

Hawkesbury City Council

ordinary meeting business paper

date of meeting: 14 March 2017

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

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

Public Participation

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

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

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

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

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

Voting

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

Planning Decision

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

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

Business Papers

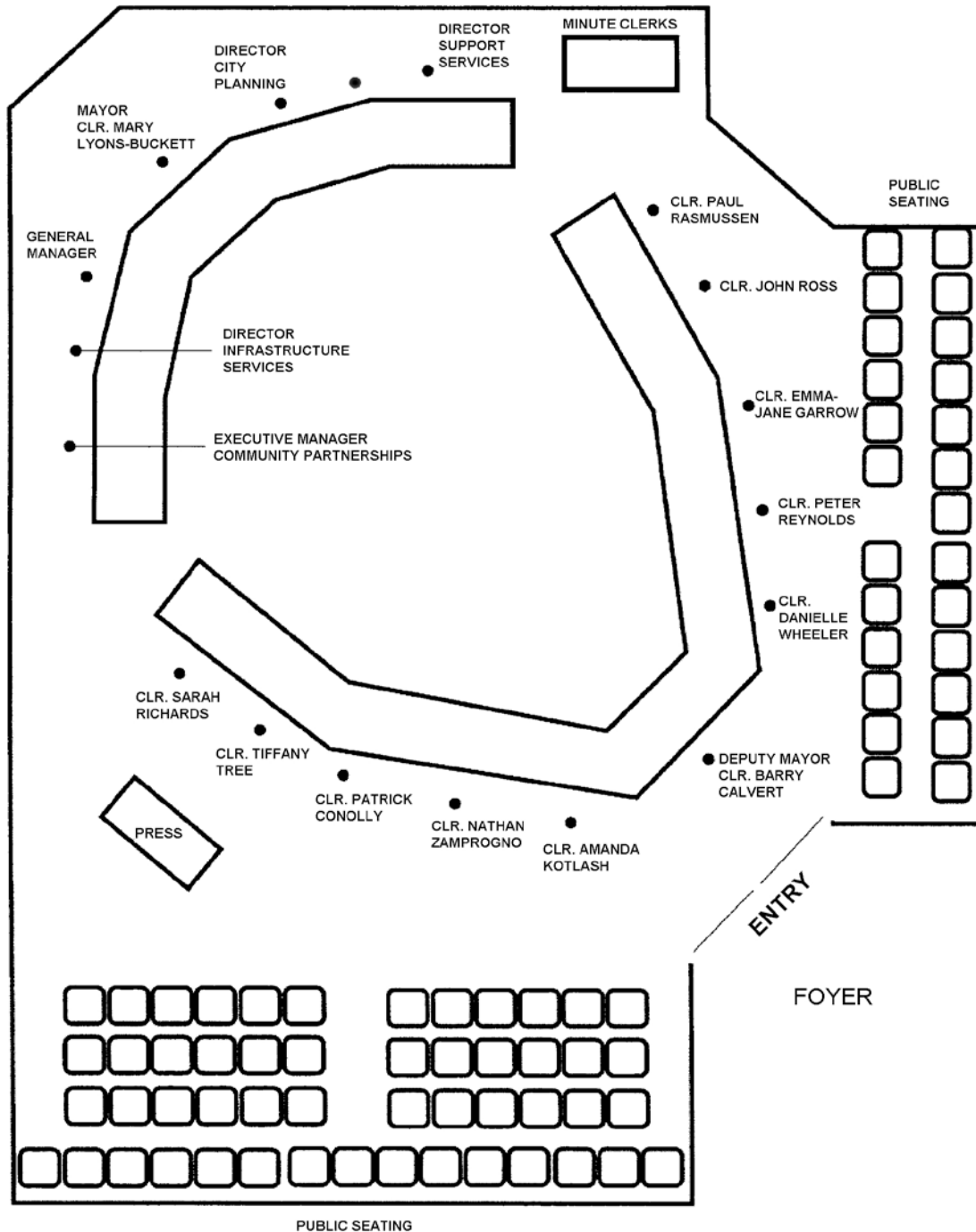
Business papers can be viewed online from 12pm on the Friday before the meeting on Council's website <http://www.hawkesbury.nsw.gov.au>

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

Further Information

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

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 50 CP - S960128/15 (DA0790/14) - Lot 12 DP 1184975 - 741 George Street, South Windsor - Modification of Development Consent DA0790/14 to Delete Condition 68, Construction of Pathway - (95498, 130370, 82572)

Previous Item: Item 23, Ordinary (23 February 2016)
Item 167, (9 August 2016)

Development Information

File Number: S960128/15 (DA0790/14)
Property Address: 741 George Street, South Windsor
Applicant: McDonald's Australia Limited C/- Montgomery Planning Solutions
Owner: Dallat Pty Ltd
Proposal Details: Section 96 Amendment - Modification of Development Consent DA0790/14 to delete condition 68
Estimated Cost: N/A
Zone: RU4 Primary Production Small Lots and SP2 Infrastructure
Date Received: 29 December 2015
Advertising: 19 July 2016

Key Issues:

- ◆ Location of pathway
- ◆ Length of pathway

Recommendation: Approval

REPORT:

Executive Summary

This application was reported to the Ordinary Council meeting of 23 February 2016 and 9 August 2016 requesting the deletion of a condition of consent imposed as part of Development Consent Notice No. DA0790/14 which requires the construction of a 2.5m shared pedestrian pathway from the site to Colonial Drive, Bligh Park consistent with Part E Chapter 7 of Hawkesbury Development Control Plan (DCP) 2002.

The latest report presented to Council on 9 August 2016 recommended that the Applicant construct a portion of the shared pathway required to be provided to Bligh Park.

During the meeting Council resolved the following:

"That the matter be deferred to a future Council meeting, pending discussions with the Applicant and further consultation with the Roads and Maritime Services."

Since the Council resolution the Applicant has been advised why the modification application was not supported and the proposal has been referred to the Local Traffic Committee.

The application is being reported back to Council for determination and it is recommended that Council consider modifying the condition which requires McDonald's to contribute to the construction of a pathway.

Description of Proposal

This application seeks consent to modify condition 68 of Development Consent Notice No DA0790/14 which states:

"68. The development shall provide a 2.5m wide shared pedestrian and cycleway from the subject site to Colonial Drive, Bligh Park as required under the Hawkesbury Development Control Plan 2002. The pathway shall incorporate design features as agreed by the Council and RMS."

The image below shows the extent of the pathway required under the current condition. It would involve a pathway along the eastern side of George Street approximately 560m long and require a crossing along George Street.



The Applicant proposed that the existing condition would be modified to read as follows:

"The development shall provide a 2.5m wide shared pedestrian and cycleway from the McDonald's development to the existing 7/11 service station on the western side of George Street. As an alternative to construction, Council will accept a cash payment of \$15,000.00 towards Council's construction of this pathway."

The image below shows the extent of the pathway should the proposed modification be supported. The pathway would be approximately 175m long and not involve any crossing along George Street.

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The Applicant argues that previous developments on the subject site were not required to construct the shared pathway and requested Council consider being flexible in supporting a variation to the DCP.

Issues Relevant to the Decision

- Compliance with the DCP
- Pedestrian safety

Council Policies, Procedures and Codes to Which the Matter Relates

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

History of application

- | | |
|----------------|--|
| 9 August 2016 | Following the Ordinary Meeting held on 9 August 2016 Council officers advised the Applicant that a monetary contribution would not be accepted based on the previous information submitted, they should speak to the property owner about future plans for the site and that the proposal would be referred to the Local Traffic Committee to discuss options in terms of safety and funding. |
| 16 August 2016 | Advice was sent to the property owner advising that any future development on the land would need to contribute to the construction of a shared footpath to Bligh Park. |
| 30 August 2016 | <p>The report and minutes of the Ordinary Meeting held on 9 August 2016 were presented to the Local Traffic Committee, where the following matters were noted:</p> <ul style="list-style-type: none">• Over time the McDonald's building would generate pedestrian traffic as a direct result of the use of the land.• The path could be positioned either on the western side or eastern side dependant on investigating pedestrian desire lines from Bligh Park.• The construction of a pathway along the eastern side of George Street for a considerable length would provide a safer option for pedestrians than the western side based on the number of commercial activities and driveways located on the western side. |

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- The Roads and Maritime (RMS) officer noted that Council could seek funding for the proposed works.

12 January 2017 Development application No. DA0011/17 for a KFC on the subject site was lodged with Council.

As per the recommendation of the previous report presented to Council on 9 August 2016 it is considered that the development is still required to contribute towards the construction of a shared footpath to Bligh Park and Council is able to consider modifying the existing condition to achieve this.

Assessment of Section 96 (1A) of the Environmental Planning and Assessment Act 1979

The application proposes to modify Condition 68 of Development Consent Notice No. DA0790/14 and reduce the length of the pathway required to be constructed.

Pursuant to Section 96(1A) of the EP&A Act, Council may consider an application to amend development consent subject to:

"(1A) Modifications involving minimal environmental impact

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

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be."*

Following the Council resolution of 9 August 2016 the following has been confirmed:

- a footpath is needed to collect pedestrian traffic attracted to the site and is supported by the Local Traffic Committee.
- Council is able to apply for funding for a portion of the pathway through the RMS, but there is no guarantee that funding will be made available.
- Council is able to consider amending the condition to allow McDonald's to share the cost of the construction of a pathway with future tenants on the subject land.

With respect to (a) it is considered that current proposal would not address safety matters and result in an unacceptable impact on the safety of customers attracted to the site. It is however considered that the condition could be modified to provide McDonald's with the opportunity to contribute towards half the length of the pathway. This would ensure that there would be minimal environmental impact on pedestrian safety knowing that future occupiers of the site would need to contribute to the completion of the footpath.

In respect to (b) the original approval was granted on the basis that McDonald's would address safety concerns associated with pedestrians being attracted to the site. The original consent required the footpath to be provided and it is considered that this requirement should remain in order to ensure that the development is substantially the same. There are no objections from staff towards McDonald's contributing towards half the construction of the pedestrian path with the remainder to be carried out by future occupiers of the land. An assessment of the proposal against the relevant matters referred to in Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken in the report below.

With respect to (c) and (d), the application was not required to be notified under the Hawkesbury DCP and no submissions have been received to date.

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

Consideration of the matters as identified under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and it is considered reasonable that Council consider allowing the Applicant to contribute towards half the construction of the pathway to Bligh Park.

The modification to the construction of the footpath requirement would not have any significant adverse changes, is not contrary to the public interest and consideration to the DCP has been made below.

Hawkesbury DCP 2002 Part E Chapter 7 – Windsor District Baptist Church Site

Rule 4 and 5 of Chapter 7.4.4 Parking and Access apply to the proposal and are listed below:

- "4. A pedestrian crossing on George Street is to be provided incorporating such design features as agreed by the Council and the RTA, near the entry/exit point to the site or near Thorley Street.
5. A 2.5m wide shared pedestrian and cycleway on the eastern side of George Street between Thorley Street and Colonial Drive Bligh Park is to be provided incorporating such design features as agreed by the Council and RTA."

The request to reduce the length of the pathway or provide an alternative cash payment of \$15,000 is insufficient and not supported as this would not satisfy the above requirements of the DCP and is not considered to be a modification pursuant to S96(1A) of the Act.

It is however considered reasonable that Council support a variation to the above DCP requirement in order to allow McDonald's to contribute towards half the construction of the pathway knowing that future occupiers on the land would need to contribute towards the completion of the remaining part of the pathway to Bligh Park. The construction of half a pathway would continue to provide for pedestrian safety until the remainder of the footpath has been completed.

The Local Traffic Committee has considered the proposal and supports the construction of a pathway in principal. It is recommended that Council seek funding to assist with the costs associated with a footpath along an RMS controlled road.

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Conclusion

The environmental impacts associated with the proposal are those relating to pedestrian/cycling access associated with the food and drink premises which is a significant pedestrian attractor to the site.

It is recommended that the modification to condition number 68 be supported subject to the recommendation below as the proposal is of minimal environmental impact and substantially the same development as previously approved.

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 Section 96 modification application No. S960128/15 at Lot 12 DP 1184975, 741 George Street, South Windsor for Modification of Development Consent DA0790/14 to amend condition 68 be determined by replacing condition 68 with the following:

68. *The development is responsible for half of the construction of a 2.5m wide shared pedestrian and cycleway from the subject site to Colonial Drive, Bligh Park. The design and construction of these works shall be approved by Council and must be completed prior to 30 September 2017.*

Should the construction of the path not be possible Council will give consideration to entering into a Voluntary Planning Agreement equivalent to the value of the works or the works may be Bonded for construction by Council or the applicant at a future date agreed by Council.

ATTACHMENTS:

AT - 1 Council Report (Item 23) of Ordinary Council meeting of 23 February 2016

AT - 2 Council Report (Item 167) of Ordinary Council meeting of 9 August 2016

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AT - 1 Council Report (Item 23) of Ordinary Council meeting of 23 February 2016

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Item: 23 CP - S960128/15 - Lot 12 DP 184975 - 741 George Street, South Windsor - Section 96 Amendment - Modification of Development Consent DA0790/14 - (94598, 130370, 82572)

Previous Item: 146, Ordinary (8 September 2015)

Development Information

File Number: S960128/15 (DA0790/14)
Property Address: 741 George Street, South Windsor
Applicant: McDonald's Australia Limited C/- Montgomery Planning Solutions
Owner: Dallat Pty Ltd
Proposal Details: Section 96 Amendment - Modification of Development Consent DA0790/14 to delete condition 68
Estimated Cost: N/A
Zone: RU4 Primary Production Small Lots and SP2 Infrastructure
Date Received: 29/12/2015
Advertising: Not required

Key Issues:

- ◆ Non-compliance with site specific DCP
- ◆ Pedestrian Safety

Recommendation: Refusal

REPORT:

Executive Summary

This Development Application seeks consent to delete a condition from the original development consent relating to the construction of a 2.5m wide pedestrian and cycleway from the subject site to Colonial Drive to service the Food and Drink Premises – McDonalds approved at 741 George Street, South Windsor.

The land is subject to a site specific Development Control Plan under Part E Chapter 7 of Hawkesbury Development Control Plan (DCP) 2002.

It is recommended that the modification application not be supported as the proposal is inconsistent with the requirements of Hawkesbury DCP 2002.

The application is being reported to Council as this site is in a key gateway location to the Hawkesbury and that the development application for the food and drink premises was previously determined by Council with the requirement for the construction of a 2.5m shared pedestrian pathway from the site to Colonial Drive Bligh Park.

Description of Proposal

This application seeks Council's approval to modify Development Consent No. DA0790/14 for the construction and operation of a food and drink premises at 741 George Street, South Windsor.

The application for the food and drink premises was approved subject to condition number 68 which requires that:

"68. The development shall provide a 2.5m wide shared pedestrian and cycleway from the subject site to Colonial Drive, Bligh Park as required under the Hawkesbury Development Control Plan 2002. The pathway shall incorporate design features as agreed by the Council and RMS."

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History of the Site

The subject site is legally known as Lot 12 DP 1184975, has a site area of 2.497 Hectares, is subject to road widening and located on the northern intersection of Blacktown Road and George Street, South Windsor.

The subject site and 739 George Street are collectively known as the Windsor District Baptist Church site under Part E Chapter 7 of Hawkesbury DCP. This DCP was adopted by Council on 13 December 2011 and became effective on 21 September 2012.

The site specific chapter of the DCP was developed at the same time Council considered a planning proposal for the property proposing to permit service stations on the land and rezone the land from 5(a) Special uses (Church) under Hawkesbury Local Environmental Plan (LEP) 1989 to RU4 Primary Production Small Lots under Hawkesbury LEP 2012 in order to allow for additional land uses such as food and drink premises.

At the ordinary meeting of 25 November 2008 Council resolved to support the planning proposal to permit service stations on the land and rezone the land to RU4 Primary Production Small Lots to allow for additional uses such as food and drink premises. Council resolved that the proposal be supported subject to safe pedestrian access being provided across George Street.

Subsequently the DCP was prepared and the land was rezoned to RU4 Primary Production Small Lots as part of the gazettal of Hawkesbury Local Environmental Plan 2012.

Following the gazettal of Hawkesbury LEP 2012 Development Application No. DA0631/12 for the construction and operation of the service station was lodged and granted approval on 17 September 2013. The service station has been constructed and is currently operational.

Development Application No. DA0790/14 for the construction and operation of the food and drink premises was lodged and granted approval on 15 September 2015. Building works have commenced.

Issues Relevant to the Decision

- Compliance with the DCP
- Pedestrian safety

Council Policies, Procedures and Codes to Which the Matter Relates

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

Assessment of section 96 (1A) of the Environmental Planning and Assessment Act 1979

The modification application seeks consent to delete condition 68 of Development Consent Notice No. DA0790/14 which requires the construction of a 2.5m shared pathway from the development site to Colonial Drive, Bligh Park on the following grounds:

- "1. The proposed pathway does not satisfy the objective of the DCP which requires safe, efficient pedestrian access to and from the development.
2. There is no safe pedestrian crossing of George Street in the vicinity of the site/proposed pathway.
3. The location of the proposed pathway does not represent any existing or proposed desired safe pedestrian route.

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4. *No nexus has been demonstrated between the development and the need for the pathway.*
5. *The DCP has not been applied to the adjoining developments which are covered by the DCP provisions relating to pedestrian access to the site.*
6. *The condition requires an agreement between Council and the Roads and Maritime Services (RMS) in relation to design features. There is no mechanism by which the applicant can achieve compliance in this regard.*
7. *Development Control Plan provisions are not statutory requirements and are for guidance purposes only."*

The modification application is supported by a Traffic review prepared by Colston Budd Rodgers & Kafes Pty Ltd. This report states that discussions with the RMS has confirmed that this condition is not required by the RMS and that it is unreasonable for the developer to construct a shared footpath given the separation between the site and small number of pedestrians that would be anticipated to access the site.

An assessment of the information has confirmed that whilst the RMS has confirmed that they do not require the construction of the footpath it is Council's position that the pathway be provided as part of the development of the site. This requirement was previously considered by Council at the time the land was rezoned to permit uses such as food and drink premises.

The requirement for a shared footpath was not imposed on the service station development as Council decided that this was not required given that a service station does not provide the same level of pedestrian traffic than what would be expected with a take away food and drink premises. Given that the proposed food and drink premises are highly likely to attract pedestrian traffic as well as the proposed vehicular traffic it was considered reasonable that the developer formalise pedestrian access from the Bligh Park residential area to the site in order to ensure people have a safe route to the site.

Whilst there is no pedestrian crossing of George Street at this time, it is very likely, if not certain, that there will be in the future when George Street is further upgraded. In this regard it would be short sighted and inadequate long term planning to not require the highest potential pedestrian traffic generator in the locality to not provide for future pedestrian traffic to the site.

