



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 08 December 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

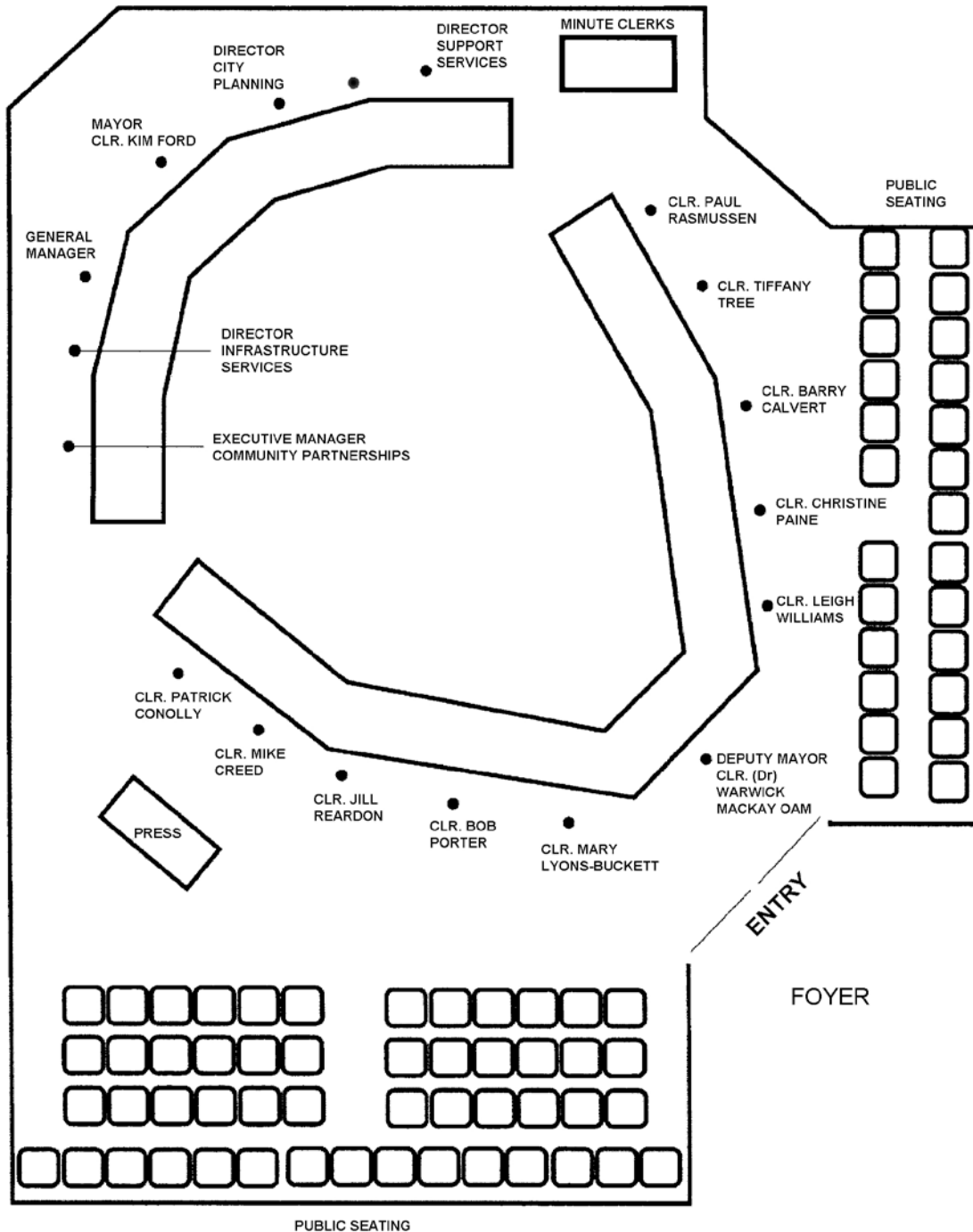
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>.

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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SECTION 2 - Mayoral Minutes

MM1

NSW Government's Fit For The Future Program - (79351, 79353, 120428)

REPORT:

Executive Summary

This Mayoral Minute outlines the latest developments in the NSW Government's Fit For the Future Program and how it relates to Hawkesbury City Council, including a recent resolution of The Hills Shire Council that it is prepared to merge with Hawkesbury City Council, on the condition that it is a merger of both councils fully and incorporates all existing boundaries.

This recent decision by The Hills Shire Council poses a threat to Hawkesbury losing its autonomy and identity as a result of being taken over by another Council. Hawkesbury City Council has the scale and capacity in its current form to continue as a stand-alone council. This Council should therefore take action to address the recent decision by The Hills Shire Council.

This Mayoral Minute recommends that Council write to the Premier of NSW, the Minister for Local Government and the Member for Hawkesbury, reiterating that Council should continue to remain as a stand-alone local government entity. It is also recommends that a delegation from Council, being the Mayor, two Councillors and the General Manager, seek an urgent meeting with the Premier of NSW, the Minister for Local Government and the Member for Hawkesbury, to outline Council's position in regard to this matter.

Background

There have been numerous reports and Mayoral Minutes to Council, and Councillor Briefing Sessions held over the last year regarding the NSW Government's Fit For the Future Program. The most recent being the consideration of a Mayoral Minute at the Council Meeting of 27 October 2015.

At that meeting, Council resolved as follows:

"That:

1. *Council respond to the NSW Government's request for comments from Council as a result of the recently released IPART report regarding the Assessment of Council Fit for the Future Proposals in the manner suggested by Option 1 as referred to in this Mayoral Minute.*
2. *A further report be submitted to Council regarding possible strategies to amend Council's FFTF proposal; so as to achieve the required operating performance ratio, including the consideration of significant cost savings and a reduced SRV. The report will also include the effectiveness and logistics of any possible amalgamations.*
3. *The report options be presented to a Councillor Briefing Session prior to being reported to Council."*

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In accordance with Part 1 of the above resolution, Council responded on 30 October 2015. This response was to advise the State Government that as Council meets the scale and capacity requirements of the Fit For The Future process, and as there is not an appropriate neighbouring council "not fit" due to scale and capacity to consider merging with, Council is not considering a merger. Further, action will be taken to achieve the required operating performance ratio, the only benchmark that Council did not meet, at an earlier date than currently specified in Council's proposal. This will ensure that Council is "fully fit" within the required timeframes for a metropolitan Council.

In regard to Parts 2 and 3 of the above resolution, a Councillor Briefing Session will be held on 1 December 2015.

The Hills Shire Council, at its meeting on 10 November 2015, considered a report regarding the NSW Government's Fit For the Future Program and resolved as follows:

- "1. The Hills Shire does not support the proposal by Parramatta City Council to amend its boundary with The Hills Shire to include suburbs and land south of the M2.*
- 2. Council write to the Minister for Local Government and the Local Members of Parliament to advise that The Hills Shire is prepared to bring forward the Independent Local Government Review Panel's recommendation to merge with Hawkesbury City Council on the condition that it is a merger of both Councils fully and incorporating all existing boundaries, and*
- 3. Given that Hawkesbury City Council has resolved to stand alone, any merger with The Hills should remain eligible for the funding package to cover merger costs and to part fund the infrastructure backlog of Hawkesbury City Council assets."*

Accordingly, The Hills Shire Council has resolved to approach the State Government to indicate their willingness to merge with Hawkesbury City Council.

It is noted that at The Hills Shire Council meeting on 10 November 2015, only eight of its 12 Councillors were present to vote on the above matter. Of the eight Councillors present at the meeting, the vote was five to three in favour of the above resolution, that is, a minority of The Hills Shire Councillors voted in favour of the proposed merger. It is simply not right that a minority of The Hills Councillors, with no mandate to represent the Hawkesbury, are attempting to influence the future of the Hawkesbury.

The content of the report considered by The Hills Shire Council makes it abundantly clear that The Hills Shire Council have no understanding of the needs and values of the Hawkesbury community or of the services and facilities that our Council provides. The Hills Shire Council report relies on misleading and incorrect statistics and assumptions to justify its merger proposal.

Included as Attachment 1 to this Mayoral Minute, are comments on The Hills Shire Council report, that have been used to justify a decision to seek a merger with the Hawkesbury. Also highlighted are the limitations of the report by Ernst & Young, which was commissioned by the Independent Pricing and Regulatory Tribunal to assess the potential benefits of a merger between Hawkesbury and The Hills Councils.

The Hills Shire Council proposes an impractical north-west super council which would stretch westward from North Parramatta to Bilpin covering an area of nearly 3,200 square kilometres. Our total area would be represented by, at best, three councillors out of 12 representatives. The Hills Shire Council's aggressive plan signals a potentially disastrous takeover for the residents of the Hawkesbury, who would largely be neglected due to this under representation.

This view is backed up by the following quote from The Hills Shire Council's report:

"A merger with Hawkesbury would result in a Council that is strategically dominant and would ensure the identity of The Hills would not be lost."

Hawkesbury City Council is forming a Regional Strategic Alliance with Blue Mountains and Penrith City Councils, which will allow Council to achieve the efficiencies that local government reform is seeking, and achieve strategic capacity, while maintaining our autonomy and identity. I have discussed the issue of mergers with the Mayors of Blue Mountains and Penrith City Councils and they have indicated that their councils would not be interested in a merger and support our Council's position of remaining a stand-alone Council.

The Final Report of the Independent Local Government Review Panel indicated that Hawkesbury City Council was a "no change" council due to its position on the metropolitan fringe, and suggested that, as outlined below, holds special characteristics which warrant the retention of Hawkesbury City Council, along with Blue Mountains and Wollondilly Councils, as "no change" councils.

"13.7 The metropolitan fringe

Three local government areas - Hawkesbury, Blue Mountains and Wollondilly - make up the western fringe of Sydney. Each is responsible for a mix of growing urban centres and rural or natural areas (including water catchments) that provide important 'green spaces' around the metropolitan complex.

At this stage there appears to be merit in retaining these councils in more or less their current form to play specialist roles in managing the important areas under their control."

Based on the recent decision by The Hills Shire Council that it is prepared to merge with Hawkesbury City Council, it is recommended that Council write to the Premier of NSW, the Minister for Local Government and the Member for Hawkesbury, reiterating that Council should continue to remain as a stand-alone local government entity, and advise of the content of this Mayoral Minute, and Attachment 1, which provides comments on The Hills Shire Council's report to its meeting on 10 November 2015.

Also, it is recommended a delegation from Council seek an urgent meeting with the Premier of NSW, the Minister for Local Government and the Member for Hawkesbury, to outline Council's position in regard to this matter.

Conformance to the Hawkesbury Community Strategic Plan

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

- Maintain its independent identity and voice through strong local government and community institutions;
- Have constructive and productive partnerships with residents, community groups and institutions.

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RECOMMENDATION:

That:

1. Council write to the Premier of NSW, the Minister for Local Government and the Member for Hawkesbury, reiterating that Council should continue to remain as a stand-alone local government entity, and advise of the content of the Mayoral Minute, and Attachment 1, providing comments on The Hills Shire Council's report to its meeting on 10 November 2015.
2. A delegation from Council, consisting of the Mayor, two Councillors and the General Manager, seek an urgent meeting with the Premier of NSW, the Minister for Local Government and the Member for Hawkesbury to advise of Council's position as outlined in Part 1 above.

ATTACHMENTS:

AT - 1 Comments on The Hills Shire Council's Report to its meeting on 10 November 2015

AT - 1 Comments on The Hills Shire Council's Report
to its meeting on 10 November 2015

This commentary provides an analysis of the content of a report - Reform of Local Government considered by The Hills Shire Council on 10 November 2015 as it relates to Hawkesbury City Council. It addresses inaccurate comments and figures presented in The Hills' report.

This analysis clearly shows that there is no demonstrated benefit to the Hawkesbury community arising from The Hills' proposal.

Merger Savings – Ernst & Young Merger Analysis

Despite the fact that the Independent Local Government Review Panel's preferred option for Hawkesbury City Council was no change, and the State Government accepted this, IPART commissioned Ernst & Young to undertake an analysis of the likely results of a merger between Hawkesbury and The Hills Councils. The analysis indicated total potential savings of \$3M per year, combined for both Councils. Assuming this saving would be split based on the population of the individual councils, in the case of Hawkesbury residents this benefit would be approximately \$12 per person per year. This is the smallest of all potential savings in case studies examined by Ernst & Young. Relative to Hawkesbury's budget and operations it is a minor saving.

The Ernst & Young merger analysis was limited to a desktop assessment of the relative financial merits of merger options presented based on the information provided by IPART. Council was neither informed or requested to provide any contribution towards information for the analysis. A detailed "bottom-up" review of the costs, benefits and risks of a merger was not carried out.

The analysis does not take into account the specific operating circumstances and business characteristics of the merger options explored.

The reliance to be placed on the results of the analysis may therefore be limited.

In its Fit For the Future proposal, Council has included a combination of 20 different strategies to address its long term sustainability as a stand-alone Council. The Hawkesbury has a proven and recognised track record in successfully managing an area on the periphery of the Sydney metropolitan area.

Reform

Hawkesbury meets the scale and capacity criteria and on this basis the Independent Local Review Panel Review preferred option was for Hawkesbury to remain as a stand-alone Council.

There is therefore no apparent justification, within the context of scale and capacity, for The Hills Council to be required to consider a merger with Hawkesbury under the pretence of being pro-active about reform.

The Hills Council's report refers to the potential benefits identified by the Ernst & Young analysis and bases its support for a full merger with Hawkesbury on this. It is claimed that this proposed merger might be a means by which the NSW Government could strengthen local government in the region in accordance with the reform process that The Hills Council fully support.

As referred to in The Hills Council report, the Office of Local Government Circular (15-36), requires councils assessed as being not fit due to scale and capacity, or, who neighbour a council that is not fit due to scale and capacity, to indicate the merger preferences for these councils. As confirmed by this Circular, as well as being the underlying principle throughout the entire Fit For The Future process, the requirement to consider merger preferences is aimed at councils not meeting scale and capacity or those who neighbour those councils. As both Hawkesbury and The Hills Council have met the scale and capacity neither was required to submit a merger proposal.

Mergers of councils not meeting scale and capacity would be likely to produce savings for the combined communities as fewer resources would be required to service the combined area than if those areas were

separate. Efficiencies would be likely to be achieved through potential reduction or elimination of duplicated functions across areas that can still physically be managed by one entity. As referred to in the Ernst & Young report, it is reasonable to expect the opportunities for cost savings to flow from the scale effects associated with local council amalgamations; however, their magnitude is likely to vary by type of activity and may diminish for councils that are already large. The latter limited benefits outcome applies to a merger between two already large areas such as The Hills and the Hawkesbury.

Hawkesbury City Council has progressed a Regional Strategic Alliance with Blue Mountains and Penrith City Councils which will achieve the main aims of local government reform by facilitating strategic capacity for the combined areas and producing savings and efficiencies from resource sharing, joint purchasing and shared service delivery, to name a few.

The Regional Strategic Alliance will produce the outcomes that generally could be achieved through a merger, but whilst maintaining each Council's own identity.

"Communities of interest"

The Hills Council report also selectively relies on the use of one of the four SEIFA (Socio Economic Indexes For Areas) prepared by the Australian Bureau of Statistics (ABS) to suggest The Hills and the Hawkesbury have socio-economic similarities and therefore share a community of interest.

The SEIFA Indexes measure the relative level of socio-economic position of an area based on a range of Census characteristics. While it provides a general view of the relative socio-economic positions, it has never been advocated by the ABS as a tool for measuring 'communities of interest'. Its primary use by government is to assist in the needs based distribution of grants. The use of the SEIFA index to suggest that residents of Kurrajong and North Richmond for example, share a community of interest with The Hills is unconvincing.

In any event, the use of the SEIFA tool as advocated by The Hills (SEIFA Index of 1085) would suggest that the Hawkesbury (SEIFA Index of 1020) has stronger 'community of interests' with the Blue Mountains (SEIFA Index of 1039) and Penrith (SEIFA Index of 996) which have SEIFA scores much more closely aligned with Hawkesbury.

Without doing a full analysis of the ILGRP Report on 'cluster groups', it is noted that only three of the 14 Cluster Figures in Attachment 1 of The Hills Council Report actually group Hawkesbury and The Hills together. These are: Figure 6 'Age Structure', Figure 16 'Knowledge Economy, Sydney', and Figure 28 'Rate base', leaving 10 Cluster Figures where the two councils are NOT grouped together (excluding Figure 9: 'Birthplace' as it is for NSW). Of the cluster groups selected in The Hills Report, six of the Cluster Figures group Hawkesbury and Penrith together, including: Figure 6 'Age Structure', Figure 7 'Household Structure', Figure 16 'Knowledge Economy, Sydney', Figure 22 'Income', Figure 26 'Wealth', and Figure 28 'Rate Base'.

It can be therefore be demonstrated that Hawkesbury City Council is much more closely aligned with the communities of Blue Mountains and Penrith City Councils than with The Hills.

Hawkesbury's Fit for the Future Proposal

The Hills Council report contains a number of errors and misleading statements in regard to Hawkesbury's Fit For the Future proposal, as follows:

- "Rates Increases of 29.7%, average 5.9% a year" – This is incorrect as the 29.7% increase is a cumulative increase.
- "Levying of an annual \$25 stormwater management charge against the estimated 625,129 residential and equivalent business properties" – This is incorrect as the number of properties referred to in Hawkesbury's proposal is 25,129 not 625,129.

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- "Increase fees to generate 6% rate of return on the value of assets within Council's Waste Management Facility" – This is incorrect as there is no reference to an increase in fees in Council's proposal. The proposed return is not reliant on an increase in fees, and this was never identified as the approach.

Comments on Hawkesbury's Financial Sustainability

The Hills Council report makes a number of unsupported, emotive and misleading statements in regard to Hawkesbury's financial position and sustainability as a stand-alone council. All statements appear to be aimed at depicting Hawkesbury's position as one that needs rescuing. The report has this underlying tone throughout.

In direct contrast to The Hills' depiction of the Hawkesbury, Councils' external auditors, who are also The Hills' auditors, in their report on Hawkesbury's 2014/2015 Financial Statements, state:

"Council is considered to be in a sound and stable financial position. Most of the financial indicators are better than the accepted industry benchmarks".

Further, in their presentation to Council at the meeting on 30 November 2015, they gave a strong assurance to the community that operating results are on track and improving and that Council was in a good financial position, definitely sustainable and was certainly able to stand on its own, as it has for many years.

The Hills Council report also criticises Council's liquidity. This is refuted based on the Council's Auditor's report on the matter as included in audited Financial Statements for the 2014/2015 financial year, and it has been the case for many years.

Council's Auditor's comment relating to this matter is as follows:

"The Unrestricted Current Ratio declined slightly but remained above the industry benchmark."

The Auditor's report also shows that Council has an effective unrestricted or available working capital upon which it could build its 2016/2017 budget of \$1.8M as at June 2015.

Financial Performance

The proposed merger is not offering any superior improvement plan for Hawkesbury than that formulated by Hawkesbury in its Fit For The Future proposal and it does not appear to provide any robust evidence that either The Hills or the Hawkesbury community would be better off.

The Hills Council report correctly states that the Hawkesbury's operating result shows that the level of recurrent income has not been sufficient to support recurring expenditure. This is compared to The Hills approach to the formulation of their budgets being based on recurrent income being aligned with the required recurrent expenditure.

The Hills approach to budgeting is reliant on increasing recurrent revenue as required, rather than being limited by the constraints of rate-pegging.

In recent years The Hills have been in a position to supplement their rating income with one-off significant property sales. Whilst this boosted the Council's liquidity, income generated from these sales does not constitute recurring income. The other robust income stream for The Hills is income from developer contributions. This income is reliant on, and is restricted to, development occurring in the area and is susceptible to market fluctuations should the housing market slow.

Hawkesbury has a very limited number of properties it could potentially sell, with a conservative estimated income of a one-off \$1M, as included in Hawkesbury's Fit For The Future proposal. The only other

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additional properties that a merged entity could dispose of would be community buildings and other community assets.

In the absence of disposing of valued community assets and/or aggressive residential development strategies, the main source of recurrent revenue applicable to the Hawkesbury area remains predominately income from rates.

The application of The Hills' approach to budgeting to the Hawkesbury area would require recurrent revenue to be adjusted in line with recurrent expenditure. This would need to be achieved through either increased revenue through rates and/or expenditure reductions.

The Hills Council report clearly indicates that their strategy is to increase income through a Special Rate Variation to address Hawkesbury's immediate infrastructure needs, as well as "*finding savings in the Hawkesbury Budget*".

It is very clear that The Hills would not intend to improve Hawkesbury's position by taking advantage of their favourable operating results, but rather adjust the Hawkesbury's income and expenditure so The Hills' residents are not negatively impacted by Hawkesbury's comparatively weaker financial position.

The Hills Council report also attempts to criticise Hawkesbury's capability to deliver cost-effective services to its community by measuring employment costs against rates and population.

The comparison undertaken is flawed in a number of ways.

Hawkesbury delivers its services through a combination of its own staff, contractors and consultants. The combination of these resources varies from council to council, including between The Hills and the Hawkesbury. It is therefore misleading to compare employee costs to total rate income as some sort of efficiency measure.

Another flaw in the comparison is that whilst recognising that Hawkesbury provides services that The Hills do not, there has been no adjustment to reflect this difference within the comparison of employee costs against rates. The comparison is not being made on an equitable basis and is therefore severely flawed. Services provided by the Hawkesbury but not by The Hills, include the Companion Animal Shelter, the Hawkesbury Waste Management Facility, Sewer Treatment facilities, the Visitor Information Centre, the Community Nursery and the Regional Gallery.

The comparison is even further significantly incorrect in that employee costs relating to services funded through annual charges rather than rates are included in the amounts. These services include Domestic Waste, Sewerage and Sullage. To compare the costs relating to these services to only rates revenue is incorrect and illogical.

Rating Matters

The Hills Council report includes details in regard to what a likely distribution of rates among the different rating categories across a merged entity would look like. It also refers to a likely rating policy that might apply during the first few years of the merger that would negatively impact Hawkesbury residents.

The details on how the proposed distribution would be achieved have been withheld from The Hills Council report. Also, there is no commitment that the proposed distribution would be possible and/or endorsed by the new entity's council and the combined community. It is very clear in the report that should The Hills take over the Hawkesbury, the focus would be on looking after The Hills' residents and the overarching approach would be to have a differential rate applying to Hawkesbury residents "*to deal with Hawkesbury's immediate infrastructure needs*".

Council has undertaken some financial modelling in regard to a likely rating distribution across a merged entity, and what rating structure manipulation has been applied by The Hills to produce the likely structure presented within The Hills Council report.

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A combined entity would have a combined total rating revenue of \$100.5M. If this yield was to be maintained as is, and The Hills' 2015/2016 rating structure was to be applied, it would be necessary to impose a higher average rate on Residential and Business Categories to compensate for a significant decrease in Farmland rates. That is 88,893 of the total assessments of 89,906, or 99% of the combined entity's community would experience an increase in rates.

The only way to "*ensure all Hills residents see no change or a reduction in their rates*" would be to impose further additional rates on the Hawkesbury residents.

To ensure The Hills residents' rates, remain unchanged from current levels (average \$1,037) as reported in The Hills' report, the shortfall that would be required to be recouped from Hawkesbury residents would amount to \$1.7M (\$28 applied to 60,442 Hills residential assessments). Averaged across the Hawkesbury, this would equate to an average of \$72 per Hawkesbury residential assessment.

Similarly, \$70 per Business property would need to be shifted across from The Hills to the Hawkesbury properties to ensure current rates remain unchanged for The Hills' residents.

The increases detailed above alone are in excess (more than double for Residential properties) of increases Hawkesbury residents would experience under Hawkesbury's Fit For The Future proposal in regard to increases in rating revenue. In light of IPART's comments in regard to the reliance of Hawkesbury's improvement plan on a Special Rate Variation being imposed on the Hawkesbury community, it would be inconsistent for the approach being proposed by The Hills to be supported by the State Government.

In addition to the above shift in rates burden to the Hawkesbury residents, required to "*ensure all Hills residents see no change or a reduction in their rates*", The Hills report indicates that a Special Rate Variation would need to apply to Hawkesbury residents, to raise an additional \$1.5M "*to help deal with Hawkesbury's immediate infrastructure needs*". The Hills propose a rating policy whereby the Hawkesbury residents keep paying current levels "*for a few years*". Given The Hills' financial position, it is unclear as to why current surpluses being generated by The Hills couldn't be applied towards addressing Hawkesbury's infrastructure needs.

It is very clear that The Hills intent is to ensure that the Hawkesbury community pays for its infrastructure requirements so as not to impose an unequitable burden on The Hills residents. The Hills proposal in regard to a possible rating structure for a combined entity, and the likely average rates that would apply to the respective rating categories is to the detriment of Hawkesbury residents.

The proposed structure and planned Special Rate Variation has not been communicated to, or discussed with neither The Hills' or Hawkesbury's community, both of which would, in the majority, be negatively impacted.

Annual Charges

The Hills Council report incorrectly compares Annual Charges that would typically be paid by a Hawkesbury ratepayer to those typically paid by a Hills ratepayer. The report states that Hawkesbury ratepayer would pay \$5,961 annually compared to a Hills ratepayer paying \$1,522.

This comparison is wrong and the underlying logic is flawed. The approach to the comparison highlights The Hills' lack of understanding of Hawkesbury's operations.

The reported typical annual charge payable by a Hills' ratepayer is based on the assumption that they would have both a sewerage charge and a sullage charge. This assumption is significantly flawed as no resident would require both services on their property.

Further, The Hills' comparison is based on the assumption that a Hills' resident would not require any type of waste water service for their property. This scenario is not possible. A Hills resident is likely to be paying a waste water charge to Sydney Water (2015/2016 charge - \$609), or if they are in a rural area where no sewerage service is available, they would be paying a contractor, engaged by themselves, for sullage collection.

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In regard to waste management charges (garbage collection), Hawkesbury charges are slightly cheaper for the 140L Bin Service but slightly higher than The Hills for its 240L Bin Service. Hawkesbury provides its waste management services through a combination of its own resources and contracts. The annual charge is based on the reasonable cost of providing the service. In accordance with the Local Government Act 1993, the calculation of reasonable cost and consequently the annual charge applied, is audited by Council's external auditor, PriceWaterhouse Coopers on an annual basis. A main driver of the cost to provide the waste management service is transport cost. The dispersed population across the Hawkesbury results in higher costs to deliver the service in rural distant areas with low number of properties than costs that would apply to more densely populated residential areas.

The underlying factor driving waste management costs in the Hawkesbury is essentially its population distribution profile. This profile will not change under a merger scenario. In the absence of maintaining a higher annual charge for Hawkesbury residents, under a similar approach as that being proposed for rates, a redistribution of charges across the whole merged area would be required. This is likely to result in The Hills' residents experiencing increases in the waste management annual charges. The only other manner in which The Hills could make the waste management service more cost effective would be to increase the number of properties in rural area through residential development.

Infrastructure Backlog

The Hills Council report criticises Council's methodology to determine its infrastructure backlog, essentially on the basis that it is different from their methodology.

As referred to in The Hills Council report, Hawkesbury engaged Jeff Roorda and Associates, a well-known subject matter expert across the local government industry to assist with the approach to determine the value of its infrastructure backlog. The approach was also supported by more robust asset data being collected over the last few years, and asset modelling tools implemented also over the last two years.

A thorough review was undertaken in regard to all inputs in the determination of Council's infrastructure backlog. The review indicated that Council's approach to placing assets in a backlog category has resulted in an inflated amount potentially having been reported in previous years. Also, contributing to the drop in Council's reported backlog is the focus on asset renewal which has been the core of Council's budget allocation especially in recent years.

As councils are becoming more proficient at understanding asset management, and asset modelling tools are implemented, reporting on assets has, and will continue to be refined. This is supported by an observed adjustment to reported backlogs, in recent years, across the industry.

The suggestion in the Hills Report that Hawkesbury's reported infrastructure backlog is somehow incorrect is therefore not justified or supported by any evidence. It is also to be noted that whilst there was no requirement for the infrastructure backlog calculation to be audited for the financial year 2014/2015; Council's external auditors have reviewed our methodology and have identified no issues.

Also, the suggestion that there are inconsistencies within Hawkesbury's Fit For the Future proposal in regard to this matter is also incorrect. The amount reported as infrastructure backlog represents the status as at the end of a financial year. Whilst the infrastructure backlog amount reported as at the end of 2014/2015 was less than previously reported, this does not change the underlying deterioration of assets that will continue to occur if not addressed in a timely manner.

Conclusion

The Hills Council report summarises the Hawkesbury's financial position and performance as at 2014/2015 as a "*poor picture*". However, it omits the turnaround in these results proposed by Hawkesbury's Fit For the Future proposal. Further, the report does not demonstrate how a merger with The Hills would produce better results for either of the two community's involved.

oooO END OF MAYORAL MINUTE Oooo

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Pitt Town Stormwater Management Strategy - Report Regarding Implementation - (79351, 79353, 120428)

REPORT:

At the meeting of Council held on 24 November 2015 Council considered a report by the Director City Planning regarding an amendment to the Stormwater Management Strategy (Strategy) for the Pitt Town Development Area (PTDA).

It was indicated that the amended Strategy was prepared following assessment of development applications and discussions with applicants and landowners and identified a more cost effective treatment option.

The amended Strategy was subsequently adopted by Council and provides an overall guide for the provision of stormwater treatment infrastructure in the PTDA and will form the basis for development contributions under Section 64 for stormwater infrastructure to be levied.

I have been approached by a number of landowners concerning the implementation of the Strategy and as such I would recommend that a report be submitted to Council to address these issues.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

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

RECOMMENDATION:

That a report be submitted to Council in order to provide an update on issues regarding the implementation of the Stormwater Management Strategy for the Pitt Town Development Area, including the status of any potential land acquisitions for this purpose.

ATTACHMENTS:

There are no supporting documents for this report.

