these matters of that party.
- 18.2 The transferee must execute a deed in a form and with conditions acceptable to Council acting reasonably, including;

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- 18.2.1 agreement to comply with this agreement as if the transferee was the Developer with respect to that part of the Development Land transferred, including in relation to obligations which arose before the Transfer; and
- 18.2.2 acknowledgement and agreement that the rights of the Council under this agreement are not diminished in any way.

19 Release

When the Developer has satisfied all of the obligations imposed on it under this agreement in respect of that part of the Development Land for which a Subdivision Certificate has been issued and for which the Developer's Contribution has been delivered then the Council must promptly at the request and at the reasonable expense of the Developer do all acts and things necessary to remove this agreement from the title of that part of the Development Land.

20 Termination

- 20.1 Subject to clause 14 this agreement may be terminated by the Council by written notice to the Developer if:
 - 20.1.1 the Developer commits a breach of any of the terms and conditions of this agreement and fails to remedy such a breach within fourteen (14) days of receipt of a written notice (which specifies the breach and requires the Developer to remedy the breach) whereupon the date of such termination will be effective on the 15th day from receipt of such written notice; or
 - 20.1.2 an Event of Insolvency occurs.

21 Review Procedures

The parties may agree to review this agreement in circumstances and in a manner determined by the parties. Any amendment, modification, supplement or replacement document which results from a review must be in writing, signed by the parties and registered at LPI under Section 93H of the Act.

22 Notices

- 22.1 Any notice, request for information to be made or information to be given under this agreement must, in order to be valid, be in writing and must be given to or served upon a party:
 - 22.1.1 by being left at that party's address or such other address as may be notified to the first party giving or serving any such document which will be deemed served when so left; or
 - 22.1.2 'by being posted in a pre-paid ordinary, certified or registered letter addressed to that party at such address which will be deemed duly served three (3) Business Days after the posting of the same; or
 - 22.1.3 by being dispatched by facsimile transmission to that party and which will be deemed served at the time recorded on the facsimile machine of the party serving such document of an error free transmission to the correct facsimile number.
- 22.2 For the purposes of this clause the parties' contact details for service are:

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The Developer

Address:

EJ Cooper and Son
642 Great Western Highway
PENDLE HILL NSW 2145 PO Box 21

Facsimile: 9636 9636

Council

Address:

Hawkesbury City Council
Attention: General Manager
366 George Street,
WINDSOR NSW 2571

Telephone: 4560 4444

Facsimile: 4587 7740

23 Proper Law and Jurisdiction

This agreement is made and will be construed and governed in accordance with the Law of the State of NSW South Wales. Each party submits to the exclusive jurisdiction of each and every Court or Tribunal of the said State having jurisdiction to hear the matter submitted to it.

24 Severance

24.1 If it is held by any Court or Tribunal that:

24.1.1 any part or condition of this agreement is void, invalid, illegal or otherwise unenforceable, or

24.1.2 this agreement would be void, voidable, invalid, illegal or otherwise unenforceable unless any part or condition of this agreement was severed then that part or provision which is severed from this agreement will not affect the continued operation of the remainder of this agreement which has not been severed nor the validity or enforceability of that part or condition, provided that the fundamental purpose of or the intentions expressed by the parties under this agreement is not substantially altered.

25 Waiver

25.1 No failure on the part of a party to exercise and no delay in exercising and no cause of dealing with respect to, any condition and the rights, powers or remedies of that party under this agreement will impair any of those rights, powers or remedies, nor constitute a waiver of any of those rights, powers or remedies.

25.2 No single or partial exercise by a party of any condition and rights, powers or remedies under this agreement will preclude any other or further exercise of those or exercise of any other conditions rights or remedies.

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- 25.3 Any condition and the rights, powers or remedies under or relating to this agreement are cumulative and will not exclude any other rights, powers or remedies under or relating to this agreement at Law.
- 25.4 No waiver of any of the conditions of this agreement will be effective unless in writing signed by the party against whom such waiver is sought to be enforced.
- 25.5 Any waiver of the conditions of this agreement will be effective only in the specific instance and for the specific purpose given and the waiver will not be deemed a waiver of such obligations or of any subsequent breach of the same or some other obligation.

26 Approvals and Consent

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

27 Assignment and Dealings

None of the parties to this agreement may assign or otherwise deal with their rights, powers, obligations and remedies under this agreement or allow any interest in them to arise or be varied, save and except as provided in clause 18.

28 Entire Agreement

This agreement contains all the terms and conditions to which the parties have agreed on in relation to the matters which they have dealt with. No party can rely on an earlier document, anything said or done by another party, or omitted to be relied upon, said or done except as permitted by Law.

29 No Fetter

- 29.1 Nothing in the agreement is to be construed as requiring the Council to do anything
- 29.1.1 that would cause it to be in breach of any of its obligations at Law;
- 29.1.2 limiting or fettering in any way the exercise of any statutory discretion or duty, at Law; or
- 29.1.3 imposing any obligations to grant an Approval.

30 Representatives and Warranties

Each party agrees that it has the power and authority to enter into this agreement and comply with its obligations and that entry into this agreement will not result in a breach of Law.

31 Costs

Each party must bear and pay its own costs of and incidental to the preparation and execution of this agreement.

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Executed as an agreement on

2015

Execution by Council

Signed by Hawkesbury City Council by
its authorised officer in the presence of:

Signature of witness

Signature of authorised officer

Name of witness

Authorised Officer's Name:
Signing on behalf of: Hawkesbury City Council
Power of Attorney Book:
No: _____

Address of witness

Execution by E J Cooper and Son Pty Ltd

Signed by E J Cooper and Son Pty Ltd
by:

Signature of director/company secretary

Signature of director

Print name

Print name

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Schedule 1 - Road Works

VPA ITEM	Location	Proposed Works
1	Spinks Road - from Mitchell Drive to Creek Ridge Road.	<p>Rehabilitate existing 6.0 m wide pavement including road widening to provide a 9 m wide sealed surface.</p> <p>Works comprise:</p> <ul style="list-style-type: none"> - Excavate existing shoulder material to a depth of approximately 250 mm subject to Geotechnical Report. - Remove unsuitable subgrade material as determined by Council's representative within existing pavement and replace with suitable road base. - Cement stabilise sub-grade over a minimum width of 9.2m to the requirements of the geotechnical report. - Place and compact suitable base course material to a depth as determined by geotechnical report. - Provide a 9.0 m wide two coat seal including appropriate line marking. <p>Notes</p> <ul style="list-style-type: none"> - Relocate public utilities where necessary. - Adjust adjoining driveways including drainage facilities where necessary.
2	Spinks Rd – from Boomerang Drive to Mitchell Dr.	Rehabilitate existing pavement of variable width. Works comprise in situ stabilisation in accordance with a geotechnical report.
3	Intersection of Creek Ridge Road & Spinks Road	Reconstruct the entire bend of variable width with full depth Asphalt. Minimum depth 250 mm.
4	Creek Ridge Road – from Spinks Road to Kurmond Road.	<p>Rehabilitate existing pavement including road widening to provide a 9 m wide sealed surface.</p> <p>Works comprise:</p> <ul style="list-style-type: none"> - Excavate existing shoulder material to a depth of approximately 250 mm subject to Geotechnical Report. - Remove unsuitable subgrade material as determined by Council's representative within existing pavement and replace with suitable road base. - Cement stabilise sub-grade over a minimum width of 9.2m to the requirements of the geotechnical report. - Place and compact suitable base course material to a depth as determined by geotechnical report. - Provide a 9.0 m wide two coat seal including appropriate line marking. <p>Notes</p> <ul style="list-style-type: none"> - Relocate public utilities where necessary. - Adjust adjoining driveways including drainage facilities where necessary.

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5	Currency Creek Culvert – Spinks Rd north of Kurmond Road.	Extend existing culvert where necessary to provide for a 9m wide sealed pavement. Scope of works will be based on the following: <ul style="list-style-type: none"> - Submit a detailed plan showing the existing and proposed road alignment over the culvert. - Details should also include culvert position/dimensions including guard rail and supporting edge beam.
6	Spinks Road – from Glossodia Bush Fire shed to Kurmond Road.	Rehabilitate existing pavement including road widening to provide a 9 m wide sealed surface. Works comprise: <ul style="list-style-type: none"> - Excavate existing shoulder material to a depth of approximately 250 mm subject to Geotechnical Report. - Remove unsuitable subgrade material as determined by Council's representative within existing pavement and replace with suitable road base. - Cement stabilise sub-grade over a minimum width of 9.2m to the requirements of the geotechnical report. - Place and compact suitable base course material to a depth as determined by geotechnical report. - Provide a 9.0 m wide two coat seal including appropriate line marking. Notes <ul style="list-style-type: none"> - Relocate public utilities where necessary. - Adjust adjoining driveways including drainage facilities where necessary.
7	Intersection of Spinks Road & Kurmond Rd.	Construct a dual lane roundabout including all road approaches. All trafficable areas to be a minimum 250 mm full depth asphalt. Relocate public utilities where necessary.
8	Intersection of Wire Lane & Kurmond Rd.	Construct a dual lane roundabout including all road approaches. All trafficable areas to be a minimum 250 mm full depth asphalt. Relocate public utilities where necessary.
9	Gorricks Lane & Freemans Reach Road.	Rehabilitate existing pavement including road widening to provide a variable width sealed surface based on the width of the existing road reserve. Works comprise: <ul style="list-style-type: none"> - Excavate existing shoulder material to a depth of approximately 250 mm subject to Geotechnical Report. - Remove unsuitable subgrade material as determined by Council's representative within existing pavement and replace with suitable road base. - Cement stabilise sub-grade in accordance with the geotechnical report. - Place and compact suitable base course material to a depth as determined by geotechnical report. - Provide a 200 mm full depth asphalt with a minimum width of 6.2m. Notes <ul style="list-style-type: none"> - Relocate public utilities where necessary. - Adjust adjoining driveways including drainage facilities where necessary.

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10	Wire Lane from Kurmond Road to Terrace Road.	<p>Rehabilitate existing pavement including road widening to provide a 9 m wide sealed surface.</p> <p>Works comprise:</p> <ul style="list-style-type: none">- Excavate existing shoulder material to a depth of approximately 250 mm subject to Geotechnical Report.- Remove unsuitable subgrade material as determined by Council's representative within existing pavement and replace with suitable road base.- Cement stabilise sub-grade over a minimum width of 9.2m to the requirements of the geotechnical report.- Place and compact suitable base course material to a depth as determined by geotechnical report.- Provide a 9.0 m wide two coat seal including appropriate line marking. <p>Notes</p> <ul style="list-style-type: none">- Relocate public utilities where necessary. <p>Adjust adjoining driveways including drainage facilities where necessary.</p>
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The above VPA excludes works associated with the Development Approval. Please note that the proposed 9m wide sealed pavement does not provide for any future cycleway which may be required as part of the DA consent. Works also do not include specific intersection treatment for new road access connections as these would be a development consent requirement.

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Schedule 2 - Community Works

COMMUNITY FACILITIES - JACARANDA PONDS VPA									
				Quantity		WORKS IN KIND (Timing of Works determined in Development Consents)			
Pedestrian Crossing - Spinks Rd				1	5,490				
Bus Stop - Spinks Rd.				2	14,288				
2.5m wide shared footpath (Derby Place to Shopping Centre - 800m)				800	280,000				
Refurbishment & Extensions to Glossodia Community Centre:									
Additional Office									
Extension to B&A School Care (min 12 places X 3.25m ²)									
Additional Storage									
New Playground									
Level playground and replace synthetic surface (200m ² x \$103m ²)									
Shade Structure (1000m ² x \$224m ²)									
Refurbish Kitchen (to commercial standard)									
Upgrade and Extend Amenities (to include shower)									
Upgrade Car Park @ \$132m ²								CASH	846,975
Refurbishment & Extensions to Pre-School					453,950				
Additional Office and Staff Amenities									
Extension to Long Day Care Centre (21 places X 3.25m ²)									
Extend Nappy Change Room									
Refurbish Kitchen (to commercial standard)									
Refurbish and Upgrade Childrens Amenities									
					393,025				
Total Community Facilities					1,146,780				0.00

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Open Space/Community Facilities - Works Schedule									
Lakeside Park	Costs								
Shelter x 2 - Inclusive of picnic facilities	\$60,000								
Pathway around lake (excluding path over dam wall which is not part of the VPA)	\$180,000								
Small Playground - (to meet the need of 5-12yr olds) and junior skate surround to playspace to connect with main pathway and other amenities. Include Nature Base Play elements to site.	\$50,000								
Bins x5 - 120ltr Wheelie Bin Enclosures	\$15,000								
Bicycle rack x1	\$2,000								
Fringing vegetation establishment (1000 plants purchase and install & Establishment)	\$15,000								
Total	\$322,000								
Village Green									
Playground (District playground to meet the needs of 0-5 and 5-12 yr olds , inclusive play space for 12 - 15 yrs old) and junior skate surround to playspace to connect with main pathway and other amenities.	\$250,000								
Shelter x 4 - Inclusive of picnic facilities	\$100,000								
BBQ x 2 - each unit to consist of a double plate BBQ's	40,000								
Multi purpose court (similar to Bligh Park - may need to expand) the Provision of skate pad facilities, agility activities and the ball court area to allow for multiple application (Basketball, Fusta, Netball)	\$250,000								
Passive Area (fencing, bag holders, water)	\$100,000								
Irrigation to Village green - irrigation for both the grassed areas and gardens to be integrated to CloudMaster system for ease of operation	\$100,000								

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Schedule 3 - Guidelines for the VPA Schedule Projects Selection Committee

Constitution of the Committee

The VPA Schedule Projects Selection Committee is to be constituted by 2 staff representatives of the Council (that are authorised by the Council to make decisions on its behalf in respect of the Proposed Development and as nominated by the Council) and 2 representatives of the Developer (as nominated by the Developer).

In the event of an equality of votes, if the parties are unable to reach agreement, clause 14 applies.

Role of the Committee

The VPA Schedule Projects Selection Committee will be responsible for selecting, subject to available development contribution funds, which of the Road Works or Community Works will be carried out in connection with each particular stage of the Proposed Development.

Meetings, and Minutes

The VPA Schedule Projects Selection Committee is to meet approximately 40 Business Days prior to the lodgement by the Developer of an application for Development Approval for a particular stage of the Proposed Development.

The VPA Schedule Projects Selection Committee is to record and provide to the Developer and the Council minutes of each meeting it holds within 5 Business Days of each meeting being held.

Process to be followed by the VPA Schedule Projects Selection Committee, the Developer and the Council in relation to the Road Works and the Community Works

Step 1: For each application for Development Approval for a particular stage of the Proposed Development the VPA Schedule Projects Selection Committee is to convene a meeting for the purpose of considering the funds available (or that are estimated to be available) from the relevant Development Approval (if granted) and then, subject to those available funds, select which of the Road Works and Community Works will be carried out in connection with the particular stage of the Proposed Development.

Step 2: Following the VPA Schedule Projects Selection Committee meeting in relation to a particular proposed application for Development Approval, the Developer is to submit to the Council a detailed scope, cost forecast and proposed contingency amounts and concept design for the Road Works and Community Works selected by the VPA Schedule Projects Selection Committee at the meeting referred to in Step 1 above. If the cost forecast and proposed contingency amounts indicate that the Maximum Road Works Contribution and/or the Maximum Community Works Contribution would be exceeded if the selected Road Works and/or Community Works are carried out, then:

- (a) despite any other provision in this agreement, the Developer is not obliged to carry out the selected Road Works and/or Community Works (as the case may be) that would give rise to any such exceedance; and
- (b) unless otherwise agreed by the Developer and the Council in writing, the Developer is to provide the balance of funds for the contribution for Road

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Works and/or Community Works under this agreement up to the value of the Maximum Road Works Contribution and/or Maximum Community Works Contribution (as the case may be) to the Council in the form of a monetary payment in lieu of carrying out the selected Road Works and/or Community Works (as the case may be).

Step 3: After the relevant Development Approval and all other necessary Approvals have been granted, the Developer is to prepare construction plans for the selected Road Works and Community Works.

Step 4: The Developer is to tender the construction works for the selected Road Works and Community Works and provide a copy of that tender to Council. Following the tender process the Developer is to provide a tender recommendation to the Council for agreement prior to commencement of works.

Step 5: The Developer is to arrange and manage the carrying out of the selected Road Works and Community Works subject to and in accordance with any necessary Approvals and is to report to the Council on a quarterly, or agreed milestone, basis on the progress of the works.

Step 6: If after commencing the selected Road Works and/or Community Works for a particular stage of the Proposed Development it becomes apparent to the Developer that the Maximum Road Works Contribution and/or the Maximum Community Works Contribution is likely to be exceeded if the works are completed, the Developer must notify the Council in writing within a reasonable period of becoming aware of the likely exceedance, but no more than 10 Business Days. Unless otherwise agreed by the Developer and the Council in writing, the Developer and the Council must equally share the cost of any exceedance of delivering the selected Road Works above the Maximum Road Works Contribution and of delivering the selected Community Works above the Maximum Community Works Contribution to enable the timely completion of such works by the Developer, provided always that the amount of the cost exceedance is no greater than 25% of the estimated cost of such Road Works and/or Community Works at the time the works were selected by the VPA Schedule Projects Selection Committee. If the amount of the cost exceedance is greater than 25% of the estimated cost of such works (as set out in the information that is submitted by the Developer to the Council in accordance with Step 2 above), then the Council and the Developer will meet in good faith and seek to reach agreement as to whether the relevant Road Works or Community Works should continue to be provided (and if so, by whom) and the shared costs arrangement for provision of such works, or whether an alternative contribution arrangement should be entered into in lieu of completing such works. If there is any dispute in relation to this step, including the costs sharing or works provision arrangements set out here, then the Developer and the Council must follow the dispute resolution procedures outlined in clause 14 of this agreement.

Step 7: The Developer is to provide the Council with a Completion Certificate and a Cost Certificate for the relevant selected Road Works and Community Works in accordance with clause 9.5 of this agreement.

oooO END OF REPORT Oooo

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GENERAL MANAGER

Item: 20 **GM - Coal Seam Gas Wastewater - (79351, 95498, 105109)**

Previous Item: NM2, Ordinary (29 May 2012)
 NM, Ordinary (25 March 2014)
 126, Ordinary (29 July 2014)
 150, Ordinary (26 August 2014)
 NM1, Ordinary (3 February 2015)

REPORT:

Executive Summary

Council has considered the issue of Coal Seam Gas (CSG) and associated matters on a number of occasions in the past and on the last occasion considered a Notice of Motion at the Council meeting of 3 February 2015 in relation treatment and disposal of CSG wastewater.

In response to Council's request for information relating to the treatment and disposal of CSG wastewater from the Environment Protection Authority (EPA) and Worth Recycling Pty Ltd (Worth), Worth have now advised that they will not be accepting any further CSG wastewater for treatment.

Consultation

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

Background

Council has, in the past, received a number of reports relating to waste water from CSG operations, and at its meeting of 3 February 2015 considered a Notice of Motion in relation the treatment and disposal of CSG flow back water in the Hawkesbury and resolved to:

- "1. *Request the following information (from either the licensed company or the EPA) be publicly accessible on a regular (monthly) basis:*
 - a) *number of truck movements per week;*
 - b) *volume of water being treated per week;*
 - c) *composition of flow back water;*
 - d) *regular test results of levels of contaminants found;*
 - e) *use and location of recycled water;*
 - f) *disposal method and location of any solids and contaminants removed during treatment; and*
2. *Keep the community advised of any changes related to the source or volume of CSG waste water coming into the Hawkesbury LGA."*

In accordance with Council's resolution appropriate correspondence has been forwarded to both Worth and the EPA.