To date Council and the RMS have not received any formal application or plans showing how a shared pedestrian pathway could be designed in order to address this condition. Whilst documentation submitted with the application confirms that the RMS has not requested the footpath it is a Council resolution and DCP that has identified that a shared footpath should be provided to the site as part of the development of the site which would attract pedestrians from the Bligh Park residential area.

As a consequence it is considered that the proposal should comply with the original condition imposed on the development in order to ensure pedestrians accessing the site can do so in a safe and efficient manner. If it is not desirable to construct the path at this time the consent condition can remain and the works bonded until they are ready to be constructed.

Pursuant to Section 96(1A) of the EP&A Act, Council may consider an application to amend development consent subject to;

"(1A) Modifications involving minimal environmental impact

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

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*

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- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be."*

With respect to (a) it is considered that the proposal to not provide a pedestrian/cycleway from Colonial Drive to the subject site has the potential to result in adverse impacts in terms of pedestrian safety and that the deletion of the condition would have more than a minimal environmental impact. A footpath along the eastern side of George Street would provide a dedicated footpath for people who would be attracted to walk or cycle to the proposed food and drink premises.

Whilst this requirement of the DCP was not imposed on the service station or Baptist Church it is noted that:

- Customers of the service station is heavily based on vehicular traffic and not expected to attract significant pedestrian movements to the site from Bligh Park; and,
- The Baptist church was located on the site prior to the DCP and is generally serviced by families driving to the site for services.

It is clear that the construction of the food and drink premises would result in a substantial increase in pedestrian traffic to the site and that the construction of a shared pathway along the eastern side of George Street would provide a suitable path for customers and employees who would walk or cycle to the site than what is currently available. It is considered that the pathway would not be required if the site was not developed for the purposes of food and drink premise. Furthermore the information submitted with the current application confirms that there is an additional area on site dedicated to a future tenant which ultimately has the potential to attract more pedestrian traffic to the site.

With respect to (b) it is considered that the deletion of the condition would result in changing the development that was originally granted by Council. The DCP provision requiring a shared pathway to the site was considered as part of the assessment of the original application and determined that the development has the potential to attract a significant amount of pedestrian traffic to the site from Bligh Park to warrant the construction of a pathway to the site based on its location. An assessment of the proposal against the relevant matters referred to in Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken in the report below.

With respect to (c) & (d), the application was not required to be notified under Hawkesbury DCP and no submissions have been received to date.

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

In determining the application, Council is required to take into consideration the matters as identified under Section 79C of the Environmental Planning and Assessment Act 1979. Following an assessment of the application it is considered that the application has not adequately considered the suitability of the site for the proposed development and requirements of Hawkesbury DCP 2002.

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The application proposes a fast food and drink premises that would significantly increase the amount of pedestrian traffic to the site than what would be otherwise expected along George Street. Due to the increase in pedestrian traffic to the site with the proposed development it is considered necessary that a safe pathway and crossing be provided to the site to ensure that the site is suitable for the proposed development. This was previously considered with the rezoning of the property and the approval of the food and drink premises. Deletion of the pathway would potentially result in the site being considered to be unsuitable for the proposed food and drink premises on the basis that the development should be appropriately connected to nearby residential areas via a suitable pedestrian link. The site is in general walking distance to the nearby residential area of Bligh Park and pedestrian access to the site would therefore be significantly greater than what would otherwise be associated with the land if the food and drink premises were not to be located on the site.

The suggestion that there is no suitable location along George Street for pedestrians to cross is not considered sufficient rational to support the deletion of the requirement for the shared pathway. It is noted that recent road widening works along the George Street and Blacktown Road intersection have resulted in the construction of a footpath and associated pram crossings close to the roundabout and the George Street exit from the site. See Figures 1 and 2 below.



Figure 1 - Footpath pram-crossing along George Street roundabout intersection



Figure 2 - Termination of footpath with pram crossing along George Street after site exit (Thorley Street intersection highlighted in background)

In addition to the constructed pathways shown above there is currently an informal pathway (Figures 3 and 4) used by a few pedestrians which is not considered to be the safest way to cross George Street. The construction of the shared footpath and formalisation of a new road crossing would ensure that the current informal crossings are no longer used and that the pedestrian traffic attracted to the food and drink premises can be provided in a safe manner.



Figure 3 – Informal pathway between Bligh Park residential area and George Street



Figure 4 – Termination of informal path and crossing from Bligh Park residential area (Note: median strip along centre of George Street)

An assessment in respect to compliance with the DCP has been undertaken below.

Hawkesbury DCP 2002 Part E Chapter 7 – Windsor District Baptist Church Site

This chapter outlines specific design controls for both the subject site and 739 George Street, which are collectively known as the Windsor District Baptist Church site.

Rule 4 and 5 of Chapter 7.4.4 Parking and Access apply to the proposal and are listed below:

- "4. A pedestrian crossing on George Street is to be provided incorporating such design features as agreed by the Council and the RTA, near the entry/exit point to the site or near Thorley Street.
5. A 2.5m wide shared pedestrian and cycleway on the eastern side of George Street between Thorley Street and Colonial Drive Bligh Park is to be provided incorporating such design features as agreed by the Council and RTA."

The above rules were considered as part of the assessment of application number DA0790/14 where it was determined that the development be required to comply with rule 5. Whilst the RMS did not want a crossing to be created in accordance with rule 4 it is considered that there is suitable space available along the George Street section of road that would allow for a crossing to be provided, which will be more appropriate than what is currently available.

It is considered that the applicant be required to comply with condition number 68 imposed on the development as the current reasons to modify the proposal are contrary to this policy and the imposition of this condition would contribute to the safety of pedestrians who would be attracted to the proposed food and drink premises on the site.

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Meeting Date: 23 February 2016

Conclusion

The environmental impacts associated with the proposal are those relating to pedestrian/cycling access associated with the food and drink premises. It is considered that the deletion of the condition relating to the construction of a shared pathway has the potential to result in adverse environmental impacts in terms of the safety for people who would be attracted to the site because of the proposed land use. It is recommended that the proposal not be supported as it is inconsistent with previous resolutions of Council, the requirements of the DCP and the proposal to not provide pedestrian access to the site is not substantially the same development as previously approved by Council.

At this time there is no firm information available as to whether any additional tenants are proposed for the overall site or the nature of any future tenants. Based on the current information available it is appropriate for the currently approved Food and Drink premises (McDonalds) to construct the path as proposed. Should another tenant be proposed by the landowner that would also generate pedestrian traffic to the site, compensation for the cost of the construction of the path should be a matter between the tenants and landowner.

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 Section 96 modification application No. S960128/15 at Lot 12 DP 1184975, 741 George Street, South Windsor for Modification of Development Consent DA0790/14 to delete condition 68 be refused for the following reasons:

1. The proposal is considered to be inconsistent having regard to Section 96 (1A) of the Environmental Planning and Assessment Act 1979. The removal of condition 68 would have an adverse impact on the safety of pedestrians/cyclists accessing the site from Bligh Park and the modification application is not substantially the same development as previously approved.
2. The development is inconsistent with the overall aims, objectives and rules of Hawkesbury Development Control Plan 2002. The proposal does not comply with the site specific requirements to provide safe access to cyclists and pedestrians to the site from Bligh Park.
3. The proposal would have an adverse impact on the safety of people who would walk or cycle to the site from Bligh Park.
4. Approval would not be in the general public interest.

ATTACHMENTS:

AT - 1 Locality Map

AT - 2 Aerial Map

AT - 3 Plans

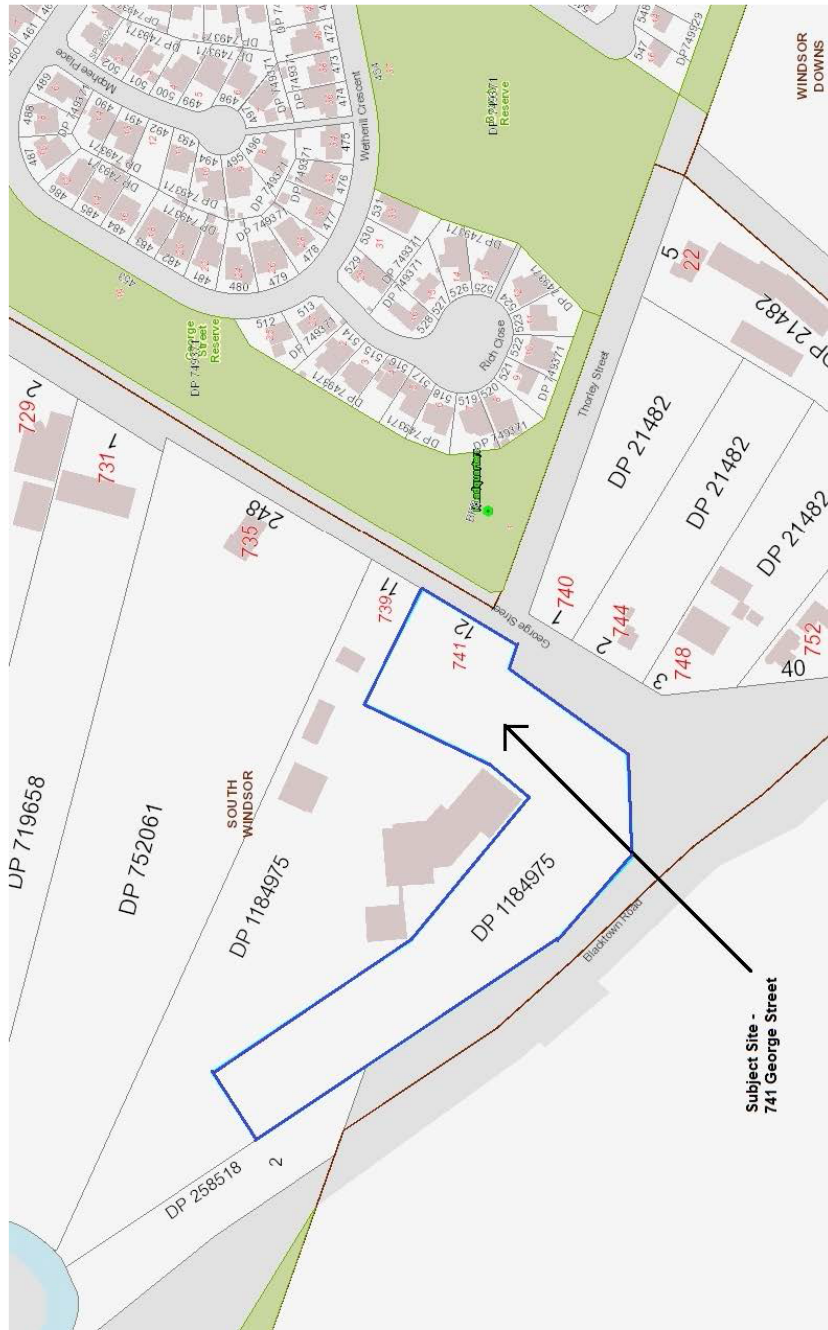
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AT - 1 Locality Map



AT - 2 Aerial Map



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AT - 3 Plans



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ORDINARY MEETING

Meeting Date: 14 March 2017

AT - 2 Council Report (Item 167) of Ordinary Council meeting of 9 August 2016

ORDINARY MEETING

Meeting Date: 9 August 2016

Item: 167 CP - S960128/15 (DA0790/14) - Lot 12 DP 1184975 - 741 George Street Windsor - Modification of Development Consent DA0790/14 to Delete Condition 68, Construction of Pathway - (95498, 130370, 82572)

Previous Item: Item 23, Ordinary (23 February 2016)

Development Information

File Number: S960128/15 (DA0790/14)
Property Address: 741 George Street, South Windsor
Applicant: McDonald's Australia Limited C/- Montgomery Planning Solutions
Owner: Dallat Pty Ltd
Proposal Details: Section 96 Amendment - Modification of Development Consent DA0790/14 to delete condition 68
Zone: RU4 Primary Production Small Lots and SP2 Infrastructure
Date Received: 29 December 2015
Advertising: 19 July 2016

Key Issues:

- ◆ Location of pathway
- ◆ Length of pathway

Recommendation: Approval

REPORT:

Executive Summary

This application was reported to the Ordinary Council meeting of 23 February 2016 requesting to delete a condition of consent imposed as part of Development Consent Notice No DA0790/14 that required the construction of a 2.5m shared pedestrian pathway from the site to Colonial Drive, Bligh Park consistent with Part E Chapter 7 of Hawkesbury Development Control Plan (DCP) 2002.

At that meeting Council resolved "that the matter be deferred for additional information."

On 23 March 2016 the applicant argued they had obtained legal advice concerning the validity of the condition requiring a pathway to be provided, however their client was willing to contribute towards the part construction of a pathway along the western side of George Street.

On 19 July 2016 the applicant confirmed that they wished to amend the application to modify the condition regarding the length of the pathway required to be provided.

The proposal to modify the condition of consent has been considered in this report and is being reported back to Council for determination.

It is recommended that the modified application be supported.

Description of Proposal

This application seeks consent to modify condition 65 of Development Consent Notice No DA0790/14 which states:

68. *The development shall provide a 2.5m wide shared pedestrian and cycleway from the subject site to Colonial Drive, Bligh Park as required under the Hawkesbury Development Control Plan 2002. The pathway shall incorporate design features as agreed by the Council and RMS.*

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The image below shows the extent of the pathway required under the current condition. It would involve a pathway along the eastern side of George Street approximately 560m long and require a crossing along George Street.



The applicant proposed that the existing condition would be modified to read as follows:

"The development shall provide a 2.5m wide shared pedestrian and cycleway from the McDonald's development to the existing 7/11 service station on the western side of George Street. As an alternative to construction, Council will accept a cash payment of \$15,000.00 towards Council's construction of this pathway."

The image below shows the extent of the pathway should the proposed modification be supported. The pathway would be approximately 175m long and not involve any crossing along George Street.

Meeting Date: 14 March 2017

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- Compliance with the DCP.
- Pedestrian safety.

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

The application proposes to modify condition 68 of Development Consent Notice No. DA0790/14 and reduce the length of the pathway required to be constructed.

The applicant argues that previous developments on the subject site were not required to construct the shared pathway and requested Council consider being flexible in supporting a variation to the DCP.

In reviewing the proposed modification it is considered that there would be no objections to considering the existing pathway being extended along the western side of George Street. In respect to the length of the pathway it is noted that the extent of the pathway would both link the subject site with another pedestrian traffic generating development being the service station (Seven Eleven) and collect pedestrians who currently, informally cross George Street from Bligh Park.

Council has been in discussions with the Roads and Maritime Services who have confirmed that there are no objections to the creation of a pathway along George Street and any future design matters could be arranged in the future.

Council's infrastructure services department have reviewed the request to accept a \$15,000 contribution fee in lieu of construction and advised that it would be more appropriate that the applicant undertake the works.

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Accepting cash payment without having any details of its costs or design is not supported. It would be expected a heavy duty reinforced concrete path would be required due to the number of vehicle crossings on this part of the road. It is unlikely that the \$15,000 contribution would cover the construction of approximately 175m of pathway proposed. Any costs greater than the \$15,000 being offered would result in Council having to fund the build. Accordingly it is recommended that the developer construct the path proposed with this modification. This will further ensure that the pathway is provided as soon as possible.

The McDonalds has been operating from the site without any pathway and it would be expected that any construction be in place by February 2017. It is recommended that the condition be modified to require the pathway to be provided to the southern entrance of the Seven Eleven service station driveway.

Pursuant to Section 96(1A) of the EP&A Act, Council may consider an application to amend development consent subject to:

(1A) Modifications involving minimal environmental impact

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

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

With respect to (a) it is considered that the proposal to reduce the length of the pathway required would have minimal environmental impact as the proposed works would still contribute to pedestrian safety.

In respect to (b) the proposal remains substantially the same as the development approved. The condition requiring the construction of a shared pathway to the site will aid in improving pedestrian safety as originally envisaged. An assessment of the proposal against the relevant matters referred to in Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken in the report below.

With respect to (c) & (d), the application was not required to be notified under Hawkesbury DCP and no submissions have been received to date.

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

Consideration the matters as identified under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the proposal to provide a shared pathway from the site to the Seven Eleven would improve the safety of pedestrians walking/cycling to the site.

The proposed modification would not have any significant adverse changes, is not contrary to the public interest and consideration to the DCP has been made below.

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Meeting Date: 14 March 2017

ORDINARY MEETING

Meeting Date: 9 August 2016

Hawkesbury DCP 2002 Part E Chapter 7 – Windsor District Baptist Church Site

Rule 4 and 5 of Chapter 7.4.4 Parking and Access apply to the proposal and are listed below:

4. *A pedestrian crossing on George Street is to be provided incorporating such design features as agreed by the Council and the RTA, near the entry/exit point to the site or near Thorley Street.*
5. *A 2.5m wide shared pedestrian and cycleway on the eastern side of George Street between Thorley Street and Colonial Drive Bligh Park is to be provided incorporating such design features as agreed by the Council and RTA.*

Although the current proposal would not extend to Colonial Drive it will improve the safety of people traveling to the McDonalds from Bligh Park. Existing pedestrian traffic crosses George Street and it is considered that the extension of the pathway will provide a safer alternative to the current situation. This alternative has been considered due to the RMS not agreeing to the installation of a pedestrian crossing of George Street in the vicinity of Thorley Street due to the proximity of that location to the Richmond Road/George Street roundabout.

It is noted that the subject site has the potential to support additional tenants in the future and it would be expected that any future tenant be expected to contribute to the completion of the pathway to Colonial Drive meeting the overall objectives of the DCP.

The property owner will be advised of this requirement under separate cover to ensure they are aware of the future requirements for the site.

It is recommended that the variation to the DCP be considered in this instance and that the proposed modification be supported subject to the applicant constructing the footpath.

Conclusion

The environmental impacts associated with the proposal are those relating to pedestrian/cycling access associated with the food and drink premises. It is considered that the modification of the condition would contribute to improving pedestrian safety.

It is recommended that the modification to condition number 68 be supported subject to the recommendation below as the proposal is of minimal environmental impact and substantially the same development as previously approved.

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 Section 96 modification application No. S960128/15 at Lot 12 DP 1184975, 741 George Street, South Windsor for Modification of Development Consent DA0790/14 to modify condition 68 to read as follows:

68. The development shall provide a 2.5m wide shared pedestrian and cycleway from the subject site to the southern driveway of the existing Seven Eleven service station along the western side of George Street. The design and construction of these works shall be approved by Council and are to be completed prior to February 2017.

ORDINARY MEETING

Meeting Date: 14 March 2017

Item: 51 CP - DA0472/16 - 617 Bells Line of Road, Kurmond - Lot 1 DP 794338 - Boarding House - (95498, 138238, 135509)

Previous Item: 24, Ordinary (14 February 2017)

Development Information

File Number: DA0472/16
Property Address: 617 Bells Line of Road, Kurmond
Applicant: Christ Mission Possible and Teen Challenge NSW
Owner: Kurmond One Pty Limited
Proposal Details: Boarding House – Alterations and additions to the building and the operation of a boarding house
Estimated Cost: \$300,000
Zone: RU1 Primary Production
Date Received: 1 July 2016
Advertising: 8 to 22 August 2016

Key Issues:

- ◆ Categorisation and Permissibility
- ◆ Boarding House Management
- ◆ Effluent Disposal

Recommendation: Approval

REPORT:

Executive Summary

This application seeks the consent of Council to undertake alterations to and use the existing building at 617 Bells Line of Road, Kurmond, as a boarding house. The subject building was previously approved and operated as a motel.