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section 3

reports
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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 210 **CP - DA0062/14 - 110 and 112 Bathurst Street, Pitt Town - Lot 1 and 2 DP 1061612 - Two storey addition to an existing church hall, new car parking area, landscaping, sports fields and associated works - (95498, 129777, 8623)**

Development Information

File Number: DA0062/14
Property Address: 110 and 112 Bathurst Street, Pitt Town
Applicant: Integrated Consultancy Group
Owner: Anglican Church Property Trust Diocese of Sydney
Proposal Details: Two storey addition to an existing church hall, new car parking area, landscaping, sports fields and associated works
Estimated Cost: \$2,500,000
Zone: R2 Low Density Residential and RU2 Rural Landscape
Date Received: 18 February 2014
Advertising: 5 March 2014 – 19 March 2014
7 September 2015 - 21 September 2015

Key Issues:

- ◆ Heritage impact
- ◆ Visual impact of rear development area
- ◆ Amenity impacts
- ◆ Non-Compliance with zone objectives
- ◆ Inconsistency with SREP 20

Recommendation: Refusal

REPORT:

Executive Summary

The application seeks approval for alterations and additions to an existing single storey masonry church hall and grounds associated with the locally heritage listed Pitt Town Anglican Community Church (St James Church) at 110 – 112 Bathurst Street in Pitt Town. The proposal includes:

Site

- 1 x multi recreational field
- 1 x half basketball court
- 81 new car parking spaces over 4 areas (8 fronting Bathurst Street, 2 adjacent to the existing hall, 61 in terraced parking at rear and 10 north of the existing church)
- Various landscaping and planter areas, tree removal and paving
- Relocating of an existing timber gazebo
- New internal driveway
- Retrospective approval for a playground
- New bin and waste area fronting Bathurst Street
- New access driveway from Bathurst Street
- Removal of existing portable storage buildings
- Construction of a 2.5m high and 60m long acoustic fence along the south-eastern (side) boundary

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- Earthworks and various retaining wall structures associated with the car park and recreation field areas

Lower Ground Floor

- Youth ministry hall and stage (332sqm)
- 2 x Consultation rooms
- Library
- Youth ministries room
- Reception area, office, storage and kitchenette
- Showers and toilets
- External deck areas, stairs and landscaping

Ground Floor

- 300 seat auditorium with stage and ancillary storage (approx. 415sqm)
- New café, kitchen, amenities, stair and foyer area (approx. 240sqm)
- Raised deck area along north and western elevation (approx. 247sqm)
- New reception area, ramped access and entry landscaping with covered awning to front of existing hall
- The existing church hall consisting of a stage, hall, kitchen, amenities, offices and cry room will be retained and altered to allow access to the new addition.

Mezzanine

- Mezzanine area accessed from café.
- Plant room and void spaces to café below.

No signage is proposed as part of this application, no details of fencing are provided.

Although the development is a permissible form of development within the zone and is compliant with the maximum permissible height expressed for the site within the Hawkesbury LEP 2012, the proposal, particularly the terracing of the rear parking areas and retaining walls (three metres high) has been assessed and is considered to be inconsistent with the applicable provisions of the relevant plans and policies particularly with regard to heritage impact, zone objectives, amenity impacts, bulk, scale, and local character.

The application is being reported to Council at the request of Councillor Lyons-Buckett.

Description of Site

The subject site is located on the western side of Bathurst Street close to the intersection of Buckingham Street in Pitt Town. The development spans two lots (Lot 1 and Lot 2 in DP 1061612) which are zoned part SP2 Infrastructure, part R2 Low Density Residential and part RU2 Rural Landscape.

The majority of the works proposed are located on the eastern end of Lot 2 which is zoned R2 Low Density Residential for the part of the lot fronting Bathurst Street and RU2 Rural Landscape for the portion of the Lot to the west.

The site comprises a locally listed sandstone church building designed by architect Edmund Blacket, (c. 1858), a modern masonry building used as an ancillary church hall, the ministers dwelling, various portable storage structures, a play area, timber gazebo and some informal off street parking to the northern side of the original church building. A historic 'Terrible Flood' marker is situated on the site.

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Figure 1: Rear of existing hall to be altered



Figure 2: Area to be developed

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Recommendation

The application is recommended for Refusal.

Background

The development application was lodged 18 February 2014 and notified between 5 March 2014 and 2 April 2014 with a total of 27 submissions received.

On 23 July 2014, the applicant was requested to provide amended elevations indicating compliance with the 10m height limit, a landscape plan, perspective drawings, an acoustic and traffic report.

Additional information was submitted on 13 August 2015. The application was re-notified between 7 September 2015 and 21 September 2015 with a total of 75 submissions received as a result of the re-notification.

Plans, Policies and Codes to Which the Matter Relates

Hawkesbury Local Environmental Plan 2012 – (HLEP 2012)
State Environmental Planning Policy No. 55 – Remediation of Land – (SEPP No. 55)
State Environmental Planning Policy (Infrastructure) 2007 – (SEPP Infrastructure)
Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River – (SREP No. 20)
Hawkesbury Development Control Plan 2002 – (HDCP 2002)

Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act)

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

a. The provisions of any:

i. *Environmental Planning Instrument:*

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

The site has a long history of being used for the purposes of a place of public worship and it is unlikely that the land is contaminated such that a phase one or two investigation is required. The application is considered to be consistent with the provisions of State Environmental Planning Policy No. 55.

State Environmental Planning Policy (Infrastructure) 2007

Under Section 104 or Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007, a ‘place of worship’ is considered a ‘traffic generating’ development if:

- 50 or more vehicles are proposed with access to a classified road: or

- 200 or more vehicles are proposed with access to any road.

Based on 300 seats, the application is required to accommodate 60 car parking spaces in accordance with Council's DCP. As Bathurst Street is not a classified road under the Roads Act, the proposed development is not considered to trigger the thresholds above those described and is therefore not considered to be 'traffic generating' development. A referral the Roads and Maritime Service (RMS) is not required in this instance.

Sydney Regional Environmental Planning Policy No. 20 – Hawkesbury-Nepean River

The subject land falls within the boundaries of land covered by SREP No. 20. Council is required to assess development applications with regard to the general and specific considerations, policies and strategies as set out with in the Policy. The site borders a corridor of Local Significance as mapped by SREP No. 20 and is approximately 35m upslope of Bardenarang Gully and 110m upslope of Pitt Town Lagoon within Pitt Town Nature Reserve. No works are located within 40m of a waterway.

In accordance with Clause 4(1) of SREP No. 20 Council must take into consideration the general planning considerations set out within Clause 5 and the specific planning policies and related recommended strategies set out within Clause 6.

Clause 5 General Planning Considerations

General planning considerations include:

- a) the aim of the plan;
- b) the strategies of the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy;
- c) whether there are any feasible alternatives to the development; and,
- d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed or monitored.

The site is subject to flood related development controls. An assessment against the relevant clauses of this plan has been undertaken and the proposed development is considered to be in conflict with applicable clauses particularly related to visual impact, scenic quality and catchment areas of significance as detailed below:

Clause 6 Specific Planning Policies and Recommended Strategies

The specific planning policies and recommended strategies for this plan that are relevant in the assessment of this application are detailed as follows:

Cl. 6(2) Environmentally Sensitive Areas / Cl.6(3) Water Quality

The proposal is upslope of Bardenarang Gully which flows directly into Pitt Town Lagoon within Pitt Town Nature Reserve. Given that the water discharged from the site will enter an identified environmentally sensitive area it is considered appropriate that the design make provision for controlling the quality of water leaving the site. In this regard a system would be required to filter any nutrients and surface pollutants prior to being discharged off the site.

The applicant has not submitted information relating to the incorporation of any water quality control measures so that potential contamination from pollutants upon Pitt Town Lagoon would be prevented.

Cl. 6(4) Water Quantity

The development would result in an increase in hard surfaced areas given the extent of additional roof area associated with the hall building, new car parking and driveway areas. A Concept Stormwater Plan submitted with the application shows that stormwater is to be directed into an on-site stormwater detention tank located under the car parking area at the rear of the site. A detailed on-site detention design has not been submitted with the application confirming that the proposed development would not result in increased run – off from the site into Pitt Town Lagoon.

Cl. 6(5) Cultural Heritage

It is considered that the proposed development would detract from the heritage item situated on the land. The scale and siting of the proposed additions and the design of the associated car parking areas are considered to be an overdevelopment of the site and are likely to overbear and negatively impact upon the significance of the locally listed item on the subject site and on the state listed heritage item immediately adjacent to the subject site.

Cl. 6(7) Riverine Scenic Quality

The design of the proposal has not adequately considered its impact upon the existing landscape character and scenic quality of the area. It is considered that the location, bulk and scale of the development would result in a negative and unreasonable impact upon the scenic quality of the area.

The development does not step down with the slope of the land and a terraced design is not adopted for the building resulting in increased height, bulk and overbearing form along the prominent ridgeline. In addition, the extent of excavation, filling and associated retaining wall structures associated with providing level car parking areas on a steeply sloping site will significantly detract from the existing natural open landscape.

Hawkesbury Local Environmental Plan 2012

The proposed development has been assessed against the provisions of the HLEP 2012 and is found to be generally inconsistent with applicable provisions including those related to zone objectives, amenity and heritage impacts. Relevant provisions are addressed below:

Cl. 1.2 Aims of the Plan

Aims of the plan include:

- a) to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways;
- b) to protect and enhance the natural environment in Hawkesbury and to encourage ecologically sustainable development; and,
- c) to conserve and enhance buildings, structures and sites of recognised significance that are part of the heritage of Hawkesbury for future generations.

The development has been assessed to be contrary to the aims of the plan as set out within Clause 1.2(2) of the LEP in that:

- a) The character of the area is predominantly rural in nature with low density housing on medium to large lots with a scenic and rural character. Commercial uses are limited in scale and impact and are predominantly located within the town centre behind the southern ridgeline fronting Pitt Town Bottoms.

It is assessed that the development will result in a negative and unreasonable impact upon the scenic quality of the area directly related to the location, bulk and scale of the proposal. Selected balustrade glazing and raised deck areas will be highly visible along the ridgeline.

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The development does not step down with the slope of the land and a terraced design is not adopted in the design of the building resulting in increased height, bulk and an overbearing form.

In addition, retaining walls up to 3.1m in height, within and around the hard stand car parking areas proposed to the rear of the proposed building will be highly visible within the landscape and are considered to be detracting elements within the existing rural landscape.

- b) The existing significant local and state listed heritage buildings in the immediate vicinity of the site rely on their setting, curtilage and views for significance and relevance to Pitt Town's heritage. The selected location adjacent to a locally listed heritage item of potential state significance is also considered to be inappropriate and is likely to detract from the setting of the listed item, its views toward the south and west and the significance of the item itself.

Cl. 2.3 Zone objectives and Land Use Table

The majority of the building works are located on Lot 2 of DP 1061612. Upgrades to car parking and landscaping are located on Lot 1 DP 1061612 to the north.

The proposed development is best defined as a 'place of public worship' under the provisions of Hawkesbury LEP 2012. Places of public worship are permissible within the R2 Low Density Residential zone and within the RU2 Rural Landscape zone. The SP2 Infrastructure zone on the subject land has been established for the purpose of a place of public worship and this form of development, including any development that is ordinarily incidental or ancillary to development for this purpose, is permissible within the zone.

An extract from the zoning map is included below:

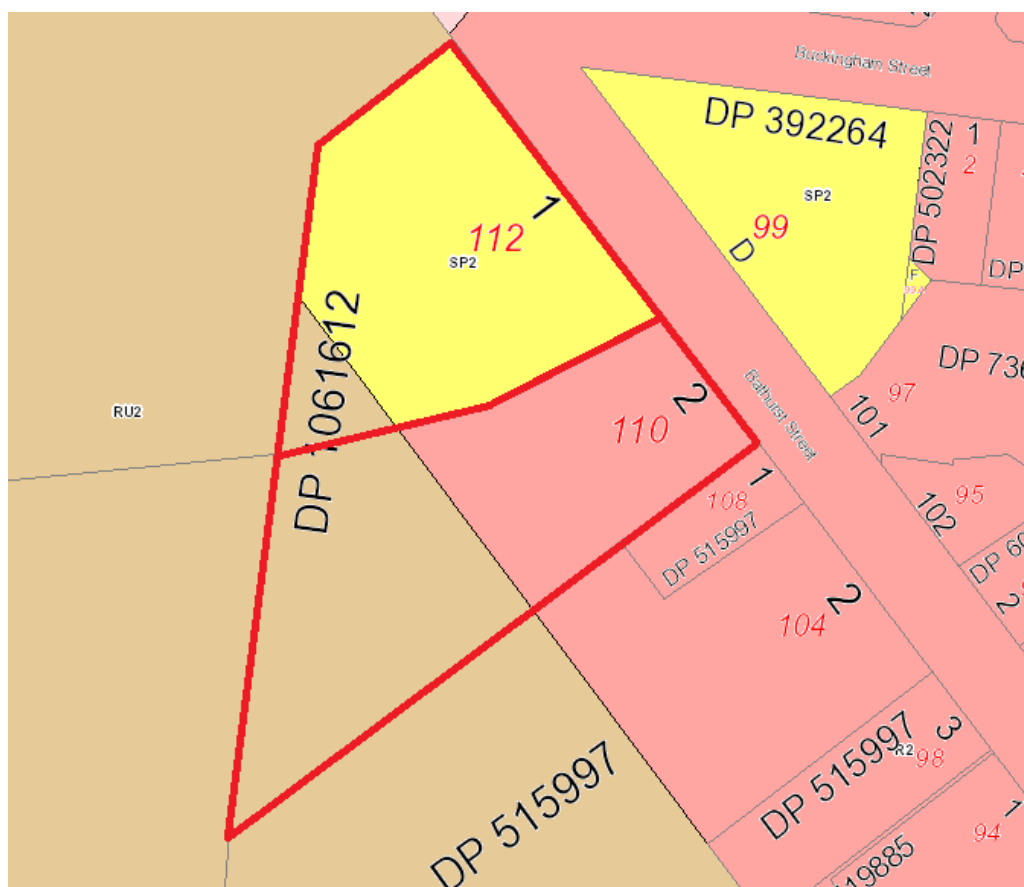


Figure 3: Subject site as identified on an excerpt from HLEP 2012 Land Zoning map.

Clause 2.3(2) of the HLEP 2012 states that Council must have regard to the objectives of the zone for which development consent is being sought. The proposed development is assessed to be generally inconsistent with the objectives of both the R2 Low Density Residential and RU2 Rural Landscape zones which include:

R2 Low Density Residential

- a) To protect the character of traditional residential development and streetscapes.
- b) To ensure that new development retains and enhances that character.
- c) To ensure that development is sympathetic to the natural environment and ecological processes of the area.

RU2 Rural Landscape

- a) To maintain the rural landscape character of the land.
- b) To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.
- c) To preserve the river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality.
- d) To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.

The proposed development is assessed to be incompatible with the above mentioned objectives for the following reasons:

- a) The proposed development is likely to result in negative and detrimental impacts on the character and amenity of the area and does not retain or enhance the local character or important scenic vistas.
- b) The scale and siting of the proposed additions are considered to represent an overdevelopment of the site and are likely to overbear and negatively impact upon the significance on the locally listed heritage item on the subject site and on state listed heritage items in the vicinity.
- c) The development will result in negative and unreasonable impacts on the amenity of neighbouring residential uses and is likely to result in negative and detracting impacts on views, significance and general amenity of the locality.
- d) Further the application does not adequately demonstrate that the works will not result in unreasonable negative impacts on Pitt Town Lagoon Nature Reserve located to the south west of the site.

Cl. 4.3 – Height of Buildings

The application was amended most recently to address compliance with the maximum height standard of 10 metres expressed for the site within the HLEP 2012.

Although the revised plans indicate compliance with the maximum permissible height standard of 10 metres it is considered that the proposal is contrary to the objectives stated within the HLEP 2012 in that:

- a) That bulk of the new development is considered to be excessive and does not relate well to the local context. Existing development to the south is characterised by low density residential development and rural uses, with an existing single story building immediately adjacent to the proposed building.

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The existing church is located to the north of the proposed development. The proposed height of the building does not provide a transition between the land uses and built form, further, the proposal is seen to impact on the vistas from the church and is not consistent with the local character.

- b) The proposed height and design of the additions will result in negative privacy, acoustic privacy and overbearing impacts on the neighbouring residential uses to the south and west of the subject lots, in excess of what is considered to be acceptable.

Cl. 5.10 – Heritage

The existing sandstone church building located at 112 Bathurst Street, Pitt Town (Lot 1 DP 1061612) "St. James Anglican Church" is listed as being of local heritage significance under Schedule 5 of Hawkesbury Local Environmental Plan 2012.

The Council's heritage inventory information for the subject property notes that the site contains:

"An early Victorian Gothic Revival Church [c. 1857], with belfry over eastern end. Forms part of a large group of buildings of heritage significance in the town centre. Some windows contain stained glass. Large trees provide a park-like setting to the site, which overlooks the Pitt Town Bottoms."

Council's Heritage Advisor has reviewed the proposed development and found that:

"The hall additions are of a significant scale, the main location of the works (on the southern [lower slope] side of the existing hall) should ... not have an overbearing visual impact on the setting of the historic church building on the site."

The applicant was requested to provide additional information to clarify site works and treatment of the interface between the existing church building and the new addition. Information provided thus far does not sufficiently demonstrate the proposed development will not have an overbearing visual impact on the setting of the church on the site.

The proposal to locate the waste and garbage bin storage area and 8 car parking spaces adjacent to the Bathurst Street (front) boundary of the site will detract from the significance of the heritage listed items adjacent and to the quality of the streetscape.

The Heritage Advisor stipulated that Council should be provided with a sample of the proposed central courtyard materials as these features have the potential to have a marked adverse impact on the setting of the historic church building on the site. A sample board has been provided to Council to indicate materials proposed to be used on the proposed additions and plans have been amended to detail the provision of lawn area between the existing church and the new building.

NSW Office of Environment and Heritage Comments

The application was referred to the NSW Office of Environment and Heritage (OEH) given the proximity of the works to State heritage listed items in the vicinity including the Macquarie Arms Inn (former) on 104 Bathurst Street, Pitt Town. In correspondence dated 24 April 2014 the OEH raised the following concerns with the proposal:

- The church is designed by Edmund Blacket, one of the most influential Australian Architects of the time and as such the church may be regarded as having potential for State Listing.
- The Statement of Heritage Impact does not address the impacts of the proposal on the State listed Macquarie Arms Inn (former) adjacent which is listed for its high historical and aesthetic significance. The siting of the group, situated on the ridge overlooking Pitt Town Bottoms is considered to be of importance.

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- The works will have a major adverse impact on the setting of the church as viewed from Pitt Town Bottoms.

Further to the above, the OEH advised that a request should be made to the applicant seeking the following documentation:

- A Conservation Management Strategy (CMS) to be prepared to ensure the proper future development of the site.
- A Heritage Impact Assessment which incorporates a thorough assessment of the proposal and its impact on heritage significance at the site, a visual analysis, archaeological analysis.
- Plans to be submitted to clearly show the relationship of the new development to the existing heritage item.
- Amended design to minimise impacts including those related to bulk, scale, form, size, external finishes and treatment. The new addition should not dominate the site.

Amended plans were requested to address issues related to height, bulk and heritage impact. An assessment has been undertaken of the amended plans submitted to Council in response to this request. Based on the information provided, the proposed development has not demonstrated how it achieves the objectives of Clause 5.10 in HLEP 2012, specifically:

- a) to conserve the environmental heritage of Hawkesbury.
- b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views; and
- c) to conserve archaeological sites.

It is considered that the submitted Statement of Heritage Impact has not adequately addressed the significance of the locally listed church located on Lot 1 or State heritage listed items in the vicinity and their significance as a grouping. The Statement does not address potential for archaeological finds and no historical assessment has been provided regarding the possibility for discovery of artefacts at the site.

The development is assessed to be of an inappropriate scale and impact in the locality and is found to be contrary to the aims, objectives of the HLEP 2012.

Cl. 6.1 – Acid Sulfate Soils

The land affected by the development is identified as having Class 5 Acid Sulfate Soils. The extent of the civil and earthworks required on site to construct the basement area of the altered hall buildings, recreation field, half basketball court and car parking areas is not located on land below 5 metres AHD and by which the water table would likely to be lowered below 1 metre AHD.

Cl.6.3 Flood Planning

The predicted 1 in 100 year flood level for this location is 17.3m AHD. The site is located at approximately 6.0 - 24.7m AHD and is therefore partly situated below the flood planning level. The proposed hall building is to have a lower floor level of 20.76m thereby being located above the flood planning level. The lower car parking levels are situated below the flood planning level.

It is acknowledged that the proposed site layout has taken into account flood risk locating areas that are less sensitive, i.e. car parking and recreation areas on the portion of the site that is subject to inundation.

It is noted that the proposal incorporates the provision of significant retaining wall structures within the area subject to flood inundation that may have the potential to adversely impact adjoining properties during such events. No details have been provided in conjunction with the application relating to any impact these structures would have upon flood behaviour and these properties.

Cl. 6.7 – Essential Services

Adequate essential services can be provided to the site.

ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:

There are no draft environmental planning instruments that relate to the land or the proposed development.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

An assessment of the proposed against the relevant provisions of this plan follows:

Part A: Chapter 3 - Notification

The application was notified between 5 March 2014 and 19 March 2014 and re-notified between 7 September 2015 and 21 September 2015 in accordance with HDCP 2002. A total of 27 submissions were received in conjunction with the original notification of the application whilst 78 submissions were received in response to the notification of the amended plans with the majority being a pro-forma letter of support. Matters raised within submissions are discussed further below.

Part C, Chapter 2 - Car parking and Access

The chapter requires car parking to be provided for places of public worship at a rate of 1 space per 5 seats. Based on 300 seats, 60 car parking spaces are required. The application proposes 81 car parking spaces which exceeds the requirements of this chapter.

Although the application exceeds the required number of car parking spaces required by HDCP 2002, the location and design of the car parking and hard stand areas provided is assessed to have a negative impact on streetscape, local character, heritage significance and landscape values and is considered to be contrary to the objectives of the Chapter in that:

- a) traffic generation at the site will be increased beyond that which is considered appropriate for the location; the proximity of the car parking areas and access driveways to more sensitive residential uses is considered inappropriate;
- b) Due to the slope of the land retaining wall structures and substantial civil works are required to provide access and parking for the vehicles. The retaining walls are considered to be excessive in height resulting in large areas of wall surface adding to the visual impact of the development within the scenic rural landscape.
- c) The proposal seeks the provision of car parking within the front building line to Bathurst Street which is considered to have an adverse impact upon the established streetscape.

It is acknowledged that a Traffic Report (prepared by Motion Traffic Engineers dated Aug 2014) has been submitted. The report states that the maximum number of patrons will be increased to 300 as a result of the alterations proposed with peak attendance expected to be Sunday morning worship and events such as Easter and Christmas. Other events listed include Bible and Music Study, Boot camps, Services, Meetings, Dance Groups, Baptisms, Prayer, Youth Group Activities and Fig Tree Café uses.

No recommendations are included within the report with regard to the proposed entry way to avoid on street queuing particularly with regard to the high number of drop-off's expected for the elderly, less mobile and during events such as weddings etc. Drop off zones are provided in the form of car parking spaces where drivers will be required to manoeuvre vehicles in and out of spaces. Car parking within the driveway adjacent the southern elevation is not addressed.

Part C: Chapter 4 - Soil Erosion and Sediment Control

An Erosion and Sediment Control Plan has not been submitted with the application. It is noted that this could be required as a condition of consent.

Part C: Chapter 10 – Heritage Conservation

Clause 10.5.3 Alterations and Additions

This clause requires that additions retain significant features including important views/vistas. The setting of the existing church to Pitt Town Bottoms is identified in the Heritage Inventory and retaining this view is considered valuable in maintaining the character of the item. The proposed addition, in its scale, height and location does not retain the views to Pitt Town Bottoms. The important views/vistas from the church are lost in conjunction with the proposed development.

Clause 10.5.4 Built Form and Character

The proposed development does not utilise building materials or proportions consistent with the existing church and surrounding heritage items. The expansive building footprint and associated civil works will have a significant impact on the existing built form and character. The proposed roof pitch, designed to cater for the plant room, is of a bulk and scale that dwarfs the existing church. It is considered that the design presents as over development with a scale that will have significant impact on the heritage item on the site.

Clause 10.5.6 New Development within Curtilage

As discussed previously, the proposed works have not been appropriately designed to consider the important views to Pitt Town Bottoms or complement the scale of the heritage item.

Clause 10.5.8 Development in the Vicinity of a Heritage Item

The NSW Office of Environment and Heritage have raised concerns regarding the proposed development and the impact on the State heritage listed item, Macquarie Arms Inn (former) on 104 Bathurst Street, Pitt Town. The proposal is not seen to compliment the setting or visual relationship between the proposed development and the nearby State heritage listed item.

Clause 10.5.11 Landscaping

A landscape concept has been provided in conjunction with the application. It is considered that the concept design would not result in a significant amelioration of the issues related to the design of the development including its relationship with the existing heritage listed church, nature of proposed car parking areas, driveway areas and associated retaining walls.

Part E: Chapter 4 – Pitt Town

The subject site is not located within the Locality Plan E4.1 and the provisions of this chapter do not apply.

iv. Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:

No planning agreement has been entering into with regard to the subject site.

v. Matters prescribed by the Regulations:

The Environmental Planning and Assessment Regulation 2000 stipulates that the proposal may be levied against Council's Section 94A Development Contributions Plan. As the estimated cost of development is \$2,500,000 the development is subject to contributions under the Plan. As the development is recommended for Refusal, a condition of consent is not applicable.

b. The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:***Context and Setting***

As discussed within the preceding sections of this report it is considered that the proposed development has a scale and form that does not adequately respond or take into appropriate regard the context and setting within which it is sited. The proposal has been assessed as having detrimental impact to the heritage significance of the locally listed church, neighbouring state listed heritage item and low density rural character and would not enhance the existing landscape values associated with the area.

Heritage

The proposed bulk, scale and location of the proposed development are seen to have a significant impact on the heritage listed church "St. James Anglican Church" on the site. The proposal has not addressed the concerns raised by the Office of Environmental and Heritage in regards to the potential impact the proposal could have on the state heritage listed Macquarie Arms Inn (former) on 104 Bathurst Street, Pitt Town.

The applicant was requested to provide further information showing the relationship of the new development to the existing heritage item and provide an amended design to minimise impacts including those related to bulk, scale, form, size, external finishes and treatment. The information provided was not considered to have adequately satisfied these issues.

Noise

An Acoustic Report (prepared by Renzo Tonin and Associates, dated 29/9/2014) has provided recommendations to ensure the use of the proposed auditorium, hall and car park can comply with the required noise guidelines. The report recommended the deletion of car parking spaces and a 2.5m high fence along the south eastern (boundary) to ensure the development can comply with the required noise criteria.

The deletion of ten (10) car parking spaces will not contravene the number of spaces required under the DCP. However, the installation of a 2.5m high fence along the south eastern boundary is inconsistent with the character of the area and would have significant impact on the adjoining property. In this regards, the proposed noise mitigation measures are seen to be inappropriate and not supported.

Cumulative Impacts

The proposal is inconsistent with the provision of SREP No. 20 and also a number of controls contained within HLEP 2012 and HDCP 2002. It is considered that supporting a proposal contrary to these controls would have an adverse environmental impact on the heritage significance of the locally significant "St. James Anglican Church" and the State heritage listed Macquarie Arms Inn (former). In addition, the proposal has not demonstrated that it would not have a detrimental impact upon the scenic quality of the area.

c. Suitability of the site for the development:

As detailed in this report, the proposed development has not satisfactorily addressed the significant heritage and landscape values associated with the site in that the information submitted with the application has not demonstrated that the design has appropriately taken into account these site constraints. The built form proposed for the new hall building and the extent of earthworks and height of retaining walls associated with the car parking area at the rear of the site are not consistent with the scenic quality associated with the ridgeline leading up from Pitt Town Bottoms. As such, it is considered the site is unsuitable for the proposed development.

d. Any submissions made in accordance with the Act or the Regulations:

The application was notified between 5 March 2014 and 19 March 2014 and re-notified between 7 September 2015 and 21 September 2015 in accordance with HDCP 2002. A total of 106 submissions were received with 20 being objections to the proposed development. Summarised matters raised within submissions are as follows:

- Scale of Development
- Heritage impacts
- Impact on archaeological artefacts on the site
- Loss of views to and from Pitt Town Bottoms
- Reduction in landscape and scenic values
- Increase in traffic
- Noise impacts
- Impacts on Pitt Town Nature Reserve
- Not compatible with existing village character
- Proposal is contrary to the zoning of the land
- Significant reduction in privacy from car parking and recreation areas
- Soccer field and basketball court are not necessary for a church development
- Glare impact from the development and car headlights
- Potential for undesirable behaviour within car parking area
- Safety of horses/livestock on adjoining property

The above mentioned matters have been assessed and are discussed throughout this report particularly those related to heritage and general amenity impacts in the locality and are found to remain unresolved in the amended plans submitted with the application.

The proposed development although permissible within the zones does not support the objectives of the RU2 Rural Landscape and R2 Low Density Residential zones and is found to be of an unacceptable scale and impact in the locality.

It is agreed that the combination of traffic and parking increases, and noise impacts related to the recreational and auditorium uses at the site are not of a scale or impact that could be considered reasonable given the zoning of the land and general character and heritage significance of the area.

Whilst several submissions were received in favour of the proposed development, supporting the increase in car parking and the provision of community facilities, the application has not adequately demonstrated that the current proposal can mitigate the concerns raised above.

e. The Public Interest:

The application has been assessed as generally inconsistent with the provisions of the Hawkesbury Local Environmental Plan 2012 and the Hawkesbury DCP 2002 in particular the development is assessed to be contrary to the objectives of the zone and is assessed to represent an overdevelopment of the site and as such approval of the proposed would not be in the public interest.

