

Council Report (1)to NRDCAA Meeting, February 21 2017.

There were two meetings of Council since the November 2016 Report, 29th of November 2016 and the 13th of December 2016.

The report covers main issues as determined by the Committee of Management (CoM) that could affect residents and ratepayers, or could be a matter of public interest.

This report should not be relied upon by residents and ratepayers. The Reports, motions and resolutions are mostly truncated.

Council Business Papers and Minutes of each meeting are available on the Council website.

Council Meeting 29th of November 2016.

Item: 250 Oakville Landscaping Material Supplies.

There was one speaker for the staff recommendation and three against.

There were 21 submissions from the public in total.

The speakers against were concerned with the fracturing of the rural atmosphere, traffic, dust, pollutions concerns and noise from heavy vehicles and other machinery.

The speaker for the recommendation rejected there would be any heavy vehicles or noise from other machinery.

Council approved the development with conditions with **Councillors, Calvert Conolly, Garrow, Kotlash, Lyons-Buckett, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno in support for the staff recommendation and Councillor Ross opposed.**

Comment; we think it would more beneficial to the community if a Council report was available prior to the receipt of submissions from the public. That would assist the public understand why any item is supported or not supported by Council staff.

Item: 251 Flinders Place North Richmond Multi Dwelling Housing.

There were four speakers against the staff recommendation that the application not be supported.

The main issues identified by staff were flooding and visual impacts.

Council resolved to defer the application to permit a site inspection.

Councillors Calvert, Conolly, Garrow, Kotlash, Lyons-Buckett, Rasmussen, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno supported the deferment for the site inspection.

Item: 252 - 64 Grandview Lane Bowen Mountain- Dual Occupancy.

There was one speaker supporting the staff recommendation for approval and three speakers opposed to the recommendation.

Note, as a matter of interest two of the speakers opposing the recommendation were a Barrister and his instructing Solicitor.

The issue that they raised in particular was the poor performance of Council's compliance regime.

In addition, part of the application was for work already undertaken without approval.

Council resolved to deferred the matter to an informal Councillor briefing session and be reported to the next Ordinary Meeting of Council

Councillors Calvert, Conolly, Garrow, Kotlash, Lyons-Buckett, Rasmussen, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno were in support of the informal Councillor briefing session.

Item: 257 Kurmond and Kurrajong investigation area survey results.

There were three speakers for the recommendation and three against.

The item is to bring Councillors up to date on structure planning for the area and particular the survey results.

The objective of the survey was to **seek the views of land owners and residents with respect to residential or large lot residential/rural- residential development and to hear from those closest to and most likely affected.**

The survey questions and the survey results are at ps 146-168 of the BP.

The outcome from the survey was not as supportive as Council staff portray.

There was a preamble of conditions to Q1 that was: **provided that environmental, infrastructure, and servicing matters are resolved, where should additional development occur?**

This preamble to the question is an acknowledgement by staff that, environmental, infrastructure and servicing matters are not resolved.

Q1 table 1 indicated that 70 of the 189 participants that additional residential development should occur **nowhere**, 40 participants **said throughout the whole of the area**. Despite this Council Staff added the other four options together in their report to Council to support their survey tilt.

All other residents west of the River affected by the possible PP were not allowed to participate, despite requests.

The 28 of July 2015 Council meeting authorised Council Officers to initiate discussions with the Kurmond and Kurrajong landowners and community about the interim policy and local planning approach.

The discussion has never taken place. A staff initiated survey was carried out instead.

The progress of this Item has been ongoing for some time. Council on a number of times has put a stop on accepting new Planning Proposal until certain steps were achieved.

In the Council Report 28 July 2015 p 28 stated **It is however, hoped that these tasks would be completed within six months.**

The tasks to which they were referring were discussions with the RMS and DPE. The report indicated staff had had preliminary discussions with these agencies.

In the previous two items in this report it was advised that- **Council Officers are continuing discussions with the RMS regarding the road network.**

Eighteen Months later the task has not been completed and Council have not accepted there needs to be a traffic study tied to the progress of this item.