The proposal involves alterations and additions to the building to allow it to operate as a boarding house accommodating a maximum of 12 boarders. The boarding house is to be operated by Christ Mission Possible and One80TC and is to provide accommodation for women who are in need due to homelessness, abuse, addiction and crisis.

An onsite manager and support staff will be available at all times to oversee and manage the operation of the facility.

A Plan of Management has been prepared for the operation and management of the facility and the proposal is permissible as a 'boarding house' under the Hawkesbury Local Environmental Plan 2012. Such a facility will service the needs of the community and with the successful implementation of the Plan of Management it is not expected to generate unreasonable amenity impacts for the locality. The proposal is acceptable and is recommended for conditional approval.

The application is being reported to Council for determination at the request of the Mayor, Councillor Lyons-Buckett. An inspection of the property was undertaken on 7 February 2017 and attended by the Mayor, Councillor Lyons-Buckett and Councillors Reynolds, Wheeler and Zamprogno and Council staff.

A report on this matter was previously considered by Council at its Ordinary Meeting of 14 February 2017. At that time Council resolved to defer the consideration of the application for a Councillor Briefing Session. This Briefing Session was held on 7 March 2017.

Development Description

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval for the operation of a boarding house from the subject property. The building was previously approved as a motel but has also been used in the past to provide temporary accommodation.

The proposal involves alterations and additions to allow the conversion of the building to a boarding house. The boarding house is to consist of one caretaker's room, 12 boarding rooms, a communal kitchen, communal dining room, community room, meeting room, communal laundries, office and staff facilities. An existing swimming pool and deck will service the facility.

Existing car parking areas are to provide eight spaces for the boarding house.

Documentation supplied in support of the application indicates that the boarding house is to be operated by Christ Mission Possible and One80TC, which are not-for-profit organisations. The boarding house will be used to provide accommodation for women aged 18 to 35 who are in need due to homelessness, abuse, addiction and crisis.

During the recent Councillor inspection the operators suggested that up to 18 lodgers may be accommodated onsite. However, the submitted Plan of Management indicates that one lodger may occupy each of the boarding rooms, resulting in a maximum of 12 lodgers onsite at any time. Accordingly, this assessment report has been prepared on the basis that 12 lodgers will be accommodated onsite.

A live-in caretaker and rotational support staff will be present onsite to manage and oversee the operation of the boarding house 24 hours a day seven days a week. Up to two additional support staff may also be present onsite during standard business hours to provide assistance and services at the boarding house. Such services may include psychologists, doctors and case workers.

One80TC operate a similar facility for men at Yarramundi.

Site and Locality Description

The subject property is located on the southern side of Bells Line of Road and is legally known as Lot 1 in DP 794338. This rectangular parcel of land has an area of approximately 3,924m² and is currently occupied by a 13 room motel and car park. The motel is not currently operating.

Separate access and egress points are available to the site from Bells Line of Road.

Surrounding development generally comprises of rural residential development.

A bus stop (Route 682) providing services between Richmond and Kurrajong is available within 350m of the site.

Legislation, Policies, Procedures and Codes to which the matter relates

- Hawkesbury LEP 2012
- State Environmental Planning Policy (Affordable Rental Housing) 2007 (Affordable Rental Housing SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan (DCP) 2002

Section 79C Matters for Consideration

The development has been considered against the heads of consideration listed under Section 79C(1) of the EP&A Act.

(a)(i) Environmental Planning Instruments:

Hawkesbury Local Environmental Plan 2012

The subject property is zoned RU1 Primary Production under the Hawkesbury LEP 2012.

The Hawkesbury LEP 2012's Dictionary provides the following definition that is relevant to the proposal:

"boarding house means a building that:

- a) is wholly or partly let in lodgings, and*
- b) provides lodgers with a principal place of residence for 3 months or more, and*
- c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,*

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment."

The proposed facility is to be operated by a not-for-profit organisation and is to provide accommodation for women who are in need due to homelessness, abuse, addiction and crisis. Documentation supplied with the application indicates that the length of accommodation will generally range between three and 12 months. Boarders will have access to private bathrooms and common kitchen facilities. The proposal therefore satisfies the above definition of a boarding house.

Boarding houses are a permissible form of development within the RU1 Primary Production zone.

The Hawkesbury LEP 2012 primarily aims to encourage sustainable primary industry within the RU1 Primary Production zone. However, other objectives include conflict minimisation between land uses and the protection of the existing rural character. In this regard it is considered that the development satisfies the objectives of the zone in that the development utilises an existing commercial building and would not be viable for a rural activity. An onsite manager will be employed and a Plan of Management has also been developed to manage potential amenity impacts for neighbours.

The original submission proposed the construction of a solid 2.25m high fence within the road reserve of Bells Line of Road. Such structures are not permissible within the SP2 Infrastructure – Classified Road zone and the Applicant subsequently elected to withdraw the construction of the fence from the application. However, to provide some level of security for the site it is recommended that a condition is imposed requiring the installation of a front fence within the boundary of the subject property.

The proposal is therefore permissible and generally satisfies the provisions of the Hawkesbury LEP 2012.

State Environmental Planning Policy (Affordable Rental Housing) 2007

The proposal is permissible under the Hawkesbury LEP 2012 and does not rely upon the Affordable Rental Housing SEPP for permissibility.

The Affordable Rental Housing SEPP does not apply to rural zones such as the RU1 Primary Production zone. However as this Policy outlines the current controls for this type of development, a merit-based assessment has been undertaken.

Division 3 of the Affordable Rental Housing SEPP outlines the controls for boarding houses. A compliance table detailing the proposal's level of compliance with this Policy is included below:

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Affordable Rental Housing SEPP				
Section 26 – Land to which Division applies				
	SEPP Control	Requirement	Proposal	Compliance
Zoning	Section 26	The land must be within specific zones (primarily residential or commercial).	The site is zoned RU1 Primary Production and under this Policy the development would not be permissible within this zone.	Not applicable as the proposal is permitted by the Hawkesbury LEP 2012.
Section 27 – Development to which Division applies				
	SEPP Control	Requirement	Proposal	Compliance
	Clause 27(2)	The Policy does not apply to land zoned R2 Low Density Residential (or equivalent) unless the land is within an 'accessible area'.	The site is zoned RU1 Primary Production and the land is located within 400m of a bus stop. The land would not be within an accessible area on account of Sunday bus times.	Not applicable.
Section 29 – Standards that cannot be used to refuse consent				
	SEPP Control	Requirement	Proposal	Compliance
Density and scale (FSR)	Clause 29(1)	The development is not to exceed the maximum floor space ratio (FSR) permitted for development within the zone.	Council does not have a maximum FSR for development within the zone.	Not applicable. The proposal involves the adaption and re-use of an existing building.
Building height	Clause 29(2)(a)	The building height is not to be more than the maximum permitted for any building on the land.	The existing building satisfies the 10m height control established by Clause 4.3 of the Hawkesbury LEP 2012.	Complies. The proposal involves the adaption and re-use of an existing building.

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Affordable Rental Housing SEPP				
Minimum landscaped area	Clause 29(2)(b)	The landscape treatment of the front setback must be compatible with the surrounding area.	The front yard and landscaping is consistent with surrounding properties.	Yes.
Solar access	Clause 29(2)(c)	A communal room shall receive a minimum of three hours direct sunlight between 9am and 3pm during midwinter.	The communal rooms such as the dining room and sunroom have north facing windows and will receive a minimum of three hours sunlight.	Yes.
Private open space (Lodgers)	Clause 29(2)(d)(i)	An area of at least 20m ² , with minimum dimension of 3m, is to be provided.	The rear deck and verandah satisfy the relevant area and dimension controls of the Policy.	Yes.
Private open space (Manager)	Clause 29(2)(d)(ii)	An area of at least 8m ² , with minimum dimension of 2.5m, is to be provided.	A balcony with an area of approximately 10m ² is available for the manager's residence.	Yes.
Parking	Clauses 29(2)(e)(ii) and (iii)	Within a non-accessible area at least 0.4 parking spaces are to be provided for each boarding room, plus no more than one space for the onsite manager.	A total of six parking spaces are required under this Policy and eight spaces are to be provided.	Yes. These numerical parking requirements are satisfied whether there are 12 or 18 boarders.
Accommodation size (Single room)	Clause 29(2)(f)(i)	A single boarding room is to have a minimum area of 12m ² , exclusive of kitchen or bathroom facilities.	The submitted Plan of Management indicates that the rooms will cater for single lodgers only.	Yes. All boarding rooms have a minimum area of 13.5m ² exclusive of bathrooms.

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Affordable Rental Housing SEPP				
Accommodation size (Double room)	Clause 29(2)(f)(ii)	A double boarding room is to have a minimum area of 16m ² , exclusive of kitchen or bathroom facilities.	The submitted Plan of Management indicates that the rooms will cater for single lodgers only.	Not applicable. Boarding Rooms 1 to 6 have minimum areas of 17.9m ² exclusive of bathrooms and could accommodate two boarders under this Policy.
Kitchen and bathroom facilities	Clause 29(3)	Boarding rooms may have private kitchen or bathroom facilities.	Each of the boarding rooms have private bathrooms.	Yes.
Section 30 – Standards for boarding houses				
	SEPP Control	Requirement	Proposal	Compliance
Communal living room	Clause 30(1)(a)	A communal living room shall be provided if there are five or more boarding rooms.	A communal living room is to be provided.	Yes.
Maximum room size	Clause 30(1)(b)	No boarding room is to have an area greater than 25m ² , exclusive of kitchen or bathroom facilities.	None of the boarding rooms have an area exceeding 25m ² , exclusive of kitchen and bathroom facilities.	Yes.
Occupancy	Clause 30(1)(c)	No more than two lodgers are to occupy a boarding room	The submitted Plan of Management and discussions with the Applicant indicate that the rooms will not cater for more than two lodgers.	Yes.
Bathroom and kitchen facilities	Clause 30(1)(d)	Adequate bathroom and kitchen facilities are to be provided for each lodger.	As permitted by Clause 29(3) of the Policy, each of the boarding rooms are to be provided with their own bathroom. A communal kitchen facility will be provided.	Yes.

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Affordable Rental Housing SEPP				
Room for onsite manager	Clause 30(1)(e)	A room is to be provided for an onsite manager if there are twenty or more lodgers onsite.	A room for an onsite manager is to be provided.	Yes.
Commercial uses	Clause 30(1)(g)	Where the site is zoned primarily for commercial purposes, no part of the ground floor of the boarding house is to be used for residential purposes.	The subject site is zoned for rural purposes and the provisions of this clause do not apply.	Not applicable.
Bicycle and motorcycle parking	Clause 30(1)(h)	One bicycle space is to be provided for every five rooms, plus one motorcycle space for every five rooms. Based on the number of rooms, three bicycle and motorcycle spaces must be provided.	Space for the parking of three bicycles and motorcycles is available.	Yes.

Although not strictly applicable, the proposed development satisfies the room size, facility, amenity, communal open space and parking controls of the Affordable Rental Housing SEPP. Boarding Rooms 1 to 6 have a sufficient area to accommodate two lodgers however the submitted Plan of Management indicates that the rooms will cater for single lodgers only.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of SEPP No. 55 outlines a consent authority "must not consent to the carrying out of any development on land unless:

- a) *it has considered whether the land is contaminated, and*
- b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The property has previously been used as a motel and there is no evidence to suggest that the site is contaminated. The land is considered suitable for the development having regard to the provisions of SEPOP No. 55.

Sydney Regional Environmental Planning Policy 20 – Hawkesbury – Nepean River

The subject land falls within the boundary of SREP No. 20. This Policy aims "*to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context*". SREP No. 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

SREP No. 20 does not outline specific controls or strategies for boarding houses.

The property previously operated as a motel and is located within an established rural residential area. The proposal involves the adaption and re-use of an existing building and the development is not expected to significantly impact upon the environment of the Hawkesbury-Nepean River.

(a)(ii) Draft Environmental Planning Instruments

There are no draft environmental planning instruments that apply to the subject land.

(a)(iii) Development Control Plans

Hawkesbury Development Control Plan 2002

Part A Chapter 3 – Notification

The proposal was notified in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002. Seven submissions were received and are discussed later in this report.

Part C Chapter 2 – Car Parking and Access

Table 2.5.1 of Part C Chapter 2 of the Hawkesbury DCP 2002 establishes the following parking controls for boarding houses:

- One space per five beds.

Based on the boarding house catering for a maximum of 18 lodgers, the provision of four parking spaces are required under Part C Chapter 2 of the Hawkesbury DCP 2002. The development satisfies this numerical requirement.

It is also anticipated that such facilities may generate a demand for bicycle and motorcycle parking. Conditions may be imposed requiring the provision of bicycle and motorcycle parking in accordance with the requirements of the Affordable Rental Housing SEPP.

(a)(iia) Planning Agreements

There are no planning agreements applicable to the proposed development.

(a)(iv) Matters Prescribed by the Regulations

These matters have been considered in the assessment of this application.

The EP&A Regulation 2000 will require compliance with the Building Code of Australia (BCA).

(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

These matters have been considered in the assessment of this development application.

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The proposed facility is to be operated by a not-for-profit organisation and is to provide crisis accommodation for women in need. There is currently a shortage of such facilities within the Hawkesbury and the approval of this development would satisfy social and community needs.

A Plan of Management has been submitted in support of the boarding house and a live-in manager and support staff will be present onsite to manage and oversee the operation of the facility. The prepared Plan of Management includes 'house rules' and complaints handling.

The obtainment of a Design Compliance Certificate will be required. This will necessitate the preparation of drainage plan addressing stormwater leaving the pit located near the shared boundary with 615 Bells Line of Road. Existing overland flow issues will need to be addressed by directing water away from the property boundary via a swale before being dispersed. Conditions to this effect are proposed in the recommendation to this report.

In order to address any potential for adverse noise impacts from the development standard noise generation conditions are proposed in the recommendation to this report.

An existing septic system and absorption trench exists on the property.

Council's Sewerage Management Facility (SMF) Officer has reviewed the supplied Effluent Disposal Report and advises that a pump-out system is the only option available for the development. The onsite disposal of effluent is not supported.

Conditions requiring the obtainment of a licence and the installation of a pump-out system are proposed in the recommendation to this report.

The property is located on a main road and, provided the Plan of Management is implemented, the development is not expected to have a significant adverse impact upon the natural or built environments or negative social or economic impacts upon the locality.

(c) Suitability of the site for the development

These matters have been considered in the assessment of this development application. The adaption and re-use of the existing motel building as boarding house is considered suitable within the context of the locality.

(d) Submissions

The application was publicly exhibited in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002 between 8 and 22 August 2017. A total of seven submissions were received in response to the notification of this application. The matters raised in these submissions are detailed below in italics, followed by a response by the assessing officer:

The boarding house is located in close proximity to dwelling houses and is likely to adversely impact upon the residential amenity of the area.

Officer's comment: Boarding houses are permissible within the RU1 Primary Production zone and an onsite manager and support staff will be available at all times to oversee and manage the facility. In this regard, any impact is not expected to be significantly different to other residential uses in the locality.

The development is incorrectly described as a boarding house and would more accurately be described as a drug and alcohol treatment facility.

Officer's comment: The de-toxing of people is not to be undertaken at the subject property. Lodgers who have drug or alcohol dependencies are to be treated at other appropriate facilities such as St John of God in North Richmond prior to their accommodation onsite. In this regard, the categorisation of this use as a Boarding House is the appropriate planning definition to use in relation to the LEP 2012 definitions.

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The use of support staff such as psychologists, doctors and case workers to ensure the health of lodgers is permissible under a boarding house use.

Boarding houses should not be located in rural residential areas and should instead be sited within areas that have access to public transport and services.

Officer comment: Boarding houses are permissible by the LEP 2012 within the RU1 Primary Production zone and the applicant has advised that rural areas are more desirable than town centres on account of their isolation.

Support services such as psychologists, doctors and case workers will visit the facility and a private bus service will also be used to transport lodgers.

Boarders within the facility are likely to generate amenity impacts and participate in anti-social behaviour.

Officer's comment: A Plan of Management has been provided for the boarding house establishing house rules and complaints handling procedures. The successful implementation of the Plan of Management will be undertaken by the onsite manager and support staff.

Insufficient security is provided for the boarding house. There is a concern that abusive partners and drug suppliers may be attracted to the site.

Officer comment: An onsite manager and support staff will be available at all times to manage the boarding house facility.

As discussed previously in this report it is recommended that the front fence should be re-located to the front property boundary to provide additional security from the street.

Inadequate parking is to be provided onsite.

Officer comment: The proposal satisfies the numerical parking controls of the Hawkesbury DCP 2002 and the Affordable Rental Housing SEPP.

Personal visitors to the site are not permitted.

(e) The Public Interest

The matter of public interest has been taken into consideration in the assessment of the application.

It is recognised that boarding houses play a key role in providing affordable accommodation and addressing social needs within a locality. The proposal is permissible under the Hawkesbury LEP 2012 and satisfies the design guidelines of the Affordable Rental Housing SEPP. On these grounds the proposal is seen to satisfy the public's interest.

External Referrals

Rural Fire Service – The property is mapped as bushfire prone and the proposed boarding house use is categorised as a 'special fire protection purpose'. As a result the application was referred to the Rural Fire Service (RFS) as 'integrated development'.

In response the RFS have advised that they are supportive of the development and have provided their General Terms of Approval. These will be included in any consent conditions should the application be approved.

Police – The proposal was referred to Hawkesbury Local Area Command for comment. The comments received from the Police are to be incorporated into the fitout of the development and the Plan of Management.

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Roads and Maritime Services – Bells Line of Road is main road owned and controlled by the Roads and Maritime Services (RMS). The application was referred to the RMS on the basis that the proposed front fence was to be located within the road reserve.

In response the RMS advised that they raised no objection to the temporary installation of the structure within the road reserve. However, as the structure is not permissible within the SP2 Infrastructure – Classified Road zone a condition is recommended requiring the relocation of the fence within the property.

Financial Implications

The boarding house is to be operated by a not-for-profit organisation and 'affordable housing' developments are not subject to Section 94A Contributions under Clause 25J(3) of the EP&A Regulation. Under Section 2.7 of the Section 94A Contributions Plan 2015 Council may elect to not impose contributions on such developments.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. The proposed development is permissible and will provide crisis and support accommodation that is needed within the Hawkesbury.

The development is acceptable and is therefore recommended for conditional approval.

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 Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0472/16 for a Boarding House – Alterations and additions to the building and the operation of a boarding house on Lot 1 DP 794338, known as 617 Bells Line of Road, Kurmond, subject to the following conditions.

