



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 12 July 2016

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

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

Public Participation

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

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

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

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

Voting

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

Planning Decision

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

Business Papers

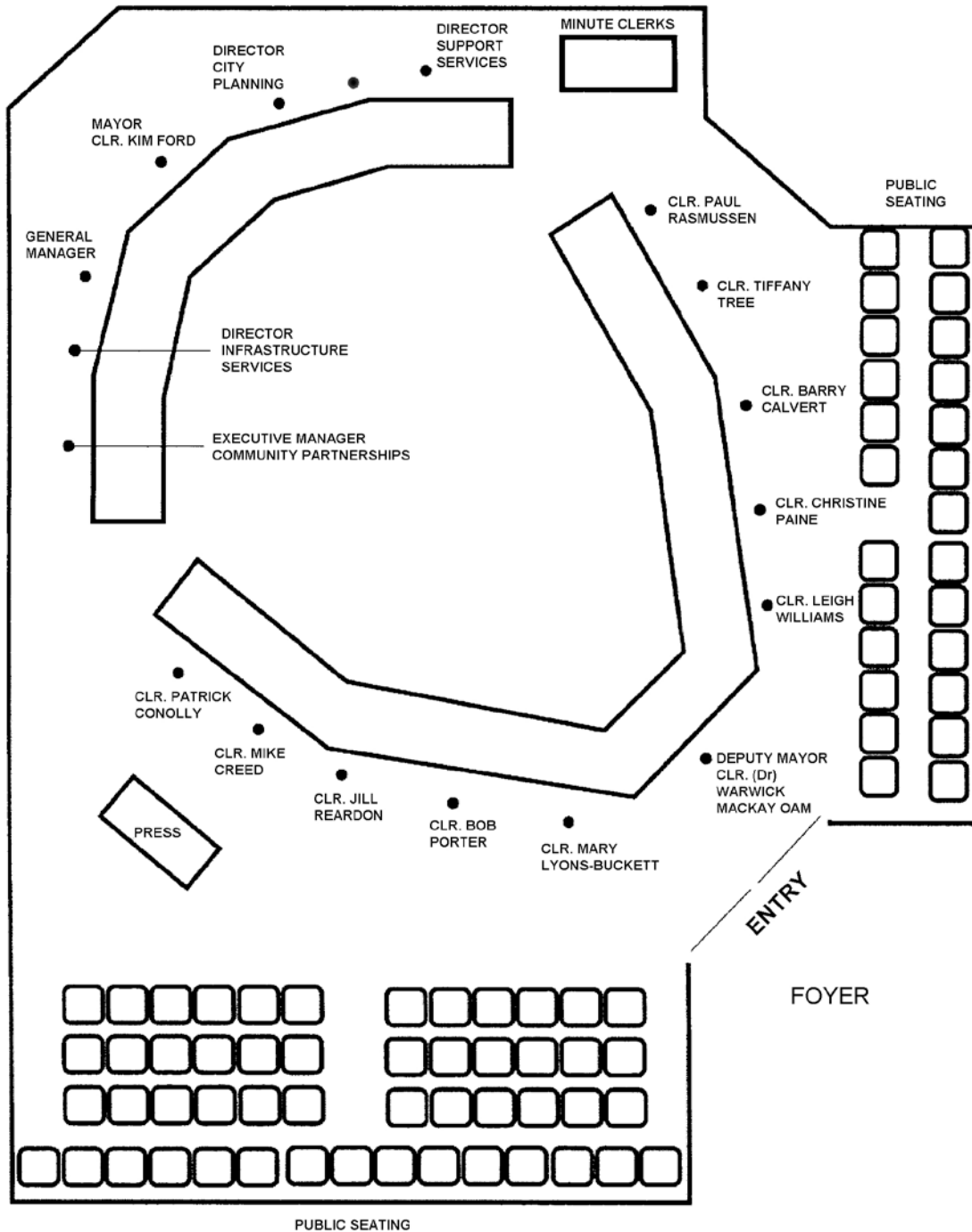
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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

Further Information

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

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SECTION 1 - Confirmation of Minutes

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 137 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 175 Blacktown Road, Richmond - (95498, 124414)**

Applicant Name: Montgomery Planning Solutions
Planning Proposal No: LEP011/16
Property Address: 175 Blacktown Road, Richmond
Owner/s: University of Western Sydney
Date Received: 27 April 2016
Current Zone: SP1 Special Activities
Subject Site Area: 20ha (Approx.)

Recommendation: Council support the planning proposal and submit to the Department of Planning and Environment for a "Gateway" determination.

REPORT:

Executive Summary

Council has received a planning proposal from Montgomery Planning Solutions (the applicant) which seeks to amend the Hawkesbury Local Environmental Plan 2012 (the LEP) to enable the use of part of Lot 3 DP 1105163, 175 Blacktown Road, Richmond (the subject site) to allow for outdoor recreation facilities.

This report provides Council with an overview of the planning proposal and recommends that the planning proposal be supported and submitted to the Department of Planning and Environment (DP&E) for a 'Gateway' determination.

Consultation

The planning proposal has not yet been exhibited as Council has not resolved to prepare the proposal. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and associated Regulations, and as specified in the 'Gateway' determination.

Background

The applicant has advised that Heartbreak Ridge Paintball Centre has been operating at Marsden Park for 21 years. The current site is located within the Sydney North-West Growth Centre which has now been released and rezoned for urban purposes. As a consequence, Heartbreak Ridge Paintball Pty Ltd has been advised to vacate their current site to allow development of that site for urban purposes.

Heartbreak Ridge Paintball Pty Ltd is now planning to relocate their entire operation comprising of moveable structures, battle field props and storage containers to the subject site owned by the University of Western Sydney (UWS). Heartbreak Ridge Paintball Pty Ltd has entered into a written agreement with the UWS to utilise the subject site for their operation. The UWS written consent allowing the applicant to submit a rezoning application for the subject site was submitted with the planning proposal. In order to enable the use of the subject site for the proposed Paintball Centre, the applicant has prepared and submitted this planning proposal to Council on behalf of Heartbreak Ridge Paintball Pty Ltd.

Planning Proposal

The objective of the planning proposal is to amend Schedule 1 Additional Permitted Uses of the LEP (Schedule 1) in order to allow the subject site to be developed for the purpose of an outdoor recreation facility which is defined in the LEP as follows:

'recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paintball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water ski-centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreational facility (major).'

As per the above definition, a paintball centre is considered to be an outdoor recreation facility.

The intended outcome of the planning proposal is to enable the lodgement of a future development application for the proposed recreational facility - Heartbreak Ride Paintball Centre to relocate its current operation from Marsden Park to the subject site.

The planning proposal only seeks to make this use permissible on the subject site. Should the planning proposal proceed it will not provide the actual development consent to enable the proposed use, which will be obtained via the lodgement of subsequent development applications to Council. Through the development application process Council will have the opportunity to consider in greater detail such matters as flood affectation, traffic, noise and visual impacts.

The planning proposal aims to achieve the above proposed outcome by amending the LEP as follows:

Schedule 1 Additional permitted uses

1. Insert the following clause after clause 19 in the Schedule 1:

20 Use of Certain land at 175, Blacktown Road, Richmond

- (1) *This clause applies to land at 175, Blacktown Road, Richmond being part of Lot 3 DP 1105163, identified as "7" on the Additional Permitted Uses Map.*
 - (2) *Development for the purpose of a recreation facility (outdoor) is permitted with consent.*
2. Amend the Additional Permitted Uses Map (Map Identification No. 3800_COM_APU_008D_040_20131029) of the LEP to include part of the subject site zoned SP1 Special Activities which would be used for the proposed Paintball Centre as shown in Attachment 1 to this report.

Subject Site and Surrounds

The subject site is part of a large property identified as Lot 3 DP 1105163, 175 Blacktown Road, Richmond owned by UWS. This large property has an area of approximately 617ha, and the subject site is located on the south-eastern corner of that property as shown in Figure 1 below.

The subject site is vacant and irregular in shape and is approximately 20ha in size. It is bounded by Racecourse Road to the west, an equestrian training track and vegetation to the north and Rickabys Creek to the east and south as shown in Figure 2 below.

The subject site is predominantly zoned SP1 Special Activities with a relatively small part of the site being zoned E2 Environmental Conservation under the LEP.

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The subject site has an elevation of approximately 14.5m AHD towards Racecourse Road and then falls away gently in a south-easterly direction towards Rickabys Creek which runs along the eastern and southern boundaries of the subject site. A high voltage electricity line traverses the subject site in an east-west direction.

The subject site contains a cleared area with some scattered trees and clusters of trees.

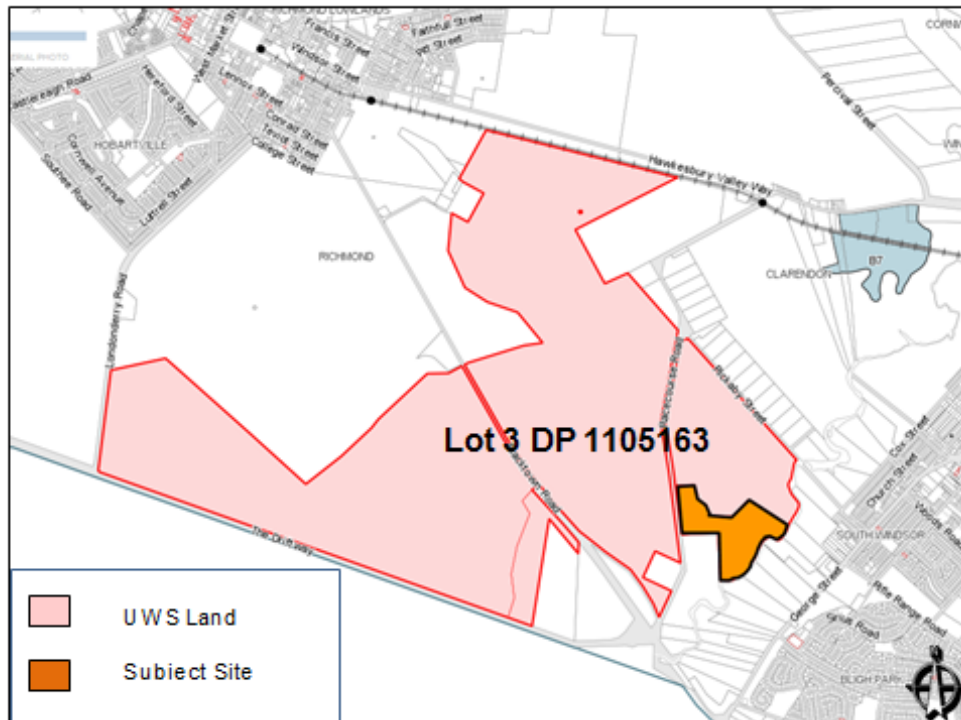


Figure 1 – UWS Land and Subject Site



Figure 2: Subject Site

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Other relevant matters from the LEP include:

- The subject site can only be accessed via Racecourse Road which is connected to Blacktown Road.
- The subject site is flood prone land. The site is entirely inundated by flood waters during a 1 in 100 year flood event hence *Clause 6.3 Flood planning* will apply to future development on the site as well as Council's Development of Flood Liable Land Policy.
- The Terrestrial Biodiversity Map of the LEP identifies the whole subject site area as 'connectivity between remnant vegetation and endangered ecological community'.
- The subject site falls within the Middle Nepean & Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997)*. The site also contains a wetland identified by this SREP.
- The site is shown as containing Agriculture Land Classification 3 prepared by the former NSW Department of Agriculture.
- The whole of the subject site is shown as being within Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the LEP. Acid Sulfate Soil Classification 5 represents a relatively low chance of acid sulphate soils being present on the site.
- The subject site is shown as being bushfire prone (Bushfire Vegetation Category 1 and Category 2) on the NSW Rural Fire Service's Bushfire Prone Land Map.
- The subject site has been used for animal grazing for many years.
- The subject site contains a wetland system which runs along Rickabys Creek.

The surrounding area is made up of a mix of rural and low density residential, industrial and public recreational uses. Rural residential properties are located to the south and east of the subject site, and further east of the site is a low density residential development. To the north of the subject site is an equestrian training track and some vegetation, and vacant land with some significant vegetation owned by UWS is located to the immediate south of the subject site as shown in Figure 3 below.



