



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 26 May 2015

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

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

Public Participation

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

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

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

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

Voting

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

Planning Decision

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

Business Papers

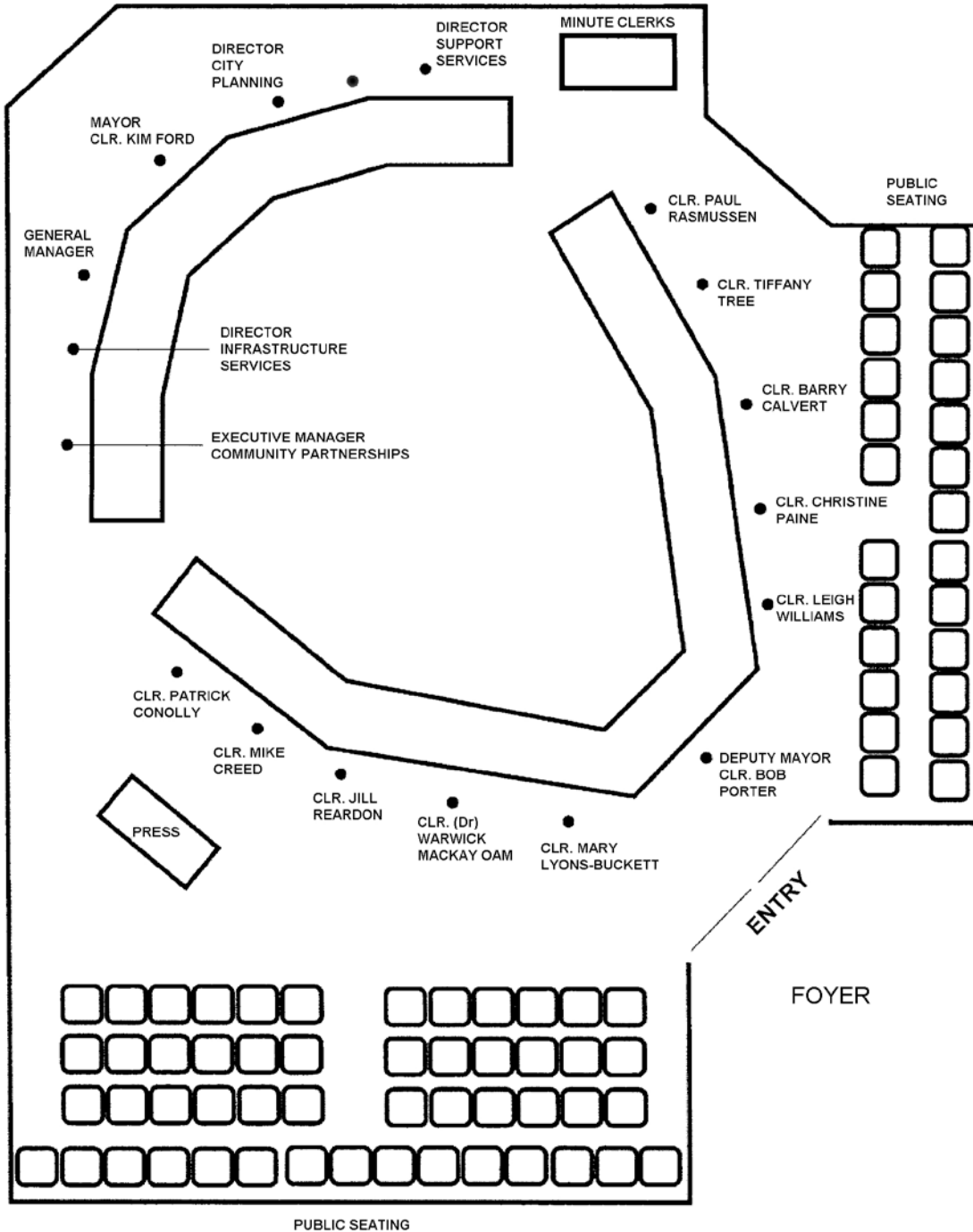
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>.

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

Further Information

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

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- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
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SECTION 1 - Confirmation of Minutes

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 73 CP - Draft Hawkesbury Section 94 Contributions Plan 2015 - (95498, 124414)

REPORT:

Executive Summary

The purpose of this report is to advise Council of submissions received during the public exhibition of the draft Hawkesbury Section 94 Contributions Plan 2015 (draft plan).

It is recommended that the draft plan be adopted subject to the amendments outlined in this report.

Consultation

The draft plan was placed on public exhibition for the period from 10 April 2015 to 11 May 2015. Notices regarding the exhibition of the draft were placed in the Hawkesbury Courier on 9 and 23 April 2015. A briefing, with questions and answers, was also made to the Pitt Town Progress Association. During the exhibition period the draft plan and supporting documentation were available for inspection at Council's Administration Office and on Council's website.

Background

On 9 December 2014, Council considered a report outlining proposed amendments to Council's City wide Section 94 Contributions Plan 2008 (2008 Plan). The proposed amendments related to amendments associated with Catchment 5, also known as the Pitt Town Residential Precinct in the 2008 Plan and now known as the Pitt Town Catchment in the draft plan, and amendments to City wide items for which contributions have been collected.

In response to this report Council resolved that an amended plan be prepared, exhibited and reported back to Council. The, in part, resolution is as follows:

"That:

- 1. Council staff prepare amendments the Council's existing Section 94 Contributions Plan 2008 as generally described in this report (particularly in relation to Pitt Town) and publically exhibit the proposed amendments as a matter of priority.*
- 2. Following public exhibition of the amended Section 94 Plan as resolved in Part 1 above, the Plan and all issues raised in public submissions during the public exhibition period, be reported back to Council no later than March 2015."*

To assist Council in understanding the changes in contributions for the Pitt Town Catchment the following table shows the current contributions under the 2008 Plan and the contributions in the draft plan as exhibited.

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Table 1: Pitt Town Catchment Contributions

Contribution Purpose	2008 Plan	Draft Plan
Planning studies	\$33.59 per lot	\$55.74 per lot
Land Acquisition	\$1,676.89 per lot	\$12,932.60 per lot
Local Community Facilities	\$3,457.09 per lot	\$3,440.40 per lot
Local Recreation Facilities	\$1,412.04 per lot	\$2,179.84 per lot
Local Park Improvements	\$3,292.44 per lot	\$4,809.85 per lot
Roadworks	\$10,842.21 per lot	\$13,783.05 per lot
TOTAL	\$20,714.26 per lot	\$37,205.48 per lot
Hawkesbury Street Sub-Catchment	Nil	\$30,214.23 per hectare of developable land

As can be seen in the above table the significant increase in the contribution rate is mainly due to the increase in the cost of land to be acquired for the infrastructure itemised in the plan.

Public Exhibition

Council received three submissions as a result of the public exhibition of the draft plan. These submissions were received from the Johnson Property Group (JPG), the Pitt Town Progress Association Inc (PTPA) and a local resident. Following is a summary of the submissions received and comments addressing those submissions. As a result of these submissions minor amendments are proposed to the draft plan. To assist in the identification of these amendments a track changes version of the draft plan is attached to this report.

Johnson Property Group

Submission

Section 2.11 Dedication of land free of cost may be required as a condition of consent. JPG are not sure as to the purpose of this clause. The draft plan identifies the land within the catchment that is needed for the provision of local infrastructure so this clause appears to be superfluous.

Response

This provision is a common clause to many Section 94 contribution plans and is intended to have a City wide application where needed, i.e. application beyond the boundary of Pitt Town Catchment. This clause allows a consent authority to require the dedication of land free of cost to Council with the value of the land dedicated being available as an offset against contributions for the same facility category.

The main purposes of this clause are:

- to give Council the authority to require, as part of a development approval, the dedication of land identified in the contributions plan if that land is within the development site
- to be clear about how the land to be dedicated will be valued for the purpose of offsetting that development's monetary contribution
- to simplify, at the development application stage, the process of defining the value of the land to be dedicated and any associated credits.

Submission

Figure 3 Pitt Town Catchment. The legend in Figure 3 should be updated to replace the words "Catchment 5" with the words "Pitt Town Catchment". Catchment 5, as previously referred to in the 2008 Plan, is no longer referenced in the draft plan. The new reference in the draft plan is "Pitt Town Catchment".

Response

Partially agreed. The draft plan, like the 2008 Plan, divides the City into 5 catchments. These catchments are shown in map form in Appendix B. For ease of identification, "Catchment 5" is generally referred to as the "Pitt Town Catchment" throughout the draft plan. To clarify this, where the first reference to the Pitt Town Catchment appears in section 1.1 of the draft plan reference is also made to Catchment 5 and Figure 3 has also been amended.

Submission

Figure 3 Pitt Town Catchment. Pitt Town is one of many villages in the Hawkesbury LGA, with its own self-contained community. With local shopping, schools, community facilities and open space networks, it is highly probable that the residents of Pitt Town utilise these facilities with little reliance on local facilities provided within the wider Hawkesbury catchment.

As Council is aware, the rationale for a Section 94 contribution is based on the increased demand that development places on existing facilities and provides for expansion of facilities to cater for the demand. In the case of Pitt Town, as mentioned above, it is more likely that the demand for increased facilities and services will be localised to Pitt Town. This is evident in the content of the draft Section 94 Contributions Plan where all of the infrastructure and services are localised to Pitt Town.

JPG have noted that, in recent years, the existing Pitt Town community have made numerous enquiries of JPG as to the progression of facilities and services promised by JPG (supposedly), which leads us to conclude that existing residents are reliant on the services and facilities that new Pitt Town delivers. Whilst all of these facilities are yet to be delivered, most of which are Council responsibility, we are being levied at a much higher rate and have therefore already been contributing to these facilities and services. For these reasons, JPG believe that the Pitt Town Catchment should extend to cover residential zoned land in existing/original Pitt Town as well. Of recent times, Council have determined subdivision development applications within Pitt Town suburb, but outside of the "Pitt Town Catchment", where Council have only been allowed to impose a Section 94A condition of consent. JPG feel that this is grossly unjust where the lots in new Pitt Town are levied circa \$37,000 per lot in the draft plan and lots in existing Pitt Town are only levied 1% of total development cost. By way of one example only, had Council levied JPGs recent Fernadell release under Section 94A, then based on a development cost of circa \$74,300 per lot, we would only have been required to pay \$743 per lot in Section 94A contributions as opposed to the actual contribution of circa \$20,000 per lot in accordance with conditions imposed in DA0081/11.

Council have an opportunity here to ensure that contributions are appropriately and fairly collected by all who increase the demand for facilities and services as each and every lot creates the same demand for Pitt Town local facilities and services, whether they are within or outside of the Pitt Town Catchment Area.

Response

The JPG approach is not supported as it would not provide a fair development contribution approach as explained below.

Three types of development contributions regimes are available to Council. These types are contributions under Section 94 of the Environmental Planning and Assessment Act 1979 (the Act), Section 94A of the Act and voluntary planning agreements under Section 93F of the Act.

Section 94 Plans

Section 94 plans are generally based on projections of development/population growth which is translated into forecast demand for public facilities/infrastructure, a costed works program that relates specifically to the needs of the new development and ultimately development contributions. The Department of Planning and Environment (DP&E) guidelines for Section 94 plans describe these plans as “traditional” plans and recommend their application:

- where growth is faster and higher levels of contributions are able to offset the considerable administration costs, financial risks and inefficiencies managing money amongst and within the funds
- in areas with multiple owners who are unable to co-ordinate in offering dedication or works-in-kind.

Section 94 contributions are typically calculated on a 'per person', 'per lot', or 'square metre' basis and the contribution must be 'reasonable'. Reasonable is defined with respect to nexus and apportionment.

Nexus - being the relationship between the expected types of development in the area and the demand for additional public facilities/infrastructure to meet the demand. The central question to be addressed is whether a public facility/infrastructure is required to offset the impacts of development and when and where the facility/infrastructure can be provided.

Apportionment - being that the contribution only ever reflects the demands of development and not other demands i.e. the contributing population only pays for its share of the total demand. Or put another way, new development cannot be required to contribute toward any existing shortfall in public facilities/infrastructure for the existing population.

Section 94A Plans

Section 94A plans are typically based on a levy of 1% of the cost of development and subject to exemptions imposed by the Minister of Planning. The DP&E guidelines for Section 94A plans describe these plans as a “flat rate levy” plan and recommend their application:

- where there is little growth and slow accrual of funds in established urban areas or rural areas, or where provision of facilities benefits a dispersed set of contributors
- in areas with multiple ownership with little scope for land dedications or work-in-kind
- costs of needed infrastructure are relatively low and spread over time.

Contributions must be expended towards capital costs associated with the provision, extension or augmentation of public facilities/infrastructure (or towards recouping the cost of their provision, extension or augmentation) and nexus need not be demonstrated.

Voluntary Planning Agreements

A voluntary planning agreement (VPA) is an agreement entered into by a planning authority and a developer. Under the agreement a developer may agree to provide or fund public amenities and public services, affordable housing, transport or other infrastructure.

Contributions can be made through dedication of land, monetary contributions, construction of infrastructure, or provision of materials for public benefit and/or use. VPAs are an alternative to Section 94 or 94A contributions where future development is known, likely, timely and one or a small number of land owners/developers are involved.

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In light of this, and taking into account the differences in current and forecast development within the Pitt Town Catchment and the existing/original residential zoned land in Pitt Town, it is considered the dual use of a Section 94 plan and a Section 94A plan for the greater Pitt Town area is appropriate.

The local infrastructure included in the draft plan for the Pitt Town Catchment was identified some time ago in 2005, and was based on demand assessments carried out at that time for the expected population of that catchment. The expected lot yield has not changed. The scope of land and works in this draft plan has not changed significantly, but the costs have been updated to reflect the latest knowledge. The developers of the Pitt Town Catchment will pay no more contributions than the current share of updated costs of these land and works.

Whilst it is acknowledged that existing residents of Pitt Town may use the new local infrastructure provided in the Pitt Town Catchment, the new residents will also use the existing local infrastructure that has been provided by past and current residents through rates and previous development contributions.

Council has been imposing contributions on developments in the current Pitt Town Catchment boundaries for many years. It is also the case that most of the JPG subdivisions at Pitt Town have already been approved with contributions under the current 2008 Plan already imposed. Some 600 of the anticipated approximate total 656 lots (or about 91% of the anticipated JPG development) in the Pitt Town Catchment will therefore not be subject to the contribution rates in the draft plan.

For the above reasons it is recommended that there be no change to the boundaries of the Pitt Town Catchment in the draft plan.

Submission

Figure 4 Hawkesbury Street Sub Catchment. The legend in Figure 4 needs to be updated to replace the words "Land Acquisition" with the words "Hawkesbury Street Sub Catchment".

Response

Agreed. This is a drafting error in the legend. The purpose of this figure is to identify the area to which additional contributions will be required for road works already completed in Hawkesbury Street. This sub-catchment and associated contribution is discussed in section 3.1.10 of the draft plan.

Submission

Figure 5 Pitt Town Development Precincts. Figure 5 should be updated to remove that part of the land in the Fernadell precinct at the rear of Pitt Town Primary School (Lot 102, DP 1113833) as that land has previously been dedicated to the Minister for Education and is therefore not available for residential development. Should JPG's previous comment about expansion of the Pitt Town catchment be supported, then this plan should also include the expanded area.

Response

Partially agreed. Figure 5 has been amended to exclude Lot 102 DP 1113833 from the Fernadell precinct.

Submission

Section 3.1.6 Land Acquisition. The land area of the Community Centre (Fernadell) site should increase to 4,299m² to be consistent with the area of land already dedicated to Council as Part Lot 6028, DP 1169449.

The Blighton Riverside Park area is 30,180m². JPG notes that this includes a stormwater basin area, as described in development application DA0794/14 which may be a Section 64 matter as opposed to a Section 94 matter.

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Response

Table 5 of the draft plan has been amended by replacing 4,000m² with 4,299m².

Table 5 shows the area of Blighton Riverside Park as 24,908m². This area is derived from the plans associated with a previous Part 3A approval by the Minister for Planning. Any additional land area required for stormwater basins is a matter to be dealt with separate to the draft plan.

Submission

Section 3.1.6 Land Acquisition. JPG notes that Council anticipates the cost of acquiring all of the land identified in Figure 6 to be a value of \$11,534,676. JPG are unable to reconcile these anticipated values against the agreed value of combined Bona Vista Park, Local Roads, Fernadell Park and Community Centre Site and the assumed value of flood affected Blighton land. We believe that the anticipated circa \$11.5M value within the draft Contributions Plan may be considerably higher than agreed.

Response

Not agreed. The anticipated cost of land to be acquired is based on land values contained in a confidential report to Council on 25 November 2014. The anticipated cost includes these values plus an allowance for the acquisition of additional land, not owned by JPG, for the Blighton Riverside Park.

Submission

Section 3.1.7 Community Facilities. Replace "4,000m²" with "4,299m²" to reflect the exact area of land transferred to Council.

Response

Agreed. Text has been amended accordingly.

Submission

Table 7 Recreation Facility Costs. JPG questions the estimated value of shelters for both Bona Vista and Fernadell Parks. We note that the estimated value for two x shelters in Bona Vista Park is \$50,000 (as at Nov 2005) however four x shelters in Fernadell Park is \$59,423 (as at Jan 2015) i.e. an extra \$9,423 for two additional shelters not counting for CPI increases. These estimates do not seem to be right.

In relation to the Fernadell Park toilet / change room / kiosk, JPG notes a circa \$1.3M significant blow out between assumed November 2005 costs to January 2015 costs.

Response

The estimated cost of the proposed shelters in the Fernadell Park is based on the actual cost of works completed over the last two years. The estimate seeks to allow for the provision of one large and three small shelters. A review of the estimate has revealed a \$10,653 shortfall and the amount of \$59,423 shown in the draft plan should be \$70,076. The draft plan has been amended accordingly with the per lot net effect being an increase in the relevant contribution of \$11.90.

The Bona Vista Park works have been completed. As a result the total value of the works as shown in the 2008 plan have been increased by the consumer price index (CPI) in order to derive a current contribution rate for the recoupment of the cost of these works.

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The increase in costs between 2005 and 2015 can be attributed to a 10 year difference in building and construction costs. In addition standards for the provision of facilities have changed significantly during this time. The proposed facilities are based on:

- the ability of the site to accommodate multiple sporting activities
- the provision of public amenities that can be utilised outside sporting events
- guidelines developed to assist councils in the provision of facilities, namely, Preferred Facility Guidelines for State, Regional and Local Facilities, August 2012. The preferred facility being an "AFL Local" facility with a floor area of 545m². Construction costs estimates were based on Cordells Construction Cost Guide (Sept 2011 - Canteen Level 1).

Submission

Table 8 Park Improvements. JPG notes an additional blow out of circa \$1.7M in embellishing Fernadell Park.

Response

All cost estimates are based on the actual cost of works that have been undertaken over the last two years or the Landscape Contractor Association's Guidelines Schedule of Rates for Landscape Works.

The list of proposed improvements is considered reasonable to ensure the community receives a functional and appealing park.

Submission

Works Items Notes Blighton Riverside Park. The draft Hawkesbury Section 94 Contributions Plan estimates a total cost of embellishment works on Blighton Riverside Park to be \$1,152,644.96. JPG seeks itemised clarification from Council as to the actual scope of works and how Council intends to tie in these works with the works JPG are completing for the Boat Ramp and carpark which has been lodged with Council on 8 May 2015 and which JPG would like to deliver prior to the forthcoming summer boating season.

Response

The cost of works in the Blighton Riverside Park is a gross figure based on comparable embellishments to Bona Vista Park and costs associated with JPG's voluntary planning agreement with the then Department of Planning and Infrastructure. The actual scope of the works, timing and relationship to any nearby embellishments will be determined by Council when funds become available.

Pitt Town Progress Association Inc.

Submission

The PTPA is concerned about volume and type of vehicles, parking and excessive speed along Bathurst Street between Chatham Street and Buckingham Street. PTPA request a reduction in the speed limit. The PTPA is also concerned about the condition and width of Bathurst Street between Buckingham Street and Hall Street.

Response

The draft plan makes provision for the upgrading of Bathurst Street. The value of these works is estimated to be \$2,652,597 and includes pavement resurfacing, reconstruction and widening. The possible limiting of speed or heavy vehicles is a matter for Council's Local Traffic Committee and not a contributions plan.

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The Bona Vista Drive and Johnston Street intersection is totally inadequate for the volume of traffic using the intersection.

Response

Improvements to this intersection were identified in the review of the 2008 Plan and accordingly the draft plan includes an allowance of \$100,000 towards intersection improvement works.

Submission

The intersection of Hall Street, Bathurst Street and Punt Road is too narrow and as a result of continuing heavy vehicles traffic the shoulder is wearing away causing the road to become loose and dangerous.

Response

Improvements to this intersection were identified in the review of the 2008 plan and accordingly the draft plan includes an allowance of \$200,000 towards intersection improvement works.

Submission

Punt Road is not mentioned in the draft plan's road works. What work is proposed to make Punt Road trafficable for river users?

Response

Punt Road is to be upgraded as a condition of consent for the subdivision of land immediately to the east of Punt Road and/or the development consent for the car park and boat ramp in Punt Road. This work is to be undertaken by the developer and is in addition to the works identified in the draft plan.

Submission

What route does the Flood Evacuation Route (FER) follow? Does it include Hall Street? Will the remainder of the flood evacuation route be constructed to a similar standard as Hall Street east of Hawkesbury Street?

Response

The FER is shown in its entirety in Figure 4.11, Chapter 4, Part E of the Hawkesbury Development Control Plan 2002. The FER includes Bathurst Street, Hall Street, Wells Street, Mitchell Road and Pitt Town Dural Road.

The FER is to be upgraded to a 10m-11m pavement width for Bathurst Street, an 11m pavement width for Hall Street, and an 8m pavement width for Wells Street, Mitchell Road and Pitt Town Dural Road.

Submission

Proposed road works should include part of Bootles Lane between Johnston Street and Cattai Road. This is approximately 400m in length and would provide an access for the new development onto Cattai Road. At present traffic from the catchment mainly use Bathurst Street. The alternative route is from Bootles Lane then Redfern Place and Mitchell Road. At the intersection of Mitchell Road and Cattai Road a dog leg occurs where there is another intersection with Pitt Town Dural Road. This intersection is difficult to navigate when sand haulage trucks appear without warning.

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Response

The draft plan includes an allowance of \$992,639 towards improvement works at the intersection of Cattai, Pitt Town Dural and Mitchell Roads. The draft plan also makes allowance for improvements to Buckingham Street all the way to Cattai Road. In light of this it is considered the draft plan makes sufficient and proportional provision for residents of the Pitt Town Catchment to gain access Cattai Road.

Submission

The PTPA question whether the proposed community centre would be utilised to the extent it should be considering the proposed \$3,037,224 cost. Council should consider relocating the centre where the sporting field and amenities are to be constructed and amalgamate the sporting complex and the community centre together as far as toilets, shower, etc. and reduce the cost of having two separate buildings. Car spaces could also be combined in the same vicinity. Council could rezone the planned community hall site and consider constructing an over 55s seniors complex.

Response

Not supported. Whilst there maybe potential cost saving in having a combined facility they are not considered to be significant enough to warrant change to the draft plan. The advantage of having two separate buildings is that the particular requirements of users can be catered for in the design and use of the facilities and they can be built independently of each other. Furthermore if the two buildings were to be combined but not constructed at the same time, construction costs may actually increase due to possible part demolition/alteration of the first building to allow for the second building.

Council in its 2005 and 2008 contributions plans identified land to be acquired for the community centre and levied the contributions on past developers via development consents accordingly. It would not be appropriate or consistent with Section 94 plan requirements for Council to rezone and use land for a different purpose for which contributions were collected.

Resident of Pitt Town

Submission

Concerned about the condition, safety, narrowness, drop off in verges, volume of traffic and number of heavy vehicles on Bathurst Street. Would like to know when the upgrade of Bathurst Street will commence.

The upgrade of Bathurst Street in the draft plan is different from the 2008 Plan. What has necessitated this change?

Response

The draft plan provides an indicative timing for these works as "before Bona Vista precinct is completed". Actual completion of the works will be dependent on the rate of development and amount of contributions received and available to Council.

The changes to the works in Bathurst Street include:

- in lieu of kerb and gutter a concrete v-drain and grassed swale is proposed on the eastern side of Bathurst Street. This treatment is similar to that which exists towards the north-eastern end of Bathurst Street
- deletion of kerb and gutter on the western side of Bathurst Street to avoid costs associated with piped drainage easements/land acquisitions
- addition of concrete pavement edge strip on both sides of Bathurst Street to protect the road pavement

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- addition of protection works to existing culvert inlets and outlets
- retention of existing pavement width (approximately 10m) between Church Street and Buckingham Street.

The overall Section 94 contribution allowance for the proposed works in Bathurst Street has increased from \$1,716,879.30 in the 2008 plan to \$2,652,597 in the draft plan. Note this allowance is in addition to the proposed Bathurst Street, Punt Road and Hall Street intersection safety improvement works previously discussed in this report.

Conformance to the Hawkesbury Community Strategic Plan

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

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

The proposal is consistent with the Linking the Hawkesbury direction:

- Plan for, maintain and renew our physical infrastructure and community services, facilities and communication connections for the benefit of residents, visitors and businesses.

The proposal is consistent with the Shaping Our Future Together direction:

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

Financial Implications

The costs associated with the review of Council's Section 94 Plan are covered in Council's existing budget.

Planning Decision

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

RECOMMENDATION:

That the Hawkesbury Section 94 Contributions Plan 2015 as amended and attached to this report be adopted.

ATTACHMENTS:

- AT - 1** Hawkesbury Section 94 Contributions Plan 2015 (as amended) - *(Distributed under separate cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 26 May 2015

Item: 74 **CP - Draft Voluntary Planning Agreement for Development known as Jacaranda Ponds, Glossodia - (95498, 124414, 111745)**

Previous Item: 19, Ordinary (24 February 2015)

REPORT:

Executive Summary

The purpose of this report is to advise Council of submissions received during the public exhibition of the draft Voluntary Planning Agreement (draft VPA) for the proposed development known as "Jacaranda Ponds", Glossodia.

This report recommends executing the agreement under Council's Seal following amending the exhibited draft VPA to include additional works in Golden Valley Drive (Spinks Road to Glossodia shops precinct) with the funding of these works to be obtained by amending the scope of works for Item 9 in Schedule 1 (Gorricks Lane and Freemans Reach Road) in the VPA.

Consultation

The draft VPA was placed on public exhibition for the period from 13 March 2015 to 17 April 2015. During this period two formal and several informal meetings with the Glossodia Community Reference Group also occurred.

What is a Voluntary Planning Agreement?

A Voluntary Planning Agreement (VPA) is an agreement that is prepared in accordance with Sections 93F to 93L of the Environmental Planning and Assessment Act 1979 (the Act). (Sections 93C - E govern the holding and expenditure of the contributions obtained.)

A VPA is a voluntary agreement (i.e. all parties voluntarily enter into the agreement and are not "required" to enter into the agreement) between one or more planning authorities and a developer under which the developer agrees to make development contributions towards a public purpose. A VPA is:

- a legal document/contract that binds all parties to the provisions of that agreement,
- is legally enforceable if any party does not comply with the provisions of that agreement,
- can be registered on the land title so that current and future owners of the land are bound by the agreement in the same way as if they individually entered into the agreement.

Background

The draft Voluntary Planning Agreement (VPA) was reported to Council on 24 February 2015 where the Council resolved:

"That the:

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

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The draft VPA is complementary to the planning proposal that Council resolved to support on 4 February 2014 to rezone the affected land to enable the development of the site for approximately 580 allotments and ancillary development. In this regard, the draft VPA is the mechanism to obtain the surrounding infrastructure for the development (similar to a Section 94 contributions plan). The absence of a VPA does not prevent the submission and approval of any development application for the subdivision.

The VPA is a legal agreement between Council and the Developers/Owners of the land and is registered on the property titles of affected properties and will endure with that land should the land ownership change.

Public Exhibition

The draft VPA was placed on public exhibition for the period from 13 March until 17 April 2015. Six submissions were received by Council. Following is a summary of the submissions received and comments addressing those submissions.

General comment – Many of the submissions propose additional works to those that are already listed in the VPA. The structure of the draft VPA is to apply a works program to the available funds, i.e., the funding of \$30,000 per additional allotment. To allocate additional works would require the deletion of another listed work as there is no ability to “allocate” additional funds to such works. This principle has been utilised in the consideration of the following submissions.

The Glossodia Community Reference Group (the Group) met on 25 March 2015 to review the draft VPA. The Community representatives discussed details of the draft VPA online via Council's online community engagement platform Your Hawkesbury Your Say and met again on 8 April 2015 to finalise their recommendations. At this meeting the group also reviewed comments and submissions that were received from a public information session held by the developer and the Glossodia Community Centre on 21 March 2015. The Group's recommendations are discussed later in this report.

