



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 14 August 2018

location: council chambers

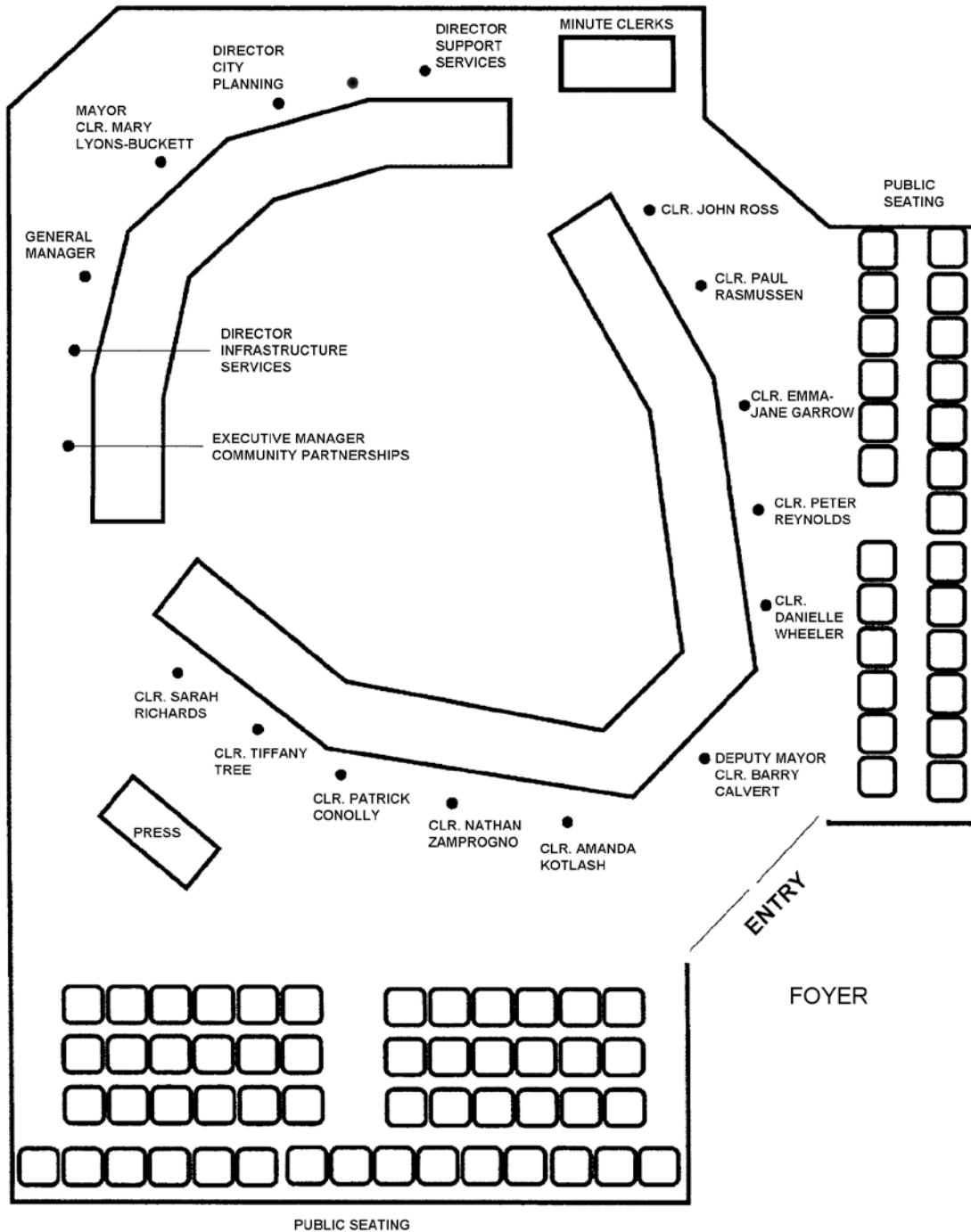
time: 6:30 p.m.



mission statement

*Hawkesbury City Council
leading and working
with our community
to create a healthy
and resilient future.*

Hawkesbury City Council



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Procedural Matters
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PROCEDURAL MATTERS

Welcome

The General Manager will address the Council meeting, mentioning:

- Acknowledgement of Indigenous Heritage
- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones.

Attendance

Attending Councillors and Council staff members will be noted for the purposes of the Minutes.

Apologies and Leave of Absence

The Mayor will ask for any Apologies or Leave of Absence Requests to be noted.

Declaration of Interest

The Mayor will ask for any Declaration of Interests from the attending Councillors. These will then be addressed at the relevant item.

Acknowledgement of Official Visitors to the Council

The Mayor will acknowledge and welcome official visitors to the Council and make any relevant presentations as required.

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section 1

confirmation of minutes

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SECTION 1 - Confirmation of Minutes

ordinary

section 2

mayoral minutes

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SECTION 2 – Mayoral Minutes

No Mayoral Minutes.

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section 3

reports
for determination

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SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 192 **CP - Draft Vineyard Precinct Stage 1 - Contributions Plan - (94598, 124414)**

Previous Item: 099, Ordinary (8 May 2018)

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to inform Council on the outcome of the public exhibition of the Draft Vineyard Precinct Section 7.11 Contributions Plan.

EXECUTIVE SUMMARY:

In 2005, the North West Priority Growth Area was established by the NSW Government. The affected areas included The Hills, Blacktown and Hawkesbury local government areas. In order to streamline the re-zoning processes to facilitate development of the Growth Centres, the Department of Planning and Environment used a precinct planning process and created the 'Vineyard Precinct', the planning for which commenced in 2013/2014.

The Vineyard Precinct Stage 1 was rezoned by the Department of Planning and Environment in December 2017 with the Hawkesbury City Council Growth Centre Precincts Development Control Plan commencing in January 2018. The rezoning by the Department of Planning and Environment occurred without a Contributions Plan in place. Using a document commissioned by the Department of Planning and Environment, the Draft Vineyard Precinct Section 7.11 Contributions Plan was subsequently prepared by Council. The Draft Contributions Plan was exhibited between May-June 2018 and now requires Council's consideration of submissions, and endorsement before progressing to IPART and the Department of Planning and Environment for their review.

A Voluntary Planning Agreement mechanism is proposed to be put in place to assist the processing of Development Applications and imposing of the contributions as an interim measure.

RECOMMENDATION SUMMARY:

The report recommends that Council note the outcome of the public exhibition of the Draft Contributions Plan, before amending the Plan and forwarding it to IPART and the Department of Planning and Environment for their respective reviews.

REPORT:

Context and Background

Historically, land uses in the Vineyard Precinct were a mix of rural residential development and agricultural uses.

The site was zoned RU4 Primary Production Small Lots, which had the following zone objectives:

- To enable sustainable primary industry and other compatible land uses

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

In 2005, the North West Priority Growth Area was established by the NSW Government. The affected areas included The Hills, Blacktown and Hawkesbury local government areas. In order to streamline the re-zoning processes to facilitate development of the Growth Centres, the Department of Planning and Environment used a precinct planning process and created the 'Vineyard Precinct', the planning for which commenced in 2013/2014.

The Vineyard Precinct Stage 1 is located in the northern most section of the North West Priority Growth Area, and is bounded by Commercial and Menin Roads to the north, Boundary Road to the east, Windsor Road to the south and Chapman Road to the west as highlighted in Figure 1.

The overall site is comprised of 590 hectares of previously zoned RU4 Primary Production Small Lots land under the Hawkesbury Local Environmental Plan 2012.

The development of the Vineyard Precinct Stage 1 includes a proposed primary school, approximately 27 hectares of open space focused on the Killarney Chain of Ponds and adjacent land for new playing fields, parks and cycle-ways, a village centre and approximately 2,500 new homes.

The plans for the precinct have been finalised with the rezoning of land released by the Department of Planning and Environment in December 2017 through the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).

The Hawkesbury City Council Growth Centre Precincts Development Control Plan came into effect when released by the Department of Planning and Environment on 18 January 2018, and provides detailed design controls for development in the precinct.

Given the release of the rezoning by the Department of Planning and Environment without a Contributions Plan in place, the Draft Vineyard Precinct Stage 1 Section 7.11 Contributions Plan was subsequently prepared by Council, using a document commissioned by the Department of Planning and Environment.

As a consequence of the release of the rezoning and commencement of the Hawkesbury City Growth Centres Development Control Plan, development applications have now started to be lodged with Council along with Land and Environment Court Appeal in respect of land within the Precinct.

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Figure 1 below illustrates the location of the Vineyard Precinct:



Figure 1 Vineyard Precinct Stage 1 (Source: Department of Planning and Environment)

Figure 2 below illustrates the rezoned Vineyard Precinct:

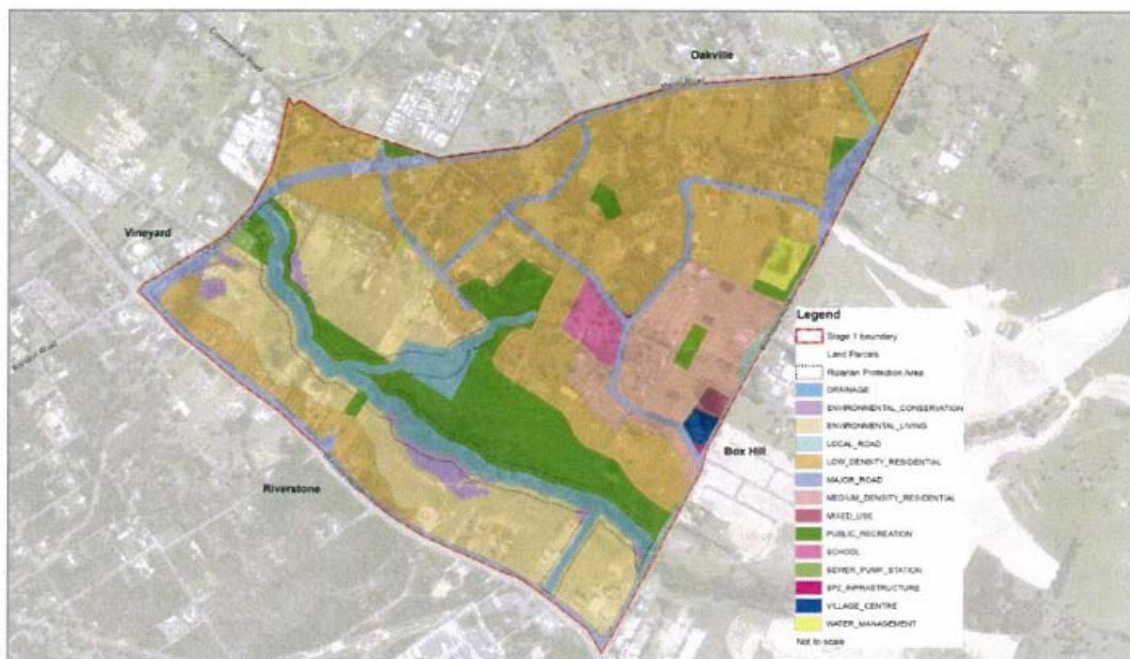


Figure 2 – Vineyard Precinct Stage 1 Indicative Land Uses (Source: IntraMaps HCC)

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Community Benefits provided through the Vineyard Precinct development include:

- Community facilities - a proposed primary school will be surrounded by low and medium density residential development. A village centre of approximately 1.4 hectares will include shops, services and community facilities.
- Infrastructure provision - funding for local infrastructure such as roads, sporting fields, parks, and drainage will be collected through a Contributions Plan.
- Choice of homes - a range of housing options is planned for Vineyard Stage 1, providing more choice. Future homes will be located close to shops, schools and transport with access to essential infrastructure and parks.
- Parks and sports fields - the rezoning has provided 27 hectares of open space that will include park and ovals along the Killarney Chain of Ponds.
- Maintaining urban stormwater runoff rates to pre development levels via a system of onsite detention systems, retarding basins and water treatment facilities.

Detailed History, including previous Council decisions

The release by the Department of Planning and Environment of the Vineyard Stage 1 Precinct rezoning in December 2017, and commencement of the Vineyard Development Control Plan in January 2018 without an adopted Contributions Plan in place poses significant issues and risk for Council given the requirements and process to establish a Contributions Plan. The risk is more significant given the fact that Council has now started to receive development applications and Land and Environment Court Appeals within the Vineyard Precinct.

As a consequence Council finds itself in a position of having no effective way in which to deal with infrastructure related matters without advancing the draft Contributions Plan and developing interim arrangements until the Plan is adopted.

NSW Infrastructure Contributions System

The New South Wales local infrastructure contributions system sets out how the system works through the Environmental Planning and Assessment legislation. A user pays philosophy underlies the funding of local or community infrastructure required to satisfy demand generated by development activity.

The main principles that apply in the Environmental Planning and Assessment legislation relate to that of nexus and reasonableness of the contributions. There must be nexus or need for the work arising from the development, and development is charged whatever it costs to deliver the infrastructure.

The other main principle is that the contributions must be reasonable which means that the costs for the proposed work must be reasonable in the plan and the relevant share of those costs (which is termed apportionment) is fair and reasonable for a particular development.

The cornerstone of NSW State policy has been the cap on contributions for residential development of \$30,000 per dwelling in Greenfield areas since 2011.

On 28 July 2017, the Minister for Planning issued the Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2017 that requires Councils to submit Contribution Plans to IPART for assessment if they wish to levy contributions above the prevailing capped amount. The Government also announced that the \$30,000 cap was to be removed.