Figure 3: Aerial View of the Subject Site and Surround

Applicant's Justification of Proposal

The applicant has provided the following justification for the planning proposal:

- *The planning proposal satisfies all State, Regional and local criteria.*
- *The planning proposal will contribute to the achievement of goals, particularly in terms of improving tourism facilities, providing local jobs, and development based on sound ecological sustainable principles.*
- *The planning proposal will provide some social and economic benefits to the Hawkesbury community. These include increased employment and recreational opportunities for the community.*

A Plan for Growing Sydney and Draft North West Subregional Strategy

A Plan for Growing Sydney was released in December 2014 and is the NSW Government's 20-year plan for the Sydney Metropolitan Area (SMA). It provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

A Plan for Growing Sydney contains the following Vision for Sydney:

A strong global city, a great place to live.

The Vision is supported by the following four goals and three principles:

- Goal 1: A competitive economy with world-class services and transport
- Goal 2: A city of housing choice with homes that meet our needs and lifestyles
- Goal 3: A great place to live with communities that are strong, healthy and well connected
- Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources
- Principle 1: Increasing housing choice around all centres through urban renewal in established areas
- Principle 2: Stronger economic development in strategic centres and transport gateways
- Principle 3: Connecting centres with a networked transport system

A Plan for Growing Sydney divides Sydney into six subregions: Central; West Central; West; North; South West; and South. The Hawkesbury LGA is in the West subregion along with the Penrith and Blue Mountains LGAs.

The Draft North West Subregional Planning Strategy (the Strategy) was released by the NSW Government in December 2007. The Strategy covers the LGAs of The Hills, Blacktown, Blue Mountains, Hawkesbury and Penrith and sets broad directions for additional dwelling and employment growth.

The Strategy's Key Directions are:

- plan to meet employment and housing capacity targets
- develop Penrith as a Regional City
- strengthen the role of centres

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- improve access to, from and within the subregion
- protect rural and resource lands
- promote the environmental and scenic qualities of the region
- improve access to open space and recreation opportunities

The Strategy was never finalised and is currently under review.

These two documents have a high level metropolitan and regional focus, and the applicant has provided an assessment of the planning proposal against these two documents and concludes that the planning proposal is consistent with these documents. It is considered that the applicant has reasonably justified that the planning proposal is consistent with these State policy documents.

Hawkesbury Community Strategic Plan and the Hawkesbury Employment Land Strategy

The Hawkesbury Community Strategic Plan (HCSP) is a high level plan that outlines the key community aspirations and sets the essential direction for future Council activities and decision making. This Plan is divided into five themes and incorporates the NSW Division of Local Government's (DLG) social, economic, environmental and governance strategic principles. Each of the five themes are supported with a vision statement, directions, strategies, goals and measures to assist Council and the community to achieve its objectives.

The Hawkesbury Employment Land Strategy (HELS) reviewed employment and employment lands in the Hawkesbury LGA and considered the then State Policy context, economic trends and drivers, employment profiles, the character of existing employment precincts and the demand and supply issues for employment lands. It also recommended a number of short and long term strategies to address the economic prosperity of the Hawkesbury LGA to the year 2031.

The applicant has provided an assessment of the planning proposal against the HCSP and HELS and concludes that the planning proposal is consistent with these documents.

In summary, the applicant's responses to the HELS are:

The HELS recognises the strength of the agricultural industry sector and the importance of local jobs in the tourism activities of cafes, accommodation and restaurants.

The HELS includes a table which identifies criteria and precincts for employment land uses. The following is an extract from the table.

<i>Broad Land Use</i>	<i>Key Activities</i>	<i>Key Requirements/Criteria</i>	<i>Suitable Precinct</i>
<i>Special Activities</i>	<i>Universities, Hospitals, Government (Defence) sites</i>	<i>Large land areas</i>	<i>Existing sites have capacity for growth</i>

Strategy No 6 recommends that Council investigate the nature of employment activities on non-employment zoned lands and their contribution to agriculture and tourism sectors.

The planning proposal seeking an amendment to Schedule 1 of the LEP to allow part of the subject site which is a non-employment zoned land to be used for the proposed recreational facility is considered consistent with Strategy No 6 of the HELS.

Hawkesbury Local Environmental Plan 2012

The subject site is predominantly zoned SP1 Special Activities with a relatively small part of the site zoned E2 Environmental Conservation. The zoning of the subject site is shown in Figure 4 below.

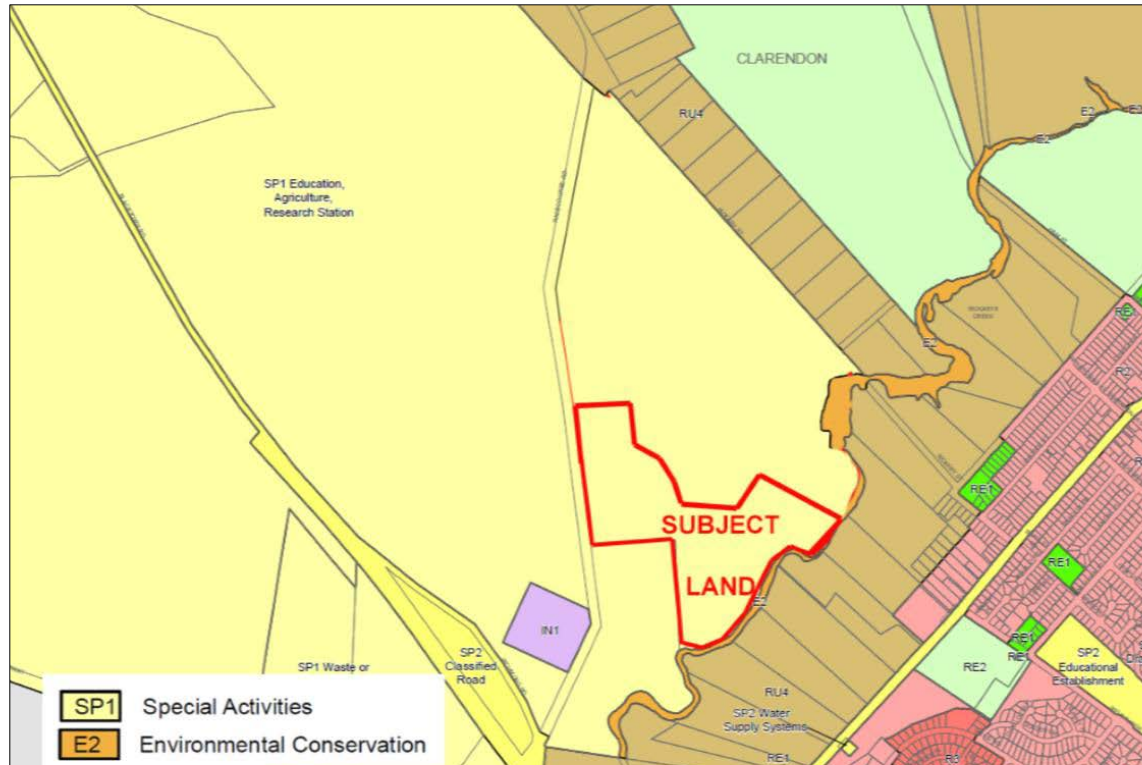


Figure 4 - Existing Zoning of the Subject Site and Surrounds

The planning proposal seeks to amend the LEP to utilise only part of the subject site zoned SP1 Special Activities for an outdoor recreation facility. The LEP defines '*recreational facility (outdoor)*' as follows:

'recreation facility (outdoor)' means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paintball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water ski-centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreational facility (major).

As per the above definition, the proposed Paintball Centre is an outdoor recreation facility. However, SP1 Special Activities zone permits roads and the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose only. Therefore, a recreation facility (outdoor) is not a permitted land use within this zone but they are permitted within all rural (other than RU2 Rural Landscape), residential, business and industrial zones within the Hawkesbury Local Government Area (LGA). The properties immediately east and south of the subject site are zoned RU4 Primary Production Small Lots under the LEP as shown in Figure 4 above.

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However, the applicant states that rezoning of the subject site to a RU4 zoning may cause some ramifications for the overall use of the subject site or the primary operational purpose of the UWS. Therefore, the planning proposal seeks to amend Schedule 1 of the LEP to include the proposed outdoor recreational facility as an additional use only on part of the subject site zoned SP1 Special Activities. The proposed amendment to Schedule 1 of the LEP is considered appropriate for the following reasons:

- The use of Schedule 1 Additional Permitted Uses of the LEP allows Council to be reasonably certain as to the potential impacts of the proposal as opposed to the alternative of rezoning the subject site to RU4 Primary Production Small Lots which may not accommodate development with minimal potential impacts on surrounding land uses.
- The subject site is part of a large SP1 zoned property with an area of approximately 617ha owned by UWS. The proposed Paintball Centre which is classified as an outdoor recreation facility and proposed as an additional use on the subject site provides certainty to surrounding land owners.
- The proposed land use is considered compatible with the current development of the larger site owned by UWS whereas rezoning of the subject site to RU4 Primary Production Small Lots enables a range of land uses. Some of these land uses (e.g. landscaping materials supplies) are not compatible with the current use of the larger overall site.
- The inclusion of the proposed Paintball Centre as an additional permitted use in Schedule 1 Additional Permitted Uses of the LEP on the subject site, as opposed to rezoning of the subject site RU4 Primary Production Small Lots has an advantage of restricting uses to those nominated in Schedule 1 and not allowing development of the subject site to a wide range of uses, under the RU4 zoning, which may adversely impact surrounding uses.

Given the subject site is part of a large property owned by UWS, it is considered appropriate to specify a maximum usable/developable area for the proposed outdoor facility in the LEP written instrument to provide more certainty of the future use of the subject site. It is therefore proposed that the applicant's proposed amendment to the written LEP is to be amended with the inclusion of the words underlined as follows:

3. Insert the following clause after Clause 19 in the Schedule 1:

20 Use of Certain land at 175, Blacktown Road, Richmond

- (3) *This clause applies to land at 175, Blacktown Road, Richmond being part of Lot 3 DP 1105163, identified as "7" on the Additional Permitted Uses Map.*
- (4) *Development for the purpose of a recreation facility (outdoor) is permitted with consent if the total area of the land on which the development is carried out is no greater than 20 hectares.*

4. Amend the Additional Permitted Uses Map (Map Identification No. 3800_COM_APU_008D_040_20131029) of the LEP to include part of the subject site zoned SP1 Special Activities which would be used for the proposed Paintball Centre as shown in Attachment 1 to this report.

Section 117 Directions

Section 117 Directions are issued by the Minister for Planning and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. The Section 117 Directions do allow for planning proposals to be inconsistent with the Directions. In general terms a planning proposal may be inconsistent with a Direction only if the DP&E is satisfied that the proposal is:

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- a) justified by a strategy which:
- gives consideration to the objectives of the Direction
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites)
 - is approved by the Director-General of the Department of Planning, or
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of the Direction, or
- c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of the Direction, or
- d) is of minor significance.

A summary of the key Section 117 Directions relevant to the planning proposal is provided below:

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Should Council resolve to proceed with the planning proposal and receive a Gateway determination advising to proceed with the planning proposal from DP&E, the Department of Industry would be consulted seeking comments on this matter in accordance with the Direction 1.3(4).

Direction 2.1 Environmental Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas.

The planning proposal seeks an amendment only to Schedule 1 Additional Permitted Use of the LEP to include the proposed Paintball Centre as an outdoor recreational facility. It does not propose any changes to the existing environmental protection standards that may apply to the E2 Environmental Conservation zoned land area within the subject site. It is therefore considered that the planning proposal is consistent with this direction.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&E.

The subject site is identified as containing "Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the LEP. As such any future development on the land will be subject to Clause 6.1 Acid Sulfate Soils of the LEP which has been prepared in accordance with the Acid Sulfate Soils Model Local Environmental Plan provisions within the Acid Sulfate Soils Planning Guidelines adopted by the Director General.

This Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soil study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act. An acid sulfate soil study has not been included in the planning proposal but the DP&E will consider this as part of their "Gateway" determination, and if required can request further information/consideration of this matter.

Direction 4.3 Flood Prone Land

The objectives of this Direction are to:

- (a) *ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- (b) *Ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

The subject site varies in height from approximately 5.0m AHD to 15.5m AHD, with the higher ground generally located adjacent to Racecourse Road. From this higher ground the land generally falls gently in a south-easterly direction towards Rickabys Creek at approximately 4.5m AHD. The site is entirely inundated by flood waters during a 1 in 100 year flood event hence *Clause 6.3 Flood planning* of the LEP will apply to future development on the site as well as Council's Development of Flood Prone Land Policy.