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Worth has subsequently advised:

“After discussions with our Chairman and further discussions with AGL, Worth Recycling can confirm that we will no longer be accepting these waters.

In these tough economic times it is disappointing to not treat waters that we are licenced to receive but we understand and appreciate the level of concern raised by the council, so until greater acceptance by all interested parties is achieved, Worth Recycling will not receive these waters at our South Windsor facility.”

In view of comments appearing in social media concerning Worth receiving these waters from other locations the opportunity was taken to discuss the matter with Worth and they confirmed that they are not accepting these waters from either AGL, as recently reported, or any other location.

Any advice or response from the EPA will also be reported to Council when received.

Conformance to the Hawkesbury Community Strategic Plan

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

- Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment

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

- Engage with the community and work together to care for our environment

Financial Implications

There are no financial implications applicable to this report.

RECOMMENDATION:

That the information regarding the treatment and disposal of Coal Seam Gas wastewater following Council's resolution of 3 February 2015 be noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 21

GM - The Sydney Blues & Roots Festival - Sponsorship by Council - (79351)

REPORT:

Executive Summary

The Sydney Blues & Roots Festival (the Festival) is an event that has been held in Windsor for the last six years and is usually conducted over a four day period (Thursday evening to Sunday) at the end of October. The Festival has evolved and developed over the years and is now an event that attracts many visitors to Windsor. This has a significant benefit to both the venues that participate as well as other businesses in Windsor.

Late last year it was ascertained that the Festival organisers were having discussions with another party which, if finalised, would have resulted in the Festival being relocated to another area.

As such, discussions have been held by the Mayor, General Manager and Corporate Communications staff with the Festival organisers in an endeavour to retain the Festival in Windsor for an extended period of time.

The purpose of this report is to advise Council of the result of the above discussions and to recommend a proposed sponsorship of the Festival by Council.

Consultation

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

Background

The Sydney Blues & Roots Festival (the Festival) is an event that has been held in Windsor for the last six years and is usually conducted over a four day period (Thursday evening to Sunday) at the end of October. It is understood that the Festival attracts up to 1,000 people per day and in addition to the various venues utilised for performances has had exclusive use of Holland's Paddock during the event.

The Festival has evolved and developed over the years and is now an event that attracts many people to Windsor as well as providing a significant profile for the Hawkesbury and related tourist and entertainment businesses. This has a significant benefit to both the venues that participate as well as other businesses in Windsor and the wider Hawkesbury area.

In the past Council has supported the Festival by waiving the relevant fees for the use of Holland's Paddock during the Festival and the organisers have indicated that it needs continuing support to ensure its long term viability.

Late last year it was ascertained that the Festival organisers were having discussions with another party which, if successfully concluded, would have provided the Festival with additional financial support and sponsorship and would have resulted in the Festival being located to another area outside of the Hawkesbury Local Government Area (LGA).

In view of this, the organisers of the Festival were contacted and discussions held with the Mayor, General Manager and Corporate Communications staff in an endeavour to retain the Festival in Windsor for an extended period of time. During the initial meeting it was indicated that it would be difficult for the Festival to continue to function without additional significant financial support which was the main reason the organisers had commenced discussions with another party.

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During these initial discussions the Festival organisers suggested that a "Naming Rights Sponsorship" was required to ensure the ongoing viability of the Festival together with a number of other sponsorships they currently receive. It has been indicated that in 2014 the Festival attracted 20 sponsors for an amount of \$39,100 and should attract a similar amount in 2015 if it remains in Windsor. While the "Naming Rights Sponsorship" was advertised as being for an amount of \$50,000 it was indicated during these discussions that an amount of \$30,000 together with other "in-kind" support would be considered if offered by Council to retain the Festival in Windsor.

The initial discussions concluded on the basis that the organisers were still in discussions with the other party, however, it was indicated that a sponsorship proposal would be submitted to Council for consideration only if the organisers were committed to remaining in Windsor and would do so if an agreed offer was accepted by Council.

For the last six years of the Festival the Council has waived the exclusive use fees applicable in respect of the Festival's use of Holland's Paddock and has provided total sponsorship of \$18,050 through the Community Sponsorship Program to the Windsor Business Group for the conduct of the Festival. The waiving of the relevant park hire fees over the period would amount to approximately the same amount.

Documentation provided by the Festival organisers indicates the provision of a "Naming Rights Sponsorship" by an organisation provides a number of "benefits" for the sponsor. There are also a number of other "Sponsorship Packages" available. Details of the "benefits" provided as part of the "Naming Rights Sponsorship" as well as other "Sponsorship Packages" are included as Attachment 1 to this report.

A further meeting and discussions have now been held with the organisers and it was indicated that while their alternate negotiations had not concluded they would retain the Festival in Windsor if a suitable sponsorship arrangement was agreed with Council. In view of the benefits that the Festival brings to the area and the ongoing developments of these benefits with the potential growth of the Festival in the future this approach was considered reasonable.

Whilst it was indicated that a sponsorship proposal was subject to Council's consideration and endorsement it was agreed that a proposal would be submitted to Council to consider a "Naming Rights Sponsorship" of the Festival on the basis that:

1. Council would provide a "Naming Rights Sponsorship" of the Festival in an amount of \$30,000 per annum for a period of three years with an option of a further two years with the agreement of the parties.

The sponsorship would be subject to the execution of an appropriate agreement in this regard with the sponsorship fee being paid in three equal instalments at two months and one month prior to the Festival with the remaining instalment at the commencement of the Festival.

2. The Festival to be rebranded and advertised/marketed as the "Sydney Blues & Roots Festival proudly sponsored by Hawkesbury City Council".
3. Council waive the relevant park booking fees for the exclusive use of Holland's Paddock and meet reasonable rubbish removal charges incurred by the Festival during the period of the sponsorship.
4. Council waive current outstanding rubbish removal fees in respect of the 2014 Festival.

The Festival organisers indicated that if the Council were to agree to make the above offer it would be accepted and the Festival would remain in Windsor.

Based on the Council's current fees and charges the waiving of the park booking fees has a "value" of approximately \$3,000 per annum Rubbish removal fees in 2014 amounted to \$1,175 and it would be reasonable to assume that a similar level of fees would be incurred each year in respect of future Festivals if continued in Windsor. If Council agrees to the sponsorship proposal these fees would be waived as part of the package during the sponsorship period.

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Council's staff would also work with Festival organisers to ensure the LGA receives maximum benefit for Council's investment in this event. In kind support would also be provided to seek additional funding to expand the event in coming years.

While Council is in no way committed to providing the proposed sponsorship for the Festival at this stage based on discussions held to date it is likely the Festival will relocate elsewhere if it does not do so. Council would be aware that an amount of \$20,000 was included in the 2014/2015 Operational Plan for the potential sponsorship of a major event. At this stage this amount has not been expended. If Council agrees to this proposal it will be necessary for the level of this provision to be increased to \$30,000 in the 2015/2016 Operational Plan and subsequent Operational Plans during the period of the sponsorship.

In relation to this matter Council will be aware that it has previously adopted a 'Sponsorship Policy' to manage arrangements whereby Council may receive a sponsorship for an event or activity or consider granting a sponsorship to another party *"in money or in kind, to support an activity or event for the benefit of residents and visitors"*.

Council's policy defines the following in respect of a sponsorship the Council may provide:

"Sponsorship is not an unconditional grant. In providing sponsorship Council expects to receive an outcome for the benefit of the community which is consistent with the aims and objectives of its strategic, operational and community plans."

It is considered that the current proposal meets the above definition in that the conduct of the Festival does provide benefit for the community by way of potential community participation in the event as well as the benefits that flow to various business in Windsor and the wider area as a result of the level of patronage of the Festival including related tourism benefits. As indicated in the "Conformance to Community Strategic Plan" section of this report the proposal also meets relevant aims and objectives of the Community Strategic Plan.

As such, it is also considered that the proposal achieves a majority of the relevant "Sponsorship Principles" contained within the applicable section of the Council's policy.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

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

Financial Implications

An amount of \$20,000 was included in the 2014/2015 Operational Plan for the potential sponsorship of a major event. At this stage this amount has not been expended. If Council agrees to this proposal it will be necessary for the level of this provision to be increased to \$30,000 in the 2015/2016 Operational Plan and subsequent Operational Plans during the period of the sponsorship.

Income in respect of the park hiring fees and garbage removal fees referred to in the report will also be foregone during the period of the sponsorship.

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RECOMMENDATION:

That:

1. Council agree to a "Naming Rights Sponsorship" of the "Sydney Blues & Roots Festival" on the basis outlined in the report.
2. The General Manager be authorised to finalise arrangements for the sponsorship arrangement including deliverables and to execute an appropriate sponsorship agreement in this regard.
3. Authority be given for the sponsorship agreement referred to in 2 above to be executed under the Seal of Council if necessary.

ATTACHMENTS:

- AT - 1** Details of The Sydney Blues & Roots Festival "Naming Rights Sponsorship" package as well as other "Sponsorship Packages"

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AT - 1 Details of The Sydney Blues & Roots Festival "Naming Rights Sponsorship" package as well as other 'Sponsorship Packages'

NAMING RIGHTS SPONSOR

PACKAGE PRICE
\$50,000 (APPROXIMATELY)

Brand and industry exclusivity
Event logo will feature the title sponsor or brand — used throughout entire event and on website, 10,000 promotional flyers, t-shirts, all communications and on stage background where possible
On stage introduction of corporate executives (optional)
Invitations to the official launch party with premier seating for sponsor and guests
Premier seating at desired performances for sponsor and guests
Festival day passes
Full page advertisement in Souvenir Festival Program
Prominent banner and signage display throughout Festival precinct

Speaking opportunity with signage at Official Opening and Closing ceremony
Logo on Sydney Blues & Roots Festival official website
Sponsor posters
Logo on event posters
Promotional display at Sydney Blues Festival office during Festival
Premier mention and acknowledgement of support in all media releases
Link to sponsor's home page from event website
Free site during festival for promotional display
Premier mention and acknowledgement of support at all venues
Promotional display at performances and venues



PLATINUM PACKAGE

PACKAGE PRICE \$20,000 (APPROXIMATELY)

- Photo opportunities at selected performances
- Invitations to the official launch party
- Festival day passes
- Up to 25 weeks of exposure
- Full page advertisement in Souvenir Festival Program
- Logo on all Festival advertising and promotional material
- Prominent banner and signage shown throughout the festival precinct
- Opportunity for signage at Official Opening and Closing Ceremonies
- Logo on Sydney Blues & Roots Festival official website
- Sponsor posters**
- Logo on event posters
- Promotional display at Sydney Blues Festival office during Festival
- Premier mention and acknowledgement of support in all media releases
- Link to sponsor's home page from event website
- Free site during festival for promotional display
- Premier mention and acknowledgement of support at all venues
- Promotional display at performances and venues

GOLD PACKAGE

PACKAGE PRICE \$10,000 (APPROXIMATELY)

- Photo opportunities at select major performances
- Invitations to the official launch party
- Festival day passes
- Link to sponsor's home page from event website
- Free site during festival for promotional display
- Sponsor posters
- Premier banner display
- Company logo on event posters
- Free promotional stall in Windsor mall
- Up to 25 weeks of exposure

SILVER PACKAGE

PACKAGE PRICE \$5,000 (APPROXIMATELY)

- Invitations to the official launch party
- Festival day passes
- Link to sponsor's home page from event website
- Free site during festival for promotional display
- Sponsor posters
- Premier banner display
- Free promotional stall in Windsor mall
- Up to 25 weeks of exposure
- Half page advertisement in Souvenir Festival Program
- Logo on selected Festival advertising and promotional material
- Logo on Sydney Blues & Roots Festival official website
- Promotional signage and material at Sydney Blues Festival office during Festival
- Premier mention and acknowledgement of support in all media releases
- Logo on 10,000 Festival flyers

SYDNEY BLUES & ROOTS FESTIVAL

SPONSOR A BAND		SPONSOR A STAGE	
<p>CRYSTAL PACKAGE PACKAGE PRICE \$1,000 (APPROXIMATELY)</p> <p>Invitations to the official launch party Festival day passes Link to sponsor's home page from event website Logo on selected Festival promotional material Logo on Sydney Blues & Roots Festival official website Acknowledgement of support in selected media releases Company or brand name on 10,000 Festival flyers One eighth page advertisement in Souvenir Festival Program Sponsor posters Up to 25 weeks of exposure</p>	<p>Naming rights to all performances by any of the Festival's established or emerging bands The profile of the selected band will determine the sponsorship price The band will promote its sponsor at each performance with product placement if possible Sponsors will be named along side their band on the Festival website Other benefits available depending on optional choices Optional video presentation if possible</p>	<p>Available for any stage venues Naming rights for the duration of the Festival at the selected stage Product placement at stage if possible Each stage will be referred to in all programs under the name of the sponsor Other optional benefits available Optional video presentation if possible</p>	<p>PLEASE NOTE THAT ALL PACKAGES HAVE FIRST OPTION CONTINUED PARTNERSHIP OPPORTUNITY AVAILABLE</p>
<p>BRONZE PACKAGE PACKAGE PRICE \$2,000 (APPROXIMATELY)</p> <p>Invitations to the official launch party Festival day passes Sponsor posters Up to 25 weeks of exposure Link to sponsor's home page from event website Promotional signage and material at Sydney Blues Festival office during Festival Logo on 10,000 Festival flyers Acknowledgement of support in selected media releases Quarter page advertisement in Souvenir Festival Program Logo on selected Festival promotional material Logo on Sydney Blues & Roots Festival official website Free site during festival for promotional display</p>			



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 February 2015

Item: 22

GM - Waste 2015 Conference - (79351)

REPORT:

Executive Summary

The Waste 2015 Conference will be held from 5 to 7 May 2015 in Coffs Harbour. Due to its relevance to Council's business, it is recommended that the Waste 2015 Conference be considered for attendance by Councillors and appropriate staff.

Consultation

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

Background

The Waste 2015 Conference will be held from 5 to 7 May 2015 in Coffs Harbour. The two day conference is recognised as Australia's leading waste management conference and has been running since 1996. The Waste Conference attracts leading companies and individuals from Australian and overseas and offers a comprehensive two day program, as well as an extensive trade display and networking opportunities. Council has been represented at this Conference regularly in the past.

Cost of attendance at the Waste 2015 Conference will be approximately \$2,600 per delegate.

Budget for Delegate Expenses - Payments made:

Total Budget for Financial Year 2014/2015	\$46,500
Expenditure to date	\$32,507
Outstanding Commitments as at 9/02/2015 (approx.)	\$6,000
Budget balance as at 9/02/2015 (approx. including outstanding commitments)	\$7,993

It should be noted that the outstanding commitments referred to above are in relation to councillor attendance at the 2015 LGMA National Congress & Business Expo in April 2015 as previously authorised by Council.

Conformance to the Hawkesbury Community Strategic Plan

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

- Take active steps to encourage lifestyle choices that minimise our ecological footprint
- Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment

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

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

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Financial Implications

Funding for attendance at this Conference will be provided from the Delegates Expenses within the 2014/2015 Operational Plan.

RECOMMENDATION:

That attendance of nominated Councillors, and staff as considered appropriate by the General Manager, at the Waste 2015 Conference at an approximate cost of \$2,600 per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 February 2015

CITY PLANNING

Item: 23 **CP - Delivery Program 2013 - 2017 Progress Report - 1 July 2014 to 31 December 2014 - (95498, 124414)**

REPORT:

Executive Summary

The purpose of this report is to inform Council of progress in implementing Council's Delivery Program 2013 - 2017 for the period 1 July to 31 December 2014.

Consultation

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

Background

Council's Delivery Program 2013-2017 details the principal activities to be undertaken by Council over a four year period to implement the strategies of the Hawkesbury Community Strategic Plan 2013 - 2032.

Section 404 of the Local Government Act 1993 requires that "regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every six months". The Delivery Program states that the projects, programs and activities of the relevant Operational Plan will be used as the basis of this report.

The Operational Plan 2014/2015 commenced on 1 July 2014. The table attached to this report shows the progress in achieving the Delivery Program activities for the period 1 July to 31 December 2014.

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 Hawkesbury Community Strategic Plan being:

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

Financial Implications

There are no funding implications applicable to this report.

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Meeting Date: 24 February 2015

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

AT - 1 Delivery Program 2013 - 2017 Progress Report: 1 July - 31 December 2014 - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

Item: 24 CP - Review of the Stormwater Management Strategy for the Pitt Town Development Area - (95498, 124414)

REPORT:**Executive Summary**

This supplementary report has been prepared following the Council Briefing Session held on 10 February 2015. The report provides additional information in regards to the review of the stormwater management strategy for the Pitt Town Development Area (PTDA) to the report provided to Council's meeting of 3 February 2015. As explained at the Briefing, the goal is to merely update the management plan referred to in the Development Control Plan (DCP) to refer to a modernised and improved stormwater treatment approach. It would not otherwise change the DCP requirements or the potential lot yield.

It is recommended that Council consider this supplementary information and adopt the revised stormwater management strategy. This would enable discussions to be held with landowners ahead of a further report to Council. If this revision is not adopted the existing 2005 concept plan would apply and the less efficient and more expensive treatment systems would be required to be constructed by the developer and then maintained by Council.

Background

Council engaged WorleyParsons Consultants in September 2014 to undertake a review of the Pitt Town Stormwater Management Plan prepared in November 2005. The WorleyParsons review report was presented at Council's Ordinary meeting held on 3 February 2015. At that meeting Council resolved to defer the matter for further discussion and accordingly a Councillor briefing session was held on 10 February 2015.

The information presented at the Councillor Briefing Session is summarised in this further report. Figure 1 below provides a comparison and summary of changes between the 2005 and 2015 stormwater management plan. The key changes are outlined below:

- The location of the proposed stormwater treatment infrastructure at four precincts under review remains substantially unchanged between 2005 and 2015. One new stormwater treatment infrastructure in the Central precinct (shown in the Figure 1 as "New") has been identified as required to capture and treat stormwater due to it having a separate sub-catchment;
- The 2015 review looked at alternative Water Sensitive Urban Design (WSUD) options for more cost effective and efficient stormwater treatment infrastructure, whereas in 2005 Council only considered a wetlands option;
- The reason for selecting alternative WSUD treatment options is based on the lower overall cost to Council of maintenance, life cycle costs, cost of monitoring and the risk to public;
- The WSUD treatment infrastructure has a smaller footprint when compared to wetlands options which minimises the overall impact on adjoining land owners.

It should be noted that the reduced footprint option for stormwater treatment infrastructure does not translate into an increase in lot yield.

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The other Pitt Town Development precincts, which are currently under development, have been excluded from the 2015 review as these precincts are under a single developer who is required (by way of an approval and existing agreement) to build the necessary stormwater management infrastructure as part of their development approval condition and hence the associated Development Contribution under Section 64 is not required to be levied.