Once it is assessed by IPART and determined to be consistent with any subsequent Ministerial direction applying to the Plan the draft Vineyard Precinct Section 7.11 Contributions Plan is authorised to levy development above the capped contribution rates.

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The NSW Government's Practice Note for local infrastructure contributions sets out criteria that a plan must meet if it wishes to charge more than the \$30,000 amount which is what IPART assesses a plan against.

Voluntary Planning Agreement

Until IPART has assessed the plan, development cannot be charged more than \$30,000 per dwelling under the plan. This presents a financial risk with development applications already being submitted and Land and Environment Court Appeals received. To ensure that Council does not lose revenue on these developments, it is considered essential to develop an interim Voluntary Planning Agreement arrangement with such developers until full contribution rates are determined by the Minister for Planning. Adjustments for variations in the IPART assessed contributions once the plan review is complete and the Minister publishes advice can be made.

This is considered to be a fair approach to ensure timely development approvals, and that sufficient funding is available to meet local infrastructure requirements.

Policy considerations

The Sydney Region Growth Centres SEPP 2006 has been amended by the Department of Planning and Environment in December 2017 to release the rezoning of Stage 1 of the Vineyard Precinct.

The Hawkesbury City Council Growth Centre Precincts Development Control Plan came into effect when released by the Department of Planning and Environment on 18 January 2018, and provides detailed design controls for development in the precinct.

The Draft Vineyard Precinct Stage 1 Section 7.11 Contributions Plan, upon adoption will become a policy to guide and collect contributions to provide local infrastructure for the new Vineyard community.

Public Consultation

Following consideration by Council of the Draft Vineyard Precinct Section 7.11 Contributions Plan at Council's Ordinary Meeting on 8 May 2018, the Draft was publicly exhibited from 18 May 2018 to 18 June 2018, being a period of 28 days as per Council's Community Engagement Policy 2007 and legislative requirements.

The public exhibition was advertised in a local newspaper, hard copies of the exhibition were placed at Council's Administration Centre, letters including the exhibition material were sent to all affected property owners (approximately 98 owners), and the public exhibition was also placed on Council's Website and on 'Your Hawkesbury Your Say' online engagement site.

During the public exhibition period, Council received a number of phone and counter enquiries regarding the Draft Vineyard Precinct Section 7.11 Contributions Plan. All enquirers were encouraged to lodge a written submission.

The issues raised from these enquiries related to:

- The draft Contributions Plan not being transparent.
- The draft Contributions Plan not containing clear maps especially in the Appendices as the end users found it difficult to correlate the tables in the Appendices to the maps.
- The variables/ rate basis on page 6 being inconsistent as certain items are calculated at a per person rate and other items are calculated at per hectare of Net Developable Area.
- The timing of the acquisition of open space by Council.
- The estimated market value of certain properties.

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The draft plan has been amended to ensure that it is easier to understand and includes an example calculation for contributions in Section 2.7.1 which should provide better clarity around how much a developer will be levied for a particular development.

A total of four written submissions were received during the public exhibition period with all four submitters objecting to the contributions rate within the Draft Vineyard Precinct Section 7.11 Contributions Plan being higher than the capped \$30,000 per dwelling rate that is applicable to other parts of the North West Growth Area.

Copies of each written submission are included as Attachment 1, but the issues raised within each written submission have been summarised, with a combined response provided that addresses the issues raised in the submissions:

Submitter 1 - expressed that 'the increase of the contributions rate from \$30,000 to \$75,000 will significantly hinder the implementation of the Stage 1 of the Vineyard Precinct development plans'.

Submitter 2 - stated that 'the increased contribution will cripple the Vineyard Precinct development and believes that the contributions figures will affect land values. The submitter also raised a question about the NSW government low interest loan system, and stated that the increased council rates in the area could cater for the loan'.

Submitter 3 - strongly objected to the increased contributions rates and stated that the substantial increase in the contributions rates will ultimately bring a halt to the strategic vision and rezoning objectives of the Vineyard Precinct. Furthermore, the submitter believes 'that the increased contribution rates will affect the land values and deter developers from investing in the area'.

Submitter 4 - stated that the late rezoning of the land in the Vineyard Precinct has resulted in the exclusion of the land from the Local Infrastructure Growth Scheme as the scheme will end in July 2020 resulting in land becoming worthless compared to neighbouring land due to the higher contributions rates.

Responses to Submissions

By way of a response to these submissions, it should be noted that the Vineyard Precinct Stage 1 was established by the Department of Planning and Environment as a strategy to provide housing opportunities for future residents under the "North West Priority Growth Area". As with other growth areas (Schofields, Riverstone, Marsden Park, Rouse Hill, Kellyville and Box Hill), planning of the Vineyard Precinct was undertaken by the Department of Planning and Environment as a result of collaboration with other agencies including but not limited to Transport for NSW, Infrastructure NSW, Roads and Maritime Services and Sydney Water.

The Draft Vineyard Precinct Section 7.11 Contributions Plan was based on a document commissioned by the Department of Planning and Environment. It was then revised by Council as the re-zoning of the subject land by the Department of Planning and Environment had occurred without this Contribution Plan being finalised. The Draft Contributions Plan was prepared in order to address the local infrastructure for the Vineyard community including the road and transport infrastructure, stormwater infrastructure, active and passive open spaces, and community facilities.

As the precinct is a greenfield site it lacks the required infrastructure to service a community that will ultimately contain approximately 2,500 dwellings within Stage 1. The Contributions Plan sets contributions at levels to recover the cost of providing local infrastructure for the additional 2,500 new homes expected in the Vineyard Precinct Stage 1.

Levying development the cost of the infrastructure allows Council to spend its rates revenue on other recurrent and capital needs to provide services for the Hawkesbury community.

The State Government is not providing direct funding for the local infrastructure in Vineyard. It amended its Local Infrastructure Growth Scheme in 2017 to limit the funding to certain areas only before the program is completely phased out from July 2020. The areas did not include the Vineyard Precinct.

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While the costs to development might appear high without the NSW Government subsidy, it is considered that they are reasonable to ensure sufficient funding is available to provide the essential infrastructure to allow development to occur. If the contributions were reduced, given current State Government policy settings, this would mean Council would have to direct resources away from other programs. Ratepayers outside of the Vineyard Precinct would then effectively be subsidising development within the Vineyard Precinct.

There is some merit in landowners' views that the Vineyard Precinct should have been included in the Local Infrastructure Growth Scheme phase-out, given that from the perspective of the Department of Planning and Environment, the Vineyard rezoning was imminent and Development Application approvals were likely to be issued during the 2018-2020 phase-out period. However, as stated above an extension of the Local Infrastructure Growth Scheme by the NSW Government did not include the Vineyard Precinct.

As acknowledged in Submission 4, the Outer Sydney Orbital corridor and timing of the rezoning of Vineyard Precinct have been determined by the NSW Government, not Council. The market will now ultimately determine the pace of development in the Vineyard Precinct, but Council will assist to facilitate early stage development by forward funding critical stormwater infrastructure and collector road design costs with a proposed loan.

Council has also considered ways to reduce the contributions and has reduced the term of the proposed loan to 10 years in order to match the requirements of the Low Cost Loan Initiative, which together with other revisions to the draft plan (including for minor land acquisition area changes and adjustments to the cost of land for drainage items), has reduced average contributions by 5% to approximately \$71,000 for low density dwellings/lots and \$55,000 for medium density development.

Council has also applied for the subsidised interest costs for this loan through the State Government's Low Cost Loan Initiative. This has resulted in further minor adjustments to the infrastructure to be funded from the loan to align with the criteria for infrastructure to be delivered by 2021. If the loan assistance is granted, this would reduce the interest costs payable under the loan and further reduce contributions to around \$70,000 per dwelling/lot (for low density dwellings, on average). However, given Council is awaiting the outcome of that application under the Low Cost Loan Initiative it is not possible to amend the plan to account for this potential subsidy at this stage.

All submissions have been acknowledged for the points raised through an acknowledgement letter, and will be formally advised of Council's decision.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

The report is consistent with the following Focus Areas, Directions and Strategies within the CSP.

Our Leadership

1.5 Regulation and Compliance:

- 1.5.1 Undertake Council initiatives within a clear and fair framework of strategic planning policies, procedures and service standards as required under all regulatory frameworks.
- 1.5.2 Best practise sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

Our Future

5.1 Strategic Planning Governance

- 5.1.1 Council's planning is integrated and long term.
- 5.1.2 Council's decision making on all matters is transparent, accessible and accountable.
- 5.1.3 Council will continually review its service provision to ensure best possible outcomes for the community.
- 5.1.4 Encourage increased community participation in planning and policy development.

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5.1.5 The needs of our community will be reflected in Local, State and Regional Plans.

Discussion

Following the release of the rezoning for the Vineyard Precinct Stage 1 in December 2017, and commencement of the Hawkesbury City Council Growth Centre Precincts Development Control Plan in January 2018, Council has engaged consultants to finalise the completion of the initial contributions plan prepared by the Department of Planning and Environment. The public exhibition of the Draft Vineyard Precinct Section 7.11 Contributions Plan is now complete.

In accordance with the legislative requirements, the outcome of the public exhibition of the draft contributions plan is now being reported to Council for consideration, with the next steps in the process requiring the forwarding of the Draft Vineyard Precinct Section 7.11 Contributions Plan to IPART for their review. Subsequently, the Department of Planning and Environment will also review the Draft Vineyard Precinct Section 7.11 Contributions Plan to ensure that the full essential works contributions amounts can be levied on development in the precinct.

A schedule of land and works is proposed to facilitate the new development, and the Draft Vineyard Precinct Section 7.11 Contributions Plan provides the mechanism for developers to be required to pay for their fair share of the cost of those items. The plan has a schedule of land acquisitions and works for local infrastructure totalling \$171m based on the following breakdown:

- \$49 million for transport works which will deliver bus stops, a sub arterial and collector road network, and a cycleway network
- \$46 million for stormwater drainage which will deliver trunk drainage, two basins, four gross pollutant traps and six rain gardens for stormwater quality treatment
- \$74 million for social infrastructure which will deliver six local parks, three district parks, two playing fields, and land (6,000m²) for community space
- \$1.3 million which is based on the IPART benchmark of 1.5% of capital costs to cover costs associated with preparing the plan and then administering the plan over time.

The schedule also includes an allowance to recoup the costs of taking out a loan (approximately \$16.8M) to forward fund certain items including acquisition of land for trunk drainage and basins, survey and design costs for collector roads and basins, and construction of key components of the trunk stormwater network.

Based on the planned 2,500 new dwellings and an additional population of approximately 7,500, the proposed contributions in the amended plan amount to approximately:

- \$71,000 per dwelling on average for low density development
- \$55,000 per dwelling on average for medium density development

Analysis of the Draft Vineyard Precinct Section 7.11 Contributions Plan in light of the submissions received has identified opportunities to improve the plan, making it more transparent, and easier to understand by end users. The following amendments have been undertaken and are reflected in the Draft Vineyard Precinct Section 7.11 Contributions Plan included as Attachment 2:

- Reduced the term of the proposed loan to 10 years in order to match the requirements of the Low Cost Loan Initiative, which together with other revisions to the draft plan (including for minor land acquisition area changes and adjustments to the cost of land for drainage items), has reduced average contributions by 5% to approximately \$71,000 for low density dwellings/lots and \$55,000 for medium density development.

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- Amended the draft plan to ensure that it is easier to understand and includes an example calculation for contributions in Section 2.7.1 which should provide better clarity around how much a developer will be levied for a particular development.
- Clearly state relationship to other plans and policies.
- Amend the maps in the appendices in order to ensure better correlation with the relevant Schedules.

Financial Implications

The Draft Vineyard Precinct Section 7.11 Contributions Plan once adopted will enable Council to generate and collect compulsory development contributions to cover the costs of delivering identified infrastructure needed to support the new Vineyard community.

As an interim arrangement, to minimise Council's exposure to any financial risks, it is proposed to use Voluntary Planning Agreements to secure contributions prior to the final adoption of the Vineyard Precinct Section 7.11 Contributions Plan.

Fit For the Future Strategy Considerations

The matter in this report is consistent with Council's Fit for the Future Strategy, considerations.

Sustainable Population Growth - continued implementation of Hawkesbury Residential Land Strategy to concentrate new residential development around existing urban centres and villages.

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:

1. Note the outcome of the public exhibition of the Draft Vineyard Precinct Section 7.11 Contributions Plan.
2. Amend the Draft Vineyard Precinct Section 7.11 Contributions Plan as outlined in the report and included as Attachment 2.
3. Forward the amended Draft Vineyard Precinct Section 7.11 Contributions Plan to IPART and the Department of Planning and Environment for review.
4. Endorse the preparation of a Draft Voluntary Planning Agreement template for use as an interim measure to impose contributions on development consents.

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ATTACHMENTS:

- AT - 1** Submissions received during public exhibition of the Draft Vineyard Precinct Section 7.11 Contributions Plan
- AT - 2** Amended Draft Vineyard Precinct Section 7.11 Contributions Plan - (*Distributed Under Separate Cover*)

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AT - 1 Submissions received during public exhibition of the

Draft Vineyard Precinct Stage 1 Section 7.11 Contributions Plan

Sunehla Bala

From: Your Hawkesbury Your Say <notifications@engagementhq.com>
Sent: Monday, 18 June 2018 4:55 PM
To: Hawkesbury City Council; Melissa Barry
Subject: Anonymous User completed Public Exhibition of Draft Vineyard Precinct S7.11 Contributions Plan

Anonymous User just submitted the survey 'Public Exhibition of Draft Vineyard Precinct S7.11 Contributions Plan' with the responses below.