Submission

Concerned about stormwater runoff from the development and impact on (downstream) 255 Spinks Road, Glossodia.

Response

Stormwater management is a matter to be considered at the development application and/or construction certificate stage and forms part of the developer funded construction costs. In this regard, the developer will need to demonstrate that suitable stormwater management devices will be implemented to ensure that stormwater does not cause adverse impacts on downstream properties.

Submission

Does the proposed bus stop include a shelter? If not, a shelter is essential for extreme weather.

Response

The draft VPA proposed two bus stops along Spinks Road with a combined indicative cost of \$14,288. Should sheltered stops be considered this cost would increase to almost \$50,000. Whilst the draft VPA does not specify the details of the bus stops to be installed, Schedule 3 of the draft VPA allows the work schedules to be amended slightly depending on the costs associated with other works. Should there be an opportunity for these bus stops to include a shelter then this will be considered during that process.

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Submission

Concerned about the increase in traffic volume, reduction in traffic safety, and configuration and condition of roads in particular:

- Spinks Road - volume of traffic
- Freemans Reach Road - inadequate and in poor condition
- Boundary Road - inadequate turn lane
- Construction of infrastructure should be on roads closer to the development
- Safety of proposed intersection near 361 Spinks Road, Glossodia, particularly safety right turn movements in and out of proposed intersection due to poor sight distances
- Increase in congestion on major roads and intersections in and out of Windsor and North Richmond
- Capacity of Windsor and North Richmond bridges to cater for increase in traffic volumes
- Roads and bridges being cut due to flood waters
- Road widening should occur prior to development
- Insufficient monies have been allocated towards road improvements and if there is not enough money then the roads will not be upgraded
- The developer should not be called upon to perform work that has been neglected by Council over a very long period.

Response

Schedule 1 of the draft VPA proposes 10 road work sites, including works on Spinks Road, Creek Ridge Road, Kurmond Road, Wire Land, Gorricks Lane and Freemans Reach Road. The contribution to road works is approximately \$12.2M. These works are in addition to works that would be associated with any development approval, such as the proposed intersection near 361 Spinks Road and roadworks within and adjacent to the development site. The completion of these road works is tied to the subdivision of the land.

In addition to this draft VPA the developer has made a separate agreement with the Roads and Maritime Service (RMS) in relation to a regional roads contribution of an additional \$10,000 per allotment. It has been previously advised by the RMS that this money would be directed to intersection improvements at Terrace Road/Bells Line of Road, North Richmond.

Submission

Does the dedication of land include the large dam on the property as well as the protection of the land along Currency Creek.

Response

The land to be dedicated to Council, at no cost, includes the dam adjacent to Spinks Road and the riparian area along Currency Creek.

Submission

Limitation of existing water and sewer services, train and bus services, telephone services, NSW Fire/RFS services, shops, hospital and medical facilities.

Response

The land subject to the draft VPA is also subject to special provisions in the Hawkesbury Local Environmental Plan 2012 (LEP) that requires the provision of public infrastructure. These provisions are found in Part 5A Urban release areas (Arrangements for Certain Designated State Public Infrastructure) of the LEP and in summary require satisfactory arrangements to be made for the provision of public infrastructure before the subdivision of land to satisfy needs that arise from development on the land.

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In addition to public infrastructure relating to water, sewer, electricity and telephone this part of the LEP also requires satisfactory arrangement be made for relevant designated State public infrastructure, which is defined as:

"public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- a) *State and regional roads*
- b) *bus interchanges and bus lanes*
- c) *land required for regional open space*
- d) *land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes)."*

The provision of these types of public infrastructure is dealt with via the development application assessment process and in addition to any requirements of a VPA.

In March 2014, Council considered a report on the condition of Glossodia shops. Subsequent reports were also considered dealing with upgrades to that property and the need for improvements as the development proceeds.

Submission

Council's resolution of 24 February 2015 required a meeting be held with the Glossodia Community Reference Group, it should have been worded "the Hawkesbury Community". Jacaranda Ponds does not just impact the community of Glossodia.

Response

The general public was provided an opportunity to enquire and make comment on the draft VPA via publication of notices in the Hawkesbury Courier, on Council's website and on Council's online community engagement platform Your Hawkesbury Your Say. Council staff were available during the exhibition period for discussions or to speak to resident groups from any area.

Submission

"Grasslands" is also owned by the same developer. The number of future allotments could increase significantly. Approving further development would kill the uniqueness of the Hawkesbury. There should be no development west of the river.

Response

The draft VPA relates only to the development site known as Jacaranda Ponds, Glossodia and is in response to the rezoning of this land for residential purposes. The area referred to in the submission is not included in the previous rezoning or this VPA. The draft VPA does not rezone or set a precedent for the rezoning of any other land.

Submission

Due process was not followed in the approval of the Planning Proposal. Council's resolution of 27 March 2012 included that final support for the proposal would only be given if Council was satisfied that satisfactory progress had been made:

- a) towards resolving the existing traffic problems
- b) replacement of Windsor Bridge
- c) measures to upgrade local roads affected by the proposal

It is three years since this decision and there is little evidence to date that satisfactory progress has been made towards these matters.

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Finalisation of the draft VPA should be postponed until evidence is provided that satisfactory progress has been made.

Response

There has not been any fault in the process followed for the previous planning proposal that was subsequently gazetted by the State Government. The resolution of 12 March 2012 was subsequently superseded by Council's resolution of 4 February 2014. This resolution included matters relating to the provision of State public infrastructure and the preparation and finalisation of the VPA (resolutions 2, 3, 4 and 5).

The matter requiring satisfactory arrangements for the provision of State public infrastructure has been dealt with by way of Part 5A of the LEP.

The purpose of this report is to enable the finalisation of the draft VPA prior to the receipt and hence determination of any development applications for subdivision of the land. (Note: The VPA does not prevent the receipt or determination of any development applications for the site).

Submission

Has Council received a reply from the Roads and Maritime Service in reply to Council's resolution 357 dated 28 October 2014. If so this should be available on Council's website.

Response

The resolution referred to was, in part, the following:

- "1. Council also make a submission to the RMS, requesting details of:
 - a) The current capacity of Richmond Bridge.
 - b) Any potential upgrades planned for Richmond Bridge, intersections between East Market Street and March Street, Richmond and Bells Line of Road, Grose Vale Road and Terrace Road, North Richmond and the expected completion dates and confirmation that the funds are allocated.
 - c) Council to inform the RMS of the number of dwellings constructed since the 2013 Richmond Bridge Study, west of the river, and potential dwellings expected in the next seven years (2021) west of the river and any other information so that the RMS has up to date details from Council to provide sound information."

A response has not been received in relation to the submission that was made. However, it should be noted that the issues in part (b) above have been partly addressed by the media release and commencement of construction of intersection works on Bells Line of Road by the RMS. A response to Council's submission will be pursued.

Glossodia Community Reference Group

The Group has provided the following comments:

1. Roads should be named after local icons and local flora and fauna. A lookout should be named after former owner (Mr Link).

Response

This is not a matter for a VPA. Road naming will be considered by Council in the future in conjunction with road layouts proposed as a result of development applications.

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2. Flatten and strengthen road outside 164 Spinks Road to reduce runoff.

Response

Improvements and upgrades to Spinks Road are already included in the draft VPA work schedule.

3. Golden Valley Drive outside community centre should be widened, kerbed, with shared pathway to Spinks Road (funds to be diverted from other road works - e.g. Schedule 1, Item 9) as this is viewed as an important 'Gateway' between new areas and the 'heart' of Glossodia. An upgrade to Golden Valley Drive (with kerbing and shared pathway) should be prioritised over other roadworks.

Response

This suggestion proposes the amendment or removal of item 9 in schedule 1 (Gorricks Lane and Freemans Reach Road improvements) of the draft VPA and those funds to be applied to Golden Valley Drive. Item 9 in Schedule 1 has an indicative value of \$4.5M. A preliminary estimate of the costs for the proposed Golden Valley Drive works has been undertaken and it is considered that those works could be in the vicinity of \$650,000. (Note: This is a very preliminary figure to date and may, like all the estimates in the VPA, vary with more detailed investigations).

In this case the draft VPA work schedule could be amended to provide an option which would include the Golden Valley Drive works with the remaining funds to be expended on the existing Item 9 (Gorricks Lane and Freemans Reach Road improvements). The exact expenditure would then be the subject of consideration for the panel formed under schedule 3 of the draft VPA.

4. Woodbury Park upgrade should be completed by October to avoid disruption to cricket and soccer. Council should investigate a possible bridle track on the adjacent '40 acres'.

Response

The proposed works in Woodbury reserve total approximately \$844,000 and include the following:

- Shade structure to playground
- Fitness Trail
- Dog Off Leash area
- BMX Track
- Park Shelters x 3
- Car Park Upgrade (900m²)
- Pathways (600m)
- Upgrade playing fields (plus floodlighting)
- Undercover spectator seating
- Shared Pathway from derby place to reserve (260m)
- Additional security lighting.

The timing of works will take into account the proposed uses in the reserve and also the optimal timing for particular works, e.g., weather for landscaping, etc. The scope of works at this stage is considered adequate.

Horse riding is currently permitted in the area adjacent to Woodbury Reserve known as the "40 Acres".

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5. Combine allocations for the two skate park facilities to build a single and larger skate facility at Lakeside Park for beginners and intermediate users up to 15 years of age. The facility should be provided with lighting.

Response

The draft VPA work schedule could be amended to provide the option of the multiple skate parks or a single skate park at the Lakeside Park subject to available funds and consideration of the panel formed under schedule 3 of the draft VPA.

6. Shared pathways should include horse bridleway access where permissible. Fitness stations should be placed along shared pathways. Footpath access should be provided along Spinks Road from Mitchell Street to Derby Place.

Response

The current works program includes upgrades to Spinks Road and as part of those works the inclusion of shared pathways could be considered but not guaranteed.

7. Reduce the two roundabouts planned for Spinks Road/Kurmond Road, and Kurmond Road/Wire Lane into one larger roundabout with realignment of Spinks Road to join Wire Lane at this juncture.

Response

Whilst this suggestion has merit, the works that would be proposed would be at significant cost as this would also include land acquisition. In this regard, should this proposal be supported it would result in deletion of a number of other works listed on the program. In this regard the cost benefit would be low and it is not recommended that this option be pursued.

8. Not in favour of upgrading Windsor Bridge, build bypass as a longer term solution.

Response

This is a separate matter to the VPA that is currently being considered by the NSW State government.

9. Allow flexibility within existing funds allocated for the Glossodia Community Centre (Schedule 2) to be used for rear area upgrades and other improvements. Council should investigate increasing the size of the rear area.

Response

Flexibility in consultation with the Glossodia Community Centre Management can be considered provided it comes from within the allocation for Schedule 2 for these purposes.

Summary

The draft VPA for the Jacaranda Ponds development has been the subject of two separate public exhibitions. The first was a concept VPA which accompanied the planning proposal which has been subsequently gazetted by the State Government which has rezoning the land for residential development. The second public exhibition period and the subsequent public submissions are the subject of this report.

The submissions received have raised several issues that are more relevant to the development application stage of development or are not a matter that a VPA can address. Many of the submissions have suggested some flexibility in the provision of the proposed works program. Schedule 3 of the exhibited VPA makes some provision for some flexibility of the works program in order to take into account the possibility of change in priorities or significant cost changes to those works during development. However, that flexibility does not in any way reduce the quantum of contributions that the development will be responsible for providing.

ORDINARY MEETING

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It is recommended that an additional item be added to the works program for Schedule 1 to include the upgrade of Golden Valley Drive from Spinks Road to the community centre/school precinct. The funding of this item would be obtained through the reduction of (approximately \$650,000) the scope of works currently listed in Item 9 of Schedule 1.

Conformance to the Hawkesbury Community Strategic Plan

Council's consideration and approval of the Voluntary Planning Agreement would be consistent with the following CSP Themes and Direction statements:

Looking after People and Place

- Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.
- Have development on both sides of the river supported by appropriate physical and community infrastructure.
- Have future residential and commercial development designed and planned to minimise impacts on local transport systems allowing easy access to main metropolitan gateways.

Caring for our Environment

- Be a place where we value, protect and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.
- Take active steps to encourage lifestyle choices that minimise our ecological footprint.

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

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

Financial Implications

The infrastructure listed in the Voluntary Planning Agreement is to be provided by the developer progressively throughout the development and would be at no cost to Council. The total value of the works under the Voluntary Planning Agreement equates to \$17.4M and will be CPI adjusted.

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.

ORDINARY MEETING

Meeting Date: 26 May 2015

RECOMMENDATION:

That:

1. The exhibited draft Voluntary Planning Agreement attached to this report be endorsed with the following amendment to Schedule 1 – Road Works:

Golden Valley Drive to Glossodia Shops precinct - Upgrade pavement in Golden Valley Drive from Spinks Road to Glossodia Shops Precinct to include, rehabilitation of existing pavement, widen and seal shoulders, kerb & gutter with associated drainage and retaining walls as required.

(Note: This work to be funded from amendment to works proposed in Item 9 of Schedule 1. Timing and delivery of these works are to be determined via provisions in Schedule 3 of this agreement).

2. The General Manager be given delegation to make wording and formatting changes to the Voluntary Planning Agreement prior to executing, provided that these changes do not alter the intent of the Agreement.
3. Subject to the amendments referred to in 1 above, being incorporated in the Voluntary Planning Agreement, authority be given for the Agreement to be executed under the Seal of Council.

ATTACHMENTS:

- AT - 1** Copy of the exhibited draft Voluntary Planning Agreement for Jacaranda Ponds, Glossodia - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 26 May 2015

Item: 75 **CP - LEP004/14 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 6 Speedwell Place, South Windsor - (95498, 124414)**

Previous Item: 2, Ordinary (3 February 2015)

REPORT:

In September 2014, Council received a planning proposal from Natalie Richer Planning seeking to rezone part of Lot 21 DP 806993, 6 Speedwell Place, South Windsor from RU1 Primary Production to IN1 General Industrial under *Hawkesbury Local Environmental Plan 2012* (the LEP). This is to allow development of an increased portion of the subject site for general industrial purposes and retain the balance for rural purposes.

On 3 February 2015, Council considered a report on the planning proposal and resolved to defer the matter pending a further report regarding the importation of fill to the site.

This report provides information regarding the filling of the site following further information provided by the applicant on 16 April 2015.

It is recommended that the preparation of a planning proposal to rezone part of the site to IN1 General Industrial as explained in the previous Council report attached as Attachment 1 to this report, be supported.

Consultation

The planning proposal has not yet been exhibited. 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 (the Act) and associated Regulations and as specified in the Gateway determination.

Background

On 3 February 2015, Council considered the attached report on a planning proposal seeking to rezone part of Lot 21 DP 806993, 6 Speedwell Place, South Windsor from RU1 Primary Production to IN1 General Industrial under the LEP to allow development of an increased portion of the subject site for general industrial purposes and retain the balance for rural purposes. The Council resolution on this matter was as follows:

"That Council defer the matter pending a further report regarding the fill on the site."

Filling of the site

In March 2007, Council approved a development application (DA 358/06) seeking approval for intensive agriculture, land filling, dam construction and a wholesale plant nursery on the site. The proposed development of the site consisted of the filling of the site to grade evenly from the western boundary to two elevated storage dams and enable construction of the proposed whole sale plant nursery with associated sales office and car parking area on the graded platform at a level of 16m AHD.

The land fill covers an area of approximately 4.4ha to a maximum depth of 3.26m and average depth of 1.27m. The proposed timeframe for the filling operation was three years based on the likely availability of suitable fill material and climatic conditions.

Condition No 43 of the development consent allowed the filling of the site only with uncontaminated virgin excavated natural material (VENM). A later amendment to this condition allows filling of the site with excavated natural material (ENM). Condition 45 required the land filling to be undertaken in stages to reduce the amount of exposed soil at any one time to reduce dust nuisance. Condition 50 required the construction of the proposed wholesale plant nursery with associated sales office and car parking area upon completion of the filling of part of the site at a level of 16m AHD.

The applicant advised that the importation of fill to the site commenced soon after a construction Certificate was received from Fitzgerald Building Certifiers Pty Ltd in September 2008. However since that time, the site was closed to filling for a period of two years due to technical reasons.

According to the applicant the site has been filled with approximately 150,000m³ of soil to-date, and further filling on the site with approximately 100,000m³ of soil up to the approved level of 16m AHD is expected to be completed within two years time subject to material availability and the economic conditions.

The applicant advised that the current stockpiles of soil near the northern boundary of the site are topsoil and overburden stripped from the site which needs to be screened as per the Environmental Site Management Plan applying to the site. Currently the screening work is being done.

As mentioned in the previous Council report attached as Attachment 1 to this report, some materials used to fill the site initially were not VENM as required by the original development consent. As a result, in June 2013 Council received a development application (DA0291/13) for site remediation works supported by a remediation action plan (RAP) prepared by David Lane Environmental to address minor asbestos contamination that occurred on the site as a result of the use of non-recommended fill material.

In March 2014 a review of the present land use suitability of the site undertaken by DLA Environmental (DLA) in accordance with the amended National Environmental Protection (Assessment of Site Contamination) Measures (NEPM) guidelines 2013 stated that:

"The site is now considered suitable for its intended land use and requires no remedial actions to be undertaken and can be developed in its current state without risk to human health or the environment. The Site identified as Lot 21 DP806993, located at 6 Speedwell Place NSW, complies with the most sensitive health investigation levels, being Residential A - Residential with accessible soils, in accordance with NEPM 2013 and as such complies with the designated Industrial/Commercial land use criteria".

Despite this finding of the review, it is recommended that if the planning proposal is to proceed, further consideration of potential contamination be dealt with after DP&E's Gateway determination.

The assessment of the planning proposal contained in the previous Council report, attached, revealed that the planning proposal is generally consistent with the relevant state and local plans, policies and strategies. The report concluded that the planning proposal has some merit and the site has potential for some form of industrial development. Therefore, it is recommended that Council support amending the LEP to allow part of the subject site to be developed for general industrial purposes.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions statement.

- 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.

ORDINARY MEETING

Meeting Date: 26 May 2015

Financial Implications

The applicant has paid the planning proposal application fees required by Council's Fees and Charges for the preparation of a local environmental plan.

Planning Decision

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

RECOMMENDATION:

That:

1. The information regarding the history of approvals of fill on the site be received.
2. Council support the preparation of a planning proposal to rezone part of Lot 21 DP 806993, 6 Speedwell Place, South Windsor from RU1 Primary Production to IN1 General Industrial under Hawkesbury Local Environmental Plan 2012.
3. The planning proposal be forwarded to the Department of Planning and Environment with a request for a Gateway determination.
4. 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 Council Report (Item 2, Ordinary Meeting, 3 February 2015)

ORDINARY MEETING

Meeting Date: 26 May 2015

AT - 1 Council Report (Item 2, Ordinary Meeting, 3 February 2015)

Item: Business Paper - Ordinary Meeting MASTER - 26 May 2015

REPORT:

Executive Summary

This report discusses a planning proposal from Natalie Richter Planning (the applicant) which seeks to rezone part of Lot 21 DP 806993, 6 Speedwell Place, South Windsor from RU1 Primary Production to IN1 General Industrial to allow development of an increased portion of the land for general industrial purposes and retain the balance for rural purposes. The site is located within the recommended South Windsor investigation area identified by the Hawkesbury Employment Land Strategy (HELS).

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

Consultation

The planning proposal has not yet been exhibited. 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* (the Act) and associated Regulations and as specified in the Gateway determination.

Planning Proposal

The planning proposal submitted by the applicant seeks an amendment to the Land Zoning Map of Hawkesbury Local Environmental Plan 2012 (the LEP) to rezone part of the site zoned from RU1 Primary Production to IN1 General Industrial under the provisions of the LEP to allow industrial and ancillary uses on that part of the land.

The planning proposal is supported by the following reports:

- Bushfire Assessment Statement prepared by Building Code & Bushfire Hazard Solutions Pty Ltd.
- Remediation Action Plan/Environmental Assessment prepared by DLA Environmental.

Subject Site and Surrounds

The subject site is located to the east of the South Windsor shops (a Small Village Centre), and is immediately east of the existing South Windsor industrial area. The site is located approximately 1.9kms from the Windsor Railway Station and 2.9kms from the Windsor Town Centre (see Figure 1 below). The site has a rear boundary to South Creek.

The site is legally described as Lot 21 DP 806993, 6 Speedwell Place, South Windsor, and has an area of approximately 11.45ha. The overall site is approximately 203m wide and 545m long and is accessed via an approximately 65m long and 8m wide access handle off Speedwell Place which forms part of the site (see Figure 2 below).

The site (other than the access handle) is zoned RU1 Primary Production and the access handle with an area of approximately 525m² is zoned IN1 General Industrial under the LEP.

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Meeting Date: 26 May 2015

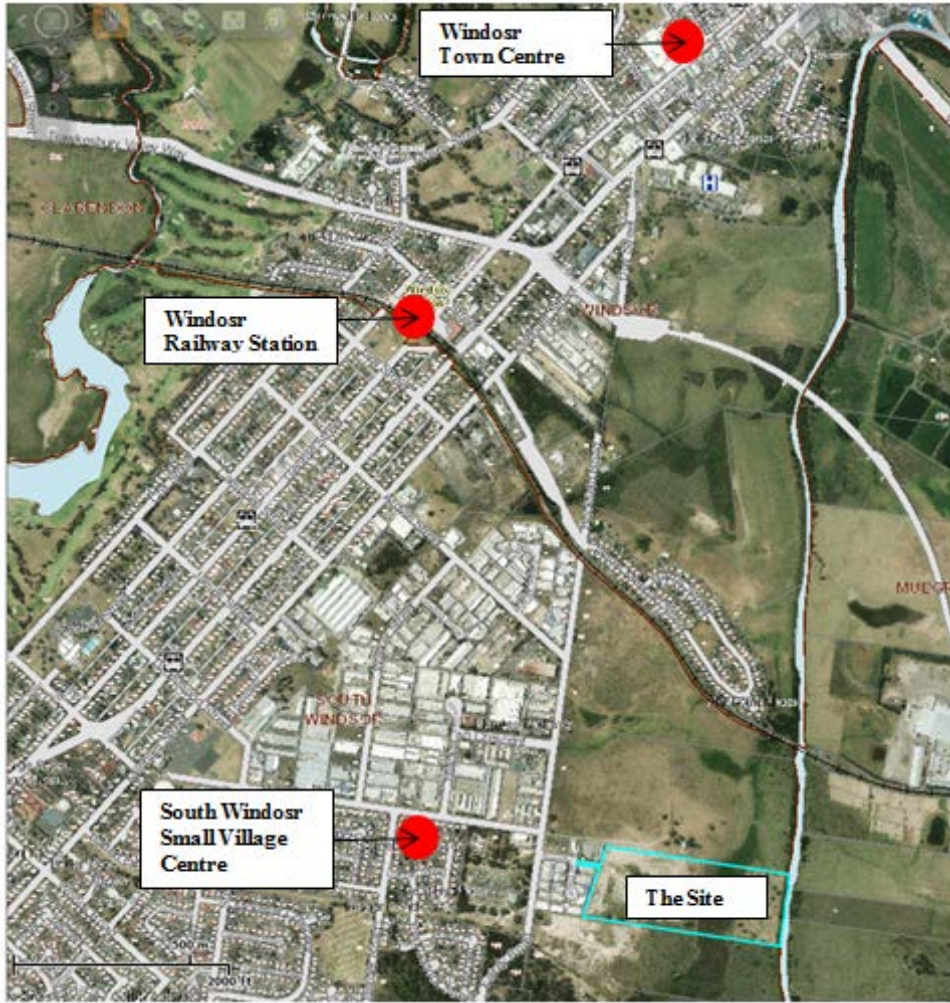


Figure 1: Locality Map

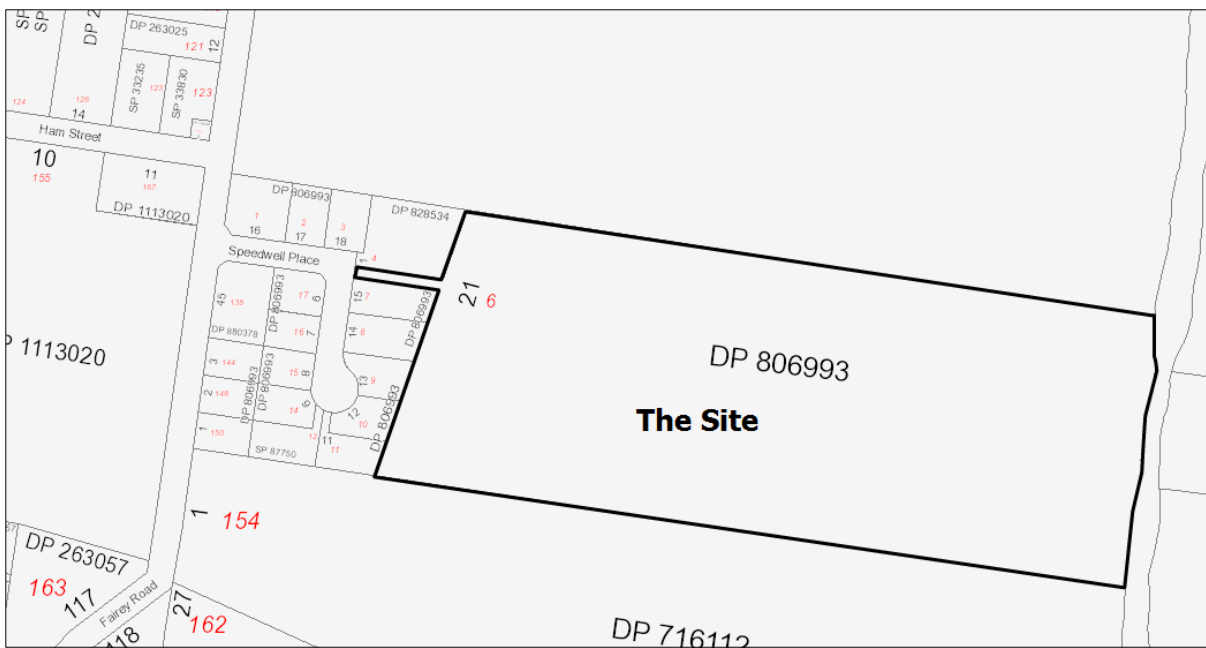


Figure 2: Subject Site

The site is currently vacant and undeveloped (see Figure 3).

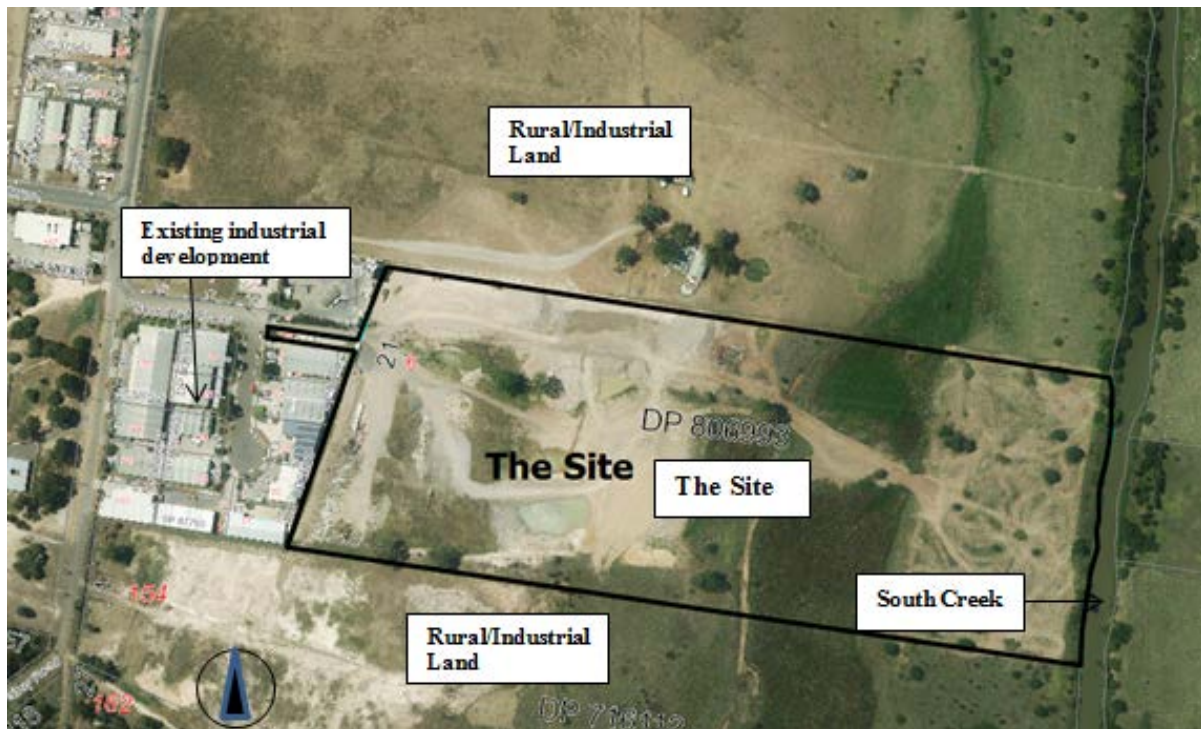


Figure 3: Aerial View of the Site

Whilst the existing industrial development fronting Speedwell Place forms the western boundary of the site, South Creek forms the eastern boundary and similarly split zoned Industrial/Rural properties form northern and southern boundaries (see Figure 3 above).