Council decision was to receive the results of the survey. Staff identify areas for possible development, further consult with the community, not accept any further PP within the investigation area till the structure planning is completed, report back to Council prior to July 2017 and continue processing current applications.

Councillors, Calvert, Conolly, Kotlash, Richards, Tree, Garrow, Reynolds, Ross, Wheeler, and Zamprogno supporting the motion and Councillor Rasmussen voting against approval.

Councillor Lyons-Buckett was not in the Chamber when the vote was taken.

Item: 253 Planning Proposal (PP) 1420 Kurmond Road Kurmond.

There were two speakers in support of the staff recommendation to approve the PP and three speakers against.

The PP was received by Council 30th May 2014.

On the 11 of November 2014 Council supported the preparation of a PP.

Councillors; Calvert, Lyons-Buckett, Rasmussen, Paine and Williams did not support the PP at the 11th of November 2014 meeting.

A Voluntary Planning Agreement has been finalised for the PP. The norm is \$30,000.00 per lot. There are twelve lots. Of course the \$30,000.00 per lot will be paid by the buyers making the land more unaffordable for most.

One of the major concerns to constraints in regard to this item is the road network.

It is difficult to understand how Council staff and experienced Councillors seem to ignore planning documents (see comment) when staff made the recommendation to approve this PP.

What is equally disturbing is the RMS raised concerns at ps 85/86 of the BP with regards to the cumulative effects of development traffic in the vicinity.

Further the RMS advised there are no current plans or funding available for the upgrade of the Kurmond Rd and BLoR intersection.

The RMS also suggested that Council include a traffic study to investigate the likely impacts. Staff did not include the traffic study in their recommendation for approval.

Council approved the PP with **Councillors; Calvert, Conolly, Garrow, Reynolds, Richards, Tree, and Zamprogno supporting the staff recommendation.**

Councillors Rasmussen, Ross and Wheeler rejected the staff recommendation.

Councillor Lyons-Buckett was absent from the vote declaring a conflict of interest and Councillor Kotlash was absent from the meeting when the vote was taken.

A Rescission Motion was lodged at the conclusion of the meeting in respect of this item.

Comment: At the Council meeting of the 28th of July 2015, Resolution 192 @ 4. **Those current planning proposal within the Kurmond and Kurrajong investigation area (see attachment 2) only proceed to gateway if the “fundamentals” development constraints have been addressed (see attachment 1).**

At p 66 of the November 29th 2016 BP, under the heading of Road Network indicates the Degree of constraint to Development is Fundamental-Major.

Major is defines asIn terms of require infrastructure and servicing the matter is so significant that development should not occur until a solution has been identified and delivery mechanism achieved. (Authors emphasis)

Further, the Hawkesbury Residential Land Strategy (HRLS) @ 6/3 says under the heading of **Service infrastructure- following infrastructure is required for all centres- road networks with links to key centres.**

And, further down the page, **the infrastructure capacity of each centre must be able to support future dwellings projections and provided in a timely and efficient way.**

Item 254: Planning Proposal 43 Bootles Lane Pitt Town.

There were two speakers for the staff recommendation and three speakers against the staff recommendation.

The PP proposes to enable potential subdivision of parts of lot 61 DP 1206587, into three residential lots, amend the zoning of the vegetated area to not allow further subdivision and protect the significant vegetation on the site and rezone part of the lot to SP2 infrastructure where the privately operated sewer treatment plant is located.

This application was before Council on the 9 August 2016 where Council resolved to defer the application to a site inspection that no Councillor attended despite eight voting for the inspection.

The staff recommendation was not supported with **Councillors Calvert, Conolly, Richards and Tree supporting the recommendation and Councillors Garrow, Lyons-Buckett, Rasmussen, Reynolds, Ross Wheeler and Zamprogno voting against approval.**

Councillor Kotlash was absent from the meeting when the vote was taken.

A further motion was moved by **Councillor Rasmussen and seconded by Councillor Zamprogno** not to support the PP.

Councillors Garrow, Lyons-Buckett, Rasmussen, Reynolds, Ross, Wheeler and Zamprogno voting for the motion.