Name

[REDACTED]

Address

[REDACTED]

Email address

[REDACTED]

Please provide submission below

Following notification of the proposed increase of the Section 7.11 Contributions from \$35,000 to \$75,000 I wish to formally lodge my objection to such an exorbitant increase and feel such an increase will significantly hinder the implementation of the Stage 1 Development Plan.

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From: Your Hawkesbury Your Say <notifications@engagementhq.com>
Sent: Monday, 18 June 2018 4:15 PM
To: Hawkesbury City Council; Melissa Barry
Subject: Anonymous User completed Public Exhibition of Draft Vineyard Precinct S7.11 Contributions Plan

Anonymous User just submitted the survey 'Public Exhibition of Draft Vineyard Precinct S7.11 Contributions Plan' with the responses below.

Name

[REDACTED]

Address

[REDACTED]

Email address

[REDACTED]

Please provide submission below

The enormous increase in contributions is going to cripple the Vineyard development. Based on local sales owners have an expectation of what they may also be able to achieve but not now. What happened to the loan that the NSW was going to extend to Hawks Council? That would be a low interest loan which Hawks council could pay back over the years from the enormous rates they will receive from the new homes. We are already paying double our council rates.

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From: Your Hawkesbury Your Say <notifications@engagementhq.com>
Sent: Monday, 18 June 2018 4:25 PM
To: Hawkesbury City Council; Melissa Barry
Subject: Anonymous User completed Public Exhibition of Draft Vineyard Precinct S7.11 Contributions Plan

Anonymous User just submitted the survey 'Public Exhibition of Draft Vineyard Precinct S7.11 Contributions Plan' with the responses below.

Name

[REDACTED]

Address

[REDACTED]

Email address

[REDACTED]

Please provide submission below

This is a continuation of my submission. Screen froze and I was only able to write a small amount. Has Hawks council considered the implications of owners not selling their blocks and therefore no money, apart from rates for Council? NSW govt has been so keen to make Vineyard a landmark development for its green space but Hawks council will now cripple that plan if the contributions are hiked by such an enormous amount. Is the NSW govt in favour of this plan? Across the road in the Hills Council area they have managed their development without such high contributions. Has Hawks Council looked at alternative sources of funding? Council's reconsideration will be embraced by owners and developers alike. Thank you.

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Our Ref:
Your Ref:

18 June 2018

The General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

Dear Sir/Madam,

**PUBLIC EXHIBITION OF THE DRAFT VINEYARD PRECINCT SECTION 7.11
(PREVIOUSLY SECTION 94) CONTRIBUTIONS PLAN**

We refer to the Draft Vineyard Precinct s7.11 Contributions Plan ('Draft Contributions Plan') which Council at its meeting of 8 May 2018 resolved to publicly exhibit and confirm that we act for the registered proprietors of 104 Menin Road, 112 Menin Road, 122 Menin Road, 138 Menin Road, 58 Boundary Road and 62 Boundary Road Oakville NSW 2765.

We confirm that upon review of the of the Draft Contributions Plan the registered proprietors of the aforementioned properties strongly **object** to the obvious fact that the Draft Contributions Plan seeks to increase the s7.11 contributions from the capped fee of \$30,000 to approximately \$75,000.00 per dwelling.

The substantial increase in contributions payable will ultimately bring a halt to the strategic vision and rezoning objectives of the Vineyard Precinct. The proposed increase in s7.11 contributions, should it be approved, will not only have a devastating impact on local land prices but also deter developers from investing in the area. Especially, when taking into consideration the fact that developers can purchase land in neighbouring precincts, which are subject to staggered increases at a fraction of the overall fee.

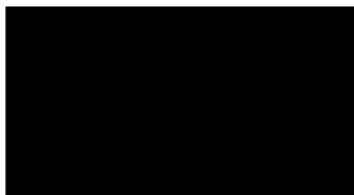
The deterrence of developers from investing in the precinct will deprive the Vineyard local community from obtaining the benefit of good access to public transport, community facilities, jobs, open spaces (including sporting fields), cycleways, a village centre and a new primary school.

Therefore, we submit that the Draft Contribution Plan be amended so that the proposed increase is staggered in line with those of neighbouring precincts in order to encourage development in the precinct.



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If you require any additional information please do not hesitate to contact the writer or our office.



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Sunehla Bala

From: [REDACTED]
Sent: Tuesday, 19 June 2018 9:36 AM
To: Hawkesbury City Council
Subject: Submission in response to Draft s7.11 Contributions Plan
Attachments: Letter to Hawkesbury City Council.docx

Dear Sir/Madam

Please find attached our letter of even date in response to the draft s7.11 contributions plan.

Kind Regards

[REDACTED]

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 14 August 2018

Sunehla Bala

From: [REDACTED]
Sent: Monday, 18 June 2018 10:19 PM
To: Hawkesbury City Council
Subject: Draft Vineyard Precinct S7.11 Contributions Plan
Attachments: [REDACTED]

Dear Sir / Madam,

Please see below my submission for the Draft Vineyard Precinct S7.11 Contributions Plan and attached my Political Donations and Gifts Disclosure Statement.

Firstly, thank you for the opportunity to comment on this plan, it represents a component of the significant change that is happening within the local area and it is obvious that to burden others across the greater Hawkesbury City Council with the costs related to the development in the Vineyard Precinct would be "unfair".

That said, it is also "unfair" that the landowners within the Vineyard precinct will be disadvantaged by the delays in rezoning their land that have resulted in the exclusion of the Vineyard precinct from the Local Infrastructure Growth Scheme (LIGS), noting that this scheme will end on 1 July 2020. During the Landowner Information Sessions held in November 2013, landowners were advised that the precinct would be rezoned in early 2015 - timing that would have included the precinct in the LIGS. However, the rezoning was delayed until December 2017 and now the landowners in the precinct face their land being 'worth less' than land in neighbouring release areas due to the higher costs likely to be levied on developers directly by the Hawkesbury Council, with no funding support from the NSW Government. This comes on the back of other land owners within the Hawkesbury Council being advised recently that the planned Outer Sydney Orbital corridor would be directly impacting their property and property value. This news coming on the back of what appears to be an inadequate approach and amount of engagement from the relevant government departments, something that was not allayed during the Town Hall engagement sessions held in May 2018.

Planning for the Outer Sydney Orbital corridor seemingly playing a direct role in the delays in the rezoning process for the Vineyard precinct. So it would appear that the actions of NSW Government are having a direct and detrimental impact on the residents of Vineyard and Oakville.

Making the above even harder to swallow is the fact that the State Member for Hawkesbury, Dominic Perrottet MP, is the State Treasurer and is expected to announce a multi-billion dollar budget surplus as part of the June 2018 budget presentation.

Furthermore, none of the above is stopping the pace at which council rates (and land taxes) are increasing. I look forward to seeing other submissions from members of the community, seeing the final outcome for the Contributions Plan and ultimately the provision of the services within the precinct.

Regards,
[REDACTED]

ORDINARY MEETING
SECTION 3 – Reports for Determination
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Item: 193 **CP - Draft Voluntary Planning Agreement for Lot 87 DP 1040092, 219 Bells Line of Road, North Richmond - (95498, 124414)**

Previous Item: 73, Ordinary (27 March 2018)
 31, Ordinary (28 February 2017)
 89, Ordinary (30 June 2015)
 76, Ordinary (26 May 2015)

Directorate: City Planning

File Number:	LEP001/15
Property Address:	219 Bells Line of Road, North Richmond
Applicant:	Glenn Falson Urban & Rural Planning Consultant
Owner:	Fairfax Media Pty Ltd
Date Received:	28 June 2017 (Draft VPA)
Current Zone:	RU1 Primary Production
Site Area:	19.2ha

Key Issues:

- ◆ Developer Contributions
- ◆ Creation of one additional lot on the subject site

PURPOSE OF THE REPORT:

The purpose of this report is to advise Council of the outcome of public exhibition of a Voluntary Planning Agreement (VPA) in respect of the proposed two lot subdivision of 219 Bells Line of Road, North Richmond.

EXECUTIVE SUMMARY:

On 28 February 2017 Council resolved to proceed with the making of a plan to amend the *Hawkesbury Local Environmental Plan 2012* (LEP), to enable the creation of the northern part of the subject site immediately north of Redbank Road as a separate lot of approximately 6.7Ha as shown in Figure 1. The creation of this additional lot is likely to increase the demand for local and district infrastructure and facilities in the area.

There is no current Development Contribution Plan or alternative mechanism currently available for Council to require a development contribution. Therefore, the applicant on behalf of the developer/owner of the subject site submitted a draft VPA which provides for the Developer to pay Council a \$30,000 developer contribution for the creation of one additional lot on the subject site.

On 27 March 2018, Council resolved to publicly exhibit the draft VPA. The draft VPA was publicly exhibited and no submissions were received.

Some minor post-exhibition amendments have been made to the exhibited draft VPA to ensure consistency with recent amendments to the *Environmental Planning and Assessment Act 1979*.

RECOMMENDATION SUMMARY:

This report recommends that Council endorse the draft VPA and Explanatory Note, and provide delegation to the Mayor and General Manager to execute the VPA under the Seal of Council.

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REPORT:

Context and Background

Council received a planning proposal from Urban & Rural Planning Consultant (the applicant) seeking an amendment to the Lot Size Map of the LEP to allow subdivision of the 19.2 Ha subject site into two lots. The site is located on either side of Redbank Road, and the previous 10ha minimum lot size applying to the subject site did not allow these two parts as separate lots.

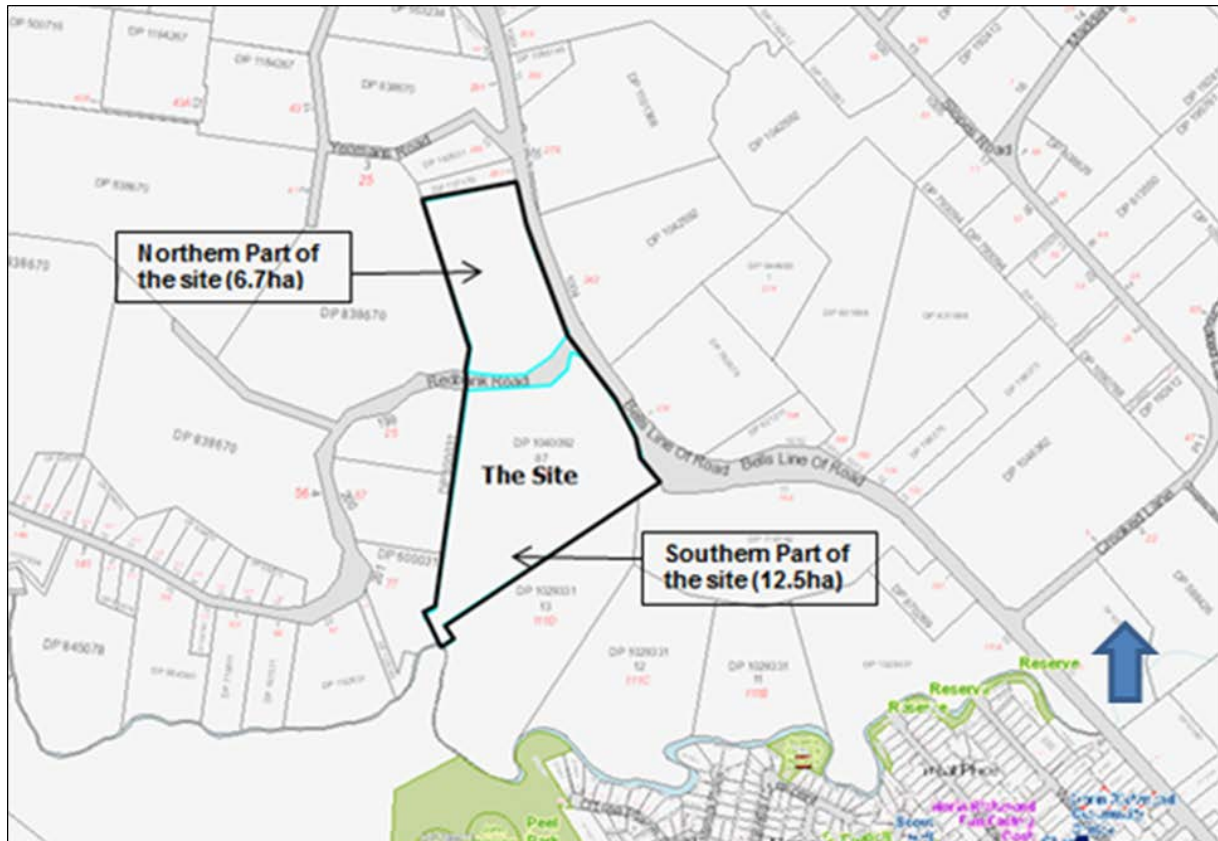


Figure 1 – Subject Site – 219 Bells Line of Road, North Richmond

Council at its Ordinary Meeting on 28 February 2017 considered a report on the outcome of the public authority and community consultation on the planning proposal. Council resolved to proceed with the making of the plan to enable the future subdivision of the subject site to create the northern part of the subject site immediately north of Redbank Road as a separate lot. As this was likely to increase the demand for local and district infrastructure and facilities in the area, a developer contribution towards the provision of local and district infrastructure to meet the increased demand was required. However, there is no current Development Contribution Plan applying to the subject site. There is also no alternative mechanism currently available for Council to require a development contribution from the future subdivision of the subject site into two lots other than via a VPA.