According to Council's mapping information the natural elevation of the site varies between 1m AHD at eastern boundary and 16m AHD at western boundary and the site generally falls north-easterly direction to South Creek at 1m AHD. The majority of the site area is generally flat with a slope of 6% or less. Narrow strips of land mainly along the western and eastern boundaries, and areas of land at the south-western corner and near the middle of the northern boundary contain slopes in excess of 15%.

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997)* and is within an area of scenic significance under this SREP.

The whole site is shown as being bushfire prone (bushfire vegetation category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map. Also the whole site is shown as a flood prone land on Council's mapping system.

The whole site is shown as being within Acid Sulfate Soil Classification 5.

The whole site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture.

The Terrestrial Biodiversity Map of the LEP records the site as containing Shale Plains Woodland and shows some parts of the site as either Significant Vegetation or Connectivity between Remnant Vegetation.

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According to Council's records, a development application for the use of the site as intensive horticulture, land filling and a wholesale plant nursery (DA 358/06) was approved for the land in March 2007. Council's records also show that a dwelling house was approved on the site in 1992 and 1997. The site has previously been used as a building materials storing facility, a recycling facility and pasture and grazing land. In the early nineties part of the site near the southern boundary was used as a 'borrow pit' to fill the adjoining industrial land that has been subdivided later.

The site is surrounded by a mixture of land uses including industrial, rural, residential and public recreation uses. Properties immediately to the north and south are zoned both IN1 General Industrial and RU1 Primary Production, properties immediately to the west are zoned IN1 General Industrial and east are zoned RU1 Primary Production.

Applicant's Justification of Proposal

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

- *The site is located within an area zoned for industrial/employment services. This area is well serviced by transport and is located nearby the Windsor Town Centre and surrounding residential areas.*
- *The proposal is considered reasonable given that the access handle of the site is zoned for industrial and that the adjoining properties are zoned for industrial.*
- *Given the position of the site within industrial land, the proposed adjusted ratio of RU1 and IN1 is considered appropriate.*
- *Given the interface with industrial uses and site presentation, the site is not considered particularly suitable for agricultural purposes.*
- *The proposal will boost the take up of industrial land given that the owner/business operator will provide for the necessary servicing.*
- *The proposal will provide more opportunities for working close to home in line with local and metropolitan planning objectives.*
- *The site is cleared and altered, lending itself to industrial uses (similar to those surrounding) as opposed to rural.*
- *Future development could incorporate improvements to landscaping, parking and road links and site rehabilitation.*
- *The proposal represents the efficient use of available land, sustainable and energy efficient development and has the effect of relieving land pressure in outer areas in keeping with local and metropolitan land development objectives.*
- *The lower section of the site could be used for agricultural purpose, providing a balance between Council's industrial/employment generating and agricultural objectives.*
- *The planning proposal is considered to be consistent with the relevant state and local planning policies.*
- *The proposal will not have any adverse implications on flood planning, trees, biodiversity, acid sulfate soils or wetland. The site is not classified as heritage.*

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- *The site does not display a rural or landscape character. The area proposed to be expanded is adjoined on either side by the IN1 zone, so the proposal results in a logical expansion and alignment of IN1 zonings. The rear portion of the site is to be retained for rural purposes and to protect the natural environment, in line with the RU1 objectives. Land use conflicts are not expected.*

Hawkesbury Employment Lands Strategy 2008

In December 2008 Council adopted the Hawkesbury Employment Lands Strategy (HELS). The purpose of the strategy is to provide a planning framework for employment precincts (industrial, commercial, retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury region. The HELS recommended Council pursue eight strategies to increase the economic prosperity of the Hawkesbury LGA. The recommended Strategy 5 of the HLES states that:

“Additional land could be zoned industrial where demand is identified and conditions are met. Areas that would be appropriate for such investigations include South Windsor, and North Richmond which are close to current population concentrations, and Mulgrave which is close to McGraths Hill and to the North West Growth Centre (expected to accommodate up to 67,000 new dwellings), and can also service the growing Pitt Town Area.”

At South Windsor areas to the east of Fairey Road not currently zoned for industrial land uses should be considered for industrial.

The site is located within the recommended South Windsor investigation area (see Figure 4).

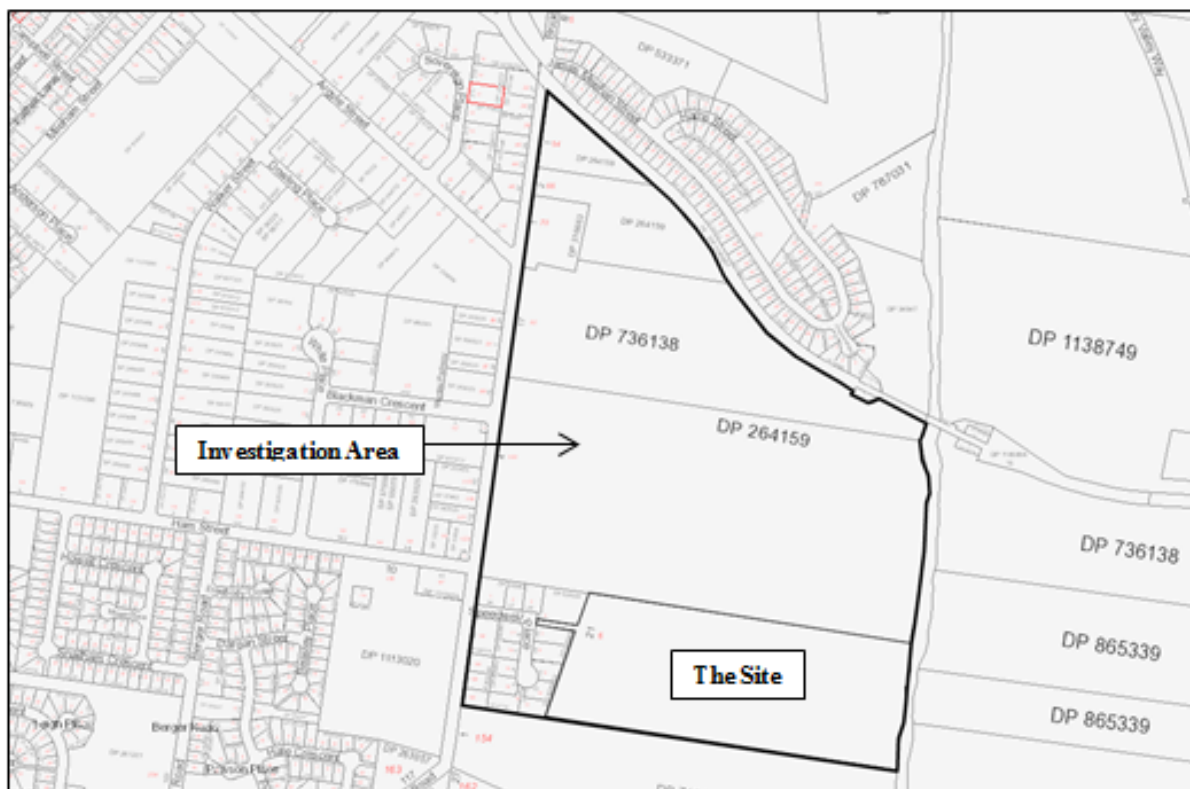


Figure 4: South Windsor Investigation Area

Given the site is located within the area recommended for investigation the planning proposal seeking rezoning of the land to IN2 Light Industrial is generally consistent with the HELS.

Hawkesbury Local Environmental Plan 2012

The site is currently zoned part RU1 Primary Production and part IN1 General Industrial under the LEP (see Attachment 1). A range of land uses are permitted in the RU1 zone but industrial uses are not a permitted land use in the zone. Therefore, the planning proposal is seeking to amend the Land Zoning Map of the LEP to rezone part of the subject site to IN1 General Industrial to allow development of that part of the land for general industrial purposes (see Attachment 2).

As shown in Attachment 1 to this report the properties immediately west of the site are zoned IN1 General Industrial and the properties immediately north and south are zoned part IN1 General Industrial and part RU1 Primary Production. The properties east of the site are zoned RU1 Primary Production. The predominant zonings in the immediate locality are IN1 General Industrial and RU1 Primary Production. Therefore, the planning proposal seeking rezoning part of the site to IN1 General Industrial which is aligned with the current IN1 General Industrial zoned land immediately north and south of the site and retaining the current RU1 Primary Production zoning for the remainder of the site is considered generally consistent with the surrounding zonings (see Attachment 2).

Section 117 Directions

Section 117 Directions are issued by the Minister for Planning and Infrastructure 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. However, all these Directions permit variations subject to meeting certain criteria (See the last part of this section of the report). The principal criterion for variation to a 117 Direction is consistency with an adopted Local or Regional Strategy. A summary of the key Section 117 Directions follows:

Direction 1.1 Business and Industrial Zones

The objectives of this direction are to:

- a) encourage employment growth in suitable locations;
- b) protect employment land in business and industrial zones, and
- c) support the viability of identified strategic centres.

The planning proposal seeks to rezone part of the subject land from a rural to general industrial zone. The land adjoins the existing South Windsor light industrial area. This will therefore enable the expansion of the established industrial area and economic development of the site for a range of general industrial uses including light industries, depots, freight transport facilities, general industries, industrial training facilities, neighbourhood shops, warehouse or distribution centres. Additionally the land is in close proximity to the South Windsor Small Village Centre and the surrounding residential population so the land has potential to boost economic, business and employment activities in the locality and help improve the viability of the small village centre. Hence, it is considered that the planning proposal is consistent with this direction.

Direction 1.2 Rural Zones

Planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

There is a minor inconsistency with this direction as the planning proposal seeks to rezone RU1 Primary Production zoned land area within the site to IN1 General Industrial to allow certain general industrial uses on the site. This minor inconsistency is justified with the following reasons:

- This is a good opportunity to provide additional industrial land adjacent to the established South Windsor industrial area and in proximity to South Windsor Small Village Centre Windsor Town Centre and the Windsor Railway Station and Bus Interchange to enable improved viability of the Centres and the public transport system consistent with both State and Local Government strategic frameworks.

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- The subject land is located within the recommended investigation area for future industrial uses in the HELS.
- Given the location of the site adjacent to the established South Windsor industrial area, as well as its easy access to community infrastructure, the land can be developed more economically for industrial purposes than a rural or an agricultural use to boost the local economy.
- Future development of that part of the land for general industrial purposes is more compatible with surrounding land uses.
- The land appears not to have been previously used for agricultural use (other than grazing). The majority of the site would remain zoned RU1 Primary Production and is not proposed for rezoning hence would still be available for agricultural purposes if required.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

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 NSW Trade and Investment (NSW T&I) would be consulted accordance with Direction 1.3(4).

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- improving access to housing, jobs and services by walking, cycling and public transport,*
- increasing the choice of available transport and reducing dependence on cars,*
- reducing travel demand including the number of trips generated by development and the distances travelled, especially by car,*
- supporting the efficient and viable operation of public transport services, and*
- providing for the efficient movement of freight.*

The Planning Proposal will enable approximately 3.4ha of industrial employment land with reasonably good access to both rail and road transport networks and improved local business/retail activities and employment opportunities within a reasonable walking distance from the South Windsor Small Village Centre and surrounding residential development, thereby minimising likely travel demand and distance for shopping and employment activities. It is therefore considered that the proposed planning proposal is generally 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, and 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.

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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 Act. An acid sulfate soil study has not been included in the planning proposal.

The land has been filled since the preparation of the Acid Sulfate maps and 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:

- (a) *to 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) *to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

This Direction states that:

- Planning proposals must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).
- A planning proposal must not rezone land within the flood planning areas from special use, special purpose, recreation, rural or environmental protection zones to a residential, business, industrial, special use or special purpose zone.
- A planning proposal must not contain provisions that apply to the flood planning areas which:
 - (a) permit development in floodway areas,
 - (b) permit development that will result in significant flood impacts to other properties,
 - (c) permit a significant increase in the development of that land,
 - (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
 - (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodway or high hazard areas), roads or exempt development.

The land is identified as flood prone land. Clause 6.3 Flood Planning of the LEP makes provisions for flood prone land, and the planning proposal does not contain any flood planning provisions. According to the NSW Floodplain Development Manual 2005, Council has developed and adopted the Hawkesbury Floodplain Risk Management Study and Plan for the entire Hawkesbury LGA to enable effective development and management of flood prone land with minimal impact of flooding on individual owners and occupiers of flood prone property and to reduce private and public losses resulting from floods, and the likely impacts of future development of the land on flood management and evacuation can be effectively assessed at development application stage.

However there is a minor inconsistency with this direction as it is proposed to rezone part of the flood prone site to IN1 General Industrial. This inconsistency has already been justified under the Direction 1.2 Rural Zones above.

It is anticipated that due to the flood affectation of the land the planning proposal will be referred to the Office of Environment and Heritage and the State Emergency Service for consideration.

Direction 4.4 Planning for Bushfire Protection

The land is identified as bushfire prone, containing Vegetation Category 1. 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 unnecessary restrictive site specific planning controls. The planning proposal proposes an amendment to the Land Zoning Map only. It is therefore considered that the proposed amendment is consistent with this Direction.

Direction 7.1 Implementation of the Metropolitan Strategy

The objective of this Direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the *Metropolitan Plan for Sydney 2036*. This Direction requires that planning proposal should be consistent with the NSW Government's *Metropolitan Plan for Sydney 2036*.

'*Metropolitan Plan for Sydney 2036*', which is one of the issues taken into consideration in the early part of the assessment of the Planning Proposal, establishes that the planning proposal is consistent with this Plan.

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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:

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

The HELS has been prepared with consideration given to the various policies and strategies of the NSW Government and Section 117 Directions of the Minister. In this regard, a planning proposal that is consistent with the Hawkesbury Employment Land Strategy is more likely to be able to justify compliance or support for any such inconsistency.

State Environmental Planning Policies

The State Environmental Planning Policies of most relevance are *State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land*, *Sydney Regional Environmental Plan (SREP) No. 9 - Extractive Industry (No 2 - 1995)* and *(SREP) No. 20 - Hawkesbury - Nepean River (No.2 - 1997)*.

State Environmental Planning Policy No. 55 - Remediation of Land ((SEPP 55)

SEPP 55 requires consideration as to whether or not land is contaminated and, if so, is it suitable for future permitted uses in its current state or does it require remediation. The SEPP may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Council records reveal that materials used to fill the site was not the Council recommended Virgin Excavated Natural Materials (VENM) in the development approval for Intensive agriculture, land filling, dam construction and operation of a wholesale nursery (DA 0358/06).

In June 2013 Council received a DA0291/13 for site remediation works supported by a remediation action plan (RAP) prepared by David Lane Environmental to address the minor asbestos contamination that occurred on the site.

A review of the present land use suitability of the site undertaken by DLA Environmental (DLA) in accordance with the amended National Environmental Protection (Assessment of Site Contamination) Measures (NEPM) guidelines 2013 in March 2014 states that:

"The site is now considered suitable for its intended land use and requires no remedial actions to be undertaken and can be developed in its current state without risk to human health or the environment. The Site identified as Lot 21 DP806993, located at 6 Speedwell Place NSW, complies with the most sensitive health investigation levels, being Residential A - Residential with accessible soils, in accordance with NEPM 2013 and as such complies with the designated Industrial/Commercial land use criteria".

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As a result DA0291/13 has been withdrawn as remedial work was no longer required.

The applicant states that:

“Further investigations and potential remediation may be required for future industrial development of the site, however the likelihood and type of potential contamination does not preclude the site for use as industrial.”

Despite the findings of the above review, if the planning proposal is to proceed, further consideration of potential contamination can be dealt with after DP&E’s Gateway determination.

Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995) - (SREP 9)

The primary aims of SREP 9 are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposal development restrict the obtaining of deposits of extractive material from such land.

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

The aim of SREP 20 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, water quantity, flora and fauna, agriculture, rural residential development and the metropolitan strategy.

Specifically SREP 20 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; when considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of rural land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 20 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan;*
- *minimise or eliminate point source and diffuse source pollution by the use of best management practices;*

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- *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;*
- *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 site falls within the Middle Nepean & Hawkesbury River Catchment Area of SREP 20.

The applicant states:

“The proposed zoning change is considered to be consistent with the objectives and planning provisions of SREP 20.

The South Creek catchment area is a regionally significant landscape unit. A Part 3A permit and Environmental Management Plan is applicable under the current development consent for the site. This plan required the construction of dams at the lower point on the site using aquatic plants to rehabilitate the area and these dams have been constructed.

A bund wall has also been constructed adjacent to the rear boundary of the site in the accordance with the Environmental Management Plan. This provides a suitable buffer between industrial land uses and earthworks from South Creek.

Given the above, the proposal is considered consistent with the environmental and planning strategies embodied in the SREP.”

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It is considered that some form of industrial development on the subject land has the potential to either satisfy the relevant provisions SREP 20 or to minimise likely impacts on the environment of the Hawkesbury-Nepean River system. Further detailed consideration of the above matters can be addressed at the development application stage.

Character of the Area

There is a mix of land uses around the site including low-rise urban and rural residential development, parks and public reserves, childcare centres, schools and industrial development. The predominant land use within the immediate vicinity of the site is industrial and therefore the planning proposal seeking rezoning of part of the site to IN1 General Industrial is generally consistent with the surrounding land uses.

Services

The site is adjacent to the existing South Windsor industrial area with good access to infrastructure services that could be made available to the site through satisfactory arrangements with the relevant service providers.

The applicant advises that the owner/developer will make appropriate arrangements to provide the required level of services to accommodate a suitable form of an industrial development on the site. The site also has good access to both regional road transport system and Sydney Metropolitan Rail Network.

If the planning proposal is to proceed, the relevant public authorities such as Sydney Water, Integral Energy and Telstra Corporation will need to be consulted on the planning proposal after DP&E's Gateway determination.

Public Transport and Traffic Movement

The planning proposal is not supported by a transport/traffic statement or traffic impact statement. The applicant states that the area is well serviced by public transport system.

There is a limited bus service within the South Windsor area. A public bus service (Route No. 676) is operating between South Windsor and Windsor. Also public buses are running through South Windsor between Windsor and Mount Druitt Interchange (Route No 674) and Windsor and Penrith Interchange (Route No 673).

The site is located approximately 1.9kms from Windsor Railway Station and Bus Interchange. Public bus service is available from Windsor Interchange to surrounding suburbs in the region including Penrith, Mt Druitt, Richmond, Wilberforce, Pitt Town and Riverstone, McGraths Hill and Vineyard. Also a NightRide bus service operates three times a week between Richmond and City (Town Hall) via Windsor Station. Therefore it is considered that the site has reasonably easy access to public transport.

Given the proposed site access arrangement from Speedwell Place which is a local road with no significant traffic movements, it is a matter for Council to consider any likely impacts of the future development of the land on the local road network or the residential amenity in the locality at the development application stage.

Ecology

The applicant states that there are no significant trees or landscape features on the site. The majority of vegetation has been removed under previous approvals.

The Terrestrial Biodiversity Map of the LEP records the site as containing Shale Plains Woodland and shows some parts of the site as either Significant Vegetation or Connectivity between Remnant Vegetation.

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A recent site investigation undertaken by Council's Land Management Officer reveals that there is very little vegetation remaining on site other than a couple of remnant trees. There is a wetland towards the rear of the property which is not affected by the proposed rezoning. The wetland is not a RAMSAR wetland.

A detailed consideration of any future development of the land can occur at development application stage.

Bushfire Hazard

The site is shown as being bushfire prone (bushfire vegetation category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map.

A bushfire report prepared by Building Code & Bushfire Hazard Solutions Pty Ltd states that:

"The subject site is a large allotment with an area of industrial and rural/production allotments. The vegetation posing a potential threat to the proposed rezoning is located to the north and south within neighbouring private allotments and east within the site itself. The vegetation posing a hazard was determined to be Grassland to all three aspects.

The Rural Fire Service supports protection of the subfloor or the integration of 1.8metre high protective (non-combustible) fencing in conjunction with screened windows and a basic Asset Protection Zone of 10 metres for Grassland hazards regardless of the type of development. The subject site can accommodate multiple building footprints >10 metres from the northern and southern boundaries and the proposed RU1 boundary (to the east).

We are satisfied that future permissible development within the new IN1 (General Industrial) zone can achieve the minimum Asset Protection Zone, Water Supply Access and other relevant specifications and requirements detailed in Planning for Bushfire Protection 2006.

In accordance with the bushfire safety measures contained in this assessment, and consideration of the site specific bushfire risk assessment it is our opinion that the proposed planning proposal can provide a reasonable level of bushfire protection and can also satisfy the relevant specifications and requirements 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 of bushfire protection, for comment.

Agricultural Land Classification

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

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

Given the site has not been used for any agricultural purposes (other than grazing) in the past and is adjacent to the existing South Windsor industrial area with reasonable access to public transport system and road transport network and other public amenities it has a reasonable urban development potential and therefore more economical and sustainable development can be achieved should part of the site be rezoned to IN1 General Industrial as proposed in the planning proposal.

Heritage

The subject property is not listed as a heritage item in Schedule 5 Environmental Heritage of the LEP (Schedule 5) or identified as an archaeological site.

Conformance to the Hawkesbury Community Strategic Plan

The following provisions of the CSP are of most relevance to the planning proposal.

Supporting Business and Local Jobs

Directions:

- 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.

Strategy:

- *Increase the focus on high end jobs and innovation to build on our strengths and achieve a diverse industry base.*

Goals:

- *Have and expanded, sustainable and growing industry base.*
- *Stronger, broader range of sustainable businesses.*

The planning proposal will enable increased business and ancillary retail opportunities on the land and boost the Hawkesbury LGA's economic activities and employment opportunities, and therefore it will be an appropriate tool in the implementation of the Directions and Strategies contained in the CSP and the recommendations of the HELS.

Financial Implications

The applicant has paid the planning proposal application fees required by Council's Fees and Charges for the preparation of a local environmental plan.

Conclusion

The assessment of the planning proposal with regard to the matters considered in this report reveals that the subject site has the potential for some form of industrial development and the planning proposal has some merit.

It is recommended that Council support amending the LEP as explained in this report to allow part of the subject land to be developed for general industrial purposes.

The following matters discussed in this report and/or any other additional studies or investigations required by a Gateway determination issued by the DP&E in respect of this planning proposal will need to be undertaken by the applicant and/or Council as specified in the determination prior to finalisation of the proposed amendment to the LEP.

- Acid sulfate soil study.
- Consultation with the Office of Environment and Heritage, the State Emergency Service, the NSW Rural Fire Service, the NSW Trade and Investment, Sydney Water, Integral Energy and Telstra Cooperation prior to public exhibition of the planning proposal.

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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 rezone part of Lot 21 DP 806993, 6 Speedwell Place, South Windsor from RU1 Primary Production to IN1 General Industrial under Hawkesbury Local Environmental Plan 2012 as shown in Attachment 2 to this report.
2. The planning proposal be forwarded to the Department of Planning and Environment with a request 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:

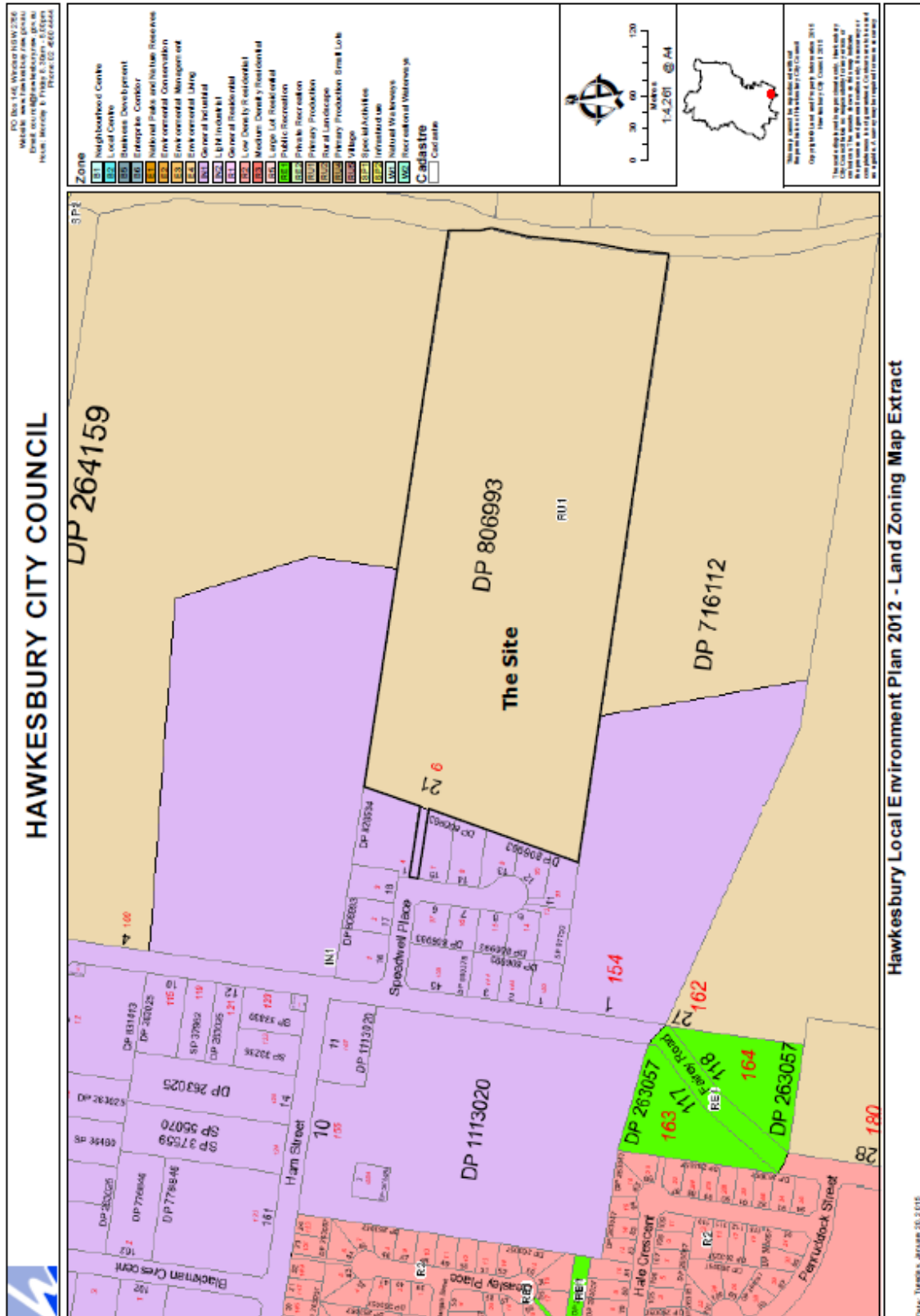
AT - 1 Current Land Zoning Map Extract - Subject Site and Surrounding Properties

AT - 2 Proposed Land Zoning Map

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AT - 1 Current Land Zoning Map Extract - Subject Site and Surrounding Properties



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Item: 76 **CP - LEP001/15 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 219 Bells Line of Road, North Richmond - (95498, 129183)**

Previous Item: 183, Ordinary (30 August 2011)

REPORT:

Executive Summary

This report discusses a planning proposal from Glenn Falson Urban and Rural Planning Consultant (the applicant) which seeks to amend Hawkesbury Local Environmental Plan 2012 (the LEP) to enable the subdivision of Lot 87 DP 1040092, 219 Bells Line of Road, North Richmond (the subject site) into two lots with a minimum lot size of not less than 4ha.

The proposed subdivision of the subject site into two lots does not comply with the current 10ha minimum lot size provisions in the LEP. This planning proposal seeks an amendment to the Lot Size Map of the LEP to change the minimum lot size for the site to allow subdivision of the site into two lots with a minimum lot size of not less than 4ha.

The planning proposal does not seek to amend the existing RU1 Primary Production zoning of the site.

It is recommended that Council support the preparation of a planning proposal to allow development of the subject site primarily for large lot residential development.

Consultation

The planning proposal has not yet been exhibited. 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* (the Act) and associated Regulations and as specified in the 'Gateway' determination.

Background

In February 2011, Council received a development application (DA0097/11) seeking approval for a two lot Torrens title subdivision of the subject site. Given the proposed subdivision was not consistent with the 10ha minimum lot size requirement for the subdivision of the site under the provisions of the (then) Hawkesbury Local Environmental Plan 1989 the application included an objection under State Environmental Planning Policy No. 1 – Development Standards (SEPP 1) seeking a variation from the minimum lot size requirement.