General

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

Architectural Drawing Number	Prepared by	Dated
Drawing No. 16.0128.12 A001 Rev 'D' 'Site Plan and Existing Conditions'	Thomson Adsett	6 June 2016
Drawing No. 16.0128.12 A002 Rev 'D' 'Site Plan and Existing Conditions'	Thomson Adsett	6 June 2016
Plan of Management	Stimson and Baker Planning	Undated
Response to Windsor Police Recommendations	One80TC	19 January 2017

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2. The General Terms of Approval from the following Authorities, as referred to in Section 93 of the Environmental Planning and Assessment Act 1979 and referenced below, are attached and form part of the consent conditions for this approval:
 - a) NSW Rural Fire Service – The General Terms of Approval (Reference No. D16/2381 DA160722029887 MA) dated 9 August 2016 are attached and form part of this consent.
3. No excavation, site works or building works shall be commenced prior to the issue of a Design Compliance Certificate and Construction Certificate as appropriate.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the Performance Provisions of the Building Code of Australia (BCA).
6. All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.
7. The accredited certifier shall provide copies of all Part 4A 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.
8. The approved use shall not commence until all relevant conditions of this consent have been complied with and an Occupation Certificate has been obtained for the boarding house.
9. The boarding rooms shall be occupied by a single lodger only.
10. This development falls within the Sewerage Scheme controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for any sewer works.

Prior to Issue of Design Compliance Certificate

11. A Design Compliance Certificate is required to be obtained for the following aspects of the development:
 - a) civil drainage
 - b) overland swale.

Prior to the issue of a Design Compliance Certificate, plans showing finished levels, any associated drainage, any structural details, batter grades and finished surfaces must be submitted to the Certifying Authority.

The payment of a Construction Certificate Checking Fee and a Compliance Certificate Inspection Fee are required when submitting Civil Engineering Plans to Hawkesbury City Council for Approval. A fee quote will be provided by Hawkesbury City Council on request.

12. A drainage design plan covering stormwater leaving the pit located on the eastern boundary and how both overland and piped drainage shall be dealt with must be submitted and approved prior to the release of the Design Compliance Certificate. The plan must:
 - a) clearly address overland flow issues by directing water away from the property boundary via a swale prior to being dispersed
 - b) clearly address how piped drainage is to be discharged in a manner that does not adversely affect neighbours nor create erosion issues
 - c) be to the satisfaction of the Certifying Authority
 - d) comply with the Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification (Part I and Chapter 8) and Australian Standard AS3500 'Plumbing and Drainage' unless a variation is specifically noted and approved on the Development Consent concept drainage plan.

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13. The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties
- b) water flowing into the property from adjoining lots shall not be impeded or diverted
- c) water flow shall follow the natural flow directions without increasing velocity.

Details demonstrating compliance with the above requirements are to be provided to the Certifying Authority prior to the release of the Design Compliance Certificate.

Prior to Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any earth works or building works:

14. The building is required to be upgraded so as to comply with the Performance Provisions of the Building Code of Australia (BCA). In this regard, a report from a suitably qualified and experienced A1-Accredited Certifier or a Fire Safety Consultant is required to identify the extent of upgrading works necessary to ensure the building has adequate provision for fire safety and is safe and suitable for occupation.

These proposed upgrading works are then to be detailed in the documentation to the Certifying Authority for approval as part of the Construction Certificate.

The following clauses of the Building Code of Australia will require particular attention, however the report should not be limited to these matters:

- a) C3.11 – Bounding Construction
- b) D1.10 – Discharge from exits
- c) D2.20 – Swinging Doors
- d) D2.21 – Operation of Latch
- e) D3 – Access for people with a Disability
- f) E1.3 – Fire Hydrants
- g) E1.6 – Portable Fire Extinguishers
- h) E2.3 – Automatic Smoke Detection and Alarm System complying with Specification E2.2a
- i) E4.2 – Emergency Lighting
- j) E4.5 – Exit Signage
- k) Part F4 – Light and ventilation
- l) F3.1 - Room heights (Laundry and access to laundry).

In addition to the above, the swimming pool barrier and gate are non-compliant with the requirements of the Swimming Pools Act 1992. Works required to bring the barrier into compliance are required to be identified, documented and carried out as part of the upgrade works.

15. The 'Plan of Management' prepared by Stimson and Baker Planning shall be updated to include the following:
- a) the boarding house shall accommodate a maximum of 12 lodgers
 - b) the boarding rooms shall be occupied by a single lodger only
 - c) the recommendations detailed in the 'Response to Windsor Police Recommendations' prepared by One80TC and dated 19 January 2017.

The revised Plan of Management shall be submitted to Council for approval prior to the release of the Construction Certificate by the Certifying Authority.

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16. A contamination report shall be prepared to demonstrate that all the land, including the rear open space areas, is suitable for the boarding house use. This report must be prepared by a suitably qualified person and be submitted to the Certifying Authority prior to the release of the Construction Certificate.
17. Parking spaces for eight vehicles, three motorcycles and three bicycles shall be line-marked and maintained in accordance with AS2890.1 and AS2890.6. Details demonstrating compliance with this requirement shall be provided to the Certifying Authority prior to the release of the Construction Certificate.
18. Front fencing and gates shall be constructed within the boundary of the subject property. The fence shall have a maximum height of 1.5m exclusive of any retaining wall element. Both the fence and gates shall be designed so that they do not intrude or extend within the road reserve of Bells Line of Road.

Open palisade fencing shall also be installed along the property's western and southern boundaries. This fencing shall have a maximum height of 1.2m forward of the building line and 1.8m behind the building line.

Details demonstrating compliance with the above requirements are to be provided to the Certifying Authority prior to the release of the Construction Certificate.

19. A Detailed Landscaping Plan to soften and screen the development and fence from Bells Line of Road shall be provided to the Certifying Authority for approval prior to the release of the Construction Certificate.
20. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.
21. A Section 73 'Notice of Requirements' under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneypwater.com.au then refer to 'Water Servicing Coordinator' under 'Developing Your Land' or telephone 13 20 92 for assistance.

Following application a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

22. The kitchen is to comply with Australian Standard AS4674:2004 'Design, Construction and Fit-out of Food Premises'. A specification or detailed plans indicating compliance with the above shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.
23. A Design Compliance Certificate is required to be obtained for the design of the stormwater drainage and overland swale. The Design Compliance Certificate is to be provided to the Certifying Authority prior to the issue of any Construction Certificate.
24. A Sewer Management Facility System application shall be submitted to Hawkesbury City Council for a new tanker pump-out system. This will need to be sized based on potential hydraulic load. Evidence of the approval of the application must be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

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25. The dilapidated western driveway crossing must be removed and re-constructed. The sealed crossing must be constructed so that it complies with the following requirements:
- a) must as a minimum maintain the same dimensions as the existing crossing;
 - b) be constructed so as to have either a concrete or a bitumen sealed finish; and
 - c) be in accordance with Hawkesbury Council's 'Driveway Specifications' and Development Control Plan 2002 – Appendix E – Civil Works Specification.

Evidence confirming that a driveway application has been submitted shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

Prior to Commencement of Works

26. 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.
27. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
28. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
- a) unauthorised access to the site is prohibited
 - b) the owner of the site
 - c) the person/company carrying out the site works and telephone number (including 24 hour seven days' emergency numbers)
 - d) the name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of works.

29. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.
30. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to the commencement of works.
31. A Traffic Control Plan prepared in accordance with the Roads and Maritime (formerly Roads and Traffic Authority) publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council, prior to commencement of any works, for approval. The Plan must be approved by the RMS before its lodgement with Council.

During Construction

32. 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 and 6pm and on Saturdays between 8am and 4pm.
33. The property entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site.
34. 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.
35. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.

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36. 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
 - d) all waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
37. The Traffic Management Plan must be implemented and all devices maintained for the duration of the works in compliance with the approved Traffic Management Plan.
38. The removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
39. Landscaping works are to be undertaken in accordance with the approved Detailed Landscaping Plan.
40. Inspections for sanitary drainage works are to be carried out by Hawkesbury City Council. Inspections must be conducted on the exposed pipes prior to covering. In the case of internal and external (house service connection) drainage, the inspection must be conducted by Hawkesbury City Council's Regulatory Services Branch. Please phone (02) 4560 4444 to arrange inspections.
41. 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 2002 – Appendix E – Civil Works Specifications – Part II Table 1.1.

The work is required to be carried out in accordance with the approved Design Compliance Certificate.

Prior to Issue of Construction Compliance Certificate

42. Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Principal Certifying Authority.

Prior to Issue of Occupation Certificate

43. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the pump-out sewerage management system is required to be submitted to the Certifying Authority prior to the issue of an Interim or Final Occupation Certificate.
44. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. 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 prior to the issue of any Occupation Certificate.
45. A Construction Compliance Certificate for works approved under the Design Compliance Certificate is required prior to the issue of an Occupation Certificate.
46. The western driveway crossing construction required as part of this consent must be completed prior to the issue of any Occupation Certificate.
47. A Construction Compliance Certificate for all civil works carried out (driveway, car parking and drainage works) is required to be issued prior to the issue of an Occupation Certificate.

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48. Evidence of compliance with the Rural Fire Service's General Terms of Approval (Reference No. D16/2381 DA160722029887 MA) dated 9 August 2016 is to be provide to the Principal Certifying Authority prior to the issue of any Occupation Certificate.
49. The front, side and rear fencing required under this consent must be installed prior to the release of an Interim or Final Occupation Certificate.

The Use of the Development

50. A maximum of 12 lodgers may be accommodated within the boarding house.
51. The boarding rooms shall be occupied by a single lodger only.
52. A live-in manager shall be present onsite to manage and oversee the operation of the boarding house.
53. The boarding house must be operated and managed in accordance with the approved Plan of Management.
54. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - a) been assessed by a properly qualified person, and
 - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
55. Noise generated as a result of the development (from opening until 10pm) shall be managed so that the LAeq noise levels, measured at any point in accordance with the 'Industrial Noise Source Policy', does not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity at any residential dwelling.
56. Noise generated as a result of the development is not to generate offensive noise (after 10pm) with respect to the noise amenity of residential dwellings not associated with the development.
57. Any internal/external lighting shall be directed in such a manner so that there is no light spillage onto adjoining properties.

The reasons for the imposition of these conditions are those matters specified under Section 79C(1) of the Environmental Planning and Assessment Act 1979 as are relevant to the subject development.

Advisory Notes

- This consent operates from the determination date shown on the top of this notice and will lapse unless the development is commenced within five years from the date endorsed on this consent.
- If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which you receive this notice.
- The swimming pool may be required to be registered with Council under the Public Health Act 2010 if the pool meets NSW Health's definition of a public swimming pool.
- Private Accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.

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- Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between neighbours. You are advised that the consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary.

Your attention is directed to the provisions of the Dividing Fences Act 1991 that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify allotment boundaries.

Note: This consent does not override your obligations under the Dividing Fences Act 1991.

- 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.
- Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- The applicant is advised to consult with the relevant:
 - (a) water supplier
 - (b) sewer provider
 - (c) electricity provider
 - (d) telecommunications carrier

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

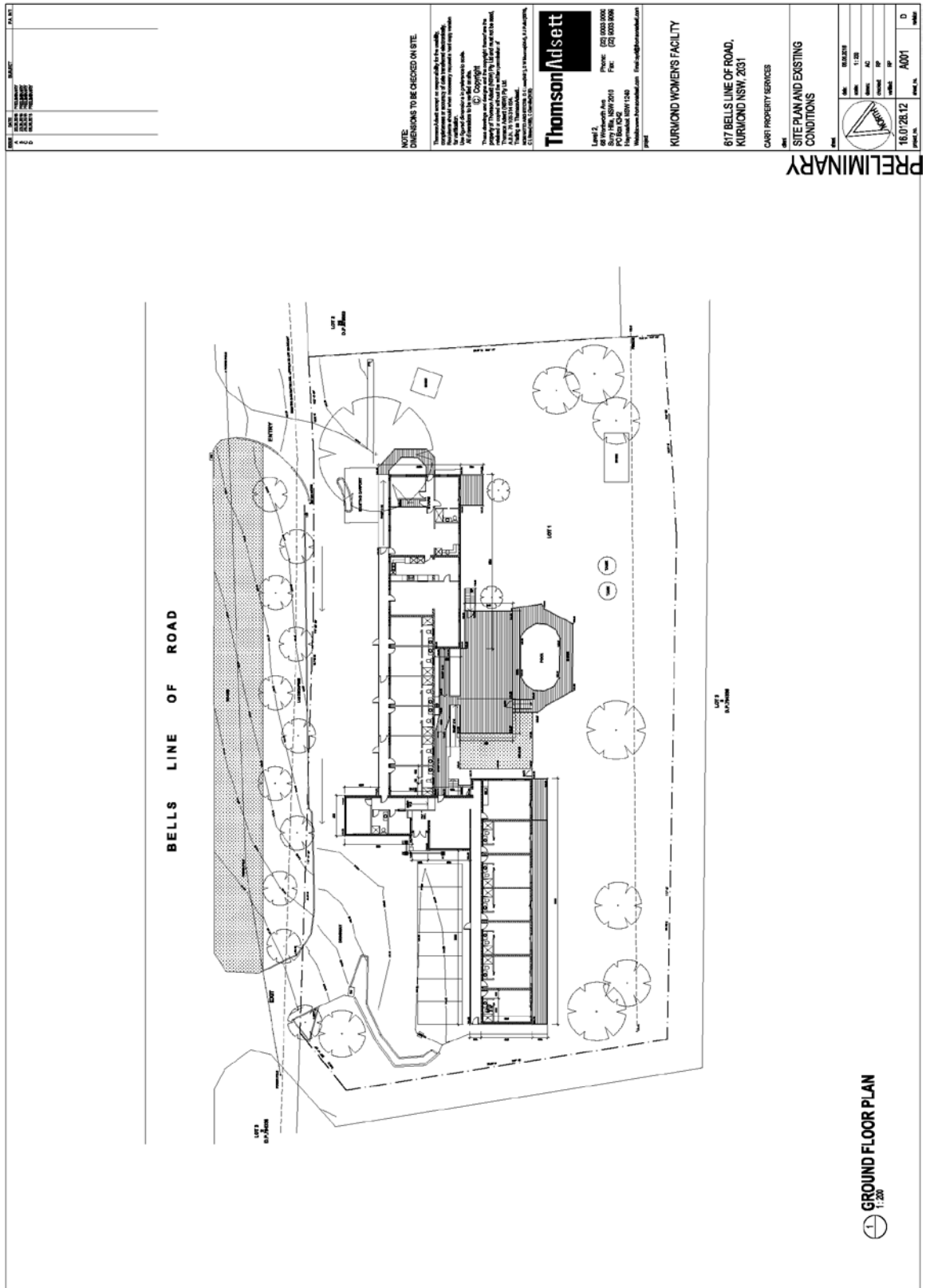
ATTACHMENTS:

AT - 1 Site Plan

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AT - 1 Site Plan



oooO END OF REPORT Oooo

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CITY PLANNING

Item: 52 **CP - Windsor Revitalisation Project Working Group - (79351, 95498)**

Previous Item: 37, Ordinary (28 February 2017)
 NM5, Ordinary (11 October 2016)

REPORT:

Executive Summary

This report has been prepared in response to a Notice of Motion considered by Council at its Ordinary Meeting of 11 October 2016. In considering the Notice of Motion, Council resolved (in part) to request the preparation of a report detailing how Council could establish a Working Group to develop options to revitalise the Windsor CBD with the report also addressing the 'possible aims, membership, operating model and procedural and reporting requirements' for the Working Group.

The report addresses these matters. It also documents the projects and initiatives currently in train which share the objective of contributing to the revitalisation of Windsor and the wider Hawkesbury. The report notes that the activities of the proposed Working Group will be positioned within this broader context and proposes that Council give consideration to aligning the role and objectives of the proposed Working Group to take into account this broader context.

The report also notes that the establishment of the proposed Working Group provides the opportunity for Council to advance the place-making and master planning objectives outlined in the Hawkesbury Community Strategic Plan. It suggests that the proposed Working Group may be able to be positioned to assist Council to progress these objectives by working with Council staff in the preparation of a brief for the engagement of a suitable consultant to prepare draft Master Plans for Windsor and Richmond, and then to act as a consultative body in relation to the works program, methodology and stakeholder engagement program for the master planning project.

Importantly the Terms of Reference provide scope for the Working Group to instigate testing of concepts associated with town centre revitalisation in a methodical and sensible manner, and which also harnesses the skills, abilities, contacts and enthusiasm towards town centre revitalisation within the community.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. The report however proposes the establishment of a working group to act as a consultative and advisory body to assist Council staff in the implementation of activity within Council's Delivery Program.

Background

On 11 October 2016, Council considered and adopted the following Notice of Motion (in part):

"That:

- 1. A report be provided to Council detailing the establishment of a Working Group to develop options to revitalise the Windsor CBD*
- 2. The report address the aims, membership, frequency of meetings, reporting requirements and potential models explored by the Working Group".*

Current Revitalisation Projects and Initiatives

In preparing a response to Council's Resolution, it was determined that Council should be advised of projects and initiatives currently in train which share the objective of contributing to the revitalisation of Windsor, as this may have a bearing on the role and objectives of the proposed Working Group. These projects and initiatives include:

1. *Hawkesbury Horizon Initiative*

The primary aim of the Hawkesbury Horizon Initiative (HHI) was to identify catalyst projects to drive economic growth and contribute to the revitalisation of Richmond, Windsor and North Richmond. The practical outcome of HHI was to identify capital work projects for strategic investment and then seek external investment in the order of \$10M+ for these 'regionally significant investment projects' (RSIP). The HHI project involved significant community consultation, the establishment of a HHI Working Group to refine and prioritise the RSIP concepts, and the assessment of the short-listed RSIP concepts by an internal assessment panel. At its Ordinary Meeting of 10 May 2016, Council resolved to identify the River Precinct Concept as its preferred RSIP vehicle for more detailed investigation.

The River Precinct Concept is aimed at harnessing the potential of the Hawkesbury River foreshore to drive tourism and provide focus for revitalisation of Windsor. The Project would seek to secure external investment in potential business ventures for river-based activities to improve access and utilisation of foreshores and waterways and development of river based activities. The initial focus of the project would be on the riverside parks in Windsor to provide a starting point for river-based exploration, visitation and tourism along the Hawkesbury River from Yarramundi to Wisemans Ferry with a particular focus on up to 10 Council reserves at Yarramundi, North Richmond, Freemans Reach, Ebenezer, Lower Portland, Colo, Upper Colo and St Albans.

Subsequent to Council's resolution, a RFQ process (Request for Quotation) was undertaken and SGS Economics and Planning were appointed to prepare a 'Hawkesbury River Foreshore Investigation – Business Case and Feasibility Study' for consideration by Council. The Business Case and Feasibility Study is expected to be completed by April 2017.