As per Council requirements, planning proposals that have completed public exhibition are not to be finalised until a Developer Contributions Plan is adopted or a draft Voluntary Planning Agreement has been exhibited.

Council at its Ordinary Meeting on 28 February 2017 resolved to advise the applicant to prepare a draft VPA for the additional one lot created. In June 2017, the applicant offered to enter into a VPA to pay a developer contribution to the value of \$30,000.

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The draft VPA received from the applicant was reviewed and finalised, ensuring consistency with the relevant statutory provisions, and forwarded to Fairfax Media Pty for comment prior to placing the draft VPA on public exhibition. Following a significant delay, Fairfax Media Pty Ltd raised no objections or issues relevant to the finalised draft VPA.

Draft VPA for 219 Bells Line of Road, North Richmond

The parties to the draft VPA are Hawkesbury City Council and Fairfax Media Pty Ltd (known as “the Developer”). The objective, nature and effect of the draft VPA is for the Developer to provide Council with a monetary contribution of \$30,000 for the additional one lot created as a consequence of the future subdivision of the subject site into two lots. The draft VPA will only operate if and when Council grants development approval(s) to the proposed subdivision of the site.

Post Exhibition Amendments to draft VPA

The *Environmental Planning and Assessment Act 1979* has recently been amended with the amendments including changes to certain sections of the Act including new section numbering. In order to ensure consistency with the new section numbering, the exhibited draft VPA and the Explanatory Note have been amended to reflect those changes to the Act, and have been included as Attachments 1 and 2 of this report.

Policy considerations

The draft VPA and an Explanatory Note were prepared and exhibited in accordance with the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning & Assessment Regulation 2000*.

Consultation

The draft VPA was placed on exhibition for a minimum of 28 days in accordance with relevant statutory provisions. A public notice in relation to the exhibition of the draft VPA was placed in the Hawkesbury Courier on 19 April 2018. The draft VPA, an Explanatory Note and other supporting documentation were made available for public viewing at Council’s Administration Office, on Council’s website and the “Your Hawkesbury - Your Say” online community engagement site during the exhibition period Friday 20 April 2018 to Monday 21 May 2018.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

The proposal is consistent with the following Focus Area, Direction and Strategies within the CSP.

Our Future

5.3 Shaping our Growth

5.3.2 The diverse housing needs our community will be met through research, active partnerships and planned development.

5.8.2 Plan for a balance of agriculture, natural environment and housing that delivers viable rural production and maintains rural character.

Discussion

Any subdivision of rural or urban land creating one or more additional lots will or is likely to increase the demand for local and district infrastructure and facilities in the area, and therefore Council requires a monetary contribution to meet that increased demand for the provision of local and district infrastructure as a result of the future subdivision of the land.

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Given there is no current Development Contribution Plan applying to the subject site and no other alternative mechanism enabling Council to levy a development contribution from the future subdivision of the subject site into two lots, Council and the Developer entering into a VPA is considered to be warranted.

Financial Implications

The execution of the VPA attached to this report makes provision for the Developer to provide a monetary contribution for the provision or improvement of local and district infrastructure and facilities. The funds will be restricted for future infrastructure works.

Fit For The Future Strategy Considerations

The proposal is aligned to the following Fit For The Future Strategy:

5.3 Sustainable Population Growth

Continued implementation of Hawkesbury Residential Land Strategy to concentrate new residential development around existing urban centres and villages.

Conclusion

The draft VPA was publicly exhibited, and no submissions were received during the public exhibition period. It is therefore recommended that Council:

- endorse the draft VPA and Explanatory Note attached to this report, and
- provide delegation to the Mayor and General Manager to execute the VPA under the Seal of Council, including the making of any necessary minor wording and formatting changes to the Voluntary Planning Agreement prior to execution.

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:

1. The Voluntary Planning Agreement and Explanatory Note for Lot 87 DP 1040092, 219 Bells Line of Road, North Richmond attached as Attachments 1 and 2 to this report, be endorsed by Council.
2.
 - a) Delegation be provided to the Mayor and General Manager to make any necessary minor wording and formatting changes to the Voluntary Planning Agreement and Explanatory Note prior to execution, provided that these minor changes do not alter the intent of the Voluntary Planning Agreement and Explanatory Note.
 - b) Authority be given for the Voluntary Planning Agreement and any other relevant documentation to be executed under the Seal of Council.

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ATTACHMENTS:

- AT - 1** Draft Voluntary Planning Agreement between Hawkesbury City Council and Fairfax Media Pty Ltd
- AT - 2** Explanatory Note - Draft Voluntary Planning Agreement

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AT - 1 Draft Voluntary Planning Agreement between
Hawkesbury City Council and Fairfax Media Pty Ltd

Hawkesbury City Council

AND

Fairfax Media Pty Ltd

DRAFT
Voluntary Planning
Agreement

Lot 87 of DP 1040092,
219 Bells Line of Road,
North Richmond.



Hawkesbury City Council

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DRAFT Voluntary Planning Agreement
219 Bells Line of Road, North Richmond

THIS PLANNING AGREEMENT is made on the day of 2018

BETWEEN:

Parties

HAWKESBURY CITY COUNCIL ('the Council')

AND:

FAIRFAX MEDIA PTY LTD ('the Developer')

Introduction

- A. The Developer is the registered proprietor of the Development Land.
- B. On 24th June 2015 the Council lodged a planning proposal with the Department of Planning and Environment to amend the *Hawkesbury Local Environmental Plan 2012 Lot Size Map* to facilitate subdivision of the Development Land.
- C. The Developer proposes to make Development Application to Council for Development Approval to carry out the Proposed Development if the Lot Size Map for the Development Land is altered generally in accordance with the planning proposal.
- D. The Developer has offered to provide the Developer's Contribution in the form of a Cash Contribution on the terms and conditions contained in this Agreement if Development Approval is granted to the Proposed Development.

And it is agreed as follows:

1 Definitions and Interpretation

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

- 1.1 **'Act'** means the *Environmental Planning and Assessment Act 1979 (NSW)* (as amended from time to time).
- 1.2 **'Approval'** means any approvals consents, modifications, certificates (of all types) permits, endorsements, licenses, conditions or requirements (and any variation to them) which may be required by Law for the Proposed Development.
- 1.3 **'Authority'** means a government, semi-government, local government, statutory, public, ministerial, civil, administrative, fiscal or judicial body, commission, department, agency, tribunal or other authority or body.
- 1.4 **'Base CPI'** means the CPI number for the quarter ending immediately before the commencement of this Agreement.
- 1.5 **'Business Day'** means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the place where an act and thing is to be performed or a payment is to be made.
- 1.6 **'Cash Contribution'** means, subject to clauses 5 and 6, an amount of \$30,000 for additional Housing Lot.
- 1.7 **'Completion Certificate'** means the release of the subdivision, to enable the lodgement to and issue of Housing Lot titles by the NSW Land & Property Information (LPI).

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- 1.8 **'CPI'** means the Consumer Price Index released by the Australian Bureau of Statistics for "Sydney - All Groups" or such other consumer price index that might replace it.
- 1.9 **'CPI Review Date'** means each anniversary of the date of this Agreement.
- 1.10 **'Current CPI'** means the CPI number for the quarter ending immediately before the relevant CPI Review Date.
- 1.11 **'Developer's Contribution'** has the meaning given in clause 6.
- 1.12 **'Development Application'** means an application under Part 4 of the Act for Development Approval.
- 1.13 **'Development Approval'** means a development consent issued under the Act with respect to all or part of the Proposed Development.
- 1.14 **'Development Land'** means the land comprising Lot 87 of DP 1040092, 219 Bells Line of Road, North Richmond.
- 1.15 **'Dispute'** in connection with this Agreement means an argument, a controversy, a difference, a dispute including of opinion or interpretation.
- 1.16 **'Event of Insolvency'** means anyone or more of the following occurrences:
- a) the Developer becomes bankrupt, is served with a bankruptcy notice or a bankruptcy petition, has committed an act of bankruptcy or has entered into an arrangement within and under the meaning of the *Bankruptcy Act 1976* (Cth); or
 - b) the Developer becomes subject to any order or declaration under the *Mental Health Act 2007* (NSW) or is otherwise incapable of managing his or her own affairs
 - c) if the Developer is a company, if:
 - (i) a resolution is passed for the winding up or liquidation of that company
 - (ii) a liquidator, provisional liquidator, receiver, receiver manager, controller, controlling manager, administrator, voluntary administrator or official manager is appointed to the Developer or a resolution is passed for the purposes of placing that party in the control of an external administrator
 - (iii) it suspends payment of its debts or is unable to pay its debts including of money payable under this Agreement or is deemed insolvent
 - (iv) it fails to or is taken as having failed to comply with a statutory demand under the *Corporations Act 2001* (Cth)
 - (v) if anything analogous or having substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction with respect to the Developer.
- 1.17 **'GST'** has the same meaning as the GST Act and other words or expressions used in the GST Act which have a particular defined meaning (including any applicable legislative determinations and Australian Taxation Office public rulings) have the same meaning.
- 1.18 **'GST Act'** means *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (as amended from time to time).

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- 1.19 **'Housing Lot'** means a lot approved by a Development Approval comprising part of the Development Land that is intended to be used for the purposes of a single dwelling house without being further subdivided.
- 1.20 **'Housing Lot Contribution'** means subject to Clauses 6, 7 and 8, cash to the value of \$30,000 for the additional Housing Lot arising from a Development Approval of the Development Land.
- 1.21 **'Law'** means:
- a) the common law and principles of equity;
 - b) the requirements of legislation, regulations and by-laws; and
 - c) a binding order made by an Authority.
- 1.22 **'LPI'** means Land and Property Information or any other government agency replacing it.
- 1.23 **'Lot Size Map'** means the maps with a corresponding name and forming part of *Hawkesbury Local Environmental Plan 2012*.
- 1.24 **'Party'** means a party to this Agreement, including their successors and assigns.
- 1.25 **'Proposed Development'** means the amendment to *Hawkesbury Local Environmental Plan 2012* and subdivision of the Development Land into two housing lots.
- 1.26 **'Subdivision Certificate'** means a certificate issued under section 6.3 of the Act with respect to the Proposed Development.
- 1.27 **'Transfer'** means to settle, assign, transfer, convey, alienate, otherwise dispose of or part with possession of.

2 Interpretation

In this Agreement unless the contrary intention appears:

- 2.1 One gender includes the opposite gender.
- 2.2 The singular includes the plural and the plural includes the singular.
- 2.3 A party includes that party's executors, administrators, successors, permitted assigns, permitted legal representatives and substitutes.
- 2.4 Dollars or \$ means Australia dollars and all money payable under this Agreement is payable in that currency.
- 2.5 'Including' and similar expressions are not words of limitation.
- 2.6 Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- 2.7 Headings, any table of contents or index are for convenience only and do not affect interpretation of this Agreement.
- 2.8 An explanatory note which relates to this Agreement does not affect the interpretation of this Agreement.
- 2.9 A provision of this Agreement must not be construed to the disadvantage of a party merely because that party was responsible wholly or partly for the preparation of this Agreement or the inclusion of a term or condition in this Agreement.

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- 2.10 If an act and thing must be done on a specific day which is not a business day, it must be done instead on the next business day.
- 2.11 A person means and includes a person, a body corporate, Authority, firm, body of persons, association, trust, joint venture or other legal commercial entity or undertaking recognized by law whether or not incorporated.
- 3 Planning Agreement**
- 3.1 This Agreement:
- 3.1.1 applies to the Development Land
- 3.1.2 is a planning Agreement within the meaning set out in section 7.4 of the Act
- 3.1.3 is to be registered on the title of the Development Land under section 7.6 of the Act
- 3.1.4 is not a confidential document and may be exhibited without restriction by either party.
- 3.2 Subject to clause 3.3, this Agreement operates from the date it is executed.
- 3.3 Clause 6 of this Agreement will only operate if and when Council grants Development Approval (or Development Approvals as the case may be) to the Proposed Development on the Development Land.
- 4 Application of Section 7.11 and Section 7.12 of the Act to the Development**
- 4.1 This Agreement excludes the application of Section 7.11 (formerly Section 94) and Section 7.12 (formerly Section 94A) of the Act to the Proposed Development.
- 4.2 Notwithstanding Clause 4.1, should a Section 7.11 Plan (formerly Section 94 Plan) which applies to the land come into force prior to the issue of any development consent for subdivision of the land, this Agreement shall be terminated immediately and the adopted contribution rate within such Section 7.11 Plan shall be applied in place of the Developer's Contribution cited within this Agreement.
- 4.3 Clause 4.2 does not allow the Council or the Developer to retrospectively apply a Section 7.11 contribution for allotments for which development contributions have been paid in accordance with this Agreement.
- 4.4 Subject to Clause 15 should this Agreement be terminated in accordance with clause 16, Section 7.11 or Section 7.12 of the Act, whichever is applicable, will apply to the Proposed Development.
- 5 Registration of this Agreement**
- 5.1 Within 30 days from the commencement of this Agreement the Developer must take all reasonable steps to procure the registration of the Agreement, in accordance with Section 7.6 of the Act on the relevant folios of the register held by the LPI pertaining to the Development Land.
- 5.2 The Council agrees:
- a) to provide a release and discharge of this Agreement with respect to the Development Land or any lot created on subdivision of the Development Land on:
- satisfaction by the Developer of the obligation to provide the Developer's Contribution; or
- surrender of the Development Approval by the Developer;

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and to do all things reasonably necessary, including the execution of any documents, to enable the Developer to remove the notation of this Agreement on the relevant folios of the register, held by the LPI pertaining to the Land.