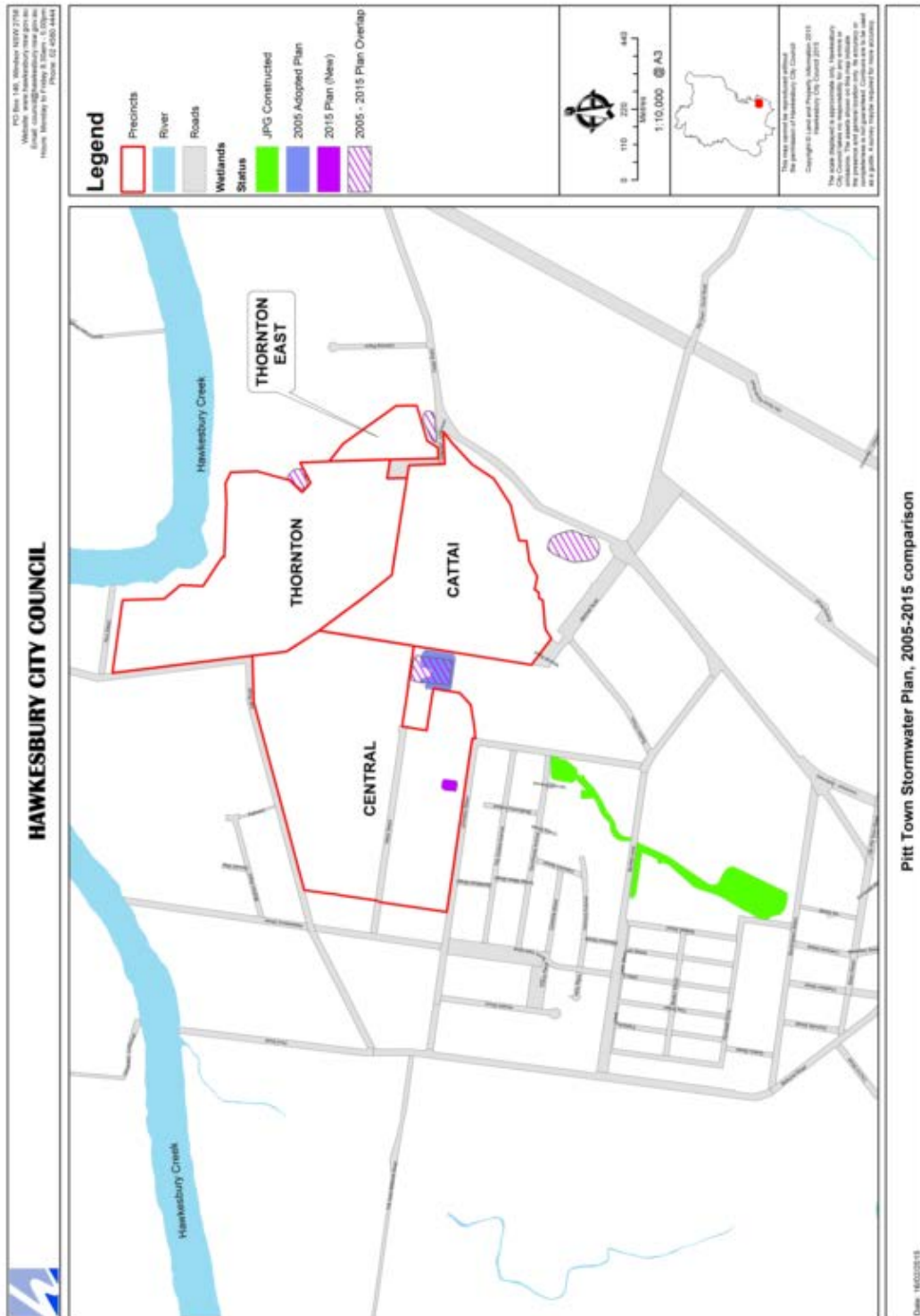


Figure 1 Pitt Town Development Area Precinct Map

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Conclusion

The revised Pitt Town Stormwater Management Strategy 2015 is merely a technical update to the 2005 plan for the Thornton, Thornton East, Central and Cattai precincts. The review purpose was to consider alternative more efficient stormwater treatment infrastructure with lowest life cycle costs. If this revision is not adopted the existing 2005 concept plan would apply and the less efficient and more expensive treatment systems would be required to be constructed by the developer and then maintained by Council.

The Pitt Town Stormwater Management Strategy provides an overall guide for the provision of the stormwater treatment infrastructure and forms the basis for Development Contributions under Section 64 for stormwater infrastructure to be levied.

The Pitt Town Stormwater Strategy provides a concept plan within the DCP. Detailed design (stormwater modelling and sizing) of the infrastructure would occur at the Development Application stage. The strategy does not change the existing stormwater specifications required by the DCP.

Based on the initial report and this supplementary information it is appropriate to adopt the revised strategy as a technical update to the existing DCP provisions relevant to Thornton, Thornton East, Central and Cattai precincts. This will provide a clear guide to landowners so they can prepare development applications accordingly. In addition the strategy will provide a basis for Council to prepare appropriate contributions plans for this infrastructure.

RECOMMENDATION:

That:

1. The information regarding the Review of the Stormwater Management Strategy for the Pitt Town Development Area and the Supplementary report be received.
2. Council adopt the *Pitt Town Development - Updated Stormwater Management Strategy - Final Draft*, prepared by Worley Parsons, dated 20 November 2014, as an update to the technical provisions referred to in the Hawkesbury Development Control Plan.

ATTACHMENTS:

AT - 1 Copy of Report to Council Meeting of 3 February 2015

AT - 2 Pitt Town Development - Updated Stormwater Management Strategy - Final Draft, prepared by Worley Parsons, dated 20 November 2014 - (*Distributed Under Separate Cover*)

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AT - 1 Copy of Report to Council Meeting of 3 February 2015

Item: CP - Review of the Stormwater Management Strategy for the Pitt Town Development Area - (95498, 124414)

REPORT:

Executive Summary

This report discusses the review of the stormwater management strategy for the Pitt Town Development Area (PTDA). The review is required to update the 2005 Water Management Plan to cater for the additional development yield from the previous Part 3A approval in 2008 and to update the controls to deal with contemporary environmental standards.

The review, prepared by Worley Parsons on behalf of Council, has resulted in a revised strategy for the following, yet to be developed, precincts:

- Thornton;
- Thornton East;
- Central; and
- Cattai.

The revised stormwater management strategy was prepared in light of the development potential for the PTDA and to be consistent with the current provisions of the Hawkesbury Development Control Plan 2002.

It is recommended that Council adopt the revised stormwater management strategy.

Consultation

It is considered that, at present, community consultation under Council's Community Engagement Policy is not required. However, consultation with affected land owners is anticipated as part of subsequent implementation of the stormwater management strategy via either contribution plans or development consent conditions. This will be the subject of a separate report to Council.

Background

The provision of stormwater infrastructure within the PTDA is required in order to service the future subdivision of land. In response to this need, in November 2005 Connell Wagner, on behalf of Council, prepared the Pitt Town Development Water Management Plan (WMP).

The WMP outlined measures for water, wastewater and stormwater management infrastructure for the rezoning of land at Pitt Town (known at the time as Amendment 145 Local Environmental Plan 1989 (LEP)) for residential and rural purposes. The land that was to be rezoned covered a total area of 212 hectares.

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The water management infrastructure was planned with a view to it servicing a yield of 690 lots. A series of wetlands and associated drainage works were proposed to capture and treat stormwater from the development area. The wetlands were conceptually sized using guidelines detailed in The Constructed Wetlands Manual - Volume 2 (1998). The indicative size and location of the wetlands, proposed as part of the original plan, are shown in the table and figure below.

Proposed Wetlands*	Catchment area in hectares	Wetland size in m ²
A & D	78.1	22,600
B	60.2	20,300
E	32.1	8,200
F	11.0	2,200
G	11.4	3,000
H ₁	10.3	2,100
H ₂	8.3	1,700

Table 1: Wetland Catchments, Connell Wagner, 2005

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Amendment 145 was gazetted on 18 August 2006 and resulted in amendments to the Hawkesbury Local Environmental Plan 1989 (LEP) and the Hawkesbury Development Control Plan 2002 (DCP).

On 18 July 2008, the PTDA, which incorporated land subject to Amendment 145, was further rezoned for residential and rural residential purposes. This was done via the Part 3A provisions of the *Environmental Planning and Assessment Act 1979* and State Environmental Planning Policy (Major Projects) 2008. The resulting lot yield increased to 943 lots. This resulted in further amendment to the LEP and DCP.

In both series of amendments to the DCP relevant outcomes of the WMP were incorporated into Part E Chapter 4 Pitt Town of the DCP.

The PTDA is divided into a number of development precincts with various minimum lot size and building coverage provisions. The precincts names and location are shown below and also marked on Figure 2 below:

- Blighton
- Cleary
- Thornton
- Thornton East
- Central
- Cattai
- Bona Vista
- Fernadell

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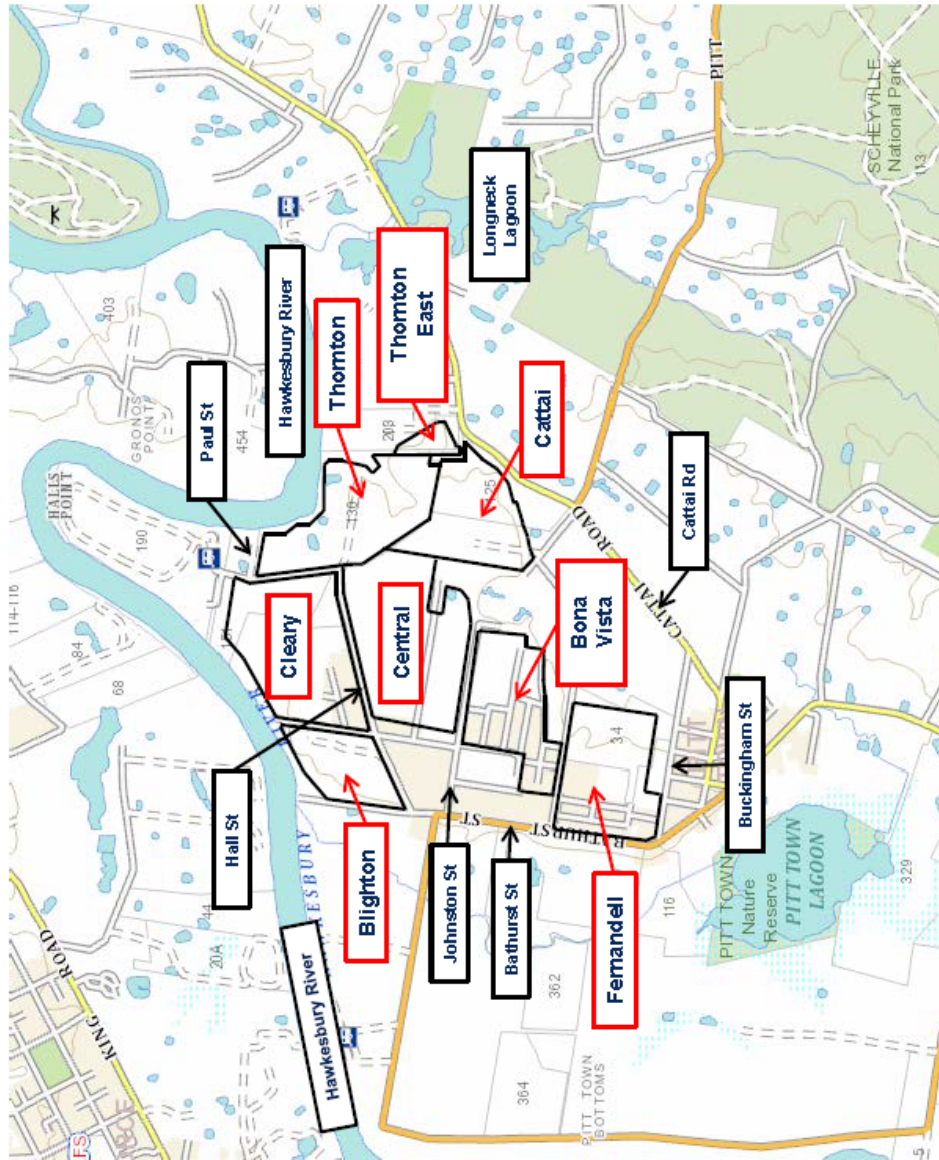


Figure 3: Pitt Town Development Area Precinct Map

30/10/15-03518
Pitt Town Development
Updated Stormwater Management Strategy
Site Map with PTRP Boundary
FIGURE 4.2

Background Image Source: <https://maps.six.nsw.gov.au/>



WorleyParsons
resources & energy

The results of the WMP (2005) have been used to ensure the provision of stormwater infrastructure associated with subsequent subdivision within the Bona Vista, Fernadell and Cleary development precincts. These subdivisions have been undertaken by a single developer (JPG).

More recently Council staff have received enquiries and a small number of development applications for subdivision within other precincts. In response to the passage of time since the adoption of the WMP, the increase in lot yield as a result of the Part 3A rezoning of the land, and these recent enquiries Council staff engaged Worley Parsons (WP) to undertake a review of the stormwater management plan contained within the WMP.

Stormwater Management Strategy & Review of Pitt Town Water Management Plan

The primary objectives of the review undertaken by Worley Parsons were as follows:

- 1) Prepare a revised stormwater management plan for the following precincts in Pitt Town:
 - Thornton;
 - Thornton East;
 - Central; and
 - Cattai.
- 2) Identify suitable options for water treatment, determine indicative construction and life cycle cost estimates for identified stormwater treatment options to enable costs to be incorporated into the existing developer contributions plan.

Whilst the initial stormwater management measures proposed in the WMP (2005) only included constructed wetlands, the current review, considers a number of alternative treatment options to meet contemporary water quality standards. The sizing of these alternate treatment measures has been undertaken using the Model for Urban Stormwater Improvement Conceptualisation, or MUSIC as it is commonly known. MUSIC is regarded as the current best practice tool for the sizing of water sensitive urban design infrastructure.

The key objectives and outcomes of the review and revised strategy are as follows. (The full strategy is attached to this report.)

Design Criteria for the Stormwater Quality Management Strategy

The objectives of the updated stormwater quality management strategy are:

- to preserve the state of existing watercourses; and,
- to ensure that post-development pollutant loads are consistent with Council's stormwater pollutant load reduction targets set in the DCP.

Water Quality Targets

The DCP contains specific water quality targets and those targets have been incorporated into the strategy.

- Total Suspended Solids (TSS) 80% reduction in the average annual load.
- Total Phosphorus (TP) 45% reduction in the average annual load.
- Total Nitrogen (TN) 45% reduction in the average annual load.

The recommendations for a revised strategy have been developed such that the quality objectives are achieved within each Pitt Town development precinct, independently of the other precincts.

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Stormwater Management Treatment Options

Stormwater quality improvement devices of varying types and sizes were modelled and those that resulted in the achievement of the stormwater pollutant reduction targets were identified. A minimum of two options per precinct have been developed.

The treatment measures investigated include gross pollutant traps (GPT), bioretention systems, swales, constructed wetlands and sedimentation basins and a combination of these measures.

The following table provides a summary of the treatment options considered for each of the development precincts and the preferred option. The preferred options identified in Table 2 below were chosen based on assessment merits and water quality targets, taking into account consideration for maintenance frequency, costs, and land area required for infrastructure construction including access for maintenance.

Development Precinct	Stormwater Treatment Measure				
	GPT	Swale	Wetland	Bioretention system	Preferred Option
Thornton					
Option 1	√		√		
Option 2	√	√		√	√
Thornton East					
Option 1	√		√		
Option 2	√			√	√
Cattai					
Option 1	√		√		√
Option 2	√			√	
Central					
Option 1 (Catchment 1 and 2)	√	√	√		
Option 2 (Catchment 1)	√	√	√		√
Option 2 (Catchment 2)	√			√	√
Option 3	√			√	

Table 2: Stormwater Treatment Options and Preferred Measures

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Current Stormwater Management Provisions of DCP Part E Chapter 4 Pitt Town

For the purposes of stormwater management, the following current provisions of the DCP Chapter 4 Pitt Town are of most relevance:

"4.3 General Principles

The general principles of the subdivision and development controls for Pitt Town set out within this chapter are to:

- *to provide a clear planning document that outlines requirements for development which meets community expectations and addresses the key environmental planning issues of the city;*
- *provide a clear framework for subdivision and development;*
- *ensure development adopts sound urban design and environmental planning practices;*
- *ensure the orderly and proper development of the area;*
- *ensure that new development embraces water-sensitive urban design principles;*
- *conserve and manage areas of environmental significance;*
- *provide adequate physical and community infrastructure;*
- *protect the health and safety of existing and future residents; and,*
- *ensure development is consistent with Council's adopted sustainability principles.*

4.12 Stormwater Management

4.12.1 Aims

- *The amount of stormwater generated within Pitt Town up to the 100 ARI events, and discharged to the Hawkesbury-Nepean River System is reduced or not increased.*
- *The water quality of stormwater discharged up to the 100 ARI event to the Hawkesbury-Nepean River System is improved or not worsened.*
- *The risk of localised flooding within Pitt Town is minimised and not increased.*

4.12.2 Rules

- a) *The sites shown as stormwater basins on the Pitt Town Development Plan Figure E4.2, **or as shown on a subsequent Council approved/adopted stormwater management plan**, are to be set aside for stormwater management purposes. The land will be acquired when required by Council by using funds from the Water Management fees.*
- b) *The water quality of stormwater discharged to the Hawkesbury-Nepean River System must comply with the standards set out in Table E4. 3 below.*
- c) *A stormwater management plan must accompany development applications for subdivision and must be substantially consistent with the Pitt Town Development Plan. The plan must be consistent with water-sensitive urban design principles.*
- d) *. . .*
- e) *The stormwater system shall be generally in accordance with the **adopted Water Management Plan for Pitt Town.**"*

Comment:

Rule a) makes reference to the location of stormwater basins being in accordance with the Pitt Town Development Plan Figure E4.2 "**or as shown on a subsequent Council approved/adopted stormwater management plan**".

Rule e) makes reference to the stormwater system being generally in accordance with an "***adopted water management plan***".

In relation to these two Rules (a & e) the *adopted stormwater/water management plan* is referenced in the DCP and does not form part of the DCP. In this regard this plan can be updated to keep pace with the contemporary development standards and requirements without the need to formally amend the DCP.

One of the main purposes of the Worley Parsons review was to provide Council with a *subsequent Council approved/adopted stormwater management plan*. Accordingly it is recommended that the revised stormwater management strategy be adopted by Council and be used to assess relevant development applications with respect to the above mentioned rules a) and e) of the DCP chapter for Pitt Town.

Conformance to the Hawkesbury Community Strategic Plan

The following provisions of the HCSP are of most relevance.

Looking After People and Place

Directions

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

Strategy

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

Caring for Our Environment

Direction

- 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

Strategy

- Effective management of our river, waterways, riparian land, surface and groundwaters, and natural eco-systems through local actions and regional partnerships

Financial Implications

The initial capital cost for stormwater infrastructure and associated land acquisition/dedication can be partly recouped through developer contributions (e.g. s94 or s64 Contribution Plans) or required by way of development consent conditions.

Upon adoption of the revised stormwater management plan for the Pitt Town Development Area, it would be appropriate for Council officers to commence discussions with affect land owners regarding their development intentions, timeframes and likely costs for land acquisition or dedication. These discussions would also assist Council officers in determining whether or not a revised contributions plan needs to be prepared and/or requires the provision of stormwater infrastructure via development consent conditions. It is anticipated that these discussions will commence shortly after adoption of the revised stormwater management plan with the outcome of those discussions to be reported back to Council for consideration (Anticipated mid 2015).

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In addition to the capital costs and land costs, Council will also have responsibility to undertake ongoing operations, maintenance and asset renewal of the stormwater infrastructure upon commissioning. The level of funding required over time will vary as the stormwater management infrastructure is likely to be commissioned over a period of time.

Estimates of construction and maintenance cost of preferred options are presented in Table 3 below. (The maintenance costs in the third column will be the sole responsibility of Council. The other costs may be partially recouped via developer contributions plan and/or development consent conditions.)

Development Precinct	Construction	Construction Establishment (first two years of system's life)	Maintenance per year Ongoing (third year of system's life onwards)
Thornton Precinct	\$842,100	\$84,200	\$31,240
Thornton East Precinct	\$156,580	\$10,800	\$16,460
Cattai Precinct	\$1,110,500	\$30,000	\$20,400
Central Precinct	\$1,019,800	\$94,300	\$47,660
Subtotal	\$3,128,980	\$219,300	\$115,760
Add contingency @10% of subtotal for construction to allow for site condition variation i.e. extra earthworks, service relocation etc.	\$312,898		
Total	\$3,441,878	\$219,300	\$115,760

Note: the above cost estimate does not include renewal expenditure, which generally is required at a 20-25 year depreciation interval.