ORDINARY MEETING

Meeting Date: 08 December 2015

External Referrals

As discussed within this report, the application was referred to the NSW Office of Environment and Heritage (OEH) who have raised concerns including detrimental and significant heritage impact upon the locally listed church, the nearby state listed Macquarie Arms Inn and on the general precinct. The comments received in relation to the proposed development have been discussed in detail previously in this report.

Internal Referrals

Building

The application was referred to Council's internal building unit who have raised no objection to the proposal with regard to the buildings ability to comply with the Building Code of Australia or relevant fire safety regulations. It is noted that no BCA Compliance Report or Access report has been submitted in support of the application.

Development Engineer and Surveyor

The application was referred to Council's internal Development Engineer who has advised that Bathurst Street does not have a formed shoulder and kerb and gutter for approximately 68 metres of the frontage to the development. Half road to residential standard will need to be constructed to match the existing alignment at the northern end of the development including new access driveways. In addition, On Site Detention (OSD) would be required.

No detailed plans of the proposed OSD have been provided. The submitted concept stormwater plan is considered to be insufficient to address the volume of additional stormwater resulting from the additions of hard surfaces at the site.

Infrastructure

The application was referred to Council's internal Infrastructure Officer, who has raised no objections to the proposal as the site appears able to connect to the existing reticulated sewer infrastructure.

Conclusion

Based on the above assessment it is considered that the application has not adequately addressed issues with respect to the following matters:

- Heritage impacts
- Compliance with zoning objectives
- Noise and traffic impacts
- Visual impacts and,
- Compliance with SREP No. 20, Hawkesbury DCP 2002 and Hawkesbury LEP 2012.

As the above matters have not been resolved it is recommended that the application not be supported given the impact of the proposal upon the existing heritage fabric, scenic values and character of the area.

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

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RECOMMENDATION:

That Development Application DA0062/14 for a two storey addition to an existing church hall, new car parking areas, recreation fields and associated works at St James Anglican Church at 110 and 112 Bathurst Street, Pitt Town (Lot 1 and 2 in DP 1061612), be refused for the following reasons:

1. The proposed development does not satisfy Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River in that it is inconsistent with the following specific planning policies and recommended strategies of this plan:
 - a) Environmentally Sensitive Areas/Water Quality – in that the proposal has not provided adequate information demonstrating that water leaving the site would be of a suitable quality so as maintain ecosystem diversity within Pitt Town Lagoon.
 - b) Water Quantity – in that the proposal has not demonstrated that the volume of water leaving the site would not have an adverse impact upon Pitt Town Lagoon.
 - c) Cultural Heritage – in that the design of the proposed hall building and car parking areas would detract from the heritage significance of adjacent heritage items.
 - d) Riverine Scenic Quality – in that the proposal would have an unacceptable impact given the siting, setback, orientation, size, bulk and scale on the existing ridgeline and adjacent lowlands.
2. The proposed development is inconsistent with the stated objectives of the R2 Low Density Residential zone in Hawkesbury Local Environmental Plan 2012 in that:
 - a) the proposal does not protect the character of traditional residential development and streetscapes; and
 - b) the proposal does not satisfy the requirement whereby development for purposes other than for residential purposes may be carried out if it is compatible with the character of the living area and has a domestic scale.
3. The proposed development is inconsistent with stated objectives of the RU2 Rural Landscape zone in Hawkesbury Local Environmental Plan 2012 in that:
 - a) the proposal does not maintain the rural character of the land;
 - b) the proposal has not demonstrated that the development would not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways;
 - c) the proposal has not demonstrated that it retains or enhances existing landscape values;
 - d) the proposal has not satisfactorily preserved the river valley systems, scenic corridors, environmentally sensitive areas and other features of scenic quality; and
 - e) the proposal has not ensured that the development does not detract from the existing rural character.
4. The proposed development is inconsistent with the objectives of Clause 4.3 Height of Buildings in Hawkesbury Local Environmental Plan 2012 in that:
 - a) the proposal has not ensured that the bulk of development is not excessive and relates well to the local context;
 - b) the proposal has not provided a suitable transition in built form between adjoining development; and
 - c) the proposal has not maintained an appropriate height transition between the new building and existing items of heritage significance.

ORDINARY MEETING

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5. The proposed development is inconsistent with the objectives of Clause 5.10 Heritage Conservation in Hawkesbury Local Environmental Plan 2012 in that:
 - a) the proposal has not demonstrated that it has maintained the significance of existing heritage items having regard to their setting and views;
 - b) an archaeological assessment has not been prepared in relation to potential for significant archaeological finds, the impact of the proposed works and conservation measures; and
 - c) the proposal has not been supported by a heritage conservation management plan to ensure the proper future development of the site.
6. The proposed development does not comply with the requirements of the Hawkesbury Development Control Plan 2002, in particular with regard to Car Parking and Access and Heritage Conservation.

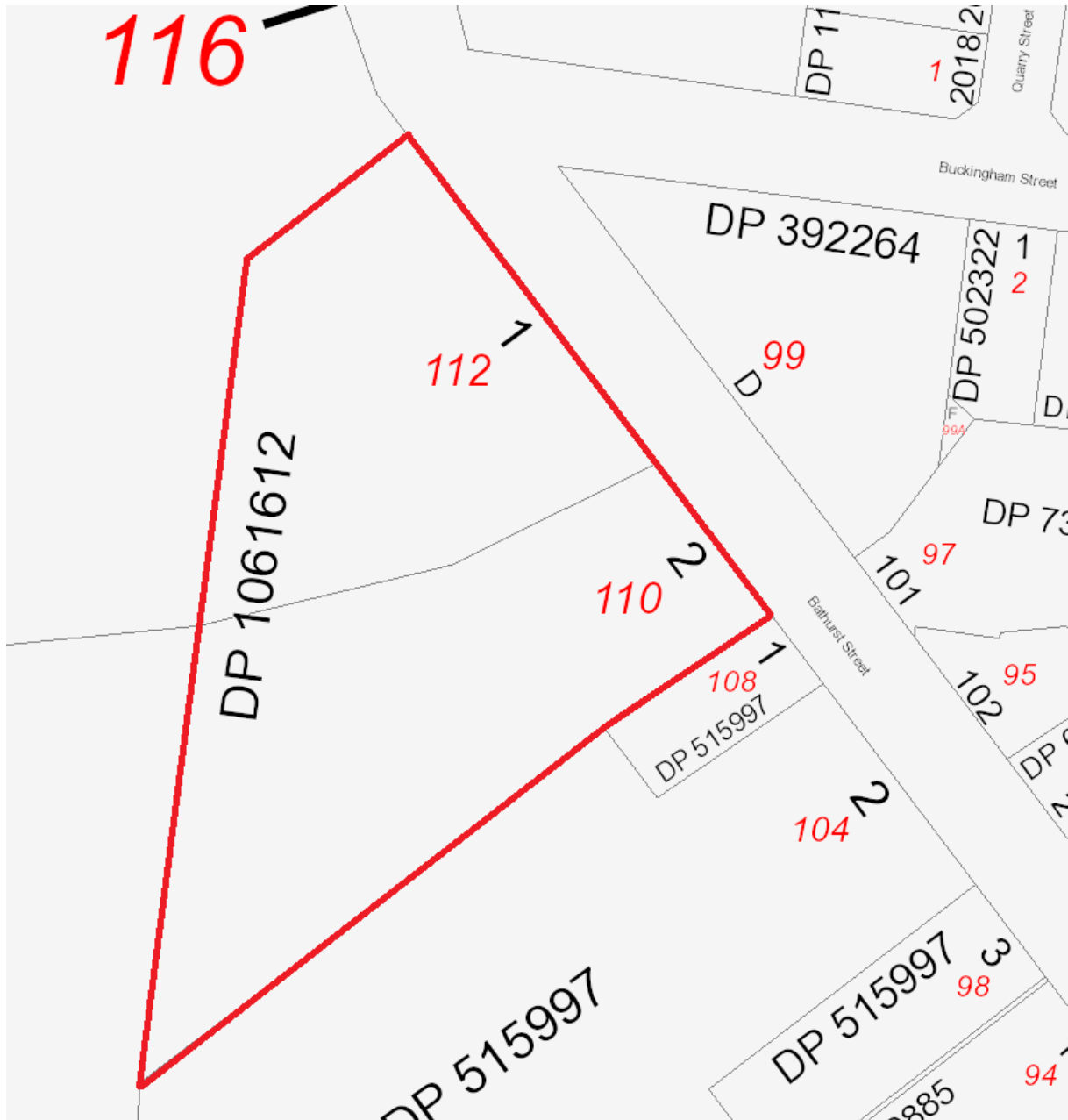
ATTACHMENTS:

- AT - 1 Locality Plan
- AT – 2 Zoning Map
- AT - 3 Aerial Photo
- AT – 4 Plans, Elevations and Sections
- AT – 5 Photomontage

ORDINARY MEETING

Meeting Date: 08 December 2015

AT - 1 Locality Plan



Meeting Date: 08 December 2015

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DP 1061612

DP 392264

DP 515997

DP 502322

DP 7365

DP 6022

DP 515997

DP 19885

Buckingham Street

Eastview Street

Quarry Street

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ORDINARY MEETING

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AT - 3 Aerial Photo

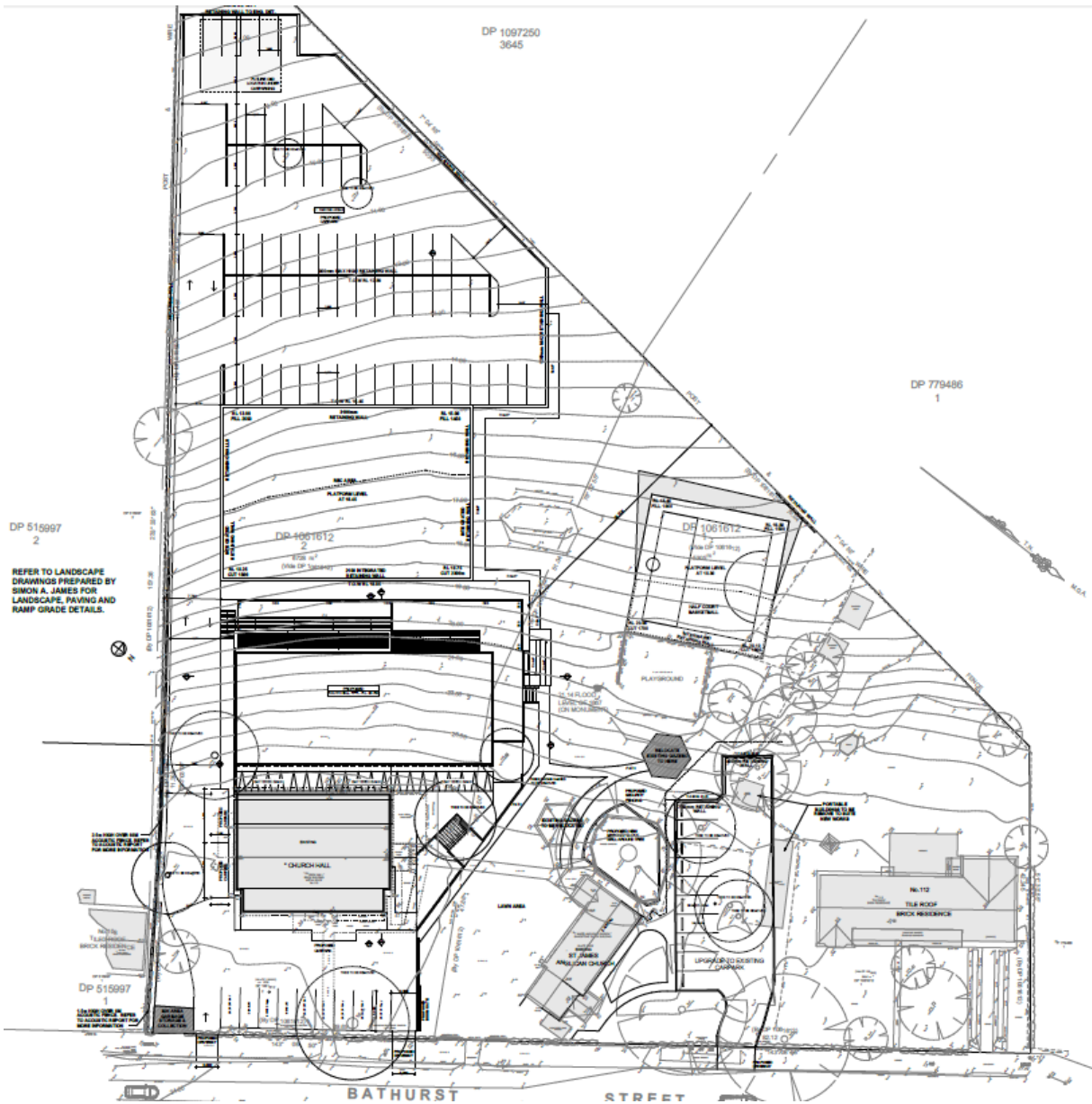


ORDINARY MEETING

Meeting Date: 08 December 2015

AT – 4 Plans, Elevations and Sections

Site Plan



Meeting Date: 08 December 2015

10m MAX HEIGHT LIMIT

SELECTED GLAZED CURTAIN WALL SYSTEM TO MANUFACTURES DETAILS

COLORBOND ROOF @ 12" TO MANUFACTURES DETAILS

SELECTED GLAZED METAL BALUSTRADES AND HANDRAILS TO SUITE PART 3.9.2 OF THE BCA

SELECTED GLAZED CURTAIN WALL SYSTEM TO MANUFACTURES DETAILS

SAND STONE TO MATCH EXISTING CHURCH

SELECTED ALUMINUM SLATTED SUN SHADE TO MANUFACTURES DETAILS

DISABLED RAMP ACCESS

LOWER FLOOR LEVEL R.L. 20.76

SUSPENDED CEILING LEVEL R.L. 21.360

MEZZANINE FLOOR LEVEL R.L. 27.760

CEILING LEVEL R.L. 27.480

GROUND FLOOR LEVEL R.L. 25.060

ROOF LEVEL R.L. 32.496

10m MAX HEIGHT LIMIT - STREET LEVEL

1:100

North Elevation

10m MAX HEIGHT LIMIT - STREET LEVEL

COLORBOND ROOF @ 12" TO MANUFACTURES DETAILS

COLORBOND ROOF @ 9" TO MANUFACTURES DETAILS

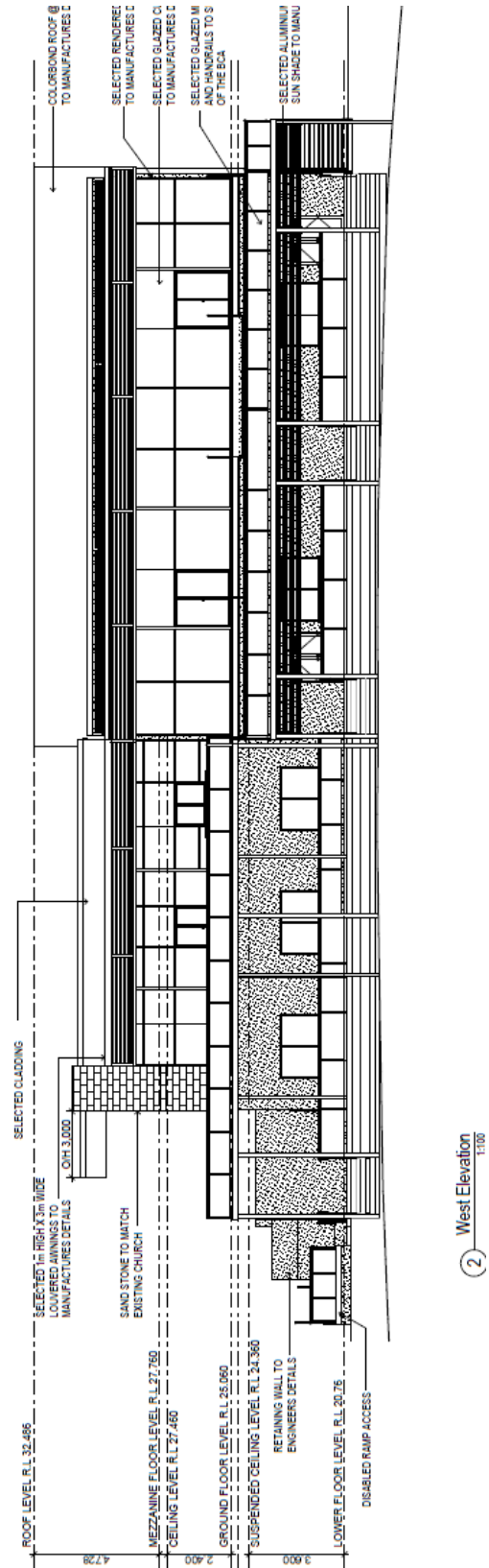
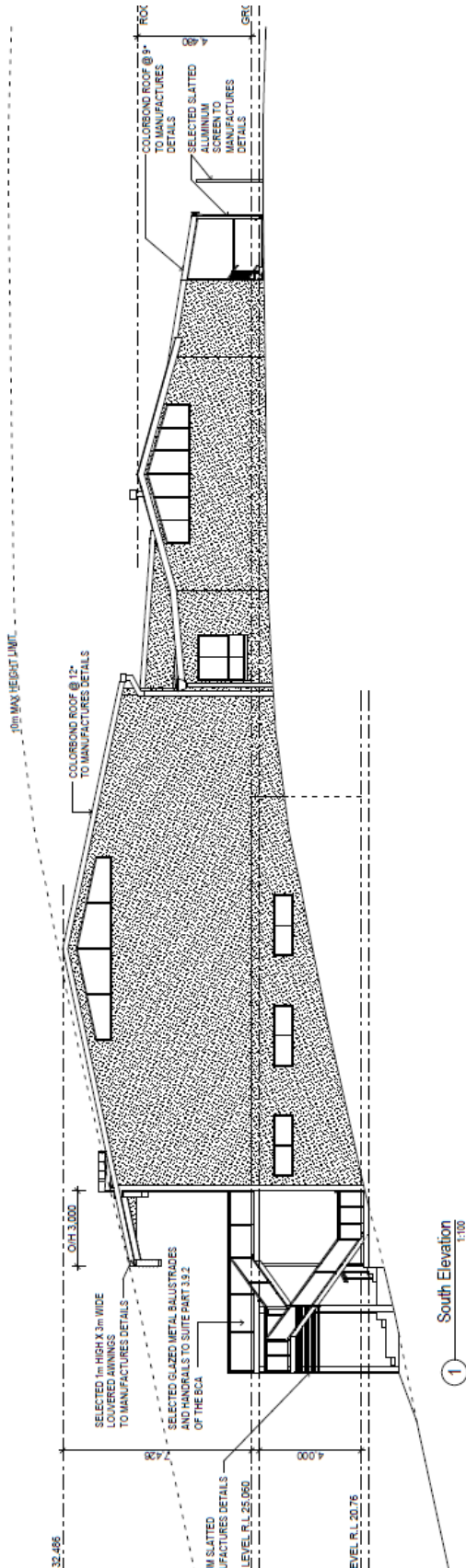
SELECTED GLAZED CURTAIN WALL SYSTEM TO MANUFACTURES DETAILS

SELECTED GLAZED METAL BALUSTRADES AND HANDRAILS TO SUITE PART 3.9.2 OF THE BCA

ORDINARY MEETING

Meeting Date: 08 December 2015

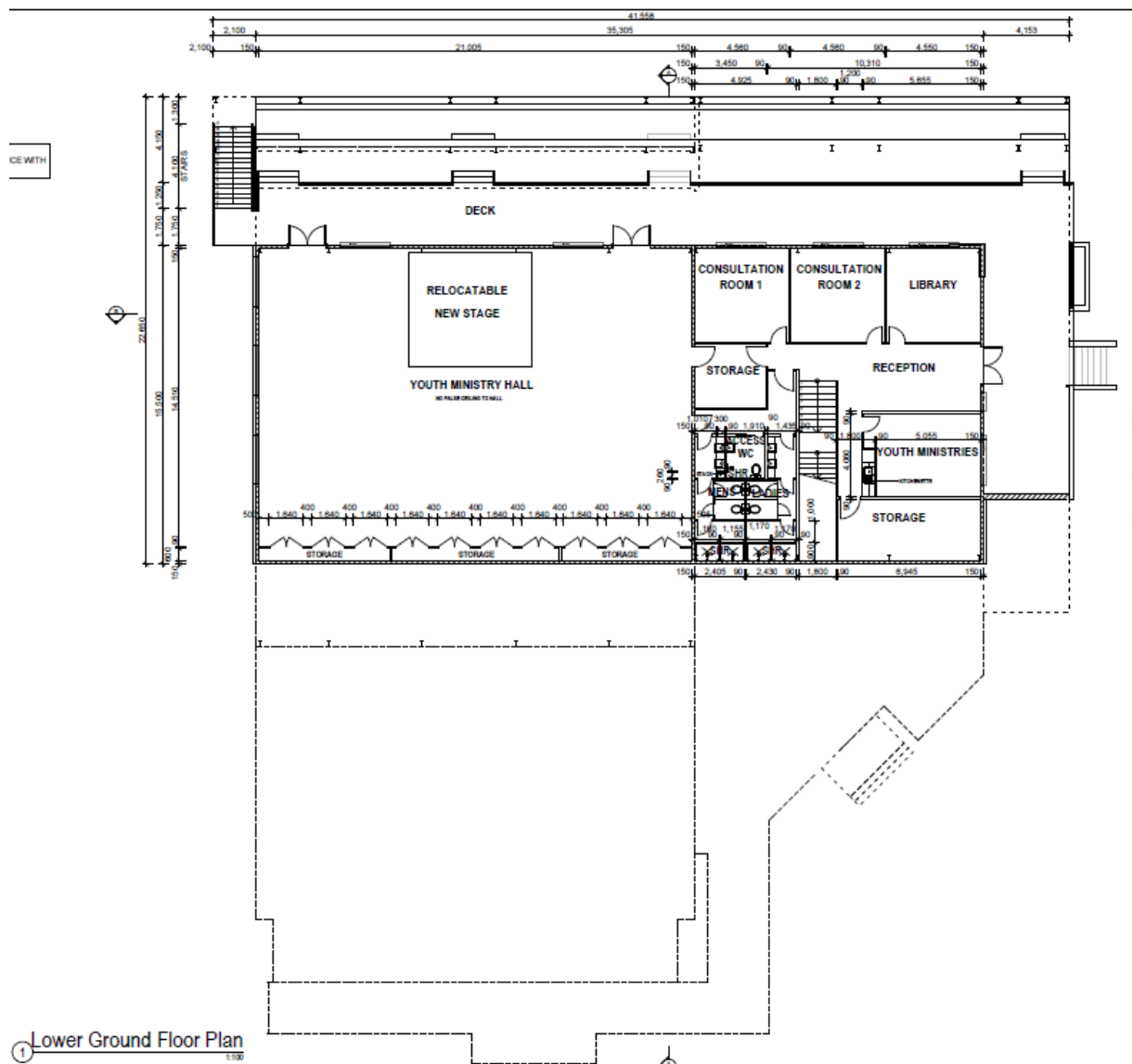
South and West Elevations



ORDINARY MEETING

Meeting Date: 08 December 2015

Lower Ground Floor



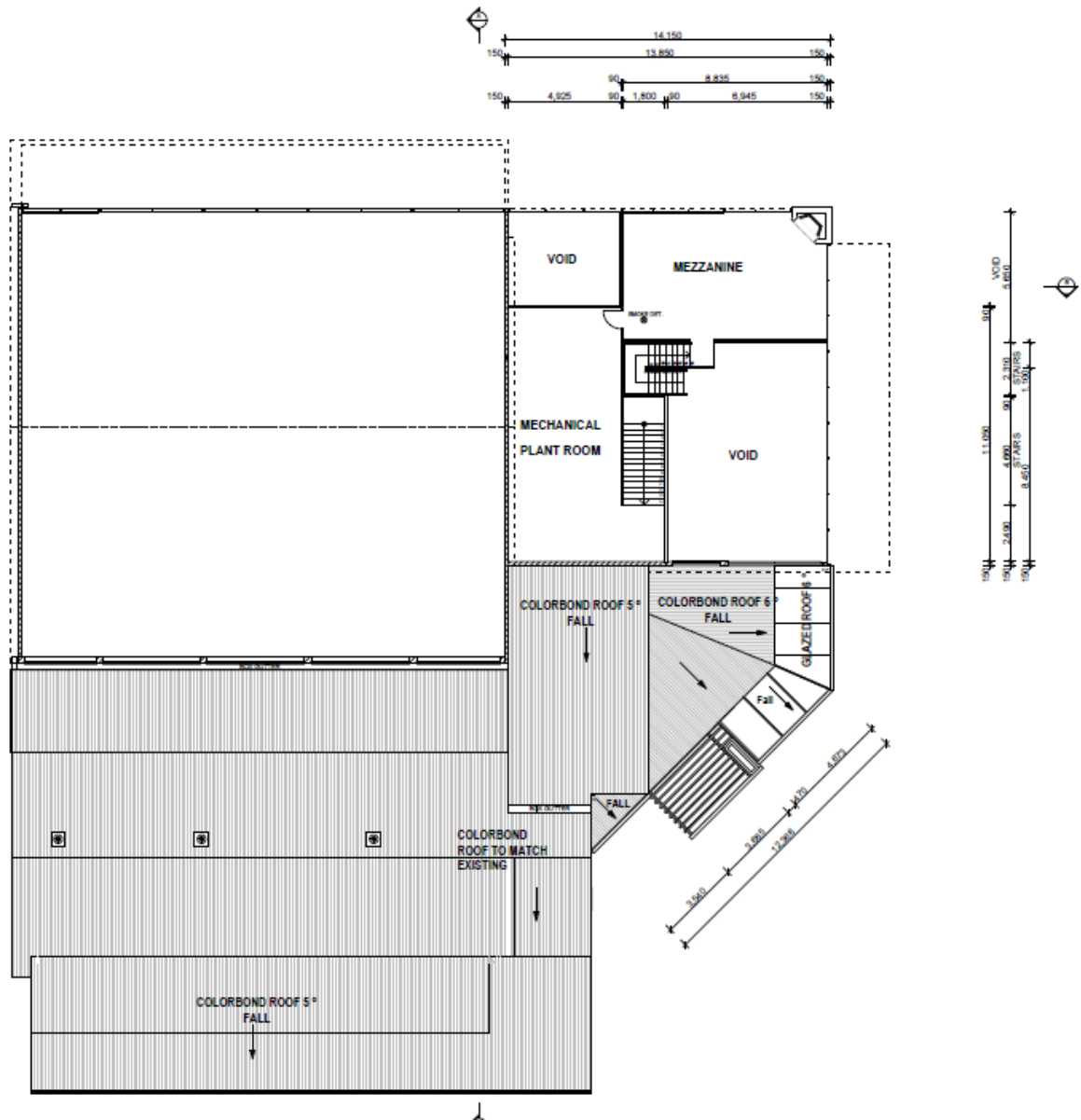
Meeting Date: 08 December 2015

Architectural floor plan of the 1st floor of the 10000th Street Community Center. The plan shows a large central hall with rows of chairs, a stage area with stairs, a refreshment area with tables and chairs, a reception area, a library, a mothers room, a cry room, and various restrooms. It also includes a proposed covered walkway, a ramp, and a planter. Dimensions are provided for various sections and overall building measurements.