- 5.3 The Council acknowledges that the registration of this Agreement on the relevant folios of the register held by the LPI pertaining to the Development Land constitutes suitable means of enforcement of this Agreement for the purposes of s7.4(3)(g) of the Act.

6 Developer's Contribution

- 6.1 Subject to the terms of this Agreement, including clause 3.3, the Developer agrees to provide the Developer's Contribution, subject to clause 8, in the form of the Cash Contribution via a condition of Development Approval at the rate of \$30,000, subject to clause 9, for the creation of the additional Housing Lot.
- 6.2 For the avoidance of doubt, the parties agree and acknowledge that the maximum Cash Contribution is calculated on the basis of \$30,000 for the additional Housing Lot created by subdivision of the Development Land.

7 Calculation of Developer's Contributions

The Developer and Council acknowledge and agree that subject to Clause 6, the Developer will contribute cash to the value of the Cash Contribution for the additional Housing Lot.

8 CPI Adjustment of Developer's Contributions

On each CPI Review Date the Developer Contribution will be calculated as follows:

$$RAC_C = RAC_B \times \frac{\text{Current CPI}}{\text{Base CPI}}$$

Where:

RAC_B = The Housing Lot contribution at the commencement of this Agreement (i.e. \$ 30,000)

RAC_C = Adjusted Housing Lot Contribution at CPI review date.

9 Payment of Cash Contribution

The Cash Contribution must be paid to Council, prior to the issue of the Subdivision Certificate.

10 GST

- 10.1 Unless otherwise expressly stated all money or other sums payable or consideration to be provided under this Agreement are exclusive of GST.
- 10.1 Despite clause 6, to the extent that the Commissioner of Taxation, a Court or Tribunal determines that any supply made under or in connection with this Agreement is a taxable supply, the GST exclusive consideration otherwise to be paid or provided for that taxable supply is increased by the amount of any GST payable in respect of that taxable supply and that amount must be paid at the same time and in the same manner as the GST exclusive consideration is otherwise to be paid or provided and a valid Tax invoice is to be delivered to the recipient of the taxable supply and this clause will not merge on completion or termination of the Agreement.

11 Dispute Resolution

- 11.1 Reference to Dispute

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

11.2 Notice of Dispute

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

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

11.3 Representatives of Parties to Meet

- a) The representatives of the Parties must promptly (and in any event within 15 Business Days of the written notice provided in accordance with clause 11.2 meet in good faith to attempt to resolve the notified dispute
- b) The Parties may, without limitation:
 - (i) resolve the dispute during the course of that meeting
 - (ii) agree that further material, expert determination in accordance with clause 11.5 or consideration is needed to effectively resolve the dispute (in which event the Parties will, in good faith, agree to a timetable for resolution)
 - (iii) agree that the Parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

11.4 No party may constrain

If:

- a) at least one meeting has been held in accordance with clause 11.3
- b) the Parties have been unable to reach an outcome identified in clause 11.3
- c) any of the Parties, acting in good faith, forms the view that the dispute is reasonably unlikely to be resolved in accordance with a process agreed under clause 11.3(b)(iii), then, that Party may, by 15 Business Days written notice to the other Party, terminate the dispute resolution process in respect of that dispute. The termination of the process set out in this clause does not of itself amount to a breach of this Agreement.

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11.5 Expert Determination

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

11.6 Urgent Relief

At any time, a Party may, without inconsistency with anything in this clause 11, seek urgent interlocutory relief in respect of a dispute under this Agreement from any Court having jurisdiction.

12 Agreement of the Developer

12.1 The Developer warrants that it:

- 12.1.1 is the legal and beneficial owner of part of the Development Land
- 12.1.2 will take all practicable steps and use best endeavours and do all acts and things required to procure:
 - 12.1.2.1 the execution of any documents necessary to effect registration of this Agreement with LPI
 - 12.1.2.2 the production of the relevant certificates of title for the Development Land and the registration of this Agreement at LPI on the title of the Development Land within 30 days of the date of the commencement of this Agreement.

12.2 Council shall not be required to seal any sub-division plan made pursuant to the Development Approval unless and until this Agreement has been registered at LPI on the title of the Development Land.

13 Enforcement by any party

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

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DRAFT Voluntary Planning Agreement
219 Bells Line of Road, North Richmond

14 Assignment and dealings

14.1 The Developer is not to:

- 14.1.1 sell, transfer, mortgage or charge the Land, or
- 14.1.2 assign the Developer's rights or obligations under this Deed, or novate this Deed, to any person unless:
 - 14.1.2.1 the Developer has, at no cost to the Council, first procured the execution by the person to whom the Land or part is to be sold, transferred, mortgaged or charged or the Developer's rights or obligations under this Deed are to be assigned or novated, of a deed in favour of the Council on terms reasonably satisfactory to the Council, and
 - 14.1.2.2 the Council has given written notice to the Developer stating that it reasonably considers that the purchaser, transferee, mortgagee, charge, assignee or novatee, is reasonably capable of performing its obligations under this Deed, and
 - 14.1.2.3 the Developer is not in breach of this Deed, and
 - 14.1.2.4 the Council otherwise consents to the transfer, mortgage, charge, assignment or novation, such consent not to be unreasonably withheld.

15 Release

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

16 Termination

16.1 This Agreement may be terminated by the Council by written notice to the Developer if:

- 16.1.1 the Developer commits a breach of any of the terms and conditions of this agreement and fails to remedy such a breach within 14 days of receipt of a written notice (which specifies the breach and requires the Developer to remedy the breach) whereupon the date of such termination will be effective on the 15th day from receipt of such written notice; or
- 16.1.2 an Event of Insolvency occurs.

17 Review Procedures

The parties may agree to review this Agreement in circumstances and in a manner determined by the parties. Any amendment, modification, supplement or replacement document which results from a review must be in writing, signed by the parties and registered at LPI under Section 7.6 of the Act.

18 Notices

- 18.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
 - a) delivered or posted to that Party at its address set out below
 - b) faxed to that Party at its fax number set out below.

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219 Bells Line of Road, North Richmond

18.2 For the purposes of this clause the parties' contact details for service are:

The Developer

Fairfax Media Pty Ltd

Address: GPO Box 1511
WODEN ACT 2606

Email: <<Insert details>>

Telephone: <<Insert Number>>

Council

Address: Hawkesbury City Council

Attention: General Manager
366 George Street
WINDSOR NSW 2576

Telephone: (02) 4560 4444

Facsimile: (02) 4587 7740

18.3 If a Party gives the other Party three business days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

18.4 Any notice, consent, information, application or request is to be treated as given or made at the following time:

- a) If it is delivered, when it is left at the relevant address
- b) If it is sent by post, two business days after it is posted
- c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

18.5 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

19 Proper Law and Jurisdiction

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

20 Severance

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

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DRAFT Voluntary Planning Agreement
219 Bells Line of Road, North Richmond

21 Waiver

- 21.1 No failure on the part of a party to exercise and no delay in exercising and no cause of dealing with respect to, any condition and the rights, powers or remedies of that party under this Agreement will impair any of those rights, powers or remedies, nor constitute a waiver of any of those rights, powers or remedies.
- 21.2 No single or partial exercise by a party of any condition and rights, powers or remedies under this Agreement will preclude any other or further exercise of those or exercise of any other conditions rights or remedies.
- 21.3 Any condition and the rights, powers or remedies under or relating to this Agreement are cumulative and will not exclude any other rights, powers or remedies under or relating to this Agreement at Law.
- 21.4 No waiver of any of the conditions of this Agreement will be effective unless in writing signed by the party against whom such waiver is sought to be enforced.
- 21.5 Any waiver of the conditions of this Agreement will be effective only in the specific instance and for the specific purpose given and the waiver will not be deemed a waiver of such obligations or of any subsequent breach of the same or some other obligation.

22 Approvals and Consent

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

23 Entire Agreement

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

24 No Fetter

- 24.1 Nothing in the Agreement is to be construed as requiring the Council to do anything
 - 24.1.1 that would cause it to be in breach of any of its obligations at Law
 - 24.1.2 limiting or fettering in any way the exercise of any statutory discretion or duty; at Law
 - 24.1.3 imposing any obligations to grant an Approval.

25 Representatives and Warranties

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

26 Costs

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

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DRAFT Voluntary Planning Agreement
219 Bells Line of Road, North Richmond

Executed as an agreement on 2018

Execution by Council

THE COMMON SEAL of **HAWKESBURY CITY**)
COUNCIL was hereunto affixed on the ___th day of)
_____ 2018 pursuant to a resolution)
passed on the ___th day of _____ 2018 in)
the presence of:)

.....
Peter Conroy - General Manager

.....
Clr Mary Lyons-Buckett - Mayor

Execution by Nicole Hatherly

Signed by:

Signature of Developer Given Name Initial and
Last Name

Signature of Developer Given Name
Initial and Last Name

Print name

Print name

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AT - 2 Explanatory Note - Draft Voluntary Planning Agreement

Hawkesbury City Council



Explanatory Note – Draft Voluntary Planning Agreement

Lot 87 of DP 1040092, 219 Bells Line of Road, North Richmond

This Explanatory Note has been prepared in accordance with clause 25E of *Environmental Planning and Assessment Regulation 2000* (the Regulation).

The purpose of this Explanatory Note is to provide a plain English summary to support the notification, in accordance with section 7.5 of the *Environmental Planning and Assessment Act 1979* (the Act), of a draft Voluntary Planning Agreement (draft VPA) under section 7.4 of the Act.

This Explanatory Note is not to be used to assist in construing the draft VPA.

The Parties

The Parties subject to this draft VPA are as follows:

Hawkesbury City Council (ABN 54 659 038 834) ('the Council')

Fairfax Media Pty Ltd ('the Developer')

Description of Subject Land

This draft VPA applies to Lot 87 of DP 1040092, 219 Bells Line of Road, North Richmond.

Summary of objectives, nature and effect of the Planning Agreement

The draft VPA is complementary to a proposed amendment to *Hawkesbury Local Environmental Plan 2012* which will enable the subdivision of the subject site into two large Housing lots with minimum lot sizes of not less than 4ha.

The objective, nature and effect of the draft VPA is for the Developer to provide Council with a cash contribution of \$30,000 for additional vacant Housing lot created. This amount is to be paid and is subject to consumer price index adjustment as per clauses 3, 6, 7, 8 and 9 of the draft VPA. It is anticipated that contributions collected by Council will be expended on local and district infrastructure and facilities such as, but not necessarily limited to, cycleways, bus shelters, landscape and park embellishments and road improvements to serve the needs of the community as a consequence of the development.

The agreement will only operate if and when Council grants development approval(s) to the proposed development of the site. The agreement excludes the application of section 7.11 (formerly section 94) and section 7.12 (formerly section 94A) of the Act to the proposed development of the site.

Assessment of the merits of the Planning Agreement

The merits of the draft VPA are that it will provide Council with cash contributions to provide local and district infrastructure and facilities which are required by the community as a consequence of the development.

The draft VPA will have a positive impact on the public in that it will enable the provision of local and district infrastructure and facilities and for the orderly and economic development of the subject land.

366 George Street (PO Box 146) Windsor NSW 2756 | Phone: (02) 4560 4444 | Facsimile: (02) 4587 7740 | DX: 8601 Windsor
Hours: Monday to Friday 8:30am - 5pm | Email: council@hawkesbury.nsw.gov.au | Website: www.hawkesbury.nsw.gov.au



Interpreter Service 131 450

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How does the Planning Agreement promote the public interest and one or more of the objects of the Act?

The draft VPA promotes the public interest by ensuring that cash contributions are made for the provision of local and district infrastructure and facilities which are required by the community as a consequence of the development.

The draft VPA promotes the following objects of the Act through the provision of cash contributions to be used for the provision of local and district infrastructure and facilities:

- to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources (Section 1.3(a)).
- to encourage the promotion of the orderly and economic use and development of land (Section 1.3(c)).

How does the Planning Agreement promote the objects of the Local Government Act 1993?

By requiring the payment of cash contributions, the draft VPA provides Council with the ability to provide local and district infrastructure and facilities appropriate to the needs of the incoming community and also provides Council with a role in the management, improvement and development of resources in the area.

In this way, the draft VPA promotes the purposes set out in section 7(e) of the *Local Government Act 1993*.

How does the Planning Agreement promote the Principles for local government under Chapter 3 of the Local Government Act 1993?

The draft VPA makes provisions for Council to receive cash contributions that can be used for the provision of local and district infrastructure and facilities, hence the VPA promotes the following elements of Principles for local government under Chapter 3 Sections 8A and 8B of the *Local Government Act 1993*:

- 8A (1) (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way
- 8A (1) (g) Councils should work with others to secure appropriate services for local community needs
- 8A (1) (h) Councils should act fairly, ethically and without bias in the interests of the local community
- 8A (2) (b) Councils should consider social justice principles
- 8A (2) (c) Councils should consider the long term and cumulative effects of actions on future generations
- 8B (d) Councils should have regard to achieving intergenerational equity, including ensuring the following: (i) policy decisions are made after considering their financial effects on future generations.

What are the planning purposes served by the Planning Agreement?

The planning purpose of the draft VPA is to enable the collection of contributions that can be used for the delivery of local and district infrastructure and facilities required as a result of the proposed development.

The agreement will only operate if and when Council grants development approval(s) to the proposed development of the site. If the proposed development does occur then the planning purpose will be achieved. If the proposed development does not occur the planning purpose will not be achieved nor will it be required.

Does the Planning Agreement conform with Council's Capital Works Program?