2. *Master Plans for Windsor and Richmond*

Council's Delivery Program includes provision for the preparation of Master Plans for Windsor and Richmond. It is anticipated that this master planning project will commence in the second half of this calendar year. In preparation for this activity, Council has invited a consultant with substantial master planning expertise to brief interested councillors on possible approaches and models for this master planning activity based on a 'place-making' approach. In simple terms place-making is an integrated, hands-on planning approach to create liveable public spaces with distinct characters and styles that are valued by local people, attractive to visitors and support community and economic life.

3. *Integrated Capital Works*

As part of the reports to Council on the HHI, Council were advised that one of the elements of the HHI would involve the preparation of Beautification and Revitalisation Action Plans for Windsor, Richmond and North Richmond with a focus on streetscapes and public spaces. These plans would review the HHI projects put forward by the community, which fell outside the scope of the RSIP concepts, for possible inclusion within Council's 10 year works program, together with capital works components of Council's adopted Plans. The aim of this process was to compile an Integrated Capital Works program for these town centres.

An example of what an integrated capital works program for Windsor would look like was included in the 8 December 2015 progress report to Council on the HHI. This draft - Windsor Revitalisation Action Plan (dated December 2015) - has been reproduced and is appended to this report in Attachment 1. It should be noted that the Plan was only an indicative draft and simply plotted by location works identified in Council's adopted forward programs and local plans to show the extent and estimated cost of works proposed for a locality – in this case Windsor. A number of the projects identified in the Plan have been delivered.

The Plan will need to be updated following the adoption of Council's revised Delivery Program and Resourcing Strategy. The draft Windsor Revitalisation Action Plan may provide a useful starting point for the proposed Windsor Revitalisation Working Group.

4. *Public Domain Improvements and Design Guidelines*

Council's adopted Section 94A Plan includes provision for the staged funding of public domain improvements to Windsor and Richmond Town Centres and improvements to Windsor foreshore parks over the next nine years. The Plan provides for expenditures of \$1.75M on these works, the timing of which will be dependent on Section 94A contributions receipts.

These works have been included in the Section 94A Plan to provide a funding mechanism to contribute to the cost of new facilities and asset improvement works which can be linked to demands arising from new developments. Some of the works identified in the draft Windsor Revitalisation Action Plan (Attachment 1) may well be able to be funded using Section 94A contributions receipts.

A key pre-requisite for the expenditure of Section 94A funds on new facilities and asset improvement works will be the development of design guidelines to provide a consistent template and palette for public (and private) domain improvements which reflect the distinctive character of the targeted town centres. Funds have been included in Council's 2016/2017 Operational Plan for this purpose.

5. *Events Strategy*

Council's adopted Plans of Management for Hollands Paddock, Macquarie Park, McQuade Park and Governor Phillip Park recommend that Council explore the establishment of event spaces to facilitate the staging of public events – including the construction of event stages/amphitheatres; upgrading and improving amenities, lighting and car-parking; and connecting pathways. The provision of these facilities are intended to ensure that Council's public spaces have the capacity to better support existing events and potentially accommodate new and larger events. These works would increase visitation and support the visitor economy and their placement and extent would need to be assessed in conjunction with the preparation of a Master Plan.

A Coordinated Approach

As detailed above there are a number of current initiatives and projects which are either underway or which have been recommended to be considered as vehicles for the revitalisation of Windsor and Richmond. Should Council resolve to establish the proposed Windsor Revitalisation Working Group, the activities of the Working Group should be positioned within this broader context. To better reflect this broader context, it is suggested that the Group would be referred to as the Town Centres Master Plan Project Group.

The establishment of the proposed Project Group therefore provides the opportunity for Council to advance the place-making and master planning objectives outlined in the Hawkesbury Community Strategic Plan, and, add value to the initiatives and projects identified above. Taking into account this wider, strategic framework it is proposed that Council give consideration to aligning the role and objectives of the proposed working group to take into account this broader context.

It is suggested that the proposed Project Group should be positioned to assist Council to progress the place-making objectives inherent in the initiative and projects identified above, by working with Council staff in the preparation of a brief for the engagement of a consultant to prepare concurrent draft Master Plans for Windsor and Richmond, and then to act as a consultative body in relation to the works program, methodology and stakeholder engagement process for this master planning project.

There are a raft of approaches to town centre revitalisation that can be undertaken that need to be adapted to match the particular situation and can involve investment on differing scales from relatively low to significant capital investment. As such there should be scope for the Project Group to actively test concepts associated with Masterplanning, placemaking, and town centre revitalisation. Such testing provides a significant opportunity for community input and involvement in order to determine the appetite for change and extent of change.

Through testing of new concepts it allows Council to invest with confidence that particular approaches will be well received, and most importantly add value to the revitalisation process. However, the Project Group and Council need to be sure about what it is we will be testing and why, and what Council are going to do if a particular concept works or doesn't work. In short, this approach needs to be undertaken in a methodical and sensible manner.

The Master Planning Project will require Council to engage a consultant to deliver high-quality Master Plans for the Windsor and Richmond Town Centres based on the following broad objectives:

- provide the communities of Windsor and Richmond and the Hawkesbury with a plan to maintain vibrant and commercially viable town centres;
- produce a workable accessibility, traffic and car-parking strategy including safe and accessible pedestrian and cycle routes linking key destination and public transport nodes supported by a way-finding and signage plan;
- guide future land use and development of public and private lands within the Windsor and Richmond Town Centres to maximise public benefit, realise optimal land use and support the economic vitality of these town centres;
- guide the design, maintenance and renewal of key public domain asset and physical infrastructure to support community events and visitation;
- guide the activation and showcasing of the foreshore, park and heritage assets within the town centres as foci for public activity.

Terms of Reference for proposed Project Group

Proposed objectives, roles, membership, term and reporting requirements have been developed and are appended to this report as Attachment 2. These Terms of Reference incorporate the master planning and place-making aims identified above and have been modelled on Council's adopted pro-forma constitution for Advisory Committees. The pro-forma constitution has been amended to reflect the functions and remit of the proposed working group. Importantly the Terms of Reference provide scope for the Project Group to instigate testing of concepts associated with town centre revitalisation in a methodical and sensible manner, and which also harnesses the skills, abilities, contacts and enthusiasm towards town centre revitalisation within the community.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together CSP Theme

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

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

- Revitalise and enhance town centres and villages,
- Achieve community respect through good corporate governance and community leadership and engagement.

Financial Implications

There are no financial implications arising from this report. Funds have been allocated in Council's 2016/2017 Operational Plan for the preparation of Master Plans for Richmond and Windsor. If adopted, the establishment of the working group may require the allocation of staff hours and resources which will be negotiated in conjunction with the normal development of Council work plans and within Council's budget planning processes.

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RECOMMENDATION:

That Council:

1. Establish the proposed Town Centres Master Plan Project Group and adopt the proposed Terms of Reference to govern the activities of the Project Group, as outlined in Attachment 2 to this report, including the testing of concepts associated with town centre revitalisation in a methodical and sensible manner.
2. Appoint two Councillor representatives to the Town Centres Master Plan Project Group.
3. Call for community nominations to sit on the Town Centres Master Plan Project Group and for these nominations to be reported to Council for determination.

ATTACHMENTS:

AT - 1 Windsor Revitalisation Action Plan (December 2015)

AT - 2 Proposed Terms of Reference for Town Centres Master Plan Project Group

AT - 2 Proposed Terms of Reference for Town Centres Master Plan Project Group

1. Name

Town Centres Master Plan Project Group hereafter referred to as the 'Project Group'.

2. Objectives

- a) To provide advice to Hawkesbury City Council staff on the preparation of a brief to engage a suitable consultant to prepare Master Plans for the Windsor and Richmond Town Centres based on the following objectives:
- provide the communities of Windsor and Richmond and the Hawkesbury with a plan to maintain vibrant and commercially viable town centres
 - produce a workable accessibility, traffic and car-parking strategy including safe and accessible pedestrian and cycle routes linking key destination and public transport nodes supported by a way-finding and signage plan
 - guide future land use and development of public and private lands within the Windsor and Richmond Town Centres to maximise public benefit, realise optimal land use and support the economic vitality of these town centres
 - guide the design, maintenance and renewal of key public domain asset and physical infrastructure to support community events and visitation
 - guide the activation and showcasing of the foreshore, park and heritage assets within the town centres as foci for public activity.
- b) To act as a reference group to assist Council staff to manage the works program, methodology and stakeholder engagement processes to be delivered by the consultant engaged to prepare draft Master Plans for the Windsor and Richmond Town Centres.
- c) To provide advice to Hawkesbury City Council staff on consultative strategies for inviting submissions and comments in relation to the preparation and public exhibition of draft Master Plans for Windsor and Richmond.
- d) To develop a framework for the testing of town centre revitalisation concepts in a methodical and sensible manner encouraging active participation and involvement by the community.

3. Role and Authorities

- a) The Project Group shall have the following authorities:
- (i) to assist Council staff in the preparation of a brief to engage a consultant to prepare draft Master Plans for the Windsor and Richmond Town Centres in accordance with the objectives identified in clause 2(a)
 - (ii) to assist Council staff in directing the activities of the consultant engaged by Council to prepare draft Master Plans for Windsor and Richmond in accordance with the agreed works program, methodology and stakeholder engagement processes identified in clause 2(b)
 - (iii) to refer for Council's consideration draft Master Plans for Windsor and Richmond prepared in accordance with the consultant brief identified in clause 2(a) and to recommend to Council that these plans be placed on public exhibition

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- (iv) to consider any submissions received in response to the public exhibition of draft Master Plans for Windsor and Richmond and to assist Council staff in the preparation of a report detailing the content of these submissions and responses to them.
- (v) to assist Council staff in developing a framework for and implementation of testing of concepts associated with town centre revitalisation in a methodical and sensible manner.
- b) The Council retains the responsibility for all budgetary considerations.
- c) The General Manager (or his/her delegate) retains and shall be entirely responsible for the appointment and dismissal of consultants.
- d) The General Manager (or his/her delegate) retains all responsibility for the direction of any staff member.

4. Term

The Project Group term shall be the time period required to fill the objectives outlined in Section 2. The work of the Project Group will cease following the adoption by Council of Master Plans for Windsor and Richmond.

5. Structure and Membership

- a) The structure and membership of the Project Group shall be as follows, and all the undermentioned appointments will have voting rights:
 - (i) two Councillors of the Hawkesbury City Council
 - (ii) four Council staff members appointed by the General Manager of Hawkesbury City Council
 - (iii) three community appointments, with expertise and/or knowledge of community planning, place making, urban planning following the calling of applications as detailed in Clause 6(b) of these Terms of Reference.
- b) The Project Group shall, at its first meeting following appointment, elect a Councillor delegate appointed under clause 5(a)(i) to be the Chairperson of the Project Group, and one of its members appointed under Clause 5 to be Deputy Chairperson, who shall act in the absence of the Chairperson.
- c) No staff member of Hawkesbury City Council shall be elected as Chairperson or Deputy Chairperson of the Project Group.
- d) Each member of the Project group entitled to vote shall only have one vote except that of the casting vote of the Chairperson in the case of equality of votes.
- e) The Project Group may co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance, but such co-opted members shall only serve on the Project Group for the period of time required, and will not, whilst serving in the position of co-opted member, have any voting rights.

6. Appointment and Election of Members

- a) Two Councillors will be appointed to the Project Group in accordance with practices and procedures of the Council.
- b) The Council shall place advertisements in appropriate newspapers inviting nominations from members of the community for membership to the Project Group.
- c) The Council shall select and appoint the community representatives to the Project Group.

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- d) The Project Group shall have the power to fill casual vacancies at its discretion.
- e) Members of the Project Group shall cease to hold office:
 - (i) if the Project Group is dissolved by Council
 - (ii) upon written resignation or death
 - (iii) if absent without prior approval of the Advisory Committee for three consecutive meetings
 - (iv) if the Council by resolution determines that the member has breached Hawkesbury City Council's Code of Conduct (as it is in force from time to time).
- f) For the purposes of sub-clause 6(e)(iv), the Code of Conduct is to be taken to apply to community and representative members as referred to in clause 5(a) in the same way as the Code of Conduct applies to Councillors.

7. Procedures and General

- a) Ordinary meetings of the Project Group shall be held no less than four times per year. Special meetings may be convened at the discretion of the Chairperson.
- b) The Manager, Strategic Planning shall be the Executive Officer to the Project Group, and will be responsible for preparation of specialist reports, and any and all correspondence associated with the Project Group.
- c) The Council will provide a Minute Clerk for the purpose of recording the Minutes of the Project Group and for the distribution of Minutes following meetings of the Project Group.
- d) No meeting of the Project Group shall be held unless three clear days' notice has been given to all members.
- e) The rules governing meetings and the procedures of the Project Group shall, so far as they apply, be those covered by the Hawkesbury City Council's Code of Meeting Practice, as may be altered from time to time by resolution of the Council.
- f) A quorum of the Project Group shall be constituted by four members being present at meetings.
- g) Any members having a pecuniary interest in any matters being discussed by the Project Group shall declare such interest at the meeting of the Project Group and refrain from voting or discussion thereon.
- h) The requirements applying to pecuniary interests for members as detailed in clause 7(g) above shall apply equally to any other appointed or invited observers or co-opted members, and also to the Executive Officer/Secretary.
- i) Any recommendations of the Project Group shall, as far as adopted by the Council, be resolutions of the Council, provided that recommendations or reports of the Project Group shall not have effect unless adopted by the Council.
- j) It shall be competent for the Project Group to appoint a sub-committee or specific work groups comprised of members or non-members to exercise and carry out specific investigations for the Project Group, and then to report back to the Project Group. These appointed sub-committees or work groups may be dissolved by the Project Group at any time.

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Any appointed sub-committees or work groups have no power to make any decisions whatsoever on behalf of the Project Group and any recommendations of any sub-committee or work group will only have effect once adopted by the Project Group, or by the Council, as the case may be.

oooO END OF REPORT Oooo

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SUPPORT SERVICES

Item: 53 **SS - Feasibility of Webcasting/Podcasting Council Meetings - (95496, 79351, 79352)**

Previous Item: NM1, Ordinary (31 January 2017)

REPORT:

Executive Summary

At its Ordinary meeting on 31 January 2017, Council resolved to receive a report regarding the feasibility of and associated requirements to enable the webcasting and/or podcasting of all future Council Ordinary Meetings.

In accordance with Council's resolution, this report outlines the feasibility and requirements associated with webcasting or podcasting of Council Meetings, including an overview of the options available in regard to technology, relevant considerations such as legislative concerns and processes that will need to be reviewed, the requirement to amend relevant Council Policies and financial implications. In addition, the practice of other councils in regard to webcasting have been canvassed and are also provided in this report.

Consultation

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

Background

Council at its meeting on 31 January 2017, considered a Notice of Motion and resolved as follows:

"That:

- 1. A Report be submitted to Council regarding the feasibility of, and associated requirements, to enable the webcasting and/or podcasting of all future Council Ordinary meetings.*
- 2. The Report is to also address related issues such as costs involved, funding sources and amendments required to Council's Code of Meeting Practice, requirements arising from the Privacy and Personal Information Protection Act, the Government Information (Public Access) Act and other related legislation."*

In accordance with Council's resolution, this report addresses the feasibility of, and associated requirements, to enable the webcasting and/or podcasting of Council meetings.

This report provides an overview of options available in regard to webcasting or podcasting. It outlines infrastructure and software required, physical logistics, staff resources, and financial implications for the initial setup and on-going costs. The report also identifies relevant considerations such as legislative concerns and processes which will need to be reviewed to accommodate webcasting and the requirement to review the Code of Meeting Practice.

Practices of a number of other councils in regard to webcasting have been canvassed and are provided in this report, including whether or not the Council webcasts meetings, the average number of 'watchers' where provided, if webcasting was considered but did not proceed, or if webcasting was discontinued.

1. Equipment and Resource Requirements

a) Webcasting

Webcasting is the video and audio broadcasting of an event on the internet. Webcasting of Council meetings requires certain equipment and services.

Council is currently not equipped to provide webcasting and would require purchase of cameras, tripods/mounting equipment, testing existing microphones, possible upgrade of audio recording equipment, encoding software and subscription of a content delivery network where live and archived streamed broadcasts are hosted to offer this service. Different options are available for webcasting with these being detailed further below.

Options available include both static and dynamic operation of the cameras and range significantly in price depending upon requirements.

Static Cameras

Fixed static cameras could be installed at pre-determined locations within the Council Chambers. Based on discussions with vendors, three to four cameras would be required to cover all Councillors. Fixed static cameras would provide a constant stream from pre determined locations. It should be noted that use of static cameras may not provide the emphasis on each speaker that may be expected. Static cameras may not require the provision of an additional staff member to support the system throughout the meetings. It is envisaged that the webcasting of the actual meeting could be stopped and started by the meeting support staff as needed throughout the meeting.

Dynamic Cameras

Dynamic cameras could provide a more focussed streaming of the Council meetings. Cameras would either be in fixed locations and operated manually by an officer using a joystick and/or software or via a fully automated system which includes a centrally based rotational camera which is activated by the microphones of each Councillor.

Manually controlled cameras would be moved as the debate changes speaker. The quality of the webcasting would vary depending upon the skillset of the operator and would require an additional staffing resource to attend Council meetings.

A centrally located dome rotational camera would be controlled via software which is programed to focus on predetermined locations for each Councillor. This system is activated by the sound system and focusses to the active speaker. This system would require replacement of the existing sound system within the Council Chamber.

Mobile Device

There are a number of live web streaming apps available on the market that could be used with a device such as a SmartPhone to webcast meetings. Examples of these apps include Meerkat, Stre.am, Periscope, Bambuser and Livestream.

If video was to be streamed using a tool such as a mobile phone there are limitations that should be considered including potentially poor audio, video quality at distances and quality of video when phone is moved around to change the focus of the speaker.

Webstreaming from a phone would require a suitable wireless internet connection and a resource to film throughout the Council meeting. Video would need to be downloaded from the device following the meeting at which stage it may be stored and published on Council's website. Any archiving or indexing required would need to be undertaken by a staff member following the meeting.

b) Podcasting

Podcasting is the practice of using the internet to make digital audio only recordings of broadcasts available for downloading to a computer or mobile device.

Podcasting may be done either live or posted for downloading and listening. Sound quality, background noise, dynamics and good mixing are critical considerations when implementing podcasting. A quality live podcast of a meeting would necessitate a review of the current microphones. The existing sound system is analogue and does not provide any filtering or background noise reduction.

It may be possible to post the existing recording on Council's website or podcast hosting service following the meeting. If the podcast were to be streamed later from a recording, it may be possible to clean the audio file of background noise using appropriate editing software prior to publishing. This would require both the software and a resource to undertake this work.

A podcast hosting partner is required which is then posted with a preferred broadcaster. Prices and options available for podcasting partners vary significantly. In order to provide a podcast that can be listened to on any device, a device agnostic solution is recommended. Alternatively, multiple hosting partners may be required to stream across Apple, Android and Windows devices.