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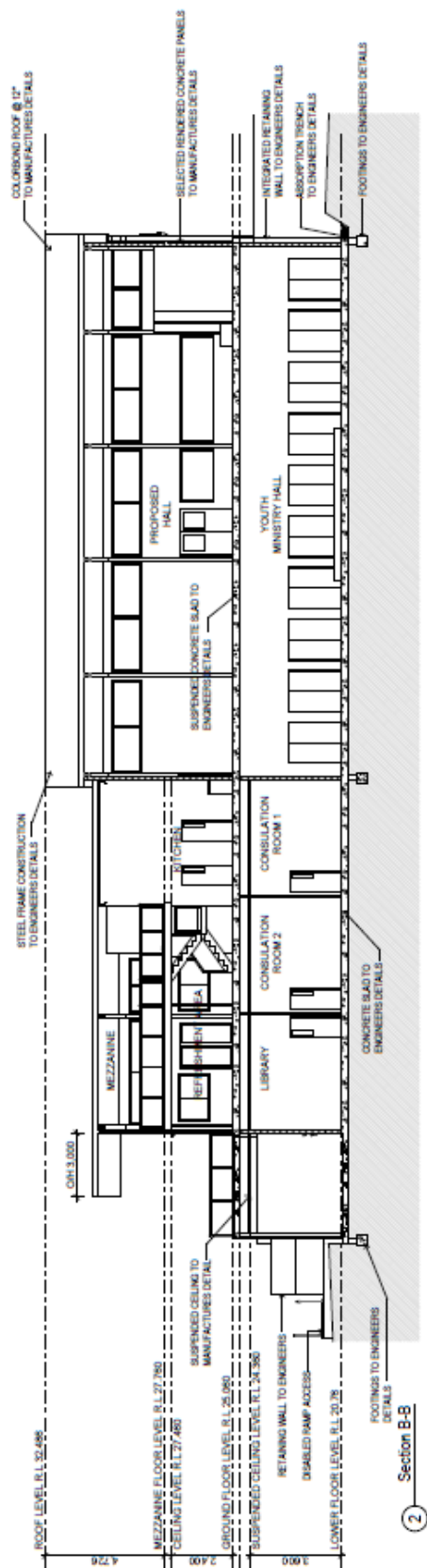
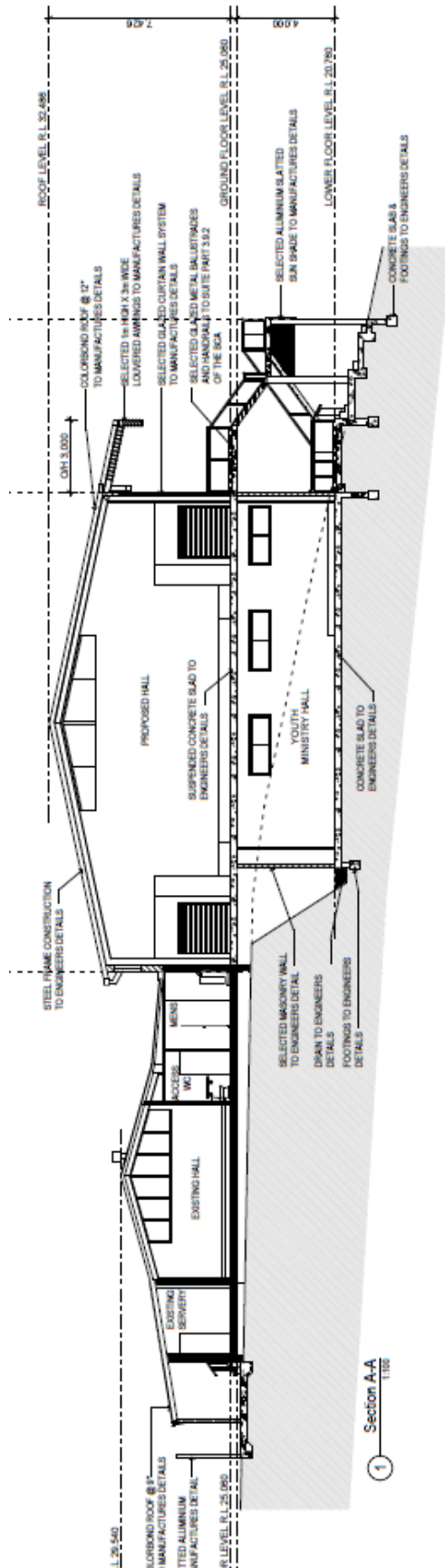
Mezzanine Floor Plan



ORDINARY MEETING

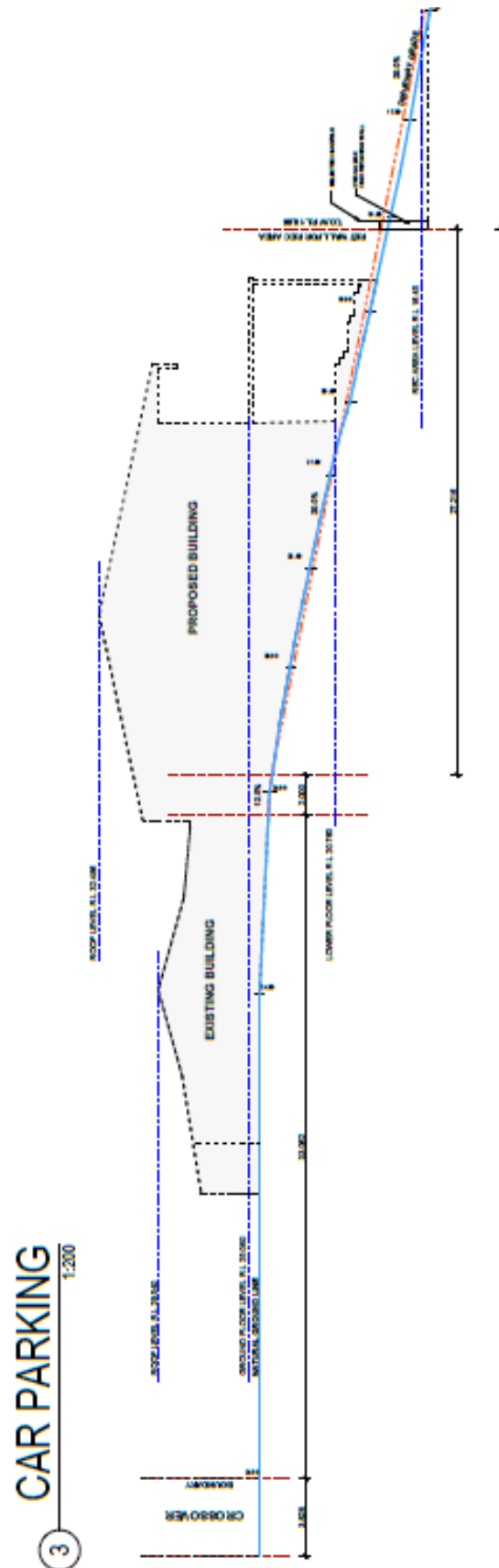
Meeting Date: 08 December 2015

Building Sections



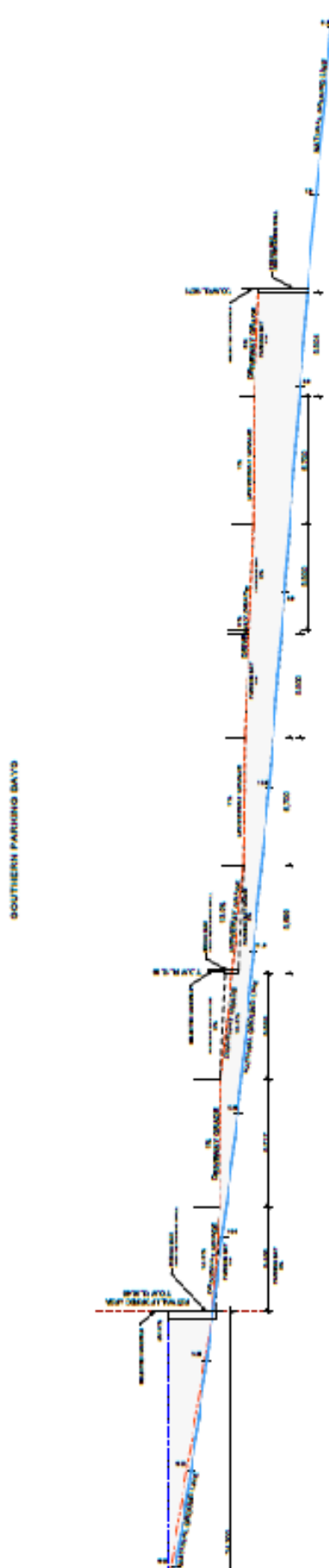
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Carpark sections



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ORDINARY MEETING

Meeting Date: 08 December 2015

AT – 5 Photomontage



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ORDINARY MEETING

Meeting Date: 08 December 2015

Item: 211 **CP - DA0631/15 - Jolly Frog Hotel, 25 Bridge Street, Windsor - Demolition - Partial demolition of the building - (95498, 124063, 135589)**

Development Information

File Number: DA0631/15
Property Address: Jolly Frog Hotel - 25 Bridge Street, Windsor
Applicant: MM Atelier Architects
Owner: Planet Warriewood Pty Ltd
Proposal Details: Demolition - Partial demolition of the building
Estimated Cost: \$275,000
Zone: Part B2 Local Centre and Part RE2 Private Recreation
Date Received: 9 October 2015
Advertising: 19 October 2015 to 9 November 2015

Key Issues: ♦ Heritage Item
 ♦ Demolition

Recommendation: Conditional Approval

REPORT:

Executive Summary

The Jolly Frog Hotel building was damaged by fire on 20 January 2014 which resulted in the destruction of the roof and first floor of the original building and substantial damage to the remaining 20th century additions.

This application seeks Council's approval to partially demolish the fire-damaged Jolly Frog Hotel building. It is proposed to conserve and support the four walls of the original brick hotel building and demolish the later additions. In addition, it is proposed to remove asbestos material located throughout the remaining structure.

A temporary roof frame and tarpaulin cover are to be installed so as to prevent further water damage to the existing brick structure. All openings are also proposed to be secured so that unauthorised entry and vandalism is prevented.

The building is listed as an item of environmental heritage having local significance.

This application is being reported to Council for determination as requested by Councillor Lyons-Buckett.

Development Description

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval to partially demolish the fire-damaged Jolly Frog Hotel building. The demolition and associated works are proposed to be undertaken in stages being detailed by the applicant as follows:

Stage 1: Safe propping and asbestos removal in accordance with the asbestos scope of works report prepared by SLR Global Environmental Solutions and endorsed by Council on 16 September 2014.

Stage 2: Additions and peripheral structures around the original building will be removed to slab or footing level. Where fabric adjoins the original heritage structure it will be removed by hand to prevent damage to the original building.

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Stage 3: Demolition of fabric within the heritage building:

- Removal of whole roof structure including ceilings
- Removal of all later internal lining
- Removal of aluminium windows
- The perimeter brick walls will be braced as stage 3 progresses to prevent collapse or movement.

Stage 4: Install temporary roof frame and tarpaulin to prevent ongoing water damage to the brickwork. Secure all openings to prevent unauthorised entry and vandalism.

Summary Recommendation

The most significant remaining fabric will be retained and the proposal will allow for the future reinstatement of the building. The proposal is considered to represent a satisfactory form of development and is recommended for conditional approval.

Council Policies, Procedures and Codes to which the matter relates

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

Section 79C Matters for Consideration

The modified proposal has been considered against the heads of consideration listed under Section 79C of the EP&A Act.

i. Environmental Planning Instruments:

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

The subject property has a long history of use as a hotel and the proposed works will ensure the preservation of the heritage significant component of the building to allow for a future use.

A report has been submitted in conjunction with the application detailing a methodology for the safe removal, handling and disposal of asbestos.

Sydney Regional Environmental Planning Policy No. 20 – Hawkesbury-Nepean River:

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

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The proposed development is generally consistent with the aims, objectives and recommended strategies of SREP No. 20. The property is located within an established area and the proposal will not negatively impact on environmentally sensitive areas, areas of cultural significance or the availability of rural land.

In accordance with Clause 4(1) of SREP No. 20 Council must take into consideration the general planning considerations set out within Clause 5 and the specific planning policies and related recommended strategies set out within Clause 6.

Clause 5 General Planning Considerations

General planning considerations include:

- a) the aim of the plan;
- b) the strategies of the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy;
- c) whether there are any feasible alternatives to the development; and,
- d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed or monitored.

An assessment against the relevant clauses of this plan has been undertaken and the proposed development is considered to be consistent with the requirements as detailed below:

Clause 6 Specific Planning Policies and Recommended Strategies

The specific planning policies and recommended strategies for this plan that are relevant in the assessment of this application are detailed as follows:

Clause 6 (5) Cultural Heritage

This clause seeks the conservation of heritage items and includes requirements relating to development that does not detract from the significance of such items. It is considered that the proposal is consistent with these provisions as the application involves the demolition of unsympathetic additions and stabilisation works associated with the listed heritage building located on the subject site.

The building is not structurally stable in its current state and the proposal would assist in its long term preservation and the demolition of the various additions is consistent with the requirements contained in Hawkesbury DCP (HDCP) 2002.

Clause 6 (7) Riverine Scenic Quality

The building in its current configuration, inclusive of the various 20th century additions, does not contribute to the landscape and scenic quality of the area. The identified heritage portion of the building is proposed to be preserved and the removal of the various unsympathetic additions will assist in improving the presentation of this highly prominent site. It is considered that the works associated with this application would create the opportunity to redevelop the site for a use that would ultimately aid in the long term improvement in the scenic quality of the area.

Hawkesbury Local Environmental Plan 2012

The proposed development has been assessed against the provisions of the HLEP 2012 and is found to be generally consistent with applicable provisions including those related to zone objectives, amenity and heritage impacts. Relevant provisions are addressed below:

Clause 1.2 Aims of the Plan

Aims of the plan include:

- a) to provide the mechanism for the management, orderly and economic development and conservation of land in Hawkesbury; and
- b) to conserve and enhance buildings, structures and sites of recognised significance that are part of the heritage of Hawkesbury for future generations.

The development has been assessed to be generally consistent with the aims of the plan as set out within Clause 1.2(2) of the LEP in that the proposal seeks consent for the stabilisation of the portion of the building having significant heritage value, demolition of the later additions and removal of asbestos material currently located within the existing structure and on the subject land.

Clause 2.3 Zone objectives and Land Use Table

The Jolly Frog Hotel building is situated on Lot 102 of DP 1151845.

An extract from the zoning map is included below:

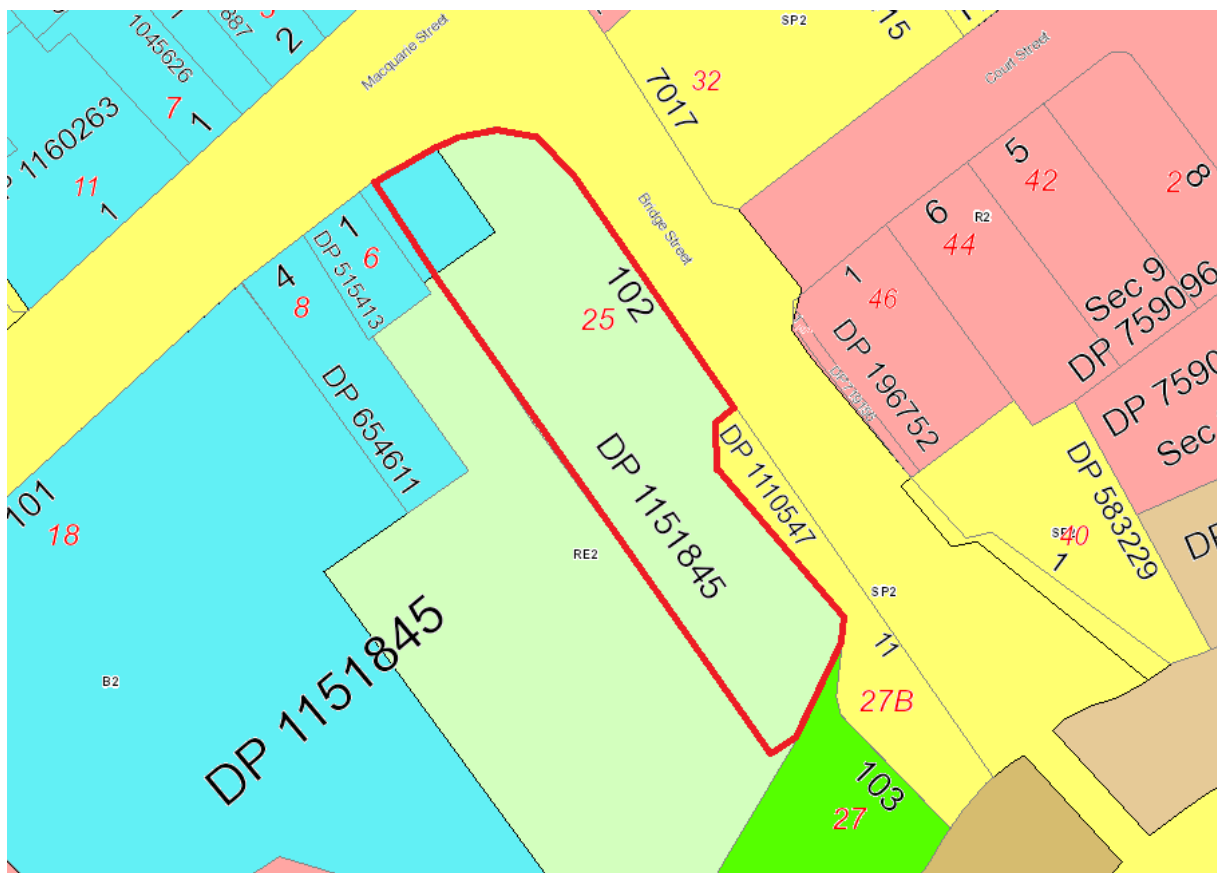


Figure 1: Subject site as identified on the extract from HLEP 2012 Land Zoning map.

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Clause 2.3(2) of the HLEP 2012 states that Council must have regard to the objectives of the zone for which development consent is being sought. The objectives the RE2 Private Recreation and B2 Local Centre zones are detailed as follows:

Zone Objectives RE2 Private Recreation Zone

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

Zone Objectives B2 Local Centre Zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To promote the development and expansion of business activities to meet the optimum employment and social needs of Hawkesbury.*

The proposed development is assessed to be generally compatible with the above mentioned objectives as:

- the proposal would assist in ensuring the preservation of the heritage significant portion of the building that at present is deteriorating due to its physical state; and
- the conservation strategy would provide for the stabilisation of the existing structure so that a future use may be established on the site whereby the building would be capable of reconstruction.

Clause 5.10 – Heritage Conservation

The existing building located at 25 Bridge Street Windsor (Lot 102 DP 1151845) "The Windsor Tavern" is listed as being of local heritage significance under Schedule 5 of Hawkesbury Local Environmental Plan 2012.

The Council's heritage inventory information for the subject property notes that the site contains:

"A two storey sandstock brick inn which has stood on this site since prior to 1840. It retains its main upper wall fenestration and hipped roof form now sheeted in iron. Ground floor has been much altered."

The objectives of the Heritage Conservation chapter include:

- a) to conserve the environmental heritage of Hawkesbury,
- b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- c) to conserve archaeological sites,
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

It is noted that the building has suffered extensive damage as a result of a fire and following this event an inspection of the property was undertaken by Council's Heritage Advisor who has provided the following comments:

- *"The buildings earliest section dates from the 1830's - 1840's. Any building of this date is rare in NSW and the Commonwealth. Hence it has significant heritage values.*
- *Due to its heritage significance a Heritage Consultant (Architect) with considerable skills in dealing with early Georgian buildings needs to be employed to ascertain what elements are salvageable, and to work along with structural engineer to look at the fabric of the site especially of the earliest 1830 – 1840 section.*

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- *Due to the rareness of the 1830 – 1840 section attempts should be made to endeavour to conserve the building and conserve it using as much heritage fabric as possible."*

In response to this the applicant has commissioned a report prepared by Paul Davies – Architects Heritage Consultants that provides the following information relating to the state of the existing fire damaged building:

- "1. The early hotel, that is the rectangular two storey brick building form (approx. 9.3 x 13.5 metres in plan) remains at the core of the site. That is, the brick walls that formed the building.*
- 2. The fire appears to have commenced within that part of the building and the building is severely fire damaged. In essence the only fabric of heritage significance that can be retained are the four external brick walls, some remnant internal brick walls and a small section of the first floor around the current stair. The majority of the first floor construction and the whole of the roof of this part of the building is destroyed and cannot be recovered.*
- 3. There appeared to be no remaining early internal fitout (that is before the fire) and there remains no fitout after the extensive fire damage, even if some had managed to remain.*
- 4. The various additions in various construction materials and styles (none of which have any heritage or other significance) are now damaged to a point where their retention or recovery could not be justified whether on economic or heritage grounds. All the additions and accretions around the site should be removed completely as a matter of urgency to prevent further damage to the remaining significant hotel structure.*
- 5. All windows and doors within the original section of the building are (or where) late twentieth century and have no significance, most were damaged in the fire.*
- 6. The first floor has been completely refitted, it appears on several occasions, to a point where the only walls that may remain are 2 brick walls, now supported on failing steel beams. All other fitout is mid twentieth century hardwood framed walls with fibrous plaster linings and ceilings. Bathrooms have more recent fitout but are now almost completely collapsed. Windows are aluminium framed with added glazing bars to simulate colonial windows, all are failed or fire damaged.*
- 7. The window openings to the upper floor on the front (north) façade remain however the central doorway has been infilled (its outline can be seen in the brickwork)."*

The rear (south) façade retains three windows to the west, has two windows removed and one doorway added to a wing.

The east wall has had a window added in the mid twentieth century.

The west wall could not be accessed but appears to have an opening to an addition.
- 8. The roof and ceiling framing has been destroyed.*
- 9. The ground floor retains only remnant brickwork and has had a major new brick wall built across the building and steel beams inserted to remove all other walls. It appears that there was a major central wall running east west (600mm thick) that may have been an original rear wall of a smaller single storey building.*
- 10. No internal openings remain in their original form on the ground floor. New openings have been created to each wall and earlier openings have been infilled. Until the building is stripped back it is difficult to determine original openings apart from front façade which appears in photos.*

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11. *Externally the building has had various additions and has been rendered over the last phase of changes to openings. However, evidence remains of the first floor verandah structure (cut off floor joists flush with the brickwork).*
12. *Small sections of original eaves remain as evidence of the original construction.*
13. *Despite the fire damage it is possible to determine timber sizes and construction details from the remains.*
14. *The photographic record provides some clear evidence of the form of early verandahs and façade detail but not of the rear of the building or the interiors.*

In summary there appears to be no reason that the early hotel building as now found in the brick walls and some openings cannot be retained and rebuilt."

As detailed in the Heritage Statement the building has suffered extensive damage and given the state of the building it is recommended that the non-contributory portions of the existing structure be demolished. At present the perimeter brick walls have little structural support and as the building has no roof the remaining structure is exposed to environmental conditions. In its current state the building will suffer from further deterioration.

The submitted Heritage Statement provides the following recommendations in relation to the site:

- "1. *There is no reason, from a heritage perspective, to prevent the demolition of all the fabric except the early hotel building and to clear the site retaining just the original hotel building. It will also be advantageous to do this quickly as the fabric that is to be retained can then be secured and protected properly until future works commence.*
2. *The site will without doubt have archaeological value that will extend across the whole of the site. This is currently being assessed as part of the historical study of the site. It is known that there were various other buildings on and around the site that are likely to remain as archaeological material and which will need to be assessed and potentially protected and investigated.*

This will affect the demolition and it is recommended that excavation of in ground elements should not take place until this assessment is complete and the potential of the site is assessed.

3. *The demolition will need to take place in stages. Initially the additions and peripheral structures around the original building should be removed to slab level (or footing level). Where fabric adjoins the heritage structure it needs to be demolished by hand to prevent risk of damage. When this work is complete the heritage building will need to be further assessed for stability prior to undertaking internal demolition.*
4. *The demolition of the fabric in the heritage building will need to be undertaken with regard to the following:*
 - *The perimeter brick walls will need to be braced as work progresses to prevent collapse or movement. The bracing could take several forms but may utilise the remaining steel beams at first floor level, for example, with propping and upper level bracing.*
 - *The whole of the roof structure including ceilings should be removed.*
 - *All later internal lining should be removed.*
 - *Aluminium windows should be removed.*
 - *Brickwork may require repair as work progresses as advised by the engineer, but until a design is determined repairs should not be undertaken to areas likely to require change.*

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- *The archaeology (that is the below floor areas) within the building will need to be protected.*
 - *It may be advisable to retain upper level wall frames where they can be retained for bracing (noting that they will most likely be removed later).*
 - *When demolition is complete it would be desirable to tarpaulin the building to prevent ongoing water damage to brickwork. This may require some temporary roof framing.*
5. *The site will require proper protection on completion to prevent vandalism and ongoing damage."*

Having regard to the stated objectives of the heritage provisions contained in HLEP 2012 relating to the conservation of existing heritage items it is considered that the works proposed in conjunction with this application will assist in preservation of 'The Windsor Tavern' building.

Appropriate conditions have been included in the recommended consent requiring compliance with the recommendations detailed above.

Clause 6.1 Acid Sulfate Soils

The land affected by the development is identified as having part Class 4 and part Class 5 Acid Sulfate Soils. It is noted that the proposal does not involve excavation works and as such there are no specific requirements in relation to the preparation of an acid sulfate soils management plan.

Clause 6.3 Flood Planning

The predicted 1 in 100 year flood level for this location is 17.3m AHD. The site is located at approximately 10.0 - 14.0m AHD and is therefore located below the flood planning level. As the proposal involves stabilisation and demolition works associated with an existing building there are no inconsistencies with the flood planning provisions contained in HLEP 2012.

Clause 6.4 Terrestrial Biodiversity

The site is mapped as containing 'connectivity between significant vegetation' on the Terrestrial Biodiversity Map. It is noted that the area identified on this map currently contains a car parking and vehicle manoeuvring area.

The proposal involves works associated with an existing building and would not impact on any significant vegetation.

Clause 6.7 Essential Services

Adequate essential services can be provided to the site.

ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:

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

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

An assessment of the proposed against the relevant provisions of this plan follows:

Part A Chapter 3: Notification of Development Applications

The notification of the application was undertaken from 19 October to 9 November 2015 in accordance with Part A Chapter 3 of the HDCP 2002. A total of 18 submissions were received in response to the notification of the application. Matters raised within submissions are discussed further below.

Part C: Chapter 4 - Soil Erosion and Sediment Control

A Concept Erosion and Sediment Control Plan has been submitted with the application. The measures proposed are considered consistent with the requirements contained in HDCP 2002.

Part C: Chapter 8 – Management of Construction and Demolition Waste

The applicant has submitted a demolition waste management plan in conjunction with the application that is considered satisfactorily.

Part C: Chapter 10 – Heritage Conservation

This chapter contains no specific guidelines in relation to the demolition of non-contributory components associated with a heritage item or stabilisation works of a damaged building. It is considered that the proposal would assist in maintaining the structural integrity of a building that at present will be subject to further deterioration should appropriate conservation/stabilisation measures not be undertaken.

The application details that it is proposed to install temporary roof framing with a tarpaulin cover over the building so as to provide weather protection to the structure. It is considered that this would not provide a suitable strategy for the ongoing preservation of the building. This form of cover is only suitable as a temporary measure due to issues associated with it being weatherproof and lack of capacity to ensure that water is effectively directed away from the remaining structure.

In this regard it is considered appropriate to require that a permanent roof be provided to the building in the form of the original building to adequately weatherproof the structure and to effectively direct water so that further damage to the foundations of the building is minimised.

Part E Chapter 5: Macquarie and Bridge Streets

Clause 5.4.1(a) of Part E Chapter 5 of the HDCP 2002 outlines that the 'Jolly Frog' building, also known as the Windsor Hotel, should be restored back to its appearance in the 1900's.

This would entail the removal of the non-sympathetic additions leading to the greater exposure of the heritage significant portion of the building particularly when viewed from Macquarie Street.

It is considered that the demolition works detailed with the subject application would satisfy the stated aim contained in HDCP 2002. The 'non-sympathetic' additions that have been damaged by the fire are proposed to be removed and the significant heritage fabric associated with the original building is to be retained and stabilised so that further deterioration to the structure is minimised.

It is proposed that a future conservation management plan will be developed for the site to achieve the objective contained in the HDCP 2002 to restore its appearance to that of the 1900's.

A suitable condition has been included in the recommendation requiring the preparation of a conservation management plan in accordance with the guidelines provided by the NSW Office of Environment.

(a)(iv) Regulations

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

(b) Likely Impacts of the Development (Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality)

These matters have been considered as part of the assessment of the application.

(c) Suitability of the Site for Development

These matters have been considered as part of the assessment of the application.

(d) Any Submissions

As detailed previously in this report a total of 18 submissions were received in response to the notification of the application. Summarised matters raised within submissions are as follows:

1. *Non-compliance with HDCP 2002 Part E Chapter 5 Macquarie and Bridge Street.*

Comment: The proposal is considered to be generally in accordance with the requirements contained in HDCP 2002 as discussed in the main body of this report. It is noted that a conservation management plan has not been submitted with the application however this has been required as a condition of this consent.

2. *No Conservation Management Plan has been prepared.*

Comment: The preparation of a conservation management plan is included as a condition of consent. It is considered appropriate that the stabilisation works and asbestos removal works be undertaken as a matter of urgency and therefore it is appropriate to enable these to occur rather than delaying these works so that a conservation management plan could be prepared in conjunction with the current application. The current condition of the structure is such that the stabilisation and demolition works must be undertaken prior to persons entering the building to undertake the conservation management plan investigations.

3. *Asbestos contamination has not been adequately addressed.*

Comment: It is considered that the applicant has submitted adequate information to assess the asbestos hazard associated with the site. The asbestos within the current structure has been previously stabilised. However, additional removal work is required, but cannot be undertaken until the building is stabilised. In addition to this information suitable conditions have been included in the recommendation of this report in relation to this issue.

4. *Demolition by neglect.*

Comment: The application seeks development consent for the stabilisation of the heritage significant building located on the site. It is considered that by carrying out these works the structure would be protected from further degradation until such time as a future use would be determined for the site.

5. *Inadequate waste management plan submitted with application.*

Comment: The waste management plan is considered adequate for the purposes of the assessment. Suitable conditions relating to the handling and disposal of asbestos have been included in the recommended conditions of consent.

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6. *No future use proposed leaving the building susceptible to further degradation.*

Comment: It is acknowledged that the application does not contain information in relation to a future use of the site. This is not a matter that would prevent Council from considering the subject application.

7. *Demolition would compromise stability of original building fabric.*

Comment: The proposal includes stabilisation works associated with the heritage significant portion of the building. It is considered that the details submitted with the application and the inclusion of appropriate conditions satisfactorily addresses this issue.

8. *A bond should be sought to ensure the heritage building is preserved.*

Comment: The provision of a bond is not considered appropriate in this instance.

9. *An independent heritage expert should supervise demolition work to ensure the preservation of the heritage building.*

Comment: It is considered that the conditions that have been included in conjunction with the recommended consent satisfactorily address the issue of future heritage conservation of the building. Council's heritage advisor has been involved in the pre-application work and also in the assessment of this application.

10. *Appropriate conditions are required to be included to protect the heritage building.*

Comment: The conditions included in the recommended consent require that a qualified heritage consultant supervise works and that a structural engineer provide certification in relation to the structural stability of the building. It is considered that these matters have been adequately addressed in the recommendation of this report.

11. *The application has not been prepared in accordance with required guidelines.*

Comment: The application is considered to have been adequately made as required by the Environmental Planning and Assessment Act 1979 and Regulation 2000.

12. *Ownership details not fully identified.*

Comment: The details submitted as part of the application are considered suitable for the lodgement of the application.

13. *Application does not contain correspondence between Council and owner/consultants.*

Comment: The information that has been submitted in conjunction with the application is consistent with the requirement of relevant planning legislation.

14. *Air quality monitoring has not been undertaken.*

Comment: Suitable conditions have been included in the recommendation regarding asbestos management during the works proposed in conjunction with the subject application.