Councillors Calvert, Richards and Tree were against the motion.

Councillor Conolly was not in the chamber when the vote was taken and councillor Kotlash was absent from the meeting.

Note a Rescission Motion was lodged at the conclusion of the meeting with regards to this item.

Item 255 PP 431 and 431A Greggs Road Kurrajong.

There were two speakers for the staff recommendation and one against the staff recommendation.

On the 9th of December 2014 the applicant lodged a PP with regards to the site to allow development for approximately nine lots with a minimum lot size of 4,000 m².

In response to concerns raised by the RMS at p 111 of the BP they advised Council **that in the absence of any Strategic Integrated Traffic/Transport Study to justify the same, RMS would be concerned with the cumulative**

impacts of other similar proposals within the area and the potential adverse impacts to the existing and future regional road networks.

In addition, as in Item 253 the Road Network is identified as **Fundamental-Major Constraint** with regard to this site.

Council's Officers response is poor- **Council Officers are continuing discussions with the RMS regarding the road network.**

Councillors Conolly and Richards moved the staff recommendation for approval.

An amendment was moved by **Councillors Garrow and Rasmussen, that the matter be deferred until a comprehensive regional traffic study is completed and a report from Sydney Water in regard to water supply in the subject is received.**

The amendment was lost with **Councillors Garrow, Lyons-Buckett, Rasmussen, Reynolds and Ross** in support, and **Councillors Calvert, Conolly, Richards, Tree, Wheeler and Zamprogno** opposed.

The original motion was put and lost with **Councillors Calvert, Conolly, Richards, Tree, and Zamprogno** in support, and **Councillors Garrow, Lyons-Buckett, Rasmussen, Reynolds, Ross and Wheeler** opposed.

The item was then deferred to the next Ordinary meeting of Council.

Item: 258 Local heritage Assistance fund.

Council approved financial assistance up to \$4,000 to the Richmond Literary Institute Est. 1861.

Reports of Committees.

The minutes of Local Traffic Committee held on the 14th of November 2016 were adopted.

Notice of Motion.

Councillors supported a motion moved by **Councillor Wheeler** and seconded by **Councillor Garrow** seconded that **Council as a policy seek to prohibit those circuses which use wild, native or exotic animals in their performances, including but not limited to animals such as elephants, lions, tigers, monkeys and apes from using Council premises.**

2. the Draft policy on Circuses, previously reported to council on the 24 February 2015 and attached to the Notice of Motion, now be placed on public exhibition for 28 days and then reported to Council.

Questions; Councillors, Rasmussen 1, Ross 1, Reynolds 1, Wheeler 1, Calvert 1, Zamprogno 2.

Item: 266 Tender for the construction two Bridges on Upper Macdonald Road Higher Macdonald was awarded to Civilbuild P/L at a cost \$1,444,677 excl GST.

The meeting closed at 11.28pm

Council Meeting 13th of December 2016.

Apology: Councillor Rasmussen.

Mayoral Minute (MM): 1. As a matter of priority a report be prepared for Council consideration on the implementation of item 4-Town Planning of the Hawkesbury Flood Plain Risk Management Study and Plan December 2012. The report is to address the timeframe for implementation of implications of implementing the Town Planning and Land Use actions recommended in that Plan.

2. As an interim action to point one, Council immediately commence a review of the Development of flood Liable Land Policy of Council with a view to update the Policy so that it more adequately addressers a broad range of development types and more clearly expresses suitable and unsuitable development on flood liable land.

Comment: the MM seems to be a process to fix a policy implementation drought by other tiers of Government and the previous Liberal controlled Council.

Item: 267 Lower Macdonald Function Centre and Tourist Accommodation.

There were three speakers in support of the staff Recommendation to approve and three speakers opposed to the Staff recommendation.

The retrospective application is for Function Centre and Tourist Accommodation and Car Park.

The heritage listed building (former St Joseph's Catholic Church) is currently being used as a function centre and guesthouse without Council approval.

Councillor Reynolds moved and Councillor Garrow seconded that the matter be deferred for a site inspection.