It is anticipated that the contributions collected will be used to provide local and district infrastructure and facilities that are supplementary and consistent with Council's current capital work program.

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Does the agreement specify certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued?

Yes, clause 9 of the draft VPA states:

The Cash Contribution must be paid to Council, prior to the issue of the Subdivision Certificate.

March 2018

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 194 **CP - Exhibition of the Draft Thompson Square Conservation Management Plan - (80242, 124414)**

Previous Item: 64, Ordinary (28 March 2017)
 90, Ordinary (30 May 2017)
 NM1, Ordinary (27 June 2017)
 122, Ordinary (11 July 2017)

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to seek Council's endorsement to publicly exhibit the Draft Thompson Square Conservation Management Plan prepared for Council by Lucas Stapleton Johnson - Heritage Planning and Architecture.

EXECUTIVE SUMMARY:

Council had previously resolved to prepare a Conservation Management Plan for Thompson Square, and updates on the progress of its preparation have been provided to Council through the Heritage Advisory Committee on an ongoing basis.

Heritage Advisory Committee Members have recently provided comments and input in respect of the initial Draft Thompson Square Conservation Management Plan prepared by Lucas Stapleton Johnson - Heritage Planning and Architecture. These comments have been used by Lucas Stapleton Johnson - Heritage Planning and Architecture as they have progressed towards the finalisation of the Draft Conservation Management Plan.

Whilst not a statutory requirement, part of the progress towards the finalisation of the Conservation Management Plan is to invite public comment on the Draft Thompson Square Conservation Management Plan prior to its formal endorsement and adoption by Council.

RECOMMENDATION SUMMARY:

It is recommended that the Draft Thompson Square Conservation Management Plan be placed on public exhibition for public comment prior to its formal adoption by Council, and that Council Officers meet with relevant Government agencies and bodies to discuss the document and how it might be applied going forward.

REPORT:

Context and Background

Thompson Square is located in Windsor, the third oldest place of British settlement in Australia, and was named by the then Governor Lachlan Macquarie in recognition of the emancipist Andrew Thompson. Thompson Square and its immediate surrounds is also recognised as the oldest surviving public square in Australia, and was established in 1811 by Governor Macquarie. The conservation area is listed on the NSW State Heritage Register and in the Hawkesbury Local Environmental Plan 2012.

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Thompson Square is comprised of two central open landscaped areas (public reserves), bisected by Bridge Street leading to Windsor Bridge over the Hawkesbury River to the north and the streets and surrounding buildings on the east, west and southern sides of the public reserve lands.

As a group, the buildings, streets and open spaces of Thompson Square are included on the NSW State Heritage Register as the Thompson Square Conservation Area and are identified as a heritage conservation area under Schedule 5 of the Hawkesbury Local Environmental Plan 2012. The conservation area is partially owned and managed by Council.

Over time a number of reports have been produced in relation to the history, significance and physical evidence of Thompson Square and some of the individual buildings and site features within its immediate surrounds. This is the first comprehensive Conservation Management Plan prepared for the whole of the State heritage listed Thompson Square Conservation Area.

Council has resolved to prepare a detailed Conservation Management Plan for Thompson Square. Recognising that there are currently differences in the State Heritage Register, and the Hawkesbury Local Environmental Plan 2012 heritage listings, the purpose was to prepare a Conservation Management Plan that considered whether the current boundaries of the Thompson Square Conservation Area should be adjusted to more accurately reflect the historical significance of Thompson Square. Additionally, a statement of heritage impact of the current Windsor Bridge Replacement Scheme is to be undertaken following the completion of Council's Conservation Management Plan.

This project has been primarily funded by Council with the assistance of a \$10,000 grant by the NSW Office of Environment and Heritage. The total cost of the preparation of the Conservation Management Plan will be \$102,000.

The purpose of the Conservation Management Plan is to ensure that the historically significant features of the Thompson Square Conservation Area are preserved for future generations. There are a number of matters which have the potential to affect the Thompson Square precinct and its surrounding areas, particularly in respect to development pressures and ageing infrastructure. The Conservation Management Plan has therefore been prepared to guide ongoing conservation and management by Council and other relevant bodies.

The Draft Thompson Square Conservation Management Plan will provide Council and other relevant bodies with a guide for the future care and use of Thompson Square and its surrounding areas, including:

- providing a strong focus on identifying the key features located within the conservation area that define and contribute to the cultural significance of the locality
- undertaking a review of the current boundaries of the conservation area and providing recommendations for any appropriate adjustments
- assessing the significance of the Thompson Square Conservation Area and its individual components (including Thompson Square) and preparing a statement of cultural significance for the locality (in accordance with the NSW Heritage Office's Heritage Assessment Guidelines, 2002)
- developing conservation policy arising from the statement of cultural significance addressing the existing character and condition of the conservation area, ownership and management of the locality and individual heritage items within and adjacent to the conservation area, including potential future uses of individual elements within the conservation area
- informing the development of Council's future plans in relation to Thompson Square and the Windsor "main street".

Lucas Stapleton Johnson - Heritage Planning and Architecture were appointed to undertake the conservation management plan process. Work has progressed to a stage where a Draft Thompson Square

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Conservation Management Plan has been prepared for Council's consideration, and which has been included as Attachment 1.

Structure of Conservation Management Plan

The Conservation Management Plan has been structured to incorporate documentary research (Section 2) and the study of the fabric including the Historic and Aboriginal archaeology (Section 3) to provide an understanding of its cultural significance (Sections 4 and 5).

Opportunities and constraints on the treatment and use of the place are outlined in Section 6 which discusses the statutory heritage listings and their legislative requirements, the existing condition of the place, the requirements of Council for the ongoing care and management of the place and the likely expectations of the public.

Section 7 of the Draft Thompson Square Conservation Management Plan provides a set of policies to guide the future care of the place, derived from an understanding of the place's significance, which lead to draft urban design guidelines and principles addressing infill development, infrastructure and urban landscape, boundary development and archaeological management (Section 8).

The Significance of the Thompson Square Conservation Area

As detailed in the Draft Thompson Square Conservation Management Plan:

The Thompson Square Conservation Area is of exceptional significance as rare surviving evidence of the earliest years of the British colony in Australia, being the third settlement on the mainland established as an agricultural outpost to supply the young colony and Thompson Square is tangible evidence of this history. The only known public space named after an emancipist (Andrew Thompson), Thompson Square is also an important expression of Macquarie's vision for the future of the colony as an equitable and productive society.

The Thompson Square Conservation Area contains physical evidence of both the pre-Macquarie and Macquarie eras that is considered to be rare and exceptional, including the 1814 sandstock brick barrel drain, the 1816 sandstock brick wall defining the eastern boundary of the public square, the 1815 Macquarie Arms Hotel, the alignments of George Street, Bridge Street, Old Bridge Street, Baker Street and The Terrace, the topography and the configuration and subdivision patterns of the place. The visual and spatial relationships between the place, the Hawkesbury River and the agricultural lands beyond combined with the collection of buildings defining the east, west and southern sides of the public square are evocative of an earlier time and have a strong colonial character that is considered to be unique.

The Thompson Square Conservation Area is recognised and appreciated as a valued historic place, as demonstrated by early and numerous heritage listings, the involvement of the Federal and NSW state governments in restoration programmes of the late 20th century, being the inspiration for artists and architects as well as the subject of numerous books and reports about the history of the place and being the focus of recent community action and national public interest in the future conservation of the place.

The archaeological potential of the place for both the pre-settlement and settlement phases is very rare and of high historic and social significance.

Constraints and Opportunities

As highlighted in the Draft Thompson Square Conservation Management Plan, the following constraints and opportunities were developed from the main issues raised in the Statement of Significance. While not all of these will necessarily be achievable in conservation policies when other issues are taken into consideration, the aim should be to work towards satisfying the maximum number possible:

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- Conserve and interpret the historic values attributed to the place including those aspects of the place that demonstrate the late 18th century settlement of the Mulgrave Place District and the village of Green Hills (in all forms including the underground archaeology), as forming part of the third British settlement on the mainland and the place's role as the regional civic centre for the Hawkesbury River district in the late 18th and early 19th centuries.
- Conserve and interpret the rarity and historic values attributed to Thompson Square as the oldest public square in Australia and the only known public space named for an emancipist.
- Conserve and interpret the group of buildings surrounding Thompson Square that define the square and impart a strong colonial character to the place and contain several buildings of exceptional quality.
- Conserve and interpret the historic associations with Governor Macquarie and Andrew Thompson, as well as other persons of historical note.
- Conserve and interpret the visual and spatial relationships between the place and the Hawkesbury River and the broader agricultural setting.
- Research, conserve and interpret the values of the place associated with the history of Aboriginal dispossession through its settlement and subsequent use as a legal and judicial centre.
- Conserve the research potential of the place associated with the buildings, structures and archaeology (historic and Aboriginal).

The initial Draft Thompson Square Conservation Management Plan was provided to Heritage Advisory Committee Members at its Committee Meeting on 24 May 2018 so that Committee Members could provide comment and input. The comments and input provided by Heritage Advisory Committee Members were both constructive and informative. They have been used by Lucas Stapleton Johnson - Heritage Planning and Architecture as they have progressed towards the finalisation of the Draft Thompson Square Conservation Management Plan.

Following feedback in terms of the amendments that Lucas Stapleton Johnson - Heritage Planning and Architecture had agreed to make having considered the input and comments from Heritage Advisory Committee Members, the Committee at its Meeting on 2 August 2018, resolved:

That the Heritage Advisory Committee recommend that Council adopt the amended Draft Thompson Square Conservation Management Plan prepared by Lucas Stapleton Johnson - Heritage Planning and Architecture for consultation purposes.

Whilst not a statutory requirement, it is considered that prior to finalisation and formal adoption by Council, the Draft Thompson Square Conservation Management Plan be placed on public exhibition for a period of 28 days to permit the general public with an opportunity to provide comments for Council's consideration.

It is recommended that the Draft Thompson Square Conservation Management Plan is now placed on public exhibition for public comment prior to its endorsement and adoption by Council.

Once the Draft Thompson Square Conservation Management Plan has been placed on public exhibition, Council Officers will also be in a position to meet with relevant government agencies and bodies to discuss the document and how it might be applied going forward.

Consultation

The purpose of this report is to provide an opportunity for community consultation on the Draft Thompson Square Conservation Management Plan under Council's Community Engagement Policy.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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The proposal is consistent with the following Focus Areas, Directions and Strategies within the CSP.

Our Community

2.5 Cultural Development and Heritage

- 2.5.3 Recognise, conserve and promote the areas history and heritage for current and future generations.

Our Assets

4.3 Places and Spaces

- 4.3.1 Provide a variety of quality passive recreation spaces including river foreshores, parks, bushland reserves and civic spaces to enhance our community's health and lifestyle.
- 4.3.3 Provide a variety of quality shared spaces including meeting spaces accommodating public art, cultural and environmental amenity to enhance our community's health and lifestyle.
- 4.3.5 Provision by Council of the administrative and civic spaces on behalf of the community including the Council's Administrative Buildings. Local Libraries, Gallery, Museum and heritage buildings.

Our Future

- 5.2 Management of Aboriginal and Non Aboriginal Heritage and the Built Environment - Value, protect and enhance our built environment as well as our relationship to Aboriginal and Non Aboriginal history.

- 5.2.1 Our planning and actions will ensure that Aboriginal and Non Aboriginal heritage are integral to our City.

Financial Implications

At this time, there are no financial implications applicable to this report. However, the recommendations contained within the Draft Thompson Square Conservation Management Plan, if adopted by Council, will have implications for future budgets and investment decisions of Council.

Fit For The Future Strategy Considerations

The proposal is currently aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal includes works which have been budgeted for during the 2017/2018 Financial Year.

RECOMMENDATION:

That:

1. The Draft Thompson Square Conservation Management Plan prepared by Lucas Stapleton Johnson - Heritage Planning and Architecture be placed on public exhibition for a period of 28 days to allow for public comment.
2. Council Officers arrange meetings with relevant State Government agencies and organisations to discuss the document and how it might be applied now and into the future.
3. Following the public exhibition period, a further report be submitted to Council for endorsement and adoption of the Draft Thompson Square Conservation Management Plan taking into consideration any comments received during the public exhibition period.

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ATTACHMENTS:

- AT - 1** Draft Thompson Square Conservation Management Plan prepared for Council by Lucas Stapleton Johnson - Heritage Planning and Architecture - (*Distributed under separate cover*)

oooO END OF REPORT Oooo

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SUPPORT SERVICES

Item: 195 **SS - Pecuniary Interest Return - Designated Person - (95496, 96333)**

Division: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to table a Disclosure of Pecuniary Interests and Other Matters Return, which has been recently lodged by a Designated Person, as required by Section 449(1) of the Local Government Act, 1993.

EXECUTIVE SUMMARY:

Councillors and other members of Council staff identified as Designated Persons under the Local Government Act, 1993 are required to complete a Pecuniary Interest Return Form identifying any pecuniary and other types of interests that they hold as at their date of commencement with Council.

One such Return has recently been lodged with the General Manager, and is now tabled at the first Council Meeting held after the required lodgement date.

RECOMMENDATION SUMMARY:

That the information be received and noted.

REPORT:

Context and Background

Councillors and other members of Council staff who hold a position involving the exercise of functions that, in their exercise, could give rise to a conflict between the person's duty as a member of staff and the person's private interest, are identified by Council as a "Designated Person", as defined by Section 441 of the Local Government Act, 1993.