The applicant states that the New South Wales Floodplain Development Manual published in April 2005 clearly advocates that decisions should be made on the merits of each specific proposal. The applicant provides the following factors in support of the planning proposal:

- 1. *The proposal will allow a recreational facility to be established on the land subject to development consent. The proposed additional use is of lesser intensity than uses which could potentially occur under the existing SP1 zone.*
- 2. *There is adequate warning time in respect of an impending flood to ensure that activities can be cancelled if necessary and/or patrons and staff can be evacuated safely before there is any danger from floodwaters.*
- 3. *Buildings which may be inundated by floodwater will be constructed of flood compatible materials.*
- 4. *The proposal does not permit any additional residential development.*
- 5. *Any losses or damages to buildings or equipment will be commercial in nature.*
- 6. *There will be no increased risk of loss of life.*
- 7. *The land use contemplated by this planning proposal is compatible with the flood prone nature of the land. Recreation facilities are not in use at all times and cancellation of events/sessions which may be required in an impending flood situation will have no economic impact beyond the operator of the site.*

A detailed flood impact assessment could be undertaken if required when assessing a future application for the proposed development on the site.

The proposed additional use is non-residential in nature. It is considered that the risk to life as a result of the proposed additional uses on the subject site would be relatively low and could be appropriately managed through a site or use specific flood response and evacuation plan. Should Council resolve to proceed with the planning proposal and receive a Gateway determination advising to proceed with the planning proposal from DP&E, the State Emergency Services (SES) would be consulted seeking comments on this matter.

Direction 4.4 Planning for Bushfire Protection

The subject site is shown as being bushfire prone, containing Vegetation Category 1 and Category 2 on the NSW Rural Fire Service's Bushfire Prone Land Map. This Direction requires consultation with the NSW Rural Fire Service following receipt of a Gateway determination, compliance with Planning for Bushfire Protection 2006, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions.

Direction 6.1 Approval and Referral Requirements

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. This Direction requires that a planning proposal must:

- “(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
- (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - (i) the appropriate Minister or public authority, and*
 - (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act, and*
- (c) not identify development as designated development unless the relevant planning authority:*
 - (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and*
 - (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.”*

It is considered that the planning proposal is consistent with this Direction as it does not contain provisions requiring the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The planning proposal seeks an amendment to the LEP to include the proposed Paintball Centre as an outdoor recreational facility in Schedule 1 of the LEP. It does not propose any restrictive site specific planning controls other than specifying a maximum permissible developable area for the proposed development on the land. This is to provide more certainty and minimise any adverse impact on surrounding development, and therefore this minor inconsistency with this direction can be justified.

Direction 7.1 Implementation of ‘A Plan for Growing Sydney’

This Direction requires planning proposals to be consistent with ‘A Plan for Growing Sydney’ (the Sydney Metropolitan Strategy) released in December 2014. ‘A Plan for Growing Sydney’ is the NSW Government's 20-year plan for the Sydney Metropolitan Area. It provides directions for Sydney's productivity, environmental management, and liveability, and for the location of housing, employment, infrastructure and open space.

‘A Plan for Growing Sydney’ is one of the key matters taken into consideration in the early part of the assessment of the planning proposal, and the applicant demonstrates that the planning proposal is consistent with this Plan.

State Environmental Planning Policies and Regional Environmental Plans

The State Environmental Planning Policies and Regional Environmental Plans of most relevance are as follows:

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

The planning proposal is consistent with the objectives of the SEPP. The proposed uses are compatible with the natural setting of the site and will integrate within its landscaped setting. No significant building footprints will be facilitated by the planning proposal and the majority of the site will be retained as part of the vegetated landscape. No changes to the E2 Environmental Conservation zone on the site are being sought and therefore it is considered that the proposed LEP amendments will not have any unacceptable impact on the natural ecological value of the site.

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

The subject site is required to be considered under SEPP 44 as it falls within the Hawkesbury LGA, which is listed under Schedule 1 of the Policy. In addition, the total area of the subject site is greater than 1ha, hence Part 2 – Development Control of Koala Habitats of the SEPP 44 applies.

Flora and fauna assessment report states that:

“No koalas were directly observed at the time of fauna survey, which included diurnal searches of trees and spotlighting. In addition, there was no secondary evidence of Koala habitation in the area including characteristic scratches on trees and scats beneath trees.

A search of the Atlas of NSW Wildlife (OEH 2014) found five records of Koala habitation within a 10km radius of the subject site. The record closest to the subject site was approximately 2.5km to the south –west in 1949. It is therefore considered that the subject site does not comprise Core Koala Habitat (CKH) and as such no further matters relevant to this SEPP applies.

As the land is not considered to comprise CKH a Koala Plan of Management is not considered to be required”.

State Environmental Planning Policy No. 55 - Remediation of Land

The applicant states that:

“The land has been used for agriculture in the form of animal grazing for many years. However, there is no evidence to suggest that any activities have occurred on the land which would give rise to contamination.

Notwithstanding, it is noted that the Department of Planning Local Plan Making Guidelines states as follows:

In some cases it will be necessary to undertake technical studies or investigations to justify different aspects of a planning proposal. Generally, these studies or investigations should not be carried out in the first instance. Instead, the issues giving rise to the need for these studies or investigations should be identified in the planning proposal. The initial gateway determination will then confirm the studies or investigations required and the process of continuing the assessment of the proposal, including whether it will need to be submitted following completion of the studies or investigations.

In terms of planning proposal, it is considered that no study is warranted in order to progress the draft LEP”.

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Council records do not show any past approvals or the use of the subject site for agricultural purposes or any other activities identified in Table 1 - 'Some Activities that may cause contamination of Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land, agricultural activities' that may cause contamination.

The DP&E will consider this as part of their "Gateway" determination, and if required can request further information/consideration of this matter.

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

The aim of SREP No 20 (No. 2 - 1997) is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

This requires consideration of the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality and quantity, flora and fauna, agriculture, rural residential development, and the metropolitan strategy.

Specifically the SREP encourages Council to consider the following:

- *rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna);*
- *develop in accordance with the land capability of the site and do not cause land degradation;*
- *the impact of the development and the cumulative environmental impact of other development proposals on the catchment;*
- *quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters;*
- *consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored;*
- *consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site;*
- *minimise or eliminate point source and diffuse source pollution by the use of best management practices;*
- *site and orientate development appropriately to ensure bank stability;*
- *protect the habitat of native aquatic plants;*
- *locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land;*
- *consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms;*

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- *conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors;*
- *minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices;*
- *consider the impact on ecological processes, such as waste assimilation and nutrient cycling;*
- *consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas;*
- *consider the need to control access to flora and fauna habitat areas;*
- *give priority to agricultural production in rural zones;*
- *protect agricultural sustainability from the adverse impacts of other forms of proposed development;*
- *consider the ability of the site to sustain over the long term the development concerned;*
- *maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development;*
- *consider any adverse environmental impacts of infrastructure associated with the development concerned.*

The planning proposal proposes an outdoor recreation facility as an additional use on the subject site that is complementary to the environmental/flood prone nature of the site and is of minimal environmental impact. The proposed use will be subject to a future development application and will need to consider and protect the environment of the Hawkesbury-Nepean River system.

A fresh water wetlands system is mapped along Rickabys Creek on Map 27 of Sydney Regional Environmental Plan No. 20 (SREP 20) as Wetland 145. A flora and fauna assessment report submitted in support of the planning proposal states that:

“A buffer of 40m is to be provided to Rickabys Creek to the east and another buffer of 40m is provided for wetlands to ensure that there is no disturbance to water birds foraging along adjacent shallows and soaks. These buffers will define a protection zone for sensitive riparian and wetland habitat. A 40m buffer is based on the NSW Office of Water Controlled Activity Guidelines (2012) for wetlands and 4th order creeks.

It would be appropriate to include these recommendations as conditions of any development consent which may be issued subsequent to the completion of this planning proposal. Accordingly, the planning proposal should proceed on this basis”.

The Terrestrial Biodiversity Map of the LEP identifies the whole site area as ‘connectivity between remnant vegetation and endangered ecological community’ as shown in Figure 5 below.



The planning proposal is accompanied by a flora and fauna survey and assessment report prepared by Travers Bushfire and Ecology. Given the planning proposal does not contain a layout plan showing the proposed facility, the flora and fauna report has been based on an assumed impact zone for the proposed facility. The report states that:

"In accordance with Section 5A of the Environmental Planning Assessment Act, 1979, the 7 part test of significance concluded that the proposed paintball operations and associated facilities will not have a significant impact on any threatened species populations or EECs. Therefore, a Species Impact Statement should not be required for the proposal.'

In respect of matters required to be considered under the Environment Protection and Biodiversity Conservation Act 1999, no threatened fauna species, two protected migratory bird species including Great Egret (Ardea Alba) and white-bellied Sea Eagles (Haliaeetus leucogaster), no threatened flora species, and one EEC, Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest listed under this Act were recorded within the study area.

In respect of matters related to the Fisheries Management Act 1994, the proposed activity is not located in an area identified as critical habitat. The adjacent Rickabys Creek supports sub-optimal habitat for the threatened Macquarie Perch which has not before been recorded along this tributary. There will be no detrimental effect on water quality, water quantity or any direct/indirect impact upon threatened fish species habitat as a result of the proposed action. Therefore a species impact assessment should not be required for the proposed development in regard to fish species.

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The report concludes that:

"It is considered that the proposed Recreational facility within the subject site (within the southern portion of part Lot 3 DP 1105163) off Racecourse Road, Clarendon is unlikely to result in a significant impact on any threatened species, populations or EECs or their habitats.

As such no further assessments are considered to be required under the Environmental Planning and Assessment Act, 1979, the Environment Protection and Biodiversity Conservation Act 1999 or the Fisheries Management Act 1994".

The report makes a series of recommendations including the following:

- *A buffer of 40m is to be provided to Rickabys Creek to the east and another buffer of 40m is provided for wetlands to ensure that there is no disturbance to water birds foraging along adjacent shallows and soaks. These buffers will define a protection zone for sensitive riparian and wetland habitat. A 40m buffer is based on the NSW Office of Water Controlled Activity Guidelines (2012) for wetlands and 4th order creeks.*

Wetlands include the mapped wetlands in the southern part of the subject site and any part of Rickabys Creek which is mapped as SREP 20 Wetland.

- *Moderate and high quality areas of EEC within the subject site should also be protected and allowed to regenerate. Should these areas be impacted to any significant degree then it may cause the imposition of biodiversity offsets in the form of protection or restoration areas which can be mostly provided within the subject site.*

A detailed flora and fauna impact assessment could be undertaken when assessing a future application for the proposed development on the site, and the recommendations contained in this flora and fauna assessment report can be taken into consideration when specifying conditions of consent for any future approvals for the subject site.

Agricultural Land Classification

The subject site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture. These lands are described by the classification system as:

3. *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown or other factors, including climate, may limit the capacity for cultivation and soil conservation or drainage works may be required.*

Given the proposed use of the subject site is compatible with the characteristics of the Class 3 classification above, it is considered that there will be no significant constraints or limit for the development of the subject site for an outdoor recreation facility.

Bushfire Hazard

The subject site is shown as being bushfire prone, containing Vegetation Category 1 and Category 2 on the NSW Rural Fire Service's Bushfire Prone Land Map. Therefore any future development on the subject site is required to comply with the provisions of *Planning for Bushfire Protection 2006*.

If the planning proposal is to proceed it will be referred to the NSW Rural Fire Service (RFS), being the responsible authority for bushfire protection, for consideration.

Services

The applicant states that the subject site has access to electricity and telecommunication, and wastewater from future development will be collected in holding tanks which will be emptied regularly by a commercial contractor.

The subject is located within the Sydney Water Service Area. However, the planning proposal does not indicate whether the subject site already has access to a reticulated water system. This matter can be taken into consideration at the development application stage.

Road Access and Traffic Generation

The subject site can only be accessed via Racecourse Road which is connected to Blacktown Road.

The planning proposal is not accompanied by a traffic and transport assessment report. If the planning proposal is to proceed it will be referred to the Roads and Maritime Service (RMS) for comment.