15. *Inadequate assessment of potential impact upon existing archaeology.*

Comment: The heritage assessment submitted with the application identifies that the site would have archaeological value. In order to minimise the impact upon any archaeological fabric the assessment recommends that works not extend below ground level. Appropriate conditions are included in the recommendation having regard to the site's archaeological potential.

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16. *Heritage assessment does not adequately consider post 1867 additions.*

Comment: The assessment submitted with the application is considered to have satisfactorily addressed the significance of the building. It is also noted that the proposed demolition works are consistent with Council's Development Control Plan that recommends that the building should be restored back to its appearance in the 1900's. As such, the proposal is considered satisfactory having regard to the heritage assessment of the existing building that is inclusive of all its components.

17. *Tarpaulin roof covering is unacceptable for long term preservation.*

Comment: It is agreed that the tarpaulin roof proposed to be provided to the building is not a suitable long term strategy for ensuring weather protection. A suitable condition has been included in the recommended consent requiring the installation of a roof in the form of the original building to adequately weatherproof the structure and to effectively direct water so that further damage to the building is minimised.

18. *Flood risk associated with the property constrains any future use.*

Comment: As discussed in the report the site is subject to flood risk and that this would constrain the range of uses that would be able to be considered on the land. It is also noted that non-residential uses of the land would be less sensitive to the flood risk and any future proposed use would need to be considered having regard to potential flooding.

(e) Public Interest

The matter of public interest has been taken into consideration in the assessment of the application. The building in its current state is subject to deterioration due to exposure to environmental factors and has been identified as being structurally compromised. The proposal will remove elements of the building that do not have significant heritage value in compliance with the recommended strategies identified in HDCP 2002.

Approval of the application is considered appropriate in order to assist in the future conservation of the heritage building and to enable a future use to be developed.

Financial Implications

Council's current Section 94A Development Contributions Plan 2006 requires the payment of a contribution of \$2,750 based on the supplied estimated value-of-works.

The Draft Section 94A Contributions Plan 2015 will not require the payment of contributions for demolition work however this Plan is yet to be adopted.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. The proposed demolition works will allow for stabilisation of the site and will retain the most significant fabric remaining after the fire.

The development is acceptable and is recommended for conditional approval.

Planning Decision

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

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RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0631/15 for the partial demolition of the building at Lot 102 DP 1151845, known as 25 Bridge Street, Windsor, subject to the following conditions:

General Conditions

1. The development shall take place generally in accordance with the following plans, specifications and accompanying documentation submitted with the application:
 - Drawing No. DA-01 prepared by MM Atelier Architects and dated 7 October 2015
 - Drawing No. DA-02 prepared by MM Atelier Architects and dated 7 October 2015
 - Asbestos Building Materials Technical Scope of Works Report prepared by SLR Consulting Australia Pty Ltd and dated 23 May 2014
 - Scope of Works Report prepared by CRD Building Consultants and Engineers and dated 25 February 2015except as modified by these further conditions.
2. The works associated with the demolition and stabilisation of the heritage building are to follow the recommendations contained in the report titled 'Jolly Frog Hotel Windsor – Initial Assessment to Accompany an Application for Partial Demolition and Site Clearing' prepared by Paul Davies – Architects Heritage Consultants dated October 2015:
 - a) The perimeter brick walls are to be braced as work progresses to prevent collapse or movement
 - b) The whole of the roof structure including ceilings are to be removed
 - c) All later internal lining are to be removed
 - d) Aluminium windows are to be removed
 - e) Consultation with the consultant heritage architect shall be undertaken prior to repair of any heritage fabric
 - f) The archaeology (that is the below floor areas) within the building and its curtilage shall be protected by not excavating any areas within the site
 - g) The upper level wall frames shall be retained to assist with the bracing of the building if deemed appropriate by the structural engineer (noting that they will most likely be removed later)
 - h) Upon completion of demolition a temporary tarpaulin roof with associated roof framing is to be provided to the building to prevent ongoing water damage to brickwork.
3. A permanent roof is to be provided so that its form is consistent with the original heritage building to adequately weatherproof the structure and to effectively direct water away from the foundations to minimise further damage to the existing structure.

The roof restoration works are to be completed within 6 months of the date of this consent.

A separate development application detailing design and structural details is to be submitted to Council for approval prior to the commencement of any roof restoration works.
4. A Conservation Management Plan (CMP) relating to the site shall be prepared and submitted within six months of the date of this consent. The CMP is to be prepared in accordance with the guidelines provided by the NSW Office of Environment and Heritage and submitted to Council for consideration.

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Prior to Issue of Construction Certificate

5. The payment of a long service levy as required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.

Prior to Commencement of Works

6. An archival recording of the building shall be prepared and submitted to Council in accordance with the NSW Office of Environment and Heritage's 'How to Prepare Archival Records of Heritage Items'. Plans and a photographic study of the structure (including a diagram indicating the location of the photographs) shall be prepared in accordance with Schedule A of this document. The drawings and photographs are to be submitted in both hardcopy and digital formats.

Note: Council has file format and naming controls for digital documents. See Council's website for further details: www.hawkesbury.nsw.gov.au.

7. A suitably qualified heritage architect shall be engaged to oversee and supervise the demolition and retention works. Details of the heritage architect shall be provided to Council prior to the commencement of any works.
8. At least two days prior to the commencement of works, notice is to be given to Council in accordance with the Environmental Planning and Assessment Regulation 2000.
9. The applicant shall advise Council of the name, address and contact number of the Principal Certifying Authority (PCA) in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.
10. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
 - a) Unauthorised access to the site is prohibited
 - b) The owner of the site
 - c) The person/company carrying out the site works and telephone number (including 24 hour seven days emergency numbers)
 - d) The name and contact number of the Principal Certifying Authority (PCA).

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

11. A Traffic Guidance Scheme prepared in accordance with AS1742.3: 2002 by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Maritime Services (RMS) controlled roads, the Traffic Management Plan is to be approved by the RMS before submission to Council for approval.
12. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Any such facilities shall be located wholly within the property boundary.

During Demolition

13. Site and demolition works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am to 4pm.
14. The site shall be secured at all times against the unauthorised entry of persons or vehicles.

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15. The site shall be kept clean and tidy during the works and all waste material and rubbish shall be removed from the site upon the completion of the project. The following restrictions apply during the works:
- a) The site shall be secured to prevent the depositing of any unauthorised material
 - b) Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas
 - c) All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road
 - d) Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised
 - e) Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road
 - f) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
 - g) Building operations shall be undertaken only within the site.
16. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- a) Adjoining owners are given 24 hours notice in writing prior to commencing demolition
 - b) All work shall be carried out in accordance with AS2601 'Demolition of structures'
 - c) The site shall be secured at all times against the unauthorised entry of persons or vehicles
 - d) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences
 - e) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work
 - f) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes
 - g) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work
 - h) Demolition activities shall not cause damage to or adversely affect the structural integrity of adjoining buildings
 - i) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia)
 - j) No material is to be burnt onsite
 - k) The structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
17. If asbestos is encountered during any work, measures must be in place in accordance with WorkCover NSW guidelines and the Occupational Health and Safety Regulation 2001. Work shall not commence or continue until all the necessary safeguards required by WorkCover NSW are fully in place.

Only contractors who are appropriately licensed for asbestos disposal by WorkCover NSW may carry out the removal and disposal of asbestos from demolition and construction sites.

Prior to commencing the removal of any structures containing asbestos, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring 400mm by 300mm shall be erected in a prominent visible position on the site in accordance with Australian Standard AS1319 'Safety Signs for the Occupational Environment'.

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The person entitled to act on this consent shall notify adjoining residents in writing five working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste. All receipts and supporting documentation must be retained in order to verify lawful disposal and are to be made available to Hawkesbury City Council on request.

Completion of Works

18. A practising structural engineer shall provide certification that the heritage building is structurally adequate.

ATTACHMENTS:

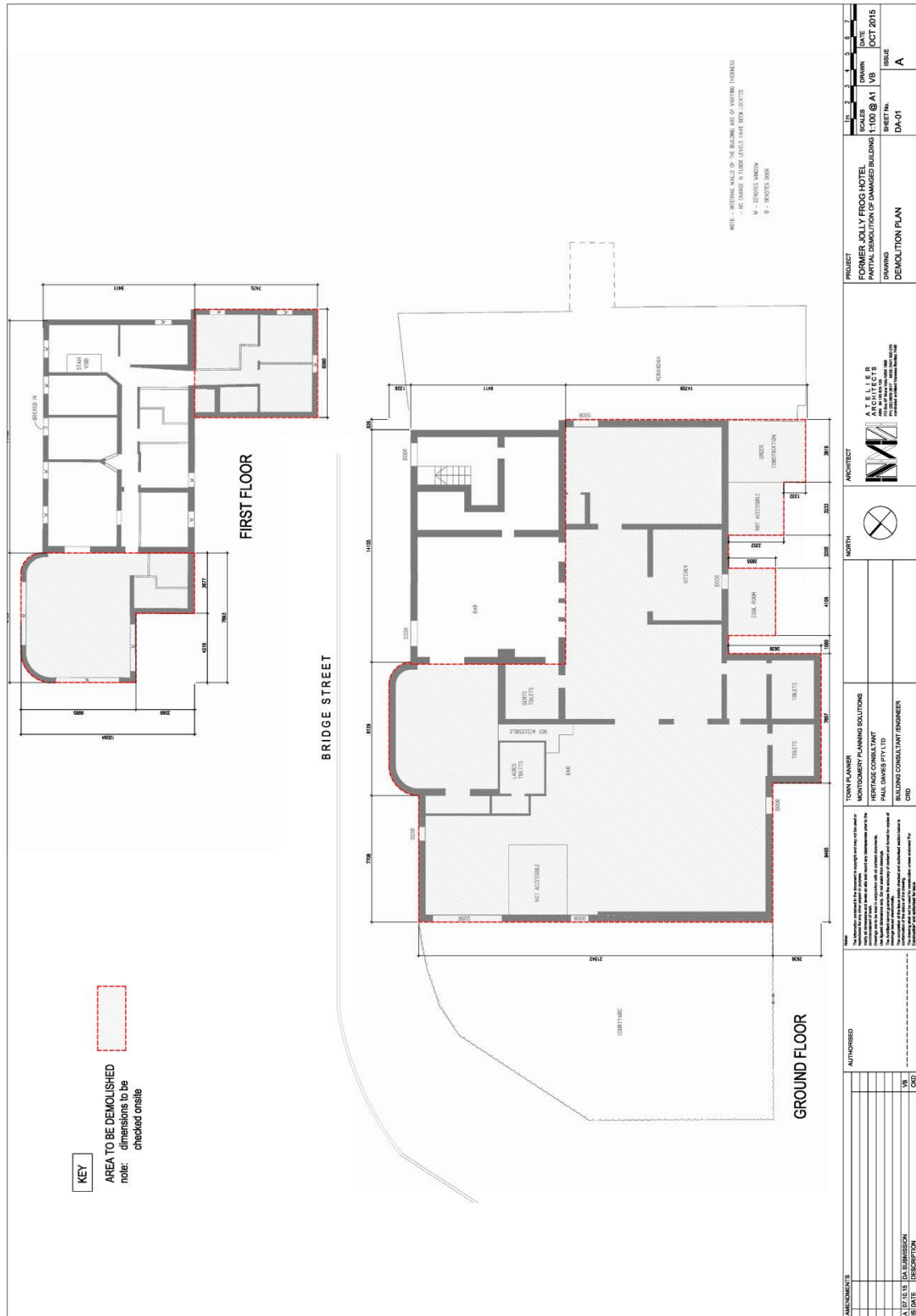
- AT - 1** Locality Plan
- AT - 2** Aerial Photo
- AT – 3** Demolition Plan
- AT – 4** Demolition Elevations and Section

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[illegible]

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AT – 3 Demolition Plan



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Item: 212 CP - DA0228/15 - 1 Reserve Road, Freemans Reach - Lot 24 DP 776850 - Intensive Plant Agriculture - Demolition of Existing Structures, Vegetation Removal, Construction of Dam and Farm Building and Use of Land as Turf Farm - (95498, 30249, 123054)

Previous Item: 194, Ordinary (24 November 2015)

Development Information

File Number: DA0228/15
Property Address: 1 Reserve Road, Freemans Reach
Applicant: Edwards Planning
Owner: Mr J Sammut
Proposal Details: Intensive plant agriculture – Turf farm including removal of native vegetation, demolition of existing structures, construction of dam and erection of farm building
Estimated Cost: \$120,000
Zone: RU1 Primary Production
Date Received: 24 April 2015
Advertising: 7 May 2015 - 21 May 2015
Recommendation: Refusal

REPORT:

Executive Summary

The Development Application seeks consent for the use of the land for Intensive plant agriculture – turf farm. To enable the establishment of the turf farm the application involves the removal of native vegetation, demolition of existing structures, construction of a dam and erection of a farm building.

Intensive plant agriculture is permitted on the land under Hawkesbury Local Environmental Plan 2012 (LEP 2012) and the development is subject to the requirements of Hawkesbury Development Control Plan 2002 (HDCP 2002).

The application was reported to the Council meeting of 24 November 2015 where Council resolved to defer the determination of the application to enable a site inspection. The site inspection was held on site on Wednesday 2 December 2015. The inspection was attended by Councillors Conolly, Porter, Reardon and Williams and the Development Services Manager.

The assessment of the proposal has concluded that the development would have an adverse impact on the native vegetation communities located on the property and that the development has not taken adequate consideration of the natural constraints of the site.

It is recommended that the application not be supported and that any future agricultural use of the land should be contained within the areas of the property that have been previously cleared.

The application has been notified and in response 13 submissions raising objection to the proposal were received.

The application is being reported to Council at the request of Councillor Reardon.

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Description of Proposal

The proposed development includes the following:

- demolition of the existing dwelling, associated outbuildings and stables building;
- removal of approximately 46% of the existing native vegetation located onsite;
- construction of a dam;
- establishment of a 4.81 ha turf growing area;
- construction of an access around the perimeter of the turf growing area; and
- construction of a farm building to provide for machinery storage, office space and workers amenities.

It noted that the application identifies a possible future dwelling site that would be subject to a separate application.

The application is supported by the following documents:

- Statement of Environmental Effects, prepared by Edwards Planning
- Geo-environmental on site effluent disposal report, prepared by Anderson Environmental Pty Ltd
- Ecological and Environmental Management Plan, prepared by Anderson Environmental Pty Ltd,
- Flora and Fauna Assessment report, prepared by prepared by Anderson Environmental Pty Ltd, amended August 2015
- Bushfire Hazard Assessment, prepared by prepared by Anderson Environmental Pty Ltd
- Farm Management Plan, prepared by Edwards Planning.

History of Application

24 April 2015	Application submitted.
7 May 2015	Application notified to adjoining properties until 21 May 2015. (13 submissions received)
1 June 2015	Additional information letter sent to applicant concerning farm management plan, flora and fauna assessment, ecological and environmental management plan, effluent disposal, dam specifications, vegetation buffers, landscaping, justification of farm building location, hours of operation and driveway entrances.
31 August 2015	Letter sent to applicant seeking a response to Councils letter dated 1 June 2015.
23 September 2015	Response to Councils additional information letter received.

Site and Locality Description

The subject land is irregular in shape, has a total site area of 11.74ha and fronts Kurmond Road and Reserve Road.

The land contains an old dwelling, a number of outbuildings and a stables building. The majority of the site is covered in native vegetation that occupies approximately 9.1ha of the total land area. Cleared parts of the site have been used for the purposes of residential, agricultural and grazing activities. An existing dam is located generally in the centre of the property.

The area is characterised by rural residential land uses towards the north and eastern boundaries with agricultural uses to the south of the property.

Issues Relevant to the Decision

- Removal of native vegetation
- Impacts on amenity of adjacent properties
- Water supply

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Council Policies, Procedures and Codes to Which the Matter Relates

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

Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1989

In determining the application, Council is required to take into consideration the following matters as are relevant to the land to which the development application relates:

a. **The provisions of any:**

i. **Environmental Planning Instrument:**

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The flora and fauna assessment report submitted with the application confirms that all potential koala feed species within the site were surveyed. It was found that there was no evidence of Koalas on the land and that the site does not conform to potential Koala habitat as defined in this SEPP.

Consequently it is considered that the proposal is not contrary to the aims and objectives of this plan.

State Environmental Planning Policy No. 55 – Remediation of Land

A review into the history of the property has revealed that the land has been used for residential, agricultural and grazing purposes and that the site is largely covered with native vegetation. There is no evidence to suggest that the land is contaminated to a state that would prevent the land from being used for agricultural purposes. On this basis the property is considered suitable for the proposed land use having regard to this policy.

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

An assessment of the proposal has revealed that the application has not adequately addressed the specific planning policies which apply to the development. The proposal to remove native vegetation to support agriculture is contrary to the specific planning policies and recommended strategies relating to flora and fauna. In this respect the SREP 20 states the following:

Clause 6 subclause (6) Flora and fauna

Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.

Strategies, generally:

- Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.*
- Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.*
- 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.*

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- (e) *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.*
- (f) *Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas.*
- (g) *Consider the need to control access to flora and fauna habitat areas.*
- (h) *Consider the need to maintain corridors for fish passage, and protect spawning grounds and gravel beds.*

Comment: The proposal is contrary to recommended strategy Clause 6 subclauses (6) (a), (b), (c), (d), (e) and (g) as the proposal has not taken adequate regard to the preservation of existing significant vegetation in that:

- the application seeks to remove approximately 46 % of the flora and fauna habitat areas identified on the property for the turf farm;
- the application proposes the removal of vegetation which has been identified as being within a vegetation corridor for flora and fauna habitat;
- the application fails to locate the proposed development in areas of the site which are already cleared or disturbed;
- recent clearing, use of herbicide and burning of the native vegetation onsite has impacted the condition of the vegetation communities present on the site and not allowed the land to regenerate or be managed in accordance with best practice; and
- the Ecological and Environmental Management Plan submitted in conjunction with the application confirms that it is possible that the degraded areas onsite can be rehabilitated in the long term.

Hawkesbury Local Environmental Plan 2012

The proposed land use, being defined as *Intensive plant agriculture – Turf farming*, is permitted with consent in the RU1 Primary Production zone. It is considered however that the proposal has not demonstrated that it is consistent with the following zone objectives:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.*

The development would result in a significant reduction and fragmentation of the existing native vegetation which occurs naturally on the site. The location of the proposed dam, farm buildings and access ways are all situated within an existing flora and fauna corridor. Furthermore Council has received a number of concerns from adjoining properties concerning the proximity of the development and future amenity impact.

The majority of the vegetation proposed to be removed is mapped as “Significant vegetation” on the *Terrestrial Biodiversity Map* with the remaining areas being mapped as “Connectivity between significant vegetation”. An assessment of the proposal has revealed that the development is contrary to Clause 6.4 Terrestrial biodiversity.

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The justification for the removal of native vegetation sought in conjunction with this application is largely based upon its current condition. It is highlighted that this current condition is the result of recent clearing activities involving the use of herbicide and burning that have had a significant impact upon the integrity of understorey species. These activities have significantly impacted upon the condition of the existing vegetation and should not be used as justification for the proposed vegetation removal. This is based upon the fact that the land has not had the opportunity to regenerate naturally or be managed in accordance with best practice principles.

The Ecological and Environmental Management Plan submitted with the application provides that the vegetation which has been disturbed onsite has a good scope for regeneration.

In reviewing the previous land management techniques used on the property it has been found that these activities are contrary to best practice, have not been approved by Council and that it should be the property owners responsibility to ensure that vegetation onsite is protected in a manner that does not adversely impact native flora and fauna.

Support of the proposal would result in the fragmentation of native vegetation onsite and would consequently have an adverse impact on the vegetation which exists on the land. Given these issues it is considered appropriate that any future agricultural activities should be limited to the areas onsite that are already cleared consistent with the overall objectives and requirements of Clause 6.4 Terrestrial biodiversity.

The application is also considered to be inconsistent with Clause 6.7 Essential services. In this regard a review of the submitted farm management plan provides that the proposal relies upon the proposed dam for the site's water supply. The applicant has stated that the proposal would rely on the maximum harvestable rights of the property. It is considered that the availability of adequate water supply of suitable quantity, quality and reliability to sustain the high water demands associated with the proposed turf farm has not been demonstrated by the applicant.

Based on the above matters the proposal is determined to be contrary to the requirements of LEP 2012.

ii. **Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:**

There are no Draft Environmental Planning Instruments relevant to the subject land or development.

iii. **Development Control Plan applying to the land:**

Hawkesbury Development Control Plan (HDCP) 2002

An assessment of the proposal against the relevant provisions of this plan follows:

Part A Chapter 3 – Notification

The application was notified between 7 May 2015 and 21 May 2015. In response 13 written submissions were received raising objection to the development and are discussed under the submission section of this report below.

Part C Chapter 7 - Effluent Disposal

The application is supported by an on-site effluent disposal report which demonstrates that effluent disposal is possible on the site having regard to the requirements of this chapter. It is however noted that the proposed effluent disposal areas are within parts of the site required to be cleared and would require the removal of native vegetation. This is not supported and is discussed further in the report.

Part C Chapter 2 – Car parking and Access

Adequate area is available onsite for parking of vehicles associated with the operation of a turf farm and is generally acceptable having regard to the requirements of this chapter.

Part D Chapter 6 Dam Construction

Whilst the submitted plans detail that the dam is able to be designed having regard to the requirements of this chapter the location of the proposed dam is not considered suitable given the environmental impacts associated with its construction. It is considered that this would further compromise the existing native vegetation located onsite. This is discussed further in the report.

Part D Chapter 8 Farm Buildings and Outbuildings

This chapter replaced the Rural Sheds Chapter of the DCP which was effective at the time of lodgement of this application.

Whilst the proposed Farm Building may be considered acceptable having regard to the land use, size and height requirements it is considered that the proposal is contrary to the locational principles for the siting of these structures. In this regard farm buildings should be sited so that disturbance to the natural environment is minimised.

Given that the application proposes to clear vegetation to create a building platform and driveway/manoeuvring area it is considered that the proposal is unacceptable having regard to these requirements.

iv. **Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:**

N/A

v. **Matters prescribed by the Regulations:**

Should the proposal be supported the development would be subject to development contributions under Council's Section 94A Development Contributions Plan 2006 and compliance with the requirements of the Building Code of Australia (BCA)/National Construction Code.

b. **The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:**

It is considered that the design of the proposal has not adequately taken into consideration natural site constraints and that the proposal would have an adverse impact on the existing vegetation communities located on the land.

c. **Suitability of the site for the development:**

As previously detailed in this report it is considered that the removal of native vegetation to support the proposed activity has not been adequately justified and that the application has not been able to demonstrate that the proposed site is suitable for the development.

Flora and Fauna

The Flora and Fauna report confirms that vegetation onsite is representative of Cumberland Shale Plains Woodland which is a critically endangered Ecological Community under the *Environment Protection and Biodiversity Conservation Act 1999* and the *Threatened Species Conservation Act 1999*.

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The report has highlighted that the loss of the forest understorey has limited the range of species that could have been recorded on site due recent clearing, herbicide applications and vegetation pile burning. Consequently these activities have significantly altered the assessment of flora and fauna which may have been found or surveyed onsite.

Furthermore the flora and fauna report confirms that the proposed vegetation loss is unavoidable based on the design of the development. It is therefore considered that the proposal has not been appropriately designed to avoid impacting endangered ecological communities onsite and that the proposed land use should be limited to the areas of the site which are already cleared.

The report concludes that the proposed vegetation removal is considered to be mildly significant with regard to size and threatened status based on the condition of vegetation as it currently exists, however it is clear that the Ecological and Environmental Management Plan confirms that the vegetation onsite has good scope for revegetation.

Support of the vegetation removal based on recent impacts (caused by cleaning) to the vegetation community on the site is not supported. The location chosen for the turf farm and its associated structures are not suitable for the proposal and that any future agricultural use of the land should be confined to the areas of the site which have previously been cleared.

Water supply

The application proposes that the development would rely on the construction of a new dam to service the proposed 4.81ha turf farming area and that the size of the dam would have a capacity equal to the Maximum Harvestable Right available to the property. The Maximum Harvestable Right available to the property is calculated at 0.9392 ML (mega litres) based upon location and site area.

It is noted that maximum harvestable rights only apply to basic domestic water usage and dams proposed to be used for commercial farming would fall under the category of Integrated Development under the *Environmental Planning and Assessment Act 1979* as the development would require a licence under the *Water Management Act 2000*.

Concern is raised in relation to the availability of a suitable water supply for the intended turf farm given that the application relies upon the proposal dam having a capacity of less than 1 ML in volume. It is noted that the NSW Department of Primary Industries '*Planning for turf farms*' fact sheet, February 2014, specifies that typical turf production requires an irrigation volume ranging between 6 to 8 ML / ha / year.

Based on the proposed growing area of 4.81ha it is calculated that the turf farm would use a minimum of 28.86ML water for irrigation. The lack of a comprehensive water balance assessment, confirming that there would be satisfactory access to a water supply of suitable quantity, quality and reliability, raises concerns in relation to the sustainability of the proposed use on the land.

d. Any submissions made in accordance with the Act or the Regulations:

Public Submissions

The application was notified to adjoining property owners in accordance with the DCP. In response to the notification 13 submissions were received. All submissions raised objection to the proposal to establish the development within close proximity to the residential properties.

The concerns raised in the submissions have been summarised as follows:

- Increase in turf farms in the area affecting neighbouring properties.
- Reserve Road cannot cater for large vehicles anticipated for the turf farm.
- Location of the northern driveway does not allow for larger vehicles to safely access the site.
- Application is not supported by a farm management plan.
- Property has never been used for turf farming.

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- Proposal would affect safety and traffic of people using Reserve Road with the northern driveway proposed.
- Turf farm would impact health of neighbouring residents.
- Erosion and dust would impact adjoining properties.
- Proposal would have adverse noise impacts as part of the operation of a turf farm.
- Proposed use is incompatible with surrounding land uses.
- Chemical spraying would impact neighbouring properties.
- Activity would impact downstream properties and waterways.
- Use would decrease surrounding property values.
- Proposal would impact native flora and fauna in the locality.
- Soils not suitable for turf farming and would require significant modification not mentioned in application.
- Proximity of turf farm to adjoining residents.
- Loss of privacy.
- Water management plan should be required.
- Chemical/fertilizers and imported soil would be needed to make the area viable for turf within the native vegetated areas.

Following the notification period the applicant provided a response to the issues raised in the submissions. The applicant's response states that the majority of issues raised were covered in the application and that the application proposes a land use which is permitted in the zone. The applicant also submitted revised details relating to the proposed dam and a farm management plan.

In reviewing the information submitted it is considered that the works required to support the permitted land use are of a scale that has the potential to have adverse impacts on adjoining properties.

Currently the site contains a significant stand of native vegetation which is proposed to be removed to support the new land use. As previously mentioned in this report it is considered that the application has not adequately taken into consideration the natural site constraints.

The proposal is inconsistent with the zone objectives as the development relies on the clearing of native vegetation for a new land use that has the potential to create land use conflicts with the adjoining residential uses in the existing zone.

e. The Public Interest:

The proposed development is considered to be contrary to the general public interest in that the proposal does not satisfy the overall objectives of the zone and aims of LEP 2012 and SREP 20.

It is considered that the site is not suitable for the proposed development based on the information submitted and that the development would be better suited to the cleared parts of the site. Furthermore the issues raised in the public submissions have merit and the development has not adequately considered the natural constraints of the site.

Conclusion

The environmental impacts associated with the proposal relate primarily to the impact upon the stands of native vegetation located on the property and the proximity of the development to the adjoining properties that are used for residential purposes. The design of the development has not adequately considered the sites natural constraints and would have adverse impacts on existing native vegetation. In addition, inadequate information has been provided demonstrating that the site has access to a suitable water supply for the intended use. It is therefore recommended that the proposal not be supported.

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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 Development Application DA0228/15 at Lot 24 in DP 776850, 1 Reserve Road, Freemans Reach for Intensive plant agriculture – turf farm including removal of native vegetation, demolition of existing structures, construction dam and erection of farm building be refused for the following reasons:

1. The development application contains inadequate information to justify that the site is suitable for the proposed land use in terms of Section 79C of the Environmental Planning and Assessment Act, 1979. In particular, insufficient information has been submitted in respect to satisfactory access to water of suitable quantity, quality and reliability for the proposed activity.
2. The development fails to satisfy the objectives and specific planning policies of Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River 1997 in that the proposal would have an adverse impact on existing threatened flora and fauna species.
3. The development is inconsistent with the overall aims of Hawkesbury Local Environmental Plan 2012 as the proposal does not promote the orderly and economic development of the land having regard to existing threatened flora and fauna species.
4. The development fails to satisfy the objectives of the RU1 Primary Production zone of Hawkesbury Local Environmental Plan 2012 in that the proposal does not promote the protection of native vegetation by encouraging the development to occur in areas already cleared of vegetation or minimise potential land use conflicts with other uses within the zone.
5. The development is inconsistent with Clause 6.4 – Terrestrial biodiversity of Hawkesbury Local Environmental Plan 2012 in that the proposal would have an adverse impact on existing threatened flora and fauna communities.
6. The development is inconsistent with Clause 6.7 – Essential services of Hawkesbury Local Environmental Plan 2012 in that the application has not been able to demonstrate that a sustainable water supply would be able to be provided to support the proposed use of the land.
7. The development is inconsistent with Hawkesbury Development Control Plan 2002 as the application proposes to locate the farm building in an area of the site that will require clearing of native vegetation.
8. The proposal has the potential to have an adverse impact on the amenity of residents in the immediate locality in respect to noise, traffic and visual impacts.
9. Approval would not be in the general public interest.

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ATTACHMENTS:

AT - 1 Locality Map

AT – 2 Aerial Map

AT – 3 Plans

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AT - 1 Locality Map



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Meeting Date: 08 December 2015

Item: 213 **CP - Post Exhibition of Draft Section 94A Contributions Plan 2015 - (124414, 95498)**

REPORT:

Executive Summary

The purpose of this report is to advise of the outcome of community consultation regarding Council's draft Section 94A Contributions Plan 2015 (the draft S94A Plan).