On 30 August 2011, Council considered a report on the development application and resolved not to support the application.

This planning proposal seeks to amend the Lot Size Map of the LEP to allow subdivision of the land into two lots as depicted in the concept plan attached to the planning proposal. Should the planning proposal be supported a separate development application would be required to determine a future subdivision.

Planning Proposal

The planning proposal seeks an amendment to the LEP in order to permit the subdivision of the site into two lots with a minimum lot size of not less than 4ha. A concept plan for the proposed subdivision is attached to this report, for discussion purposes only in relation to the potential yield of the site and does not form part of the planning proposal. This can only be considered by Council when submitted with a development application.

The effect of the planning proposal would be to either:

- a) amend the Lot Size Map of the LEP (Map Identification No. 3800_COM_LSZ_008AA_020_20141010) to change the minimum lot size applying to the site as 4ha, or
- b) insert a new provision in the LEP to permit the site to be subdivided as proposed into a maximum number of two lots.

The Department of Planning and Environment (DP & E) will ultimately decide on the type of amendment to the LEP. However, it is understood that at present the DP & E's preferred option is to amend the Lot Size Map of the LEP rather than include a clause or provision in the LEP to limit the number of lots of subdivision of the site.

Subject Site and Surrounds

The subject site is legally described as Lot 87 DP 1040092 and known as 219 Bells Line of Road, North Richmond. The site is located on the western side of Bells Line of Road, and is approximately one kilometre from North Richmond Village Centre. The site has an area of 19.2ha and has an irregular shape. Redbank Road bisects the site into two parts. The northern part of the site has an area of 6.7ha and the southern part has an area of 12.5ha (see Figure 1).

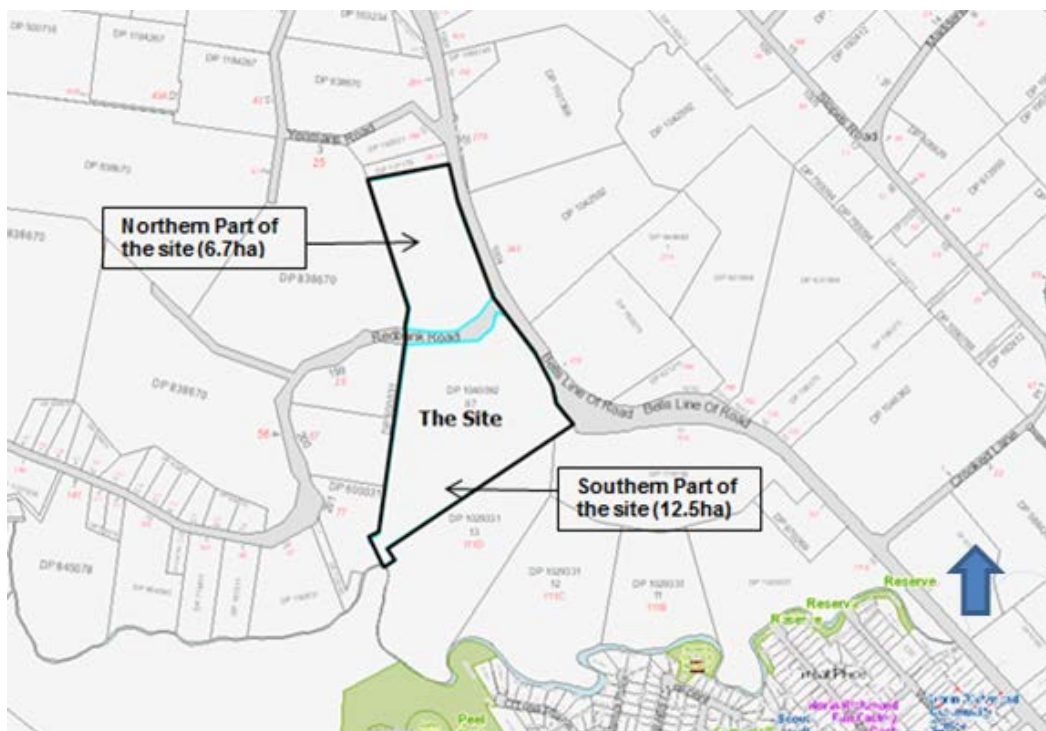


Figure 1: Subject site

The site is zoned RU1 Primary Production under the LEP. The current minimum lot size for subdivision of this site is 10ha.

The site is shown as being bushfire prone (bushfire vegetation category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map.

The site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture.

The site is situated above the 1 in 100 year ARI flood level.

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The land has an elevation of approximately 65m AHD towards Bells Line of Road and then falls south-westerly direction towards the two existing two dams at a level of approximately 43 AHD.

According to Council's slope mapping land near the south-eastern and north-eastern corners of the site and the intersection of Bells Line of Road and Redbank Road has a slope greater than 15%. The remaining site area containing open grass land with some scattered clusters of trees and dense vegetation has a slope less than 15%.

The site is shown as being within Acid Sulfate Soil Classification 5. This represents a relatively low chance of acid sulfate soils being present on the site.

The majority area of the site area is shown as 'connectivity between remnant vegetation and records the site as containing Shale Plains Woodland and Shale Sandstone Transition Forest (High Sandstone influence).

The southern part of the site contains a local heritage listed residence known as 'Hillcrest', a tennis court, out buildings, part of the Fairfax (Rural Press) Media complex carpark and a dam. The southern part of the site contains grasslands with some scattered clusters of trees.

The northern part of the site is vacant and has been used in the past for grazing activities. The majority area of this part of the site is covered by vegetation with grasslands and scattered clusters of trees along the northern boundary. A small dam is contained within the grassland area.

The surrounding land uses include rural residential properties, Colo High School, Fairfax (Rural Press) Media complex, grazing lands and urban housing.

Applicant's Justification of Proposal

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

- *"Technical site investigations have been carried out which has demonstrated that the land is capable of being subdivided into two lots and these two lots would be consistent with other lands in the vicinity and would form an appropriate allotment size near to the edge of the North Richmond township.*
- *The proposed lots are capable of containing on-site wastewater disposal and matters relating to vegetation management and bushfire control.*
- *The effluent disposal assessment, flora/fauna assessment and bushfire assessment indicate that there is ample room available for the erection of a dwelling on the proposed vacant northern lot without impact on vegetation.*
- *Water, electricity, telephone and transport are currently available to the site boundaries.*
- *The two components of the site already have the appearance of separate allotments and there are vehicular accesses off Redbank Road to each component. Subdivision in the manner proposed is a logical division of land already physically divided by Redbank Road.*
- *This proposal will allow the development of a new allotment on sustainable accessible land, which can support effluent disposal and provide for asset protection zones (APZs). Most importantly no impact to the existing heritage item 'Hillcrest' will occur due to this proposal.*
- *It is considered that subdivision of the land as proposed would have no impact on primary production capacity and in fact could allow some form of low-density agricultural use if a dwelling was ultimately constructed on the northern parcel of the land as an individual lot as proposed."*

Metropolitan Strategy, Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy

The NSW Government's 'A Plan for Growing Sydney' December 2014 (the Sydney Metropolitan Strategy) and Draft North West Subregional Strategy establish the broad planning directions for the Sydney metropolitan area and north-western sector of Sydney respectively. These documents identify a number of strategies, objectives and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance.

These two documents have a high level metropolitan and regional focus and for the most part are not readily applicable to a singular rural residential planning proposal at North Richmond. Notwithstanding this the applicant has provided an assessment of the planning proposal against these two documents and concludes that the proposal is consistent with these strategies. Taking into consideration the location of the proposed development, i.e. on the western side of Hawkesbury River and on the fringe of North Richmond Village, and the unsuitability of the site to provide for an increased density of housing development beyond what is proposed it is considered that the proposal demonstrates satisfactory compliance with these strategies.

The Hawkesbury Residential Land Strategy (HRLS) is, in part, a response to the above mentioned State strategies and seeks to identify residential investigation areas and sustainable development criteria which are consistent with the NSW Government's strategies.

The proposal can be described as a rural residential development on the fringe of the North Richmond village.

The HRLS states that the future role of rural residential development is as follows:

"Rural residential developments have historically been a popular lifestyle choice within Hawkesbury LGA. However, rural residential development has a number of issues associated with it including:

- *Impacts on road networks;*
- *Servicing and infrastructure;*
- *Access to facilities and services;*
- *Access to transport and services;*
- *Maintaining the rural landscape; and*
- *Impacts on existing agricultural operations.*

Whilst this Strategy acknowledges rural residential dwellings are a part of the Hawkesbury residential fabric, rural residential dwellings will play a lesser role in accommodating the future population. As such, future rural development should be low density and large lot residential dwellings."

For the purposes of this proposal, the relevant criteria for rural residential development are that it be large lot residential dwellings and:

- *"be able to have onsite sewerage disposal;*
- *cluster around or on the periphery of villages;*
- *cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within a 1km radius);*
- *address environmental constraints and have minimal impact on the environment;*
- *be within the capacity of the rural village"*

Comment: The ability to dispose of effluent on site is discussed in later sections of this report.

The site is on the fringe of the North Richmond village centre.

Relevant environmental constraints are discussed in later sections of this report.

Council Policy - Rezoning of Land for Residential Purposes - Infrastructure Issues

On 30 August 2011, Council adopted the following Policy:

"That as a matter of policy, Council indicates that it will consider applications to rezone land for residential purposes in the Hawkesbury LGA only if the application is consistent with the directions and strategies contained in Council's adopted Community Strategic Plan, has adequately considered the existing infrastructure issues in the locality of the development (and the impacts of the proposed development on that infrastructure) and has made appropriate provision for the required infrastructure for the proposed development in accordance with the sustainability criteria contained in Council's adopted Hawkesbury Residential Land Strategy.

Note 1:

In relation to the term "adequately considered the existing infrastructure" above, this will be determined ultimately by Council resolution following full merit assessments, Council resolution to go to public exhibition and Council resolution to finally adopt the proposal, with or without amendment.

Note 2:

The requirements of the term "appropriate provision for the required infrastructure" are set out in the sustainability matrix and criteria for development/settlement types in chapter six and other relevant sections of the Hawkesbury Residential Land Strategy 2011."

Compliance with the HRLS has been discussed above. Compliance with CSP will be discussed later in this report.

Council Policy - Our City Our Future Rural Rezonings Policy

This Policy was adopted by Council on 16 May 1998 and had its origin in the Our City Our Future study of the early 1990s.

Since the time of adoption this Policy has essentially been superseded by subsequent amendments to Hawkesbury Local Environmental Plan 1989, NSW Draft North West Subregional Strategy, the Hawkesbury Residential Land Strategy, the Hawkesbury Community Strategic Plan, the commencement of LEP 2012, and the DP&E's 'Gateway' system for dealing with planning proposals.

The Policy is repeated below with responses provided by the applicant.

- a) Fragmentation of the land is to be minimised.

Applicant response

The land is within an area identified within Council's subsequent Residential Land Strategy as having urban potential. Fragmentation of land is envisaged by this subsequent strategy. In any case the land is already fragmented by the location of Redbank Road that dissects the site. The site already has the physical characteristics of separate lots.

- b) Consolidation within and on land contiguous with existing towns and villages be preferred over smaller lot subdivision away from existing towns and villages

Applicant response

The site is close to North Richmond and the proposal is consistent with this principle.

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- c) No subdivisions along main road and any subdivision to be effectively screened from minor roads

Applicant response

Whilst the site fronts a main road (Bells Line of Road) it does not rely on access to that road as existing access points are available to Redbank Road for each proposed lot. The subdivision as proposed would not be distinguishable from existing surrounding rural/residential development.

- d) No subdivision along ridgelines or escarpments

Applicant response

The site is not on a ridge line or in an escarpment area.

- e) Where on-site effluent disposal is proposed, lots are to have an area of at least one hectare unless the effectiveness of a smaller area can be demonstrated by geotechnical investigation.

Applicant response

Each proposed lot is well above this minimum area and the effluent disposal assessment indicates that each lot is suitable for effluent disposal.

- f) The existing proportion of tree coverage on any site is to be retained or enhanced.

Applicant response

The subdivision does not propose removal of vegetation. The construction of a subsequent additional dwelling would also not require removal of any vegetation.

- g) Any rezoning proposals are to require the preparation of Environmental Studies and Section 94 Contributions Plans at the applicant's expense.

Applicant response

The rezoning process has altered since this policy of Council. The 'Gateway' process will dictate whether further studies are required.

Staff response

Taking into consideration the scale of the development it is considered that an environmental study is not required. However, this will be a matter for the DP&E to advise Council on as a result of their 'Gateway' process.

The need for a Section 94 Contribution Plan or a Voluntary Planning Agreement can be further discussed with the applicant if this planning proposal is to proceed.

- h) Community title be encouraged for rural subdivision as a means of conserving environmental features, maintaining agricultural land and arranging for the maintenance of access roads and other capital improvements.

Applicant response

Community title is not proposed for this subdivision and would be of no advantage given that the land is already divided by the Redbank Road.

Section 117 Directions

The Minister for Planning, under section 117(2) of the Act, issues directions that relevant planning authorities including councils must comply when preparing planning proposals. The directions cover the following broad range categories:

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Regional planning
- Local plan making
- Implementation of a Plan for Growing Sydney

Section 117 Directions are issued by the Minister for Planning and Infrastructure 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. However all these Directions permit variations subject to meeting certain criteria (see the last part of this section of the report). The principal criterion for variation to a 117 Direction is consistency with an adopted Local or Regional Strategy.

A summary of the key Section 117 Directions applying to the planning proposal follows:

Direction 1.2 Rural Zones

Planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

The planning proposal seeks an amendment to the Lot Size Map of the LEP and it does not propose any zoning changes or contain provisions to increase the permissible density of land. It is therefore considered that the planning proposal is consistent with this Direction.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

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

Direction 1.3 (3) states that:

"This Direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:

- (a) Prohibiting the mining of coal or other minerals, production of petroleum, or wining or obtaining of extractive materials, or*
- (b) Restricting the potential development of resources of coal, other mineral, petroleum or extractive materials which are of State regional significance by permitting a land use that is likely to be incompatible with such development."*

The site is not located within the Identified Resource Area or the Potential Resource Area or the Transition Area - areas adjacent to identified resource areas as defined by mineral resource mapping provided by the NSW Resource & Energy Division of NSW Trade & Investment. Also, the subject land is not located within or in the vicinity of land described in Schedule 1, 2 and 5 of the *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)* nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

The planning proposal seeks amendments only to the Lot Size Map of the LEP, and does not propose any provisions prohibiting the mining of coal or other minerals, production of petroleum, or mining or obtaining of extractive materials, or restricting the potential development of resources of coal, other mineral, petroleum or extractive materials which are of State regional significance by permitting a land use that is likely to be incompatible with such development.

The current RU1 Primary Production zoning of the land is to remain unchanged. However, given mining and extractive industries are prohibited land uses in this zone, consultation is required with the NSW Trade and Investment (NSW T&I) should Council resolve to proceed with the planning proposal and receive a gateway determination advising to proceed with the planning proposal from DP&E in accordance with this Direction.

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Direction 2.3(4)(a) states that:

"(4) A planning proposal must contain provisions that facilitate the conservation of:

- (a) Items, places, buildings, works, relics, movable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area."*

The site contains a heritage item known as "Hill Crest" which is included in Schedule 5 Environmental Heritage of the LEP as a heritage item with local heritage significance. Given the LEP contains provisions to conserve items, areas, objects and places of environmental heritage significance identified in Schedule 5 of the LEP, the planning proposal does not contain provisions to conserve the heritage significance of 'Hill Crest'. Therefore, it is considered that the planning proposal is consistent with this Direction.

Direction 3.1 Residential Zones

Planning proposals must include provisions that encourage the provision of housing that will:

- broaden the choice of building types and locations available in the housing market
- make more efficient use of existing infrastructure and services
- reduce the consumption of land for housing and associated urban development on the urban fringe
- be of good design.

Furthermore a planning proposal must contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).

The planning proposal would enable the subdivision of the site into two large rural residential lots through an amendment to the Lot Size Map of the LEP and provide the local community with increased housing in close proximity to the North Richmond Village Centre.

Clause 6.7 Essential services of the LEP, makes provisions for essential services. As this clause ensures that all essential services are in place to accommodate future development on the site the planning proposal does not propose a provision for essential services. Therefore, it is considered that the planning proposal is generally consistent with this Direction.

Direction 3.3 Home Occupations

The objective of this Direction is to encourage the carrying out of low-impact small businesses in dwelling houses. Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

The planning proposal seeks amendments only to the Lot Size Map of the LEP and the current RU1 Primary Production zoning of the land is to remain unchanged. This zone permits carrying out of home occupations in dwelling houses without development consent. The planning proposal is therefore consistent with this Direction.

Direction 3.4 Integrating Land Use and Transport

Planning proposals must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of Improving Transport Choice - Guidelines for planning and development (DUAP 2001).

In summary this document seeks to provide guidance on how future development may reduce growth in the number and length of private car journeys and make walking, cycling and public transport more attractive. It contains 10 'Accessible Development' principles which promote concentration within centres, mixed uses in centres, aligning centres with corridors, linking public transport with land use strategies, street connections, pedestrian access, cycle access, management of parking supply, road management, and good urban design.

The document is very much centres based and not readily applicable to consideration of a rural residential planning proposal. The document also provides guidance regarding consultation to be undertaken as part of the planning proposal process and various investigations/plans to be undertaken. It is recommended that if this planning proposal is to proceed Council seek guidance from the DP&E via the 'Gateway' process, regarding the applicability of this document.

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" (less constrained) on the Acid Sulfate Soils Planning Maps, and as such any future development on the site 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 soils 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 Act.

An acid sulfate soils study has not been included in the planning proposal. The DP&E will consider this as part of their 'Gateway' determination and if required can request further information/consideration of this matter.

Direction 4.4 Planning for Bushfire Protection

The site is identified as bushfire prone, containing Vegetation Category 1. The 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 proposes an amendment to the Lot Size Map of the LEP only and does not include any restrictive site specific planning controls. It is therefore considered that the proposed amendment is consistent with this Direction.

Direction 7.1 Implementation of 'A Plan for Growing Sydney'

This Direction requires planning proposals to be consistent with the NSW Government's '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.

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:

- 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, or

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- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this Direction, or
- c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this Direction, or
- d) is of minor significance.

The HRLS has been prepared with consideration given to the various policies and strategies of the NSW Government and Section 117 Directions of the Minister. In this regard, a planning proposal that is consistent with the Hawkesbury Residential Land Strategy is more likely to be able to justify compliance or support for any such inconsistency.

State Environmental Planning Policies

The State Environmental Planning Policies of most relevance are *State Environmental Planning Policy No. 55 Remediation of Land*, *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)* and *Sydney Regional Environmental Plan No. 20 Hawkesbury - Nepean River (No.2 - 1997)*.

SEPP 55 requires consideration as to whether or not land is contaminated, and if so, is it suitable for future permitted uses in its current state or does it require remediation. SEPP 55 may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

The applicant states that the land has not been used for an agricultural use for many years other than light grazing. Council records do not indicate the land has been used for any intensive agriculture or farming. Given the use of the land for low density grazing it is considered that the land would not be contaminated to such a degree as to cause harm.

If the planning proposal is to proceed further consideration of potential contamination can be dealt with after DP&E's 'Gateway' determination.

The primary aims of SREP No 9 (No.2 -1995) are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposal development restrict the obtaining of deposits of extractive material from such land.

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, water 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

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- 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
- when considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of rural land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 20 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan
- 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
- 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 site falls within the Middle Nepean & Hawkesbury River Catchment Area of SREP 20.

It is considered that some form of rural residential development on the subject land has the potential to either satisfy the relevant provisions SREP No 20 or be able to appropriately minimise its impacts.

Hawkesbury Local Environmental Plan 2012

The site is zoned RU1 Primary Production under the LEP. The current minimum lot size for subdivision of this site is 10ha. The proposed subdivision of the site is to create a separate lot on either side of Redbank Road recognising the current physical separation of the site, into two parts with areas of 12.5ha and 6.7ha, by Redbank Road as shown in the concept plan is not permissible under the current 10ha minimum lot size provision in the LEP. The site can be subdivided into two lots with areas of 10ha and 9.2ha and this would result in fragmentation of the proposed Lot 1 either side of Redbank Road. According to Council's records a previous development application (DA 0097/11) for subdivision of the site into two lots exactly the same as the current proposal (supported by an objection under SEPP 1 seeking a variation to the minimum lot size requirement) was refused by Council in September 2011. Given these circumstances it is considered reasonable to consider the following issues when determining the appropriateness of the proposed amendment to Lot Size Map of the LEP.

- Redbank Road is a quite busy public road which bisects the site into two parts and isolates the use of the northern part of the site from the southern part and imposes constraints for development of the site as a whole.

Redbank Road experiences a relatively high traffic volume including school traffic to and from both Colo High School and Kuyper Christian School. It is also expected that Redbank Road may experience an increase of traffic once the Redbank development project (enabling approximately 1,400 houses and the Seniors Living facility) currently under construction is completed.

- Given the physical separation of the site into two parts by Redbank Road with a relatively high speed limit of 80kph and a blind corner on eastern side approach causing difficulties in crossing the road or accessing the northern part of the site which creates an obvious physical constraint to develop the site as a whole. It is noted that the current development on the site is limited only to the southern part of the site and northern part with an area of 6.7ha is undeveloped and remained vacant.
- If the site is subdivided under the current 10ha minimum lot size provision it can be subdivided into 10ha and 9.2ha lots. This would result in fragmentation of the proposed Lot 1 either side of Redbank Road. This is not considered as a desirable land use planning outcome.
- If the site is to continue with its current form and this physical constraint it is considered that it would not be possible to develop the whole site to its full potential and is also inconsistent with the following objective of Section 5(a)(ii) of the Act:

"(a) to encourage:

(ii) the promotion and co-ordination of the orderly and economic use and development of land."

Given these circumstances, the planning proposal seeking amendment to the Lot Size Map of the LEP to allow the proposed subdivision of the site into two lots is considered appropriate provided that the site has an environmental capability to accommodate the proposed development on the site.

The rest of the report assesses the site's environmental capability against other relevant environmental issues such as site slope, on-site wastewater disposal, bushfire, flora and fauna, flooding and heritage.

Topography

The land has an elevation of approximately 65m AHD towards Bells Line of Road and then falls south-westerly direction towards the two existing dams at a level of approximately 43 AHD.

According to Council's slope mapping land near the south-eastern and north-eastern corners of the site and the intersection of Bells Line of Road and Redbank Road has a slope greater than 15%. The remaining site area generally has a slope less than 15%. The HRLS recognises slopes greater than 15% act as a constraint to development. The steeper sloping part of the land with slopes greater than 15% act as constraints for the location and type of dwelling, any out building, effluent disposal system, and driveways for the proposed two lots.

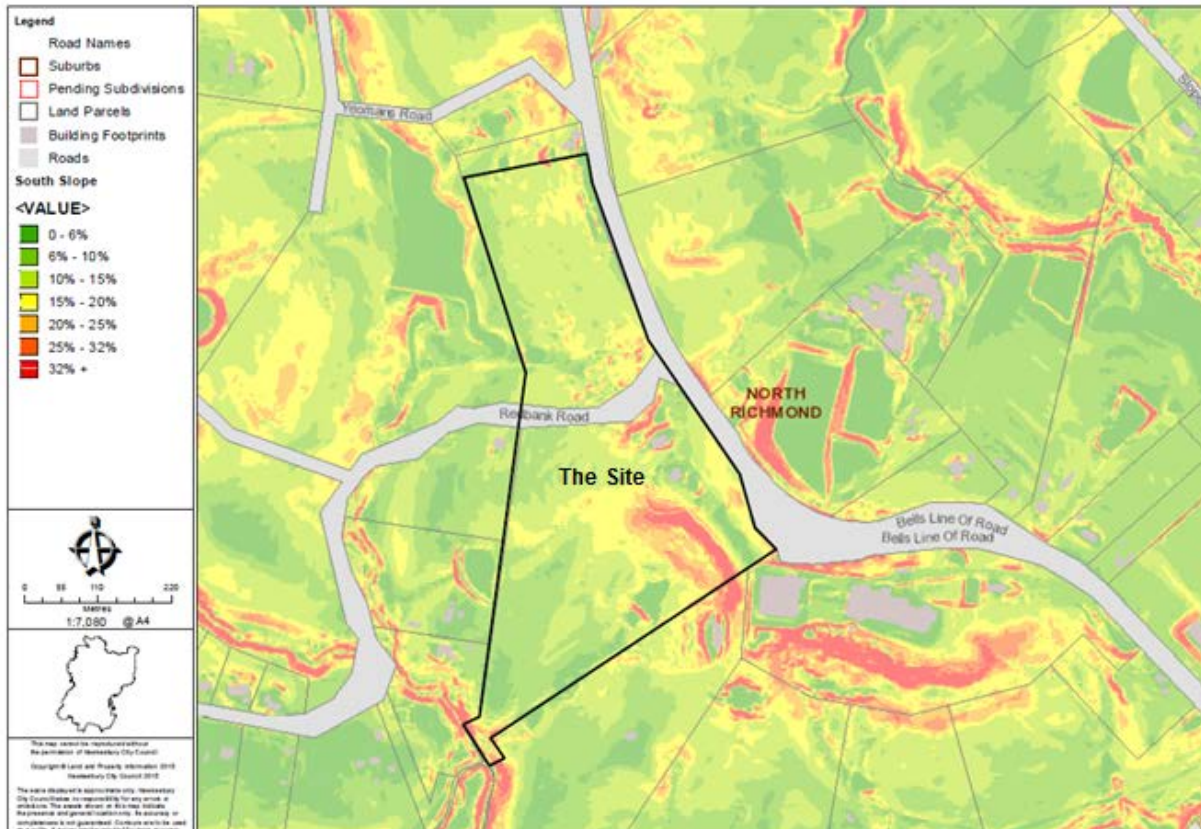


Figure 2: Slope analysis map

The land area identified for the future dwelling in the concept plan and 1000m² land area allotted for an irrigation disposal area associated with the future On-Site Sewerage Management (OSSM) system for the dwelling on the proposed Lot 1 as depicted in Figure 3 are generally within the land area with a slope less than 15% shown in Figure 2 above.

However, there may be a loss of some trees depending on the final locations of the proposed building platforms and the irrigation disposal area this likely impact could be determined at the development application stage.

Services

The applicant states that:

"Water, electricity, telephone and transport services are currently available to the site boundaries."

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Figure 3: Irrigation Disposal Area for the Proposed Lot 1

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The site does not have an access to a reticulated sewerage system. The existing house on the proposed Lot 2 is serviced by an on-site sewerage management system. According to Council records the current system is operating under a five-year license issued by Council in May 2011.

A report prepared by H J Finder & Associates, titled "Subdivision and Associated On-site Wastewater Treatment & Disposal Systems 219 Bells Line of Road, North Richmond" dated 29 October 2010 was submitted in support of the planning proposal. The report provides the following information.

The existing onsite sewerage disposal system meets the required standards.

There is sufficient land area available on each proposed lot for house and associated structures, wastewater treatment and disposal and appropriate buffer zones. Surface or sub-surface irrigation can be carried out at this site provided an appropriate buffer zone is in place.

The report concludes that:

"It is considered that with respect to on-site waste management issues this site is capable of being subdivided under the current proposal. It will be feasible to dispose of wastewater produced on each block efficiently with no adverse impacts on the adjoining land, nearby watercourses and existing dams."

It is considered that the site has a reasonable access to the required level of service infrastructure to accommodate the proposed development on the site.

Public Transport, Accessibility and Traffic Generation

Public transport is limited in the locality. The Westbus Route 680 service operates along Bells Line of Road between Richmond and Bowen Mountain. This service operates every 30-45 minutes during morning and afternoon peaks and two trips during off period. The Westbus Route 682 service operates along Bells Line of Road between Richmond and Kurrajong. This service operates every 30 minutes during morning and afternoon peaks and every 120 minutes during off peak. During weekends both these services are very limited. There are only four trips on Saturdays and two daily trips on Sundays and public holidays.

Given the limited frequency of service operating in the locality the future residents of the proposed subdivision will most likely need to rely upon private vehicles.

The site is currently accessed via Redbank Road which is classified as a 'local road' under the *NSW Roads Act 1993*. The applicant states that the access to the proposed two lots site will be from Redbank Road.

It is considered that the planning proposal seeking subdivision of the site into two lots would not make any adverse impact on the existing traffic in the area.

Bushfire Hazard

The site is shown as being bushfire prone (bush fire vegetation category 1) on the NSW Rural Fire Services Bushfire Prone Land Map.