Heritage

The subject site is not identified as a heritage item/property in Schedule 5 Environmental Heritage of LEP 2012 or located within a conservation area and also not subject to any heritage order or identified as a heritage item.

Economic Impacts and Benefits

The proposed outdoor recreational facility will promote the tourism industry in the area and attract increased visitors to the area. This will enable increased employment opportunities and improved economic activity in the locality.

It will also provide a means to balance the recreational, ecological and employment activities of the area through facilitating recreational facilities in a suitable and compatible location.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs CSP theme:

- Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region;
- Offer an increased choice and number of local jobs and training opportunities to meet the needs of Hawkesbury residents and to reduce their travel times;
- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses.

Conclusion

The planning proposal seeking an amendment to Schedule 1 of the LEP to include the proposed outdoor recreation facility as an additional use on part of the subject site for the proposed Paintball Centre as detailed in this report is considered to have merit, and therefore is worthy of support.

It is therefore recommended that the planning proposal be supported and submitted to the Department of Planning and Environment (DP&E) for a 'Gateway' determination.

Financial Implications

The applicant has paid the fees required by Council's fees and charges for the preparation of a local environmental plan.

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Planning Decision

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

RECOMMENDATION:

That:

1. Council support the preparation of a planning proposal to permit the proposed recreational facility (outdoor) as an additional use on part of Lot 3, DP 1105163, 175 Blacktown Road, Richmond (the subject site) as detailed in this report, under the provisions of Schedule 1 of the Hawkesbury Local Environmental Plan 2012.
2. The planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.
3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.

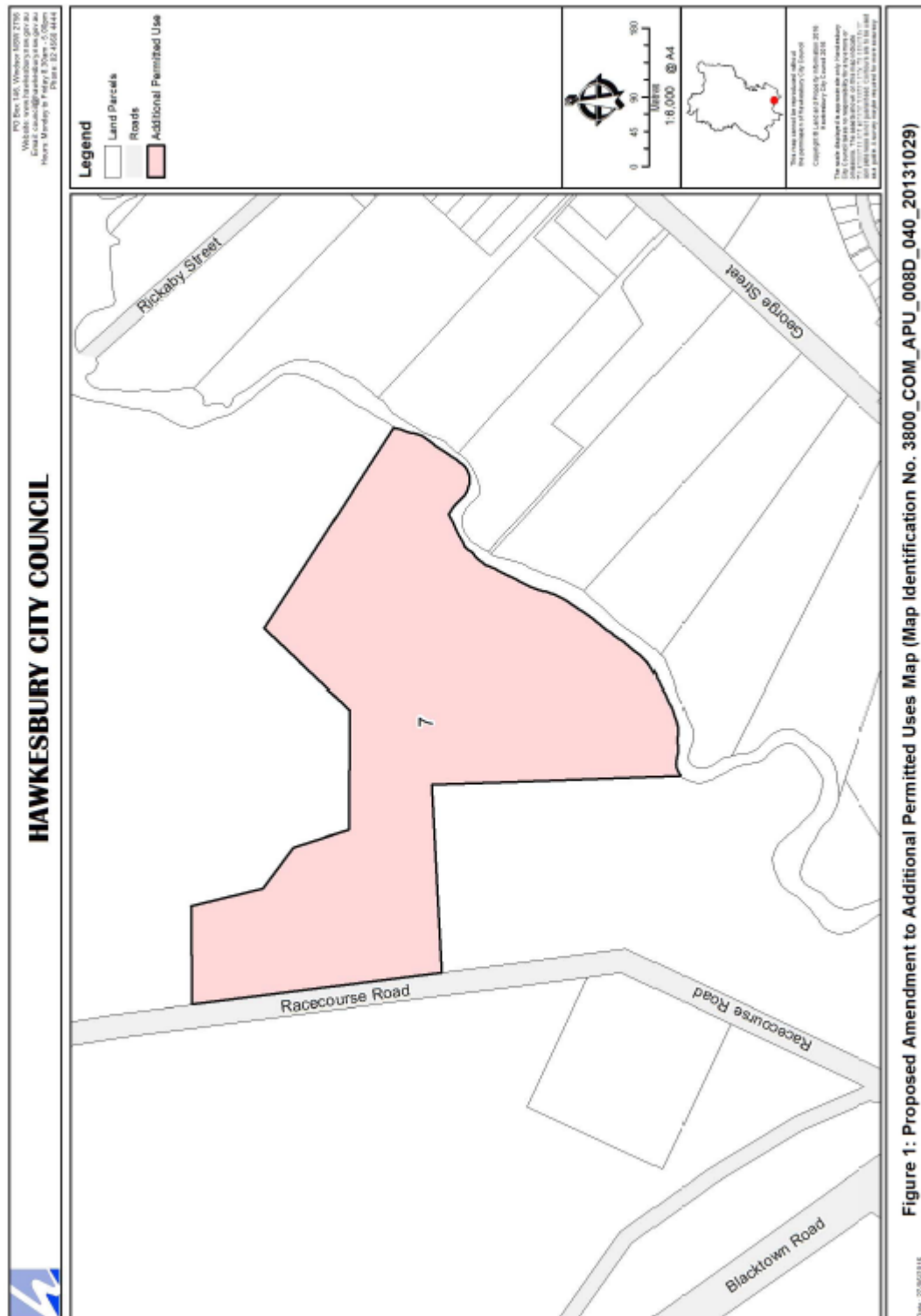
ATTACHMENTS:

AT - 1 Proposed Amendment to Additional Permitted Uses Map

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AT - 1 Proposed Amendment to Additional Permitted Uses Map



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GENERAL MANAGER

Item: 138 **GM - Review of Fit for the Future Proposal - (79351)**

Previous Item: 85, Extraordinary (23 June 2015)
 RM, Ordinary (30 June 2015)
 MM, Ordinary (27 October 2015)
 4, Ordinary (2 February 2016)

REPORT:

Executive Summary

This report has been prepared to outline proposed amendments to Council's Fit for the Future (FFTF) Proposal and to seek Council approval for the preparation of a revised FFTF Proposal in line with these amendments for submission to the Office of Local Government (OLG)

The report also seeks Council's endorsement for the commencement of an extensive community engagement strategy that has been developed in response to community requests for Council to consult with the community about service levels and the issues and challenges impacting on the future sustainability of the Hawkesbury. The importance of further ongoing dialogue with the community in relation to service levels, and Council's financial capacity to meet community expectations, was a matter noted in the Delegates Report into the proposed merger of Hawkesbury City Council and part of The Hills Shire Council. The community engagement strategy has been designed to respond to this finding.

The report also advises that in order for Council to meet the OLG and Independent Pricing and Regulatory Tribunal (IPART) requirements and time frames for the FFTF reassessment process and the identification of a resourcing strategy (including the option of a possible Special Rate Variation), the community engagement process would need to be completed and reported to the new Council by the end of November 2016.

The completion of the FFTF reassessment process and the resourcing strategy consultation are a critical first step in Council demonstrating that by 2019/2020 it will be 'fit' as measured against the required FFTF benchmarks. Should Council not achieve this status by 2019/2020, it is possible that it will be subject to OLG intervention.

Consultation

At this time the report deals with issues which do not require community consultation under Council's Community Engagement Policy. The report seeks Council approval for the preparation of a document for further consideration by Council, and provides details of the commencement of a comprehensive, multi-platform community engagement strategy to canvas community views on service levels and priorities for future investment.

Background

In September 2014, the NSW Government released its proposed FFTF package. Under this package all NSW councils were required to submit proposals to demonstrate that they were fit for the future. In April 2015, the NSW Government appointed the Independent Pricing and Regulatory Tribunal (IPART) to assess council FFTF proposals. Council lodged its FFTF Proposal on 30 June 2015.

On 20 October 2015, the NSW Government released IPART's assessment of council FFTF proposals with IPART assessing Council as 'unfit'. This assessment was based on Council achieving the required FFTF Operating Performance Ratio (OPR) one year later than the stipulated timeframe of 2019/2020.

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On 27 October 2105, in response to a Mayoral Minute, Council resolved (in part) that a further report be submitted outlining possible strategies for an amended FFTF Proposal to achieve the required OPR, including significant cost savings and a reduced Special Rate Variation (SRV).

On 18 December 2015, The Minister for Local Government advised Council of a proposed merger of Hawkesbury City Council with part of The Hills Shire Council. The Minister subsequently appointed Mr Garry West (Delegate) to conduct a public inquiry into the proposed merger.

On 12 May 2016, Council was advised that the proposed merger would not be proceeding. This decision was based on the recommendations within the Delegate's Report into the proposed merger.

Current Situation

The determination of the merger proposal has meant that Council is now in a position to resubmit its FFTF Proposal to the OLG (in accordance with the OLG's requirement for the reassessment of FFTF Proposal for those councils assessed as 'unfit' by IPART).

Options for amending Council's FFTF Proposal were discussed and considered at Councillor briefing sessions held on 15 June 2016 and 5 July 2016.

Councillor Briefing Session – Key Issues Considered

During the two Councillor briefing sessions the following issues were presented and discussed:

- the focus of Council's FFTF Proposal was to transition Council to a sustainable footing by 2019/2020 and increase its capacity to invest resources in new services and strategic initiatives
- the benefits of delivering an accelerated asset renewal program through a loan borrowings program to achieve FFTF benchmarks and meet community expectations for improved service levels
- the outcomes of the public inquiry into the proposed merger with part of the Hills Shire and the Delegate's finding that Council should consult further with the community on service levels
- the importance of funding the true cost of asset consumption (depreciation) which underpins four of the seven FFTF benchmarks and is critical to ensuring Council's sustainability beyond 2019/2020
- changes to the accounting treatment of depreciation in 2007 which highlighted the legacy of the historical under-investment in asset renewal and maintenances
- the positive steps taken by Council to arrest the decline in the deterioration of Council assets with average annual expenditure on asset renewal and maintenance increasing by 80% or \$7M
- the ongoing financial challenge faced by Council as a result of rate pegging which has not kept pace with the cost drivers impacting on Council business and constrained its capacity to fund the cost of asset consumption
- the ongoing reduction in Commonwealth/State funding assistance to local government and the increase in external contributions which Council is required to remit to NSW government agencies
- the favourable comparison of average residential rates across metropolitan fringe councils with average residential rates in the Hawkesbury between \$10 and \$231 less than average residential rates in Penrith, The Hills, Camden, Wollondilly and Blue Mountains
- the relative impact of approved and proposed Special Rate Variations (SRV) for metropolitan fringe councils which will see the differential (as outlined above) in average residential rates increase
- the observation of representatives from the OLG that SRV's have been the critical component of council FFTF Proposals – particularly for Hawkesbury's peer metropolitan fringe councils

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- the requirement for Council to commence a community engagement strategy to gauge the expectations of residents regarding service levels and to canvas their views on relative priorities for future investment
- the importance of providing factual and clear information to residents about the cost of the services provided by Council and the financial challenges faced by Council in maintaining these service levels into the future
- a need to inform the community of the steps taken by Council to identify savings and efficiencies to redirect resources into maintaining current service levels, and the development of the FFTF 20 point strategy for achieving a sustainable council by 2019/2020.