Table 3 Estimate of Construction and Maintenance Costs of Water Quality Infrastructure

Conclusion

A revised stormwater strategy is necessary to facilitate development of the remaining Pitt Town Development area and the recommendations from the Worsley Parsons report are in keeping with contemporary Water Sensitive Design (WSUD) principles.

It is appropriate to adopt the revised strategy as a technical update to the existing DCP provisions and to signal Council's technical requirements to landowners so they can prepare development applications accordingly and to assist Council with the review/preparation of appropriate contributions plans. Discussions with landowners will be related to the implementation aspects of the strategy (development contributions and precise locations and design).

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RECOMMENDATION:

That:

1. The information regarding the Review of the Stormwater Management Strategy for the Pitt Town Development Area be received.
2. Council adopt the *Pitt Town Development - Updated Stormwater Management Strategy - Final Draft*, prepared by Worley Parsons, dated 20 November 2014, as an update to the technical provisions referred to in the Hawkesbury Development Control Plan.

ATTACHMENTS:

- AT - 1** *Pitt Town Development - Updated Stormwater Management Strategy - Final Draft*, prepared by Worley Parsons, dated 20 November 2014 - (*Distributed Under Separate Cover*).

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 February 2015

INFRASTRUCTURE SERVICES

Item: 25 **IS - Review of Circus Events in the Hawkesbury LGA - (95495, 79354)**

Previous Item: NM1, Ordinary (11 November 2014)

REPORT:

Executive Summary

Council previously considered a report on two applications to hold animal circuses at McQuade Park, Windsor that were to be held in late 2014 and early 2015 and resolved to approve these events.

Council has subsequently asked for a report to develop a policy to ban such circuses.

This report addresses Council's request and recommends the adoption of a policy for circuses proposed to be held on Council managed land.

Consultation

It is proposed that should Council seek to adopt a policy that Council place the draft Circus Policy on Public exhibition for 21 days.

Background

McQuade Park has become a regular location for a range of events including circuses. The Moscow Circus was the first circus and this has been followed by a range of others. Last year applications were received from Lennon Bros Circus and Stardust Circus to hold events in this park. These circuses were different from the Moscow Circus in that they both describe themselves as animal circuses due to the use of performing exotic animals.

Due to both events running longer than three days, Council was required to notify the community of the event in accordance with the Local Government Act, 1993 and consider all submissions prior to giving a lease or licence.

The proposals were advertised from Wednesday, 21 May to Friday, 20 June 2014. Four submissions were received, three of which opposed the activity.

A report went to Council outlining the feedback and on the 8 July 2014, Council resolved:

"That:

- 1. The Lennon Bros Circus be given approval for use of McQuade Park between Monday, 20 October to Monday, 10 November 2014.*
- 2. The Stardust Circus be given approval for use of McQuade Park between Monday, 9 February to Sunday, 1 March 2015.*
- 3. The approvals be subject to the following conditions/documents:*
 - a) Council's General Park Conditions.*
 - b) Council's Fees and Charges.*
 - c) The McQuade Park Plan of Management."*

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A range of public comments were received leading up to, and during, the Lennon Bros Circus in November 2014 and at its meeting of 11 November 2014, Council resolved:

"That a report come back to Council on the options for a policy to be prepared that would give effect to a position that would prohibit (within Council's authority), circuses which include the use or display of exotic, wild or Australian native animals, in the Hawkesbury LGA."

Animal circuses can be a contentious issue for many councils with lobbying often occurring when an animal circus comes into a local government area. According to various groups, approximately 40 councils around Australia have banned animal circuses from their areas and these councils include; Hornsby, Blue Mountains, Ku-Ring-Gai, Pittwater, Parramatta and Newcastle.

It is understood that there are only two remaining circuses within Australia that have wild/exotic animals and these are Lennon Bros Circus and Stardust Circus. Lennon Bros Circus is the oldest touring circus in Australia and has the following animals in its show: lions, ponies; monkeys; camels; llamas; mini donkeys and dogs. Stardust Circus has performing animals including African lions, monkeys, horses as well as miniature trick ponies.

This is the first time both these circuses have been held with in a Hawkesbury Council Reserve/Park that staff are aware of. Previously they have appeared at the Hawkesbury Showground.

There is no ban on wild/exotic animal circuses in Australia. These circuses are however regulated/protected through State and Territory Laws. In NSW, animal protection law is provided by the Prevention of Cruelty to Animals Act 1979 and accompanying regulations. Circus animals in NSW are additionally regulated under the Exhibited Animals Protection Act 1986 and Exhibited Animals Protection regulations 2010.

The issues raised by circus opponents, is generally not that the wild/exotic animals are treated badly by circuses. In fact the Royal Society for the Prevention of Cruelty to Animals (RSPCA) states on their web site that:

"It is not that these animals are mistreated by their keepers. For the most part, when RSPCA inspectors visit circuses and inspect their animals against the requirements of the National Circus Standards or their State/Territory equivalent, they are satisfied with the level of compliance with those standards that they are able to assess during an inspection."

Their position is based on the view that a circus, no matter how well managed, cannot provide an appropriate environment for wild animals. The RSPCA statement outlines a concise argument in support of Councils restricting animal circuses on Council lands.

"Life in a circus for animals such as elephants, large cats and monkeys is not compatible with their physiological, social and behavioural needs. Performing circus animals are kept for prolonged periods in close confinement, in artificial social groups and are continually being transported between circus venues for the duration of their performing lives. This life leads to stress, boredom and often results in abnormal behaviours such as repetitive pacing or swaying."

"Unless there is strong and active discouragement from the local community, circuses will continue to breed and train other wild animals for the sole purpose of performing. Acting to prevent circuses using wild animals from appearing on council land sends a clear message that this activity is no longer acceptable to the Australia community."

Council currently does not have a policy on circuses and Council's plans of management permit these types of events within our parks. Whilst the circuses are meeting the requirements of the related Acts and Regulations there is a growing demand from the community to have them stopped.

It should be noted that should Council restrict such circuses on its own lands, this would not have any effect on holding such events on other lands (subject to planning permissibility).

ORDINARY MEETING

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It is recommended that the attached draft policy for circuses which includes prohibiting circuses which include the use or display of exotic, wild or Australian native animals, in the Hawkesbury LGA (within Council's authority) be endorsed and exhibited.

Conformance to the Hawkesbury Community Strategic Plan

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

- Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment

Financial Implications

Should Council not permit these types of circuses there would be a loss of approximately \$12,000 per event however no income from these events was included in the originally adopted 2014/2015 Operational Plan.

RECOMMENDATION:

That:

1. Council endorse, in principle the attached policy which restricts circuses using Council premises to the use of domesticated animals and prohibiting circuses which include trained wild/exotic animals in their performances, including animals such as elephants, lions, tigers, monkeys and apes.
2. The Draft Policy on Circuses be placed on public exhibition for 21 days and re-reported to Council.

ATTACHMENTS:

AT - 1 Draft Circus Policy

AT - 1 Draft Circus Policy

Hawkesbury City Council
Policy

DRAFT
Circus Policy



Hawkesbury City Council

ORDINARY MEETING

Meeting Date: 24 February 2015



HAWKESBURY CITY COUNCIL POLICY

DRAFT - Circus Policy

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HAWKESBURY CITY COUNCIL POLICY

DRAFT - Circus Policy

1.0 PURPOSE

The purpose of this Policy is to establish Council's position in regards to applications from circuses and related organisations to conduct circus performances and displays of wild/exotic native animals on Council managed land. The Policy permits the use of Council premises for circuses or similar events that incorporate the use of domesticated animals.

2.0 SCOPE

The scope of this Policy is to establish guidelines for the leasing and licencing of Council land to circuses.

3.0 DEFINITIONS

Wild/Exotic Animals

Wild/exotic animals are determined as non domesticated animals and include but are not limited to animals such as elephants, large cats and non human primates.

Australian Native Animals

Australian native animals are all mammals, fish, reptiles and birds that are native to Australia.

Council Premises

Land or buildings under the direct control of Hawkesbury City Council.

4.0 PROCEDURE

The following procedure is to be undertaken for this Policy:

1. An application for an approval to operate a circus shall be considered and decided upon:
 - a) the size and nature of the circus;
 - b) the location and size of the site;
 - c) the proposed hours of operation and duration of the event;
 - d) the likelihood of damage to the site and the likely effects on the amenity of the neighbourhood;
 - e) the likely effects on traffic and parking in the area;
 - f) the availability of sanitary services to the land;
 - g) the level of disruption to other users of the land;
 - h) Parks Plan of Management allows the event to occur; and
 - i) Approvals meet the requirements of the Local Government Act 1993 and its regulations
2. The number of circuses permitted to perform on Council premises in the Local Government Area is to be restricted to three per year.
3. Circuses using Council premises must limit their use of animals to domesticated animals. Hire will not be approved to circuses which include trained wild/exotic animals in their performances, such as elephants, lions, tigers, monkeys and apes.
4. The fee and bond detailed in Council's Schedule of fees and charges must be paid prior to the Circus's occupation of the site.
5. The Circus must comply with the relevant terms and conditions contained with the confirmation of hire and all other relevant local, state and federal regulations.
6. The Council reserves the right to cancel the license at short notice in the event of prolonged heavy rain in the area, or non compliance with the conditions
7. Approval be subject to the Council being indemnified to Councils satisfaction against any circumstance that may occur in relation to or as a result of such use of the park.

ORDINARY MEETING

Meeting Date: 24 February 2015

SUPPORT SERVICES

Item: 26

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

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

This report indicates that Council held \$46.90 million in investments at 31 January 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 \$46.90 million in investments as at 31 January 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								
ANZ	A1+	AA-			2.45%	3,500,000	7.46%	
CBA	A1+	AA-			2.25%	2,900,000	6.18%	
Total On-call Investments								6,400,000
Term Investments								
ANZ	A1+	AA-	20-Aug-14	04-Feb-15	3.69%	1,000,000	2.13%	
ANZ	A1+	AA-	29-Aug-14	08-Apr-15	3.69%	1,500,000	3.20%	
ANZ	A1+	AA-	29-Aug-14	22-Apr-15	3.69%	1,500,000	3.20%	
ANZ	A1+	AA-	28-May-14	27-May-15	3.70%	1,000,000	2.13%	
ANZ	A1+	AA-	11-Jun-14	10-Jun-15	3.70%	1,500,000	3.20%	
ANZ	A1+	AA-	11-Jun-14	10-Jun-15	3.70%	500,000	1.07%	
ANZ	A1+	AA-	18-Jun-14	17-Jun-15	3.70%	500,000	1.07%	
ANZ	A1+	AA-	17-Dec-14	17-Jun-15	3.64%	3,000,000	6.40%	
ANZ	A1+	AA-	23-Jul-14	22-Jul-15	3.70%	1,000,000	2.13%	
ANZ	A1+	AA-	06-Aug-14	06-Aug-15	3.70%	2,000,000	4.26%	
ANZ	A1+	AA-	20-Aug-14	19-Aug-15	3.71%	2,000,000	4.26%	
ANZ	A1+	AA-	03-Sep-14	02-Sep-15	3.73%	1,000,000	2.13%	
Bankwest	A1+	AA-	26-Nov-14	24-Feb-15	3.50%	1,000,000	2.13%	
Bankwest	A1+	AA-	03-Dec-14	04-Feb-15	3.45%	2,000,000	4.26%	
Bankwest	A1+	AA-	03-Dec-14	04-Mar-15	3.50%	1,000,000	2.13%	

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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 \$
Bankwest	A1+	AA-	29-Dec-14	27-Feb-15	3.50%	1,000,000	2.13%	
Bankwest	A1+	AA-	16-Jan-15	16-Feb-15	3.25%	2,000,000	4.26%	
Bankwest	A1+	AA-	15-Jan-15	15-Apr-15	3.50%	2,000,000	4.26%	
NAB	A1+	AA-	05-Mar-14	04-Feb-15	3.73%	1,000,000	2.13%	
NAB	A1+	AA-	18-Jun-14	19-Mar-15	3.65%	1,000,000	2.13%	
NAB	A1+	AA-	03-Oct-14	06-May-15	3.55%	1,000,000	2.13%	
NAB	A1+	AA-	20-Aug-14	22-Jul-15	3.66%	1,000,000	2.13%	
NAB	A1+	AA-	21-Aug-13	19-Aug-15	4.25%	1,000,000	2.13%	
NAB	A1+	AA-	03-Sep-13	02-Sep-15	4.10%	2,000,000	4.26%	
NAB	A1+	AA-	03-Sep-14	02-Sep-15	3.65%	500,000	1.07%	
NAB	A1+	AA-	03-Oct-14	07-Oct-15	3.59%	1,000,000	2.13%	
NAB	A1+	AA-	15-Oct-14	07-Oct-15	3.60%	500,000	1.07%	
Westpac	A1+	AA-	19-Mar-14	19-Mar-15	3.70%	2,000,000	4.26%	
Westpac	A1+	AA-	19-Nov-14	08-Apr-15	3.49%	1,000,000	2.13%	
Westpac	A1+	AA-	25-Jun-14	25-Jun-15	3.75%	500,000	1.07%	
Westpac	A1+	AA-	29-Jan-15	25-Jun-15	3.35%	2,000,000	4.26%	
Westpac	A1+	AA-	04-Jul-14	08-Jul-15	3.75%	500,000	1.07%	
Total Term Investments								40,500,000
TOTAL INVESTMENT AS AT 31 January 2015								46,900,000

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	6,400,000	2.36%	Reserve Bank Cash Reference Rate	2.50%	-0.14%
Term Deposit	40,500,000	3.64%	UBS 90 Day Bank Bill Rate	2.65%	0.99%
Total	46,900,000	3.46%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	12,351,114
External Restrictions - Other	4,487,780
Internal Restrictions	20,652,786
Unrestricted	9,408,320
Total	46,900,000

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.

ORDINARY MEETING

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

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

Investment Commentary

The investment portfolio decreased by \$2.40 million for the month of January 2015. During January 2015, income was received totalling \$2.70 million, including rate payments amounting to \$1.10 million, while payments to suppliers and staff costs amounted to \$5.30 million.

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

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

As at 31 January 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 27 May 2014.

Investment Certification

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

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

Funds have been invested with the aim of achieving budgeted income in 2014/2015.

ORDINARY MEETING

Meeting Date: 24 February 2015

RECOMMENDATION:

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

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 27**SS - Affordable Housing Options - (95496, 96328)**

REPORT:**Executive Summary**

This report outlines the outcome of investigations into possible options for pursuing affordable housing partnerships with Wentworth Community Housing (WCH) and developers. The drafting of the report has been included as an output measure for an action identified within the 2014/2015 Operational Plan. The report includes some background information on affordable housing and outlines two options for possible affordable rental housing partnerships for Council's consideration. It proposes that these options be considered for possible inclusion into a proposed Affordable Housing Policy, currently under consideration. It also proposes that further investigation be undertaken in relation to the option of entering into an Affordable Rental Housing Partnership with a Community Housing Provider, based on the possible development of a parcel of Council owned land, classified as Community land under the Local Government Act 1993.

Consultation

At this time, the issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Should Council determine to further pursue the options identified in the report, there will be a requirement for community consultation in accordance with statutory requirements.

Background

In recent years, Council has considered a number of reports into homelessness and the related issue of affordable housing. In considering these matters, Councillors have expressed an interest in identifying a mechanism or policy which might provide a practical framework for achieving affordable housing outcomes for residents of the Hawkesbury. Consequently, Council's 2014/2015 Operational Plan included the following action:

"5.1 Explore Council and private land with potential for development for community housing in partnership with Wentworth Community Housing and developers."

The outcome measure for this action was the preparation of a report for Council's consideration. A draft report to this effect was prepared and included in the Business Paper for the meeting of the Human Services Advisory Committee, held on 5 February, 2015. This action was taken, given that the Committee had co-ordinated the preparation of the recently adopted Hawkesbury Homelessness Action Plan, which included an action to investigate options and mechanisms for the funding of affordable housing.

The Committee subsequently resolved to receive the information within the report, and to request that Council give consideration to the affordable rental housing partnerships outlined in the report, and for these options to be considered for incorporation into an Affordable Housing Policy.

Housing Affordability and Affordable Housing

Housing Affordability refers to a person's ability to meet the costs of renting or purchasing a dwelling. A measure of housing affordability is the percentage of household income required to meet rental or mortgage payments – where these payments exceed 30% of household income, a household is said to be experiencing housing stress. However, this is a relative measure - actual levels of housing stress will vary depending on the financial circumstances of the purchaser or renter. The key determinant of absolute housing stress is the level of disposable income a person or household has after meeting their housing costs.

For this reason the most commonly used and accepted measure of housing stress is based on household income. The National Centre for Social and Economic Modeling (NATSEM) defines housing stress as those households in the lowest 40% of incomes who are paying more than 30% of their usual gross weekly income on housing costs. Housing stress is particularly acute for private renters, single-person households where the occupant is under 65, and low income households.

Housing Stress in the Hawkesbury

Applying the NATSEM indicator of housing stress to the 2011 census results, shows that in 2011, 2,467 low income households within the Hawkesbury were experiencing housing stress (almost half of all low income households). Of these low income households, 1,520 were in rental stress, while 947 households were in mortgage stress. A significantly higher level of rental households were experiencing housing stress - securing affordable rental housing is a challenge faced by most low income households. The lack of affordable rental housing pushes people into marginal forms of housing (boarding houses, long-term caravan parks) which makes it difficult for them to access safe and secure accommodation and exposes them to risk of homelessness. For these reasons, affordable housing programs generally focus on boosting the supply of affordable rental housing.

The Supply of Affordable Rental Housing and Social Housing

Governments offer incentives to developers and housing providers to build and manage affordable rental housing. The National Rental Affordability Scheme (NRAS) provides an incentive to developers and community housing organisations to construct affordable rental housing. Under NRAS, a developer or community housing organisation receives a fixed amount of funding (\$10,000 per year per dwelling unit over a 10 year period). The provider is then required to rent the property to households on low to moderate incomes at 80% of the market rate. In practice it is generally not-for-profit community housing providers who either manage the NRAS properties constructed by developers, or who directly fund and construct affordable rental housing through a mix of equity and debt.

Notwithstanding the incentives offered for affordable rental housing, it is often the case that a portion of the equity injected into an affordable housing project by a not-for-profit community housing provider, occurs by way of a cash grant from government, or the transfer or long term lease of land, which enables the provider to secure a loan facility against the value of the property to raise the funds required to construct the development. Within this framework, the supply of affordable housing remains market driven with developers and community housing agencies requiring a return on their capital investment to generate sufficient income to service the debts raised against these properties.

Social (Public) Housing refers to housing owned by government or a community housing provider where a tenant pays a fixed rent of 20% of their income. In contrast to affordable housing, the supply of social housing is reliant on ongoing government investment (in the form of rental subsidies) and cannot realistically be supplied by the market. Social housing can however be integrated into mixed housing developments (a mixture of social, affordable and market rental housing) provided that the revenue streams from the housing development are sufficient to subsidise the social housing component of the development.

Developing additional community housing in the Hawkesbury

Given the above factors, the success of a viable affordable housing partnership in the Hawkesbury will be dependent on some level of financial assistance. Without this assistance, it is unlikely that the current property market can deliver an affordable rental housing outcome, with a sufficient rental income stream to service the debt required to construct the housing and meet day-to-day and life-cycle property costs.

In practice, the financial subsidies provided to community housing organisations, to enable them to construct and manage affordable rental housing, have occurred by way of:

- Direct financial grants (from state/federal governments or by local government from developer levies or other planning agreements); and or

- through the long-term peppercorn lease of land, or the direct transfer of suitable land, which enables a not-for-profit community housing organisation to secure a loan facility to raise the funds required to construct affordable rental housing on the land in question.