The planning proposal is supported by a bushfire threat evaluation report prepared by McKinlay Morgan & Associates Pty Ltd in July 2011. This report concludes that asset protection zones can be provided consistent 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 of bushfire protection, for comment.

Flora and Fauna

The Terrestrial Biodiversity (TBV) Map of LEP 2012 identifies approximately 60% of the site area as 'connectivity between remnant vegetation and Endangered Ecological Communities. Council's vegetation mapping records the site as Shale Plains Woodland and Shale Sandstone Transition Forest which is a sub-set of Cumberland Plain Woodland which is a critically Endangered Ecological Community under the *Threatened Species Conservation Act 1995*.

The planning proposal is supported by a flora and fauna survey and assessment report prepared by T J Hawkeswood in May 2011. The report provides the following information on flora and fauna within and adjacent to the site.

None of the flora or fauna species defined under the *Threatened Species Conservation Act 1995 (TSC Act)* or the *Environmental Protection and Biodiversity Conservation Act 2000 (EPBC Act)* was present within the survey area.

The report concludes that there are no impediments, based on flora and fauna concerns, for the development of the surveyed area as proposed.

Council's Land Management Officer provides the following comments with respect to the flora and fauna assessment report. The report provided for the proposed subdivision cannot be accepted as a true representation of the potential impacts of the proposed activity for the following reasons.

- As with any environmental assessment the study area should always be larger than the subject site as it includes adjacent areas that will be directly or indirectly affected by the proposal. It is not sufficient to only address the area of the development site.
- The limited fauna detected on site suggests an inadequate survey effort and in no way constitutes the absence of threatened biodiversity. Survey times have been reported as two hours in the morning and one hour at night.
- A simple Bionet search offers an extensive list of threatened biodiversity that does or has the potential to frequent the site. The author's list is not locally specific and disregards a number of species that have been observed locally.
- The habitat survey is totally inadequate and provides no information about the habitat elements present on site.
- If suitable habitat for a particular threatened species is present on site then it must be assumed that the threatened species is also present, regardless of whether the author observes them or not, and as such an assessment of significance should be applied.
- The dominance of *Acacia decurrens* suggests that the vegetation community is Shale Sandstone Transition Forest rather than Cumberland Plain Woodland.
- None of the author's claims are substantiated by supporting evidence or reference.
- The report is inadequate and out-dated and does not meet the requirements outlined in Council's '*How will Council assess flora/fauna reports and assessment of significance*' guidelines.

The preparation of a flora and fauna assessment report could be undertaken at the post Gateway determination stage prior to the commencement of the government agency consultation and the public exhibition of the planning proposal. However, the DP&E will be able to consider this matter as part of their "Gateway" determination.

Agricultural Land Classification

The site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture. This land is 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.*"

According to this classification the overall production level is moderate and existing environmental constraints may limit the cultivation capacity. Given the site has not been used for agricultural purposes other than light grazing for many years, site's agricultural land classification 3, its proximity to surrounding rural residential properties and the size and slope of the site it is considered that it is unlikely the site could be used for a substantial or sustainable agricultural enterprise. However the land could still be used for light grazing.

Heritage

The planning proposal is supported by a 'Statement of Heritage Impacts 219 Bells Line of Road, North Richmond ('Hillcrest')' prepared by Archnex Designs and dated November 2010. This assessment was based on the previous DA 0097/11 for the proposed two lot subdivision for the site. This report concluded:

"The portion of the land proposed to be subdivided off parcel is effectively separated by the intervening Redbank Road, and there is little evidence of a functional relationship between the house and the subject part of the land.

In my opinion, the proposed subdivision will have a nil effect on the significance of 'Hillcrest'. The proposed subdivision is, in essence a matter of re-designation of the proposed allotments, and is potentially a lesser physical impact than the conventional 'lines on paper' of a subdivision."



Figure 4: Heritage listed 'Hillcrest'

Given this site is bisected by Redbank Road the planning proposal seeking amendment to the Lot Size Map of the LEP to allow two lot subdivision of the site would not cause any further adverse impacts on the heritage value of 'Hillcrest'.

However, given the site containing 'Hillcrest' residence is heritage listed, the planning proposal will be referred to the NSW Environment & Heritage Office for comments should Council resolve to proceed with the planning proposal and receive a gateway determination advising to proceed with the planning proposal from DP&E.

Character

The predominant character of the immediate locality is rural residential (see Figure 5 below).

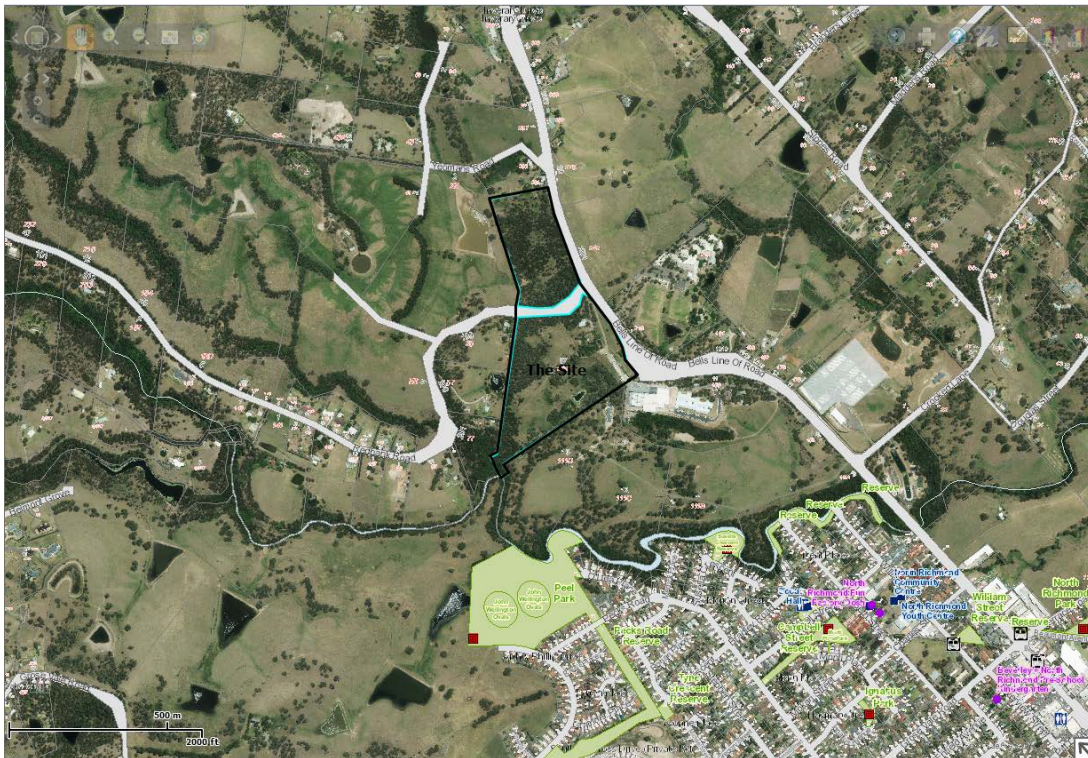


Figure 5: Aerial view of the site and surrounds

The area surrounding the site contains a mix of lot sizes and in particular there are a number of relatively small rural residential lots with minimum lot sizes ranging from 4,000m² – 2ha fronting Redbank Road to the south-west of the site. The lot sizes of properties in the immediate vicinity of the proposed Lot 1 and the proposed Lot 2 are ranging from approximately 8,000m² – 16ha and 2.6ha - 10ha respectively.

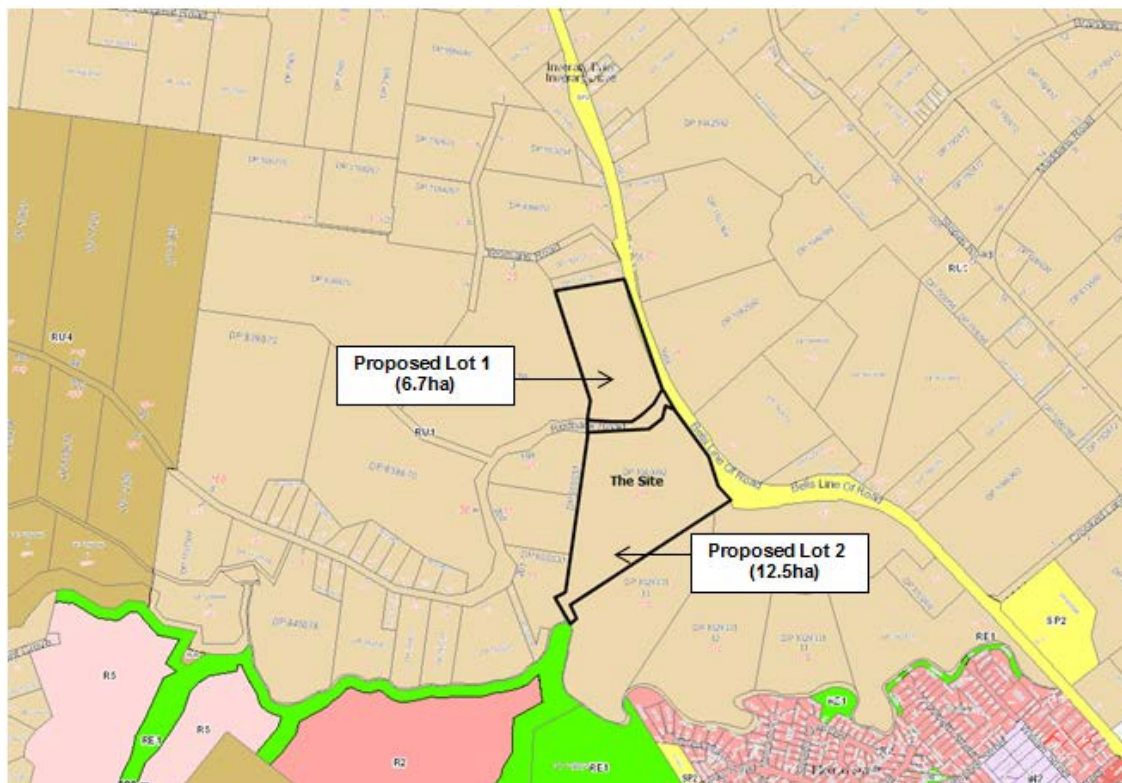


Figure 6: Lot site of the surrounding properties

Therefore the planning proposal seeking subdivision of the site into two large lots with a minimum lot size of not less than 4ha to allow rural residential dwellings on these two lots is considered consistent with the existing land use and the character of the locality.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking after People and Place Directions statement.

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

Financial Implications

It is considered that some form of rural residential subdivision on the site is appropriate and it is recommended that Council support the preparation of a planning proposal to amend the LEP to reduce the lot size to a minimum of 4ha.

The preparation of a revised flora and fauna report will need to be completed prior to the government agency consultation and the public exhibition of the planning proposal.

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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:

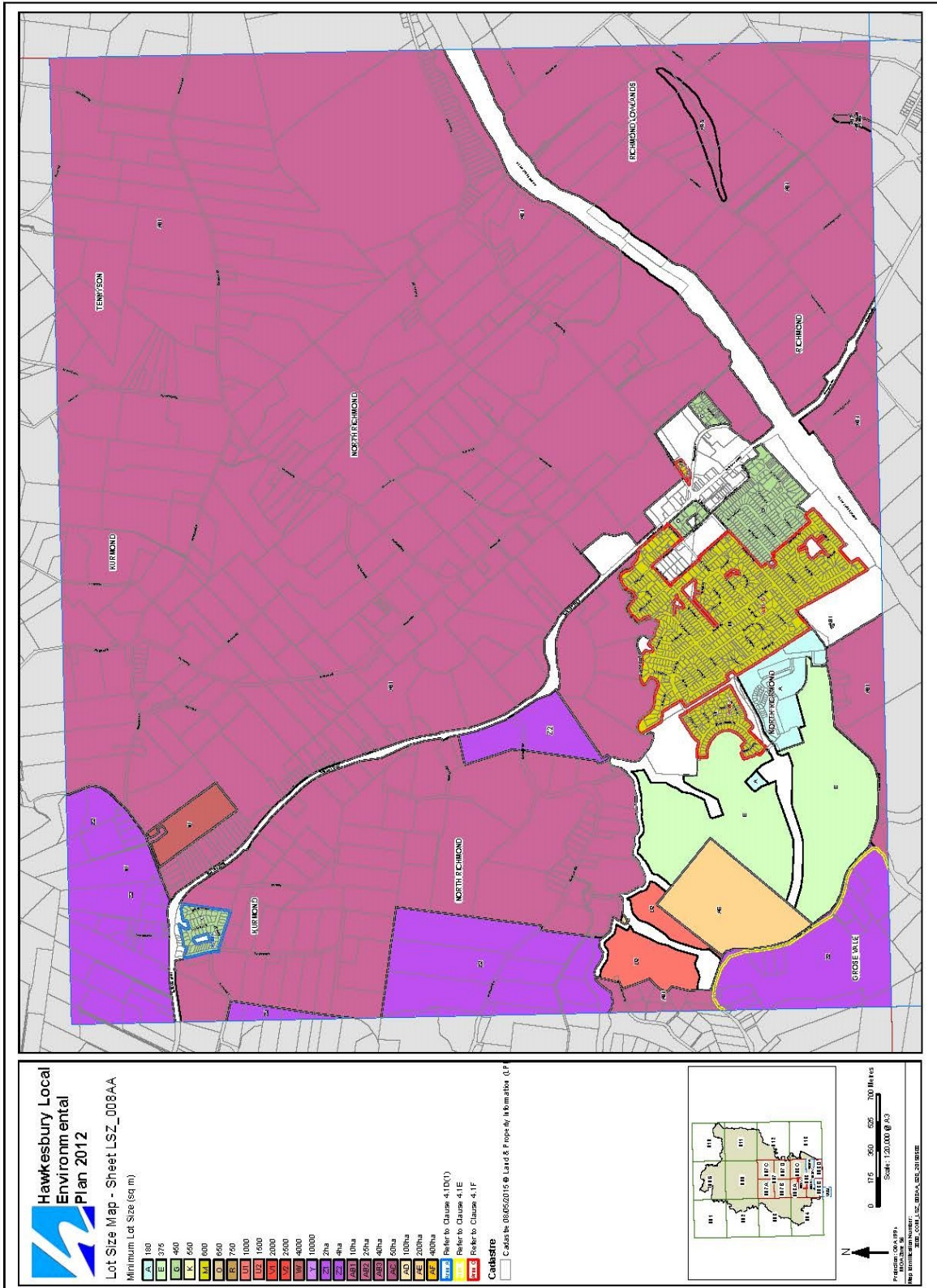
That:

1. Council support the preparation of a planning proposal for Lot 87 DP 1040092, 219 Bells Line of Road, North Richmond to amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to permit minimum lot sizes of not less than 4,000m² and 1ha on the land as shown in Attachment 1 to this report.
2. Council does not endorse any proposed subdivision layout/plan submitted with the planning proposal as this will need to be subject to a development application should the planning proposal result in making the plan.
3. The planning proposal be forwarded to the Department of Planning and Environment for a 'Gateway' determination.
4. 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 Minimum Lot Size Map

AT - 1 Proposed Minimum Lot Size Map



oooO END OF REPORT Oooo

GENERAL MANAGER

Item: 77 GM - 2015 Hawkesbury Local Business Awards - (79351, 80198)

REPORT:

Executive Summary

Council has again been approached by Precedent Productions Pty Ltd seeking sponsorship of the 2015 Local Business Awards (Awards) to be held in the Hawkesbury area. Precedent Productions manages about 21 Local Business Awards programs throughout the Sydney, Hunter and Illawarra regions.

The Hawkesbury 2015 Local Business Awards will be launched during the week of Monday, 20 July 2015 and the Awards night will be held on Wednesday, 30 September 2015. The Awards program will mainly be active during July and August in the area, when nominations are made and assessment takes place.

Council has been a sponsor of the Awards in the past and needs to consider whether it wishes to be a sponsor of the 2015 Awards. It is considered that the Awards are one way in which Council can support and encourage the local business community.

Consultation

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

Background

Council has been a sponsor of the Awards for some time now, being a major sponsor of the Awards program from 2004 to 2008 and from 2010 to 2014.

By a letter dated 20 April 2015, Precedent Productions has approached Council seeking sponsorship of the 2015 Hawkesbury Local Business Awards. A copy of this submission is included as Attachment 1 to this report. Details from the 2014 Awards program's evaluation indicates that for that year, some 566 businesses were registered to participate, 10,561 public nominations of businesses were received, 194 businesses were finalists and Awards were presented across 28 business categories. The presentation evening attracted 471 patrons and would be the largest gathering of Hawkesbury businesses at any one event in a year.

Precedent Production has invited Council to be a sponsor of the Awards and has suggested that Council continues to be a major sponsor of the event at \$5,000 (plus GST). Funds have been allocated in the 2014/2015 Operational Plan to be a sponsor for the Awards, at the suggested level.

Details about the Awards program, supplied in previous years includes:

- The Award Region is determined by Hawkesbury Courier's distribution boundary and not the local government area boundary.
- The Award Program will run over the months of July, August and early September for nine weeks.
- The Award's night (presentation) will be held at Windsor Function Centre, on Wednesday, 30 September, 2015.
- Entry is by customer nomination of a business or self-nomination of a business.

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- Customer nominated business are shortlisted to finalists across a range of categories (approximately 28), based on votes received. Finalists participate in a judging process, including assessment by judges, including 'mystery shopper' visits and/ or interviews.
- Self-nominated businesses are evaluated by judges.
- The judging process is based on customer experience, including business appearance and presentation; the range of products and/or services; value for money; and customer service.
- Weekly promotion of the Awards will be by the Awards' media partner – The Hawkesbury Courier (Hawkesbury Newspapers).
- Awards will be presented for Business of the Year, Youth Business Person of the Year, Business Person of the Year (from the business category winner), Business Longevity (a business in operation for some time).
- Award winners receive trophies, media coverage and other gifts.

It is considered that Council should continue its support of the Awards in 2015, as it is of value to the business community and provides an opportunity for the business community to recognise business success, achievement and leadership on an annual basis. The Awards can also be a promotions and advertisement strategy for local business. Therefore, the Awards is an important way in which Council can support business and local jobs. The Award's presentation night has been consistently well patronised over the years.

It is also considered that the Awards is a way in which to help achieve a good business relationship between the program organiser, the business community and Council, as there is an aim to grow the Awards through a collaborative approach. The business groups have helped the program organiser over the last few years to review awards categories, business status and event management e.g. procedures, website content, presentation venue arrangements. The partnership is in line with strategies in the Hawkesbury Community Strategic Plan.

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 attract residents, visitors and businesses.

Financial Implications

Sponsorship costs will be met from the adopted 2014/2015 Operational Plan within Service 140 - Strategic Activities.

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RECOMMENDATION:

That:

1. Council sponsor the 2015 Local Business Awards to the value of \$5,000 (excluding GST).
2. A Sponsorship Agreement be entered into with Precedent Production for the 2015 Local Business Awards.

ATTACHMENTS:

- AT - 1** Precedent Productions letter to Council seeking sponsorship of the 2015 Hawkesbury Local Business Awards

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**AT - 1 Precedent Productions letter to Council seeking sponsorship of the
2015 Hawkesbury Local Business Awards**



20 April 2015

Fiona Mann
Strategic Planner - Strategic Activities
Hawkesbury City Council
366 George Street
Windsor NSW 2756



Dear Fiona,

2015 Hawkesbury Local Business Awards

We would be grateful if Hawkesbury City Council would once again give consideration to sponsoring the Hawkesbury Local Business Awards.

We will be launching the 2015 Hawkesbury program on Monday, 20th July with the Presentation Evening taking place on Wednesday, 30th September at Windsor Function Centre.

I have taken the liberty of attaching a Sponsorship Proposal and an Agreement with the relevant details of the 2015 program.

Should you require further information, please not hesitate to contact me.

We look forward to working with you on this prestigious awards program.

Yours sincerely

Steve Loe
Managing Director
Mobile: 0418 205 554

Precedent Productions Pty Ltd — ABN 35 052 469 799
1st Floor 30 Floss Street Hurlstone Park NSW 2193 — PO Box H211 Hurlstone Park NSW 2193
Telephone: (02) 8577 5060 — Facsimile: (02) 8577 5066 — Email: steveloe@precedent.net

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2015 LOCAL BUSINESS AWARDS SPONSORSHIP AGREEMENT

PROGRAM Hawkesbury
SPONSOR LEVEL Major
AMOUNT \$5000.00 plus GST

Program Details

Program Launch Monday, 20th July
Presentation Night Wednesday, 30th September
Venue Windsor Function Centre

Sponsor Details

Company Name Hawkesbury City Council
Contact Person Fiona Mann
Phone 4560 4579
Email fiona.mann@hawkesbury.nsw.gov.au

I confirm that the details in the Agreement are correct and that I am authorised to enter into an agreement on behalf of Hawkesbury City Council.

Signed: _____ Date: _____

Name in Full: _____

Authorised on behalf of Precedent Productions

Signed: _____ Date: 20 April 2015
Steve Loe, Managing Director

PLEASE SIGN AND RETURN TO PRECEDENT PRODUCTIONS
steveloe@precedent.net or FAX (02) 8577 5066

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2015 Major Sponsor Coverage

Finalists and Winners Lists	Access to Finalists and Winners lists
Electronic Media	Sponsors highlighted on website Hyperlink to sponsor's landing page One e-newsletter sponsor profile
Local Newspaper Coverage	Pre-program Teaser Ads - appears two weeks prior to launch Logo and comment in launch advertisement Logo and comment in Winners Feature advertisement Mentioned in editorials throughout 12 week program
Sponsor Logo	Newspaper coupon Printed coupon pads (at least 30,000) Finalist Certificates Finalist Information Sheets Invitations Presentation Evening Program
Presentation Evening	30 second Audio Visual Commercial Sponsor logo appearing on Large Screen Speaking opportunities Presentation of 3-6 categories Six Complimentary Tickets Sponsor logo on Winners Posters Promotional material at event Signage in venue (provided by sponsor)

oooO END OF REPORT Oooo

Item: 78 **GM - Blacktown City Council - Proposed Western and South-Western Sydney Council's Independent review of the future Western Sydney Airport EIS - (79351, 78149)**

REPORT:

Executive Summary

Following an invitation from the Mayor of Blacktown City Council (BCC) sent to all WSROC and MACROC councils the Mayor and General Manager attended a forum held at BCC to discuss a proposal for a cooperative approach by western and south-western Sydney councils in relation to the assessment of the impending EIS in respect of the proposed second Sydney airport at Badgerys Creek in association with the possible subsequent preparation of submissions.

Following the Forum further correspondence has now been received from BCC to progress the proposal which, in effect, now requires Council to indicate if it wishes to participate in the proposal which would entail a commitment to the joint funding proposal for the assessment of the EIS when released. As the cost of funding would be shared on a pro-rata population basis and would depend on the number of participants it is difficult to assess what Council's contribution would be if it were to agree to participate. However, on the information available if all invited councils participated this cost could range between \$8,000 to \$16,000 but would be higher if the number of participants decreased.

Council has previously considered correspondence from the Mayor of BCC in relation to Council's possible involvement in the re-forming of an advocacy group to oppose the Badgerys Creek proposal and as a result Council resolved to support the Badgerys Creek site as the most appropriate location of the second Sydney airport and not to accede to this request.

In view of Council's support of the Badgerys Creek proposal and the probability that the EIS would not suggest significant direct environmental impacts on the Hawkesbury LGA it is not considered necessary for Council to make a detailed submission in response to the impending EIS. As such, it is proposed to recommend that Council not participate in the current proposal made by BCC.

Consultation

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

Background

Earlier this year an invitation from the Mayor of BCC was sent to all WSROC and MACROC councils inviting the Mayor and General Manager to attend a forum to be held at BCC to discuss a possible cooperative approach by western and south-western Sydney councils in relation to the assessment of the impending EIS in respect of the proposed second Sydney airport at Badgerys Creek in association with the possible subsequent preparation of submissions.

The Forum was subsequently attended by the Mayor and General Manager where the proposal by BCC was discussed at length and in essence proposes that participating councils contribute on a pro-rata population basis to engage expert consultants to assess the EIS which is expected to be released for comment later this year.

Following the Forum further correspondence has now been received from BCC to progress the proposal which, in effect, now requires Council to indicate if it wishes to participate in the proposal which would entail a commitment to the joint funding proposal for the assessment of the EIS when released. A copy of the letter from BCC and attachments is included as Attachment 1 to this report.

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Whilst the cost of funding would be shared on a pro-rata population basis and would depend on the number of participants it is difficult to assess what this Council's contribution would be if it were to agree to be involved. Based upon a calculation of all invited councils participating this Council's contribution could range between \$8,000 to \$16,000 depending on the cost of the expert consultants engaged. This contribution would increase should the number of participating councils decrease.

In 2013, Council considered correspondence from the Mayor of BCC in relation to this Council's possible involvement in the re-forming of an advocacy group to oppose the Badgerys Creek proposal and the funding of an analytical report into the Badgerys Creek option. Subsequently as a result of Council's consideration of this request at the meeting on 26 November 2013 Council resolved:

"That:

- 1. Council acknowledge the need that currently exists for the development of a second Sydney airport and, as a matter of policy, indicate that Council considers that the Badgerys Creek site is the most appropriate location for the site of the second Sydney airport.*
- 2. WSROC be advised of Council's position and Council's delegates to WSROC be requested to support and promote Council's position to WSROC.*
- 3. in respect of the RAAF Base Richmond, Council reiterate its position that the Base should be retained; it should not be considered as a site of a second Sydney airport and should continue to operate as a permanent operational facility for defence purposes with any possible future use of the Base for civil aviation purposes not preventing or hindering this.*
- 4. the Mayor of Blacktown City Council, Councillor L. Robinson, be advised of Council's position and that as such, Council is unable to accede to his request for this Council's support of proposed actions in opposition to the use of Badgerys Creek as the site for a second Sydney airport.*
- 5. Council write to WSROC stating Council's support for them to engage in extensive community consultation, preferably using the deliberative democracy process."*

As such, Council's policy in respect of a second Sydney airport as outlined in 1 above is to support the Badgerys Creek site as being the most appropriate location.

In view of Council's support of the Badgerys Creek proposal and the probability that the EIS would not suggest significant direct environmental impacts on the Hawkesbury LGA, as distinct from possible economic benefits that may eventuate for the Western Sydney Region as a whole, it is not considered necessary for Council to make a detailed submission in response to the impending EIS. As such, it is proposed to recommend that Council not participate in the current proposal made by BCC.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs and Shaping Our Future Together Directions statements;

- 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.
- Maintain its independent identity and voice through strong local government and community institutions.

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

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

Financial Implications

If Council were to participate in the process proposed by BCC a financial contribution as outlined in the report would be required, however, based on the recommendation there would be no financial implications if it were adopted.

RECOMMENDATION:

That Blacktown City Council be advised that Council does not propose to participate in the proposal outlined in its letter in relation to the engagement of consultants to review the impending EIS in respect of the proposed second Sydney airport at Badgerys Creek.

ATTACHMENTS:

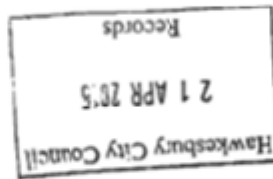
- AT - 1** Letter from Blacktown City Council re proposed Western and South-Western Sydney Council's Independent review of the future Western Sydney Airport EIS.

AT - 1 Letter from Blacktown City Council re proposed Western and South-Western Sydney Council's Independent review of the future Western Sydney Airport EIS.



16 April 2015

Mr Peter Jackson
General Manager
Hawkesbury City Council
PO Box 146
Windsor NSW 2756



Proposed Western and South-western Sydney Councils' independent review of the future Western Sydney Airport EIS

A forum was held at Blacktown City Council on Thursday 9 April 2015, to discuss how the councils of Western and South-western Sydney could best assess the environmental impacts of the Western Sydney Airport on a shared basis.

The forum was held following an invitation from the Mayor of Blacktown, Councillor Stephen Bali, dated 16 March 2015 and sent to all WSROC and MACROC councils and The Hills Shire Council.

This letter formally seeks your contribution towards a funding pool to engage consultants to objectively peer review the future Environmental Impact Statement (EIS) for the proposed Western Sydney Airport, as an outcome from the forum on 9 April 2015.

We believe that there is substantial advantage in councils pooling resources and having consultants engaged, ready for assessment of the Commonwealth's EIS as soon as it is released. The independent expert analysis could be used by all councils, and the community more generally, in the preparation of submissions to the Commonwealth.

If not participating in the joint peer review, the councils of WSROC, MACROC, The Hills and others will potentially each undertake consultant assessments of particular environmental attributes of the proposed airport at considerable wasted cost to their communities, duplicating the efforts of other councils.