Proposed Amendments to FFTF Proposal

On the basis of the briefing session discussions, the following table outlines the proposed amendments to the 20 strategies within Council's FFTF Proposal:

FFTF Strategy		Description - Current FFTF Proposal	Proposed Adjustment
1.1	Review of Road Operations	4% efficiency target applied to road works operating costs. Annualised saving of \$600K to be achieved by 2019/2020 and reinvested in capital renewal road works.	No change.
1.2	Review of Service Delivery Models	4% efficiency target to be applied to all corporate and discretionary spending. Annualised savings of \$404K to be achieved by 2019/2020.	No CPI adjustments for corporate and discretionary spending for next three years. Efficiency target to be increased from 4% to 8.5% to achieve \$918K in savings by 2019/2020
1.3	Review of Plant and Fleet Management	Efficiency target of 2% saving on leaseback fleet and 4% saving on Works Plant. Annualised savings of \$35,900 to be achieved by 2019/2020.	Change procurement model from outright purchase of leaseback fleet to leasing arrangement. Net savings of \$329K to be reinvested in capital renewal.
1.4	Property and Asset Review	Identification of under-performing and surplus properties to realise \$1M by 2019/2020.	Increase capital income target to \$1.5M by 2019/2020. Increase projected return on underperforming assets to achieve annualised net benefit of \$216K by 2019/2020.
1.5	Review of Insurance Coverage and Self-Insurer Model	External review of insurance model and insurance costs against industry benchmarks.	No change (identification of recurrent savings target of \$37K to be achieved by 2019/2020).
2.1	Resourcing Strategy (including SRV options)	Application to IPART for 29.7% rate increase over five years commencing in 2017/2018	Preparation of three options for community consultation on future resourcing strategy to achieve additional \$2.93M required investment in asset maintenance and renewal. Options to include proposed SRV of 14.9% (above the projected rate peg) over two years commencing in 2017/2018

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FFTF Strategy		Description - Current FFTF Proposal	Proposed Adjustment
2.2	Stormwater Management Charge	\$25 annual levy against properties connected to the stormwater drainage network, commencing in 2017/2018.	No change, but commencement deferred to 2018/2019
2.3	Special Rate for New Residential Development	Special Rate applied from 2019/2020 to Redbank and Jacaranda Ponds to fund maintenance of enhanced open space and riparian reserves.	No change.
2.4	Waste Management and Sewer Dividend	A 6% rate of return on the value of assets within Waste Management Facility (WMF) and Sewerage Schemes (SS)	Rate of return increased to 12% in line with industry standards (to be initially applied to WMF).
2.5	Review of Pricing Structures	Review of the operations of income generating 'non-core' business units (cemeteries, CAS, Sullage, Upper Colo Reserve, Aquatic Centres) to achieve increase cost-recovery from user fees.	No change
2.6	Lobbying for increased regional road funding	Lobby NSW Government to have additional roads placed on the regional roads network (Yarramundi Lane, Francis Street).	No change (include \$2.9M in annual road renewal funding grants received from government into FFTF capital renewal projections).
3.1	Completion of Asset Management Plans	Completion of Asset Management plans to establish required levels of asset renewal and maintenance expenditure based on preferred service levels.	No change.
3.2	Service Level Review	Community engagement strategy to determine safe, affordable and agreed levels of service for all asset classes.	Commence community engagement strategy in July 2016.
4.1	Integrated Capital Works Program	Establish proportional target for capital renewal works within S94, S94A and VPA funded works programs.	No change
4.2	Sinking Fund for Community Faculties	Annual building renewal and maintenance charge to be levied on child care centres delivering fee paying and/or externally funded child care services (set a 25% of annual depreciation cost of building).	Increase proposed charge to 50% of annual depreciation.
4.3a	Infrastructure Borrowings Program	A \$25M borrowings program to fund accelerated asset renewal and maintenance program.	No change
4.3b	Infrastructure Borrowings Program (Energy Efficiency)	Loan facility to invest in energy efficiency infrastructure. Costs recovered through energy savings would be used to fund loan borrowings	Implement staged program commencing in 2017/2018 (street light LED replacement) to build on current energy cost reductions - projected to achieve long term savings in energy costs.

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FFTF Strategy		Description - Current FFTF Proposal	Proposed Adjustment
5.1	OPEX expenditure reduction.	Review operations to identify staff savings that can be achieved through efficiencies, adoption of new technology and/or adjustment of service levels (in addition to savings identified in 1.2).	No change (identification of recurrent savings target of \$95K to be achieved by 2019/2020).
5.2	Regional Strategic Alliance	Partnership with Blue Mountains and Penrith City Councils to investigate opportunities for joint procurement and opportunities for aggregated service arrangements.	No change (identification of recurrent savings target of \$114K to be achieved by 2019/2020).
5.3	Sustainable Population Growth	Implementation of Residential Land Strategy (achieve sustainable development to increase net rating revenue).	No change (identification of net rating increase through new development of \$126K by 2019/2020).

The revised FFTF Proposal will be reported to the next Council meeting on 26 July 2016 for further consideration and submission to the OLG.

Impact of Proposed Amendments

The proposed revised FFTF strategies include both expenditure and revenue measures.

Taken in their entirety, the expenditure measures will see Council's total operating expenses increase in absolute terms by \$273,606 (or 0.5%) over the four year period 2015/2016 to 2019/2020. In real terms, factoring for the impacts of the Consumer Price Index (CPI), this represents an efficiency saving of 9.9% over this period and is equivalent to a \$5M reduction in operating expenses.

Excluding the Resourcing Strategy (FFTF Strategy 2.1), the expenditure and revenue measures outlined in the revised FFTF Proposal will not be sufficient in themselves to fund the level of additional investment in infrastructure renewal and maintenance required to achieve the asset related FFTF benchmarks by 2019/2020. There is an annual shortfall of \$2.93M which would need to be funded through additional revenue or expenditure measures or a combination of both.

For this reason, the revised FFTF Proposal includes a Resourcing Strategy (FFTF Strategy 2.1) the purpose of which is to facilitate consultation with the community on further options to fund the \$2.93M shortfall in operating revenue through either additional revenue or expenditure measures and/or a reduction in service levels.

To facilitate this consultation, and to provide an indicative benchmark, the revised FFTF Proposal includes a notional SRV of 14.9% (over the rate peg) over two years commencing in 2017/2018 to generate the additional investment required to fund the annual asset renewal and maintenance shortfall and meet the FFTF benchmarks by 2019/2020. The notional SRV would be equivalent to a \$90.48 additional increase in the average residential rate (above the rate peg) in 2017/2018, and a further \$100.88 additional increase in the average residential rate (above the rate peg) in 2018/2019. The cumulative impact of the notional SRV by 2019/2020 is additional \$3.77 per week. It is proposed that this resourcing option would be one of three options to be presented to the community for further consultation.

In order to quantify and scope a further two options to be presented to the community, Council will need to undertake a preliminary service level review (as advocated in the Delegates Report into the proposed merger). The service level review would establish the community's preferred service levels for each asset class (roads and drainage, buildings, sports and recreation facilities, cultural facilities, footpaths and cycleways, and parks). This information will then enable staff to quantify the need for any additional investment by asset class and/or the scope of the further service level reductions or expenditure measures that would be required to address the infrastructure renewal and maintenance shortfall.

The outcome of the service level review would be reported to the new Council post September 2016 to confirm the three options to be considered by Council for further community consultation. Given the experience of resourcing strategy consultations successfully undertaken by neighbouring councils, it is likely that the other two options would firstly involve a higher SRV option (than the notional 14.9% [above the rate peg] SRV) which would be targeted at resourcing enhanced service levels requested by the community; and a no SRV option based on community acceptance of a decline in service levels and the condition of assets and the possible closure and removal of unsafe assets.

Community Engagement Strategy – Stage 1 "Listening to the Community"

The revised FFTF Proposal provides for the roll-out of staged multi-platform community engagement (CE) strategy. Stage 1 of the CE strategy 'Listening to the Community' is scheduled to commence in July 2016 and has been designed to:

- respond to community requests for Council to consult with residents about service levels and the issues and challenges impacting on the future sustainability of the Hawkesbury
- respond to the key findings of the successive biennial community surveys which have consistently highlighted the community's expectation for increased engagement in the decision-making process. The recommendations flowing from the analysis of the survey outcomes have repeatedly indicated that Council needs to understand and address community expectations in this area if it is to improve overall community satisfaction with Council
- respond to the matters raised in the Delegates Report which noted the importance of further ongoing dialogue with the community in relation to service levels and Council's financial capacity to meet community expectations
- satisfy IPART guidelines for meaningful community engagement about resourcing strategies involving Special Rate Variation so as to clearly establish levels of community support for different programs of expenditure by allowing residents to rank services in order of priority
- provide information to be used in conjunction with the review of the Hawkesbury Community Strategic Plan and the finalisation of Asset Management Plans
- provide the necessary information that the new Council will require to consider and confirm the most appropriate resourcing strategy options that are intended to be presented to the community for further consultation post September 2016.

In summary, the Stage 1 CE strategy 'Listening to the Community' has been designed to address several consultation requirements in the most effective, meaningful and efficient manner. The information gathered from this process will be fed into a number of Council planning processes.

Content and key messages for Stage 1 CE Strategy

Stage 1 of the CE strategy 'Listening to the Community' will cover the following broad areas:

- clearly highlight the various services that are provided by Council to the Community
- improve community understanding of the cost of services provided by Council and the financial challenge in maintaining existing levels of service into the future
- engage with the community to hear their views and gauge their expectations regarding service delivery from Council
- demonstrate Council's commitment to implement its 20 point Fit for the Future plans to build a strong future for the Hawkesbury.

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The key messages for the program have been developed to ensure the objectives of the project and key stakeholders are engaged:

1. Council's vision is to build a strong and successful future for the Hawkesbury. Council is committed to improving the wellbeing of our community and environment.
2. Council aims to provide the best possible value for money service for the community while actively working to strengthen financial sustainability.
3. Council wants to hear the voice of the community and is seeking resident's views on the levels of service provided by Council.
4. Council needs community feedback to help build a stronger future and wants to understand what residents think about the current level of services provided by Council.
5. Council needs to assess the community's desired levels of service and ascertain if it can adequately resource this service level expectation.
6. Like many councils, Council is experiencing significant challenges in being financially sustainable while continuing to provide the current levels of service into the future. To address the financial challenges facing the City, Council has taken initiative and leadership in developing a 20 point strategy for financial stability.
7. Council is actively working to find savings and efficiencies. It will need to borrow responsibly, increase income (including the option of an SRV rating increase) and review and adjust services to ensure best value and greatest positive impact for the Hawkesbury Community.
8. The results of this community engagement will be used to determine a range of service level options for further consultation and in the review of the Community Strategic Plan. The consultation will help ensure that we are working together with our community to build a successful future for the Hawkesbury.

Community Engagement Tools

Stage 1 of the CE strategy 'Listening to the Community' will use a number of different tools and approaches to gain the views of the community.

Public town meetings and targeted village meetings

These meetings will be the primary CE tool driving the CE Strategy. Meetings will be attended by all senior staff in a 'listening' and 'answering questions' capacity. A succinct but informative presentation in relation to Council service levels, financial challenges and FFTF requirements will commence proceedings and then the floor will be opened to questions. Information on different asset classes will also be displayed around the venue, and staff made available to answer questions. Participants will also be asked, through a practical process, to identify priorities for investment or and/or options for possible disinvestment.

The meetings are intended to inform the community about the services Council provides, their current condition, how much money is spent on maintaining them and how much money is needed to upgrade them to a good condition. The aim of the meetings is to increase community understanding of services provided by Council and the financial challenges in maintaining existing levels of service into the future. The meetings will facilitate engagement with the community to gather residents' views and gauge their expectations regarding service delivery from Council and canvas their priorities for future investment.

As well as advertising these meeting, invitations will be forwarded to key many community groups and organisations from a broad range of areas.

ORDINARY MEETING

Meeting Date: 12 July 2016

Your Services Your Say

Information will be placed on Council's online community engagement site Your Hawkesbury-Your Say. The content of the telephone survey (as outlined below) will be uploaded as part of the consultation to allow the general public to have their say on the subject. This site will be supported by fact sheets on each asset class to also assist to educate the community. A format outlining the content to be covered by the fact sheets has been provided to Councillors.

Listening kiosks

Listening kiosks will be established at local and neighbourhood shopping centres to advise the public about the consultation and seek to promote the public meetings, the ability to participate online and make the public aware of the telephone survey by way of a takeaway postcard. The kiosks will also be an opportunity to educate the community on services we provide.

The engagement strategy will be supported by advertising in local newspapers, media releases and promotion through columns.

At this stage the consultation is planned to run from 22 July until 19 August.

Statistically valid telephone survey

A statistically valid, independent, telephone survey will be conducted (as advocated in the IPART Guidelines) to explore the levels of investment residents think should be made across the asset classes previously mentioned. There will also be an opportunity for residents to provide input through an open-ended question. A copy of the draft survey has previously been circulated to Councillors.

At the 5 July 2016 Councillor Briefing Session, there was some discussion regarding the content of the survey. The survey has been designed to complement and augment the other CE tools. Its purpose is to provide a statistically valid and neutral 'reference point'. The survey findings can be interrogated to assist in interpreting the outcomes of the primary CE tools. The survey itself will also provide useful information for Council's consideration.

The survey tool has been designed by a reputable, research company based on best-practice survey design principles.