Councillors Calvert, Conolly, Garrow, Kotlash, Lyons-Buckett, Reynolds Richards, Ross, Tree, Wheeler and Zamprogno support the motion.

Councillor Rasmussen was absent from the meeting.

Item: 268 64 Grandview Lane Bowen Mountain Postponed.

There were three speakers for the staff recommendation.

There was no time for Councillor Briefing to take place as decided by the previous meeting of Council.

A meeting did occur between an objector and their consultant, Councillor Lyons-Buckett, Mayor HCC, Director City Planning and the Development Services Manager.

More information is to be provided.

Councillor Conolly moved and Councillor Zamprogno seconded that the Application be approved with conditions.

An amendment was moved by **Councillor Wheeler and seconded Councillor Reynolds that** an assessment report be considered at the scheduled meeting of the Council on the 31 January 2017 and the informal Councillor Briefing session be held prior to that meeting.

Councillors; Calvert, Garrow, Kotlash, Lyons-Buckett, Reynolds, Ross and Wheeler supported the amendment (the staff recommendation).

And, Councillors; Conolly, Richards, Tree and Zamprogno against

The amendment became the motion and Councillors; Calvert, Garrow, Kotlash, Lyons-Buckett, Reynolds, Ross Tree Zamprogno and Wheeler in support.

Councillors; Conolly and, Richards, opposed the motion.

Item: 269 Draft Voluntary Planning Agreement (VPA) 1442-1442A Kurmond Road, Kurmond.

The draft VPA provides for a contribution of \$30,000 per housing lot (up to 13 lots) by the Developer.

The BP reports the **contributions collected by Council will be used on local and district infrastructure and facilities such as, but not limited to, cycleways, bus shelters, landscapes and park embellishment and local road improvements to serve the needs of the community as a consequence of the development.**

Councillors; Calvert, Conolly, Garrow, Kotlash, Lyons-Buckett, Reynolds, Richards, Ross, Tree, Zamprogno and Wheeler in support,

Councillor Rasmussen was absent from the meeting.

Comment: should we ask Councillors to ensure that VPA proceeds are more definite on what contributions will be spent on and the expectations on the amounts to be collected and what community and transport infrastructure those dollars should build?

Item: 270 PP 431-431A Greggs Road Kurrajong.

This item was considered by Council at its meeting 29th of November 2016.

That meeting deferred the item to the next meeting of Council.

The report has not changed except for staff relying on the resolution of Council at its last meeting, particularly paragraph 6 to **continuing processing the planning proposals within the investigation area that have received support via a Council resolution to proceed to a Gateway determination and any planning proposals currently lodged with Council as at 29 November 2016.**

This part of the resolution gives the green light to proceed, despite Council's policies not being adhered to.

The application cannot be consistent with the Hawkesbury Community Strategic Plan, Looking after People and Places directions statement:

Offer residents a choice of housing options that meet their needs whilst being sympathetic to the qualities of the Hawkesbury

Population growth is matched with the provisions of infrastructure and is systematic 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.

Councillor Conolly moved and Councillor Richards seconded the five point staff recommendation for approval.

Councillor Reynolds moved an amendment second by Councillor Garrow that the matter be deferred pending the commencement of the comprehensive traffic study of river crossings and road links.

The amendment was lost with **Councillors; Garrow, Lyons-Buckett, Reynolds, Ross and Wheeler** for the amendment.

And Councillors Calvert, Conolly, Kotlash, Richards, Tree, and Zamprogno against the amendment.

The motion was put for approval with Councillors; Calvert, Conolly, Kotlash, Richards, Tree, Garrow, Ross and Zamprogno in support.

And, **Councillors; Lyons-Buckett, Reynolds and Wheeler** against.

Item: 273 review of Hawkesbury Community Strategic Plan (HCSP).

The report indicates that the HCSP has undergone **an exhaustive process** and is now ready for community consultation in accordance with a process agreed at the Council meeting 11 October 2016.

Council resolved to adopt HCSP for the purposes of Community engagement. Then report the outcomes and further consideration by Council to adopt or amend the HCSP.