In order to produce a quality podcast minimum hardware and software requirements are required:

- microphone(s)
- recording equipment
- audio Interface
- computer
- audio editing software
- pop filters
- podcasting hosting partner
- internet connection.

At this stage, requirements in terms of additional staff presences or a post Council meeting to support podcasting is unknown, as this will vary depending on the actual podcasting solution.

Research indicates that the most important characteristic of a good podcast is audio quality, not content. It has been found that no matter how great the content is, no one will listen unless the experience itself is pleasant and that good content may be drastically obscured by bad audio, rendering the process pointless.

2. Issues in regard to Streaming

Streaming involves capturing the meeting proceedings through microphones and/or video camera(s), transferring the audio and/or video feed to a computer, compressing and encoding the file and making the audio and/or video available on a website designed to host such data.

a) Webcasting

Webcasting would require a third party solution to host the stream. Equipment required differs dependent upon the system chosen. Depending on the streaming and hosting solution, suitable software and equipment will be required. Council's current internet connection is expected to be adequate, however this cannot be confirmed until a live stream is carried out.

Council cannot control the end user experience as it is dependent upon the download speed available to the user. However, end users do not require any additional software or hardware and should they have suitable equipment, they would be able to watch the Council meeting live from any location with minimal, if any, delay.

b) Podcasting

Information provided indicates that issues have been encountered with the quality of the audio files when attempting to stream. Fluctuating volumes on microphones resulted in poor quality result.

Council's existing recording system captures the speaker whose microphone is active. As the Mayor's microphone is active throughout the entire meeting along with the active speaker, the debate and background noise from two microphones is recorded at all times. If a podcast is to be streamed live no editing of the audio would be undertaken. The quality of the recording therefore cannot be guaranteed.

Vendors who have provided information regarding webcasting have advised that there is limited information in relation to the podcasting of Council meetings. Information provided indicates that issues have been encountered with the quality of the audio files, including fluctuating volumes on microphones when attempting to stream can result in poor quality results, due to the varying nature of the speakers voice and speaking behaviours/position.

3. Costs

There are currently two predominant vendors that provide a webcasting service for a number of councils. Features provided by these vendors include a combination of setup, streaming, archiving and indexing of the meeting files as part of their service. In regard to podcasting, there may be no external vendor, but rather an on-line solution such as 'Soundcloud'. In a similar fashion, webcasting via a mobile device would also be in the form of an on line solution such as an app.

Formal requests for quotes have not been undertaken at this point in time for any of the options detailed above. Information and pricing provided in this report is based on informal discussions with vendors in relation to this matter.

a) Webcasting

Estimated pricing for the implementation of a fixed static webcasting solution ranges from approximately \$34,000 to \$43,250 in year one, with an on-going budgetary requirement of approximately \$14,000 per annum.

Estimated pricing for the implementation of dynamic fixed cameras, dependent upon the solution required may be in excess of \$100,000 for a complete system which includes public address, multiple pre-set cameras and required switching software and equipment to support this setup. Additional costs including replacement of the sound system and/or reconfiguration of Council Chamber to house a mixing desk and associated PC will also apply. These additional costs are unknown at this stage and would vary depending on specific requirements.

Costs applicable to webstreaming via a mobile device is likely to be at minimal costs, as this would be done through an app.

Additional resourcing cost will also be incurred for staff time to manage the process.

b) Podcasting

Estimated pricing for podcasting can range from as little as \$12 per month to over \$130 and would be in the form of a subscription. Additional costs may apply in regard to Council's current audio system, which will require review. At this stage these costs are unknown.

Additional resourcing cost will also be incurred for staff time to manage the process.

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As part of this process, other councils have been approached to obtain feedback on their own experience in regard to webcasting of Council Meetings. A summary of information from those councils that responded is provided in the table below.

Council	Webcasting of Council Meetings	Average Viewers	Comments
Bayside	No	N/A	Looking to introduce webcasting before September 2017
Blue Mountains	No	N/A	
Camden	No	N/A	
Central Coast	Yes	Less than 50 with most watching the footage after the Meeting	Currently being trialled for six months
Dubbo	No	N/A	
Fairfield	No	N/A	<p>Webcasting was recently considered and it was determined that due to the increased risk of defamation actions against Councillors, privacy issues and/or increased legal costs to Council, it was recommended that Council not proceed with live webcasting of its Council Meetings.</p> <p>Fairfield advised that Information gathered from other councils included:</p> <ul style="list-style-type: none"> • most have been webcasting for over 3 years • most of these councils are from regional areas • 1 staff member must attend to film the meeting • a disclaimer is included on their website to address liability issues e.g. defamation, privacy, copyright • initial set up costs vary from \$15,000 to \$60,000 • there are ongoing maintenance costs • low level subscription (2 to 30 people) to the service in comparison to their population.
Goulburn	Yes	Not provided	An IT resource is required at commencement of meeting
Inner West	Yes	Approx. 200 online viewers for December 2016 meeting with a maximum of 16 at once.	Commenced December 2016

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Council	Webcasting of Council Meetings	Average Viewers	Comments
Lane Cove	Yes	5	Do not broadcast during the confidential items.
Lismore	No	N/A	Council resolved to proceed with webcasting in December 2016 with a Request for Quotation closing on 10 February 2017.
Mid-Western	Yes	30-40 live views and 100 views of the recording	<p>General Comments:</p> <ul style="list-style-type: none"> webcast with recording usually available 2-3 days after the meeting "Bookmarked" agenda is provided from the meeting so that users wanting to view the recording of the meeting can just go directly to the matter of interest to them Video can be edited e.g. remove extended white space Webcasting and recording is managed by one of the senior staff who already attends the meeting Generally works well. Occasional issues with sound technical support which was not on hand to fix during a meeting. <p>Issues to consider:</p> <ul style="list-style-type: none"> changes to Code of Meeting Practice around recording of meetings public speakers Councillor behaviour defamation equipment maintenance.
Northern Beaches	Yes	Depending on Agenda Items	<p>Council Meetings are both webcast live and recorded for later viewing, Meetings can be viewed at a later date to assist with accurately reporting of Council minutes.</p> <p>The webcast displays Councillors and Executive staff that are sitting at the Council Meeting table as well as members of the public that speak at the public forum. The public gallery is not shown on the webcast.</p> <p>A guideline/waiver explaining the meeting is webcast live and recorded is read.</p>
Penrith	No	N/A	Penrith investigated webcasting in 2013 and while the matter was reported to the Council on 25 February 2013, Council did not proceed with webcasting due to potential legal risks and exposure to individual Councillors.

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Council	Webcasting of Council Meetings	Average Viewers	Comments
Port Stephens	No	N/A	Port Stephens ceased webcasting Council meetings in December 2012, essentially due to the lack of protection of the elected council given there is no legislative protection similar to that of parliamentary privilege. Councillors do have 'qualified' privilege, however this is not sufficient, and Council resolved to cease the webcasting practice. There is also a question over the provisions of the privacy legislation should a Councillor mention an individual who is not included in the business paper. The lack of webcasting should a Councillor mention an individual, somewhat limits any form of action against Council – it certainly reduces the broadcasting of same to a larger audience.
Singleton	No	N/A	No comment provided.
Wagga Wagga	No	N/A	Report to be presented to the Council meeting on 27 February 2017 regarding webcasting.
Wollondilly	Yes	Unknown at this stage	Commenced on 20 February 2017.
Wollongong	Yes	From 5-10 Up to 20-30 depending on matters discussed	IT support called on occasions (not at the meeting) generally during the set up if there is a glitch that cannot be resolved. A disclaimer statement is read to the Chamber and Gallery prior to the commencement of the meeting by a media officer. This reminds anyone that their voice or image may be included in the webcast and that they are individually responsible for any defamatory comments etc.

5. Governance and Risk Management Issues

Notwithstanding the implementation of broadcasting at other Councils, there are several governance and risk management considerations about which Council should be aware in making any decision regarding the webcasting or podcasting of Council Meetings.

Council meetings are an open forum of statements, questions and answers. Occasionally, some things may be said that may be regarded as offensive, defamatory or contrary to law. When such statements are made and the meeting is not streamed, the potential for damage is generally confined to the audience in attendance. In contrast, when a webcast or podcast of a meeting is published, the audience is potentially far greater and this will have a corresponding impact on the potential liability.

Confidential parts of meetings

Confidential sessions in which the media and the public are excluded would not be webcast. To mitigate the risk of potentially live streaming a closed part of the Council Meeting, there should be a pause in the proceedings of the Meeting prior to commencing discussion of any confidential matter, to permit the Chair to confirm with staff responsible for the management of the webcast that the live stream has been paused.

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Copyright

Section 273 of the Local Government (General) Regulation (2005) (NSW) states that it is prohibited for any person to record a Council or Committee meeting without the authority of the Council or Committee.

The webcast would be subject to copyright under the Copyright Act 1968 (Cth) and could not be reused or reproduced without the consent of Council. However, there is the possibility for a person to 're-share' information and to edit clips without authorisation and which misrepresents the original intent of the statements made. If someone at a Council Meeting reads material subject to copyright, without the consent of the copyright owner, the person may have violated the copyright owner's exclusive right to reproduce the material.

Retention of Webcasts

It is noted that many councils are retaining the webcasts of their meetings on their websites indefinitely.

The General Retention and Disposal Authority for local government records, established under the State Records Act 1998, does not view webcasts as an official record. Rather, the official record comprises the Business Papers and the signed minutes.

Webcasts, much like the current audio recordings would only been seen as supporting material, with no legal basis. Webcasts would only need to be legally kept until the minutes are confirmed, after which they may be destroyed.

Councillors will be aware that, in accordance with Council's Code of Meeting Practice, the current audio recordings are required to be kept for three months. This arrangement is in accordance with the State Records Disposal Authority and, depending upon how Council wishes to proceed, how long the webcasts are kept will be a matter that Council will also need to decide.

Until this time, the webcast, like the current audio recording, is classified as open access information under the Government Information (Public Access) Act 2009 (NSW).

Privacy

Council will need to comply with the Privacy (Personal Information) Protection Act 1998 (NSW), which imposes obligations upon Council in relation to the collection, use and disclosure of personal information.

The Surveillance Devices Act 2007 (NSW) will require advice to be provided to members of the public attending meetings that a webcast of the meeting will be made – much like the current arrangements regarding the audio recording of meetings. Therefore, attendees would need to be advised their voice may be recorded and their image transmitted. Members of the public gallery would be made aware, by a notice at the entrance to the Council Chamber and an announcement by the Chair or the General Manager that the meeting was to be webcast and published online and that if they addressed the Council, their name, voice and possibly their image would appear on that webcast.

Defamation

In regard to defamation, there is no absolute privilege in relation to Council proceedings of the kind which attaches to statements made in Parliamentary proceedings. However, the Councillor Handbook (Office of Local Government October 2016) offers the following guidance:

" 1.7.1 Limited legal protection

The Local Government Act 1993 provides councillors with a level of protection from civil liability action for undertaking council-related and council-endorsed activities as a councillor.

Protection from civil liability is only provided where a councillor's actions are undertaken in the manner referred to in the relevant sections of the Local Government Act 1993, including in good faith and for purposes related to council activities.

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Councillors must read and understand sections 731, 732 and 733 of the Local Government Act 1993, which provides protection. In the event that a councillor does not understand an issue, it is the obligation of that councillor to seek and be guided by their own legal advice.

In relation to defamation action, a council may be sued for defamation, although it cannot itself sue for defamation. Individual councillors and council employees may also be sued for defamation, whether in their private or public capacities.

Generally speaking, councillors at meetings of council (or council committees) are protected from defamation by the defence of 'qualified privilege', but only to enable them to speak freely and publicly in undertaking their duties in council meetings.

Any comment or statement a councillor makes at a council meeting must be relevant to the council business, made in good faith and without malice."

Notwithstanding the above, there is a heightened risk arising from streaming of Council meetings. There is the potential for defamatory or inappropriate comments or statements to be made during live streaming of a Council Meeting. There is also the potential for greater exposure to actions in defamation, given that what is said at Council Meetings will be able to be more broadly and accurately disseminated. In addition, having the Council Meetings webcast means there will be tangible evidence of what transpired at the meetings which could then be used in proceedings. People who are defamed are more likely to be made aware of the defamatory statements as the content of the meeting will have the potential to reach a greater audience and, depending upon how long Council determines the webcast will be kept, will be stored in archives. This may have an impact on potential actions and the quantum of damages under the Defamation Act 2005 (NSW).

Council may consider accompanying the online content with a disclaimer, included as part of the webcast or separately as a link to the web page prior to opening the link to the meeting recording. Council would need to ensure the wording of the disclaimer protects Council to the fullest extent possible.

The Councillors and Officers Insurance Policy also provides coverage in relation to 'defamation, libel and slander' which is unintentional and made in good faith.

Webcasting will include audio content and this may pick up all audio content, including content that may not be intended for public broadcast such as private conversations between Councillors and which will form part of the public record through any archived material. Legal advice would need to be sought on this issue.

Public Speakers

Public Speakers also provide a risk to Council in that even unsolicited information is subject to the Information Protection Principles under the Privacy and Personal Information Protection Act (NSW) and Council's Privacy Management Plan, i.e. IPP 5: "*personal information is protected against the loss, unauthorised access, use, modification...*" Further, defamatory comments may be made or discussed at the meetings or speakers may reveal information about a third party without the third party's consent (i.e. specifically in DA matters), and accordingly, it is recommended that legal advice be sought on this subject, and any possible disclaimers to ensure they provide Council with adequate coverage should such an incident occur.

It may be considered reasonable to provide public speakers with the option to be streamed with audio and visual, or audio only, dependent on the location of cameras within the Council Chamber. There is a concern that enforcing video recordings could be seen as a deterrent to public participation. In that regard, consideration would need to be given to excluding the public speakers from the webcast which would require stopping and starting of the live stream. It should be noted that some councils do not include public speakers in the webcast or the meeting itself.

ORDINARY MEETING

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Security

Webcasting also increases the security risk to Council, as it has no control over access to the footage. Council cannot lock down the footage and it provides the ability to edit footage. For example, a 'mash up' of footage can be made from several different addresses in meetings to misrepresent the purpose of those addresses, such as You Tube comedy clips.

Further, the webcast footage is permanently in the digital sphere. Even if an archived meeting is removed at a later date, there is the possibility that someone has saved the file to their own hard drive, emailed it to a friend, etc.

Other Requirements

Should Council proceed with webcasting, the following documents will need to be amended accordingly:

- Code of Meeting Practice
- Code of Conduct
- fees and charges/DVD recording prices (currently covering release of audio recordings).

The amended Policies would be exhibited in accordance with legislative requirements.

In regard to GIPA, applicants currently complete a form requesting a CD of the Council meeting recording, or just one item, which is charged at \$40. It provides Council with a record of who has accessed the recordings and provides a small income for Council. However, should webcasting proceed, this practice will essentially become irrelevant.

More importantly, all elements relating to public speakers will need to be reviewed, and as well as indicated above, it is recommended that legal advice be obtained on the following to ensure that all disclaimers are sufficient to protect Council:

- Signage – in and around Council Chambers
- Business paper – 'How Council Operates' page
- Brochure – 'How Council Meetings Work'
- Website – 'Application to speak' and 'Council Meeting Process' pages
- 'Application to Speak' form and attached 'Information/ Privacy' sheet – where members of the public sign off to accept the terms of their address and abide by Council practices
- Opening statement – read at commencement of Council meeting.

6. Advantages/Disadvantages

The following table summarises the advantages and disadvantages of webcasting of Council's meetings.

Advantages

- Increase public access
- Increase transparency
- Provide access for remote areas
- 24 x 7 historical viewing depending upon how long the webcasts are kept
- No cost to the viewer

Disadvantages

- End user experience is out of Council's control
- Increased base for scrutiny and defamation
- Implementation and ongoing costs to Council

ORDINARY MEETING

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- Greater risk for breach of privacy claims/ proceedings
- Unprotected editing
- No record of access to information/webcast
- Unsure of number of potential viewers

7. Summary

As detailed in the report, there are various options in regard to streaming of Council meetings. The cost, output quality, risk and governance considerations will vary depending on the selected option.

Streaming of Council meetings is part of Council's overarching effort to widen avenues through which it engages with its community. Community engagement avenues, specifically digital communication, will be addressed as part of Council's Digital Strategy and Social Media Implementation Plan. The Strategy is currently being developed and expected to be finalised by the end of June 2017. Any form of streaming would be addressed in the Strategy.

Accordingly, Council may wish to consider deferring consideration of this matter until the Draft Strategy is presented to Council at a Councillor Briefing Session. It is envisaged that as part of that presentation, demonstrations of the various forms of streaming would be provided.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

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

Financial Implications

The costs associated with the implementation of any of the options detailed in the report are addressed in Part 3 of the report.

Funding for the implementation of any of the options is not currently available. The current budgetary settings do not have the capacity to accommodate these costs, however, Council may wish to consider a review of current services and/or service levels, or works, and reallocate the associated funding. Should it ultimately proceed to any of the options.

RECOMMENDATION:

That the report regarding feasibility of Webcasting/Podcasting of Council Meetings Council be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ordinary

section 4

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 4 - Reports of Committees

ROC Human Services Advisory Committee - 9 February 2017 - (124414, 123486)

The meeting commenced at 9:38am in Council's Committee Rooms.

Present: Councillor Barry Calvert, Chairperson
 Ms Vickie Shackley, Deputy Chairperson
 Councillor Mary Lyons-Buckett, Hawkesbury City Council
 Councillor Emma-Jane Garrow, Hawkesbury City Council
 Councillor Sarah Richards, Hawkesbury City Council
 Mr Scott Dazcko, Hawkesbury District Health Services
 Mr Simon Griffin, Community Representative
 Mr Ben Jackson, Community Representative
 Ms Birgit Walter, North Richmond Community Centre
 Mr Peter Webb, Western Sydney Suicide Prevention & Support N'work

Apologies: Ms Karen Kobier, Community Representative
 Ms Stephanie Oatley, Platform Youth Services
 Ms Megan Ang, Hawkesbury City Council
 Mr Joseph Litwin, Hawkesbury City Council

In Attendance: Mr Matthew Owens, Hawkesbury City Council
 Mr Andrew Kearns, Hawkesbury City Council
 Mr Michael Laing, Hawkesbury City Council
 Ms Robyn Kozjak - Minute Taker - Hawkesbury City Council

REPORT:

Attendance Register of Human Services Advisory Committee

Member	09.02.17			
Councillor Barry Calvert	✓			
Councillor Mary Lyons Buckett	✓			
Councillor Emma-Jane Garrow	✓			
Councillor Sarah Richards	✓			
Ms Vickie Shackley	✓			
Mr Peter Webb	✓			
Mr Simon Griffin	✓			
Mr Strephon Billingham	(Scott Dazcko in lieu)			
Ms Karen Kobier	A			
Mr Ben Jackson	✓			
Ms Birgit Walter	✓			
Ms Stephanie Oatley	A			

Key: A = Formal Apology

✓ = Present

X = Absent - no apology

Mr Kearns declared the meeting open and Mr Laing conducted an 'icebreaker' introductory session.