Next Steps

The information gathered by this consultation will inform the service level review and enable quantification of the additional investment and/or expenditure required to meet the service levels preferred by the community as well as fund Council's infrastructure renewal and maintenance shortfall.

It is envisaged that the results of this consultation will also inform a Stage 2 consultation on a range of service level options for the entire community to consider.

ORDINARY MEETING

Meeting Date: 12 July 2016

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping our Future Together CSP Theme:

- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services
- Have transparent, accountable and respected leadership and an engaged community
- Maintain its independent identity and voice through strong local government and community institutions
- Have constructive and productive partnerships with residents, community groups and institutions

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

- Improve financial sustainability
- Broaden the resources and funding available to our community by working with local and regional partners as well as other levels of government
- Achieve community respect through good corporate governance and community leadership and engagement
- Work with the community to determine affordable levels of service and facilities
- Make decisions in ways that are transparent, fair, balanced and equitable supported by appropriate resource allocations.

Financial Implications

There are no financial implications arising from this report. The proposed community engagement strategy will be resourced from existing budget allocations.

RECOMMENDATION:

That Council:

1. Approve the preparation of a revised FFTF Proposal in line with the proposed amendments as outlined in this report and that the revised FFTF Proposal to be further reported to Council.
2. Endorse the commencement of the "Listening to the Community" comprehensive community engagement strategy, as outlined in this report, which has been developed in response to community expectations for residents to be provided with the opportunity to consult with Council on service levels and the issues and challenges impacting on the future sustainability of the Hawkesbury.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 July 2016

INFRASTRUCTURE SERVICES

Item: 139 **IS - Great Australian Poker Run Charity Event - (95495, 79354, 137921)**

REPORT:

Executive Summary

An application has been received from the Great Australian Poker Run to use Governor Phillip Park on Saturday, 20 August 2016 as a staging point for their charity event.

The purpose of the event is a "Winter Christmas" charity event for the benefit of the Multiple Sclerosis (MS) charity.

It is recommended that the event be approved.

Consultation

The Windsor Foreshore Plan of Management allows for events to be held in Governor Phillip Park. Part of any approval would be for the event organiser to notify residents of the activity.

Background

The Great Australian Poker Run has lodged an application to use Governor Phillip Park on Saturday, 20 August 2016 with set up and clean up post event to occur a day either side of the event.

The proposed event is a Winter Christmas charity event for the benefit of the Multiple Sclerosis (MS) charity. The Event will host up to approximately 2,000 people including boating participants, motor bike participants and the general community.

The applicant has advised that the *"Poker Run is not a race or a competition but an event designed to bring the boating and motorbike community together to enjoy a fully organised, safe and fun family day out while at the same time raising funds for a good cause:*

- *Boats and Bikes receive four cards handed out over the course of the event*
- *At the end of the day everyone will return to Governor Phillip Park for a presentation and live music*
- *At the presentation the fifth card is dealt*
- *The winning team/s receives prizes."*

The Great Australian Poker Run is normally a boating only event however, the organisers would like to expand and rather than having a function after the event just for the people participating, that this would also be open to the general community. Following discussions with Council staff, the event was limited to 2,000 people including participants and general community members.

The event will not use all of Governor Phillip Park but rather a small section. Boat users and others wishing to access the Park can still do so. As the general community can access the event through free ticketing, the event is not seen as exclusive use. The Great Australian Poker Run will also work with the Riverside Markets who will also be at the Park on the morning of the event.

The Windsor Police have indicated that they are in support of the event.

ORDINARY MEETING

Meeting Date: 12 July 2016

As part of the event, the event organisers propose to sell alcohol to the participants and have food stalls and a live band/DJ for entertainment. The organisers will manage this by gaining a liquor licence, provide wrist bands for participants as well as having security on site to ensure responsible serving of alcohol (RSA). The live band/DJ will finish between 9pm to 9:30pm and will need to comply with the EPA 'Noise Guide for Local Government'. Whilst Council does have a policy for noise at Governor Phillip Park, this policy is aimed at boating events.

The organisers also propose to have fireworks. Fireworks require a permit from Workcover which would need to be obtained and provided to Council prior to any consent from Council.

On 1 February 2011, Council resolved the following in relation to fireworks displays on Council land:

- "1. The 'Guidelines for Council when Notification of a Fireworks Event is Received' issued by the Division of Local Government be considered when approving a fireworks display event.*
- 2. Fireworks display applications are required to be received no less than three months prior to the event.*
- 3. The WorkCover self-assessment "Fireworks Display Checklist" is required to be lodged with each fireworks display application.*
- 4. A fireworks display will not proceed unless the licensee has been able to resolve any objections raised by Council/Council staff and have met all conditions set for the event."*

While notice must be given to Council of an intention to use any firework, Council has no power to approve the use of fireworks. Council may however object to or impose conditions on an applicant's use of fireworks. Council's Environment Health Officers will assess any application and take into account the 'Guidelines for Council when Notification of a Fireworks Event is Received'.

The applicant has also proposed heating in the form of fire drums. The fire drums pose a pollution issue as well as a potential health and safety risk as people could burn themselves on the drums. It is recommended that the fire drums not be approved but that alternatives such as gas heaters be used instead.

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

It is recommended that the use of Governor Phillip Park for the Great Australian Poker Run be approved subject to set conditions.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

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

Financial Implications

There are no direct financial implications arising from this proposal.

ORDINARY MEETING

Meeting Date: 12 July 2016

RECOMMENDATION:

That:

1. The Great Australian Poker Run be given approval to use Governor Phillip Reserve for their event on Saturday, 20 August 2016.
2. The approval be subject to the following:
 - a) Council's General Park Conditions
 - b) Council's Fees and Charges
 - c) the Windsor Foreshore Plan of Management
 - d) a Traffic Management Plan having been submitted and approved as part of the Special Event Application
 - e) Council's Policy on Fireworks

ATTACHMENTS:

AT - 1 Proposed Event Site Plan

ORDINARY MEETING

Meeting Date: 12 July 2016

AT - 1 Proposed Event Site Plan



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 July 2016

Item: 140 **IS - Road Naming Proposal Associated with DA0417/11 South Windsor - (95495, 79346)**

Previous Item: 84, Ordinary (10 May 2016)

REPORT:

Executive Summary

Council, at its meeting held on 10 May 2016, resolved that the proposed road name Sawmill Place, South Windsor be publically advertised, seeking comments and submissions, with the matter to be reported back to Council following the public exhibition process.

The road name has been publically advertised and at the close of the public exhibition no comments or submissions were received.

This report therefore recommends that the name Sawmill Place, South Windsor be adopted for use.

Consultation

Consultation has been undertaken in accordance with the relevant requirements through a publically advertised exhibition.

Background

Council at its meeting held on 10 May 2016, resolved the following:

"That:

- 1. In accordance with the requirements of the Roads Act, 1993, the name Sawmill Place, South Windsor, in connection with DA0417/11, be publically advertised for a period of 28 days, seeking comments and submissions.*
- 2. The matter be reported back to Council following the public exhibition process, with a view to adopting the street name for use."*

As per the resolution the road name has been publically advertised. This was sought by way of an advertisement in the local press, a notice on Council's web page under Community Consultation and a notice to the prescribed organisations under the New South Wales Road Act 1993. The public exhibition closed on 22 June 2016 and no comments or submissions were received.

As the road name conforms to the guidelines and principles of the New South Wales Road Naming Policy and has been publically advertised with no objections made, it is recommended that the name Sawmill Place be adopted for use.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place Direction Statement;

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes

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

- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote.

ORDINARY MEETING

Meeting Date: 12 July 2016

Financial Implications

The advertising and administrative expenses associated with this matter have been paid by the applicant in accordance with Council's adopted Fees and Charges.

RECOMMENDATION:

That in accordance with the requirements of the Roads Act, 1993, the name Sawmill Place, South Windsor, in connection with DA0417/11 be adopted for use.

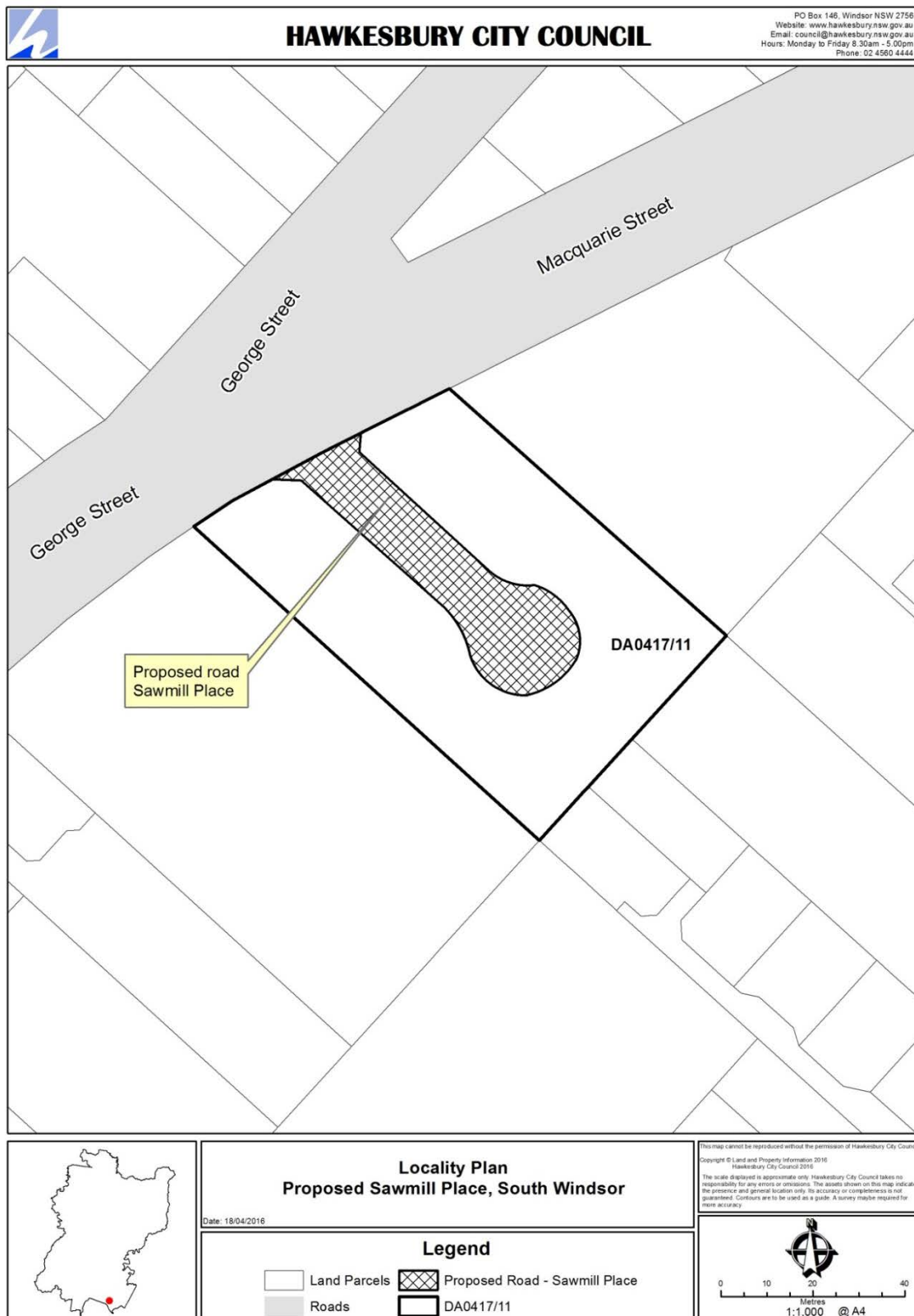
ATTACHMENTS:

AT - 1 Locality Plan

ORDINARY MEETING

Meeting Date: 12 July 2016

AT 1 – Locality Plan



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 July 2016

Item: 141 **IS - Road Naming Proposal Associated with DA0205/12 Agnes Banks - (95495, 79346)**

Previous Item: 85, Ordinary (10 May 2016)

REPORT:

Executive Summary

Council, at its meeting held on 10 May 2016, resolved that the proposed road name Mortimer Place, Agnes Banks be publically advertised, seeking comments and submissions, with the matter to be reported back to Council following the public exhibition process.

The road name has been publically advertised and at the close of the public consultation a written submission and a comment has been received, proposing two alternate names be considered for the road associated with DA0205/12.