The proposal

The proposal that is being put forward to all WSROC and MACROC councils and The Hills Shire Council is as follows:

- Each participating council contributes funds on a pro rata population basis to engage the expert consultants

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- WSROC coordinates procurement for each consultant
- A Steering Committee is established. Membership would include WSROC, MACROC and each council's Strategic Planning Manager, to coordinate the appointment and management of the consultants. The committee would be chaired on rotation by WSROC and MACROC
- A Project Manager is engaged as early as possible to prepare briefs and oversee the specialist consultant peer review, under the direction of the Steering Committee. The Project Manager would be engaged for 3 months full time spread over a 6 month period.

Assuming a 60 day exhibition period, it is envisaged that the peer review will be completed within 6 weeks, which allows each council 3 weeks to prepare their own submission, having the benefit of the peer review. It is up to each council, of course, to determine how much of the review is utilised in preparing its submission.

The short public exhibition period, for what will be a voluminous and detailed environmental assessment, means that councils, and the community more generally, will have limited time in which to conduct an informed analysis of the Commonwealth's proposal.

Several councils expressed an interest in the proposal. Minutes from the forum are attached to this letter, as well as a copy of the presentation. Attendees at the forum resolved to next meet at Fairfield City Council, hosted by the Mayor of Fairfield, Councillor Frank Carbone. The meeting will further discuss the proposal and confirm the commitment of those councils that wish to participate and financially contribute. The 2nd forum will be held on:

Thursday 21 May 2015 at 9.30am at Fairfield City Council's offices at 86 Avoca Road, Wakeley.

Your confirmation of your attendance at the next forum would be appreciated, to Leda Dellomo, Personal Assistant to the General Manager at Fairfield City Council, on 9725 0204 or at ldellomo@fairfieldcity.nsw.gov.au

If you would like to discuss this matter further, please contact my office on 9839 6503.

Yours faithfully,

ORDINARY MEETING

Meeting Date: 26 May 2015



Western Sydney Forum

**Discussion on the future assessment of the
Environmental Impact Statement for the Airport**

Thursday 9 April 2015, 9.00am
Nirimba Room, Blacktown City Council

Meeting Minutes

List of attendees

Cr Stephen Bali	Mayor	Blacktown City Council
Cr Walter Smith	Councillor	Blacktown City Council
Kerry Robinson	General Manager	Blacktown City Council
Glennys James	Director Design and Development	Blacktown City Council
Ash Chand	Manager Strategic Planning	Liverpool City Council
Wayne Mitchell	Executive Manager	Penrith City Council
Judith Bruinsma	Deputy CEO	WSROC
Cr Kim Ford	Mayor	Hawkesbury
Peter Jackson	General Manager	Hawkesbury
Cr Frank Carbone	Mayor	Fairfield City Council
Diane Cuthbert	Group Manager City & Community Development	Fairfield City Council
Jeff Lawrence	Director Planning and Environment	Campbelltown City Council
Helen Papathanasiou	Manager Environmental Outcomes	Parramatta City Council
Luke Nicholls	Director City and Community Outcomes	Blue Mountains City Council
Cr Mick Fell	Councillor	Blue Mountains City Council
Adam Gray	Snr Urban Growth Planner	Wollondilly Shire Council
Mark Brisby	General Manager	Auburn City Council
Cr Ross Grove	Councillor	Holroyd City Council
Adan Davis	Manager Strategic Planning	Holroyd City Council

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Apologies

Cr Ronney Oueik

Mayor

Auburn City Council

1. Welcome – Cr Stephen Bali, Mayor, Blacktown City Council

- Presented the key outcomes of the proposal:
 - maximum benefit for the residents of Western Sydney
 - ensure the EIS properly addresses the impacts on Western Sydney
 - independent review, free from political stance on the airport, that can be utilised by all Western Sydney councils and residents.
- Discussion with the Federal Government has highlighted a lack of a strategic plan for how the airport will integrate with Western Sydney.
- Concern over the potential period for community consultation. Conflicting advice has been given, with 3 different time periods of 20, 60 and 90 days being mentioned to Blacktown Council.

2. Presentation on the proposal – Kerry Robinson, General Manager, Blacktown City Council

- Presented the proposal:
 - establishment of a joint funding pool to engage consultants to objectively peer review the EIS to assist councils in preparing their own submission
 - WSROC to coordinate the procurement
 - councils contribute funds on a pro rata population basis
 - a Steering Committee be established made up of council Strategic Planning Managers and chaired by WSROC
 - a Project Manager be engaged to oversee and manage the consultant peer review. Engaged early to write briefs. An engagement of 3 months full-time, spread over 6 months
 - indicative cost estimate to engage each consultant for the different issues could potentially total \$240K.
- Consultants engaged before EIS exhibition.
- Peer review completed within 6 weeks, allowing councils 3 weeks to write their own submission.
- Presentation will be circulated to all attendees.
- List of councils approached will be circulated. This included all WSROC and MACROC councils and The Hills Shire Council.

3. Discussion

- Discussion on the lack of a strategic plan for how the airport will connect with Western Sydney.
- Cr Bali (Blacktown City Council) believed the EIS and the peer review of the EIS was the opportunity to highlight the infrastructure that would be required to ensure the airport will be successfully integrated to all parts of Western Sydney.

ORDINARY MEETING

Meeting Date: 26 May 2015

- Cr Fell (Blue Mountains City Council) felt that whilst the proposal for a peer review of the EIS had merit, it would still not address the lack of a strategic plan for the airport and Western Sydney.
- Cr Carbone (Fairfield City Council) strongly supported the proposal as he saw the benefit of having an independent study that could be used by all councils. He felt that if there was a funding shortfall, then WSROC should provide funding assistance.
- Cr Grove (Holroyd City Council) supported the proposal in principle. However he felt that the fee estimate was too conservative and that a greater funding commitment would be required. He needed to discuss the proposal with the Mayor of Holroyd before a full commitment could be given.
- Wayne Mitchell (Penrith City Council) supported the proposal, however felt there is a need for more detailed pricing to allow councils to commit funds.
- Jeff Lawrence (Campbelltown City Council) supported the proposal in principle. He requested a formal letter be sent to all WSROC and MACROC councils, and The Hills Shire Council, further outlining the proposal; and seeking a commitment of support.
- Kerry Robinson (Blacktown City Council) recommended holding another meeting in 4 weeks to confirm support for the proposal. Fairfield City Council offered to host the next meeting.
- Wayne Mitchell (Penrith City Council) suggested that monthly meetings may be too long to wait to start the process. He felt that there was a need to expedite the engagement of consultants.
- Jeff Lawrence suggested that the officer level Steering Group meeting be co-chaired by WSROC and MACROC.
- Diane Cuthbert (Fairfield City Council) suggested that the council officer level meeting be arranged in the next 2 weeks to discuss the scope of works for the consultant briefs.
- Glennys James (Blacktown City Council) offered to prepare a draft consultant brief for discussion to start the process.

4. Next steps

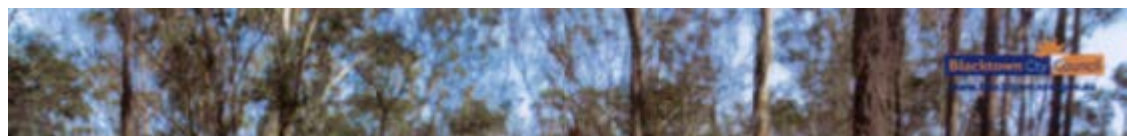
- A letter will be sent from Blacktown City Council to all WSROC and MACROC councils and The Hills Shire Council, outlining the proposal and requesting a commitment to the pooled funding arrangement.
- A copy of the presentation will be circulated to all councils.
- A meeting will be arranged in 4 weeks at Fairfield City Council to determine each council's commitment to the proposal.
- Fairfield Council will convene a meeting of council officers in 3 weeks to discuss the scope of works for the consultant briefs.
- Blacktown City Council to prepare a draft standard brief that could be utilised.

5. Meeting closed – 10.10am



Western Sydney Airport Forum

9 April 2015



WESTERN SYDNEY AIRPORT ENVIRONMENTAL IMPACT STATEMENT (EIS)

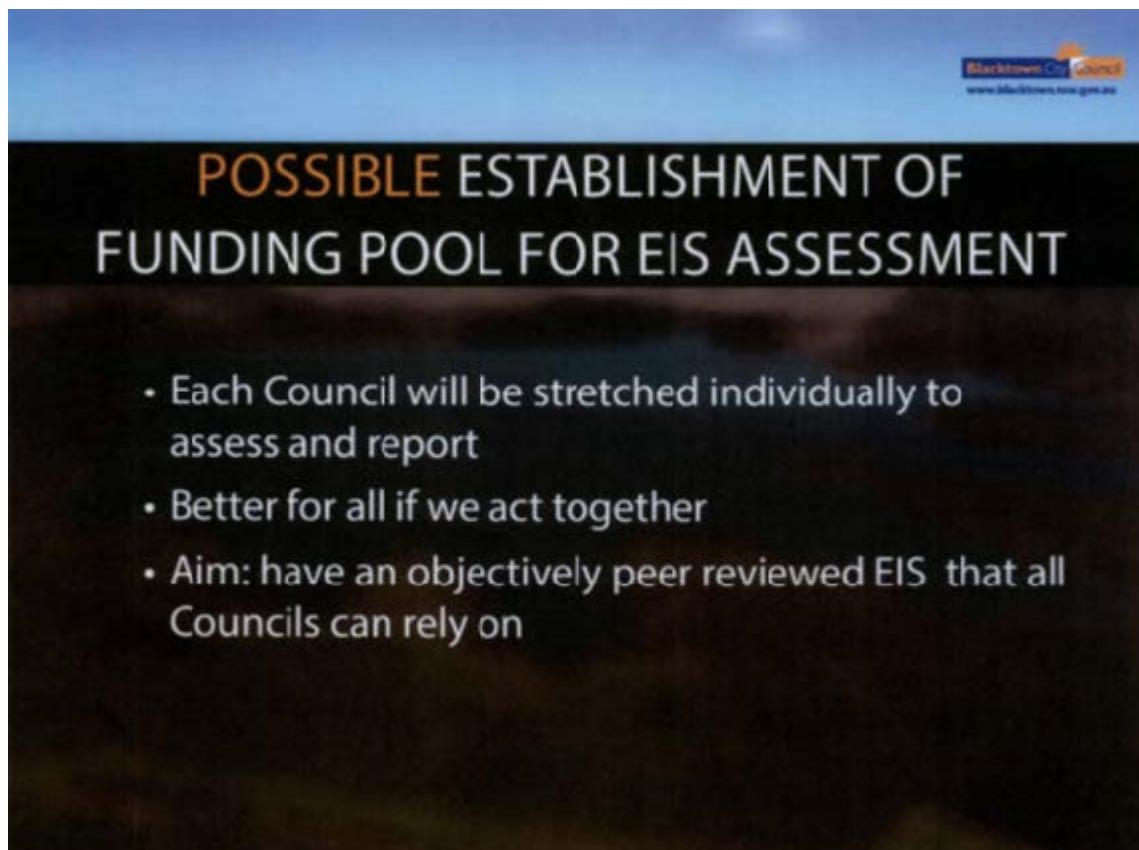
- EIS being prepared
- Latest advice – will be released in September 2015
- Voluminous document – many hundreds of pages of detailed environmental assessment
- Cost for individual councils to each independently assess



Blacktown City Council
www.blacktown.nsw.gov.au

POSSIBLE ESTABLISHMENT OF FUNDING POOL FOR EIS ASSESSMENT


- Very short exhibition period - timeframe for submission will be short (20 – 60 days)
- Economies of scale can be achieved if we work together
 - Cost
 - Time
 - Staff resources



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POSSIBLE ESTABLISHMENT OF FUNDING POOL FOR EIS ASSESSMENT

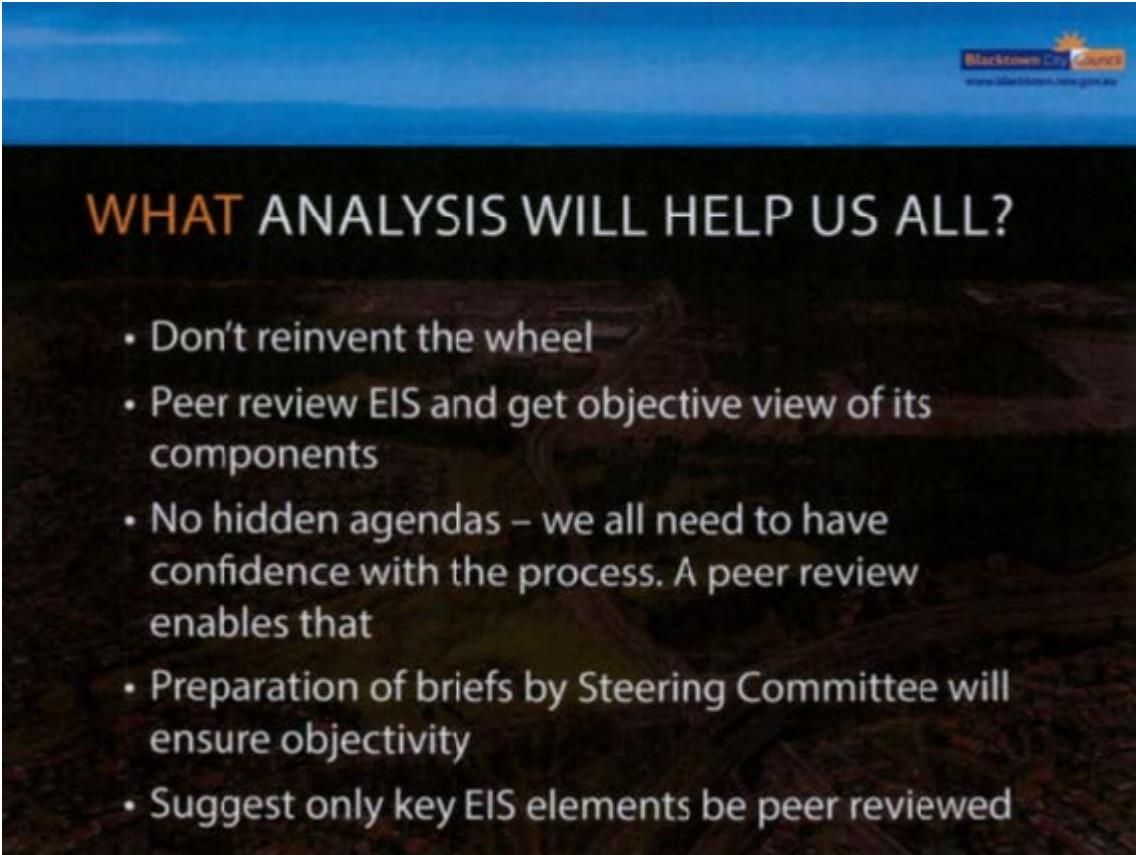
- Each Council will be stretched individually to assess and report
- Better for all if we act together
- Aim: have an objectively peer reviewed EIS that all Councils can rely on



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HOW WOULD WE OPERATE COLLECTIVELY?


- Suggest WSROC coordinate procurement (but doesn't contribute funds)
- Each participating Council contributes funds on a pro rata population basis
- Form Steering Committee – WSROC chairs with each Council's Strategic Planning Manager a member
- Need to engage Project Manager to oversee all studies required for the peer review



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WHAT ANALYSIS WILL HELP US ALL?

- Don't reinvent the wheel
- Peer review EIS and get objective view of its components
- No hidden agendas – we all need to have confidence with the process. A peer review enables that
- Preparation of briefs by Steering Committee will ensure objectivity
- Suggest only key EIS elements be peer reviewed



POTENTIAL POOLED BUDGET

- Engage different consultants for different issues (proposed costs indicative)

Consultant	Cost
Project Manager (3 months full-time work spread over 6 months)	\$40K
Economic and employment considerations	\$40K
Noise and vibration (including potential model testing)	\$50K
Air and water quality	\$30K
Transport and traffic (including potential traffic modelling or testing)	\$50K
Flight path analysis	\$10K
Biodiversity	\$20K
Total potential value	\$240K




POTENTIAL PROCUREMENT PROCESS


- Steering Committee coordinates
- WSROC controls pooled funds
- Line up consultants early to do work once EIS exhibited
- Procurement by WSROC for individual briefs and separate engagement process for each consultant
- Project Manager appointed as early as possible to write briefs, recommend shortlist and analyse responses for each peer review – 3 months full time spread over 6 months
- Steering Committee decides on appointment of consultants



TIMING OF PEER REVIEWS



- Consultants already engaged before EIS exhibition and ready to commence at Day 1 of exhibition
- Assuming 60 day exhibition:
 - Peer reviews in draft to Steering Committee by end Week 4 of 9
 - Steering Committee reviews in Week 5
 - Final reports to Steering Committee by end Week 6 (1 week for consultants to amend)
 - 3 weeks left for Councils to make their individual submissions



TIMING OF PEER REVIEWS

Task	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9
Peer reviews in draft to Steering Committee									
Steering Committee reviews									
Final reports to Steering Committee									
Councils make individual submissions									

oooO END OF REPORT Oooo

CITY PLANNING

Item: 79 **CP - Draft Affordable Housing Policy - (95498, 95496, 96328, 96332)**

Previous Item: 37, Ordinary (10 March 2015)
 27, Ordinary (24 February 2015)
 129, Ordinary (29 July 2014)

REPORT:

Executive Summary

On 29 July 2014, Council adopted the Hawkesbury Homelessness Action Plan (HHAP). One of the actions of the HHAP (Action 4.1) is for Council to develop an Affordable Housing Policy. This Policy would assist Council in exploring options and mechanisms that could increase the supply of affordable housing, particularly affordable rental housing, to assist disadvantaged residents of the Hawkesbury on low or fixed incomes.

This report recommends that Council exhibit the (attached) draft Affordable Housing Policy.

Consultation

The issues raised in this draft policy require community consultation under Council's Community Engagement Policy.

Background

Council has received a number of reports in recent years concerning homelessness and affordable housing. Council adopted the HHAP in July 2014 which has a range of strategies to address the growing number of people and families experiencing homelessness due largely to a lack of affordable housing options in the Hawkesbury area. Council has also considered mechanisms (e.g. secondary dwellings in rural areas; and the use of the NSW Affordable Housing SEPP) that could ease pressure on the supply of affordable rental housing for Hawkesbury residents.

Those reports also identify the steady decline in housing that is affordable (for both purchase and rental) to families and individuals on low to medium incomes over recent decades. House prices and private rentals have rapidly increased both in the Hawkesbury area and across Greater Western Sydney in the last 20 years.

This decline in affordable housing has a significant impact on the quality of life of the Hawkesbury's residents. According to the Australian Government's Reform of the Federation – Affordable Housing and Homelessness (Issues Paper 2, 2014) stable and affordable housing has been identified as a necessary pre-requisite for improved outcomes in employment, education, and the well-being and development of children and young people.

Definitions

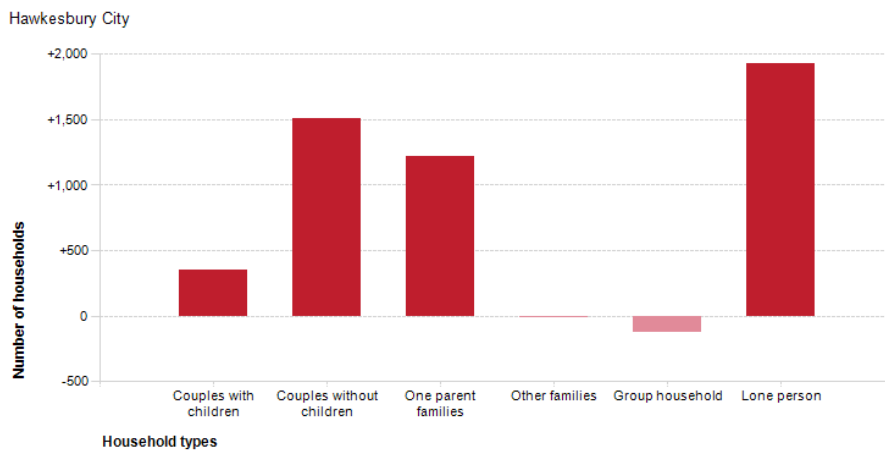
- Affordable housing – refers to housing (primarily rental housing) that is not more than 30% of the income of families and individuals in the lowest 40% of incomes.
- Housing Stress – refers to households in the lowest 40% of incomes who are paying more than 30% of their income on housing costs.
- Social Housing – covers rental housing, provided by the government and/or by a community housing provider, targeted for low income or disadvantaged households where the tenant usually pays no more than 25% of their income in rent.

Housing Need and Housing Supply

The number of NSW owned social housing properties (which target low income and disadvantaged tenants) in the Hawkesbury area has declined by more than 50% (in percentage terms) in the last 20 years (8.8% in 1991 to 3.9% of all housing in 2011). Social Housing in Greater Western Sydney has also declined, but at a slower rate (6.9% of all housing in 1991 to 5.5% in 2011).

The ABS Census of Population and Housing shows a rise in Lone Person Households and also an increase in smaller family size in this area over the last 20 years (see Table 1 below), which will increase the demand for smaller housing stock to accommodate the changing needs of the community.

Table 1: Change in household type: 1991 to 2011



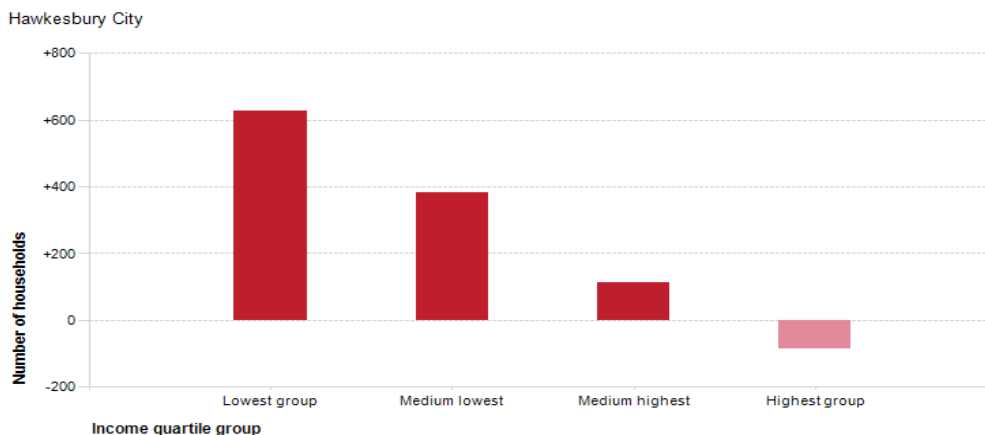
Source: Australian Bureau of Statistics, Census of Population and Housing, 1991 and 2011 (Enumerated data)
Compiled and presented in profile.id by .id, the population experts.



Vacancy rates in the Greater Sydney private rental market have remained very low (between 1% and 2% vacancy) for more than 10 years, which adds further pressure to the availability of affordable rental housing for low to middle income families and individuals in the private rental market.

Over this same period, household income has not kept pace with the cost of living. For example, the proportion of Hawkesbury households in the Lowest and Medium Lowest Income Quartiles has grown over the last 10 years while households in the Highest Income Quartile have declined slightly (see Table 2 below).

Table 2: Change in household income quartile: 2001 to 2011



Source: Australian Bureau of Statistics, Census of Population and Housing, 2001 and 2011 (Enumerated data)
Compiled and presented in profile.id by .id, the population experts.



The decline of affordable housing has negatively impacted the liveability for purchasers and renters in the low to middle income brackets leading to greater housing stress (people on low incomes paying more than 30% of their income on rent or mortgage) and homelessness for an increasing number of families and individuals. For example, Anglicare's Rental Affordability Snapshot (April 2015) for the Hills/Hawkesbury (Outer Ring) area reported that, despite an increase in properties listed for rent by 42% (to 494), only 2 properties were deemed affordable and appropriate in the "less than 30% of income" band (unchanged from 2014). The report concluded: "Despite the improvements in suitable unique properties, the majority of households on income support could not afford any rental properties without being in rental stress, including single people on Parenting Payment, Newstart, the Disability Pension and Youth Allowance."

Guiding Principles for the Provision of Affordable Rental Housing

The Hawkesbury Residential Land Strategy identifies the residential areas of Windsor/South Windsor, Richmond, and North Richmond which are considered as suitable areas for affordable rental housing. Ideally any affordable and social rental housing projects should be within serviced land that is within 800 metres of these town centres to allow tenants ready access to a range of essential services and facilities (shops, medical facilities, schools, transport etc.). Urban release areas within 800 metres of a train station may also be considered. Areas that are generally not suitable are villages and semi-rural areas with limited amenity and less access to essential services. In this regard, secondary dwellings on rural properties would not be considered as "affordable" housing under this criterion.

Mechanisms and Strategies

A range of mechanisms and strategies to support this policy will need to be developed. One strategy Council is currently exploring (Item 37, Council Meeting, 10 March 2015) is to develop an affordable rental housing partnership on an identified suitable parcel of Council owned land. This is presently under discussion with a local social housing provider.

Another strategy to be developed could be an Affordable Housing DCP to guide future initiatives for affordable housing for low to medium income households. Other mechanisms to be explored could include:

- leveraging finance (in conjunction with a social housing provider)
- supporting government funding initiatives such as the National Rental Affordability Scheme (NRAS)
- use of planning mechanisms (such as developer contributions and/or Voluntary Planning Agreements)
- donations of suitable lands to allow a social housing provider to lever the necessary funds
- the inclusion of parcels of suitably serviced land within urban release areas for the purposes of affordable rental housing projects
- any other funding opportunities.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the People & Place CSP Theme and Directions:

- Offer residents a choice of housing option that meets their needs whilst being sympathetic to the qualities of the Hawkesbury
- Have friendly neighbourhood, connected communities, and supported households and families

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

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

ORDINARY MEETING

Meeting Date: 26 May 2015

Financial Implications

There are no immediate financial implications arising from this report.

Actions arising from the implementation of this Policy would require further consideration and must include an assessment of the positive/negative economic benefits to the community.

RECOMMENDATION:

That:

1. The information be received.
2. Council place the draft Affordable Housing Policy, attached to this report, on public exhibition for 28 days.
3. A further report to Council be provided following the exhibition period.

ATTACHMENTS:

AT - 1 Draft Affordable Housing Policy

AT - 1 Draft Affordable Housing Policy



Hawkesbury City Council
Policy

DRAFT

Affordable Housing Policy

Hawkesbury City Council



HAWKESBURY CITY COUNCIL POLICY
DRAFT Affordable Housing Policy

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Draft



HAWKESBURY CITY COUNCIL POLICY
DRAFT Affordable Housing Policy

1.0 PURPOSE

The purpose of this policy is to increase the supply of affordable housing (including affordable rental housing) in serviced residential areas of the town centres of the Hawkesbury Local Government Area (LGA).

This policy should be read in conjunction with:

- The Hawkesbury Homelessness Action Plan
- The Hawkesbury Residential Land Strategy
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Hawkesbury Community Strategic Plan 2013-2032 (CSP).

2.0 BACKGROUND

On July 29 2014, Council adopted the Hawkesbury Homelessness Action Plan (HHAP). One of the actions of the HHAP was to develop an Affordable Housing Policy for the Hawkesbury Local Government Area (LGA).

Council reports of the Hawkesbury area have identified the steady decline over recent decades in housing that is affordable to families and individuals on low to medium incomes for purchase or in the private or social rental housing sectors. House prices and private rentals are rapidly increasing both in this LGA and across Greater Western Sydney. Stable housing is identifiedⁱ as a necessary pre-requisite for improved outcomes in employment, education, and the well-being and development of children and young people.

The number of NSW owned social housing properties (for low income and disadvantaged tenants) in this LGA has declined significantlyⁱⁱ and at a faster rate than social housing in Greater Western Sydney.

The rise in Lone Person Households and the increase in smaller family size in this area are expected to continue which will require an increase in smaller housing properties to accommodate the changing needs of the community.

Vacancy rates in the private rental market are expected to remain very low (between 1% to 2% vacancy) which will add further pressure to the availability of affordable housing for low to middle income families in the private rental market.

The gap between household income and the cost of housing continues to widenⁱⁱⁱ with Hawkesbury households in the Lowest and Medium Lowest Income Quartiles seeing the greatest negative growth.

The continuing decline of affordable housing will negatively impact on the liveability for purchasers and renters in the low to middle income brackets leading to greater housing stress and homelessness for an increasing number of families and individuals.

The Hawkesbury Community Strategic Plan 2013-2032 (CSP) has defined what Council would like to achieve in regard to communities and housing:

- People & Place (Vision Statement): "A community in which the area's character is preserved and lifestyle choices are provided with sustainable, planned, well serviced development, within strongly connected, safe and friendly neighbourhoods."
- Direction 2 (D2): "Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury."
- Direction 6 (D6): "Have friendly neighbourhood, connected communities, and supported households and families."
- Strategy 2 (S2): "Encourage affordable, diverse and quality housing solutions in serviced areas."