No submissions were received as a result of the community consultation and it is therefore recommended that Council adopt the draft S94A Plan as exhibited.

Introduction

On 29 September 2015, Council considered a report regarding a review of Council's current Section 94A Contributions Plan 2006 and the proposed exhibition of the draft S94A Plan.

Council resolved that the draft 94A Plan be publicly exhibited for a minimum period of 28 days and the outcome of the public exhibition be reported back to Council upon completion of the exhibition period.

A copy of the draft S94A Plan as exhibited is attached to this report.

Consultation

The draft S94A Plan was publically exhibited for the period 23 October 2015 to 23 November 2015. Notices were placed in the 'Hawkesbury Courier' local newspaper advising of the public exhibition of the draft S94A Plan. During the public exhibition period the draft S94A Plan and supporting documentation was made available at Council's Main Administration Building, on Council's website, and on Council's online community engagement tool *Your Hawkesbury Your Say*.

Council received no submissions in relation to the draft S94A Plan.

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.

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Financial Implications

The cost associated with the preparation the draft S94A Plan is covered in Council's existing budget.

Conclusion

In light of Council receiving no submissions in relation to the draft S94A Plan is it recommended that Council adopt the draft S94A Plan as exhibited.

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 draft Section 94A Contributions Plan 2015 attached to this report be adopted by Council.

ATTACHMENTS:

AT - 1 Draft Hawkesbury Section 94A Contributions Plan 2015 - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 08 December 2015

Item: 214 **CP - Pitt Town Development Area - Draft Indicative Road Layout for "Precinct D" - (95498, 124414)**

Previous Item: 198, Ordinary (24 November 2015)

REPORT:

Executive Summary

The purpose of this report is to discuss the outcome of consultation with relevant landowners regarding a draft indicative road layout for "Precinct D" of the Pitt Town Development Area.

This report recommends that the indicative road layout continue to be used as an Interim Policy of Council and that it be incorporated into the next available amendment to the Hawkesbury Development Control Plan 2002.

This report was considered by Council at the meeting of 24 November 2015 where it was resolved to defer the matter until the next Council meeting. This deferral was proposed to enable further discussion with two landowners who raised concerns with the proposal. A meeting was held and the landowner concerns were overcome as detailed later in this report.

Background

On 3 February 2015, Council considered a report regarding a draft indicative road layout for "Precinct D" of the Pitt Town Development Area. Council was advised that a road layout for "Precinct D" of the Pitt Town Development Area was needed to give landowners, developers and Council staff direction in relation to road layouts associated with the subdivision of land in "Precinct D".

In response, Council resolved:

"That:

- 1. The road layout attached to the report for Precinct D (Central Precinct) in the Pitt Town Development Area be used as an interim Policy of Council.*
- 2. Council officers consult with the relevant landowners to discuss the preliminary road layout discussed in this report.*
- 3. A further report be presented to Council, following consultation with landowners, to consider a DCP amendment for a road layout in Precinct D (Central Precinct) of the Pitt Town Development Area."*

The indicative road layout, as exhibited, is shown in Attachment 1 to this report. This report satisfies the requirement of part 3 in the above resolution.

Land Owner Consultation

On 14 May 2015, letters were sent to all affected landowners advising them of the draft indicative road layout, inviting them to attend a landowners meeting on 1 June 2015 and requesting submissions by 15 June 2015.

The landowners meeting of 1 June 2015 was held at the Pitt Town Anglican Church Hall and was attended by approximately 14 people. A presentation was given by Council staff followed by a question and answer session.

Following requests on behalf of some landowners, an additional letter was sent to all affected land owners on 11 June 2015 extending the deadline for the receipt of submissions to 29 June 2015.

Submissions

Four submissions were received as a result of the land owner consultation. A summary of each submission and a staff response is provided below. The first three submissions relate to neighbouring properties 102, 116 and 122 Hall Street, Pitt Town. These properties and the proposed road layout, as exhibited, are shown in Figure 1 below.



Figure 1: 102, 116 and 122 Hall Street, Pitt Town

Edwards Planning on behalf of owners of 102 Hall Street, Pitt Town

Submission

Following discussions with Council staff in November 2014 a development application was prepared (however not lodged) for an 11 lot submission relying on a single road access from Hall Street. See Figure 2 below.

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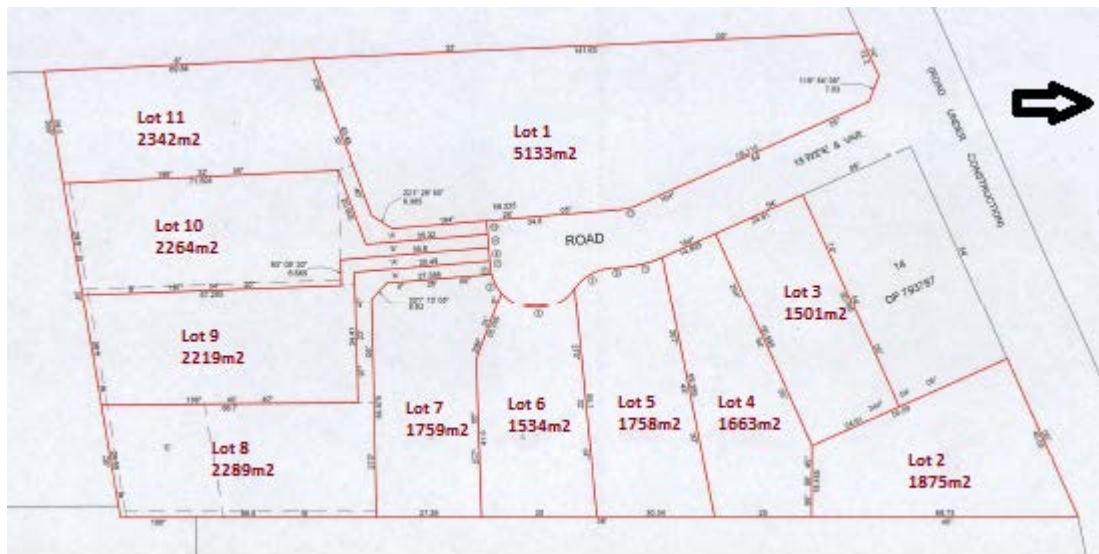


Figure 2: Proposed subdivision of 102 Hall Street, Pitt Town

Land owners are concerned that the indicative road layout will unreasonably sterilise part of the land and reduce the potential lot yield from 11 lots to seven lots.

The 11 lot proposal provides for the orderly subdivision and development of the site and does not result in the fragmentation of adjoining land, nor impede the ability for adjoining land to be developed.

Council needs to consider the impacts on the rear of the heritage listed dwelling and how that will be treated if the draft road layout is to proceed, i.e. fencing, landscaping etc.

Staff Response

Edwards Planning was requested to provide further information demonstrating how the proposed road layout would reduce the lot yield from 11 to seven lots. Edwards Planning was also advised that key objectives in preparing the indicative road layout were to provide lots with direct vehicular access to a public road and for through or connecting roads. Accordingly, Edwards Planning was also requested to advise how the proposed subdivision would impact on Council achieving these objectives and comment on what the impact their amendment would have on the proposed roads through adjoining properties 94 and 116 Hall Street, Pitt Town.

Edwards Planning responded by stating that the proposed east-west road would sterilise a substantial portion of the site and would therefore reduce the number of lots achievable. Whilst Edwards Planning did note that the proposed lots at the rear property were oversized and that it was possible to reduce the size of these lots to achieve a similar lot yield, the owner's preference is for larger lots to provide a variety of lot sizes and meet the current demands in the Pitt Town development area.

The minimum lot size provision for this property under the Hawkesbury Local Environmental Plan 2012 is 1,500m². As can be seen in Figure 2, proposed lots eight to 11 are at least 700m² larger than the minimum lot size requirement. To achieve the road layout as exhibited it is estimated that approximately 550m² - 650m² of land from each lot would be required for road purposes (this comprises the proposed east-west road and part of the proposed north-south road). Given the size of proposed lots 8 to 11 it is considered that there is sufficient land area to cater for the proposed roads through these lots in a manner that would and still achieve the minimum lot size standard and achieve a yield of 11 lots.

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The proposed layout shown in Figure 2 above would result in a poor planning outcome at the rear of the site, i.e. four battle axe allotments, lack of street frontage for waste collection, etc., and would also severely limit the ability of surrounding allotments to develop to their full potential, i.e., would not have through roads, irregular shaped allotments and inefficient servicing and layout. It is considered that the original proposed road layout from 3 February 2015 would result in a more efficient development of the site whilst retaining the desired development yield.

On the subject property is a heritage listed cottage, known as "Wilbow's Stone Cottage". This cottage is approximately 30 m from the proposed road and the private open space behind this cottage is substantially shielded from the proposed road by two outbuildings. These outbuildings are approximately 16 m from the proposed road. Such separation allows for the provision of additional landscaping and fencing if required in the future.

Following Council's resolution of 24 November 2015 a meeting was held with Mr Michael Edwards on Tuesday, 1 December 2015. The concerns raised previously were discussed and Mr Edwards advised that, after further discussions with his clients, they are satisfied that the proposed layout will not adversely impact on the potential lot yield or the heritage significance of the site. In this regard the original concerns are now satisfied and there is no objection to the indicative road layout as proposed in this report.

Urban City Consulting on behalf of owners of 116 Hall Street, Pitt Town

Submission

The proposed future road traverses the property in an east-west direction.

A substantial home is on the land which is proposed to remain in the long term. The proposed road would abut the rear private open space of this dwelling and the owner is concerned with the resultant loss of amenity and privacy.

The location of the road would result in the existing dwelling backing onto a public road resulting in a less than desirable street presentation of the dwelling and subsequent high boundary fencing to afford privacy to the private open space. Council would normally not favour this outcome if it were dealing with a new dwelling proposed and accordingly should not design a road proposal which encourages that result with the existing dwelling.

The proposed road location does not facilitate the optimum lot yield for the land as it prevents the creation of lots on the immediate northern side of the proposed road.

It is requested that the proposed road be moved south of its current location so as to allow creation of lots on both the northern and southern side of the road. See Figure 3 below.



Figure 3: Urban City Consulting proposed amendment to road layout
(Note: the solid red road represents the proposed amended road location)

Staff Response

It is agreed that under normal circumstances having a new dwelling and its associated private open space directly backing onto a public road is not desirable. However, in this circumstance, Council is seeking to retrofit a new road amongst existing dwellings. In determining the location of the proposed roads throughout "Precinct D" effort was made to avoid this situation, however in limited circumstances this does occur. It is difficult to resolve this issue without reducing lot yields on the land affected or adjacent lands and/or compromising the above mentioned key objectives of providing lots with direct vehicular access to a public road and maximising through or connecting roads in the precinct.

The amendment to the road layout proposed by Urban City Consulting (UCC) would provide greater privacy and amenity for the occupants of the existing dwelling and allow for subsequent new properties to directly front onto the amended road. These benefits are however not without disadvantages.

Firstly, the amended road produces east-west orientated lots on the subject land (as shown in Figure 3) and on the adjacent 122 Hall Street which will have their longer side facing the road. With the likely dimensions of these lots it is anticipated that the private open space for the subsequent dwellings will be to the side of the dwelling and adjacent to the road rather than to the rear of the dwelling. This would affect the four lots proposed on 116 Hall Street and possibly up to six lots on the adjacent 122 Hall Street.

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Secondly, at present the proposed road through 122 Hall Street is located towards the centre of the property allowing for new lots to be created either side of the new road and for other land on the property suitable for subdivision to gain direct access from Hall Street or a proposed south-east extension of Hall Street. By moving the proposed road to the south as suggested by UCC this somewhat ideal centre location is lost and it is anticipated that an additional road will need to be constructed between the amended road and Hall Street in order for other lots to be provided with direct access to a public road. Accordingly, the amendment suggested by UCC is considered to be a less orderly and efficient use of land.

Finally, UCC's suggested amendment was discussed with the owners of 122 Hall Street and they expressed concern about a possible reduction in lot yield and additional road construction as described above.

Following Council's resolution of 24 November 2015 a meeting was held with Mr Greg Hall, Urban City Consulting, and the landowners of 116 Hall Street on Tuesday, 1 December 2015. The concerns raised in the original submission in relation to the proposed road adversely impacting their rear yard/private open space and removing their pool were discussed. It seems that the landowners were basing the accurate location of the road on a subdivision layout that was prepared by others and which was not lodged or endorsed by Council. The landowners concerns were discussed and their wish to have the proposed road clear of, and to the south of, their existing internal property fencing. That location is the same as the intended location of the road as proposed by Council staff.

In this regard the landowners and their consultant were happy that the road was not proposing to remove their pool and open space area and have withdrawn (verbally at the meeting) their concerns. It should also be noted that the exact location of the road, as proposed in the attached indicative layout, is not set and this can be altered at the time of consideration of a development application, as long as that amended location meets the objectives of provision of a through road without adversely impacting on the development potential of the subject or adjoining allotments.

Owners of 122 Hall Street, Pitt Town

Submission

No objection to proposed road layout subject to owners being able to subdivide evenly both sides of the road and that the rear of new lots would be 10m - 15m away from the back of the existing shed.

Staff Response

In order to achieve the owner's request the proposed road would need to be moved approximately 15 m south. So as to avoid unnecessary bends and deviations, the road would also need to be moved approximately 15 m to the south on 116 Hall Street. The effect of this would be to reduce the possible number of lots to the south of the road on 116 Hall Street from four lots to three lots.

This was discussed with the owners as well as options to achieve suitable separation of new lots from their existing shed, e.g. as reducing the depth of lots between the proposed road and existing shed. As a result, the owners advised that they did not object to the road remaining were proposed.

Owner of 39 Wells Street, Pitt Town

Submission

Supports proposed layout within vicinity of 39 Wells Street.

Requests that Council ensures Wells Street is sealed and existing properties will be able to have access to all services that will be on offer to new properties.

39 Wells Street will not be further developed hence it is requested that there will be no cost to landowner concerning any development.

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Council should ensure we do not end up in a "rabbit warren" of development and Council should maintain the character of Pitt Town by giving thought to people's living environment.

Staff Response

It is proposed that all of Wells Street will be upgraded as a result of the expected development within "Precinct D". This will be achieved by way of works undertaken by developers when land is subdivided and, in the case of land not to be developed, by way of section 94 contributions and budget allocations.

Obtaining access to new services, such as sewer and NBN, to be provided in the area is a matter for individual owners to take up with the relevant service providers.

If land is not further subdivided then relevant land owners will not incur any development costs.

It is assumed the author's reference to "rabbit warren" is in respect to the density of development. The density of the development is primarily governed by the minimum lot size and density controls contained within the Hawkesbury Local Environmental Plan 2012 and the building setback provisions of the Hawkesbury Development Control Plan 2002. The proposed road layout does not alter these provisions.

Conclusion

Council staff have consulted with relevant landowners with respect to an indicative road layout for "Precinct D" of the Pitt Town Development Area. Four submissions were received and for the reasons outlined in this report it is recommended that no amendments be made to the indicative road layout as a result of these submissions. It is therefore recommended that the indicative road layout continue to be used as an interim policy of Council, to guide development in "Precinct D".

At the Ordinary Meeting of 3 February 2015, Council resolved that a further report be presented to Council, following consultation with landowners, to consider an amendment to the Hawkesbury Development Control Plan 2002 (DCP) for the indicative road layout. Given the existence of the interim policy it is considered that any associated amendment to the DCP is not sufficiently urgent so as to require a standalone amendment. Rather, a more efficient use of Council resources would be to bundle this amendment with other appropriate future amendments. It is therefore recommended that the indicative road layout be included in the next available amendment to the DCP.

Conformance to the Hawkesbury Community Strategic Plan

The following provisions of the CSP are of most relevance to the draft indicative road layout.

Looking After People and Place

Direction

- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.

Strategy

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

Caring for Our Environment

Direction

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

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Strategy

- Manage growth with ecologically sustainable principles.

Financial Implications

The costs associated with the matter can be 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:

1. Indicative Road Layout for Pitt Town Development Area "Precinct D" as attached to this report continue to be used as an Interim Policy of Council.
2. Indicative Road Layout for Pitt Town Development Area "Precinct D" as attached to this report be incorporated into the next available amendment to the Hawkesbury Development Control Plan 2002.

ATTACHMENTS:

AT - 1 Indicative Road Layout for Pitt Town Development Area "Precinct D"

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AT - 1 Indicative Road Layout for Pitt Town Development Area "Precinct D"



oooO END OF REPORT Oooo

Item: 215 CP - Proposed Amendment to Clause 4.1E Exceptions to Minimum Subdivision Lot Size for Grose Wold of Hawkesbury Local Environment Plan 2012 - (95498, 124414)

REPORT:

Executive Summary

This purpose of this report is to recommend to Council that Clause 4.1E Exceptions to minimum subdivision lot size for Grose Wold of the Hawkesbury Local Environmental Plan 2012 (LEP 2012) be amended.

The purpose of the proposed amendment is to remove the ambiguities within the clause and ensure the long term protection of threatened species, populations and ecological communities and land in an environmental constraint area within the Grose Wold area.

Background

Council has recently been involved in two Land and Environment Court (LEC) cases dealing with the wording of Clause 4.1E Exceptions to minimum subdivision lot size for Grose Wold and its relationship to Clause 4.1 Minimum subdivision lot size of Hawkesbury Local Environmental Plan 2012.

Clause 4.1 establishes the general minimum lot size provisions for a 'conventional' subdivision of land within the Hawkesbury local government area.

Clause 4.1E contains additional provisions relating to the subdivision of certain land within Grose Wold. In simple terms these provisions are based on the concept of 'lot averaging' whereby proposed lots may be less than the conventional minimum lot size provided certain ecologically significant vegetation is protected and the overall number of proposed lots is not greater than that which would be achieved by conventional subdivision. Clause 4.1E is based on the former Clause 41AA of Hawkesbury Local Environmental Plan 1989 (LEP 1989) which was in operation from 2 June 2000 until the commencement of LEP 2012.

The current Clauses 4.1 and 4.1E are attached to this report.

In both LEC cases Council lost due to ambiguity in the wording of Clause 4.1E and its relationship with Clause 4.1. The cases revolved around quite detailed legal argument and specific circumstances for each site hence it is difficult to explain in simple terms the arguments presented. However, in summary in the first case, MB Investments Pty Ltd v Hawkesbury City Council, the LEC found that the qualitative provisions of Clause 4.1E over rode the quantitative provisions of Clause 4.1. Whereas in the second case, Ogg v Hawkesbury City Council, the LEC found that the quantitative provisions of Clause 4.1 over rode the quantitative provisions of Clause 4.1E.

The net effect of these findings is that land will be subdivided in a manner and produce a greater number of lots than was envisaged by the former Clause 41AA of LEP 1989.

A review of the preparation of LEP 2012 has found that the ambiguity in Clause 4.1E has arisen as a consequence of the former Clause 41AA of LEP 1989 being translated and re-drafted by DP&E's legal branch and/or NSW Parliamentary Counsel in the finalisation of LEP 2012.

In addition to these cases, two further appeals were lodged with the LEC on 11 November 2015 against Council's refusal to grant consent for subdivision of certain land to which Clause 4.1E applies. These refusals were issued in June 2015 and the applications were refused on similar reasons to Council's defence of the Ogg matter.

The need for an amendment to Clause 4.1E was previously mentioned in a report to Council on 31 March 2015 dealing with a suite of general amendments to LEP 2012. The resultant planning proposal for these amendments was forwarded to the DP&E for a gateway determination on 31 July 2015. At the time of preparing this report Council had not received a gateway determination for this planning proposal and given the urgency of the proposed amendment to Clause 4.1E it is recommended that this particular matter be dealt with separately to the general amendments planning proposal.

Proposed Amendment to LEP 2012

In light of the above mentioned judgements and possible future appeals a proposed amendment to Clause 4.1E has been prepared by Council staff and Council's solicitors. The proposed amendment is attached to this report. The final wording of the amendment will be a matter for the DP&E legal branch and the NSW Parliamentary Counsel (PC).

The proposed amendment seeks to remove the ambiguities within the clause and ensure the long term protection of threatened species, populations and ecological communities and land in an environmental constraint area. Also 'Grose Vale' has been added to the clause heading and sub-clause (1) because part of the land in 'Area B' and edged heavy yellow on the Lot Size Map is in Grose Vale. 'Cumberland Plain Woodland' in the current clause has been replaced with "threatened species, populations and ecological communities" as Cumberland Plain Woodland is only one type of significant vegetation potentially existing in the subject area and the wording of the current clause excludes consideration of other threatened species, populations or ecological communities.

The Environmental Planning and Assessment Act 1979 (EP&A Act) outlines two methods to amend a local environmental plan. One method is by way of the planning proposal process which would normally require the preparation of a planning proposal, referral to the DP&E for a gateway determination, consultation with public authorities and the community, and the finalisation of the amendment by way of further referral to the DP&E and the NSW PC. The other method is by way of an expedited amendment (under Section 73A of the EP&A Act) whereby many of the above mentioned steps need not be undertaken. Expedited amendments are only available for correcting an obvious error; addressing matters that are of a consequential, transitional, machinery or other minor nature; or where by the Minister grants an exemption to the above mentioned steps because the amendment will not have any significant adverse impact on the environment or adjoining land.

Council staff have requested advice from DP&E regarding the potential to utilise Section 73A of the EP&A Act to achieve the proposed amendment as it is considered that the current clause that was amended by others, does not reflect Council's original intention, i.e., translation of the previous LEP 1989 clause. At the time of preparing this report a reply had not been received.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Caring for Our Environment strategy;

- Manage growth with ecologically sustainable principles

Financial Implications

No financial implications, apart from use of staff resources are applicable to this report.

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.

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RECOMMENDATION:

That:

1. In association with advice from the Department of Planning and Environment, Council staff either:
 - a) Forward a planning proposal to amend Clause 4.1E of Hawkesbury Local Environmental Plan 2012 as intended by this report to the Department of Planning and Environment for a gateway determination, or
 - b) Request the Minister for Planning to amend Clause 4.1E of Hawkesbury Local Environmental Plan 2012 as intended by this report under Section 73A of the Environmental Planning and Assessment Act 1979.
2. The Department of Planning and Environment be advised that, in the case of the proposed amendment being dealt with as a planning proposal, Council requests a Written Authorisation to Exercise Delegation to make the Plan

ATTACHMENTS:

AT - 1 Current Clause 4.1 and Clause 4.1E of Hawkesbury Local Environmental Plan 2012

AT - 2 Proposed Amendment to Clause 4.1E of Hawkesbury Local Environmental Plan 2012

AT - 1 Current Clause 4.1 and Clause 4.1E of Hawkesbury Local Environmental Plan 2012

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
 - (a) to ensure that the pattern of lots created by subdivision and the location of any buildings on those lots will minimise the impact on any threatened species, populations or endangered ecological community or regionally significant wetland, waterways and groundwater as well as any agricultural activity in the vicinity,
 - (b) to ensure that each lot created in a subdivision contains a suitable area for the erection of a dwelling house, an appropriate asset protection zone relating to bush fire hazard and a location for on-site effluent disposal if sewerage is not available,
 - (c) to ensure a ratio between the depth of the lot and the frontage of the lot that is satisfactory having regard to the purpose for which the lot is to be used.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) If a lot in a following zone is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size:
 - (a) Zone R1 General Residential,
 - (b) Zone R2 Low Density Residential,
 - (c) Zone R3 Medium Density Residential.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1E Exceptions to minimum subdivision lot size for Grose Wold

- (1) The objective of this clause is to provide an alternative method to clause 4.1 for the subdivision of land to which this clause applies in a way that ensures the protection of the Cumberland Plain Woodland.
- (2) This clause applies to land in the area known as "Grose Wold", being the land identified as "Area B" and edged heavy yellow on the Lot Size Map.
- (3) Development consent may be granted for the subdivision of land to which this clause applies only if:
 - (a) the consent authority is satisfied that the pattern of lots to be created by the subdivision and the location of any buildings on those lots will minimise the impact on any Cumberland Plain Woodland, any land in an environmental constraint area and waterways and groundwater, and
 - (b) the consent authority has considered a geotechnical assessment demonstrating the land is adequate for the on-site disposal of effluent in accordance with best practice, and

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- (c) the Cumberland Plain Woodland and any land in an environmental constraint area is retained in one lot as much as possible, and
 - (d) the consent authority is satisfied there will be no significant adverse impacts on Cumberland Plain Woodland or land in any environmental constraint area located downstream or surrounding the development.
- (4) Despite clauses 4.1, 4.1AA, 4.1A and 4.1C, if land to which this clause applies contains an environmental constraint area, development consent must not be granted for the subdivision of that lot unless:
- (a) the number of lots to be created for a dwelling house by the subdivision will not exceed the area of the original lot for the land to be subdivided, in hectares, divided by 4, and
 - (b) any lot created for a dwelling house will contain at least one hectare of land that is not in an environmental constraint area.
- (5) When considering a development application to which this clause relates, the consent authority must have regard to the effect the development is likely to have on the following:
- (a) the water quality and water quantity in the Grose River and its tributaries,
 - (b) the scenic quality of the area,
 - (c) existing riparian vegetation, the rehabilitation of local native riparian vegetation located along the Grose River and along drainage lines and creeks.

- (6) In this clause:

Cumberland Plain Woodland means the critically endangered ecological community with that name referred to in Part 2 of Schedule 1A to the Threatened Species Conservation Act 1995.

environmental constraint area means land identified as "Environmental Constraint Area" on the Environmental Constraints Area Map.

original lot for land being subdivided means a lot that existed immediately before 2 June 2000 that included the land.

AT - 2 Proposed Amendment to Clause 4.1E of Hawkesbury Local Environmental Plan 2012

4.1E Variations of lot size without increasing lot yield at certain land at Grose Wold and Grose Vale

- (1) The objective of this clause is to ensure the protection of threatened species, populations and ecological communities and land in an environmental constraint area within certain land at Grose Wold and Grose Vale.
- (2) This clause applies to land identified as “Area B” and edged heavy yellow on the Lot Size Map.
- (3) Despite clauses 4.1, 4.1AA, and 4.1A where land contains an environmental constraint area development consent must not be granted for the subdivision of the land unless:
 - (a) the number of lots to be created for a dwelling house by the subdivision plus the number of lots created for a dwelling house by any prior subdivision since 2 June 2000 of whole or part of the original lot will not in total exceed the area of the original lot for the land to be subdivided, in hectares, divided by 4, and
 - (b) any lot created for a dwelling house will contain at least one (1) hectare of land that is not in an environmental constraint area.
- (4) Where land does not contains an environmental constraint area development consent must not be granted for the subdivision of the land unless
 - (a) the minimum lot size provisions of 4.1, 4.1AA and 4.1A are complied with; and,
 - (b) the number of lots to be created for a dwelling house by the subdivision plus the number of lots created for a dwelling house by any prior subdivision since 2 June 2000 of whole or part of the original lot will not in total exceed the area of the original lot for the land to be subdivided, in hectares, divided by 4.
- (5) When considering a development application to which this clause relates, the consent authority must be satisfied that:
 - (a) the pattern of lots created by the proposed subdivision and the location of any proposed buildings on those lots will minimise the impact on any threatened species, populations or ecological communities, waterways and groundwater , and any land within an environmental constraint area, and
 - (b) a geotechnical assessment has been undertaken demonstrating the land is adequate for the on-site disposal of effluent in accordance with best practice, and
 - (c) any land containing threatened species, populations or ecological communities and any land within an environmental constraint area is retained in one lot as much as possible, and
 - (d) there will be no significant adverse impacts on any threatened species, populations or ecological communities or land within any environmental constraint area located downstream or surrounding the proposed development.

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- (6) When considering a development application to which this clause relates, the consent authority must have regard to the effect the development is likely to have on the following:
- (a) the water quality and water quantity in the Grose River and its tributaries,
 - (b) the scenic quality of the area,
 - (c) existing riparian vegetation, the rehabilitation of local native riparian vegetation located along the Grose River and along drainage lines and creeks.
- (7) In this clause:

threatened species, populations and ecological communities means species, populations and ecological communities specified in Schedules 1, 1A and 2 of Threatened Species Conservation Act 1995

environmental constraint area means land identified as “Environmental Constraint Area” on the *Environmental Constraints Area Map*.

original lot for land being subdivided means a lot that existed immediately before 2 June 2000 that included the land.

oooO END OF REPORT Oooo

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GENERAL MANAGER

Item: 216

GM - Proposed Western Sydney Airport at Badgerys Creek - Draft EIS and Draft Airport Plan - (79351)

REPORT:

Executive Summary

The Federal Government released the draft Environmental Impact Statement (EIS) and the draft Airport Plan for the proposed second Sydney airport at Badgerys Creek on 19 October, 2015. The proposed airport is referred to as the Western Sydney Airport (WSA). The draft EIS and the draft Airport Plan for WSA is on public exhibition from 19 October till 18 December, 2015.

Council has been following developments of commercial aviation in the Sydney region and the proposed second Sydney airport for some time now as air transport for our economy, residents and businesses is essential. Council has also been following developments regarding Defence aviation in conjunction with commercial aviation in the Sydney region, given the RAAF Base Richmond continues to be mooted as playing a role in Sydney aviation, whether this has been to be the second airport (now discounted by the Federal Government) or opened up to enabled some joint use of the base's airfield by Defence and commercial aviation; and in terms of Defence's long term intentions for the base in the area and in Australian Defence policy.

Council's position on the proposed second Sydney airport is that it supports the Badgerys Creek site as the most appropriate site for the second Sydney airport.

The purpose of this report is to provide Council with a brief overview of what the WSA will look like through the draft EIS and draft Airport Plan, what it means for the Hawkesbury local government area (LGA) and Council's position on the proposed WSA. WSA appears to have minimal impact on the Hawkesbury LGA, partly due to our distance to the WSA site at Badgerys Creek.