The report recommends that the name Mortimer Place, Agnes Banks be adopted for use.

Consultation

Consultation has been undertaken in accordance with the relevant requirements through a publically advertised exhibition.

Background

Council at its meeting held on 10 May 2016, resolved the following:

"That:

- 1. In accordance with the requirements of the Roads Act, 1993, the name Mortimer Place, Agnes Banks, in connection with DA0205/12, be publically advertised for a period of 28 days, seeking comments and submissions.*
- 2. The matter be reported back to Council following the public exhibition process, with a view to adopting the street name for use."*

As per the resolution the road name has been publically advertised. This was sought by way of an advertisement in the local press, a notice on Council's web page under Community Consultation and a notice to the prescribed organisations under the New South Wales Road Act 1993. The public consultation closed on 22 June 2016 with a written submission and comment being received. Two alternate names have been proposed for consideration for the new road associated with DA0205/12.

The two alternate road names have been submitted by the developer of the site. It should be pointed out that the applicant on behalf of the developer initially did not wish to submit a road name and requested that Council nominate a suitable name, which resulted in Council's Local History Librarian proposing the name Mortimer.

The two alternate names proposed are Thomas Close and Thomas Mortimer Place. The Thomas Close proposal was submitted in writing and Thomas Mortimer Place was a comment received during one of several phone conversations with the developer.

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Details on the alternate names proposed are as follows:

- Thomas Close – “The name proposed is Mortimer Place, named after a Thomas Mortimer. My name is Thomas McCue I have been in business for over 40 years in the area. I am doing an 18 lot subdivision at Agnes Banks with 5 members in my family. We would like to name the road Thomas Close. My Grandfather was named Thomas Bird who was a farmer. My father’s name was Thomas Richard, who was a carpenter. My name is Thomas Christopher and I was a builder. My eldest son is named Raymond Thomas who is a builder. My grandsons name is Riley Thomas and he is going to be an apprentice carpenter. We came from Wales in 1953 after having a very bad time during the war. My father died at a very early age at 56 with complications from the war. By Coming to Australia he gave us a wonderful opportunity to go ahead where we would never had got in Wales. I would love to honour my father’s naming by calling the street name Thomas Close.”
- Thomas Mortimer Place – “This name is suggested as it is honouring the full name of the person that the road is proposed to be named after ‘Thomas Mortimer’ and would also honour the use of the name Thomas in the McCue family as outlined in the Thomas Close submission.”

The two alternate names proposed have been reviewed for conformance in accordance with the guidelines and principles set out in the New South Wales (NSW) Road Naming Policy. As a result of the review, it was found that the two alternate names do not conform to the Policy for the following reasons:

Uniqueness, Duplication – *Uniqueness is the most essential quality to be sought in proposing a new road name. A road name will be regarded as a duplicate if it is the same or similar in spelling or sound to an existing name, regardless of the road type. Road names shall not be duplicated:*

- Within the same locality.
- Within an adjoining locality.
- Within a local government area.
- Within the following radius as applicable,
 - within 10 kilometres in a metropolitan urban area
 - within 20 kilometres in a regional urban area
 - within 30 kilometres in a rural area
 - within 50 kilometres in remote areas.

There are two roads located in the Hawkesbury LGA that use the name Thomas. These roads are Thomas Place, Bligh Park and Thomas Road, Freemans Reach. Both these names have been in existence before the Road Naming Policy was established, and are examples of why the Policy has been created for NSW. Also within an eight kilometre radius of the road there is a Thomas Road, Londonderry located in the Penrith LGA. The two alternate names proposed do not meet this principle.

Acceptable Road Names – *The use of given or first names in conjunction with a surname is not acceptable for road naming.*

The Thomas Mortimer Place proposal does not meet this principle.

Commemorative Road Names – *Naming often commemorates an event, person or place. The names of people who are still alive shall not be used because community attitudes and opinions can change over time.*

It is arguable that the use of Thomas in the two alternate names proposed meets this principle. The use of the name honours the grandfather and father who are deceased, but the submission also suggests a commemoration of the first name of the developer (who has submitted the proposal) and a son and grandson.

ORDINARY MEETING

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The guidelines and principles set out in the NSW Road Naming Policy have been established to ensure that naming practices in NSW are of the highest possible standard and will result in intuitively clear road names for all roads, minimising confusion, errors and omissions. Road names shall not risk public and operational safety for emergency response, or cause confusion for transport, communication and mail services. Many emergency responses and other public services (such as mail) are determined by the clarity of road names and their extents, and all road name proposals will ensure that operations will not be adversely affected.

As part of this review further advice has been sought from the NSW Geographical Names Board (GNB) which ensures that all road naming proposals in NSW meet the guidelines and principles of the Road Naming Policy. The advice received from the GNB is that the two alternate names proposed would receive an objection from that agency, based on the principles stated above, which ultimately means a rejection of these names.

The original name Mortimer Place has not received an objection from the GNB as it conforms to the guidelines and principles of the Road Naming Policy.

Should Council wish to consider one of the two alternate names proposed, the community consultation process will need to be started once again. It should be pointed out that the two alternate names proposed by the developer will be rejected by the GNB, and at the end of the 28 day consultation period Council will need to either reconsider Mortimer Place or nominate a new name that will conform to the Road Naming Policy. If the option of a new name is chosen, another round of community consultation and review by GNB would be required.

Based on the information contained in this report and the objection from the GNB to the two alternate names proposed by the developer, it is recommended that Mortimer Place be adopted for use.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place Direction Statement;

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes

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

- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote.

Financial Implications

The advertising and administrative expenses associated with this matter have been paid by the applicant in accordance with Council's adopted Fees and Charges.

RECOMMENDATION:

That in accordance with the requirements of the Roads Act, 1993, the name Mortimer Place, Agnes Banks, in connection with DA0205/12 be adopted for use.

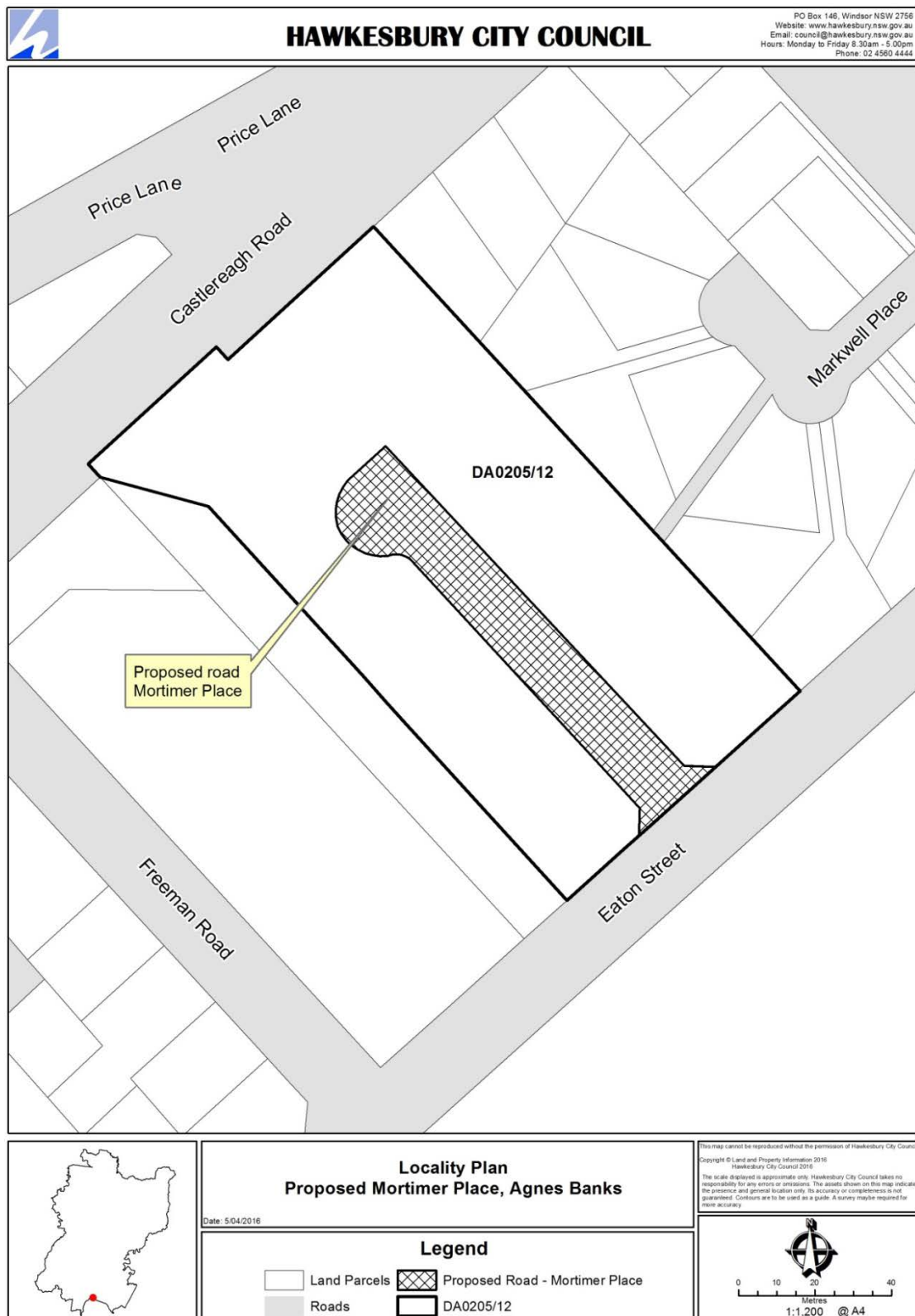
ATTACHMENTS:

AT - 1 Locality Plan

ORDINARY MEETING

Meeting Date: 12 July 2016

AT 1 – Locality Plan



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 July 2016

Item: 142

IS - Proposed Temporary Camping at McQuade Park associated with the Sydney Blues and Roots Festival 2016 - (95495, 79354, 114164)

REPORT:

Executive Summary

Representatives of the Sydney Blues and Roots Festival have submitted an application to Council to hold the part of the Sydney Blues and Roots Festival at McQuade Park, Windsor from Thursday, 27 to Sunday, 30 October 2016.

The event is in its eighth year and attracts up to 1,000 people per day. The Sydney Blues and Roots Festival are seeking use of McQuade Park for event camping as the event will be run at the Windsor Bowling Club, Windsor Public School, The Hawkesbury Hotel and the Windsor Function Centre.

Due to the activity being more than three days Council is required to notify the community of the event in accordance with the Local Government Act 1993. It is recommended that the notification take place with any feedback re-reported back to Council.

Consultation

Community notification of the proposal will be undertaken in accordance with legislative requirements, including advertising and site signage.

Background

The representatives of the Sydney Blues and Roots Festival have submitted an application to Council to use McQuade Park for camping for those attending the Sydney Blues and Roots Festival being held in Windsor between Thursday, 27 and Sunday, 30 October 2016.

This will be the eighth Annual Sydney Blues and Roots Festival to be held in Windsor. It is expected that approximately 1,000 patrons per day will attend the festival over the duration of the weekend. This event will be a ticketed event and is supported/sponsored by Council.

The organisers are envisaging up to 150 tents and look to place them between the bowling club and the lake (see attached plan). The area will be fenced off and security guards will manage the site whilst it is in operation. The tents could not be placed under any tree for safety reasons and the organisers would need to bring in an appropriate number of portable showers and toilets.

Whilst the McQuade Park Plan of Management does not specifically refer to camping, it does allow events. Based on this and that there have been no issues when event camping was at Deerubbin Park in previous years, it is recommended that event camping be allowed as requested.

Although approval of the event is recommended, due to the event running longer than three days, Council is required to notify the community of the event in accordance with the Local Government Act 1993. Following the notification period of 28 days, Council must consider all submissions prior to giving a lease or licence.

ORDINARY MEETING

Meeting Date: 12 July 2016

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

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

Financial Implications

There are no direct financial implications arising from this event.

RECOMMENDATION:

That:

1. Community notification of the proposal to use McQuade Park for event camping in conjunction with the Blues and Roots Festival to be held between Thursday, 27 October 2016 to Monday, 30 October 2016 be carried out in accordance with the Local Government Act 1993.
2. Should no significant adverse submissions be received, approval be granted to hold camping at McQuade Park from Thursday, 27 October 2016 to Monday, 30 October 2016. The approval be subject to the following :
 - Council's general park conditions
 - Council's Fees and Charges
 - The McQuade Park Plan of Management.
3. Should objections be received, the matter be brought back to Council.