ORDINARY MEETING
Reports of Committees

Mr Owens handed the meeting over to Ms Shackley (Chairperson).

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Lyons-Buckett and seconded by Councillor Calvert that the Minutes of the Human Services Advisory Committee held on the 28 July 2016, be confirmed.

Ms Shackley handed the meeting over to Mr Owens for the purpose of conducting the election of Chairperson and Deputy Chairperson.

SECTION 3 - Reports for Determination

Item: 1 HSAC - Election of Chairperson and Deputy Chairperson - (123486, 124414)

Mr Owens called for nominations for the position of Chairperson.

A nomination was received for Councillor Calvert.
Councillor Calvert accepted the nomination.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That an election for the position of Chairperson of the Human Services Advisory Committee for the 2016/2017 term of the Committee be carried out.

As there were no other nominations Mr Owens declared Councillor Calvert as the Chairperson of the Human Services Advisory Committee for the 2016/2017 term of the Committee.

Mr Owens called for nominations for the position of Deputy Chairperson.

A nomination was received for Ms Shackley.
Ms Shackley accepted the nomination.

MOTION:

RESOLVED on the motion of Councillor Calvert, seconded by Mr Griffin.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That an election for the position of Deputy Chairperson of the Human Services Advisory Committee for the 2016/2017 term of the Committee be carried out.

As there were no other nominations Mr Owens declared Ms Shackley as the Deputy Chairperson of the Human Services Advisory Committee for the 2016/2017 term of the Committee.

Mr Owens handed the meeting over to the incoming Chair.

ORDINARY MEETING
Reports of Committees

Councillor Calvert assumed the Chair.

The Chair noted incoming apologies, welcomed the Committee and congratulated members for their appointment onto the Committee.

- Mr Webb advised he had attended a meeting at Lithgow Council the previous day where discussions confirmed that government funding for suicide prevention was imminent. Mr Webb acknowledged Hawkesbury City Council's (HCC)'s support for suicide prevention and its commitment to undertake mental health activities in 2017, and made reference to a Mental Health Forum HCC was holding on 30 March 2017. Further details of this meeting were provided by Ms Ang (post meeting) who confirmed two sessions were being held at Hawkesbury Leisure and Learning Centre - 1:30pm - 4pm and 5:30pm - 8pm, on 30 March. Ms Ang confirmed the outcomes of the Forum would feed into Council's Disability Inclusion and Access Plan (to be finalised by 30 June 2017).

Mr Webb advised the outcomes of the Forum would be reported back to the Committee.

Mr Webb left the meeting at 10am.

BUSINESS ARISING FROM PREVIOUS MINUTES:

- Mr Laing referred to page 7 of the previous Minutes where it was advised that Lizz Reay (Primary Health Network) would be invited to a future HSAC meeting in November 2016. Mr Laing reported that meeting did not go ahead, so he would invite Ms Reay to the HSAC meeting on 4 May 2017.
- Mr Laing advised the *Heading Home - Ending Homelessness Here* project was winding up in April 2017 and advised he would provide an update to the Committee at the next meeting on 4 May. Mr Laing distributed a factsheet containing data gathered during a survey of homeless or vulnerably accommodated individuals and families.

Mr Griffin advocated for the establishment of a mental health hub (PECC unit) which he suggested could tie in with a homelessness program.

Item: 2 HSAC - Draft Hawkesbury Community Strategic Plan 2017-2036 - (124414, 123486)

DISCUSSION:

Mr Kearns gave an overview of the status of the Draft Hawkesbury Community Strategic Plan 2017-2036 and invited members to participate in the consultation process by attending Town Meetings and / or completing the online survey on Council's website. Mr Kearns also invited members to participate in a Community Forum in April 2017.

Mr Laing distributed cards setting out Town Meeting dates.

The Chair encouraged Committee members to participate in the engagement activities being conducted by Council.

ORDINARY MEETING
Reports of Committees

RECOMMENDATION TO COMMITTEE:

That:

1. The Committee accept this information.
2. Committee members endeavour to attend one of the Town Meetings and/or complete the Online Survey and, if possible, attend one of the Community Forums in April 2017 to consider Council's draft Delivery Program for the next four years.

MOTION:

RESOLVED on the motion of Councillor Garrow, seconded by Mr Griffin

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The Committee accept this information.
2. Committee members endeavour to attend one of the Town Meetings and/or complete the Online Survey and, if possible, attend one of the Community Forums in April 2017 to consider Council's draft Delivery Program for the next four years.

Item: 3 HSAC - Review of Council's Human Services Advisory Committee Objectives for 2017- 2020 - (124414, 123486)

DISCUSSION:

- Mr Kearns referred to the Committee's Constitution and its objectives and sought the Committee's assistance to review those objectives. Mr Kearns advised he would collate submissions from members and would bring a report to the next meeting (4 May 2017) for further discussion. Submissions should be emailed to Mr Kearns by mid April 2017 (Easter).
- Reference was made to an amendment to the Committee's Constitution as resolved at Council's Ordinary Meeting on 13 December 2016 where it was resolved to increase the community representation from seven members to nine members. It was subsequently agreed to increase the quorum from four members to six members.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. To commence the review process, HSAC members discuss the current Objectives and review what has been achieved in the past term of the committee. Based on this discussion and further feedback from Committee members, Council staff will prepare a report for the next meeting of the HSAC.

MOTION:

RESOLVED on the motion of Councillor Garrow, seconded by Mr Griffin

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. To commence the review process, HSAC members discuss the current Objectives and review what has been achieved in the past term of the committee. Based on this discussion and further feedback from Committee members, Council staff will prepare a report for the next meeting of the HSAC.

Item: 4 HSAC - Community Representatives to Review and Critique the Draft West District Plan of the Greater Sydney Commission - (124414, 123486)

DISCUSSION:

- Mr Laing advised he had participated in a teleconference with representatives from Blue Mountains and Penrith Councils to discuss the best way to move forward in regards to human services and liveability aspects of the Draft West District Plan.
- Mr Laing invited Committee members to participate in a reference group meeting proposed on Thursday 2 March 2017 at Springwood (details to be confirmed), to clarify priority social issues and other areas relevant to human services.
- Mr Laing advised he would contact the Committee's representative from Platform Youth Services (Ms Oatley) to ascertain her availability to attend the meeting in acknowledgement of the needs of young people.
- Mr Griffin expressed his interest in attending the meeting, and Ms Walter and Councillor Calvert advised they would consider attending if their schedules permit.
- Councillor Calvert noted the Overview of the Draft West District Plan did not include affordable housing and Mr Owens advised the full version of the Plan included a Liveability Framework which covered affordable housing.
- Councillor Calvert encouraged members to provide feedback by making a submission on the Greater Sydney Commission's website (closing date 31 March 2017) or by attending the meeting at Springwood.
- Subsequent to the meeting it was advised by the District Commissioner that the reference group meeting planned for 2 March was not proceeding in the format originally planned. No further details on whether such a meeting will proceed have been provided but HSAC members were advised that the Greater Sydney Commission was holding a Liveability Forum on Thursday 9 March 2017 in Blacktown, the details of which were forwarded to the HSAC members.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. Community representatives of the HSAC indicate their interest to attend one or two meetings to identify social issues and review the Draft West District Plan prepared by the Greater Sydney Commission.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. Community representatives of the HSAC indicate their interest to attend one or two meetings to identify social issues and review the Draft West District Plan prepared by the Greater Sydney Commission.

SECTION 5 - General Business

Mr Laing made reference to the Homelessness Action Plan Strategy/Action 7.3 - *Council to investigate buildings* and advised the following:

- Gosford City Council and the Tiny Homes Foundation had piloted the construction of a trial model of four tiny homes near Gosford Hospital which supported young people by providing on the job training and skill accreditation through TAFE Outreach.
- Other lower level investment housing alternatives being investigated includes (shipping) container homes where the homes are constructed overseas and brought to Australia (twelve week turnaround), at an average cost of \$60,000.
- Councillor Garrow suggested staff investigate the potential of utilising unused spaces in town centres and referred to the Old Richmond Police Station as an example of a large unused building. Councillor Garrow added Windsor Police was another example of an unused building, (she was aware that building was in disrepair), and suggested similar spaces be investigated.

Councillor Richards agreed with Councillor Garrow's suggestion and recommended correspondence be written to the owners of the buildings to ascertain if any plans were in place for future use of those buildings.

The Committee agreed with Councillor Richard's recommendation that staff investigate the feasibility and timeline of trialling a tiny home project in the Hawkesbury (similar to Gosford Council) and bring a detailed report to the next meeting.

- The Chair asked if there was any potential to utilise Council's 'pocket park' spaces as potential sites for housing.

Mr Laing responded Council's pocket parks and their potential use was currently under review.

ORDINARY MEETING
Reports of Committees

The meeting closed at 10:55am.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC **Floodplain Risk Management Advisory Committee - 16 February 2017 - (124414, 86589)**

The meeting commenced at 4:02pm in Council Committee Rooms.

-
- Present:** Councillor Mary Lyons-Buckett, Hawkesbury City Council
 Councillor Paul Rasmussen, Hawkesbury City Council
 Councillor Peter Reynolds, Hawkesbury City Council
 Councillor Danielle Wheeler, Hawkesbury City Council
 Ms Carol Edds, Community Representative
 Mr Kim Ford, Community Representative
 Ms Margaret Mackisack, Community Representative
 Mr Maurice Smith, Community Representative
 Mr Harry Terry, Community Representative
 Mr Kris Grbevski, Office of Environment & Heritage
- Apologies:** Councillor Amanda Kotlash, Hawkesbury City Council
 Mr Kevin Jones, SES
 Snr Inspector, Robert Bowman, Department Primary Industries
 Mr Peter Cinque (OAM), SES
 Mr Philip Pleffer, Hawkesbury City Council
- In Attendance:** Mr Matthew Owens, Hawkesbury City Council
 Mr Andrew Kearns, Hawkesbury City Council
 Mr Chris Amit, Hawkesbury City Council
 Ms Robyn Kozjak - Minute Secretary, Hawkesbury City Council
-

REPORT:

Attendance Register of Floodplain Risk Management Advisory Committee

Member	16.02.17				
Councillor Mary Lyons-Buckett	✓				
Councillor Amanda Kotlash	A				
Councillor Paul Rasmussen	✓				
Councillor Danielle Wheeler	✓				
Councillor Peter Reynolds	✓				
Ms Carol Edds	✓				
Mr Harry Terry	✓				
Ms Margaret Mackisack	✓				
Mr Kim Ford	✓				
Mr Maurice Smith	✓				
Snr Inspector Robert Bowman - (Dept. Primary Industries)	A				
Mr Kevin Jones - (SES Headquarters)	A				
Mr Peter Cinque OAM - (SES Sydney Western Division)	A				
Mr Kris Grbevski - (Office of Environment & Heritage)	✓				

Key: A = Formal Apology

✓ = Present

X = Absent - no apology

Mr Owens declared the meeting open and Mr Kearns conducted an 'icebreaker' introductory session.

ORDINARY MEETING
Reports of Committees

Mr Owens conducted the Election of Chairperson and Deputy Chairperson.

SECTION 3 - Reports for Determination

ITEM: 1 FRMAC - Election of Chairperson and Deputy Chairperson - (86589, 124414)

Mr Owens called for nominations for the position of Chairperson.

A nomination was received for Councillor Lyons-Buckett.
Councillor Lyons-Buckett accepted the nomination.

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reynolds.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That an election for the position of Chairperson and Deputy Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2016/2017 term of the Committee be carried out.

As there were no other nominations Mr Owens declared Councillor Lyons-Buckett as the Chairperson of the Floodplain Risk Management Advisory Committee for the 2016/2017 term of the Committee.

Mr Owens called for nominations for the position of Deputy Chairperson.

A nomination was received for Councillor Rasmussen.
Councillor Rasmussen accepted the nomination.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That an election for the position of Chairperson and Deputy Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2016/2017 term of the Committee be carried out.

As there were no other nominations Mr Owens declared Councillor Rasmussen as the Deputy Chairperson of the Floodplain Risk Management Advisory Committee for the 2016/2017 term of the Committee.

Mr Owens handed the meeting over to the incoming Chair.

Councillor Lyons-Buckett assumed the Chair.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Lyons-Buckett and seconded by Mr Kearns (seconded by staff as there were no other Committee members who had attended the previous meeting), that the Minutes of the Floodplain Risk Management Advisory Committee held on the 14 April 2016, be confirmed.

ORDINARY MEETING

Reports of Committees

ITEM: 2 FRMAC - Review of Council's Floodplain Risk Management Advisory Committee Objectives for 2017 - 2020 - (124414, 86589)

DISCUSSION:

- Mr Kearns referred to the Committee's Constitution and its objectives and sought the Committee's assistance to review those objectives. Mr Kearns advised he would collate submissions from members and would bring a report to the next meeting (20 April 2017) for further discussion. Submissions should be emailed to Mr Kearns or Mr Owens by the end of March 2017.
- Concern was raised at the delays in actioning items identified in the Hawkesbury Floodplain Risk Management Study and Plan (FRMS&P), which was adopted on 11 December 2012 (except for Item 4 in relation to Town Planning matters) and for the benefit of new members it was advised that document was available on Council's website.
- Councillor Rasmussen asked if there was any way to speed up the process in actioning items in the Table of the Plan.

Mr Owens advised the full Report from the State Government Taskforce was yet to be released, however principal recommendations from its report have now been released which is the subject of a Mayoral Minute to Council, where a report has been requested to be prepared for consideration on the implementation of Town Planning (Item 4 of the Plan - previously not adopted).

- Mr Owens advised he would develop a program recommending priorities for the Committee to action and would bring a report back to the Committee at the next meeting. Mr Owens added some of the items listed in the Table were to be actioned by State Government agencies.
- Councillor Reynolds asked if there were any plans proposed for the 150 year commemoration of the 1867 flood.

Mr Owens advised no specific plans or events had been proposed to date, but that planning for the commemoration had commenced and invited members to email their ideas to either himself, Mr Kearns or Ms Kozjak. It was outlined that the commemoration provided the opportunity to educate and raise awareness within the community of the potential for flooding and its implications.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. To commence the review process, FRMAC members discuss the current Objectives and review what has been achieved in the past term of the Committee. Based on this discussion and further feedback from Committee members, Council staff will prepare a report for the next meeting of the FRMAC.

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reynolds.

Refer to COMMITTEE RECOMMENDATION

ORDINARY MEETING
Reports of Committees

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. To commence the review process, FRMAC members discuss the current Objectives and review what has been achieved in the past term of the Committee. Based on this discussion and further feedback from Committee members, Council staff will prepare a report for the next meeting of the FRMAC.

ITEM: 3 FRMAC - Draft Hawkesbury Community Strategic Plan 2017-2036 - (124414, 86589)

DISCUSSION:

- Mr Kearns gave an overview of the status of the Draft Hawkesbury Community Strategic Plan 2017-2036 and invited members to participate in the consultation process by making an online submission. Submissions will be received up until Sunday 12 March 2017.

RECOMMENDATION TO COMMITTEE:

That:

1. The Committee accept this information.
2. Committee members endeavour to attend one of the Town Meetings and/or complete the Online Survey and, if possible, attend one of the Community Forums in April 2017 to consider Council's draft Delivery Program for the next four years.

MOTION:

RESOLVED on the motion of Councillor Reynolds, seconded by Mr Smith.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The Committee accept this information.
2. Committee members endeavour to attend one of the Town Meetings and/or complete the Online Survey and, if possible, attend one of the Community Forums in April 2017 to consider Council's draft Delivery Program for the next four years.

ORDINARY MEETING
Reports of Committees

ITEM: 4 **FRMAC - Draft West District Plan of the Greater Sydney Commission - (124414, 86589)**

DISCUSSION:

- Mr Kearns invited members to provide feedback by making a submission on the Greater Sydney Commission's website (closing date 31 March 2017).
- Members of the Committee who had viewed the full draft document on the Commission's website encouraged members to lobby the Minister and submit a submission as it was noted the draft Plan placed less emphasis on the Hawkesbury LGA than other areas.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. Members of FRMAC provide input for Council to consider as part of submissions to the Greater Sydney Commission on the Draft West District Plan.

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reynolds.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. Members of FRMAC provide input for Council to consider as part of submissions to the Greater Sydney Commission on the Draft West District Plan.

SECTION 4 - Reports for Information

ITEM: 5 **FRMAC - Update on Floodplain Management Grants Program - (124414, 86589)**

Previous Item: 2, FRMAC (18 February 2016)

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Smith, seconded by Councillor Reynolds.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

SECTION 5 - General Business

- Mr Smith asked if Council had a Flood Evacuation Route Plan available for residents which showed the routes to take to reach evacuation points.

Mr Owens advised Council did not hold that information and that the State Emergency Services (SES) is the authority which takes control once an emergency was declared.

- Mr Smith raised concern the various authorities (eg police, SES, Council) appeared to operate in a 'silo' and asked why Council could not have access to a Plan which shows where people should evacuate to and the route to take to get there.

The Committee agreed that the provision of flood evacuation route maps to residents would tie in well with the Committee's proposed Education Plan.

MOTION:

RESOLVED on the motion of Mr Smith, seconded by Councillor Reynolds.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That staff engage with the State Emergency Services to obtain general requirements for evacuation.

- Mr Kearns was nominated to co-ordinate ideas for events to commemorate the 1867 floods and confirmed he would send an email to members as a prompt to consider ideas in relation to those events, and any other input members may have in relation to discussions from today's meeting.

Mr Terry advised he would send Mr Kearns information in relation to his suggestion of erecting marquees around the Hawkesbury depicting heights of past floods to raise flood awareness.

The meeting closed at 5:40pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC **Heritage Advisory Committee - 23 February 2017 - (124414, 80242)**

The meeting commenced at 5:41pm in Council Committee Rooms.

Present:	Councillor Danielle Wheeler, Chairperson Mr Graham Edds, Deputy Chairperson Councillor Peter Reynolds, Hawkesbury City Council Ms Abigail Ball, Community Representative Mr Michael Edwards, Community Representative Professor Ian Jack, Community Representative Ms Helen Mackay, Community Representative Ms Judy Newland, Community Representative Ms Michelle Nichols, Community Representative Mr Steve Rawling AM, Community Representative Ms Venecia Wilson, Community Representative
Apologies:	Ms Janice Hart, Community Representative Ms Deborah Hallam, Community Representative Councillor Nathan Zamprogno, Hawkesbury City Council
In Attendance:	Mr Matthew Owens, Hawkesbury City Council Mr Andrew Kearns, Hawkesbury City Council Mr Craig Johnson, Hawkesbury City Council Ms Keri Whiteley, Hawkesbury City Council Ms Robyn Kozjak - Minute Secretary, Hawkesbury City Council

REPORT:

Mr Kearns declared the meeting open and proceeded to conduct an 'icebreaker' introductory session.