Consultation

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

The draft EIS and draft Airport plan are exhibited under Australian Government legislation. Details about airport information meeting dates have been posted to Council's website as soon as they have been notified by the Australian Government.

Background

On Tuesday, 15 April 2014, the Australian Government announced that a site at Badgerys Creek in Western Sydney would be the site for the second Sydney airport. At the same time the site was determined, a Western Sydney Infrastructure program was announced as a joint initiative of the Australian Government and NSW Government to support the airports' development over the initial ten year period.

The proposed WSA is subject to the Australian Government's environmental and development approval framework. Since the announcement, the Federal Government has commissioned the preparation of the draft EIS and the draft Airport Plan for the WSA. Both documents must be assessed before the Federal Government (Minister for the Environment and Minister for Infrastructure and Regional Development) can finalise and determine both documents. The Australian Government has also undertaken other steps towards realising a second Sydney airport, such as amendments to The Airport Act and liaison with the Sydney Airport Group, which has first right on operating the proposed WSA.

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The Federal Government released the draft EIS and the draft Airport Plan for the proposed WSA at Badgerys Creek on 19 October 2015 and these documents are on public exhibition from 19 October 2015 till 18 December 2015.

A second Sydney Airport has been a matter of discussion for some 40 years now. Part of the discussion is centred on how best to plan, develop and operate a second international airport in the middle of Western Sydney, an area that has a primary residential role yet is one of the largest economies in Australia; and at the same time not replicating the operational experiences of airports located in residential areas, like with Sydney Airport in Eastern Sydney. While the second Sydney Airport has been an ongoing issue, the Australian Government has been acquiring land at the Badgerys Creek site over a number of years.

On numerous occasions Council has considered reports on Sydney's aviation capacity and scoping studies in relation to the potential siting of a second Sydney airport and the future use of the RAAF Base Richmond, whether in Defence policy or in Sydney aviation. In regard to the proposed second Sydney airport, Council at its meeting on 26 November 2013 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."*

Further, Blacktown City Council subsequently proposed that a number of councils, including WSROC councils participate in the engagement and funding of consultants to review the EIS for the WSA site at Badgerys Creek. Council considered this request at its meeting on 26 May 2015 and resolved:

"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."

As a result of the above approach an extensive review of these documents is being undertaken on behalf of the participating councils which is being co-ordinated by WSROC. It is anticipated that a submission will be made by/on behalf of those councils in response to the draft EIS and draft Action Plan.

With Council's view that the Badgerys Creek site is the best site for the proposed WSA, commentary about the EIS is in this light and in regard to the potential impact of the airport on the Hawkesbury LGA. The Hawkesbury LGA is some distance from the WSA site and the draft EIS and the draft Airport Plan indicate that there would be minimal impact on the Hawkesbury LGA from the new airport.

However, it is noted that the draft EIS and the draft Airport Plan have been prepared over a relatively short period given the content to be addressed which is outlined in the Guidelines for Draft EIS for the WSA and the public exhibition period is short in which the public is required to digest extensive and technical data about the new airport.

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Matters of interest identified for the Hawkesbury LGA in the draft EIS and draft Airport Plan for the WSA are:

- flight paths for departures from the airport
- role of RAAF Base Richmond in Sydney Aviation capacity
- aviation fuel for the airport
- airspace architecture and operations.

The draft EIS considers the environmental approvals required for the new airport and looks at the construction and operation of Stage 1 of the proposed WSA (outlined in the draft Airport Plan); environmental, social and economic impacts associated with the construction and operation of Stage 1 of the airport; and potential impacts over the long term by providing a separate strategic, level environmental impact assessment. The draft EIS is divided into four volumes being:

Volume 1	Project Background
Volume 2	Stage 1 Development
Volume 3	Long Term Development
Volume 4	Complete Technical Reports.

The Draft Airport Plan considers the development approvals required for the new airport and specifies how stage 1 of the new airport would be constructed. It includes the concept design for the airport development including the development objectives, indicative flight paths, projected aircraft noise contours and the land use plan for the airport site.

Both the draft EIS and draft Airport Plan contain content that overlap each other. Key points for WSA and the Hawkesbury area are outline below:

- The airport site is about 1,780 hectares and is in the Liverpool local government area. It is about 20 kms from Parramatta, Blacktown and Penrith and about 43 km from Windsor.
- Stage 1 of the airport would include:
 - a 3,700 metre runway in the northern part of the site, positioned on a north-east/southern-west (50/230 degree) orientation i.e. 2 o'clock/ 8 o'clock
 - a full length taxiway, parallel to the runway
 - a range of aviation support facilities, such as passenger terminal, cargo and maintenance areas, car parks and navigational aids
 - Construction for Stage 1 and some works for future expansion in Stage 2 (long term development, southern part of site)
 - International airport to highest standard - Code F (maximum take-off weight aircraft) and with highest flight range – 8,000 nautical miles i.e. Flights to Europe/Africa and eastern North America/South America
 - 24 hour operation
 - up to 10 million domestic and international passengers per year (63,000 air traffic movements per year, both passenger and freight), by 2025-2030
 - Peak air traffic movement likely to be 21 per hour.
- Stage 2 of the airport would include:
 - Progressive expansion as demand increases beyond 10 million passengers per year
 - Additional aviation infrastructure and support services provided
 - a second runway triggered at an operational capacity of 37 million passengers per year (185,000 air traffic movements per year), and is expected to be required in 2050
 - Peak air traffic movement likely to be 49 per hour.
- The overall airport capacity is forecast to service 82 million passengers per year (370,000 air traffic movements per year) by 2063. Peak air traffic movement likely to be 85 per hour.

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- Runways for the airport are orientated on the north-east/southern-west (50/230 degree), and allows aircraft to take-off or land on a "05" operation or a "23" operation i.e. either end of the runway. The "05" operation would only see departure over the Hawkesbury area at about 10,000 feet, from south to north approximately over Richmond to East Kurrajong and Colo. This is the upper limit of flight heights mapped in the draft EIS and the draft Airport Plan. The "23" operation does not involve flights over the Hawkesbury LGA.

The flight paths are a matter of interest for the Hawkesbury LGA, however, given the distance to the airport and the height of aircraft by the time they reach the area (approximately 10,000 feet) it is not considered to be of significance to the community. The one flight path over the Hawkesbury (departure) at height also means minimum aircraft noise. Residential areas in other local government areas, under arrival and departure flight paths would experience aircraft at lower flight heights and hence more noise (0 to 10,000 feet). It is unlikely that flight heights and limited noise would change for the Hawkesbury LGA in the long term operational capacity of WSA given that aircraft are much quieter these days and as aeronautical engineering improves, for example an A380 is quieter than a 747.

- The role of RAAF Base Richmond is reviewed in the draft EIS. It is indicate the Base could only ever provide an ancillary capacity for Sydney aviation, even with operational changes to the bases airfield.

The role of RAAF Base Richmond in Sydney Aviation is a matter of interest for the Hawkesbury LGA. While Council is pleased to hear that the Australian Government no longer thinks the Base could ever be the second Sydney airport, clarification is still required around the role of the Base in Sydney Aviation. At the time the WSA site was announced the Australian Government indicated it would explore joint use of the Base to help with general/commercial aviation needs, likely while WSA is being constructed and developed through to 2050.

- Aviation fuel will initially be brought to the WSA site by road tankers and stored on site. Fuel requirements in Stage 1 operation equates to about two tankers per hour per day entering and leaving the airport site. This is likely to be sourced from Clyde or Banksmeadow fuel terminals. Fuel would be stored for at least three days requirements and works would be completed in Stage 1 works. Fuel storage would be increased as airport operations increased in Stage 2 works. Both documents mention that in time fuel could be brought to the site via a dedicated pipeline, which would be subject to a separate approval process. Neither document indicates where the long term pipeline might come from.

The fuel supply to the WSA is a matter of interest for the Hawkesbury LGA. Pipeline supply of aviation fuel would be ideal given the anticipated air traffic movements in the future and to remove fuel tankers from Western Sydney roads. It could be possible that a pipeline might be considered to link RAAF Base Richmond to WSA, given that the Base has substantial fuel storage capacity now and the future of Base in both Defence Policy and its role in Sydney aviation continues to be considered and assessed.

- Airspace architecture and operations is a term used to generally describe air space controls. Control zones extend from ground level to specified altitude in airspace surrounding major airports. In Sydney there are control zones for Sydney Airport, Bankstown Airport and Camden Airport. On top of this there are Restricted Areas, unusually to do with Defence needs, where aircraft cannot fly unless under certain conditions. The main restricted areas in Sydney are RAAF Base Richmond, Army Range Holsworthy/ Lucas Height and Tasman Sea Military Flying Training. The draft EIS indicates that Defence is conducting a scoping study to identify whether the restricted areas can be reduced in volume to better support civilian operations while not compromising Defence activities.

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- The airspace controls for RAAF Base Richmond are matter of interest for the Hawkesbury LGA. It is unknown whether the review Defence is undertaking is to do with exploring some joint use of the Base to support Sydney Aviation, as previously discussed, or to generally facilitate greater use of WSA in the long term. If there were changes to the restricted area airspace, there is potential for more flights, lower flight levels and hence more aircraft noise impact on the Hawkesbury area from commercial aviation in the Sydney region. This would have a significant impact on the amenity and economy of the area. Since the matter has been flagged in the draft EIS, the Australian Government should explain what is meant by the statement and how this could affect the planned aircraft operations out of WSA and RAAF Base Richmond.

Summary

Overall the draft EIS and the draft Airport Plan are designed to facilitate the construction and operation of the proposed WSA at Badgerys Creek. There has been much debate over the years regarding the location of a second airport, however the Australian Government has now committed to its development at Badgerys Creek. Council has indicated its support for Badgerys Creek as being the most appropriate site for the second Sydney airport. The WSA would have minimal impact on the Hawkesbury LGA as presented in the two documents, but there a few matters of interests that should be clarified and raised as they could eventuate into cumulative impacts through the operation of the airport business; and because RAAF Base Richmond continues to be involved in the Sydney Aviation conversation.

Conformance to the Hawkesbury Community Strategic Plan

- 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.

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

- Actively support the retention of the RAAF Base and enhanced aviation related industry, building on existing facilities.
- 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

There are no funding implications associated directly with this report.

RECOMMENDATION:

That Council make a submission to the exhibition of the draft Environmental Impact Statement for Western Sydney Airport and the draft Airport Plan for Western Sydney Airport in line with the matters of interests raised in the report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 217 **CP - Hawkesbury Horizon Project - Progress and Proposed Future Actions - (95498, 124414)**

Previous Item: 243, Ordinary (9 December 2014)
 59, Ordinary (28 April 2015)
 120, Ordinary (28 July 2015)

REPORT:

Executive Summary

The purpose of this report is to update Council on the status of the Hawkesbury Horizon Initiative. Since the previous report to the Council meeting on 28 July 2015 the following progress has been made on the Initiative:

- The Hawkesbury Horizon Initiative (HHI) Working Group met for the second time to review the final Scoping Study on Hubs and to discuss the list of potential Regionally Significant Investable Projects (RSIPs).
- The principles of a RSIP were explored for the Richmond Village Community Precinct, which is currently under construction. The future use of the site across business, health, education and lifestyle is being investigated.
- Refinement of the list of 400 Big Ideas to almost 50 potential RSIPs which meet the Initiative's Aspirations and Actions and drew on information from the four Scoping Studies.
- The development of a set of criteria to test potential RSIPs.
- The HHI Working Group met on a third occasion to test the 50 or so projects against the criteria.
- A short list of potential RSIPs for Council's consideration.

This report recommends that the information be received and that Council support the next phase in the Initiative which would be to establish an internal HHI RSIP concept assessment panel to complete a preliminary desk top audit of the short listed proposals. The desk top audit would provide information including preliminary project costing, options, funding opportunities, location and investment partners.

Consultation

The issues raised in this report, including the meeting of the HHI Working Group have involved some consultation and are matters which have already involved some preliminary engagement processes. Should Council determine to continue to work on this Initiative, the latter phases would include broader public community consultation under Council's Community Engagement Policy. However, prior to that consultation proceeding (in the latter phases), a further report to Council would be provided seeking approval to publicly exhibit.

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Background

At the Council meeting on 28 July 2015 a progress report on the HHI was considered and the Council resolved as follows:

"That:

- 1. The information on the progress of the Hawkesbury Horizon be received.*
- 2. A further report be provided to Council following completion of the scoping studies and development of a preliminary framework for the revitalization action plans and beautification plans."*

This report relates to point two of the above resolution.

HHI Phases

Hawkesbury Horizon Initiative		Comment
Phase 1	Response to Hawkesbury Community Strategic Plan (CSP)	This project seeks to respond to the CSP's themes, directions and actions by creating thriving town centres by aiming for RSIPs.
Phase 2	Gathering Big Ideas	During 2014 and 2015, Big Ideas Workshop surveys and youth summit completed and 200 Big Ideas collected.
Phase 3	Preparing Business Plans (including Scoping Studies and aligning with other Council plans and projects including Revitalisation Action Plans, Beautification Planning, Economic Strategy and Tourism Strategy	Proposed for July - December 2015. Progress reports to Council after business plan preparation (see below).
Phase 4	Undertaking pre-feasibility, public consultation and project selection	Date to be determined in 2016, based on Phase 3 outcomes.

As reported to Council, the HHI was designed to be implemented over four phases (as outlined above and detailed below):

Phases 1 and 2 are complete.

This report has been prepared to provide an update on Phase 3 and discuss moving towards Phase 4.

As part of Phase 3, four Scoping Studies were prepared, they included:

1. Equine Scoping Study
2. Outdoor Recreation Scoping Study
3. Agricultural Scoping Study
4. Hubs Scoping Study.

These four themes were identified as worthy of additional investigation emerging from the BIG Ideas phase of the project and consultation with Councillors, the wider community, agency, business groups and the HHI Working Group. These Scoping Studies were prepared to better understand the four themes in the Hawkesbury. They have each been reviewed and commented on by members of the HHI Working Group and as additional information becomes available the reports will be updated. The information from the Scoping Studies was very valuable in determining which projects were included in the list of potential RSIPs described below.

A further aim of this Phase was to inform the preparation of:

1. *Revitalisation Action Plan (RAP)* - essentially a compilation of proposed works into an integrated capital works program to achieve the broad intent of Council's suite of adopted plans. Under this umbrella, Big Ideas would be reviewed to identify which proposals could be aligned or add value to works and strategies within adopted plans to be delivered over the next 10 years. Attachment 1, the Windsor Revitalisation Action Plan, provides an example what the capital works program, based on the strategic framework (Attachment 2) would look like for Windsor. It is planned that a similar Plan will be prepared for the other major towns and smaller centres.
2. *Economic Development Strategy* - envisaged as a 'cross-pollination' exercise with the information in the Economic Development Strategy informing HHI deliberations, and presumably (as above) which Big Ideas could be aligned or add value to works and strategies within the Economic Development Strategy.
3. *Beautification Plan* - an approach similar to the RAP but with a focus on heritage and streetscape issues for the townships of Windsor, Richmond and North Richmond.
4. *Tourism Strategy* - an approach similar to the Economic Development Strategy where Big Ideas could be aligned or add value to works and strategies within the Tourism Strategy.

The primary intent of Phase 3, as reported to Council, was for the HHI Working Group to prepare a preliminary short list of concepts which the HHI Working Group had assessed as potential vehicles for treatment as RSIPs for Council consideration.

Under Phase 4, Council would select one or a number of these RSIPs, to proceed to a pre-feasibility financial assessment to determine which projects would be suitable for further progression for funding applications and/or tendering.

An Existing RSIP

In November 2011, a design brief was prepared for the expansion of the Seniors Centre at Richmond. By the end of 2015 Stage 1, what is now known as the Hawkesbury Leisure and Learning Centre (HLLC), is almost complete. The upgrade to the facility includes a kitchen and café, health room, courtyard, entertainment area, meeting rooms, wet area and sprung timber floor and Wi-Fi connections. The project construction was funded by developer contributions, with a number of grant applications being unsuccessful.

The HLLC has the potential to be an example of a RSIP. The design of the final layout of the building reflects the principles of business, health, education and lifestyle which the HHI have adopted for RSIP.

- *Business* - Council is currently exploring opportunities with community partners to identify where the Centre can support existing activities or initiate new opportunities using the updated facilities and spaces within the Centre.
- *Health* - options available for traditional health services and new services that have not previously been involved with the facility. There could be opportunities for health and disability training, obesity education, links with health providers like St John of God.
- *Education* - pursuing connections with Western Sydney University and other institutions to explore educational opportunities in the town centre.
- *Lifestyle* - the new facility offers increased opportunities to experience craft in the wet area, yoga and dance with a sprung floor, meeting and consulting areas, café and courtyard for socialising.

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While the project was initiated prior to HHI the key ideas from this project will be able to guide the final outcome and will continue to influence Council's ongoing strategy to create a network of community precincts at Bligh Park, North Richmond, Glossodia, Wilberforce, Kurrajong, Pitt Town and South Windsor.

Selecting a RSIP

Based on the framework identified in Phases 3 and 4, the HHI Working Group met to review the 50 or so projects identified from the original 400 Big Ideas. The list of the 50 potential projects was selected based on the outcomes of the Scoping Studies and the projects that could come from these key areas. The projects were also developed to meet the three HHI Aspirations:

- Communities with Capacity
- Destination Hawkesbury
- Precincts of Enterprise.

Derived from each of these Aspirations are three corresponding Actions which were also used to guide the exploration process for the potential RSIPs:

1. To form local hubs for wellbeing, community gatherings, emergency services and technology
2. To become a regional destination for heritage, arts, agriculture and outdoor recreation
3. To create centres of excellence for sport and recreation, advanced manufacturing, and learning.

These are shown below in Figure 1.


 Hawkesbury Horizon Initiative			
Aspiration	Communities with Capacity	Destination Hawkesbury	Precincts of Enterprise
Outcome	Local communities that respond to community needs as part of Sydney's metropolitan area	Local places that reflect Hawkesbury's rural past, present and future on the urban fringe	Local economies that attract investment and offer enhancement opportunities to support Sydney's future.
Action	To form local hubs for wellbeing, community gatherings, emergency services and technology.	To become a regional destination for heritage, arts, agriculture and outdoor recreation.	To create centres of excellence for sport and recreation, advanced manufacturing, and learning
Core behaviours	by building on abilities and alliances between Council, community and industry	by transforming agreed actions into visible signs of success	by aligning existing assets and resources to maximise investable opportunities
Result	<i>Hawkesbury Looks and Feels...</i>	<i>Hawkesbury Looks and Feels...</i>	<i>Hawkesbury Looks and Feels...</i>
Social	Friendly	Vibrant	Strong
Economic	Resilient	Iconic	Viable
Examples of relevant Council Documents	<ul style="list-style-type: none"> • Cultural Strategy • Revitalisation Action Plan • Beautification Plan 	<ul style="list-style-type: none"> • Cultural Strategy • Heritage Strategy • Branding • Tourism Strategy 	<ul style="list-style-type: none"> • Economic Strategy • Tourism Strategy

Figure 1 - Hawkesbury Horizon Initiative – Three Common Aspirations

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Each of the 50 projects were categorised under one of the three Aspirations. The list of projects (included in Attachment 3) was then taken to the HHI Working Group to discuss and a preliminary assessment of each project was made first by Council staff and then by the group as to:

- Which projects could conceivably be referred for incorporation within Council's long-term works programs and/or the Economic Development and Tourism Strategies
- Which projects are potentially vehicles for RSIPs.

Criteria were developed to assist the HHI Working Group to undertake this Phase 3 assessment. The criteria has been structured in the form of a series of questions which could be applied to the assessment of a proposed HHI Project. It assumes that the more boxes that can be ticked with a 'Yes' response, the greater for the potential for the project to be endorsed by Council. A copy of the criteria is included in Attachment 4.

The outcomes of this Phase 3 preliminary assessment are:

- a) a primary short list of RSIP's
- b) a secondary list of non-RSIP HHI Projects for incorporation and/ or alignment with Council's future works programs.

Five projects were identified as potential RSIPs by the HHI Working Group:

1. North Richmond Hub and Emergency Service Centre
2. Clarendon Innovation, Technology and Recreation Precinct
3. Hawkesbury Waste Facility
4. River Precinct
5. Equine Precinct.

The opportunity to transform the Hawkesbury Waste Management Facility into a regional resource recovery park with a Municipal Waste Treatment Facility and/or a Drop-Off Resource Centre is currently being explored by Council. As it is the subject of ongoing investigations it was decided by the HHI Working Group that its potential as an RSIP should be assessed independently of the HHI.

It was therefore agreed that the four potential RSIPs nominated by the HHI Working Group would include:

1. North Richmond Hub and Emergency Service Centre
2. Clarendon Innovation, Technology and Recreation Precinct
3. River Precinct
4. Equine Precinct.

A brief description of each follows:

North Richmond Hub and Emergency Service Centre

A multipurpose community and cultural hub with an emergency centre servicing the communities north of the River. The proposal would include expanding the existing Council owned community centre at North Richmond to include business, community, health and wellbeing opportunities. New infrastructure could be added to the existing centre to accommodate police, ambulance, fire and possibly emergency services.

Clarendon Innovation, Technology and Recreation Precinct

An Innovation, Technology and Recreation Precinct located on 30 to 70 hectares of UWS land between Hawkesbury Showground and the Richmond Golf Club at Clarendon. The Precinct would have two components:

- *Recreational Precinct* - Outdoor skate park, multiuse structure capable of seating 4,000-5,000 with removable roller skating rink and indoor skate park facilities with attached storage areas, mess hall, commercial kitchen. Accommodation units and bunk house accommodation, outdoor movie screen and event area. Innovative play park. Limited picnic and BBQ facilities, bike track with BMX diversion paths. Community garden, art space, outdoor learning areas. Space for tourism businesses to promote activities within the LGA. Heritage/archeological research centre. Outreach hub for community services.
- *Innovation and Technology Facilities* - Facilities linked to the event structure. Co-partner with TAFE and WSU. Onsite technology businesses using the space for private enterprise whilst engaging with campuses and startups. Small and microbusiness resources with assistance from private enterprise. Music industry rehearsal, recording and development using state of the art technology for streaming and promotion.

River Precinct

A tourist facility at Macquarie Park, Windsor with links to complementary facilities up and down the River. The proposed site is the Council managed land on the southern side of the River at Windsor. A range of possible inclusions at the Precinct were explored by the HHI working Group and could include:

- Resort style holiday park with facilities including caravans, campsites, cabins, motorhomes, units
- Encouraging water sports on the River
- Further developing links between the Windsor town centre and River
- Encouraging day trippers to the region
- Developing walking paths/bike connections
- Funpark/water park/zoo/beach
- Marina facility
- Splash park/water features
- Outdoor recreation – BMX track/zip line/park upgrade
- Promotion of outdoor tourism
- Pedestrian bridge across Hawkesbury River between Macquarie Park and Deerubbin Park
- Triathlon centre at Macquarie Park.

Equine Precinct

Upgrade of the equine precinct at Clarendon and investigate opportunities for additional facilities to better service the existing industry. Initial works could explore opportunities around the Showground, Race Club, racing premises, TAFE and University land for accommodation options, additional events and event space, arenas, pet friendly opportunities, education and health facilities. Extending the Precinct to include the Richmond Lowlands and up into Grose Wold can also be explored.

There may be an additional option to investigate combining the Innovation, Technology and Recreation Precinct with the Equine Precinct into one project at Clarendon incorporating aspects of both RSIPs.

It is proposed that Council now consider and adopt one or a number of potential RSIPs for further investigation as part of Phase 4.

Phase 4

The goal of Phase 4 is to identify a RSIP or a selection of RSIPs for which prefeasibility documentation can be prepared to respond to funding opportunities.

Each of the four proposed RSIP concepts (plus the Waste Management Facility proposal) will require sizeable Council and/or external investment. As such, they have the potential to carry significant financial and reputational risks for Council and investment partners. A comprehensive and independent due diligence assessment will need to be undertaken to assess the business case and risk profile of the concepts. This will require the engagement of a reputable professional services firm (e.g. Price Waterhouse Cooper, Ernst & Young, Morrison Low) at some cost. The funds remaining in the HHI budget allocation are unlikely to finance more than one due diligence assessment.

Council is also unlikely to have the financial and human resource capacity to progress all five concepts at once, and is equally unlikely to be successful in seeking substantial external investment from government for more than two concepts at best. Accordingly, Council will need to identify a preferred RSIP concept for external due diligence assessment (in addition to the Waste Management Facility Proposal).

To facilitate this decision making process, it is suggested Council establish an internal HHI RSIP concept assessment panel. The role of the panel would be to complete a preliminary desk-top audit of the four RSIP concepts.

The audit would be twofold. Firstly, to review the four proposed RSIP concepts against the criteria established by the HHI Working Group, and secondly undertake a preliminary assessment of the four HHI proposals against the Federal Government's National Stronger Regions Fund (NSRF) assessment criteria. The NSRF is likely to be the primary source of government funding that will be applied to progress the preferred HHI proposal.

The four short-listed RSIP concepts have been the subject of extensive and passionate discussion within the HHI Working Party, with some members of the Working Party strongly advocating for one or a number of HHI concepts.

In view of the significant financial and reputational risks involved in progressing a multi-million dollar economic catalyst project, the proposed establishment of an internal HHI RSIP concept assessment panel has been proposed to provide a preliminary 'arms length' audit of the RSIP, with the outcome of this objective review reported to Council for its further consideration. For this reason, it is suggested that the internal HHI RSIP concept assessment panel be made up of staff who have not been involved in the HHI process to date (although the panel will obviously be able to seek information about each of the RSIP concepts from staff who have co-ordinated the HHI process).

It is likely that the progression of RSIP concepts will involve investment in the order of \$10M. Each of the concepts will involve:

- the construction of significant assets
- a viable business model to fund the operations of a project
- the establishment of investment partnerships.

Accordingly it is suggested that the internal HHI RSIP concept assessment panel be comprised of the Director Infrastructure Services (to assess the likely capital and recurrent costs of each HHI RSIP concept), the Chief Financial Officer (to assess the likely level of income required to support the operations of the concept), and the Director Support Services (to assess the partnership and probity aspects of each concept).

The outcome of this preliminary assessment would be reported to Council early in 2016 to provide Council with information with which to make an informed decision as to which of the four RSIP concepts should be selected to progress to the external due diligence assessment.

Conformance to the Hawkesbury Community Strategic Plan

The Hawkesbury Horizon Initiative is consistent with a large number of the CSP, Directions and Strategies:

Looking After People and Place Direction statements:

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.
- Have friendly neighbourhoods, connected communities and supported households and families.

and is also consistent with the nominated strategy in this Theme being:

- Revitalise and enhance town centres and villages.

Linking the Hawkesbury Direction statements:

- Be linked by accessible, viable public transport, cycleways and pathways to the major growth, administrative, commercial and service centres within and beyond the Hawkesbury.
- Plan for, maintain and renew our physical infrastructure and community services, facilities and communication connections for the benefit of the residents, visitors and businesses.

and is also consistent with the nominated Strategy in this Theme being:

- Facilitate an integrated transport network.

Supporting Business and Local Jobs Direction statements:

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

and is also consistent with the nominated strategies in this Theme being:

- Differentiate, brand and promote the Hawkesbury as a tourism destination.
- Increase the focus on high end jobs and innovation to build on our strengths and achieve a diverse industry base.

Shaping Our Future Together Direction statements:

- A balanced set of decisions that integrate jobs, housing, infrastructure, heritage and environment that incorporates sustainability principles.
- Have constructive and productive partnerships with residents, community groups and institutions.

and is also consistent with the nominated strategy in this Theme being:

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

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The CSP is Council's key planning document. The ongoing revitalisation and the potential RSIPs would reflect the Themes, Directions and Strategies within the CSP. The documentation prepared would be a significant planning tool which would guide the future of the Hawkesbury.

Financial Implications

There is funding already set aside for the HHI in the adopted 2015/2016 Operational Plan. The cost of preparing a prefeasibility assessment under Phase 4 Stage 2 for each RSIP nominated by Council would be expected to be a minimum of \$80,000-\$100,000. The grant funding application required for a RSIP would need to be considered in future budget years and be subject to investment and grant funding sources.

Conclusion

This report has been prepared to update the status of the HHI. The HHI Working Group has met to review the Hubs Scoping Study and has tested the list of potential RSIPs against the project criteria. Through this process a short list of four potential RSIPs has been developed and a list of other non RSIP projects has been identified for alignment with Council's future works program. It is proposed that Council now consider and adopt one or a number of potential RSIPs for further investigation during Phase 4.

The first stage of this Phase 4 assessment should include a further briefing and report to Council on timing and costs to produce a prefeasibility assessment on the RSIPs prior to proceeding to the prefeasibility assessment. The second stage of Phase 4 would be to prepare prefeasibility assessments on one or more of Council nominated RSIPs. A secondary list of non-RSIP projects will be developed for incorporation and/or alignment with Council's future works program, the Beautification Plan Revitalisation Action Plan, Economic Development Strategy and Tourism Strategy.

Council has continued to approach this project in an innovative way engaging the community and Councillors through the Working Group and developing and refining its methodology. The long list of projects identified through the consultation process has largely aligned with projects that are already identified in Council's plans. The work at the HLLC also offers some comfort that the process is adaptable and will provide a good model which will be able to be replicated not only across other community centres but other potential RSIPs.

A further Councillor Briefing Session and report should be provided to Council prior to conducting a detailed prefeasibility study.

RECOMMENDATION:

That:

1. The information on the progress of the Hawkesbury Horizon Initiative be received.
2. The proposed phases for the Hawkesbury Horizon Initiative as outlined in this report be supported.
3. A further progress report be submitted to Council concerning the costs and timing of a prefeasibility assessment for each of Council's preferred or short list of RSIPs.