HAWKESBURY CITY COUNCIL POLICY
DRAFT Affordable Housing Policy

3.0 SCOPE

The Hawkesbury Residential Land Strategy identifies areas for quality affordable housing in well serviced areas.

Strategies should be linked to those areas that have good access to a range of essential services and facilities (shops, schools, medical services, transport etc.).

As a *Guiding Principle*, social and affordable housing projects should be located within 800 metres of well serviced residential towns (as indicated in the Hawkesbury Residential Land Strategy). The areas include: Windsor/South Windsor, Richmond, North Richmond, and urban release areas within 800 metres of a train station.

4.0 DEFINITIONS

- **Affordable housing** refers to housing (primarily rental housing) that is not more than 30% of the income of families and individuals in the lowest 40% of incomes.
- **Housing Stress** refers to households in the lowest 40% of incomes who are paying more than 30% of their income on housing costs.
- **Social Housing** covers rental housing provided by the government and/or by a community housing provider targeted for low income or disadvantaged households where the tenant usually pays no more than 25% of their income in rent.

5.0 RELATED LEGISLATION/POLICY

- Reform of the Federation White Paper - Roles and Responsibilities in Housing and Homelessness
- Senate Inquiry into Affordable Housing in Australia
- NSW Parliamentary Inquiry into Social, Public and Affordable Housing
- Australian Building Standards and Codes
- A Plan for Growing Sydney, NSW Department of Planning and Environment

6.0 STRATEGIES

Hawkesbury City Council will, as part of council's commitment to the Hawkesbury Homelessness Action Plan (HHAP), undertake the following strategies/activities for affordable housing for the Hawkesbury Area:

- monitor demographic trends, housing demand supply and affordability
- develop appropriate strategies aimed at increasing affordable housing supply
- advocate for increased affordable housing in suitable locations
- work in partnership with key stakeholders and agencies to increase affordable housing options
- review Council policies, plans and fees and charges in order to increase opportunities for affordable housing
- support government initiatives that increase the supply and understanding of the need for affordable housing
- support research initiatives that explore affordable housing options and increase the understanding of the need for affordable housing.

ⁱ Australian Government White Paper (2014), Issues Paper 2: Reform of the Federation – Affordable Housing and Homelessness

ⁱⁱ ABS Census of Population and Housing, 1991 to 2011

ⁱⁱⁱ Hawkesbury Profile, Change in Household Income Quartile

ORDINARY MEETING

Meeting Date: 26 May 2015

SUPPORT SERVICES

Item: 80

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

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

This report indicates that Council held \$46.45 million in investments at 30 April 2015.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$46.45 million in investments as at 30 April 2015. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
CBA	A1+	AA-			2.10%	4,450,000	9.58%	
Total On-call Investments								4,450,000
Term Investments								
ANZ	A1+	AA-	28-May-14	27-May-15	3.70%	1,000,000	2.15%	
ANZ	A1+	AA-	11-Jun-14	10-Jun-15	3.70%	1,500,000	3.23%	
ANZ	A1+	AA-	11-Jun-14	10-Jun-15	3.70%	500,000	1.08%	
ANZ	A1+	AA-	18-Jun-14	17-Jun-15	3.70%	500,000	1.08%	
ANZ	A1+	AA-	17-Dec-14	17-Jun-15	3.64%	3,000,000	6.46%	
ANZ	A1+	AA-	23-Jul-14	22-Jul-15	3.70%	1,000,000	2.15%	
ANZ	A1+	AA-	06-Aug-14	06-Aug-15	3.70%	2,000,000	4.31%	
ANZ	A1+	AA-	20-Aug-14	19-Aug-15	3.71%	2,000,000	4.31%	
ANZ	A1+	AA-	03-Sep-14	02-Sep-15	3.73%	1,000,000	2.15%	
Bankwest	A1+	AA-	27-Feb-15	27-May-15	3.15%	1,000,000	2.15%	
CBA	A1+	AA-	19-Mar-15	21-Oct-15	3.05%	1,000,000	2.15%	
CBA	A1+	AA-	01-Apr-15	02-Oct-15	2.98%	2,000,000	4.31%	
CBA	A1+	AA-	08-Apr-15	07-Oct-15	3.02%	1,000,000	2.15%	
CBA	A1+	AA-	08-Apr-15	07-Oct-15	3.02%	500,000	1.08%	

ORDINARY MEETING

Meeting Date: 26 May 2015

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
NAB	A1+	AA-	03-Oct-14	06-May-15	3.55%	1,000,000	2.15%	
NAB	A1+	AA-	20-Aug-14	22-Jul-15	3.66%	1,000,000	2.15%	
NAB	A1+	AA-	21-Aug-13	19-Aug-15	4.25%	1,000,000	2.15%	
NAB	A1+	AA-	03-Sep-13	02-Sep-15	4.10%	2,000,000	4.31%	
NAB	A1+	AA-	03-Sep-14	02-Sep-15	3.65%	500,000	1.08%	
NAB	A1+	AA-	03-Oct-14	07-Oct-15	3.59%	1,000,000	2.15%	
NAB	A1+	AA-	15-Oct-14	07-Oct-15	3.60%	500,000	1.08%	
NAB	A1+	AA-	24-Feb-15	24-Feb-16	3.15%	1,000,000	2.15%	
NAB	A1+	AA-	24-Feb-15	24-Feb-16	3.15%	1,000,000	2.15%	
NAB	A1+	AA-	27-Feb-15	02-Dec-15	3.14%	2,000,000	4.31%	
NAB	A1+	AA-	04-Mar-15	02-Mar-16	3.13%	2,000,000	4.31%	
Westpac	A1+	AA-	04-Feb-15	06-May-15	3.40%	3,000,000	6.46%	
Westpac	A1+	AA-	16-Feb-15	20-May-15	3.25%	2,000,000	4.31%	
Westpac	A1+	AA-	25-Jun-14	25-Jun-15	3.75%	500,000	1.08%	
Westpac	A1+	AA-	29-Jan-15	25-Jun-15	3.35%	2,000,000	4.31%	
Westpac	A1+	AA-	04-Jul-14	08-Jul-15	3.75%	500,000	1.08%	
Westpac	A1+	AA-	16-Feb-15	19-Aug-15	3.25%	2,000,000	4.31%	
Westpac	A1+	AA-	04-Feb-15	04-Feb-16	3.40%	1,000,000	2.15%	
Total Term Investments								42,000,000
TOTAL INVESTMENT AS AT 30 April 2015								46,450,000

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	4,450,000	2.10%	Reserve Bank Cash Reference Rate	2.25%	-0.15%
Term Deposit	42,000,000	3.47%	UBS 90 Day Bank Bill Rate	2.25%	1.22%
Total	46,450,000	3.34%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	9,839,217
External Restrictions - Other	4,532,713
Internal Restrictions	20,402,220
Unrestricted	11,675,850
Total	46,450,000

Unrestricted funds, whilst not subject to a restriction for a specific purpose, are fully committed to fund operational and capital expenditure in line with Council's adopted Operational Plan. As there are timing differences between the accounting for income and expenditure in line with the Plan, and the corresponding impact on Council's cash funds, a sufficient level of funds is required to be kept at all times to ensure Council's commitments are met in a timely manner. Council's cash management processes are based on maintaining sufficient cash levels to enable commitments to be met when due, while at the same time ensuring investment returns are maximised through term investments, where possible.

ORDINARY MEETING

Meeting Date: 26 May 2015

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

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

Investment Commentary

The investment portfolio decreased by \$3.85 million for the month of April 2015. During April 2015, income was received totalling \$4.89 million, including rate payments amounting to \$1.30 million, while payments to suppliers and staff costs amounted to \$7.32 million.

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

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

As at 30 April 2015, Council's investment portfolio is all invested with major Australian trading banks or wholly owned subsidiaries of major Australian trading banks and in line with Council's Investment Policy.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Independent advice is sought on new investment opportunities, and Council's investment portfolio is independently reviewed by Council's investment advisor each calendar quarter.

Council's investment portfolio complies with Council's Investment Policy, adopted on 27 May 2014.

Investment Certification

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

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

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

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RECOMMENDATION:

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

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 26 May 2015

Item: 81 **SS - March 2015 Quarterly Budget Review Statement - (96332, 95496)**

Previous Item: 97, Extraordinary (17 June 2014)

REPORT:

Executive Summary

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

The Quarterly Budget Review Statement - March 2015 (QBRS) recommends a number of variations that result in a balanced budgeted position being maintained.

Consultation

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

Background

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

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

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

Financial Position

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

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

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

The more significant items of the March 2015 QBRS include:

Favourable Adjustments

- *Investment Income – Net Favourable Variance \$80K*

A favourable adjustment of \$100K for interest and investment income is included in this QBRS. As at the end of March 2015, interest earned on Council's investment portfolio was \$1.2M, exceeding the Full Year Budget (FY Budget) of \$1.1M. This variance was offset by \$20K for interest to be restricted to various Section 94 Reserves in line with projected closing balances.

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- *Plant and Leaseback Vehicles – Net Favourable Variance \$66K*

Adjustments have been made in line with forecasted full year results in relation to the purchase and sale of plant and leaseback vehicles, and plant running costs.

- *Regulatory Permits and Penalties Income – Net Favourable Variance \$50K*

A net favourable adjustment of \$50K is included in this QBRS in relation to regulatory permits and penalties income. Due to the issuing of several large penalties in relation to compliance infringements, the projected full year result is \$30K above the current FY Budget. Income generated from Septic Tank Permits as at the end of March had exceeded the FY Budget by \$20K.

- *Increased Development Activity – Net Favourable Variance \$10K*

As a result of increased development activity, several adjustments are incorporated in this QBRS, with a net favourable variance of \$10K. Income in relation to Construction Certificates and Development Applications has generated an additional \$142K, which is offset by a reduction in Subdivision Fees of \$40K. Due to delays in the commencement of the Swimming Pool Inspection Program, an unfavourable variance of \$74K is also included. Additional resources required for the increased activity, result in an unfavourable adjustment of \$34K for employment agencies and consultancies. The remaining \$6K consists of several minor adjustments, including increased income from Section 149 Certificates. Income in relation to Road Naming applications received generated an additional \$10K.

Unfavourable Adjustments

- *Storm Damage Repairs – Net Unfavourable Variance \$140K*

Increased activity in relation to the removal of dangerous trees, road damage repairs and surveillance of the ferry while being out of service during recent storms and flooding, has resulted in the current funding for these activities not being sufficient to cover the remainder of the financial year. An additional \$140K is included in this QBRS to address this funding requirement. An application for Natural Disaster Funding has been submitted and is currently being assessed.

- *Work Health & Safety (WHS) – Net Unfavourable Variance \$30K*

Due to additional WHS Training and Personal Protective Equipment (PPE) provided as part of the preparation for the WHS Audit conducted in August 2014, there is insufficient budget remaining to fund the required expenditure over the remaining financial year. An unfavourable adjustment of \$20K for WHS Training and \$10K for PPE is included in this QBRS.

- *Companion Animal Shelter Income – Net Unfavourable Variance \$22K*

A net unfavourable variance of \$22K relating to income generated through the Companion Animal Shelter is included in this QBRS. Income projections are being reduced to reflect fewer companion animal lifetime registrations than expected and less income being received from servicing The Hills Council and Penrith Council. The latter drop in income is partly attributed to an increase in animal return to owners directly by these councils' staff upon pick up, rather than coming through the Companion Animal Shelter.

- *Rates Income – Net Unfavourable Variance \$20K*

Included in this QBRS is a net unfavourable variance of \$20K in relation to rates income. The variance results from additional income through supplementary levies, offset by the net impact of changes in properties' rating categories that have occurred since the estimate for the year was established as part of the Operational Plan.

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- *Sponsorship of Tom Quilty Gold Cup – Net Unfavourable Variance \$5K*

Council resolved on 31 March 2015, to provide monetary assistance of \$5K to sponsor the Tom Quilty Gold Cup. An adjustment for this amount is included in this QBRS.

Grants

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

The major adjustments relating to grant funding are outlined below:

- *Community Recycling Centre (restricted)* – An amount of \$216K from NSW Environmental Trust has been awarded to Council to build a community recycling centre for the safe disposal and recovery of household problem waste which cannot be put in kerbside bins, at no cost to residents.
- *Hawkesbury Compost Revolution (restricted)* – Council has accepted an offer of a grant for \$53K from NSW Environmental Trust, to subsidise the purchase of home compost bins and worm farms, available to all Hawkesbury residents as part of the Waste Less, Recycle More Initiative.
- *Hawkesbury River Biodiversity Restoration Project* – Council has received additional grant funding for the restoration of the Hawkesbury River from the Department of the Sustainability, Environment, Water, Populations and Communities for the amount of \$48K.
- *Fitness Equipment at Ham Common* – Council has received \$40K from Local Government NSW, as part of the Creating Liveable Communities Program, for the installation of accessible outdoor fitness equipment at Ham Common. The expertise of health professionals will also be utilised to facilitate community access to the equipment, including those with additional physical needs.
- *Community Building Partnership Program - Maraylya Public School* – Council has received \$30K in grant funding from the Department of Education and Communities. This funding will be used to improve drainage, pathways, landscaping and kerb and guttering, including road shoulder sealing, making the area safer for parents and students.

Reserve Funded Adjustments

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

- *Section 64 (Sewerage) Reserve* – In line with developer contributions received, \$115K for Section 64 (Sewerage) income is included in this QBRS.
- *Section 94 and Section 94A Reserves* – In line with developer contributions received, \$220K for Section 94A income and \$1.3M for Section 94 income are included in this QBRS.
- *Local Infrastructure Renewal Scheme (LIRS)* – Interest income of \$43K earned on the unspent loan at the reporting period in relation to LIRS is incorporated in this QBRS. Also included in this QBRS is the deferment of some works so as to align with potential grant funding to complement available funding.

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- *Multi-Year Projects Reserve* – The replacement of decking at Thompson Square (\$30K) has been deferred to the next financial year so as to enable alignment with potential future works in the area. The replacement of a Parks Tipper (\$62K) has also been deferred in light of the condition of the truck being better than expected based on useful life of the plant. Funding for both these projects has been placed in the Multi-Year Projects Reserve to ensure availability of funds in future Operational Plans.
- *Property Reserve* – Property Management activities results in a net reduction of \$36K in the Property Reserve.
- *Sullage Reserve* – An increase of \$60K in relation to Commercial Sullage Income in line with the projected result for the year is included in this QBRS.
- *Domestic Waste Management Reserve* – A favourable variance of \$90K in relation to the delayed commencement of the Town & Villages Cleaning Program is included in this QBRS. In line with observed trend, an unfavourable variance of \$86K is included for the contractor costs in relation to the Garden Organics service. The tonnages collected by the contractor have been consistently higher than expected and budgeted for, resulting in higher costs being incurred. A net saving of \$76K is included in relation to plant costs. Income was reduced by \$58K in line with the observed trend. The implementation of additional recycling services resulted in an unfavourable variance of \$47K. Net savings were made in relation to employee costs of \$23K.
- *Sewerage Reserves* – Adjustments relating to reactive works and the bulk purchase of chemicals (\$121K), the review of the operations of the Sewerage Program (\$45K) and savings in plant costs (\$18K) are included in this QBRS. The works to be conducted in this year in relation to the upgrade of Pump Station C have exceeded estimates by \$70K. Several works have been deferred to 2015/2016 to ensure sufficient funds are available to expedite the Pump Station C Upgrade completion next year. Adjustments relating to these deferred works are also included in this QBRS.
- *Waste Management Facility Reserve* – Due to delays in relation to actions relating to the waste strategy, the relevant budget allocation will not be required this financial year and has been transferred back to the Reserve to be available when required in 2015/2016. In line with observed trends, favourable variances are included for plant hire (\$75K), employee costs (\$36K) and gate takings income (\$27K). To facilitate a required upgrade of the CCTV infrastructure, an unfavourable variance of \$47K is also included in this QBRS.

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

Conformance to the Hawkesbury Community Strategic Plan

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

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

Funding

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

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Meeting Date: 26 May 2015

RECOMMENDATION:

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – March 2015 be adopted.

ATTACHMENTS:

AT - 1 The Quarterly Budget Review Statement – March 2015 - *(Distributed under separate cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 26 May 2015

Item: 82 SS - Pecuniary Interest Return - Designated Person - (95496, 96333)

REPORT:

Executive Summary

The Local Government Act, 1993 details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Councillors and Designated Persons. This report provides information regarding a Return recently lodged with the General Manager by a Designated Person. It is recommended that Council note that the Disclosure of Pecuniary Interests and Other Matters Return, lodged with the General Manager, has been tabled.

Consultation

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

Background

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

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

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

 - (b) *In the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or*

 - (c) *In the case of a return otherwise lodged with the general manager—the first meeting after lodgement."*

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

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

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

Position	Return Date	Date Lodged
Project Engineer	23/02/2015	17/04/2015

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

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

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Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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section 4

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SECTION 4 - Reports of Committees

ROC Local Traffic Committee - 11 May 2015 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on 11 May 2015, commencing at 3pm.

- Present:** Councillor Kim Ford (Chairman)
Inspector Ian Woodward, NSW Police Force
Snr Constable David Gillard, NSW Police Force
Mr James Suprain, Roads and Maritime Services
Mr Steve Grady, Busways
- Apologies:** Mr Dominic Perrottet, MP (Hawkesbury)
Ms Jill Lewis, NSW Taxi Council
Snr Constable Debbie Byrnes, NSW Police
- In Attendance:** Mr Chris Amit, Manager, Design and Mapping Services
Ms Judy Wong, Community Safety Coordinator
Ms Jillian Bentham, Events Coordinator
Ms Laurel Tweedie, Administrative Officer, Infrastructure Services
-

RESOLVED on the motion of Mr James Suprain, seconded by Snr Constable David Gillard that the apologies be accepted.

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Inspector Ian Woodward, seconded by Mr James Suprain that the minutes from the previous meeting held on Monday, 13 April 2015 be confirmed with the following correction to the title of Inspector Ian Woodward. The correction being the change from "Snr Constable Ian Woodward" to "Inspector Ian Woodward" in Item 2.1 and Item 2.2 resolutions.

Item 1.2 Business Arising

There was no Business Arising.

SECTION 2 - Reports for Determination

Item: 2.1 LTC - SIDS Stampede 2015 - Windsor (Hawkesbury) - (80245, 125210, 79749, 106039)

REPORT:

Introduction

An application has been received seeking approval (in traffic management terms) to conduct the SIDS Stampede 2015 - Windsor, on Sunday 6, September 2015.

The event organiser has advised;

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- This is a running (fun run) event and community fair to raise funds for the Westmead Children's Hospital SIDS and Sleep Apnoea Department;
- This is the fourth year the event is being run – the original event was undertaken in 2012;
- Approximately 1000 participants are expected for the event;
- Approximately 200 to 500 spectators are expected;
- The event will be conducted between 5:30am and 10:30am;
- Participants will arrive at McQuade Park between 6am and 7am;
- Participants vehicles will be parked either on adjacent streets or in McQuade Park and enter the Park via the driveway in Moses Street;
- The start of the event will be in Greenway Crescent approximately 100 metres down from Moses Street. The finish point for the event will be within Howe Park. The finish point in Howe Park will be accessed via Deerubbin Park, with the access point to Deerubbin Park located along Cornwallis Road, approximately 350 metres from Greenway Crescent;
- Details of the roads to be utilised as part of the course:
 - McQuade Park to Greenway Crescent (across Moses Street) = 100 metres,
 - Greenway Crescent from Moses Street to Cornwallis Road = 400 metres,
 - Cornwallis Road from Greenway Crescent to Cornwells Lane = 6600 metres,
 - Cornwells Lane from Cornwallis Road to Onus/Powells Lane = 2200 metres,
 - Powells Lane from Cornwells/Onus Lane for a distance of 1450 metres (turn around point).
- There will be 4 stages to the event consisting of a 21.1 kilometres run, 10 kilometre run, 5 kilometre run and a 5 kilometre walk;
- Details of each Stage is as follows:
 - Stage 1 = 21.1 kilometre run will commence at 6:30am and will proceed along Greenway Crescent, Cornwallis Road, Cornwells Lane and Powells Lane to the turn-around point. Proceed back along Powells Lane, Cornwells Lane and Cornwallis Road to the access point to Deerubbin Park. Enter the Park and proceed through the Park along the pedestrian bridge over Rickabys Creek to the finish line at Howe Park.
 - Stage 2 = 10 kilometre run will commence at 7am and will proceed along Greenway Crescent and for a distance of 4.7 kilometres along Cornwallis Road. Turn around and proceed back along Cornwallis Road to the access point to Deerubbin Park. Enter the Park and proceed through the Park along the pedestrian bridge over Rickabys Creek to the finish line at Howe Park.
 - Stage 3 = 5 kilometre run will commence at 7:30am and will proceed along Greenway Crescent and for a distance of 2.2 kilometres along Cornwallis Road. Turn around and proceed back along Cornwallis Road to the access point to Deerubbin Park. Enter the Park and proceed through the Park along the pedestrian bridge over Rickabys Creek to the finish line at Howe Park.
 - Stage 4 = 5 kilometre walk will commence at 8:30am. This group will do the same circuit as the 5 kilometre run – Stage 3.
- The first stage will start at 6:30am with all 4 stages completed and the roads reopened by 10:30am – (details of proposed road closures are outlined below);

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- The safety of the event will be improved with the removal of through traffic along the course;
- The following Road Closures are proposed;
 - Moses Street is only closed at Greenway Crescent which will provide access to St Matthews Anglican Church and parking along Moses Street.
 - Greenway Crescent between Moses Street and Cornwallis Road.
 - Cornwallis Road between Greenway Crescent and Cornwells Lane; which includes its intersections with Cordners Lane and Cupitts Lane.
 - Cornwells Lane between Cornwallis Road and Onus/Powells Lane; which includes its intersection with Bensons Lane.
 - Powells Lane from Cornwells/Onus Lane for a distance of 1.45 kilometres; which includes its intersections with Triangle Lane and Dells Lane.
 - Road Closures will be between 5:30am and 10:30am.
- Authorised Traffic Controllers will be used to close off Moses Street at Greenway Crescent before the start of the event; and at all road closure points along the course, with motorists directed around the site.
- Vehicles within the road closures will need to leave the area by 5:30am;
- All residents will be given notice in the preceding two weeks prior to the event to enable vehicles needing to leave the area to be done so by 5:30am;
- Consultation has been undertaken with adjoining property owners along the proposed route and proposed road closures;
- The majority of residents have responded in a positive manner and are supportive of the event. Not all residents have responded;

Details of the Event Route Plan, Start and Finish Points and the Event Layout Plan for McQuade Park are contained in Attachments 1 and 2.

Discussion:

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

The following Road Closures are proposed for Sunday, 6 September 2015, between 5:30am and 10:30am:

- Moses Street is only closed at Greenway Crescent which will provide access to St Matthews Anglican Church and parking along Moses Street.
- Greenway Crescent between Moses Street and Cornwallis Road.
- Cornwallis Road between Greenway Crescent and Cornwells Lane; which includes its intersections with Cordners Lane and Cupitts Lane.
- Cornwells Lane between Cornwallis Road and Onus/Powells Lane; which includes its intersection with Bensons Lane.
- Powells Lane from Cornwells/Onus Lane for a distance of 1.45 kilometres; which includes its intersections with Triangle Lane and Dells Lane.
- There are approximately 90 properties along the proposed route. The majority of the properties are rural properties with residential properties mainly along Greenway Crescent.
- The majority of adjoining property owners have been consulted and are supportive of the event.
- The majority of roads proposed to be closed for the event are generally in the Cornwallis/Richmond Lowlands area and have low traffic volumes.

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Speed limits, traffic volume and road width details are provided in the following table:

Road Name	Speed Limit (km/h)	Max ADT Recorded (Year)	Sealed Carriageway Width (m)
Cornwallis Road	80	Data not available	4.2 to 6.2 and 5.5 at Bridge over Cooley Creek
Cornwells Lane	80	104 (2008)	5.0 – 5.6
Greenway Crescent	50	470 (1997)	7.8 and 5.5 at Bridge over Rickabys Creek
Moses Street	50	1024 (1990)	16.0
Powells Lane	80	Data not available	5.5 – 6.3

The event organiser has submitted the following items in relation to the event: Attachment 3 (ECM Document Nos: 5150640 and 5160492):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval - Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Transport Management Plan – referred to in the application as Traffic Management Plan (TMP) and Traffic Control Plans (TCP). The TCPs do not provide clarity or specific details in relation to all road closure points and traffic diversion routes,
5. Event Route and Layout Plan,
6. Copy of Resident Poll for the proposed road closures.

The Transport Management Plan (TMP) and the associated Traffic Control Plan (TCP) is to be submitted to the Transport Management Centre (TMC) for authorisation due to the proposed road closures.

RECOMMENDATION TO THE COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council’s web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package.
2. The SIDS Stampede 2015 – Windsor, event planned for Sunday, 6 September 2015 between 5:30am and 10:30am be classified as a “**Class 2**” special event, in terms of traffic management, under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following road closures and traffic control measures:

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- Road Closure; Moses Street, Windsor, only at Greenway Crescent which will provide access to St Matthews Anglican Church and parking along Moses Street.
- Road Closure; Greenway Crescent, Windsor, between Moses Street and Cornwallis Road.
- Road Closure; Cornwallis Road, Windsor/Cornwallis, between Greenway Crescent and Cornwells Lane; which includes its intersections with Cordners Lane and Cupitts Lane.
- Road Closure; Cornwells Lane, Richmond Lowlands, between Cornwallis Road and Onus/Powells Lane; which includes its intersection with Bensons Lane.
- Road Closure; Powells Lane, Richmond Lowlands, from Cornwells/Onus Lane for a distance of 1.45 kilometres; which includes its intersections with Triangle Lane and Dells Lane.
- Road Closures only permitted for Sunday, 6 September 2015, between 5:30am and 10:30am.
- No other road closures are permitted.

and the following conditions:

Prior to the event:

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

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- 4f. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities**;
- 4g. as the event involves the closure and the traverse of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4h. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of Howe Park and McQuade Park;
- 4i. the event organiser is to obtain written approval from Hawkesbury Sports Council Inc. for the use of their section of McQuade Park and Deerubbin Park; **a copy of the correspondence to be submitted to Council**;
- 4j. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4k. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4l. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4m. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**;
- 4n. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

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

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certification as required by the Roads and Maritime Services - RMS (formerly RTA);

- 4t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4u. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

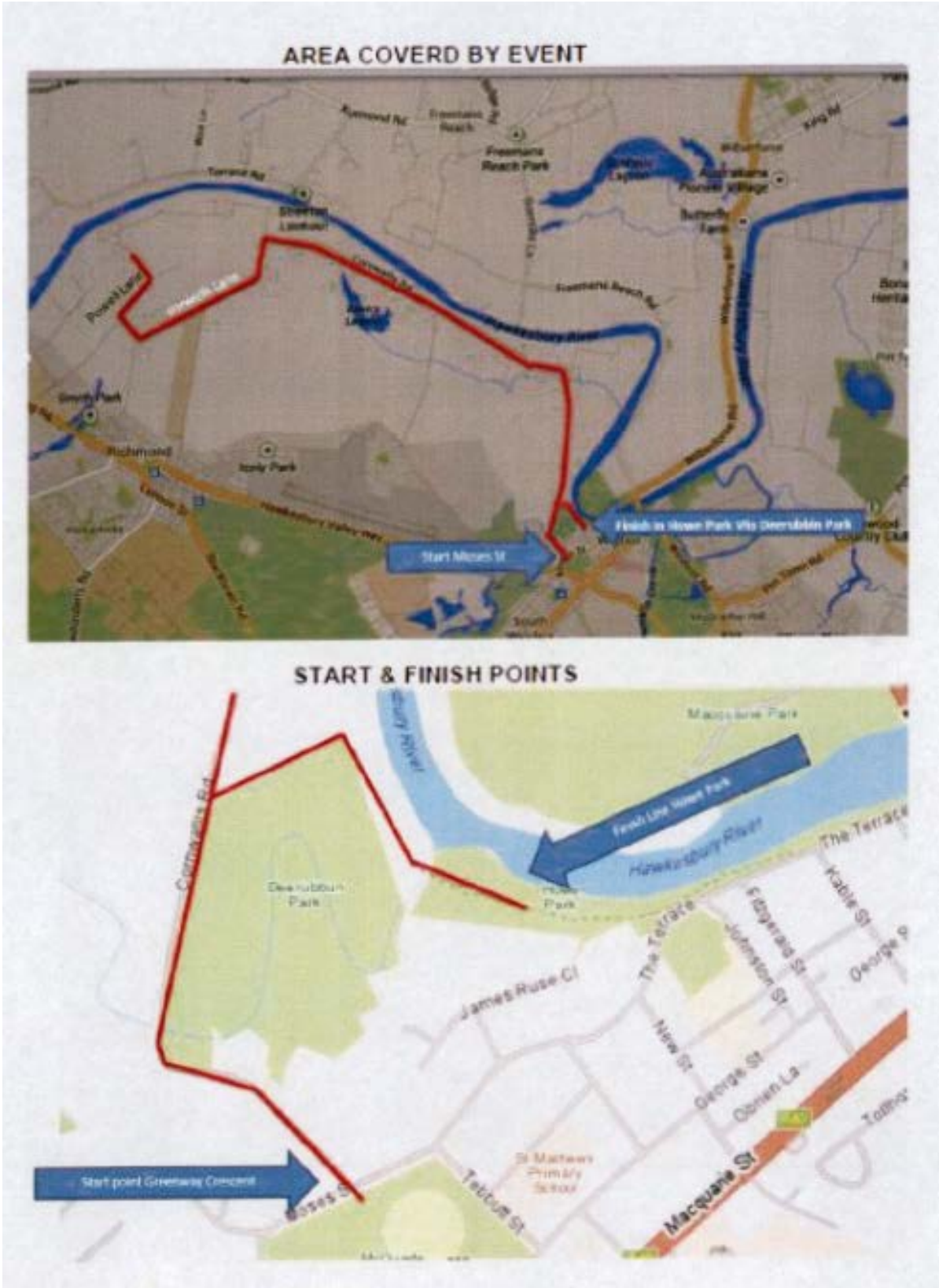
APPENDICES:

AT – 1 SIDS Stampede 2015, Windsor - Event Route Plan and Start and Finish Points

AT – 2 SIDS Stampede 2015, Windsor - Event Layout Plan for McQuade Park

AT – 3 Special Event Application - (ECM Document Nos: 5150640 and 5160492) - *see attached*

AT – 1 SIDS Stampede 2015, Windsor - Event Route Plan and Start and Finish Points



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AT – 2 SIDS Stampede 2015, Windsor - Event Layout Plan for McQuade Park



COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Inspector Ian Woodward, seconded by Councillor Kim Ford.