Designated Persons are required by Section 449 of the Local Government Act, 1993 to complete a Return Form identifying any pecuniary and other types of interests that they hold as at their date of commencement with Council.

These Return Forms must be lodged with the General Manager within three months of the Designated Person's date of commencement with Council, and must be tabled at the first Council Meeting held after the required lodgement date.

Policy considerations

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

- "1. *The General Manager must keep a register of returns required to be lodged with the General Manager under section 449.*

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

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

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

Consultation

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

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

The proposal is consistent with the following Focus Area, Direction and Strategy within the CSP.

Our Leadership

1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.

1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

Discussion

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

Position	Return Date	Date Lodged
Environmental Health Officer	14 May 2018	7 August 2018

The above Designated Person has lodged their Section 449(1) Return prior to the due date (being three months after the Return Date), as required by the Act for the receipt of the Return.

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

Financial Implications

There are no financial implications applicable to this report.

Fit For The Future Strategy Considerations

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Council's adopted 2018/2019 Operational Plan, which will adversely impact on Council's financial sustainability.

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Conclusion

The Designated Person has lodged their Section 449(1) Return with the General Manager prior to the required due date.

The Return has now been tabled at a Council Meeting as required by the Local Government Act, 1993, and is available for inspection if required.

RECOMMENDATION:

That the Section 449(1) Pecuniary Interest Return be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Ooo

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Item: 196 **SS - Classification of Lot 59, Deposited Plan 1131807, being part of 366 George Street, Windsor - (95496, 112106)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to seek Council's endorsement to classify Lot 59, Deposited Plan 1131807, being part of 366 George Street, Windsor as 'Operational' land under the Local Government Act, 1993.

EXECUTIVE SUMMARY:

Council lodged a possessory title claim with NSW Land Registry Services to claim ownership of Lot 59 in Deposited Plan 1131807, being part of 366 George Street, Windsor. The land is currently used as a part of Council's Administration site. Council's Solicitors and staff provided evidence to support the ownership claim and the property was transferred to Council's name.

Council is now required to classify the land as 'Community' or 'Operational'. The report recommends that the land be classified as 'Operational' land under the Local Government Act, 1993.

RECOMMENDATION SUMMARY:

This report recommends that Council classify the land known as Lot 59, Deposited Plan 1131807, being part of 366 George Street, Windsor as 'Operational' under the Local Government Act, 1993.

REPORT:

Context and Background

NSW Land Registry Services has been converting all 'Old System' title land in NSW to the modern system known as Torrens title. In November 2017, Council staff identified an abnormality in that Council had not been recorded as the owner of the parcel of land known as Lot 59 in Deposited Plan 1131807, being part of 366 George Street, Windsor. The parcel of land contains the top part of the access ramp to the Council Administration Building / Council Chambers foyer.

Council's records indicate that in 1973, the then Land Titles Office were provided with the deed of conveyance, however, it appears that the Land Titles Office did not record Council as the owner of the land.

In April 2018, Council, through its Solicitors, Pikes & Verekers Lawyers lodged a possessory application to claim ownership of the subject land. To claim ownership via the possessory title application, Council had to provide documentary evidence in the form of a Statutory Declaration, development applications, payment of rates or other documentation showing how Council became owner of the land.

On 4 July 2018, Pikes & Verekers Lawyers forwarded to NSW Land Registry Services an old system title search which traced ownership of the parcel from 1929 to 7 June 1973 when Council purchased the parcel of land.

On 23 July 2018, NSW Land Registry Services issued the Certificate of Title in Council's name.

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Under Section 31(2) of the Local Government Act, 1993, Council may resolve to classify the land within three months of gaining ownership. Under Section 31(2A) of the Act, should Council not resolve to classify the land, it is taken to be classified as 'Community'.

Given that the use of the land is a part of Council's Administration Building, the classification of the subject parcel of land should be 'Operational'. A location plan highlighting the subject parcel of land is attached as Attachment 1 to this report.

Consultation

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

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

The proposal is consistent with the following Focus Area, Direction and Strategy within the CSP.

Our Assets

4.3 Places and Spaces - Provide the right places and spaces to serve our community

4.3.5 Provision by Council of the administrative and civic spaces on behalf of the community including the Council's Administrative Buildings, Local Libraries, Gallery, Museum and heritage buildings.

Financial Implications

There are no direct financial implications applicable to this report.

Fit For The Future Strategy Considerations

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications outside of Council's adopted 2018/2019 Operational Plan, which will adversely impact on Council's financial sustainability.

Conclusion

Council lodged a possessory title application with NSW Land Registry Services to claim ownership of Lot 59 in Deposited Plan 1131807, being part of 366 George Street, Windsor. The documentary evidence has been accepted by NSW Land Registry Services, with the Certificate of Title now issued in Council's name.

It is recommended that Council classify the land as 'Operational' in accordance with the Local Government Act, 1993.

RECOMMENDATION:

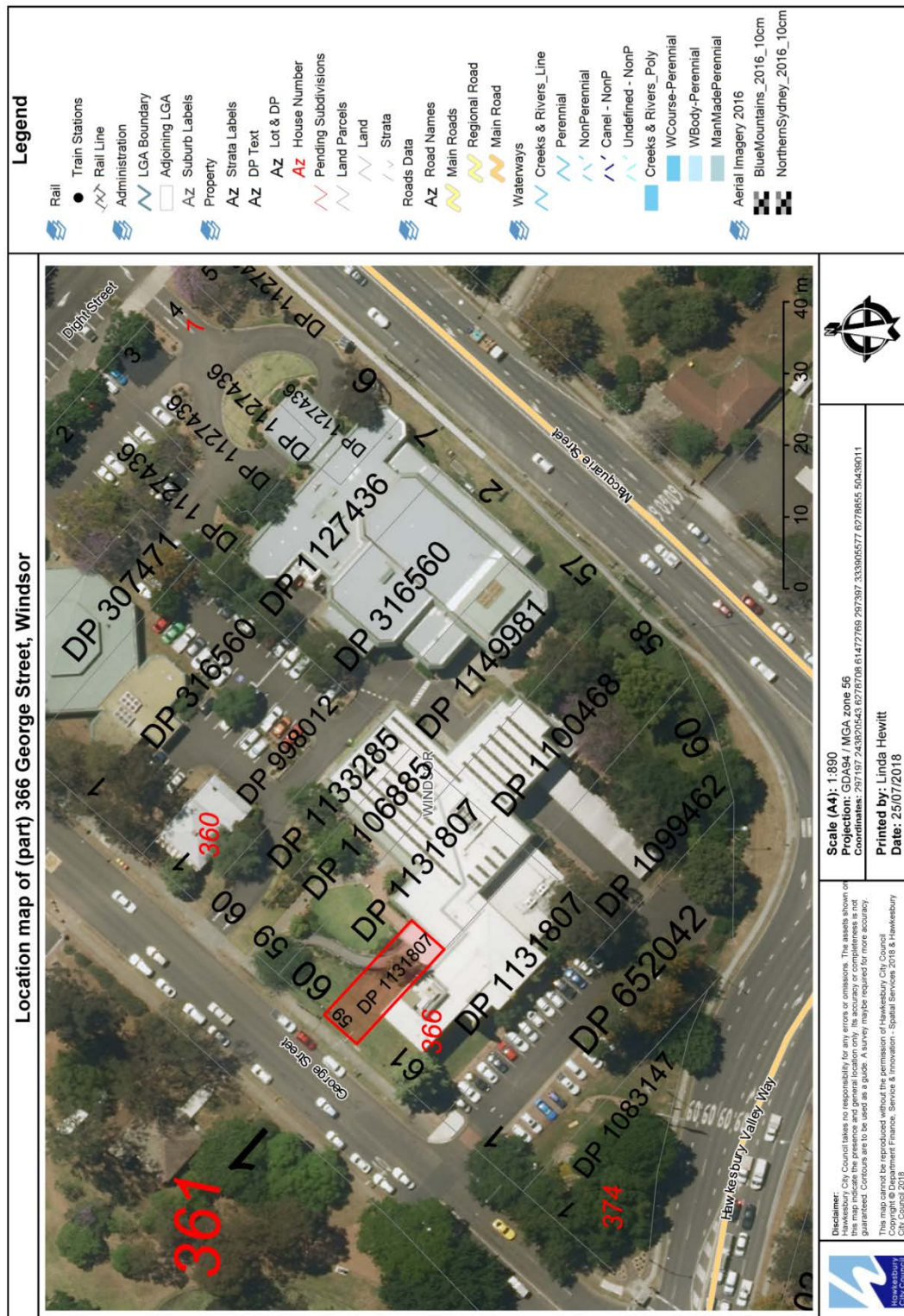
That Council classify the property known as Lot 59 in Deposited Plan 1131807, being part of 366 George Street, Windsor as 'Operational' under Section 31(2) of the Local Government Act, 1993.

ATTACHMENTS:

AT - 1 Location Map of Lot 59, Deposited Plan 1131807, being part of 366 George Street, Windsor

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 14 August 2018

**AT - 1 Location map of Lot 59, Deposited Plan 1131807, being part of
366 George Street, Windsor**



oooO END OF REPORT Ooo

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 14 August 2018

ordinary

section 4

reports
of committees

ORDINARY MEETING

SECTION 4 – Reports of Committees

Meeting Date: 14 August 2018

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 14 August 2018

SECTION 4 – Reports of Committees

Item: 197 **ROC - Hawkesbury Access and Inclusion Advisory Committee - 8 March 2018 - (124569, 96328)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to present the Minutes of the Hawkesbury Access and Inclusion Advisory Committee held on 8 March 2018.

RECOMMENDATION SUMMARY:

A number of matters contained within the attached minutes of the Hawkesbury Access and Inclusion Advisory Committee have policy or financial implications to Council, and as such require special consideration by Council.

In relation to Items 1, 3, 4 and General Business, as they have no policy or financial implications for Council, they are presented for information only.

In relation to Item 2, as it has potential policy and/or financial implications, they require specific consideration by Council, the details of which are discussed below.

REPORT:

Discussion

The Committee considered staff reports on a range of matters as shown in the attached minutes (Attachment 1). The following item is of particular note to Council.

Item: 2 HAIAC - Guide Dogs Access Audit - Hawkesbury Central Library - (124569, 96328)

Council, at its Meeting on 13 February 2018, received the minutes of the Hawkesbury Access and Inclusion Advisory Committee of 23 November 2018. The minutes noted the audit conducted by Guide Dogs NSW at the Hawkesbury Central Library in January 2018, and the recommendation that 'Fusion' software be investigated, with the financial implications of the implementation of the software being reported to Council for consideration.

A further report was considered by the Hawkesbury Access and Inclusion Advisory Committee at its meeting of 8 March 2018 regarding identified works by Guide Dogs NSW required to improve accessibility. This report also detailed the features and associated costs of implementing ZoomText Fusion software. ZoomText Fusion is a fully integrated magnification and screen reading program that enlarges, enhances and reads aloud, everything on the computer screen.

The supplier of the assistive technology equipment currently provided in Hawkesbury Central Library also provides ZoomText software. The supplier recommended Fusion Pro Network 5 as the package that would best meet public access requirements. The indicative cost of the Fusion Pro Network 5 user license and software maintenance agreement, including two upgrades and maintenance for two years, is \$11,225.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 14 August 2018

Following consideration, the Committee resolved:

"That:

1. *The Committee endorse the installation of a water refill station and dog-bowl water station at Hawkesbury Central Library*
2. *The Committee request that Council give consideration to the purchase of Fusion Pro Network 5 user license and software maintenance agreement."*

RECOMMENDATION:

That in relation to the Minutes of the Hawkesbury Access and Inclusion Advisory Committee Meeting held on 8 March 2018:

1. Council receive and note the Committee Minutes in respect of Items 1, 3, 4 and General Business.
2. Council endorse the Committee Recommendations in respect of Item 2, namely:

"That:

1. *The Committee endorse the installation of a water refill station and dog-bowl water station at Hawkesbury Central Library*
2. *The Committee request that Council give consideration to the purchase of Fusion Pro Network 5 user license and software maintenance agreement."*

ATTACHMENTS:

AT - 1 Minutes - Hawkesbury Access and Inclusion Advisory Committee - 8 March 2018.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 14 August 2018

AT - 1 Minutes - Hawkesbury Access and Inclusion Advisory Committee - 8 March 2018

The meeting commenced at 5pm

Present: Councillor Barry Calvert, (Chair) Hawkesbury City Council
Councillor John Ross, Hawkesbury City Council
Ms Kirsty Carpenter, Community Representative
Mr Desmond Crane, Community Representative
Ms Jennifer Moses, Community Representative
Ms Terri Mottram, Community Representative

Apologies: Mr David Briggs, Community Representative
Ms Jessica Brunskill, Community Representative
Mr David Gearin, (Deputy Chair) Community Representative
Ms Melanie Oxenham, Community Representative

In Attendance: Ms Meagan Ang, Hawkesbury City Council
Ms Jan Readford - Minute Secretary, Hawkesbury City Council

REPORT:

RESOLVED on the motion of Mr Desmond Crane and seconded by Councillor John Ross that the apology be accepted.