5:43pm - Professor Jack arrived at the meeting.

Mr Owens informed members of general housekeeping matters and also distributed Council's Code of Conduct to members as they arrived.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Professor Jack and seconded by Ms Newland that the Minutes of the Heritage Advisory Committee held on the 1 September 2016, be confirmed.

ORDINARY MEETING
Reports of Committees

Attendance Register of Heritage Advisory Committee

Member	23/02/17			
Councillor Danielle Wheeler, Chairperson	✓			
Mr Graham Edds, Deputy Chairperson	✓			
Councillor Peter Reynolds	✓			
Councillor Nathan Zamprogno	A			
Ms Abigail Ball	✓			
Mr Michael Edwards	✓			
Professor Ian Jack	✓			
Ms Helen Mackay	✓			
Ms Judy Newland	✓			
Ms Michelle Nichols	✓			
Mr Steve Rawling AM	✓			
Ms Venecia Wilson	✓			
Ms Janice Hart	A			
Ms Deborah Hallam	A			

Key: A = Formal Apology

✓ = Present

X = Absent - no apology

SECTION 3 - Reports for Determination

ITEM: 1 HAC - Election of Chairperson and Deputy Chairperson - (80242, 124414)

Mr Owens called for nominations for the position of Chairperson.

A nomination was received for Professor Jack Nominated by Ms Newland

The nomination was declined by Professor Jack on the basis that Councillor Wheeler received a nomination.

A nomination was received for Councillor Wheeler Nominated by Professor Jack

A nomination was received for Ms Mackay Nominated by Ms Wilson

In the absence of a seconder Ms Mackay's nomination lapsed.

MOTION:

RESOLVED on the motion of Professor Jack, seconded by Ms Newland.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That an election for the position of Chairperson and Deputy Chairperson of the Heritage Advisory Committee for the 2016/2017 term of the Committee be carried out.

Mr Owens declared Councillor Wheeler as the Chairperson of the Heritage Advisory Committee for the 2016/2017 term of the Committee.

ORDINARY MEETING
Reports of Committees

Mr Owens called for nominations for the position of Deputy Chairperson.

A nomination was received for Ms Mackay

Nominated by Councillor Reynolds
Seconded by Ms Wilson

A nomination was received for Mr Edds

Nominated by Ms Nichols
Seconded by Ms Newland

A nomination was received for Professor Jack

Nominated by Councillor Wheeler
Seconded by Mr Rawling AM

As several nominations were called from the floor, Mr Owens, as Executive Officer, directed members to put their votes to the ballot.

Mr Owens and Mr Johnson subsequently collected and counted papers.

The incoming Chair proceeded to the next item on the Business Paper whilst ballot papers were being counted.

ITEM: 2 HAC - Review of Council's Heritage Advisory Committee Objectives for 2017 - 2020 - (124414, 80242)

DISCUSSION:

- Mr Kearns invited members to review the objectives of the Committee's Constitution and asked for input to be provided to him by the first week in April. Mr Kearns advised he would bring a report back to the Committee at its next meeting (25 May 2017), with member's feedback.

- Ms Wilson advocated stronger protection for heritage items and asked if the Committee had any influence in persuading heritage property owners to maintain them.

Mr Owens advised the Committee did not have any authority over heritage property owners, however, the Committee could make recommendations to Council.

- Councillor Reynolds asked if part of the Committee's role was to be involved in reviews of planning control documents relevant to heritage matters (eg DCP, area specific precinct plans) etc.

Mr Owens responded planning policy documents were referred to Council Committees for comment prior to being reported to Council.

- Mr Rawling AM referred to 8 (o) of the Constitution which refers to the Committee specifically being excluded from discussion and advice on development applications and projects. Mr Rawling AM noted there was a vast amount of heritage expertise amongst members and he believed if members were permitted to provide input into heritage referrals, this could complement the heritage advisor's advice.

Mr Owens advised Council has two heritage advisors contracted to provide input on heritage related DA's and it was not possible for the Committee to be involved in DA's due to perceived conflict.

- Ms Mackay asked if a full time heritage staff member could be taken on and the Committee agreed this should be a priority.

ORDINARY MEETING
Reports of Committees

Mr Owens advised resources were not available to take on a heritage officer on a full time basis.

- Mr Edds reported some other Council areas levy a few cents per ratepayer specifically for heritage purposes and asked if this Council could investigate doing similar.

Mr Owens responded the levying of rates would require approval from the Minister and advised he would raise the matter with Council's finance division.

- Mr Edds asked if he should make a declaration of interest during these discussions as he has consulted on many heritage projects in the Hawkesbury and also has a commercial building in Richmond (financial assistance for commercial buildings in Windsor and Richmond were mentioned in the report).

Mr Owens confirmed Mr Edds' enquiry would suffice as a declaration of interest.

- The Chair suggested member's email addresses be distributed (by Ms Kozjak) to all to enable members to confer whilst compiling feedback.

Mr Owens announced the results of the ballot taken in relation to the Election of Deputy Chairperson and declared Mr Edds as Deputy Chairperson of the Heritage Advisory Committee.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. To commence the review process, HAC members discuss the current Objectives and review what has been achieved in the past term of the committee. Based on this discussion and further feedback from Committee members, council staff will prepare a report for the next meeting of the HAC.

MOTION:

RESOLVED on the motion of Councillor Reynolds, seconded by Ms Nichols.

Refer to COMMITTEE RECOMMENDATION

That:

1. The information be received.
2. To commence the review process, HAC members discuss the current Objectives and review what has been achieved in the past term of the committee. Based on this discussion and further feedback from Committee members, council staff will prepare a report for the next meeting of the HAC.

Mr Owens addressed the Committee, noting the membership for the Committee had increased to eleven and therefore suggested the quorum be increased.

The Committee agreed to increase the quorum to six members.

ORDINARY MEETING
Reports of Committees

MOTION:

RESOLVED on the motion of Mr Edds, seconded by Mr Rawling AM.

Refer to COMMITTEE RECOMMENDATION

That a quorum of the Heritage Advisory Committee be constituted by six members being present at meetings and the Committee's Constitution be amended accordingly.

ITEM: 3 HAC - Draft Hawkesbury Community Strategic Plan 2017-2036 - (124414, 80242)

DISCUSSION:

- Mr Kearns gave an overview of the status of the Draft Hawkesbury Community Strategic Plan 2017-2036 and invited members to participate in the consultation process by completing the online survey on Council's website. Mr Kearns also provided members with the opportunity to participate in an exercise at the end of the meeting, where they could map their specific concerns.

RECOMMENDATION TO COMMITTEE:

That:

1. The Committee accept this information.
2. Committee members endeavour to attend one of the Town Meetings and/or complete the Online Survey and, if possible, attend one of the Community Forums in April 2017 to consider Council's draft Delivery Program for the next four years.

MOTION:

RESOLVED on the motion of Mr Edds, seconded by Councillor Reynolds.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The Committee accept this information.
2. Committee members endeavour to attend one of the Town Meetings and/or complete the Online Survey and, if possible, attend one of the Community Forums in April 2017 to consider Council's draft Delivery Program for the next four years.

ITEM: 4 HAC - Draft West District Plan of the Greater Sydney Commission - (124414, 82042)

DISCUSSION:

- Mr Kearns provided an overview of the Draft West District Plan.

ORDINARY MEETING
Reports of Committees

- Mr Owens advised the Plan was on exhibition at Council offices and the Chair suggested the Plan also be exhibited at the Library. The Chair encouraged members to provide feedback by making a submission on the Greater Sydney Commission's website (closing date 31 March 2017).

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. Members of HAC provide input for Council to consider as part of submissions to the Greater Sydney Commission on the Draft West District Plan.

MOTION:

RESOLVED on the motion of Ms Wilson, seconded by Councillor Reynolds.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. Members of HAC provide input for Council to consider as part of submissions to the Greater Sydney Commission on the Draft West District Plan.

ITEM: 5 HAC - Hawkesbury Heritage Walking Trails and Interpretive Signage - (124414, 80242, 103542)

DISCUSSION:

- Ms Whiteley presented details of the proposed Hawkesbury Heritage Walking trails and Interpretive Signage.
- Ms Ball raised concern that the existing Windsor Heritage Walk around the Thompson Square Precinct was unsightly and areas near the Jolly Frog and under the Bridge are covered with litter, waste and overgrown with weeds. Ms Ball advised the Walk was promoted on Council's website so should be maintained, however, the authorities involved would not take responsibility to tidy up the area.
- Councillor Reynolds referred to various volunteer groups and asked if it was possible to investigate if a group could assist in a clean-up of the area.
- Ms Wilson reported South Creek had been identified as a sustainability priority action in the Greater Sydney Commission's West District Plan and in partnership with the EPA it was proposed to clean up the whole of the South Creek environment.

The Committee reviewed the artwork and text proposed for the signage and provided the following feedback:

- Background colour to the Heritage Walk signage is the same as the River Walk (both are blue) - suggested this be changed to a different colour.

ORDINARY MEETING
Reports of Committees

- Heritage vistas (overlooking the floodplain) were not included in the Walk.
- Heritage Walk "H" logo - (tree graphics dominate the "H").

The Peninsula

- Add Circa dates to "Places of Interest" and use dual column text block consistent with remainder of document.
- Add text to the Court House referencing the building as the first purpose built Court House in Australia (suggested text to be provided by Mr Edds).

Thompson Square

- Add text referencing Governor Macquarie's town design.

7:05pm - Ms Nichols left the meeting.

- Mr Whiteley invited members to email her their notes and suggestions for additional text as discussed.

RECOMMENDATION TO COMMITTEE:

That the interpretive signage designs be endorsed by the Committee.

MOTION:

RESOLVED on the motion of Ms Mackay, seconded by Mr Edds.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the interpretive signage designs be endorsed by the Committee.

ITEM: 6 HAC - Request from Hawkesbury Historical Society to have the Old Burial Ground in Windsor Heritage Listed - (124414, 80242)

DISCUSSION:

- Ms Wilson referred to the issues with access to the site and advised she recalled at the time of the re-subdivision of the Jolly Frog and Hawkesbury Valley Holden (HVH) in 2009, that the land at the rear of HVH was to be dedicated to Council.

Mr Owens advised he did not have that information to hand and would review the records for that development application.

Subsequent to the meeting Mr Owens reviewed development application DA0948/08 where it was found the Statement of Environmental Effects stated that "*Hawkesbury City Council would acquire the resultant allotment as public land*". That statement appeared to be made by the applicant and such statements do not mean that Council is required or obliged to acquire the land. Whilst this allotment has been created, it remains in the ownership of the adjoining allotment (HVH).

ORDINARY MEETING
Reports of Committees

- Professor Jack asked for the revised location map he had provided to the Committee for the memorial commemorating the Old Burial Ground be taken into account during design of the Heritage Walk.
- Mr Edwards asked if any assessment for potential significance of the site had been undertaken to ascertain if the site would qualify for heritage listing.

Mr Owens advised he was not aware of a heritage assessment being taken, and suggested the order of the recommendation be amended to read that the heritage listing of the site be investigated in the first instance (ie recommendations 2 and 3 be reversed).

7:18pm - Professor Jack left the meeting prior to discussion on this item being completed.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. The Heritage Advisory Committee (HAC) of Council recommends to Council that investigation be undertaken to establish formal access by way of an easement or other formal instrument, to permanently provide community access to the site known as the "Old Burial Ground" in Windsor.
3. Should formal access to the site known as the "Old Burial Ground" in Windsor be forthcoming, then a further report regarding the possible heritage listing of the site shall be submitted to the HAC for its consideration.

MOTION:

RESOLVED on the motion of Mr Edwards, seconded by Councillor Reynolds.

Refer to COMMITTEE RECOMMENDATION

That:

1. The information be received.
2. A further report regarding the possible heritage listing of the site known as the "Old Burial Ground" in Windsor shall be submitted to the HAC for its consideration, prior to any action being taken to pursue formal access to the site.
3. The Heritage Advisory Committee (HAC) of Council recommends to Council that investigation be undertaken to establish formal access by way of an easement or other formal instrument, to permanently provide community access to the site known as the "Old Burial Ground" in Windsor.

ORDINARY MEETING
Reports of Committees

ITEM: 7 HAC - Local Government Heritage Planning Studies - NSW Heritage Grants - Office of Environment & Heritage and Heritage Near Me Grant Funding - (80242, 124414)

DISCUSSION:

- Mr Kearns outlined a series of grant applications that had been applied for under the Local Government Heritage Planning Studies Program through the Office of Environment & Heritage (OEH).

Mr Johnson also advised an application for McQuade Park had also been lodged with OEH.

The Committee generally agreed their priorities for funding would be targeted towards completion of the Heritage Study and Heritage Inventory Sheets and prioritised the following projects for grant funding:

- i) Heritage Study and Inventory Sheets (existing listings and new listings)
- ii) Cemetery Management
- iii) Major Building Works
- iv) Heritage Festival/Event

RECOMMENDATION TO COMMITTEE:

That the:

1. Information regarding NSW Heritage Grants submissions be received.
2. HAC Committee consider ideas and recommendations for the submission of an application under the Heritage Near Me - Heritage Activation Grants program criteria so that an application can be prepared and submitted prior to the closing date of 21 April 2017.
3. Owners of heritage properties that could potentially apply under this current round of funding be advised of the availability of funding opportunities.

MOTION:

RESOLVED on the motion of Mr Edds, seconded by Mr Edwards.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the:

1. Information regarding NSW Heritage Grants submissions be received.
2. HAC consider ideas and recommendations for the submission of an application under the Heritage Near Me - Heritage Activation Grants program criteria so that an application can be prepared and submitted prior to the closing date of 21 April 2017.
3. HAC seek grant funding for the following projects in order of priority:
 - i) Heritage Study and Inventory Sheets (existing listings and new listings)

ORDINARY MEETING
Reports of Committees

- ii) Cemetery Management
 - iii) Major Building Works
 - iv) Heritage Festival/Event
4. Owners of heritage properties that could potentially apply under this current round of funding be advised of the availability of funding opportunities.

SECTION 5 - General Business

Verbal Reports

- Update - Krupp Field Cannon

Mr Johnson gave an update on the status of the cannon currently undergoing restoration works and advised it would be located back to McQuade Park in approximately a months' time.
- Update on Thematic History of the Hawkesbury

Mr Kearns distributed copies of the completed (formatted) Thematic History and advised it was proposed to launch the document during the first week of April. Mr Kearns invited interested members to participate in a small video production to document its launch.
- Demo of Heritage of Western Sydney - Colonial Heritage of Western Sydney App

Mr Johnson presented the Committee with a demonstration of the App and invited member's input in relation to its content (it being a work in progress).
- Mr Kearns advised the Colonial Heritage of Western Sydney App was to be officially launched at Penrith City Council on 27 April 2017 and member's feedback indicated they were keen for the App to be launched locally as well.
- Mr Johnson made reference to the Draft Conservation Management Strategy for Singleton's Reserve, Kurrajong, and advised the CMS had considerable input from the Kurrajong Historical Society. Mr Johnson welcomed input from the Committee prior to it being placed on public exhibition and asked for comments to be provided back to him by 13 March 2017.
- Mr Edds and Mr Edwards offered their assistance in writing future Grant Applications.
- Mr Edds reported Otto Cserhalmi, one of Council's Heritage Advisors, had recently indicated that he would like to attend Heritage Advisory Committee meetings, and Mr Owens advised the Constitution did provide for casual observers to attend the meetings at the Committee's discretion.
- Mr Owens noted during discussions that there may be general or specific interests to be disclosed by members from time to time and in that regard he would bring a report to the next meeting in relation to declarations of interest.

The meeting closed at 8:01pm.

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 Support for Hurlstone Agricultural College - (79351, 105109, 138883)

Submitted by: Councillor Garrow

NOTICE OF MOTION:

That Council write to the Local Member, The Premier and Western Sydney University expressing its support for the Hurlstone Agricultural College being located on the Hawkesbury Campus of the Western Sydney University.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING**Questions for Next Meeting****QUESTIONS FOR NEXT MEETING****Councillor Questions from Previous Meetings and Responses - (79351)**

REPORT:**Questions - 28 February 2017**

#	Councillor	Question	Response
1	Conolly	Enquired if it is possible for Council to report on its investment property portfolio, in the same way that it reports on its other investments.	The Acting Director Support Services advised that a reporting mechanism on investment properties including return on assets is being developed.
2	Zamprogno	Requested information as to the status of operation of the gas powered lamp posts in Windsor Mall, how long they have been not operating and what measures are required for the lamp posts to become operational.	The Director Infrastructure Services advised that following the upgrading of the street lighting in Windsor Mall in mid-2016, the decorative gas lamps were turned off. It is intended that these lamps be refitted to use an LED light. This will provide a similar decorative effect, whilst saving approximately \$30,000 per annum in gas usage and maintenance costs.
3	Zamprogno	Enquired about recent road reconstruction works carried out in the vicinity of Bathurst Street, Hall Street and Punt Road, Pitt Town in relation to traffic control signs and road marking being removed and not replaced.	The Director City Planning advised that additional works at this intersection are proposed with the reconstruction of Punt Road. Development approval has been issued for that work but the timing of this is not yet known. The road signage at this intersection will be installed within the next two weeks. As an interim measure, until the final works are completed, additional investigation into road marking will be undertaken.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
4	Zamprogno	Enquired as to who has responsibility for the road pavement, kerb and guttering on the northern side of Johnston Street, near Hawkesbury Street, Pitt Town and when will the remaining portion be delivered.	The Director City Planning advised that development fronting Johnston Street is responsible for the construction of half width roadway and kerb and gutter. A small portion of this road on the northern side near Hawkesbury Street is works proposed in the Hawkesbury Section 94 Contributions Plan 2015. Council will negotiate the construction of this section when the adjoining property to the north-east is developed.
5	Zamprogno	Requested that potholes and water settlement in Eldon Street, east of the intersection of Wisemans Ferry Road be reviewed.	The Director Infrastructure Services advised that temporary repairs would be carried out and a more permanent solution to drainage of this site would be investigated.
6	Garrow	Requested that Woolworths be reminded that delivery trucks are to access Macquarie Street via Baker Street, not George Street, Windsor.	The Director City Planning advised that this matter will be raised with the relevant retail outlets.

oooO END OF REPORT Oooo

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 54 **IS - Tender No. T00052 - Painting and Roof Cleaning Works of Various Council Sites - (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)(c) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 55 **IS - Tender No. T00054 - Piling at Lower Portland Ferry - (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 tender information and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret 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: 56 **SS - Property Matter - Lease to Sai Chong Lao and Yen Sreg Tran - Shop 10 Wilberforce Shopping Centre - (76755, 73565, 95496, 112106) 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
CONFIDENTIAL REPORTS

MM **Position of General Manager - (79351, 79353, 125612) CONFIDENTIAL**

Previous Item: MM 3, Ordinary (31 May 2016)
 MM 1, Ordinary (11 October 2016)

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)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).

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

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