Item: 274 Establishment of a Committee to Discuss a Comprehensive Regional Traffic Study (the Committee).

The report provides an overview of matters relevant to the establishment of the Committee and recommends the establishment of the working party with community representation to prepare a brief for the traffic study.

Council resolved to expedite the establishment of the Traffic Study Working Party. **Councillors Reynolds, Garrow and Zamprogno** will be part of the working party. A draft brief will be presented to Council at its January meeting.

Notices of Motions

NoM 1) Councillor Wheeler moved and Councillor Reynolds seconded that: **Council pledge its support the Safe Schools Program.**

And authorise the Mayor and GM to sign the pledge on behalf of Council.

NoM 2) Moved Councillor Wheeler, seconded Councillor Calvert that: Council engages a member of the local Darug community, determined by their Elders, to undertake a Smoking ceremony at the beginning of the first Council meeting of each calendar year.

NoM 3) moved Councillors Kotlash seconded Councillor Calvert that a report be provided to Council that:

1) Outlines the opportunities and barriers to inform Council of the possibilities of owning solar farms to generate income as well as decreasing electricity cost. The report should include but not limited to addressing characteristics such as -reduction in carbon emissions, energy output, capitol cost and return on investment.

2) An investigation into all means of avenues available to Council for support, grants and funding to assist in the development, construction and operation of such projects.

3) The possibility of forming an arrangement with the Department of Defence to develop, construct and operate a solar farm on the RAAF site at Richmond be investigated.

4) Identification of other suitable sites for solar farms in the Hawkesbury.

NoM 4) Councillor Reynolds moved and Councillor Garrow seconded: The expedition of the comprehensive traffic study be withdrawn.

Rescission Motions.

1) Bottles Lane Pitt Town.

Moved Councillor Conolly, seconded Councillor Tree that Council rescind its resolution on item 254 of 29th of November 2016.

Carried.

Councillors Calvert, Conolly, Kotlash, Richards, Ross, Tree supported the RM, Councillors Garrow, Lyons-Buckett, Reynolds, Wheeler and Zamprogno opposed the motion.

The minutes have a further notion for the same address--- Moved by Councillor Wheeler seconded by Councillor Garrow that Council not support the Planning Proposal for lot 61 DP 1206587, 43 Bottles Lane, Pitt town seeking an amendment to HLE plan 2012 to allow development of the subject site due to the proposed lot yield having detrimental edge effects on the adjoining Cumberland Plain woodland.

Carried.

Councillors Garrow, Lyons-Buckett, Reynolds, Ross Wheeler, Zamprogno supported the motion.

Councillors, Calvert, Conolly, Kotlash, Richards and Tree opposed.

RM2 1420- Kurmond Road, Kurmond PP.

Moved Councillor Reynolds seconded Councillor Garrow that Council rescind item 253 resolution from Council meeting 29 November 2016.

**Councillors; Garrow, Reynolds, Ross and Wheeler supported the RM
Councillors Calvert, Conolly, Kotlash, Richards, Tree and Zamprogno
opposed the RM.**

The RM was lost.

**Councillor Lyons-Buckett was not in the Chamber when the vote was
taken and Councillor Rasmussen was absent from the meeting.**

**Questions: Councillors Richards 3, Zamprogno 1, Wheeler1, Garrow1,
Ross1.**

Confidential Matters.

MM2: the Mayoral Minute took another step in process to recruit a General
Manager in **accordance with due process.**

Resolution 443, Council approved the nominations to the 8 Council
Committees. See ps29-30 for the names of Committee members.

The meeting terminated at 12.25 am Wednesday 14 December 2016.

Please note the **Joint Regional Planning Panel** approved DA0216/16
Redbank on 22 12 2016 see below a summary.

**Subdivision - Vegetation removal, earthworks, the removal of three
dams, alterations to a dam, the construction of three water bodies, the
construction of roads, landscaping works and a Torrens title
subdivision to create an additional 244 residential lots, one
neighbourhood centre lot, six open space lots, two super lots and two
residue lots**

Authorised by NRDCAA Committee of Management February 2017

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