These options provide the funding mechanism which makes an affordable rental housing project viable by either an up-front cash injection, or the provision of land at no cost which enables a community housing organisation to raise the balance of equity and debt required to make affordable rental housing, economically viable for both tenants and the housing provider.

Affordable Rental Housing Options

There are two possible options which Council could consider should it wish to further pursue the provision of an affordable rental housing outcome for residents of the Hawkesbury.

Option 1 – Affordable Housing Partnerships on private land

Under this option, Council would negotiate an affordable rental housing agreement with developers of larger residential developments (i.e. 100 lots or more). In broad terms, the mechanics of the agreement would involve increasing the nominal lot yield for a development by 1% to 2%. The additional lots would be developed with the required earthworks, utility connections, sewer works, etc. to permit the construction of housing. The developer would retain some of the developed lots where the sale value of the retained lots is equal to the costs of the development of the total number of additional lots (i.e. at a break even cost for the developer). The balance of the additional lots would be dedicated for affordable rental housing.

The title of the lots would generally be transferred to a community housing provider (CHP) at no cost, to enable the CHP to leverage a debt facility to fund the construction of dwelling units, which would be owned and managed by the CHP under a long-term affordable rental housing agreement. Alternatively, the developer would sell the additional housing lots, with net sales proceeds remitted to Council, to sit in a dedicated affordable rental housing facility. Council would then enter into a partnership, with a CHP to deliver an affordable housing outcome elsewhere in the Hawkesbury. The funds within the facility would be offered to the CHP on the basis that the CHP would co-invest (a mix of equity and debt) to fund an affordable rental housing project.

As an example, if applied to a proposed residential housing development of 1,000 lots, such an agreement would see the development of a further 10 lots (if the lot yield were to be increased by 1%). The best affordable rental housing outcome would be achieved by locating the additional lots in a R3 (medium density) zone - preferably as a consolidated lot (or lots) which could support a mix of dwelling units in the form of town houses or some other low rise medium density housing option. Alternatively, the net proceeds of the sale of the additional lots, would be remitted to Council to be used as a financial incentive for a CHP to develop affordable rental housing at some other more appropriate location within the Hawkesbury, which is zoned for medium density housing. The latter option may be more appropriate for residential developments which do not contain provision for medium density housing, and/or are not proximate to major town centres.

By way of an example, Penrith City Council has recently entered into an agreement with WCH, broadly along the lines outlined above. Penrith Council has provided \$1M (collected from developers) as a contribution to the development of affordable rental housing units, with a further \$1M provided by the Centre for Affordable Housing. The provision of these funds has enabled WCH to develop a viable and sustainable affordable rental housing proposal for 24 units within the Penrith LGA, at a total cost of \$8.5M, with WCH funding the balance of the construction cost of \$6.5M through a combination of equity and debt.

Option 2 – Affordable Housing Partnerships on Council land

As a local government authority, Council has considerable land holdings. As Council will be aware, this land can be classified as Operational land - which essentially can be sold, leased or developed much in the same way as privately owned land; or Community land, which has restrictions placed on its use in accordance with the Plans of Management (POM) which apply to the land. Community land cannot be sold nor can it be developed, leased or used in ways that are contrary to POM for that land, or the relevant provisions of the Local Government Act 1993.

Council does not have any vacant parcels of Operational land which could potentially be developed for affordable rental housing. In any event, Council derives substantial rental income from its Operational land holdings, which is used to fund the provision of Council services. Accordingly, a prudent and viable affordable rental housing partnership would need to be located on a parcel of Community land.

Council has in excess of 220 parcels of Community land. Most of these parcels are either parks or reserves which contain community, recreational and sporting facilities. Council does, however, have a number of smaller parcels of vacant Community land within urban areas which are little used, contain no facilities, which are maintained by Council with little or no return to residents, and for which no future use has been identified. It may be possible for Council to identify a parcel of Community land with good potential for the development of affordable rental housing. Such a land parcel would need to be in an urban area, preferably in an R3 zone, of a reasonable size (at least 2,000 m²), and in close proximity to a town centre and public transport links. The site would need to be 'surplus to requirements' in that it has no current or projected future use.

Under this option, Council would negotiate an affordable rental housing agreement with a CHP. In broad terms, the mechanics of the agreement would involve Council reclassifying, rezoning and subdividing a parcel of Community land, and then either entering into a long term peppercorn lease with the CHP for the lots created, or transferring all or a number of the lots to the CHP at no cost. The lots would be developed into affordable rental housing by the CHP to be funded by the CHP through a mix of equity and debt. A number of the units constructed (equal to the market value of the land transferred to the CHP by Council) would be vested in Council ownership – for example, if the value of the land is \$1M, then it would own two or three properties out of the 10+ constructed. The CHP could then manage these properties for Council as affordable housing for the long term with the net rental income of these properties remitted to Council. Alternately the CHP might look to purchase these properties from Council over time. In this way, Council (and residents) would receive a return on its investment.

The proposed affordable rental housing partnership would of course be contingent on Council agreeing and seeking approval for the reclassification, rezoning and subdivision of a parcel, or parcels of Community land, and Council undertaking the necessary statutory processes and public consultation, which would be associated with the reclassification process and with amending the LEP and other planning instruments. It would also obviously be prudent to enter into a legal agreement with the CHP, to ensure that Council's interests were protected, that the proposal was compliant with NSW legislation with regard to Public Private Partnerships (PPPs), and that the aim of a long-term affordable rental housing outcome could be achieved.

Comment – the provision and funding of affordable housing

Facilitating the supply of affordable housing is a complex undertaking impacted by a range of interconnected factors. The decline in house purchase affordability, is a structural problem created by house prices growing faster than incomes over the last half century, while over the last few decades reduced investment in public housing has contributed to a reduced supply of low-cost rental housing. While the solutions to these problems are ostensibly beyond the capacity, financial resources, and the remit of local government, the two options identified above, provide a practical and potentially feasible mechanism for increasing the availability of affordable rental housing at a local level. It seems clear that the current residential housing market is unable to deliver affordable housing for people on low to moderate incomes.

The two options outlined in this report are cost neutral to Council.

The first option relies on a small, incremental increase in the development yield for residential developments (of over 100 lots) by adding a minimum of one additional lot for every 100 lots developed. The net value of these additional lots can then be realised, to contribute to the cost of constructing affordable rental housing (either within the development or elsewhere in the Hawkesbury). It could be argued that Council should use the developer levies it already collects to fund affordable rental housing, however, the cap placed on the amount of the levy that can be collected per lot, would effectively mean that Council would be diverting expenditure away from other community facilities provided for the benefit of all residents. Under this option, a substantial portion of the cost of providing affordable housing for people on low to moderate incomes, would be recouped from the tenants themselves, over the longer term, on a 'user pays' basis - the tenant would effectively be funding the cost of their housing through the payment of an affordable rental charge. The experience to date in the Hawkesbury suggests that without such a mechanism, it is unlikely that residential developments can deliver an affordable housing outcome for people on low to moderate incomes.

The second option is based on realising the potential value of under-utilised assets, to contribute to the funding of affordable housing without placing a financial burden on ratepayers. This option also has the potential to generate revenue for Council, which can be used to fund the provision of Council services for the benefit of the community. It also would reduce the cost of maintaining parcels of under-utilised land, which are effectively surplus to requirements. It could be argued that using surplus Community land, 'owned' by the community, to deliver a demonstrable benefit to vulnerable groups within the community, is a socially responsible and effective use of these under-utilised community assets.

Progressing the options

Should Council wish to further pursue one or both of the options outlined in this report, further investigation would need to be undertaken to fully assess the legalities, approval process, consultation requirements and feasibility of the respective options. As a first step, it is proposed, that the two options be referred to Council's Strategic Planning Branch for possible incorporation into an Affordable Housing Policy, as potential mechanisms, which could be considered by Council to support the provision and supply of affordable rental housing for residents of the Hawkesbury.

With respect to Option 2, it is further proposed that Council staff review Council's Community land portfolio to identify an appropriate parcel of land – which is surplus to requirements, and meets the size and locational criteria identified for this option – which could be modeled for an affordable rental housing partnership project. The investigation of a specific site, will enable Council staff to prepare site-specific and detailed advice, as to the feasibility, mechanics, and potential yield of a partnership project. This information could then be considered by Council to determine if it wished to further pursue an affordable rental housing partnership proposal on Community land. In this instance, Council staff would need to further consult with WCH, to establish their appetite for entering into the affordable rental housing partnerships, as outlined in Option 2 within this report.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After people and Place Theme

- Offer residents a choice of housing options that meets their needs while being sympathetic to the qualities of the Hawkesbury.

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

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

The proposal also delivers on a number of actions within the Hawkesbury Homelessness Action Plan, adopted by Council on 29 July 2014.

ORDINARY MEETING

Meeting Date: 24 February 2015

Financial Implications

There are no direct financial implications arising out of this report. Implementing the recommendation will require the allocation of staff hours and resources which will be negotiated in conjunction with normal workload demands.

RECOMMENDATION:

That:

1. The information be received.
2. The affordable rental housing partnerships outlined in this report be referred to Council's Strategic Planning Branch for possible incorporation into an Affordable Housing Policy as potential mechanisms, which could be considered by Council, to support the provision and supply of affordable rental housing for residents of the Hawkesbury.
3. Council staff prepare a further report for Council in relation to a possible affordable rental housing partnership on a suitable parcel of Council owned land, as outlined in Option 2 within the report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 28**SS - Community Nursery Partnership Proposal - Hawkesbury District Health Services and Merana Community Aboriginal Association for the Hawkesbury - (95496, 96328, 73736, 90848)**

REPORT:**Executive Summary**

This report has been prepared to advise Council of an approach from the local health service and a local community group, seeking to enter into a partnership proposal with Council for access to the Hawkesbury Community Nursery in McGrath's Hill, and in particular the community garden site within the Community Nursery complex.

The partnership proposal involves negotiating an agreement to facilitate access to the community garden and the adjoining demountable building to permit the provision of health promotion, social inclusion, nutrition and active lifestyle programs by community groups. The programs will be run by Hawkesbury District Health Service and Merana Community Aboriginal Association for the Hawkesbury, and are intended to provide the opportunity for indigenous residents and seniors groups to participate in health promotion and social inclusion activities.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. The report advises Council of a proposal put forward by community groups, who have identified a need for a community facility to host a range of health promotion and social inclusion programs, based on consultation with their members and the broader community.

Background

Hawkesbury District Health Service Ltd (HDHS) is operated by Catholic Healthcare Limited in accordance with a contract for service with NSW Health. HDHS provides a range of health promotion and allied health services to Hawkesbury residents and also employs an Aboriginal Community Liaison Officer (ACLO) to establish connections with the local indigenous community to facilitate their access to these programs and health services in general. The ACLO and the Allied Health Services Manager have approached Council to discuss the opportunity to utilise the community garden and adjoining demountable building, located at the Hawkesbury Community Nursery in McGrath's Hill, as a location for health promotion, nutrition and social inclusion programs, targeting indigenous and senior residents.

Merana Community Aboriginal Association for the Hawkesbury (MCAAH) is a local community organisation established to represent and advocate for the needs of the indigenous community within the Hawkesbury. MCAAH receive funding from state and federal governments to operate a range of programs for indigenous residents. The Manager of MCAAH has also approached Council to discuss the use of the community garden, and demountable building, as a location for health promotion and cultural programs for indigenous residents.

In 2008, Peppercorn Services Inc successfully submitted for capital funding to upgrade facilities at the Community Nursery. The Man Made Meals Project was intended to provide a purpose-built space to support the provision of social and nutrition programs for older men living alone. As part of the Project an accessible, raised community garden, was constructed and kitchen facilities within the existing demountable building, within the Nursery, were upgraded to enable the delivery of food preparation programs. An outdoor pizza oven was also constructed adjacent to the community garden beds.

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The funding for the Project included provision for paid staff to oversee the establishment of the Project. The position was only funded on a short term basis as it was intended that the worker would establish a core group of volunteers to take on responsibility for the ongoing co-ordination of the Project. Unfortunately, maintaining an active group of volunteers has proven to be difficult and consequently the community garden and the food preparation facilities are underutilised.

The Partnership Proposal

Staff from HDHS and MCAAH, have expressed an interest in utilising the community garden, and the adjoining demountable building, as a location for health promotion, active lifestyle, and nutrition programs. These organisations were attracted to the Community Nursery site as they believe that it can provide a more consumer friendly and purpose built location to conduct these programs.

Discussion has been held with various Council Branches in relation to the partnership proposal. It is considered that a facility use agreement, which would set out the agreed terms and conditions for access to the community garden, and the adjoining demountable building within the Community Nursery, could be reasonably negotiated to address any operational and risk management issues associated with the proposal.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Theme

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

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

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

Financial Implications

There are no financial implications arising from this report. Should the partnership proposal proceed with HDHS and MCAAH, these organisations would also be solely responsible for the funding and conduct of their proposed programs. It is envisaged that the HDHS and MCAAH would also be required to make a contribution to the outgoings of the demountable building, and other costs arising from their occupancy of the community garden and the demountable building.

RECOMMENDATION:

That Council negotiate a facility use agreement with Hawkesbury District Health Service and Merana Community Aboriginal Association for the Hawkesbury, to set out the agreed terms and conditions for access to the community garden, and the adjoining demountable building within the Hawkesbury Community Nursery at McGrath's Hill, for the purpose of conducting health promotion, active lifestyle and nutrition programs for residents of the Hawkesbury.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 29 **SS - December 2014 Quarterly Budget Review Statement - (95496, 96332)**

Previous Item: 97, Extraordinary (17 June 2014)

REPORT:

Executive Summary

Within two months of the end of each quarter, Council is required to review its progress in achieving the financial objectives set out in its Operational Plan. This report and the relevant attachment, provide information on Council's financial performance and financial position as at the end of the second quarter of the 2014/2015 financial year, and the resulting financial position including the Budget variations proposed.

The Quarterly Budget Review Statement - December 2014 (QBRS) recommends a number of variations that result in a balanced budgeted position being maintained.

Consultation

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

Background

Council adopted its Operational Plan for 2014/2015 on 17 June 2014.

Clause 203 of the Local Government (General) Regulation 2005 stipulates that the Responsible Accounting Officer of a council must prepare and submit to the Council a Budget Review Statement within two months after the end of each quarter (except the June quarter).

The QBRS has been prepared in accordance with the Division of Local Government Circular 10/32, dated 10 December 2010, and is attached as Attachment 1 to this report.

Financial Position

Clause 203 of the Local Government (General) Regulation 2005 requires a revised estimate of income and expenditure for the year, to be prepared by reference to the estimate of income and expenditure set out in the Operational Plan for the year.

The QBRS recommends Budget adjustments that result in a balanced adjustment for the quarter, and in the opinion of the Responsible Accounting Officer, maintains a satisfactory short term financial position for Council. The Responsible Accounting Officer Statement is included in the attachment to this report.

The report and attachment provide details on the major Budget variations proposed in this QBRS and provide a list of variations requested.

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The more significant items of the December 2014 QBRS include:

Favourable Adjustments

- ***Development and Planning Income – Net Favourable Variance \$26K***

A favourable adjustment of \$26K has been included in this QBRS in relation to development and planning income. In line with observed trends, a net favourable variance of \$35K was included in this QBRS in relation to construction certificate income, subdivision fees and the reimbursement of costs associated with works conducted in relation to the Vineyard Growth Centre. As a result of resourcing delays, the Fire Safety Statements inspection program for 2014/2015 has been deferred, resulting in an \$80K unfavourable variance.

As a result of additional applications to vary the Local Environmental Plan above the forecast, a favourable variance of \$71K was included in this QBRS.

- ***Lower Portland Ferry Operations – Net Favourable Variance \$22K***

In line with the contract awarded in relation to the operation of the Lower Portland Ferry, a favourable variance of \$82K is incorporated in the QBRS, which is offset by \$38K for additional works required due to expenditure incurred in relation to security, amenities and maintenance in line with contract requirements. As this service is half funded by The Hills Council, the impact on Council is a favourable net variance of \$22K.

Unfavourable Adjustments

- ***Rural Fire Service – Net Unfavourable Variance \$68K***

In accordance with advice received from the Hawkesbury RFS, and as included in the report considered by Council at the Ordinary Meeting of 9 December 2014, RFS grant funding and reimbursement attributable to Council is less than budgeted. An unfavourable variance of \$68K has been included in the QBRS to reflect the net impact of the funding shortfall.

- ***Parks Trees Maintenance – Unfavourable Variance \$65K***

Increased activity in relation to removal of dangerous trees and storm events during November and December 2014, have resulted in the current funding for this type of works not being sufficient to fund tree removal expected to be undertaken during the remaining of the financial year. An additional \$65K has been included in this QBRS to address this funding requirement.

- ***Town and Village Cleaning Program Sweeper – Net Unfavourable Variance \$41K***

Additional funding of \$41K is included in this QBRS to enable purchase of ancillary cleaning components for the footpath sweeper currently being purchased.

Grants

A number of adjustments relating to grant funding successfully secured by Council, are included in this QBRS. These adjustments have a nil effect on the budget position, as amounts included for income have a corresponding amount for expenditure. The securing of grant funding assists Council to undertake works otherwise not funded through Council's available funds.

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The major adjustments relating to grant funding are outlined below:

- *Roads to Recovery Program 2014/2015* – Roads to Recovery funding has been allocated by the Department of Infrastructure and Regional Development for the rehabilitation of failed road sections within the Hawkesbury Local Government Area. Funding for works programmed for 2014/2015 in the amount of \$777K is included in the QBRs.
- *Bush Fire Mitigation Bowen Mountain* – Council has accepted an offer of a grant for \$167K from the New South Wales Rural Fire Service. Grant funding will be utilised on improving the condition of the fire trail network, including vegetation management and surface works.
- *Electronic Housing Code and Application Tracking Tool* – Council has received grant funding for the implementation of software to enable Council's customers to track the progress of their applications online. Funding was received from the New South Wales Department of Planning and Environment in the amount of \$27K.
- *Southern Phone Company Community Grants Program* – Council has received \$25K from the Southern Phone Company for Council to allocate to community programs, including artwork, literacy programs, renovations, aboriginal arts and crafts, training courses and youth programs.
- *Creative Accounting Exhibition* – Council has received \$13K in grant funding via the Curatorial Support Initiative Program from Museums and Galleries of New South Wales. Funds will be used to engage the services of a professional curator to research and develop a new contemporary visual arts exhibition.

- ***Reserve Funded Adjustments***

The following adjustments are within internally or externally restricted funds, and consequently have nil impact on Council's overall position:

- *Section 64 (Sewerage) Reserve* – In line with developer contributions received, \$60K for Section 64 (Sewerage) income has been included in this QBRs.
- *Section 94 and Section 94A Reserves* – In line with developer contributions received, \$172K for Section 94A income has been included in this QBRs. Adjustments in line with the resolution of Council, in relation to land acquisition, have also been included.
- *Local Infrastructure Renewal Scheme (LIRS)* – Interest income of \$23K earned on the unspent loan in relation to LIRS is incorporated in this QBRs.
- *Domestic Waste Management Program* – A favourable variance of \$50K in relation to savings on the purchase of a garbage truck is included in this QBRs. In line with observed trend, an unfavourable variance of \$86K is included for the contract costs in relation to the Garden Organics service. The tonnages collected by the contractor have been consistently higher than expected and budgeted for, resulting in higher costs being incurred. Further adjustments may be required in future reviews and the matter will need to be considered when reviewing service charges for next financial year.
- *Sewerage Reserves* – As a result of reactive works to upgrade pond banks and replace pumps, an unfavourable variance of \$100K is included. Additional to this is \$30K incurred as a result of noise monitoring conducted due to complaints regarding South Windsor Sewer Treatment Plant.