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The SIDS Stampede 2015 – Windsor, event planned for Sunday, 6 September 2015 between 5:30am and 10:30am be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following road closures and traffic control measures;
 - Road Closure; Moses Street, Windsor, only at Greenway Crescent which will provide access to St Matthews Anglican Church and parking along Moses Street.
 - Road Closure; Greenway Crescent, Windsor, between Moses Street and Cornwallis Road.
 - Road Closure; Cornwallis Road, Windsor/Cornwallis, between Greenway Crescent and Cornwells Lane; which includes its intersections with Cordners Lane and Cupitts Lane.
 - Road Closure; Cornwells Lane, Richmond Lowlands, between Cornwallis Road and Onus/Powells Lane; which includes its intersection with Bensons Lane.
 - Road Closure; Powells Lane, Richmond Lowlands, from Cornwells/Onus Lane for a distance of 1.45 kilometres; which includes its intersections with Triangle Lane and Dells Lane.
 - Road Closures only permitted for Sunday, 6 September 2015, between 5:30am and 10:30am.
 - No other road closures are permitted.

and the following conditions:

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Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to obtain approval from the **Transport Management Centre – TMC** as road closures are proposed; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Traffic Control Plan (TCP) for the entire route** which needs to include details such as the specific position of barriers, signs etc, required for the proposed road closures and traffic diversions **to Council, the Roads and Maritime Services - RMS and the Transport Management Centre (TMC)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4g. as the event involves the closure and the traverse of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4h. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of Howe Park and McQuade Park;
- 4i. the event organiser is to obtain written approval from Hawkesbury Sports Council Inc. for the use of their section of McQuade Park and Deerubbin Park; **a copy of the correspondence to be submitted to Council;**
- 4j. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);

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- 4k. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4l. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4m. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4n. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

- 4o. access is to be maintained for businesses, residents and their visitors;
- 4p. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4q. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4r. the participants are to be made aware of and are to follow all the general road user rules whilst participating on public roads;
- 4s. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the event and detour route (including the road closure points), during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4u. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

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Item: 2.2 LTC - Hawkesbury Triathlon Club Races, July 2015 to June 2016 - (Hawkesbury) - (80245, 89093)

REPORT:

Introduction:

An application has been received from the Hawkesbury Triathlon Club seeking approval (in traffic management terms) to conduct nine Triathlon/Duathlon races between July 2015 and June 2016, utilising Deerubbin Park, Cornwallis, as a base area.

The event organiser has advised:

- The Triathlon and Duathlon Club races involve Swimming, Cycling and Running,
- The event has been held for over 15 years
- Maximum of 50 participants are expected
- The event is a race
- Approximately 20 spectators are expected
- Event Schedule:
 - Sunday – 26 July 2015; Duathlon 8am to 11:30am
 - Sunday – 30 August 2015; Duathlon 8am to 11:30am
 - Sunday – 27 September 2015; Triathlon 7am to 10:30am
 - Sunday – 13 December 2015; Triathlon 7am to 10:30am
 - Sunday – 7 February 2016; Triathlon 7am to 10:30am
 - Sunday – 27 March 2016; Triathlon 7am to 10:30am
 - Sunday – 24 April 2016; Triathlon 7am to 10:30am
 - Sunday – 29 May 2016; Duathlon 8am to 11:30am
 - Sunday – 26 June 2016; Duathlon 8am to 11:30am.
- Event Description:

Triathlon:

Swim: 500 metres -Two laps within the Hawkesbury River

Cycle: 20 kilometres -Two laps of the following route:

- Commencing at Deerubbin Park, Cornwallis, and entering Cornwallis Road
- Travel along Cornwallis Road and turn left into Cupitts Lane
- Travel along Cupitts Lane and turn left into Percival Street
- Travel along Percival Street and turn left into Hawkesbury Valley Way - RMS road (Formerly Richmond Road)
- Travel along Hawkesbury Valley Way and turn left into Moses Street
- Travel along Moses Street and turn left into Greenway Crescent
- Travel along Greenway Crescent into Cornwallis Road and back to Deerubbin Park.

Run: 5 kilometres - Four laps (within Deerubbin Park and Cornwallis Road).

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Duathlon:

Run: 2.5 kilometres - Two laps (within Deerubbin Park and Cornwallis Road)

Cycle: 20 kilometres - Similar to the Triathlon

Run: 5 kilometres - Four laps (within Deerubbin Park and Cornwallis Road).

- No road closures are required
- The Triathlon and Duathlon cycle legs are to run in an anti-clockwise direction to allow only left hand turns
- Competitors are to remain in the cycle lane where there is a cycle lane marked on the roadway
- Road Marshalls will be positioned along the route
- The Course is to be checked by the race director or authorised delegate prior to each ride being started
- All competitors must be briefed of any hazards and course direction prior to the event starting
- Approval for the use of Deerubbin Park has been provided by the Hawkesbury Sports Council Inc.

Refer to Attachment 1: Event Route Plan – Hawkesbury Triathlon and Duathlon Club Races 2015-2016.

Discussion:

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

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document No: 5158950):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS)
4. Transport Management Plan – referred to in the application as Traffic Management Plan (TMP) and Traffic Control Plans (TCP) relating to the 2011 event
5. Club Race Dates and the Event Route Plan for the 2015-2016 events
6. Copy of the Advertisement to be placed in the Hawkesbury Gazette and Hawkesbury Courier
7. Copy of the correspondence forwarded to the Residents and Businesses
8. Copies of correspondence forwarded to the NSW Ambulance Service, NSW Rural Fire Service Windsor Fire Brigade (Fire and Rescue NSW), SES, NSW Taxi Council LTD, RAAF, Westbus and Hawkesbury Valley Bus Service
9. Approval letter from the Hawkesbury Sports Council Inc.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hawkesbury Triathlon and Duathlon Race events, utilising Deerubbin Park, Cornwallis, as a base area planned for;
 - Sunday – 26 July 2015; Duathlon 8am to 11:30am
 - Sunday – 30 August 2015; Duathlon 8am to 11:30am
 - Sunday – 27 September 2015; Triathlon 7am to 10:30am
 - Sunday – 13 December 2015; Triathlon 7am to 10:30am
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 - Sunday – 24 April 2016; Triathlon 7am to 10:30am
 - Sunday – 29 May 2016; Duathlon 8am to 11:30am
 - Sunday – 26 June 2016; Duathlon 8am to 11:30am,

be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).

3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

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

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- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to obtain approval from the Roads and Maritime Services - RMS (formerly RTA) as the event will traverse across Rickaby's Creek Bridge along Hawkesbury Valley Way; **a copy of the Roads and Maritime Services - RMS (formerly RTA) approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. as the event will traverse across Rickaby's Creek Bridge located along Hawkesbury Valley Way which is under the care and control of the Roads and Maritime Services - RMS (formerly RTA), the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$20,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activity;**
- 4g. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council;**
- 4i. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4j. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement has been submitted to Council** (indicating the advertising medium);
- 4k. the event organiser is to notify the details of the event to the Richmond Fire Brigade (Fire and Rescue NSW) at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4l. the event organiser is to directly notify relevant bus companies and tourist bus operators operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4m. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to the resident/business has been submitted to Council;**

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- 4n. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

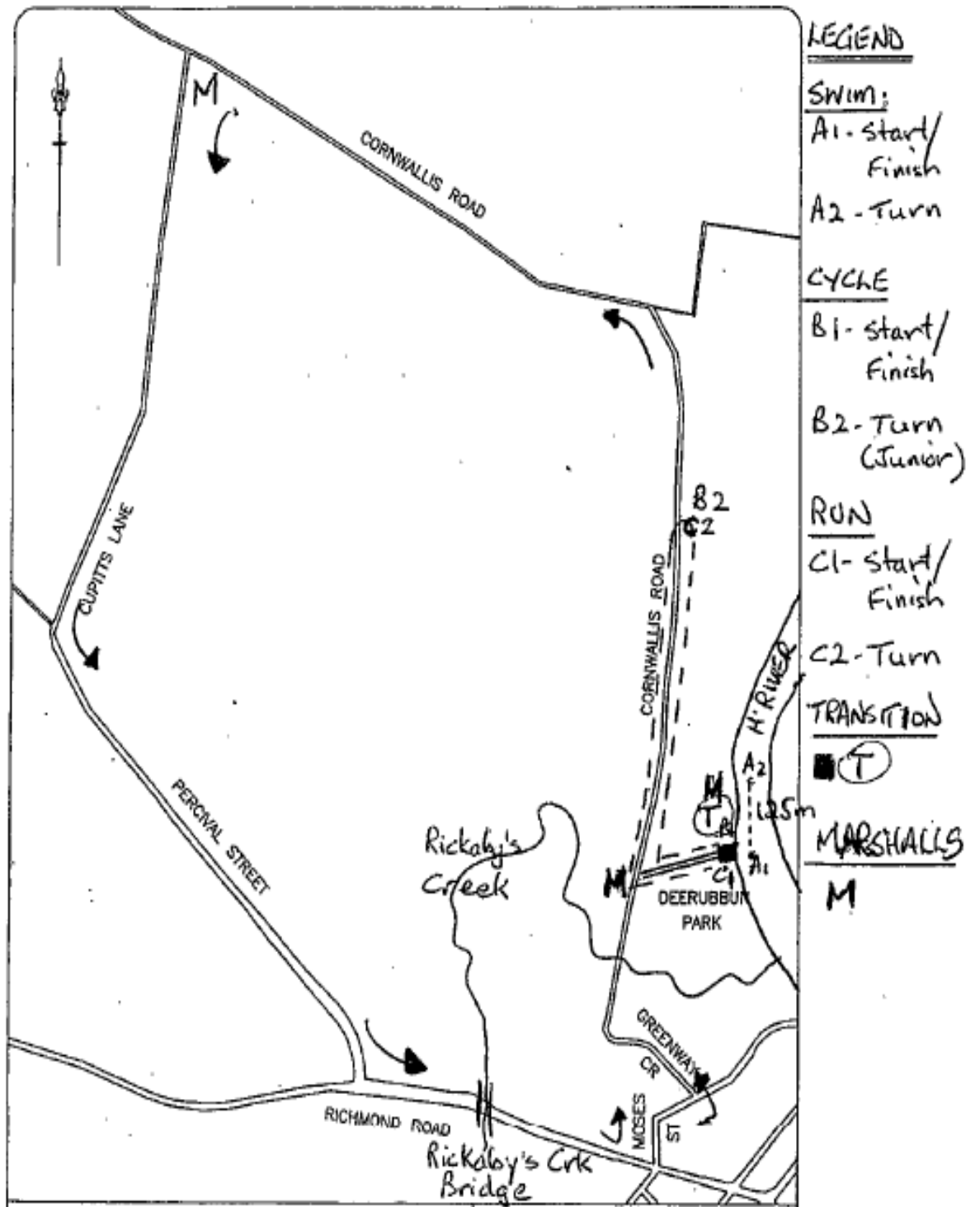
- 4o. access is to be maintained for businesses, residents and their visitors;
- 4p. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4q. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4r. the runners and cyclists are to be made aware of and are to follow all the general road user rules whilst running and cycling on public roads;
- 4s. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4u. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

APPENDICES:

AT 1 Event Route Plan – Hawkesbury Triathlon and Duathlon Club Races 2015-2016

AT 2 Special Event Application - (ECM Document No. 5158950) - *see attached*

AT - 1 Event Route Plan - Hawkesbury Triathlon and Duathlon Club Races 2015-2016



COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Inspector Ian Woodward, seconded by Mr James Suprain.

Support for the Recommendation: Unanimous support.

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hawkesbury Triathlon and Duathlon Race events, utilising Deerubbin Park, Cornwallis, as a base area planned for;
 - Sunday – 26 July 2015; Duathlon 8am to 11:30am
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 - Sunday – 24 April 2016; Triathlon 7am to 10:30am
 - Sunday – 29 May 2016; Duathlon 8am to 11:30am
 - Sunday – 26 June 2016; Duathlon 8am to 11:30am,

be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).

3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

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

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- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to obtain approval from the Roads and Maritime Services - RMS (formerly RTA) as the event will traverse across Rickaby's Creek Bridge along Hawkesbury Valley Way; **a copy of the Roads and Maritime Services - RMS (formerly RTA) approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. as the event will traverse across Rickaby's Creek Bridge located along Hawkesbury Valley Way which is under the care and control of the Roads and Maritime Services - RMS (formerly RTA), the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$20,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activity;**
- 4g. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council;**
- 4i. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4j. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement has been submitted to Council** (indicating the advertising medium);
- 4k. the event organiser is to notify the details of the event to the Richmond Fire Brigade (Fire and Rescue NSW) at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4l. the event organiser is to directly notify relevant bus companies and tourist bus operators operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4m. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to the resident/business has been submitted to Council;**

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- 4n. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

- 4o. access is to be maintained for businesses, residents and their visitors;
- 4p. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4q. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4r. the runners and cyclists are to be made aware of and are to follow all the general road user rules whilst running and cycling on public roads;
- 4s. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4u. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

Item: 2.3 LTC - All Holden Day - Holden Display Day 2015 - Hawkesbury Showground, Clarendon - (Hawkesbury) - (80245, 114515)

REPORT:

Introduction

An application has been received from All Holden Day Inc. seeking approval (in traffic management terms) to conduct the All Holden Day – Holden Display Day 2015 within the Hawkesbury Showground, Clarendon, on Sunday, 2 August 2015, which includes a two day Swap Meet to be held on Saturday, 1 and Sunday, 2 August 2015.

The event organiser has advised:

- This is the 30th running of the event.
- The event will be conducted between 6am and 5pm for both days.
- The showground is located on Racecourse Road, with the Hawkesbury Racecourse and the Clarendon Railway Station located opposite.
- The event is a display day for all original and modified Holden vehicles.
- The event is expected to attract approximately 800 entrant's vehicles and 12,000 visitors.

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- It is anticipated that most visitors will travel by car. They will park within the Hawkesbury Showground car parking area, and will be directed into the site via Gate 4, by accredited traffic controllers. Exit from the showground will be via Gate 1.
- There may be an increase to traffic flow on Hawkesbury Valley Way and Racecourse Road on the Sunday morning, with the majority of vehicles arriving between 6am and 8am. Traffic controllers will monitor queue lengths along Racecourse Road to ensure vehicles do not queue across the Railway tracks.

Discussion

Racecourse Road intersects with Hawkesbury Valley Way near the northern boundary of the showground site, and intersects with Blacktown Road approximately 3.5 kilometres to the south. Racecourse Road is a minor rural road of approximately 3.5 kilometres in length with the full length being sealed. The event organiser is anticipating that a high proportion of traffic is expected from the Hawkesbury Valley Way intersection. Both Hawkesbury Valley Way and Blacktown Road are main arterial roads.

Traffic congestion is likely to be concentrated in Hawkesbury Valley Way, from where the majority of vehicles will queue to enter Racecourse Road, and in Racecourse Road, as vehicles queue to enter parking areas. It is likely that some vehicles, to avoid the congestion at Hawkesbury Valley Way, will travel towards the intersection of Blacktown Road.

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

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document No: 5163445):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval - Application - Checklist
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS)
4. Traffic Control Plans (TCP)
5. Event and Parking Layout for the Showground
6. Copy of the application to the NSW Police Force
7. Copies of correspondence forwarded to the NSW Police Force, NSW Ambulance Service, Windsor Fire Brigade (Fire and Rescue NSW) and SES
8. VMS Location plan for Hawkesbury Valley Way for the 2014 event.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council’s web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package.

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2. The All Holden Day – Holden Display Day 2015 event within the Hawkesbury Showground, Clarendon, on Sunday, 2 August 2015, which includes a 2 day Swap Meet to be held on Saturday, 1 August 2015 and Sunday, 2 August 2015 be classified as a “**Class 2**” special event, in terms of traffic management, under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation’s web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a **copy of the Police Force approval to be submitted to Council**;
- 4d. the event organiser is to **submit a Transport Management Plan (TMP) for the entire event incorporating the submitted Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement;
- 4e. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities**;
- 4f. as the event requires traffic control on a public road, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council**;
- 4h. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4i. the event organiser is to notify the details of the event to the Richmond Fire Brigade (Fire and

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Rescue NSW) and NSW Rural Fire Service at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**

- 4j. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4k. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4l. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

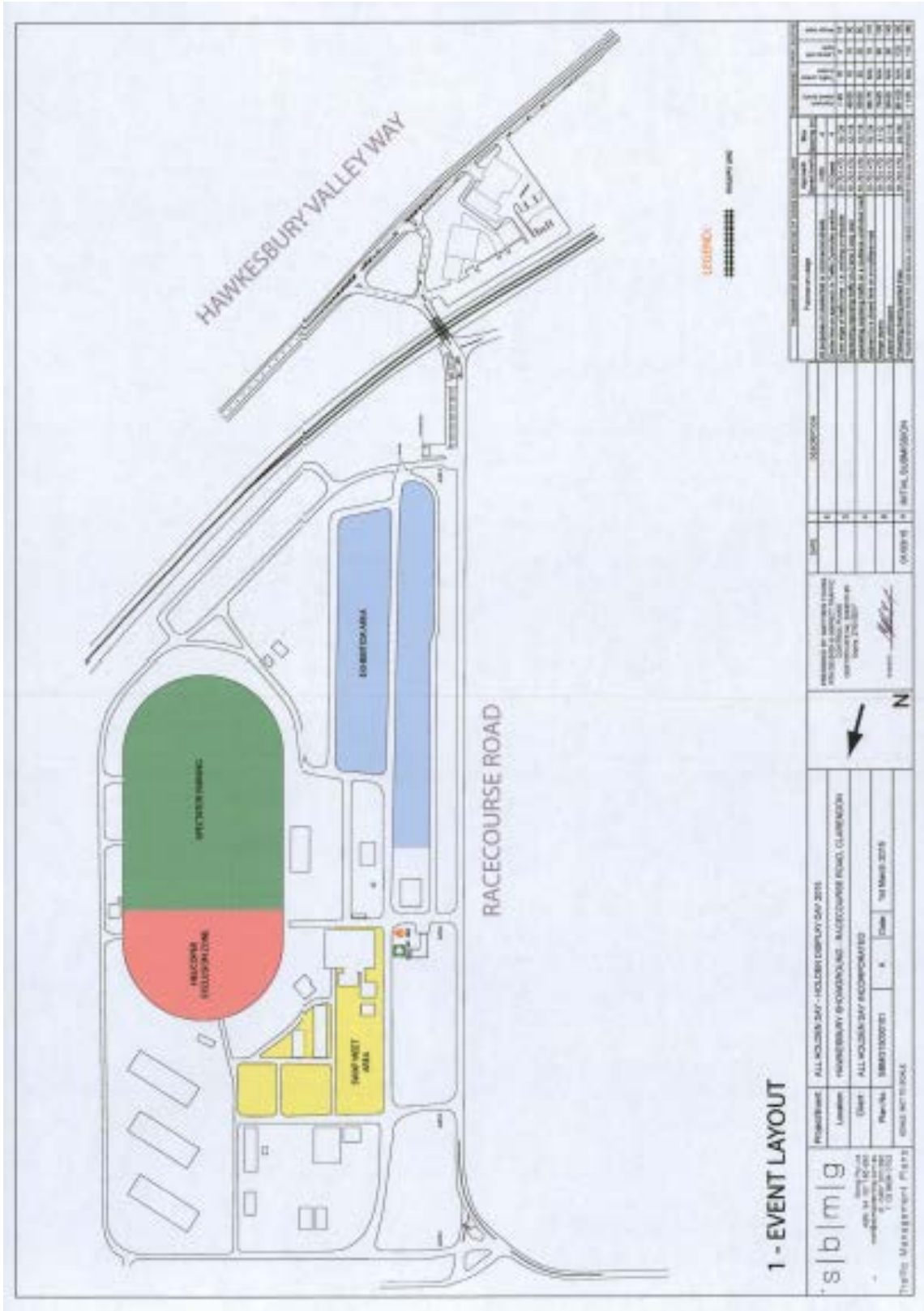
- 4m. access is to be maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4p. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4r. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

APPENDICES:

AT - 1 All Holden Day – Holden Display Day 2015 - Event Layout Plan

AT - 2 Special Event Application – (ECM Document No: 5163445) - *see attached*

AT - 1 All Holden Day – Holden Display Day 2015 - Event Layout Plan



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COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Kim Ford, seconded by Inspector Ian Woodward.

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The All Holden Day – Holden Display Day 2015 event within the Hawkesbury Showground, Clarendon, on Sunday, 2 August 2015, which includes a two day Swap Meet to be held on Saturday, 1 August 2015 and Sunday, 2 August 2015 be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
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- 4b. the event organiser is to assess the risk and address the suitability of the entire site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**

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- 4d. the event organiser is to **submit a Transport Management Plan (TMP) for the entire event incorporating the submitted Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement;
- 4e. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities**;
- 4f. as the event requires traffic control on a public road, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council**;
- 4h. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4i. the event organiser is to notify the details of the event to the Richmond Fire Brigade (Fire and Rescue NSW) and NSW Rural Fire Service at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4j. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4k. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**;
- 4l. the event organiser is to **submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council**;

During the event:

- 4m. access is to be maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4p. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,

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Reports of Committees

- 4r. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

SECTION 3 - Reports for Information

There are no Reports for Information.

SECTION 4 - General Business

Item: 4.1 **LTC -Revised date for Convict 100 (formerly Dirt Works 100 Endurance Mountain Bike Ride 2015 - St Albans (Hawkesbury) - (80245, 85193)**

Previous Item: Item 2.1 LTC 9 February 2015.

REPORT:

Mr C Amit advised the Committee that an application to conduct the Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2015 - St Albans, on Saturday 2 May 2015 from Maximum Adventure Pty Ltd was supported by the Local Traffic Committee at its meeting on 9 February 2015. The event organiser has advised a revised date for the event due to the recent wet weather in the St Albans Valley area making the area unsafe. The proposed new date is Saturday, 8 August 2015. The Committee did not object to the change.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Inspector Ian Woodward, seconded by Mr James Suprain.

Support for Recommendation: Unanimous Support

That information be received.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Monday, 15 June 2015 at 3pm in the Large Committee Room.

The meeting terminated at 3.45pm.

oooO END OF REPORT Oooo

ordinary

section 5

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 5 - Notices of Motion

NM1

Family and Domestic Violence - (79351, 105109, 80093)

Submitted by: Councillor Calvert

NOTICE OF MOTION:

That:

1. Council views with deep concern the level of family and domestic violence within our own community
2. Council officers prepare a report outlining possible strategies for Council to support its commitment to prioritising and initiating a reduction in family and domestic violence in our local area. In addition confirm what funds may be available to implement strategies.
3. Council will work with local organisations/networks, specifically the Hawkesbury Action Network against Domestic Violence to facilitate and develop a community led response plan to family and domestic violence in the Hawkesbury.
4. Council corresponds with our local state and federal representatives to work alongside the community and to give priority to and support funding programs available through the NSW Domestic & Family Violence Framework Reform and the Federal Governments Family & Domestic Violence Strategy to ensure that Hawkesbury maintains and enhances locally based services.
5. Council instruct its senior officers to work through a joint consultative committee to establish a family and domestic violence clause in its workplaces.

Background

Domestic violence is a significant issue in our community. It is the most common factor contributing to homelessness among women and their children. It also plays a major role in the nation's homicides with most involving one or more victims who have a family or domestic relationship with the offender.

Hawkesbury police have been called out to 576 domestic violence incidents since 1 January this year, an average of five incidents per day.

A 2005 survey showed:

- 33.3% of women had experienced physical violence since the age of 15
- 19.1% of women had experienced sexual violence since the age of 15
- 12.4% of women had been sexually abused before the age of 15
- 64% of women who experienced physical assault and 81.1% of women who experienced sexual assault still did not report it to police.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM2

Opening of Windsor Mall - (79351, 105109, 80104)

Submitted by: Councillor Paine

NOTICE OF MOTION:

That Council bring forward a report outlining procedures, cost and community interest in the opening of Windsor Mall.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM3

Windsor Local Area Command - (79351, 105109, 80104)

Submitted by: Councillor Paine

NOTICE OF MOTION:

That Council lobby the State Government for more police to be stationed at Windsor Local Area Command.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meeting and Responses - (79351)

REPORT:

Questions - 12 May 2015

#	Councillor	Question	Response
1	Rasmussen	Enquired if it is possible to contact the RMS and request that action be taken to alleviate the traffic congestion at the intersection of Yarramundi Lane and Old Kurrajong Road and any impact on signals at Bosworth Street and March Street, Richmond.	The Director Infrastructure Services advised that contact had been made with RMS and they have advised that no right turn signposting will be trialed and implemented at the earliest opportunity for eastbound traffic from Kurrajong Road turning right into Old Kurrajong Road (Yarramundi Lane) southbound. Council has requested RMS to closely monitor the impact of this on the road network, in particular, the Bosworth and March Streets, Richmond intersection and make any necessary adjustments to signal phasing to optimise the road network performance.
2	Paine	Requested an update on progress on retaining the historic building, the Jolly Frog Hotel.	The Director City Planning advised that the landowner and their consultant have been contacted and they intend to submit a development application, in accordance with their heritage report and insurance company engineering advice, for partial demolition and shoring of the structure in the near future.
3	Paine	Enquired if the massage parlour in Baker Street, Windsor is operating legally and expressed concerns on behalf adjoining shop keepers that there is a large amount of rubbish being put into the Mall's rubbish bins.	The Director City Planning advised that the matter of the operation of a business is being investigated and appropriate action will be taken depending on the investigation outcome. The issue of rubbish disposal will also be investigated separately.

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
4	Williams	Enquired if the dumped rubbish at the Heavy Vehicle Inspection pull over on Putty Road (near Packer Road), is the responsibility of Council or the RMS.	The Director City Planning advised that the illegally dumped rubbish is the responsibility of the RMS and they are making arrangements for its removal.
5	Williams	Referred to the removal of trees along Creek Ridge Road, near Geakes Road, Freemans Reach and asked if consent had been issued for their removal.	The Director City Planning advised that a development consent (DA0512/14), 213 Geakes Road, Glossodia was issued in October 2014 for <i>"Intensive Agriculture – Use of land for market garden, removal of vegetation and the construction of two (2) dams and a farm building"</i> . The works, when inspected, were in accordance with that consent.
6	Reardon	Enquired on behalf of Friends of Wilberforce Cemetery as to when the two columbariums are going to be constructed and if they are to be made of sandstone and asked if the tree that has fallen in the Wesleyan Section could be removed.	The Director Infrastructure Services advised that a design for the columbarium, which is proposed to be constructed of sandstone, have been sent to the NSW Heritage Council for approval. Once approval is received, Council will commence construction of the columbarium as soon as possible. Instructions have been given for the fallen tree in the Wesleyan Section to be removed.

oooO END OF REPORT Oooo

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 83 **CP - Formation of Hawkesbury Horizon Initiative Working Group - (95498, 124414) 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.*

The matter is reported to the confidential session as the report deals with personal matters concerning particular individuals.

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

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.