ATTACHMENTS:

AT - 1 Proposed Event Site Plan

ORDINARY MEETING

Meeting Date: 12 July 2016

AT - 1 Proposed Event Site Plan



oooO END OF REPORT Oooo

ordinary

section 4

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 4 - Reports of Committees

ROC **Heritage Advisory Committee - 26 May 2016 - (95498, 80242)**

The meeting commenced at 5:31pm in Council Chambers.

Present: Professor Ian Jack, Chairperson
Mr Jonathan Auld, Deputy Chairperson
Ms Janice Hart, Community Member
Ms Judith Newland, Community Member
Ms Michelle Nichols, Community Member
Ms Carol Roberts, Community Member

Apologies: Mr Glenn Falson, Community Member
Councillor Patrick Conolly, Hawkesbury City Council

In Attendance: Mr Matthew Owens, Hawkesbury City Council
Mr Andrew Kearns, Hawkesbury City Council
Ms Keri Whiteley, Hawkesbury City Council
Mr Craig Johnson, Hawkesbury City Council
Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council

REPORT:

RESOLVED on the motion of Mr Auld and seconded by Ms Nichols that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr Auld and seconded by Ms Nichols that the Minutes of the Heritage Advisory Committee held on 24 March 2016, be confirmed.

Attendance Register of Heritage Advisory Committee

Member	10/12/15	24/03/16	26/05/16	
Professor Ian Jack - Chairperson	✓	✓	✓	
Mr Jonathan Auld - Deputy Chairperson	✓	✓	✓	
Councillor Patrick Conolly	✓	A	A	
Ms Carol Roberts	✓	A	✓	
Ms Michelle Nichols	✓	✓	✓	
Ms Janice Hart	✓	✓	✓	
Mr Glenn Falson	✓	A	A	
Ms Judith Newland	✓	✓	✓	

Key: A = Formal Apology

✓ = Present

X = Absent - no apology

SECTION 3 - Reports for Determination

Item 1: **HAC - Hawkesbury Heritage Walking Trails and Interpretive Signage - (80242)**

Previous Item: 109, Ordinary (24 June 2014)
 HAC (28 August 2014)

DISCUSSION:

- Ms Whiteley reported funding was provided in this year's budget to implement walking trail signage in Windsor (The Peninsula and Thompson Square).

Ms Whiteley tabled concept designs for draft heritage walks logos for the Committee's consideration.

- The Committee unanimously agreed to use the Georgian style door logo for the signage.
- Ms Nichols advised she would provide a high definition drawing of a Georgian door to Ms Whiteley to check for accuracy of the design (as an anomaly was noted in the number of panels in the concept design).
- Ms Hart brought to Ms Whiteley's attention that signage at the Toll House was missing. Ms Whiteley advised she would refer that issue to relevant staff.

The following comments on the content were provided by the Committee:

- Mr Auld suggested a link or QR Code be included on the signage to tie in with the Heritage of Western Sydney app.
- *Windsor Heritage Walk - (Thompson Square)* - Text refers to Thompson Square being one of the oldest public squares in Australia. This should be amended to read '**is the oldest public square in Australia.**'
- Under listing of *Places of Interest* - Hawkesbury Regional Museum inadvertently listed alongside of Former Peninsula Inn - remove reference to HRM.
- Private properties should be identified as such by adding an asterisk to the property name.
- The Chair noted a Council owned slab barn (on The Peninsula) was omitted from the *Places of Interest* list. The Chair advised the barn was in very bad condition and in urgent need of repair. The Chair added the barn was the only accessible barn inside the parameters of the heritage walks.

Discussion was raised as to whether or not the barn was included in the Slab Barn Study.

- Ms Nichols advised she would ascertain if the barn was included in the Study, and would advise Ms Whiteley, who had agreed to include the barn in the walks if appropriate.
- Mr Kearns advised that building had recently been added to Council's asset management register which would increase its potential for funding.

RECOMMENDATION TO COMMITTEE:

That the:

1. Information be received.
2. Committee consider the content and images and provide comment or advice.

MOTION:

RESOLVED on the motion of Mr Auld, seconded by Ms Hart.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the:

1. Information be received.
2. Committee consider the content and images and provide comment or advice.

SECTION 5 - General Business

Verbal Updates:

Monuments/Cemeteries restoration program as part of the Local Heritage Incentive Fund

Mr Kearns delivered a PowerPoint presentation to the Committee highlighting the process and outcomes of the program including displaying images of monuments (pre and post restoration).

- Mr Kearns advised Council's Corporate Communication staff were planning a media release in relation to the completed cemetery works and to advise of future grants associated with commercial buildings and asked if HAC members were interested in participating in a photo opportunity to promote same (suggested venue being vault at St Peter's Anglican Church Cemetery - Richmond).

The Committee accepted the invitation.

- Ms Nichols suggested the media release also include information advising residents of Council's Heritage Advisory service as Library staff were often approached by residents (particularly purchasers of heritage homes), seeking assistance in heritage matters.
- Mr Kearns also advised that Council's Corporate Communication staff were also planning a series of media releases associated with heritage matters including thematic history, Windsor Heritage Walk and other heritage matters.

Heritage Items Inventory Sheets - LEP Amendments

The Chair declared an interest in this item.

Mr Kearns delivered a PowerPoint presentation to the Committee on potential additions to heritage items within the Hawkesbury LEP.

ORDINARY MEETING
Reports of Committees

- Mr Johnson raised concern regarding the suggested listing of an individual Phoenix Date Palm on Council's LEP. Mr Johnson advised his previous experience in horticulture had proved listing of individual trees could be problematic to manage long term and advised the listing of landscapes / streetscapes was more manageable.

Mr Kearns advised amendments to the LEP were at the proposal stage only and would go through a consultation process before proceeding.

- Ms Roberts referred to previous discussions regarding the creation of a tree register and asked if that matter had progressed.

Ms Nichols advised that matter had not advanced and both agreed there were many trees in the Hawkesbury which merited recording on a register in acknowledgement of the providence surrounding the trees. Examples put forward included the Moreton Bay Fig tree at the Sackville aboriginal reserve, significant trees at Hobartville Estate, and the Magnolia tree at Tizzana Winery planted by Dr Fiaschi.

Heritage of Western Sydney - App

- Mr Kearns advised he had recently attended a HoWS meeting and advised work was progressing on the HoWS App, adding it was expected to go live in August as part of a soft launch. Mr Kearns advised the release would provide something to build upon and potentially tie in with the Heritage Near Me App which is currently being developed.

Office of Environment and Heritage - Heritage Near Me project

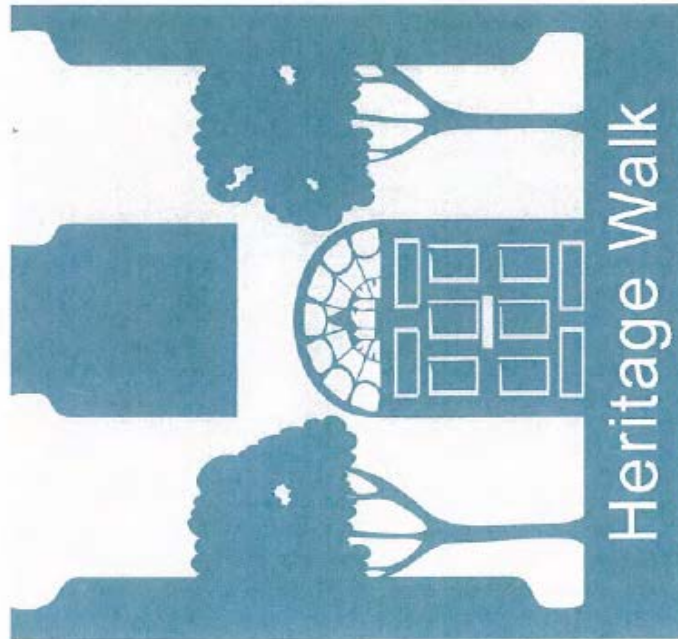
- Mr Kearns advised he had approached the Heritage Near Me team (OEH) to ascertain their availability to attend and present to the HAC in relation to its Heritage Near Me project. Mr Kearns advised he had received a response from the OEH advising the Heritage Roadshow team would be open to attending the HAC meeting scheduled for 1 September, or alternatively, may avail themselves at an earlier date during business hours.

The Committee generally expressed its interest to attend a presentation from the OEH (in the near future) and Mr Kearns advised he would liaise further with the OEH to arrange a suitable date and time. Mr Kearns advised that he would notify HAC members when a suitable date was secured.

- Mr Kearns advised funding of up to \$8M was available now under the Heritage Activation Grants program (with no requirement for match funding) - closing date 27 June 2016. Mr Kearns advised consideration of appropriate projects which met the funding criteria was underway.
- Ms Nichols referred to lack of signage at some cemeteries (including Sackville) and suggested funding be sought to erect signage.
- The Chair advised he anticipated Council would be notifying property owners as soon as possible of the grant funding opportunity.

TABLED CORRESPONDENCE

Concept Designs for Heritage Walk signage



The meeting closed at 6:45pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ordinary

section 5

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 5 - Notices of Motion

NM **Council Withdraw From WSROC - (79351, 105109, 125610)**

Submitted by: Councillor P Conolly

NOTICE OF MOTION:

That Council withdraw from WSROC.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

REPORT:

Questions - 28 June 2016

#	Councillor	Question	Response
1	Rasmussen	Enquired if Mr Duncan, Chief Executive of RMS could be contacted to request information on the cost shifting on roads to local government and supplementary funding to Council and to request a meeting to discuss funding arrangements relating to this matter.	The Director Infrastructure Services advised that Council has written to Mr Duncan seeking this information and requesting a meeting.
2	Rasmussen	Enquired if the Signage Policy is on Council's website and if locating it could be made easier.	The Acting Director Support Services advised that all of Council's Policies, including the Signage Policy, are located on Council's website under the heading "Council", sub-heading "Policies".
3	Calvert	Enquired if a 'Homeless bus' could be included in discussion with community groups in regard to homelessness initiatives.	The Director City Planning advised that this will be included in relevant discussions with community groups and housing providers.
4	Calvert	Enquired if Thompson Square has heritage listing and if not, what is the process for Council to acquire heritage listing.	The Director City Planning advised that Thompson Square is listed as a "Conservation Area" of State significance in <i>Part 2, Schedule 5 – Environmental Heritage, of the Hawkesbury Local Environmental Plan 2012</i> .
5	Williams	Requested information on how much the Kable Street carpark toilets cost to build and if the aesthetics, for example a large crack through centre of slab, adding seats to the pans, increasing the timer on the tap and adding floor tiles, could be improved.	The Director Infrastructure Services advised that a response to the issues raised has been circulated to all Councillors.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
6	Williams	Requested an update on moving the site of collection of garbage bins at Wheel Barrow Ridge Road and Greens Road intersection, Lower Portland.	The Director City Planning advised that this area has recently been investigated by Council's Waste Supervisor and there does not appear to be any other location for the bins to be left for collection, due to lack of collection truck access. Consideration has been given to directing the residents who place their bins at that location to return their bins to their own properties once they have been emptied.
7	Porter	Requested that representations be made to the RMS to ensure that the 'No left turn' sign be returned to Court Street, Windsor.	The Director Infrastructure Services advised that Council has contacted RMS and arrangements are being made for the sign to be reinstalled.
8	Porter	Enquired if Council has a position regarding dead stock being left unattended in paddocks.	The Director City Planning advised that Council does not have a formal position on this matter. However, when these situations come to Council staff's attention the landowner is requested to address the matter by following Austvetplan disposal guidelines which can be located on the NSW EPA website. In the large majority of these cases the request to the landowner is complied with in a satisfactory manner.

oooO END OF REPORT Oooo

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 143 **IS - Tender No. 00965 - Tender for Replacement of Sewage Pump Station 'C' and Associated Works, Windsor - (95495, 112179) CONFIDENTIAL**

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 144 **IS - Tender No. 00979 - Reconstruction of Failed Sealed Pavement Sections of Crooked Lane, North Richmond and Wallace Road, Vineyard - (95495, 79344)**
CONFIDENTIAL

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to tender information regarding the reconstruction of failed sealed pavement sections of various roads and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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



ordinary
meeting

end of
business
paper

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