Attendance Register of Hawkesbury Access and Inclusion Advisory Committee

Member	26/10/2017	23/11/2017	8/03/2018
Councillor Barry Calvert	✓	A	✓
Councillor John Ross	✓	✓	✓
Mr David Briggs	A	X	A
Ms Jessica Brunskill	✓	✓	A
Ms Kirsty Carpenter	✓	✓	✓
Mr Desmond Crane	A	✓	✓
Mr David Gearin	✓	✓	A
Ms Melanie Oxenham	A	✓	A
Ms Jennifer Moses	✓	✓	✓
Mr Terri Mottram	✓	✓	✓
Ms Karen Kobier	Resigned	N/A	N/A

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

In reference to Item 2, Access and Inclusion Checklist, and item 4 in the recommendation, it was requested that the Working Group be requested to prepare a report for consideration of the committee that proposes a marketing strategy for the Access and Inclusion Check List, to assist in working with local business.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr Desmond Crane and seconded by Ms Jennifer Moses that the Minutes of the Hawkesbury Access and Inclusion Advisory Committee held on the 23 November 2017, be confirmed.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 14 August 2018

SECTION 3 - Reports for Determination

Item: 1 HAIAC - Easy Read Translation - Disability Inclusion Action Plan - (124569, 96328)

Directorate: Support Services

RECOMMENDATION SUMMARY:

That the Committee adopt the draft Easy Read Hawkesbury Disability Inclusion Action Plan and that the Committee recommend that Council adopt the Easy Read Hawkesbury Disability Inclusion Action Plan.

DISCUSSION:

- Ms Ang advised the first draft of the Easy Read translation of the Disability Inclusion Action Plan was forwarded to the Vision Impaired Support Group. Ms Ang thanked Ms Mottram for recommending the Group.
- Ms Ang indicated that the development of the Easy Read version is really valuable and gives the Committee greater reach. As a courtesy, Ms Ang will also take the updated version back to the Group with which Council did the original consultation to show the final product. Once it is adopted by Council, there will be no further input by this Group.
- Councillor Calvert agreed the Easy Read version of the Disability Inclusion Action Plan 2017-2021 is very impressive.
- Ms Carpenter advised that we need more documents like this and it is easy to understand.
- Ms Ang advised there is an action in the Disability Inclusion Action Plan that council convert information that is deemed to be essential. The conversion of the DIAP to Easy Read cost is \$5,000. A PDF version will be available in the interim. Council will consider translation of information going forward upon request within available resources.
- Councillor Calvert indicated that a number of people have asked him about accessible equipment in parks. If a new park is being built, is there a policy to say we have to do this? Ms Ang advised that all new park business should come through the Committee, in accordance with the Disability Inclusion Action Plan.
- Ms Moses enquired if there are in parks with accessible equipment in the Hawkesbury. Ms Ang advised that accessible equipment is located in Pound Paddock.
- Cllr Ross enquired if this Committee would expect to see something in regard to Peel Park for consideration. Ms Ang advised that this park is associated with Redbank. Ms Ang met with Redbank officials in 2017 and asked that park equipment be accessible.
- Councillor Ross advised that beyond the Redbank development, there will be Jacaranda Ponds where Council intends to upgrade the park equipment at the end of the shopping centre, and enquired if this is an area where the Committee can have input. Ms Ang advised there has been consultation about the decision to install new play equipment and its associated costs. This will come back to this Committee.

RECOMMENDATION TO COMMITTEE:

That the Committee adopt the draft Easy Read Disability Inclusion Action Plan.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 14 August 2018

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms Terri Mottram, seconded by Ms Jennifer Moses.

That:

1. The Committee adopt the draft Easy Read Disability Inclusion Action Plan.
2. The Committee be consulted in regards to future development of parks and gardens, and the acquisition of accessible equipment.

Item: 2 HAIAC - Guide Dogs Access Audit - Hawkesbury Central Library - (124569, 96328)

Directorate: Support Services

RECOMMENDATION SUMMARY:

The report recommends that the Committee support the proposals put forward by Guide Dogs NSW for implementation, and that the Committee request that Council give consideration to allocating funding for this project.

DISCUSSION:

- Ms Ang advised she attended the Guide Dogs Access audit with other Council staff in January 2018, and it was interesting to hear their views.
- Ms Ang indicated that Council has already undertaken some of the work identified by Guide Dogs NSW during the audit.
- Ms Mottram advised it was reported during the audit that the magnifier in the Library is constantly moved. Council's Senior Library Officer - Outreach Services, Ms Sonia Ward, has now advised that the magnifier will be retained in its place.
- Ms Ang referred to the request by Guide Dogs NSW for the installation of the assistive reading software, Zoomtext Fusion, and advised that the software can be used concurrently across the two Library sites.
- Ms Carpenter referred to the Dog Bowl Water Station and expressed concern about the temperature of the water in summer, if overfilled. Mr Crane advised that the water can be tipped out and refilled, and recommended that the temperature of the water be checked before allowing your dog to use it.
- Ms Mottram referred to the signage on the Information Desk and noted that some impaired individuals cannot read the signs, which is a problem. The signs need to be higher and bigger.
 - Ms Ang advised that this feedback will be passed onto the Library Manager.

RECOMMENDATION TO COMMITTEE:

That:

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 14 August 2018

1. The Committee endorse the installation of a water refill station and dog-bowl water station at Hawkesbury Central Library
2. The Committee request that Council give consideration to the purchase of Fusion Pro Network 5 user license and software maintenance agreement.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Desmond Crane, seconded by Ms Jennifer Moses.

That:

1. The Committee endorse the installation of a water refill station and dog-bowl water station at Hawkesbury Central Library
2. The Committee request that Council give consideration to the purchase of Fusion Pro Network 5 user license and software maintenance agreement.

Item: 3 HAIAC - Nepean Jobs for All Project Update - (124569, 96328)

DISCUSSION:

- Ms Ang and Ms Carpenter advised they will attend a meeting on 21 March 2018 at Blue Mountains City Council with the Nepean Jobs for All Project Reference Group.
- Ms Carpenter referred to the Disability Implementation Services Committee meeting and advised that to date no feedback has been received.
- Ms Ang advised that the report back from the Nepean Jobs for All Project Reference Group regarding the Breakfast held in Windsor indicated that it was really well run. The Project has now morphed into a different focus. Penrith Council have taken a strategic approach in supporting providers.
- Cllr Calvert agreed the breakfast was a valuable event.

RECOMMENDATION TO COMMITTEE:

That the information be received and noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms Kirsty Carpenter, seconded by Councillor John Ross.

That the information be received and noted.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 14 August 2018

Item: 4 HAIAC - Access and Inclusion Advisory Committee Audits - (124569, 96328)

DISCUSSION:

- Ms Ang referred to the audit of North Richmond carpark last year, which was reported to the Committee at that time, and advised that the increase and change in carpark spaces has now been completed.
 - Cllr Ross enquired if any comments were received from shopkeepers. Ms Ang advised there had not been any feedback.
- Ms Ang advised that all Kable Street works have now been completed and has received feedback indicating that the changes have made a difference as to how people can access the shopping precinct from the carpark.
- Ms Mottram referred to the MLAK key and asked if the Committee would request the Library to install one for the disabled toilet. Ms Ang advised that Council would need to make the decision, and not the Library.
 - Mr Crane advised he has suggested the use of the MLAK key in the past, however, Council indicated they were not interested in using it. Nothing more has been heard on the matter. Ms Ang will retrieve the previous report and bring it back to the Committee for discussion.
 - Mr Crane suggested that if individuals had to pay a deposit for the key, they would not lose it. Mr Crane also advised that the accessibility of the public toilet in Richmond has been extended to 1am.

RECOMMENDATION TO COMMITTEE:

That the information be received and noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms Jennifer Moses, seconded by Mr Desmond Crane.

That the information be received and noted.

SECTION 4 - General Business

- **Bus Parking Outside Peppercorn Services**

Mr Crane noted that Peppercorn Services often use the undercover space outside their front entry to park the Peppercorn buses, and that on these occasions, it is not possible for others requiring wheelchair access, to utilise this accessible entry point.

Ms Ang agreed to follow-up with Peppercorn Services about the availability of this access.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 14 August 2018

- **Footpaths in Windsor**

Ms Carpenter indicated that a number of the footpaths in Windsor are too high. This creates a number of issues including damage to vehicles and easy access for those in wheelchairs and others requiring easy access to footpaths, perhaps on crutches.

Councillor Calvert noted that the footpaths in Macquarie Street are particularly high.

Ms Ang will request the Design and Mapping Services Manager, Mr Chris Amit, to attend a future Committee meeting to discuss this problem.

- **'Return and Earn' Reverse Vending Machine**

Ms Carpenter advised that the Return and Earn Reverse Vending Machines are not accessible for those in a wheelchair due to their location.

Councillor Calvert advised the facilities are constructed by provider companies and not Council.

Councillor Ross suggested that Council contact the Environment Protection Authority regarding this matter.

- **Kable Street Access**

Ms Mottram advised that the proposed works on the driveway entering into Kable Street from the Shopping Centre have not been rectified as yet, nor is there signage at the location.

Ms Ang will follow-up with relevant Council staff.

- **Library Signage Audit**

Councillor Ross referred to the signage audit at the Deerubbin Centre in the Library, and enquired if there are any plans to do this at the Richmond Branch Library.

Ms Mottram advised she would like to be involved with an audit of Richmond Library.

Ms Ang will arrange for the audit of the Richmond Library to take place.

The meeting terminated at 6:00pm.

Submitted to and confirmed at the meeting of the Hawkesbury Access and Inclusion Advisory Committee held on 28 June 2018.

oooO END OF REPORT Oooo

ordinary

section 5

notices of motion

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 14 August 2018

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 14 August 2018

SECTION 5 – Notices of Motion

No Notices of Motion.

ORDINARY MEETING
Questions for Next Meeting
Meeting Date: 14 August 2018

QUESTIONS FOR NEXT MEETING

Item: 198 **Councillors Questions from Previous Meetings and Responses - 31 July 2018 - (79351)**

REPORT:

Questions - 31 July 2018

#	Councillor	Question	Response
1	Reynolds	Enquired into how many rate payers have applied for the relief under Council's rate hardship provisions.	The Director Support Services advised that no applications for hardship have been received since the introduction of the Hardship Policy in November, 2017.
2	Wheeler	Enquired if Council has been consulted, regarding a letter sent to residents from Georgiou Group Giorgio to property owners on Wilberforce Road End of Freemans Reach Road, The Terrace, Baker Street, George Street including both the Windsor Mall and past Thompson Square, Arndell Street and Court Street, looking at the possible commencement of Dilapidation Reports.	The Director Infrastructure Services advised that the work being undertaken is pavement testing (utilising deflection testing) and is being undertaken by the contractor in accordance with project requirements. Council was not notified of the testing program, but has previously been involved in the visual inspection phase of the road dilapidation report.
3	Zamprogno	Requested an update on when bindi spraying will take place in Memorial Park and Bona Vista Park, Pitt Town.	The Director Infrastructure Services advised that spraying will be undertaken on these parks in late August / early September however spraying timing, and its effectiveness, is determined by ground moisture and temperature conditions.

ORDINARY MEETING**Questions for Next Meeting****Meeting Date:** 14 August 2018

#	Councillor	Question	Response
4	Richards	Requested for clarification on flood insurance increases, and asked Council to investigate whether insurance companies are relying on Probable Maximum Flood levels or the 1:100 year flood levels in respect to premiums. Bundling certain insurance products together such as flooding and stormwater.	<p>The Acting Director of City Planning advised that:</p> <ol style="list-style-type: none">1. The NSW State Government released the Hawkesbury Nepean Flood Risk Management Strategy in May 2017.2. Various decisions in respect of planning proposals since the release of the Strategy have provided a clear indication that the State is not permitting any intensification of existing LEP provisions for residential development in respect of land under the Probable Maximum Flood Level, which at 26.4 metres in Windsor is over 9 metres above the 1:100 level of 17.3 metres. This has implications for extensive areas of the Hawkesbury LGA, particularly east of the River.3. It is not clear as to whether or not the Insurance Council of Australia has been provided with the new Regional Flood Study.4. Discussion at the Floodplain Risk Management Advisory Committee and Heritage Advisory Committee Meetings has highlighted recent impacts of rising insurance premiums and the inability for property owners to purchase individual components of insurance rather than the one size fits all model. Examples of increases from \$2,000 to \$32,000 have been provided during these discussions. At the most recent Heritage Advisory Committee Meeting on 2 August 2018, the Committee resolved to recommend that Council write to the Insurance Council of Australia, and relevant State agencies to advocate for wider affordable insurance coverage.

oooO END OF REPORT Oooo

ORDINARY MEETING
Confidential Reports
Meeting Date: 14 August 2018

CONFIDENTIAL REPORTS

Item: 199 **GM - Potential Sites for Police Community Youth Club - (79351, 95496, 112106)**

Previous Item: 121, Ordinary (8 May 2018)
 222, Ordinary (27 September 2011)

Directorate: General Manager

REASON FOR CONFIDENTIALITY

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning an expression of interest for the supply of goods and/or services to Council and it is considered that should be 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

Meeting Date: 14 August 2018

Item: 200 **CP - Acquisition - Drainage Purposes - Part of 5 O'Dell Street, Vineyard - (95498, 8852, 8853)**

Directorate: City Planning

REASON FOR CONFIDENTIALITY

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

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

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

ORDINARY MEETING

Confidential Reports

Meeting Date: 14 August 2018

Item: 201 SS - Assignment of Lease from WFC Investments Pty Ltd to OSR Group Pty Ltd - Windsor Function Centre - 7 Dight Street, Windsor - (144755, 95496, 112106)

Directorate: Support Services

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

Meeting Date: 14 August 2018

Item: 202 **SS - Lease to Renae Gray - Shop 9, Wilberforce Shopping Centre - (139569, 95496, 112106)**

Directorate: Support Services

Reason for Confidentiality

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

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

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



ordinary
meeting

end of
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