The QBRs includes a number of minor adjustments and reallocation of funds that have not been detailed above. Further details can be found in the attachment to this report.

ORDINARY MEETING

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Conformance to the Hawkesbury Community Strategic Plan

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

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

Funding

Funding and budget impacts have been specified within this report and attachment.

RECOMMENDATION:

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – December 2014 be adopted.

ATTACHMENTS:

AT - 1 The Quarterly Budget Review Statement – December 2014 - *(Distributed under separate cover)*

oooO END OF REPORT Oooo

ordinary

section 4

reports
of committees

ORDINARY MEETING
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ORDINARY MEETING
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SECTION 4 - Reports of Committees

ROC Development Application Monitoring Advisory Committee - 6 November 2014

Minutes of the Meeting of the Development Application Monitoring Advisory Committee held in Council Chambers, Windsor on Thursday, 6 November 2014 commencing at 5pm.

Present:	Councillor Kim Ford, Chairperson Councillor Warwick Mackay Councillor Bob Porter
Apologies:	Councillor Mike Creed Councillor Paul Rasmussen
In Attendance:	Mr Peter Jackson, Hawkesbury City Council Mr Matthew Owens, Hawkesbury City Council Ms Cristie Evenhuis, Hawkesbury City Council

REPORT:

APOLOGIES

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

Attendance Register

Member	6/11/2014					
Councillor Kim Ford	✓					
Councillor Bob Porter	✓					
Councillor Mike Creed	A					
Councillor (Dr) Warwick Mackay	✓					
Councillor Paul Rasmussen	A					
Mr Peter Jackson (GM)	✓					
Mr Matt Owens (DCP)	✓					
Ms Cristie Evenhuis (MDS)	✓					

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

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Porter and seconded by Councillor Mackay that the Minutes of the Development Application Monitoring Advisory Committee held on the Thursday, 31 July 2014, be confirmed.

SECTION 3 - Reports for Determination

1. Process for Dealing with Incomplete Development Applications

Previous Item: Item 32, Ordinary meeting - 10 November 1998

RECOMMENDATION TO COMMITTEE:

That the Committee recommend to Council that the resolution of Council of 10 November 1998, as described in this report, be replaced with the following:

The following procedures be adopted in relation to incomplete applications:

- a) The initial letter to an applicant for additional information or amendments will request a response within 14 days. (Note: a response may result in an agreement between assessment staff and the applicant of a timeframe for the submission of that information).
- b) If no response after fourteen days, a follow up letter will be sent requesting the information within seven days suggesting withdrawal of the application where appropriate, or the application will be determined based on the information submitted, which may result in a refusal.
- c) Applications be refused after forty days if no response or the information submitted is insufficient to enable those matters to be satisfactorily addressed.
- d) Where applications are withdrawn the applicant may be entitled to a partial refund of the application fees in accordance with Council's adopted Fees and Charges.

COMMITTEE RECOMMENDATION:

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

That the Committee recommend to Council that the resolution of Council of 10 November 1998, as described in this report, be replaced with the following:

The following procedures be adopted in relation to incomplete applications:

- a) The initial letter to an applicant for additional information or amendments will request a response within 14 days. (Note: a response may result in an agreement between assessment staff and the applicant of a timeframe for the submission of that information).
- b) If no response after fourteen days, a follow up letter will be sent requesting the information within seven days suggesting withdrawal of the application where appropriate, or the application will be determined based on the information submitted, which may result in a refusal.
- c) Applications be refused after forty days if no response or the information submitted is insufficient to enable those matters to be satisfactorily addressed.
- d) Where applications are withdrawn the applicant may be entitled to a partial refund of the application fees in accordance with Council's adopted Fees and Charges.

SECTION 4 - Reports for Information

1. Development Application Statistics - 1 July 2014 - 30 September 2014

RECOMMENDATION TO COMMITTEE:

That the information regarding the Development Application Statistics for the period 1 July 2014 – 30 September 2014 be received and noted.

COMMITTEE RECOMMENDATION:

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

That the information regarding the Development Application Statistics for the period 1 July 2014 – 30 September 2014 be received and noted.

2. Development Application (DA) Riverfront Land/Properties - July - September 2014

RECOMMENDATION TO COMMITTEE:

That the information regarding the development application processing and requirements for riverfront land/properties July 2014 – September 2014 be received and noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Mackay seconded by Councillor Porter.

That the information regarding the development application processing and requirements for riverfront land/properties July 2014 – September 2014 be received and noted.

SECTION 5 - General Business

There were no matters raised.

The meeting terminated at 5:25pm.

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 Audit Committee Minutes - 26 November 2014 - (95496, 91369)

The meeting commenced at 4:20pm.

Present: Harry Khouri
Ellen Hegarty
Nisha Maheshwari (Chair)
Councillor Patrick Conolly
Councillor Paul Rasmussen

Apologies: Nil

In Attendance: Peter Jackson - General Manager
Laurie Mifsud - Director Support Services
Steven Kelly - Internal Auditor
Emma Galea - Chief Financial Officer
Dennis Banicevic - Council's External Auditor
Jan Readford - Minute Secretary

REPORT:

Attendance Register of Audit Committee

Member	8/10/2014	26/11/2014			
Councillor Patrick Conolly	A	✓			
Councillor Paul Rasmussen	✓	✓			
Councillor Bob Porter (Alternate)	N/A	N/A			
Ms Ellen Hegarty	✓	✓			
Mr Harry Khouri	A	✓			
Ms Nisha Maheshwari (Chair)	✓	✓			

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

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Paul Rasmussen and seconded by Ms Ellen Hegarty that the Minutes of the Audit Committee held on the 27 August 2014 and the 8 October 2014, be confirmed.

SECTION 3 - Reports for Determination

Item 1: AC - Status Report - Management Responses to Audit Recommendations - October 2014 - (121470, 91369, 79351)

DISCUSSION:

- Mr Kelly referred to Delegations and advised that software is being reviewed for its suitability on the Internet. Mr Jackson indicated that three options have already been found to be unsuitable, however will wait for the right software to be sourced.
- Mr Kelly referred to Governance Health Check and the development of a Privacy training program for staff dealing with requests under the GIPA Act and advised this will be finalised in January 2015.
- Mr Kelly referred to Procurement and advised that the development of tendering procedures is now complete. Ms Galea advised that they will be reported to MANEX early next year for approval.
- Mr Kelly referred to Records Management and advised that the Records Steering Committee will have finalised the employee induction program regarding staff responsibilities under the State Records Act by the end of December 2014.
- Mr Kelly referred to Business Continuity Management and advised it is on track.
- Mr Kelly referred to Developer Contributions and advised that a report will be prepared for Council in December 2014 regarding Section 94 and 94A Contribution Plans that are being revised at the moment. There are a few final things from the Department of Planning to be taken into consideration. The report will deal with timing and resources.
- Mr Khouri referred to Developer Contributions and enquired if the funds were from the area where they are collected. Mr Jackson advised that 94A contributions can be collected for one area and then spent in another.
- Ms Maheshwari noted that a number of the Audit Recommendations will be completed before the next Audit Committee meeting.
- Ms Hegarty referred to Business Continuity and the allocation of the Medium risk ranking, and indicated that she thought it should be allocated a High risk level as it does pose a risk. Mr Kelly advised that significant testing is done and that back-ups are run every day. The introduction of internal controls is to counteract the associated risks.

RECOMMENDATION TO COMMITTEE:

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

MOTION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Councillor Paul Rasmussen.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

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

Item 2: AC - Work Health & Safety - WorkCover Audit 2014 - (121470, 91369, 79351)

DISCUSSION:

- Mr Kelly advised that the audit of Council's Work Health Safety and Injury Management System, against the National Self Insurer OHS Audit Tool (NAT), was conducted in August 2014. The WorkCover auditors attended Council for one week, and audited two of the five NAT elements, being Management Responsibility and Risk Management. The Companion Animal Shelter and the South Windsor Sewerage Treatment Plant were the sites selected for audit.
- Mr Kelly advised that Council was found to be operating at a level higher than the required 75% compliance to retain its Self Insurers Licence, achieving 91.3% in WHS Management System, and 78.3% for Process Control. Mr Jackson indicated that this was a successful result, particularly as the audit process was intense, with auditors going into extensive detail.
- Councillor Rasmussen enquired if Council had been given an Audit Plan, prior to the audit. Mr Jackson indicated that Council was provided with six weeks' notice and an Audit Tool in relation to the elements to be audited.
- Mr Jackson indicated that Council will now address the seven non-conformances received. Council's Risk Manager will also review whether Council should retain its Self Insurer's licence, in consideration of the cost of paying the premium, currently put aside in Reserves, and the other costs to the organisation e.g. staff time.
- Ms Maheshwari referred to the 78.3% result for Process Control and enquired if there were particular aspects that drove this result. Mr Kelly advised there were a number of training issues that contributed, and Mr Jackson advised these related to Council's Training Matrix and the way training was recorded. Mr Kelly indicated the issues relating to the Training Matrix will be rectified by February 2015.
- Mr Kelly advised that an action plan and timetable, outlining how the non-conformances will be resolved has been sent to WorkCover. WorkCover is expected to return to Council within 12 months to close-out of the non-conformances.
- Mr Jackson advised that rectification of the non-conformances is evidence based. In this instance, Council must provide documentary evidence of staff attendance at training, including the attendance sheet, the staff member has the skills to do the training; and all training paperwork and final assessment.
- Mr Kelly indicated that Council's workers' compensation claims are extremely low.

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- Mr Khouri enquired if Council has comparison measures available, from prior to self-insurance, to when it had become a Self Insurer. Mr Jackson advised the assessment was done approximately seven years ago, and it was evidently clear at the time, that with the cost of premiums, it was viable to be a Self Insurer. Council, as a Self Insurer, does not pay a premium. The market indicates the premium would be approximately \$500K, and when we now take into consideration the costs to Council as a self-insurer, the \$500K has merit.
- Mr Khouri indicated that if Council were to decide to no longer be self-insured, it should, in future audits, still strive to achieve the same level of WHS compliance, required by WorkCover.

RECOMMENDATION TO COMMITTEE:

That the Internal Audit Report - WHS WorkCover Audit be received and noted.

MOTION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Councillor Paul Rasmussen.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Internal Audit Report - WHS WorkCover Audit be received and noted.

Item 3: AC - Workers Compensation Case Management Audit - (91369, 121470, 79351)

DISCUSSION:

- Mr Kelly advised that in 2010, when WorkCover NSW conducted Council's Workers Compensation Case Management audit, issues relating to processing time were highlighted. Council had exceeded, albeit minimally, the minimum claims processing time of within 30 days. Following the audit, Council restructured the Risk Management area and appointed, under contract, a permanent part-time Claims Manager.
- Mr Jackson indicated that fortunately Council does not have many claims, with only 10 claims in the last 12 months.
- Ms Maheshwari referred to the audits conducted in 2010, 2011 and 2013, and enquired why there was a gap. Mr Kelly advised that the establishment of the Service Agreement by late 2012 resulted in the gap. Ms Maheshwari referred to the audit of the 2013 statistics, and enquired when it was conducted. Mr Kelly advised it was part of the three-year audit, but is done on an annual basis. Mr Kelly advised the audit to be conducted in 2015 will use 2014 data.
- Mr Kelly advised that trips and falls are the greatest area of concern, with most trips and falls relating to manual handling. Mr Jackson advised that as a result, Council conducts Manual Handling training regularly for staff.

ORDINARY MEETING
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- Mr Kelly advised that from January - September 2014, there were six claims, each resulting in a loss of 2-3 days. Ms Maheshwari enquired if there were any recommendations that need to be addressed. Mr Kelly advised that those relating to training have been addressed.

RECOMMENDATION TO COMMITTEE:

That the Internal Audit Report – Workers Compensation Case Management be received and noted.

MOTION:

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Ms Ellen Hegarty.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Internal Audit Report – Workers Compensation Case Management be received and noted.

Item 4: AC - Risk Management - (91369, 121470, 79351)

DISCUSSION:

- Mr Kelly advised that Council, together with other Sydney metropolitan councils, including Shellharbour and Wollongong, is a member of Westpool, an organisation that collectively provides the majority of Council's PL/PI insurances. Westpool is working to increase the risk management framework of its member councils.
- Mr Kelly advised that the Continuous Risk Improvement Program audit identified the need for Council to drive its risk management framework, by including an action for it to be included in Council's Delivery and Operational Plan, and for it to be reported on a quarterly or six-monthly basis, to show how it is tracking.
- Ms Maheshwari referred to Page 5 of the Continuous Risk Improvement Program Audit Report, and enquired about the difference between the Recommendations and Opportunities for Improvement. Mr Jackson advised that Opportunities for Improvement refer to identified areas where the Auditor considers that Council can improve.
- Mr Kelly indicated that whilst staff are already diligent in risk assessment, the establishment of the ERM framework will require an education process for staff as they require training in other areas of risk.
- Mr Banicevic indicated that Councillors and members of the Audit Committee are already aware of the risks for the organisation. Mr Khouri noted there appears to be a different set-up for each type of risk. Mr Jackson indicated that the issue for the Audit Committee is to see that Council has identified and is managing the identified areas of risk.
- Councillor Rasmussen enquired how Council will develop an ERM framework for the organisation. Mr Jackson advised that in addition to the Recommendations outlined in the Audit Report, Council will seek advice, in conjunction with its membership with Westpool.

ORDINARY MEETING
Reports of Committees

- Mr Kelly advised that Council is currently undergoing a wellness assessment.

RECOMMENDATION TO COMMITTEE:

That:

1. The Committee note the Continuous Risk Improvement Program Final Audit Report provided by InConsult.
2. An action be incorporated into Council's 2015/2016 delivery plan to develop and implement Council's ERM framework, processes and practices.

MOTION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Councillor Paul Rasmussen.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The Committee note the Continuous Risk Improvement Program Final Audit Report provided by InConsult.
2. An action be incorporated into Council's 2015/2016 delivery plan to develop and implement Council's ERM framework, processes and practices.

Item 5: AC - Roads and Maritime Services DRIVES Database - (91369, 121470, 79351, 93364)

DISCUSSION:

- Mr Kelly advised that the audit for 2014/2015 will be more detailed as the Roads and Maritime Services (RMS) have introduced new requirements for the audit process.
- Mr Banicevic enquired if Council can access the RMS database off-site. Mr Kelly advised that the RMS License currently sits on a single Council computer, so access outside Council is not possible at this time, however indicated that the RMS plans to provide web-based access in the future.
- Mr Banicevic indicated he is aware that the RMS already provides web-based access, and highlighted a potential risk for records to be deleted. Councillor Rasmussen indicated that this would be possible if accessed via a portal, however not if access is web-based. Ms Maheshwari indicated there would be an audit trail of any access.
- Mr Kelly indicated that the License provides Council with access to 12 months records. There are only two staff members involved with the process, a coordinator and the person checking. Other individuals should not be allowed to access the system.

RECOMMENDATION TO COMMITTEE:

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

MOTION:

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Councillor Patrick Conolly.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

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

Item 6: AC - Financial Statements 2014 - (91369, 121470, 79351)

Previous Item: 1, AC (8 October 2014)

RECOMMENDATION TO COMMITTEE:

That the attached reports from PricewaterhouseCoopers be noted.

MOTION:

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Ms Ellen Hegarty.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the attached reports from PricewaterhouseCoopers be noted.

Item 7: AC - Meeting Dates for 2015 - (91369, 121470, 79351)

DISCUSSION:

- Ms Galea advised an additional meeting will be held to review the Annual Financial Statements for the year ended 30 June 2015.
- Mr Banicevic indicated, that over the next five years, changes in the Local Government environment, may impact on the audit process, including the appointment of the Auditor General as auditor.

ORDINARY MEETING
Reports of Committees

RECOMMENDATION TO COMMITTEE:

That the Audit Committee meeting dates for 2015, as outlined in the report, be approved.

MOTION:

RESOLVED on the motion of Ms Ellen Hegarty, seconded by Councillor Paul Rasmussen.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Audit Committee meeting dates for 2015, as outlined in the report, be approved.

SECTION 4 - General Business

There were no matters raised.

The meeting terminated at 5:18pm.

Submitted to and confirmed at the meeting of the Audit Committee held on 25 February 2015.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC Human Services Advisory Committee - 5 February 2015 - (123486)

The meeting commenced at 9:35am in Council Chambers.

- Present:** Ms Vickie Shackley, Chairperson
Councillor Barry Calvert, Deputy Chairperson
Councillor Mary Lyons-Buckett, Hawkesbury City Council
Ms Denise Handcock, Peppercorn Services Inc
Ms Jenny Ranft - Wentworth Community Housing
Mr Douglas Carbery, Community Representative
Mr Glenn Powers, Community Representative
- Apologies:** Mr Nick Sabel, Wentworth Community Housing
Ms Jacquie Menzies, Community Representative
Ms Birgit Walter, North Richmond Community Centre and HARC
Ms Megan Ang, Hawkesbury City Council
Mrs Shari Hussein, Hawkesbury City Council
- In Attendance:** Mr Matthew Owens, Hawkesbury City Council
Mr Joseph Litwin, Hawkesbury City Council
Mr Michael Laing, Hawkesbury City Council
Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council

REPORT:

RESOLVED on the motion of Mr Carbery and seconded by Mr Powers that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Calvert and seconded by Ms Handcock that the Minutes of the Human Services Advisory Committee held on the 6 November 2014, be confirmed.

Attendance Register of Human Services Advisory Committee

Member	06.11.14	05.02.15			
Councillor Barry Calvert	✓	✓			
Councillor Mary Lyons Buckett	✓	✓			
Ms Vickie Shackley	✓	✓			
Ms Denise Handcock	✓	✓			
Mr Douglas Carbery	✓	✓			
Mr Nick Sabel	✓	A <i>Ms Ranft in lieu</i>			
Mr Glenn Powers	✓	✓			
Ms Jacquie Menzies	X <i>Was not aware of meeting due to communication devices offline</i>	A			
Ms Birgit Walter	✓	A			

Key: A = Formal Apology

✓ = Present

X = Absent - no apology

BUSINESS ARISING FROM PREVIOUS MINUTES

Mr Carbery referred to the previous HSAC meeting wherein it was agreed investigations would be undertaken into a system or procedure to ensure decisions or resolutions made outside of scheduled meetings were relayed to all members.

Mr Owens responded Mrs Hussein was following up that request and would report back to the next meeting.

Councillor Lyons-Buckett arrived at 9:37am.

SECTION 3 - Reports for Determination

Item: 1 HSAC - Hawkesbury Homelessness Action Plan - February 2015 Update - (123486)

DISCUSSION:

- Mr Laing reported on the official launch of the Hawkesbury Homelessness Action Plan on 18 November 2014, adding he would keep the Committee informed of the progress of the Hawkesbury Homelessness Action Plan on a regular basis.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. Council officers forward a copy of the HHAP to the NSW Minister for Family and Community Services, the Hon. Gabrielle Upton, and to local Members of Parliament.

MOTION:

RESOLVED on the motion of Ms Handcock, seconded by Councillor Lyons-Buckett.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. Council officers forward a copy of the HHAP to the NSW Minister for Family and Community Services, the Hon. Gabrielle Upton, and to local Members of Parliament.

SECTION 4 - Reports for Information

Item: 2 **HSAC - Affordable Rental Housing - (123486)**

Previous Item: 2, HSAC (20 February 2014)
 4, HSAC (6 November 2014)

DISCUSSION:

Mr Litwin spoke to the report on Affordable Rental Housing and discussion followed on the two options presented in the report.

- Discussion arose regarding the feasibility of incorporating affordable rental housing options into the Glossodia Voluntary Planning Agreement (VPA).

Mr Owens responded the Glossodia VPA was to be reported to Council in the near future and would be subsequently placed on exhibition. Mr Owens advised there may be potential to enter into negotiations in that regard, provided a good policy framework was in place. However, given the location, lot sizes and relative isolation, it was questioned if Glossodia was the appropriate location for affordable rental housing. Mr Owens reminded the Committee the development of an Affordable Housing Policy was included as an action/strategy in the Hawkesbury Homelessness Action Plan (HHAP).

- Councillor Calvert referred to Penrith City Council's partnership agreement with Wentworth Community Housing in relation to affordable housing and enquired as to how that agreement operated.

Ms Ranft responded she would forward details of that agreement to the Committee prior to the next meeting for the Committee's assistance.

- The Committee generally agreed there was merit in exploring both options as identified in the report and sought a report to Council proposing those options be considered as a component in the preparation of an Affordable Housing Policy.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Calvert, seconded by Ms Handcock.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the:

1. Information be received.
2. A report be prepared for Council outlining the two options canvassed in the HSAC Business Paper report proposing that the two options be considered for incorporation into an Affordable Housing Policy.

Item: 3 HSAC - Vineyard Precinct of the North West Growth Centre - (123486)

DISCUSSION:

- Mr Owens reported on the progress of the Project Control Group meetings he had been attending on a regular basis (at the Department of Planning & Environment) and presented the Committee with information on the overall master plan for the development.
- Councillor Calvert asked if the Committee would be provided with an opportunity for input into the development in regards to residents' needs, e.g. shopping centres, schools etc.

Mr Owens responded those matters were all being considered as part of the planning process.

Mr Litwin added the Committee would be provided the opportunity to comment on the Social Infrastructure Assessment being prepared by consultants, once the draft Vineyard Precinct Plan was placed on exhibition which was expected approximately mid 2015.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Calvert.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

ORDINARY MEETING
Reports of Committees

SECTION 5 - General Business

Nil.

The meeting closed at 10:45am.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC Local Traffic Committee - 9 February 2015 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on 9 February 2015 commencing at 3pm.

Present:	Councillor Kim Ford (Chairman) Mr James Suprain, Roads and Maritime Services Mr Steve Grady, Busways
Apologies:	Mr Ray Williams, MP (Hawkesbury) Mr Bart Bassett, MP (Londonderry) Mr Kevin Conolly, MP (Riverstone) Ms Jill Lewis, NSW Taxi Council Inspector Ian Woodward, NSW Police Force Snr Constable Debbie Byrnes, NSW Police Force
In Attendance:	Mr Chris Amit, Manager, Design and Mapping Services Ms Judy Wong, Community Safety Coordinator Ms Jillian Benthall, Events Coordinator Ms Laurel Tweedie, Administrative Officer, Infrastructure Services

RESOLVED on the motion of Mr James Suprain, 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 Councillor Kim Ford, seconded by Mr Christopher Amit, that the minutes from the previous meeting held on Monday, 12 January 2015 be confirmed.

Item 1.2 Business Arising

There was no Business Arising from previous minutes.

SECTION 2 - Reports for Determination

Item: 2.1 LTC - Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2015, St Albans (Hawkesbury) - 09 February 2015 - (80245, 85193)

REPORT:

An application has been received from Maximum Adventure Pty Ltd seeking approval (in traffic management terms) to conduct the Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2015 - St Albans, on Saturday, 2 May 2015.

The event organiser has advised;

- The event is a Mountain Bike (Cycling) Endurance Ride in and around the St Albans and Macdonald Valley areas;

ORDINARY MEETING
Reports of Committees

- The event has been held for 10 years and was previously known as the Dirt Works 100 Kilometre Classic;
- The event will be undertaken between 8am and 6pm;
- Approximately 1500 participants are expected for the event;
- Approximately 150 spectators and their vehicles are expected. Parking will be available on private land;
- There are 3 courses for the event; 100, 68 and 44 kilometres;
- The start and finish of the race will be in the town of St Albans, on Wharf Street;
- The event route is similar to previous years;
- It is proposed to close a section of Wharf Street, between Bulga Street and Wollombi Road, St Albans (100 metre long sealed section), commencing from 6am, 1 May, 2015, through to 6pm, 2 May, 2015;
- In previous years the road closure was along a section of Bulga Street, between Wharf Street and Wollombi Road, St Albans. The closure of Wharf Street is due to a safety precaution and will work better now that the course goes in reverse. In previous years riders completed the event by riding south along Wollombi Road and turning left onto Bulga Street to finish the event. Now that the course goes in reverse, riders will be riding along Settlers Road back into town and turn left at Wharf Street to complete the event. If the road closure was in Bulga Street, riders will have to cross over Wharf Street, crossing paths with vehicles passing through town along Wharf Street and turning right onto Settlers Road;
- Consultation has been undertaken with the adjoining property owners relating to the proposed road closure;
- The event will take place on clearly marked trails that are currently used for horses in 'The Shahzada';
- Participants will compete on a two-leaf clover route format, covering approximately 100 kilometres of fire trail, single track and dirt roads through the National Parks, private properties and public roads;
- The course will be clearly marked for riders to follow;
- Marshalls with high visibility vests and radios will be positioned at junctions, warning cyclists of on-coming traffic and the track ahead;
- Signs will be positioned throughout the course to warn other users of the event;
- The event route will cross the Macdonald River at the two points shown on the Event Route Plans contained in Attachment 1, 2 and 3. Crossing of the Macdonald River will be undertaken utilising a 'pontoon bridge' configuration at each location. Permission will be obtained from the adjoining property owners on either side of the River.

Discussion:

It would be appropriate to classify the event as a “**Class 2**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) as the event may impact minor traffic and transport systems, which includes the proposed road closure along the specified route, and there may be a low scale disruption to the non-event community.

ORDINARY MEETING
Reports of Committees

The endurance bike ride is predominantly on tracks within the Parr State Conservation Area, Yengo National Park, Dharug National Park, private properties and on the following public roads:

- Bulga Street – Sealed Road.
- Settlers Road – Sealed and Unsealed Road.
- Shepherds Gully Road – Unformed Road.
- St Albans Road – Sealed Road.
- Upper Macdonald Road – Unsealed Road.
- Webbs Creek Mountain Road - Unsealed Road
- Wharf Street – Sealed Road.
- Wollombi Road – Sealed and Unsealed Road.
- Wrights Creek Road - Unsealed Road.
- Macdonald River – Two river crossing points.

The event is also traversing along the Great Northern Road, which is under the care and control of the National Parks and Wildlife Service - (Office of Environment and Heritage).

The Transport Management Plan (TMP) and the associated Traffic Control Plan (TCP) is to be submitted to the Transport Management Centre (TMC) for authorisation due to the proposed road closure of Wharf Street, between Bulga Street and Wollombi Road, St Albans (100 metre long sealed section).

The event organiser has submitted the following items in relation to the event: Attachment 5 (ECM Document No: 5064516):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Hazard and Risk Assessment, and Traffic Control Plans (TCP),
5. Event Route Plans,
6. Road Closure/Detour Plan,
7. Copy of Insurance Policy which is valid to 11 February 2016,
8. Copy of the Advertisement for the Event – which does not mention the proposed road closure.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/organising-an-event>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2015 - St Albans, event planned for Saturday, 2 May 2015 be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.

ORDINARY MEETING
Reports of Committees

4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted – which includes the road closure of a section of Wharf Street between Bulga Street and Wollombi Road, St Albans from 6am, 1 May, 2015 through to 6pm, 2 May, 2015 and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC as a road closure is proposed for a section of Wharf Street between Bulga Street and Wollombi Road, St Albans from 6am, 1 May, 2015 through to 6pm, 2 May, 2015; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event to Council, the Roads and Maritime Services - RMS and the Transport Management Centre (TMC)** for acknowledgement;
- 4f. as the event involves the closure of a public road and the traverse of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4g. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be addressed and outlined in the TMP;
- 4h. the event organiser is to obtain the relevant approval to conduct the event from the Roads and Maritime Services - RMS (formerly NSW Maritime) to cross the Macdonald River; **a copy of this approval to be submitted to Council;**
- 4i. the event organiser is to obtain the relevant approval from the Office of Environment and Heritage to cross the Macdonald River; **a copy of this approval to be submitted to Council;**

ORDINARY MEETING
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- 4j. the event organiser is to obtain approval from the National Parks and Wildlife Service (Office of Environment and Heritage) for the use the Parr State Conservation Area, Yengo National Park, Dharug National Park and the Great Northern Road; **a copy of this approval to be submitted to Council;**
- 4k. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4l. the event organiser is to obtain approval from the NSW Department of Primary Industries for the use of any Crown Road or Crown Land; **a copy of this approval to be submitted to Council;**
- 4m. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event; **a copy of this approval to be submitted to Council;**
- 4n. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road closure, detour route and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4o. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least 2 weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4p. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road closure, detour route and the traffic impact/delays expected, due to the event, at least 2 weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4q. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road closure, detour route and the traffic impact/delays expected, due to the event, at least 2 weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4r. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" **to Council;**

During the event:

- 4s. access is to be maintained for businesses, residents and their visitors;
- 4t. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4u. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4v. the cyclists are to be made aware of and are to follow all the general road user rules whilst cycling on public roads;
- 4w. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route, including the road closure points, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);

ORDINARY MEETING
Reports of Committees

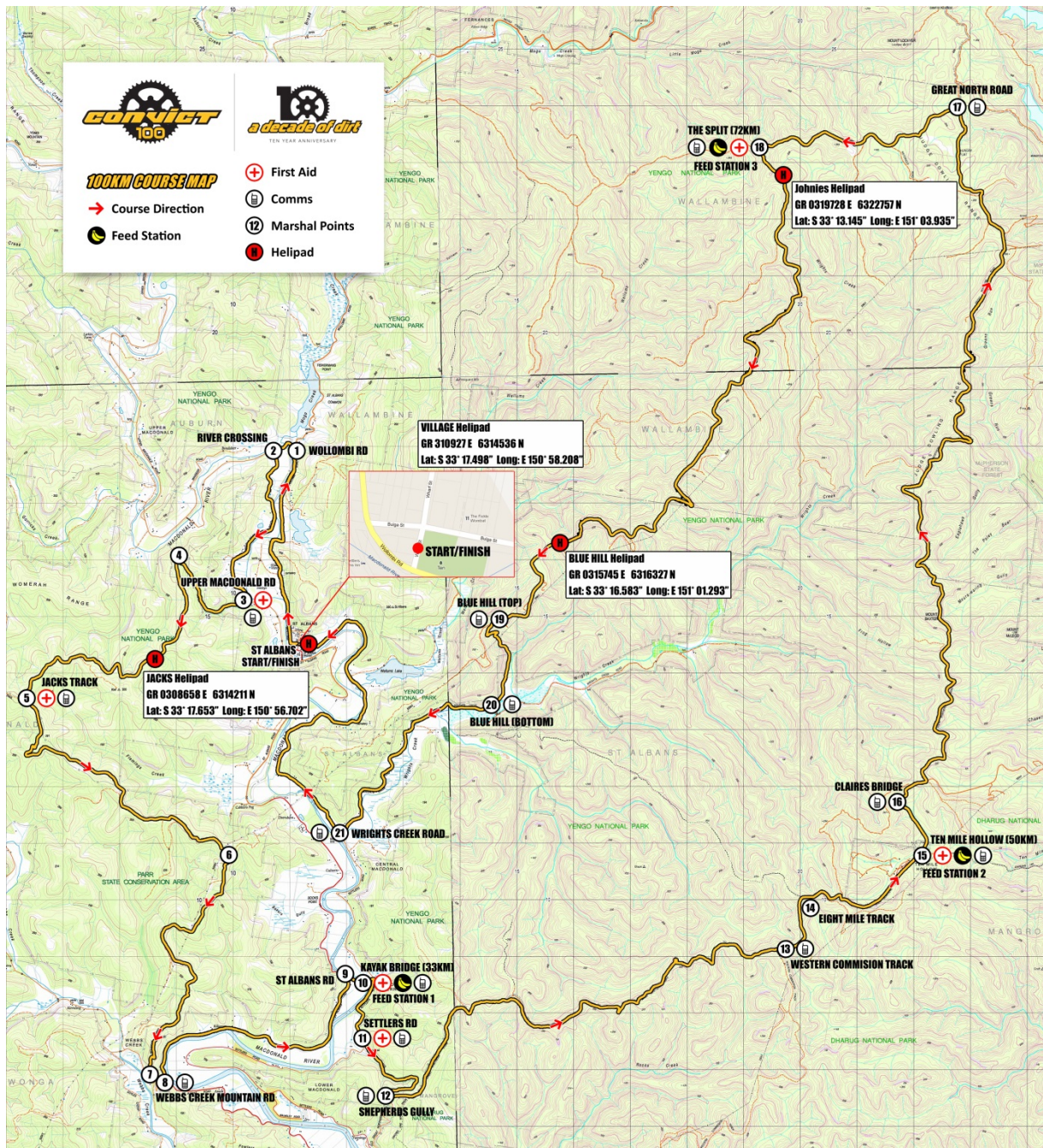
- 4x. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4y. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
- 4z. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

APPENDICES:

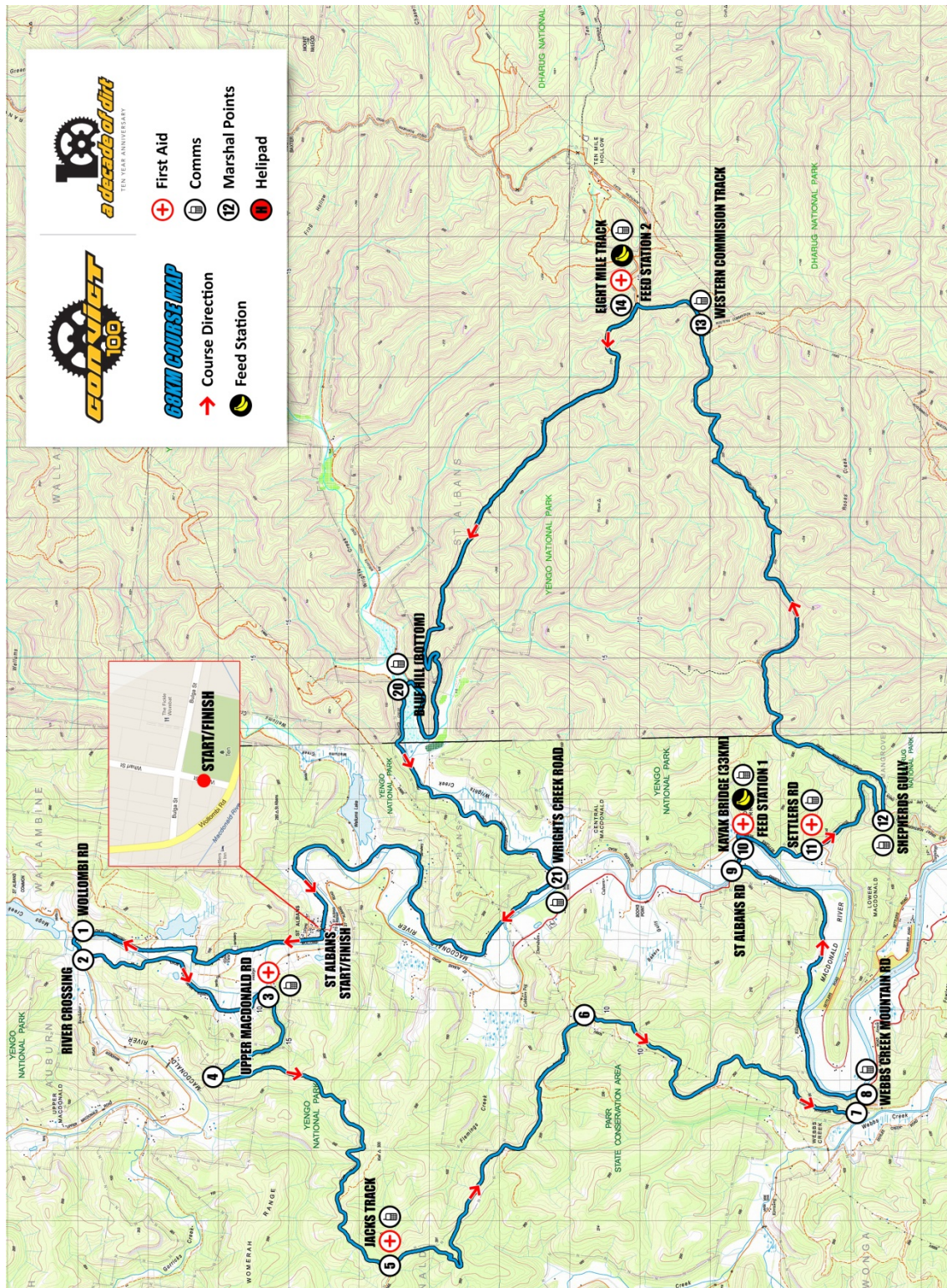
- AT - 1** Event Route Plan – 100 Kilometre Route - Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2015 - St Albans.
- AT - 2** Event Route Plan – 68 Kilometre Route - Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2015 - St Albans.
- AT - 3** Event Route Plan – 44 Kilometre Route - Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2015 - St Albans.
- AT - 4** Wharf Street Road Closure Plan - Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2015 - St Albans.
- AT – 5** Special Event Application - (ECM Document No.5064516) - *see attached*.

ORDINARY MEETING
Reports of Committees

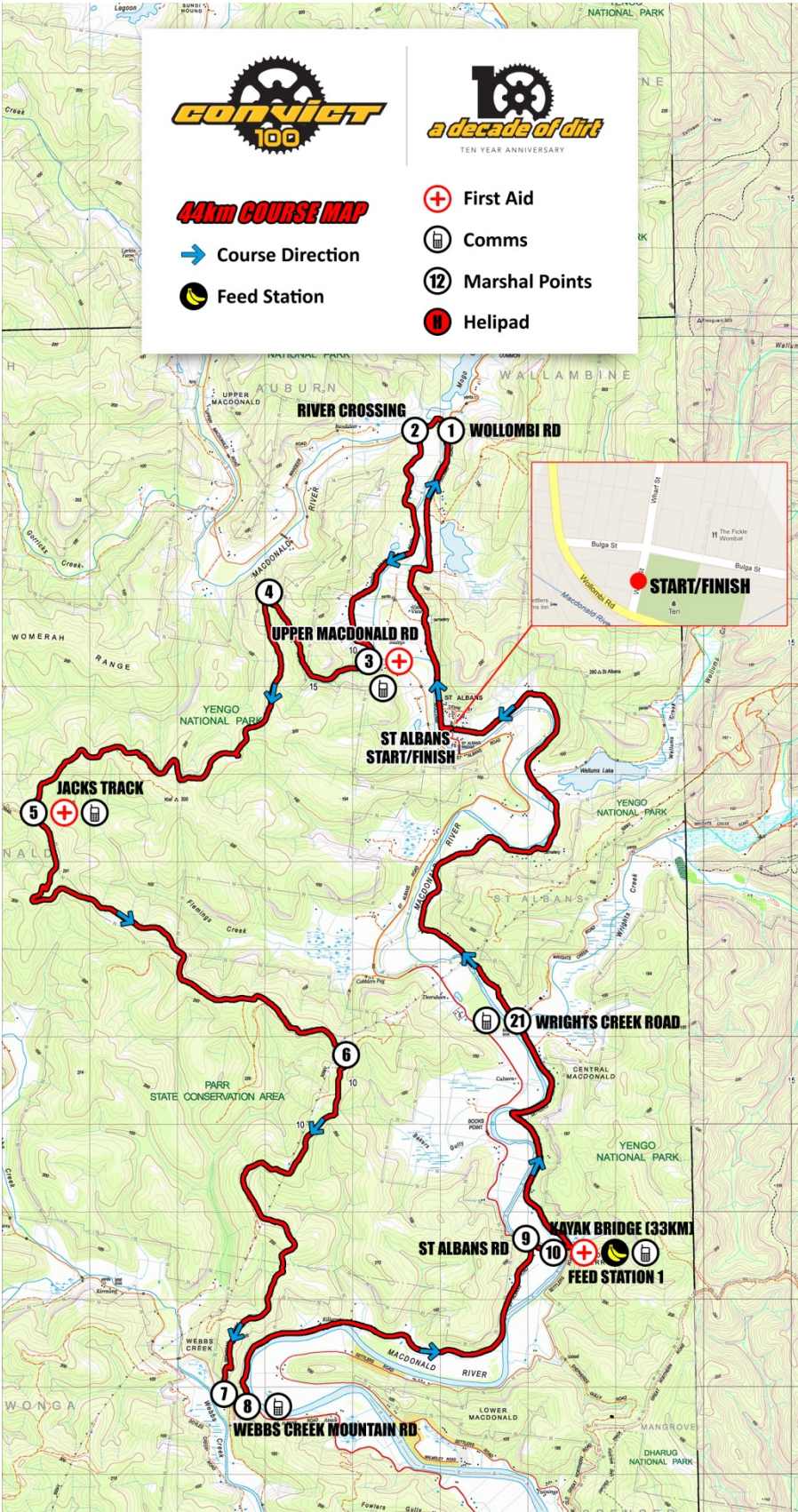
AT – 1 Event Route Plan – 100 Kilometre Route - Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2015 - St Albans



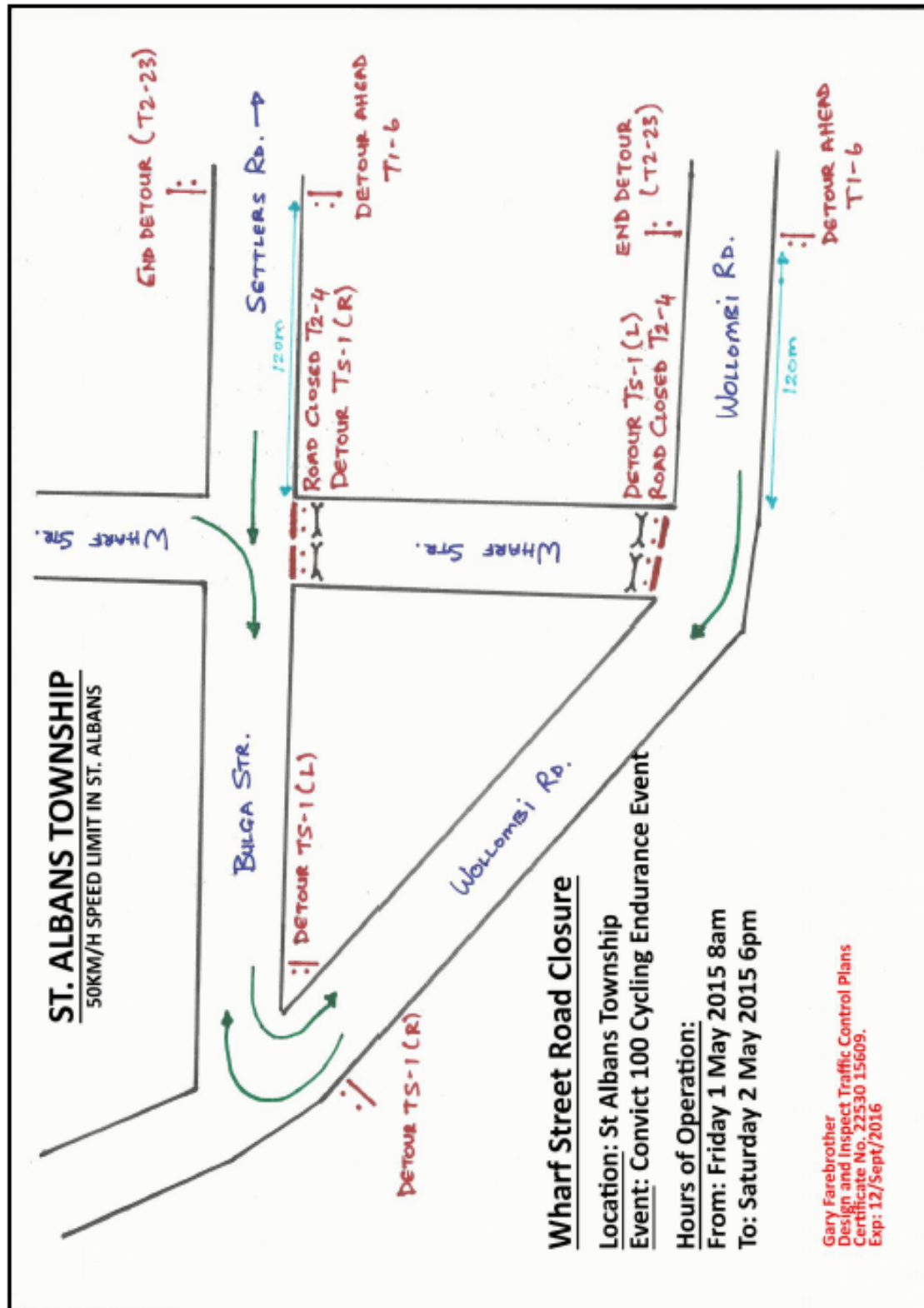
AT – 2 Event Route Plan – 68 Kilometre Route - Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2015 - St Albans



AT - 3 Event Route Plan – 44 Kilometre Route - Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2015 - St Albans



AT - 4 Wharf Street Road Closure Plan - Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2015 - St Albans



COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor K Ford, seconded by Mr J Suprain.

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/organising-an-event>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2015 - St Albans, event planned for Saturday, 2 May 2015 be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted – which includes the road closure of a section of Wharf Street between Bulga Street and Wollombi Road, St Albans from 6am, 1 May, 2015 through to 6pm, 2 May, 2015 and the following conditions:

Prior to the event:

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

ORDINARY MEETING

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- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC as a road closure is proposed for a section of Wharf Street between Bulga Street and Wollombi Road, St Albans from 6am, 1 May, 2015 through to 6pm, 2 May, 2015; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event to Council, the Roads and Maritime Services - RMS and the Transport Management Centre (TMC)** for acknowledgement;
- 4f. as the event involves the closure of a public road and the traverse of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4g. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be addressed and outlined in the TMP;
- 4h. the event organiser is to obtain the relevant approval to conduct the event from the Roads and Maritime Services - RMS (formerly NSW Maritime) to cross the Macdonald River; **a copy of this approval to be submitted to Council;**
- 4i. the event organiser is to obtain the relevant approval from the Office of Environment and Heritage to cross the Macdonald River; **a copy of this approval to be submitted to Council;**
- 4j. the event organiser is to obtain approval from the National Parks and Wildlife Service (Office of Environment and Heritage) for the use the Parr State Conservation Area, Yengo National Park, Dharug National Park and the Great Northern Road; **a copy of this approval to be submitted to Council;**
- 4k. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4l. the event organiser is to obtain approval from the NSW Department of Primary Industries for the use of any Crown Road or Crown Land; **a copy of this approval to be submitted to Council;**
- 4m. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event; **a copy of this approval to be submitted to Council;**
- 4n. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road closure, detour route and the traffic impact/delays expected, due to the event, 2 weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4o. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least 2 weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4p. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road closure, detour route and the traffic impact/delays expected, due to the event, at least 2 weeks prior to the event; **a copy of the correspondence to be submitted to Council;**

ORDINARY MEETING
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- 4q. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road closure, detour route and the traffic impact/delays expected, due to the event, at least 2 weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4r. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

- 4s. access is to be maintained for businesses, residents and their visitors;
- 4t. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4u. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4v. the cyclists are to be made aware of and are to follow all the general road user rules whilst cycling on public roads;
- 4w. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route, including the road closure points, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4x. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4y. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
- 4z. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

SECTION 3 - Reports for Information

There were no Reports for Information.

SECTION 4 - General Business

Item: 4.1 LTC - Proposed No Stopping zone in Tasman Place, South Windsor - Item 4.1 - 09 February 2015 - (Riverstone) - (80245)

Previous Item: Item 3.2, LTC (20 September 2002)

REPORT:

Mr C Amit advised the Committee that a request has been received from a resident in Tasman Place to change the current parking restrictions at the entry section of Tasman Place, between Collith Avenue and the start of the 90 degree parking. Due to the entry section being narrow, when cars park on both sides of the road, there is insufficient room for another vehicle to pass, effectively blocking the road.

Tasman Place extends from Collith Avenue to its cul-de-sac end. It extends for an overall length of 225 metres, consisting of a straight section of 170 metres and a curved section and cul-de-sac of 55 metres. The width of the carriageway between the kerbs along the straight section is approximately six metres. The current regulatory speed limit is 50 km/h.

The first straight section of Tasman Place, commencing from Collith Avenue, for a distance of 55 metres has parallel kerbs and is sign posted with the mandatory intersection 10 metre 'No Stopping' zone followed by 45 metres of '2 Hour Parking (8am to 4pm)'. The next straight section consisting of 115 metres has parallel parking on the north-eastern side with the same 2 Hour parking restriction. The south-western side adjacent to Bede Polding College has untimed 90 degree parking, which has been provided primarily for school students. The remaining kerb line leading to and including the cul-de-sac in Tasman Place has the '2 Hour Parking (8am to 4pm)' parking restriction.

The 2 Hour parking restriction was initiated in 2002 as a result of requests from residents as students were parking along Tasman Place, restricting safe traffic movement. The 90 degree parking on the south-western side of the street is not time restricted and allows the students to park there all day. As a result, the street has been opened up for safer travel as well as providing street parking for the residents.

In recent times, parents of students from the two adjacent schools have been parking in Tasman Place and at times on both sides of the road along the 45 metre, '2 Hour Parking (8am to 4pm)', section which is six metres between kerbs. As a result, vehicles cannot enter or leave Tasman Place.

Along the first 55 metre section of Tasman Place, there are dwellings on the north-eastern side with the opposite side of the road being adjacent to the side boundary of the school. It is proposed to convert the 45 metre '2 Hour Parking' zone on the south-western side of Tasman Place between Collith Avenue and the 90 degree parking to a 'No Stopping' zone. This will result in a 55 metre 'No Stopping' zone from Collith Avenue to the 90 degree parking area. This will allow for vehicles to enter and leave the road unobstructed when a vehicle is parked on the north-eastern side.

Mr C Amit also advised the Committee when the 2 Hour time restriction was implemented in 2002, it was only intended to be operational during School days and additional wording should be provided to these signs accordingly. It is proposed to add the wording 'School Days' to the '2 Hour Parking (8am to 4pm)' signs.



COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Kim Ford, seconded by Mr James Suprain.

Support for Recommendation: Unanimous Support

That

1. The existing 45 metre '2 Hour Parking (8am to 4pm)' zone on the south-western side of Tasman Place, South Windsor, commencing from the mandatory intersection 10 metre 'No Stopping' zone at Collith Avenue and extending to the start of the 90 degree parking, be converted to a 'No Stopping' zone.
2. Additional wording of 'School Days' be added to the remaining '2 Hour Parking (8am to 4pm)' signs in Tasman Place, South Windsor.

APPENDICES:

There are no supporting documents for this report

ORDINARY MEETING
Reports of Committees

Item: 4.2 **LTC - Roads and Maritime Services (RMS) response to the Investigation to the provision of a Signalised Pedestrian Crossing in George Street, South Windsor - Item 4.2 - 09 February 2015 - (Riverstone) - (80245, 123265)**

Previous Item: Item 4.12, LTC (13 January 2014)

REPORT:

Mr Chris Amit advised the Committee that the following 'Question Without Notice' (QWN) raised at the Council Meeting on 26 November 2013, and was tabled at the Local Traffic meeting on 13 January 2014.

Councillor Paine requested that the provision of a signalised pedestrian crossing be considered for George Street, South Windsor, near Bligh Park and the matter be raised with the RMS at the Local Traffic Committee Meeting.

The Committee on 13 January 2014 agreed to forward this matter onto the Roads and Maritime Service to investigate.

The Roads and Maritime Services (RMS) have advised that an assessment of George Street in the vicinity of Drummond Street to Richmond Road has been undertaken, whilst taking particular note of the section between Woods Road and Rifle Range Road. It was noted in the assessment that there does not appear to be any defined pedestrian desire line along this section of George Street, i.e. specific paths pedestrians take as well as the absence of pedestrian traffic generating developments. RMS has indicated that this section of road is speed limited to 60km/h, with a speed camera in the vicinity of Rickaby Street, which is between Woods Road and Rifle Range Road. Whilst a substantial section of the road does not have Kerb and Gutter, it is however clearly defined with wide road shoulders and line marking consisting of both centre and edge lines. The road generally has unobstructed sight distance in both directions. It is considered that as George Street has a single lane of travel in each direction, crossing the road can be undertaken in a safe and efficient manner. Based on the existing parameters of the road, the provision of a pedestrian facility along this section of George Street is not considered warranted at this time.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Kim Ford, seconded by Mr James Suprain.

Support for Recommendation: Unanimous Support

That the information be received.

APPENDICES:

There are no supporting documents for this report

ORDINARY MEETING
Reports of Committees

Item: 4.3 LTC - Road Funding Data Report for 2014/2015 - Item 4.3 - 09 February 2015
(Hawkesbury, Londonderry, Riverstone) (80245, 123265)

REPORT:

Mr James Suprain, Roads and Maritime Services advised the Committee that he had been requested to forward the following data onto Council through the Local Traffic Committee.

Roads and Maritime Services reminds Hawkesbury City Council that all works funded through Roads and Maritime Services in 2014-1205 must be completed and invoiced by 30 June 2015. Funds will not be carried over into 2015-2016.

The list below shows the reported expenditure available for 2014/2015.

RMS Project Number	Program Position Number	Project Name (IMS Description)	LGA	Approved 2014-2015 Funding Allocation
T/08386	27304	Bligh Park - South Windsor	Hawkesbury	\$50,000
T/08385	27401	Hawkesbury Pedestrian Access and Mobility Plan	Hawkesbury	\$8,000

To date 21% of the available budget has been expended.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr James Suprain, seconded by Councillor Kim Ford.

Support for Recommendation: Unanimous Support

That the information be received.

APPENDICES:

There are no supporting documents for this report.

SECTION 5 - Next Meeting

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

The meeting terminated at 3:50pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ordinary

section 5

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 5 - Notices of Motion

NM1 Shopping trolley collection at Windsor - (79351, 105109, 80104)

Submitted by: Councillor Paine

NOTICE OF MOTION:

That Council write to Coles at Windsor and ask them to pick up their trolleys on a regular basis.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM2 **Process to have Lantana added to noxious weed register - (79351, 105109, 80104)**

Submitted by: Councillor Paine

NOTICE OF MOTION:

That a report come to Council outlining the process Council needs to take to have Lantana put on the noxious weed register in the Hawkesbury.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM3

Possibility and cost of alterations to Windsor Mall - (79351, 105109, 80104)

Submitted by: Councillor Paine

NOTICE OF MOTION:

That provision of funds to enable a report to be prepared for Council's consideration regarding the possibility and approximate cost of alterations to the Windsor Mall to allow for the reintroduction of general traffic either on the basis of a one-way or two-way traffic flow be considered for inclusion in the Council's Draft Operational Plan for 2015/2016.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM4 **Luncheon for former recipients of Council's Citizen of the Year Award - (79351, 105109, 80104)**

Submitted by: Councillor Paine

NOTICE OF MOTION:

That provision of funding to allow a luncheon to be held to recognise and reunite former recipients of Council's Citizen of the Year Award be considered for inclusion in the Council's Draft Operational Plan for 2015/2016.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM5

LGBTIAQ Rainbow Flag - (79351, 10509, 80093)

Submitted by: Councillor Calvert

NOTICE OF MOTION:

That Council fly the LGBTIAQ Rainbow Flag during the Gay and Lesbian Mardi Gras season.

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 Meeting and Responses - (79351)

REPORT:

Questions - 3 February 2015

#	Councillor	Question	Response
1	Calvert	Enquired if Council has received a response from the RMS in regard to Resolution 357 of the Ordinary meeting, held on 28 October 2014.	The Director Infrastructure Services advised that a submission has been made and that advice will be forwarded to all Councillors when received.
2	Calvert	Enquired as to the ramifications for the Hawkesbury LGA in respect of the State Government's document " <i>A Plan for Growing Sydney</i> ", as there is no mention made of the Hawkesbury.	The Director City Planning advised that the Hawkesbury LGA is part of the "West Subregion" of the State Government document " <i>A Plan for Growing Sydney</i> ". The discussion on this subregion is general in regards to priorities for the region and the Hawkesbury LGA will be mentioned in more detail in the subregional planning for the "West Subregion". There are no specific negative ramifications stemming from the current document.
3	Paine	Enquired how Council will deal with a recent email received regarding a property in Maraylya.	The Director City Planning advised that the email has been received as a result of notification of a development application and the issues raised in the email will be addressed as part of the assessment of that application.
4	Paine	Requested for Council to consider holding a luncheon for past Citizens of the Year.	The General Manager indicated that it would be possible to hold a luncheon as suggested, however, as no funding had been provided for this purpose the matter should be the subject of a Notice of Motion for the provision of funds to be considered as part of the draft 2015/2016 Operational Plan. A Notice of Motion has been submitted by Councillor Paine on this matter and is included elsewhere in the Business Paper.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
5	Williams	Enquired if Council has any further information regarding CSG water carting to the Hawkesbury LGA.	The Director City Planning advised this question is the subject of a separate report in this business paper. Staff have contacted similar recycling companies within the Hawkesbury LGA and they do not deal with any CSG waste water.
6	Williams	Requested that the vegetation at the Bailey Bridge, West Portland Road, be slashed due to the vegetation hindering sight lines.	The Director Infrastructure Services advised that instructions have been given to slash the vegetation.
7	Williams	Enquired if Council is aware of the recent algal bloom that occurred in the Hawkesbury River and if the boom located at Freemans Reach is still operational.	The Director Infrastructure Services advised that Council referred this matter to Hawkesbury River County Council (HRCC) and they confirmed that their boom was operational. It should be noted that this was an outbreak of salvinia (not an algal bloom), which HRCC have been monitoring and biologically treating.

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
8	Reardon	Referred to the Council's " <i>Fit for the Future</i> " submission and asked about required public consultation in association with its submission to the State Government by the 30 June 2015 deadline.	<p>The General Manager advised that as Council has not been identified for an amalgamation or boundary adjustment, the completion of the 'Fit for the Future (FFF)' 'Council Improvement Proposal' template issued by the Office of Local Government (OLG) does not include a requirement for community consultation. Council has however commenced a staged FFF consultation process on Council's on-line community engagement portal.</p> <p>The initial focus will be on providing information to residents about the FFF process and seeking their views on Council's resolution not to consider amalgamation or boundary adjustment proposals.</p> <p>Further consultation will occur as the content of Council's proposal is compiled. Within its proposal, Council is required to address matters identified in financial sustainability reviews and infrastructure audits undertaken by Treasury and the OLG.</p> <p>In framing its response to these matters, Council staff will draw on the content of Council's adopted plans and community surveys which have been the subject of extensive community consultation.</p>

oooO END OF REPORT Oooo

ORDINARY MEETING

Questions for Next Meeting

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 30 **IS - Tender No. 00953 - Reconstruction of Sealed Road Sections of East Kurrajong Road and Bull Ridge Road - (95495, 79344) CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 31 **SS - Lease to Mina and Fady Girgis - Shop 6, Wilberforce Shopping Centre - (95496, 112106, 117043, 117044) CONFIDENTIAL**

Reason for Confidentiality

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

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

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



ordinary
meeting

end of
business
paper

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