ATTACHMENTS:

- AT - 1 Windsor Revitalisation Action Plan - *(Distributed Under Separate Cover)*
- AT - 2 Strategic Framework - *(Distributed Under Separate Cover)*
- AT - 3 Potential RSIP Project List
- AT - 4 Criteria for RSIP Sections

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AT - 3 Potential RSIP Project List

	Aspirations and Project List	Is the project regionally significant?	Is the project in an existing Council plan?	Is the project a core function of Council?
1.0	Communities with Capacity			
1.1	Richmond Hub	No	Yes	Yes
1.2	Glossodia Hub	No	Yes	Yes
1.3	Bligh Park Hub	No	Yes	Yes
1.4	Pitt Town Hub	No	Yes	Yes
1.5	North Richmond Hub	No	Yes	Yes
1.6	Wilberforce Hub	No	Yes	Yes
1.7	North Richmond Town Centre Reorientation	No	Yes	Yes
1.8	Youth Centre/Skate Park	No	No	Yes
1.9	Clarendon Hub	Yes?	No	No
1.10	Emergency service facility	Yes?	No	No
1.11	Waste facility	Yes	Yes	Yes
2.0	Regional destination for heritage, art, agriculture, outdoor recreation			
2.1	Tourist Park at Macquarie Park	Yes	Yes	No
2.2	Strong pedestrian links through Windsor town centre	No	Yes	Yes
2.3	Encourage water sport activity on the River	No	Yes	Yes
2.4	Further develop links between Windsor town centre and River	No	Yes	Yes
2.5	Upgrade Windsor town centre	No	Yes	Yes
2.6	Increase events calendar	No	Yes	Yes
2.7	Develop farmgate trails	No	Yes	Yes
2.8	Upgrade Richmond town centre	No	Yes	Yes
2.9	Create gateway entry to Windsor	No	Yes	Yes
2.10	Outdoor events Vivid/cinema/festivals	No	Yes	Yes
2.11	Increase accommodation options	Yes	No	No
2.12	Branding the Hawkesbury	No	Yes	Yes
2.13	Encourage day trippers	No	Yes	Yes
2.14	Sell/promote/resurrect Hawkesbury as the Sydney food bowl	No	No	No
2.15	Develop walking/bike path connections	No	Yes	Yes
2.16	Fun park/ waterpark/zoo/beach	No	No	No
2.17	Large 'Westfields' shopping complex	Yes	No	No
2.18	Marina facility at Windsor	Yes	No	No
2.19	Splash park/water features	No	No	No
2.20	Outdoor recreation - BMX track/zip line/park upgrades	No	No	No
2.21	Retain/promote farming/agriculture/agricultural jobs	No	No	No
2.22	Performing arts studio/art education	No	Yes	Yes
2.23	Cinema complex	No	No	No
2.24	Promote outdoor tourism	No	Yes	Yes
2.25	Pedestrian bridge across Hawkesbury River between Macquarie Park and Deerubbin Park	No	No	No
3.0	Centres of excellence for sports and recreation, advanced manufacturing and learning			
3.1	Equine facility	Yes	No	No
3.2	Upgrade equine precinct	Yes	No	No
3.3	Grow agribusiness opportunities	No	No	No
3.4	Develop links between TAFE, WSU, Notre Dame	No	No	No
3.5	Bring select WSU facilities into Richmond	No	No	No
3.6	RAAF links - possibly health, airport, emergency, education, equine	Yes	Yes	No
3.7	Develop links between Hawkesbury Hospital/St John God	No	No	No
3.8	Polo Facility	Yes	No	No
3.9	Upgrade Hawkesbury Showground	Yes	No	No
3.10	Develop synergies between Showground and Racecourse	No	No	No
3.11	Animal centre/Hawkesbury pet friendly	No	Yes	Yes
3.12	Triathlon centre	Yes	No	No

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AT - 4 Criteria for RSIP Sections

► Criterion 1a: Is the Project a Regionally Significant Investable Project?

Issues to be considered: Defining a RSIP:

- "Major Projects Guidance for Local Government" defines a Major Project as \$10M or more in value.
- Delivers a benefit across a Region (the Hawkesbury LGA at a minimum but would carry more weight if benefit extends to adjoining LGAs).
- Under the Federal Government's *National Stronger Regions Fund* (NSRF), the primary assessment criteria is that a project:

Contributes to quantifiable regional economic growth through increased levels of economic activity:

- generates additional income by increasing outputs or regional exports and/or more efficient use of resources or reduced costs;
- creates direct and indirect employment (beyond construction phase);
- diversifies business profile of region;
- more efficient use of resources, more efficient transport network.

Addresses an identified region or area of disadvantage:

- located or targeting an area with high SEIFA Index (Socio-Economic Disadvantage Index);
- reduces unemployment;
- responds to population change (demography) or population growth/decline;
- impact of structural change (industry transitions) or climate change;
- skill levels of population/workforce.

- The NSRF provides grants of between \$20,000 and \$10M for capital projects involving construction of new infrastructure on a 50:50 basis – the applicant would need to dollar match the grant being applied for.

Based on the Criteria for regional significance, is the Project Regionally Significant?

☐ Yes (if yes, go to Criterion 2)

☐ No (if no, go to Criterion 1b)

► Criterion 1b: Could the Project fall within the scope of a Revitalisation or Beautification Plan and/or the possible brief for the Economic Development or Tourism Strategy?

Issues to be considered: Possible incorporation of HHI Project into Council works program and/or strategy.

• Council has adopted a 20 year Community Strategic Plan. Sitting underneath this strategic document is a suite of more than 20 adopted plans which drill down into the CSP and provide a blueprint for proposed programs and works. These plans touch on the things that are important to the community – land use, parks and public spaces, river, the economy, the environment, transport and access, and community facilities. They were developed in consultation with the community and capture and record the community's views and translate these into proposed actions for implementation.

• Council staff have recently completed an audit of Council's adopted plans to identify their connecting themes and the collective outcomes they are pursuing. The audit has extracted the capital works content of these plans (Attachment 1). The list of works comprise a combination of asset renewal works identified through Council's asset management system, or asset upgrade works to meet the demands arising from population growth and changing customer needs. These works are intended to be programmed and factored into future budgets, and inform Councils approach to partnerships with government (through grants), developers (S94/94A developer contributions and Voluntary Planning

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Agreements) and third parties to leverage the investment required to contribute to the funding of these works. In this context, proposed HHI Projects will be overlayed on top of existing community and asset plans.

• This strategic framework requires investment decisions to be evidence based in terms of their design and in balancing the needs of existing and future user groups, and financially sustainable so that the servicing of these can be funded over the long term. Based on the audit, four primary CSP outcomes with an inherent requirement for capital works investment have been identified. They are;

- **renewing town centres and villages** to improve their look, functionality and liveability so that they become safe places of activity by day and night;
- **a linked network of multi-use facilities and public spaces** that bring people together and provide active & passive recreation options for all ages;
- **activating rivers, landscapes and heritage** so that we can make the best use of our waterways, riparian areas and heritage fabric as key recreation, economic and tourism assets;
- **pedestrian connectivity and integrated transport network** – so that people can safely access facilities and safely traverse public spaces.

• **Attachment 2** provides an example of what a capital works program based on this strategic framework would look like for Windsor. The map plots all the capital works (both renewals and upgrades) based on technical requirements and the content of adopted plans as they apply to Windsor. It effectively represents a *Revitalisation Action Plan* for Windsor (currently a work in progress).

Based on this strategic framework for capital works investment, can the proposed HHI Project be referred for possible incorporation into Council works program and/or strategy?

☐ Yes

☐ No

► Criterion 2: Could HCC contribute to the Project?

Issues to be Considered: HCC contribution to the funding and/or commissioning of HHI Project.

• Council is the custodian of almost \$1 Billion in community assets. Its primary business function is to maintain these assets and to deliver the 'core services' it is mandated to do by legislation. Council also provides other discretionary and non-core services in response to community need and/or to address service gaps. Its ability to invest in services or facilities is a function of its financial capacity.

• Under the NSW Governments Fit for the Future (FFTF) Reform program, Council is required to operate within defined financial benchmarks. The potential impact of a decision to invest in a proposed project will need to be modeled against the FFTF benchmarks.

• Depending on the project, Council may be in a position to contribute financial resources (in the form of equity, debt, deferred income, a building or land), and/or support a project through a zoning or other planning process. The determinant of the possible mix of a HCC contribution will ordinarily be dependent on whether the project represents a 'core' HCC function or responsibility.

• Where a project is determined to be aligned with a 'core' HCC function or responsibility, then Council would be considered as the primary investor and would conceivably take the role of 'lead agency' to prepare business case/prospectus, undertake due diligence, source grant funding, prepare tender specifications and initiate investment partnerships.

• Where a project is not considered to be aligned with a 'core' HCC function or responsibility, then Council's role would be the same as any other potential investment partner. Council's participation in the project would be subject to a rigorous due diligence assessment based on a projected return on investment. In this scenario, Council may not have the expertise to fill the role of lead investment

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agency and this role would be better undertaken by an investment partner with the requisite expertise and track record.

- In both the 'core' and 'non-core' scenarios, the financial impact of any project on Council's business operations would need to be assessed. However, where a project was determined to be a 'core' HCC function or responsibility, there would be a greater likelihood that (subject to a business case) Council would be in a position to consider a financial and/or in-kind contribution to the project and take a lead role in progressing the project.

- Where a project was not considered to be a 'core' HCC function or responsibility, then the HHI Working Party would be requesting Council to consider becoming an investment partner and the rationale and justification for the proposed HHI Project would need to be tight and persuasive.

Based on the criteria for possible HCC investment, would the proposed project be considered a core function or responsibility of Council?

☐ Yes ☐ No

Does the proposed Project carry the capacity to generate a sufficient income stream to deliver a return on investment to at least cover the cost of the required Council investment?

☐ Yes ☐ No

➤ Criterion 3: Can the project be segmented to facilitate a staged development?

Issues to be Considered: Requirement for a staged development.

- The scope of a HHI project (particularly a RSIP) may carry a requirement for substantial third-party investment. This may apply equally for both the core and non-core scenarios outlined in Criterion 2. Without this third party investment the practical completion of a HHI Project may not be possible.

- In an increasingly contestable funding and/or competitive investment environment it may not be possible to secure the required total investment for a project in one tranche. The ability to segment a HHI Project into smaller 'stand alone' components to facilitate a staged development over time may be an advantage (e.g. example of the Hawkesbury Leisure and Learning Centre which has been constructed to enable a second storey to be added at a later date should funding become available).

Can the project be segmented to facilitate a staged development?

☐ Yes ☐ No

➤ Criterion 4: Does Council have any non-cash assets (infrastructure, land) which could be activated at the project location.

Issues to be Considered: HCC Non-cash contribution.

- Council may not be in a position to provide a cash contribution to a proposed project (in the form of equity or debt) or otherwise contribute to a proposed project where the projected return will not cover the cost of the Council's investment.

- Depending on the project location, Council may be in a position to contribute non-cash assets in the form of buildings or land (particularly where these assets are underutilised). Council may also be able to facilitate a project through its zoning and planning powers (subject to legislative and probity considerations)

Is Council in a position to facilitate the proposed project through its zoning and planning powers?

☐ Yes ☐ No

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Summary: Determining Regionally Significant Investable Projects for Report to Council.

Does Council own building and/or land at the proposed Project Location?

☐ Yes

☐ No

The matrix below summarises the application of the Criteria outlined in this briefing paper. The vertical axis plots a project based on its geographic coverage (from local to regional) and the horizontal axis plots a project based on its alignment with Council's business functions. The shading for each quadrant represents the potential level of direct Council investment and participation in a project – a darker shading represents a greater depth of possible Council involvement and responsibility for the progression of a project.

geographic coverage of proposed project	regional	Possible Council participation as investment partner subject to rigorous due diligence assessment and projected return on investment and identification of a third party to act as lead agency.	Council assumes role of primary investor and 'lead agency' to prepare business case/prospectus, undertake due diligence, source grant funding, prepare tender specifications and initiate investment partnerships.
	local	HHI Project would subject to securing third party investment (funding grant) to cover cost of project and identification of a third party to act as lead agency. Council may be in a position to contribute to Project.	HHI Project potentially incorporated into HCC capital works program
		non-core	core
		Council business functions	

Extensive consultation across key stakeholder groups has been undertaken since the previous Council report on 9 December 2014. The range of consultative methods employed, the groups targeted and the outcomes from this process have played an important role in helping to define the project thus far.

oooO END OF REPORT Oooo

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Item: 218 CP - Local Heritage Assistance Fund 2015/2016 - Minor Works for Cemetery Monuments - (95498, 124414)

REPORT:

Executive Summary

Council and the NSW Office of Environment & Heritage (OEH) are jointly funding Local Heritage Assistance Fund 2015/2016 which focuses on minor maintenance works to cemetery monuments.

The purpose of this report is to:

- a) advise Council of the Local Heritage Assistance Fund 2015/2016 for minor works to cemetery monuments (the Fund)
- b) outline the applications received for assistance
- c) seek Council's support for the allocation of funds (in accordance with Section 356 of the Local Government Act 1993).

Consultation

In July 2015 letters were sent to owners and managers of land associated with a historic cemetery advising of the Local Heritage Assistance Fund. Application forms and guidelines on how to apply for assistance were made available on Council's website.

An evening information session was held for land owners/managers on 5 August 2015. The session included presentations by Council's Heritage Advisors and staff, and involved:

- a brief presentation on the significance of historic cemeteries and monuments
- examples of practical methods for repair, maintenance and conservation of monuments
- instructions on how to apply for funding.

Council's Heritage Advisors and staff were also available after the presentation to answer queries relating to the local heritage assistance funding program.

Funding assistance for Minor Works for Cemetery Monuments

The Fund has been established by Council to encourage the conservation of Hawkesbury's unique and significant historical cemetery monuments and promote awareness of their importance.

In February 2015, Council forwarded an application to OEH seeking grant funding for Local Heritage Assistance Fund for 2015/2016 for minor maintenance works to cemetery monuments. In May 2015, OEH approved a \$10,000 financial assistance grant. According to the OEH approved \$1 for \$2 funding formula, Council is contributing a matching allocation of \$20,000. This provides a total fund of \$30,000 for minor maintenance works to cemetery monuments and therefore the project is jointly funded by Council and the OEH.

The maximum funding available for any one applicant/property is \$2,000 (including GST). Funding will be offered on a dollar for dollar basis (\$1 of private funding for each \$1 of grant funding) to enable funded works to a maximum value of \$4,000 (including GST) to be undertaken. Works of value greater than \$4000, the excess amount over the maximum value of \$4,000 will need to be met by the applicant. It should be noted that the funding allocation amounts were aimed at encouraging minor works and also to enable as many monuments as possible to be beneficiaries of the funding.

ORDINARY MEETING**Meeting Date:** 08 December 2015**Applications for Financial Assistance**

Applications were sought from property owners/managers and relatives or descendants of historically significant cemeteries. In response, Council received 11 applications seeking financial assistance. Table 1 below summarises the applications received and the level of financial assistance sought.

Table 1: Applications Received and Assistance Sought

Site	Proposal	Total project cost (\$ inc GST)	Financial assistance sought (\$ inc GST)	Applicant's contribution (\$ inc.GST)
Our Lady of Loretto Chapel and Cemetery, 477 Upper MacDonald Road St Albans	Repair leaning, damaged and fallen monuments and return monuments to plumb position	\$3,960	\$1,980	\$1,980
St Joseph's Church, St Albans Road Central MacDonald	Return monuments to plumb position	\$5,000	\$2,000	\$3,000
St Matthew's Anglican Cemetery, 1 Moses Street, Windsor	Lusy Freeman family monument Clean and return the monument to plumb position	\$3,410	\$1,705	\$1,705
St Matthew's Anglican Church Cemetery 1 Moses Street, Windsor	Roberts family monument Re-instate marble stele, re-tap of lead letters and clean the monument	\$1,980	\$990	\$990
St Matthew's Anglican Cemetery 1 Moses Street, Windsor	Alcorn family monument Clean and re-instate the monument into plinth and supply new Wondabyne Sandstone plinth to match others	\$4,485	\$2,000	\$2,485
St Matthew's Anglican Cemetery 1 Moses Street, Windsor	Blanchard family gravesite Clean and return the monument to plumb position by plinth levelling	\$1,760	\$880	\$880
St Peter's Anglican Church Cemetery 387, Windsor Street, Richmond	Onus Vault Stabilise brick vault, clean the monument and remove weeds	\$3,960	\$1980	\$1980

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Site	Proposal	Total project cost (\$ inc GST)	Financial assistance sought (\$ inc GST)	Applicant's contribution (\$ inc.GST)
St Peter's Anglican Church Cemetery 387, Windsor Street, Richmond	Powell Vault Remove loose materials, stabilise brick vault and clean the monument	\$3,960	\$1,980	\$1,980
St Peter's Anglican Church Cemetery 387, Windsor Street, Richmond	Kroehnert family monuments Clean the monuments, re-lacquer lettering in black, repair lead lettering, apply clear silicone waterproof to face only, fill cracks and repaint in white acrylic paint.	\$1,200	\$600	\$600
Windsor Catholic Cemetery 392, George Street, Windsor	Maurice Mahony & Honorah Murray monuments Complete hidden repairs and clean and return the monuments to plumb position	\$2,200	\$1,100	\$1,100
St James Anglican Cemetery 71 Old Pitt Town Road, Pitt Town	Ann Smallwood monument Clean and return the monument to plumb position.	\$1,760	\$880	\$880
	TOTAL	\$33,675	\$16,095	\$17,580

Priorities for Funding Allocation

The following priorities for funding were established for the selection of suitable applicants.

The Fund applies to works which are carried out by suitably qualified and experienced professionals such as stonemasons. Priorities for funding were established as follows:

1. repairing leaning, damaged and fallen monuments (e.g. propping or reinstatement of monuments, kerbing, grave furniture and grave fencing which has fallen or are astray of their original location)
2. minor monument protection works (e.g. fix monuments which have been damaged by subsidence)
3. minor repair or protection of cracked or damaged headstones
4. reinstate lettering or painting of monuments which have degraded or erection of a plaque which transcribes the inscription of a monument which has severely been degraded

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5. minor cleaning of monuments undertaken by a suitably experienced specialist will be considered on the merits of the proposal.

Assessment of applications

Applications were assessed by a panel comprised of Council's Heritage Advisor and Council officers. The criteria used to assess applications included the following:

- the eligibility of the subject site and the proposal
- the applicant's ability to demonstrate technical and financial responsibility in relation to the project and demonstrated ability to complete the project within six months from the date of funding confirmation
- the degree to which the applicant is financially contributing to the project given the limitations of the funding available
- projects which follow the National Trust of Australia (New South Wales) document titled 'Guidelines for Cemetery Conservation' dated 2009
- projects of demonstrated heritage value to the community
- projects which are highly visible to the public.

Prior to the commencement of assessment of applications, the assessment panel inspected all the monuments and met all applicants at the respective cemeteries and discussed the current conditions of monuments and their proposed methods repairing monuments.

The panel assessment reveals that all 11 applications received seeking financial assistance for minor maintenance works to cemetery monuments are eligible for funding assistance.

Implementation

All applicants will be advised in writing of the determination of their application. Applicants will be required to enter into a Plain English Agreement (the Agreement) with Council. The Agreement includes provisions for acceptance of the offer of funding, permission to commence work, time limits, claims for payment, and any special conditions relating to the project.

On completion of the work an inspection will be carried out by Council officers and Council's Heritage Advisor to ensure that the work has been carried out in accordance with the Agreement. Upon satisfactory completion of the works and approval of Council's Heritage Advisor and Council officers, the approved grant amount would be forwarded to the applicant.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

- Recognise, protect and promote the values of indigenous, natural and built heritage through conservation and active use.

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Conformance to Heritage Strategy

The funding for minor maintenance works to cemetery monuments and the implementation of the Fund is consistent with Recommendation 5 *Introduce a local heritage fund to provide small grants to encourage local heritage projects* of the Hawkesbury Heritage Strategy 2013/2016.

Financial Implications

The required funding for the Local Heritage Assistance Program is derived from the Council's Heritage Reserve and the OEH approved a \$10,000 financial assistance grant. According to the OEH approved \$1 for \$2 funding formula, Council is contributing a matching allocation of \$20,000.

Conclusion

Local Heritage Assistance Fund 2015/2016 program supports and encourages conservation of Hawkesbury's unique and significant historical cemetery monuments and promotes the community awareness of their importance. The program which is jointly funded by Council and OEH focuses on minor maintenance works to cemetery monuments.

The assessment reveals that all applications received seeking financial assistance are eligible for funding, and the total fund required to support the 11 applications is \$16,095 which is approximately 54% of the allocated funding for the project. Therefore, it is considered worthy of continuation of the program over the next year to deal with the remaining funds in this project, provided that there is no objection to such arrangement by the OEH.

It is recommended that Council approve payments to the applicants listed, and at the level recommended in Table 1 of this report.

RECOMMENDATION:

That:

1. Council approve payments under Section 356 Financial Assistance to the applicants listed, and at the level recommended in Table 1 of this report.
2. The successful applicants for Local Heritage Assistance Fund 2015/2016 be advised accordingly.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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INFRASTRUCTURE SERVICES

Item: 219 **IS - Opening of Windsor Mall - (79351, 95495, 105109, 80104)**

Previous Item: 190, Ordinary (9 September 2008)
 151, Ordinary (12 July 2011)
 NM, Ordinary (26 May 2015)

REPORT:

Executive Summary

This report responds to a Council resolution to prepare a report that outlines options, procedures, costs and community interest in opening a section of Windsor Mall.

This report discusses these issues and recommends that given the significant changes that would occur to existing business any future direction for Windsor Mall be further investigated through extensive consultation with both business owners and the broader community.

Consultation

The issues raised in this report concern matters which would constitute a trigger for Community Engagement under Council's Community Engagement Policy. It is proposed that Council undertake community engagement including through the Hawkesbury Horizon Initiative (HHI) which has been developed to guide the revitalisation of the three towns of Windsor, Richmond and North Richmond.

Background

Council at its meeting of 26 May 2015 resolved:

"That Council bring forward a report outlining options, procedures, cost and community interest in the opening of a section of Windsor Mall including the specific option for slow one way traffic through the Mall with the report to include consideration for alternate traffic options"

This report is provided to Council as an initial overview report as there are substantial costs associated with progressing the work beyond a conceptual stage.

Windsor is a historic town with a road network that has limitations in relation to road width and capacity within the Town Centre. These limitations particularly relate to restrictions on road widening due to the historic significance of the town as well as existing development.

To improve pedestrian movement and safety along George Street at the top end of Windsor, Windsor Mall was constructed and operational in 1984. The Mall consists of a North and South Precinct. The North Precinct is between Baker Street and Kable Street and the South Precinct is between Kable Street and Fitzgerald Street.

Existing Policy/Strategies

To ensure effective management of the Mall, regulations and management strategies have been developed over time and recently the Windsor Mall Policy was updated and adopted by Council in 2012. This Policy embodies the overall management and operation as well as serving as the guiding strategy for the Mall. The Policy defines the activities permissible in the Mall such as types of trade, permitted and non-permitted food sales, various uses such as Busking, Entertainment, Fundraising, Retail Dining and Footpath trading. A high proportion of businesses within the Mall area are highly reliant on the availability of footpath dining.

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The issue of opening the Windsor Mall to general traffic was previously considered in 2011 as part of the Windsor Town Centre Traffic Study which was an overall review of traffic movement and management in and around the Windsor business precinct. This review was in line with a review at that time of the Windsor Masterplan.

The 2011 Traffic Study also addressed the issue of whether the Mall should be retained or opened to traffic and the impact of the Mall on traffic and parking. The Study concluded that from a traffic perspective the Mall did not impact significantly on traffic capacity and that opening or partial opening the Mall would have negligible effect on traffic flow and parking capacity. In traffic and parking terms, the findings in the Study were that the mall was functioning in a satisfactory manner.

The Traffic Study also considered the function of the Mall and indicated that the impact of the Mall extends beyond purely parking and traffic issues and that Urban and Retail design issues play an important role as pedestrian malls can be better suited to some businesses and that business investment has been, and is, made on this basis.

Since the undertaking of the 2011 Traffic Study, the Windsor Bridge replacement project has also been developed and recently approved. The Bridge replacement will result in the roundabout at the intersection of George Street and Bridge Street being replaced with traffic signals. The signals will provide better controls in and out of George Street. Any changes to the function of the Mall, opening it up to traffic and the direction of traffic flow would need to consider the positive and negative impacts of increased through traffic along George Street.

One of the main concerns with increased through traffic is pedestrian safety. George Street is a relatively narrow road reserve approximately 15 metres wide. This width has a significant bearing on design options when seeking to balance parking, pedestrian movement/safety and footpath dining.

Options/Assessment

The Mall currently operates as a restricted traffic route, with service and delivery vehicles using a central corridor for access to businesses that otherwise have no alternate road access such as a rear laneway. This arrangement generally operates in a satisfactory manner with little enforcement required to maintain acceptable driver behaviour. The current positioning of various structures such as the Paddle Wheel, Pergola/Gazebo, trees with planter boxes, tables and seats in the Mall area promotes a low speed environment for these service delivery functions.

A preliminary Design Assessment of options for opening up the Mall to one way traffic flows identified the following issues:

- loss of overall amenity of the Mall space which includes reduced pedestrian circulation space and safety, effect on Heritage, loss of features such as the Paddle Wheel
- loss of footpath dining space which will affect the commercial viability of existing businesses that rely on footpath dining and the interactive Mall space
- loss of the Mall markets and other related activities
- traffic conflict points throughout the Mall and at each end of the Mall
- limited space within the road reserve to include a travelling lane, parking lane and adequate footpath width
- the most appropriate direction of traffic flow to ensure commercial benefit and minimise traffic and safety issues.
- the direction of flow will need to take into account impacts to the overall business precinct
- the potential difficulty for delivery vehicles which currently have ready access outside most business frontages
- reduction of accessibility for people with disabilities.

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Due to the narrow road reserve width, provision of one parking lane and a single through traffic lane would only provide for a footway width on 4.25 metres on each side. Alternatively, the provision of a parking lane on both sides of a travelling lane will reduce the available footpath width to 2.75 metres on each side. The footpath widths for both scenarios will only allow for pedestrian access and no or extremely limited footpath dining space.

To control the speed of traffic through the Mall space, speed slow points would need to be provided at each end as well as the mid-point along the roadway. As outlined in the Attachments 1 to 3, the most efficient road layout in terms of parking provision would be for a straight through road, parallel to the property boundaries. This would provide for approximately 12 parking spaces per parking lane per precinct, taking into account the three slow points. Providing a curvilinear roadway would reduce the available parking and footpath width and may cause some confusion for pedestrians as the roadway would cut across pedestrian desire lines. The number of parking spaces available for the curvilinear option would be approximately six to eight per precinct. These parking spaces need to be positioned on the straight section of road to ensure effective and safe parking.

The foregoing comments are preliminary, with further investigations requiring a comprehensive traffic study to look into modes of traffic movement, directions of traffic flow, potential traffic and pedestrian conflicts in particular at intersecting roads and overall safety aspects of the space. To undertake a Traffic Study with preliminary design options for the road and parking functionality would cost in the order of \$75,000 to \$100,000.

Preliminary construction cost estimates associated with opening up each section of the Mall for one-way traffic flow with parking on one side will be in the order of \$1,400,000 per precinct.

Retail and Economic Issues

Any options to modify Windsor Mall should be assessed taking into account the overall requirements and long term strategy of the Windsor Business precinct and individual business owners. This will require undertaking consultation with all parties as to the future direction of the Mall and changes to the existing Policy Statement and Purpose of the Mall Policy and determine what range of activities might be retained or changed.

In this regard the Hawkesbury Horizon Initiative (HHI) has also been developed to undertake the revitalisation of the three towns of Windsor, Richmond and North Richmond. Of the "400 Big Ideas" which have been developed through the Initiative, many relate to the Mall through art, tourism, food, paths, heritage and economic revitalisation. Any proposal to open or alter Windsor Mall would be integral to the overall strategic direction of Windsor and ideally should be addressed in conjunction with the HHI.

Detailed Consultation

To determine issues and community interest for changes to the Mall, consultation could be undertaken in two phases.

- Stage 1 Preliminary Consultation – General feedback on the future of Windsor and the Mall
- Stage 2 Detailed Consultation – Specific feedback on options for Opening the Mall

Preliminary consultation regarding the future of the Mall could be undertaken primarily using Council's online community engagement platform *Your Hawkesbury Your Say* (YHYS). This would create an opportunity for consultation with the wider community, including members of the Hawkesbury Horizon Initiative Working Group, the Economic Working Group and other associated groups including the Windsor Business Group and the Hawkesbury Chamber of Commerce to provide preliminary feedback on the Opening of the Windsor Mall investigation. Additional consultation could include interviews with Mall users at various times during an extensive consultation period.

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The information from the consultation would provide Council with feedback about how the broader community view the importance of the Mall to Windsor and whether to proceed further with either opening or other changes.

If considered a priority this information would then allow Council to develop a range of options for Opening of the Windsor Mall which could form the basis for the second stage of the consultation process. This consultation would also take place through YHYS and would also include face to face consultation with Mall users at the Sunday markets, during different times throughout the week and during any special events that may be held during the consultation period.

Conformance to the Hawkesbury Community Strategic Plan

The investigation into the Opening of Windsor Mall is consistent with a large number of the CSP, Directions and Strategies:

Looking After People and Place Direction statements:

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes
- Have friendly neighbourhoods, connected communities and supported households and families.

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

- Revitalise and enhance town centres and villages.

Financial Implications

No funding is provided in Council's current Operational Plan or long term financial plan for major changes to the Mall. Should Council wish to proceed with further investigation resourcing including funding and staff resource/time for an extensive community consultation process and traffic studies would need to be considered in future Operational Plans.

RECOMMENDATION:

That the information contained in the report on Windsor Mall be noted.

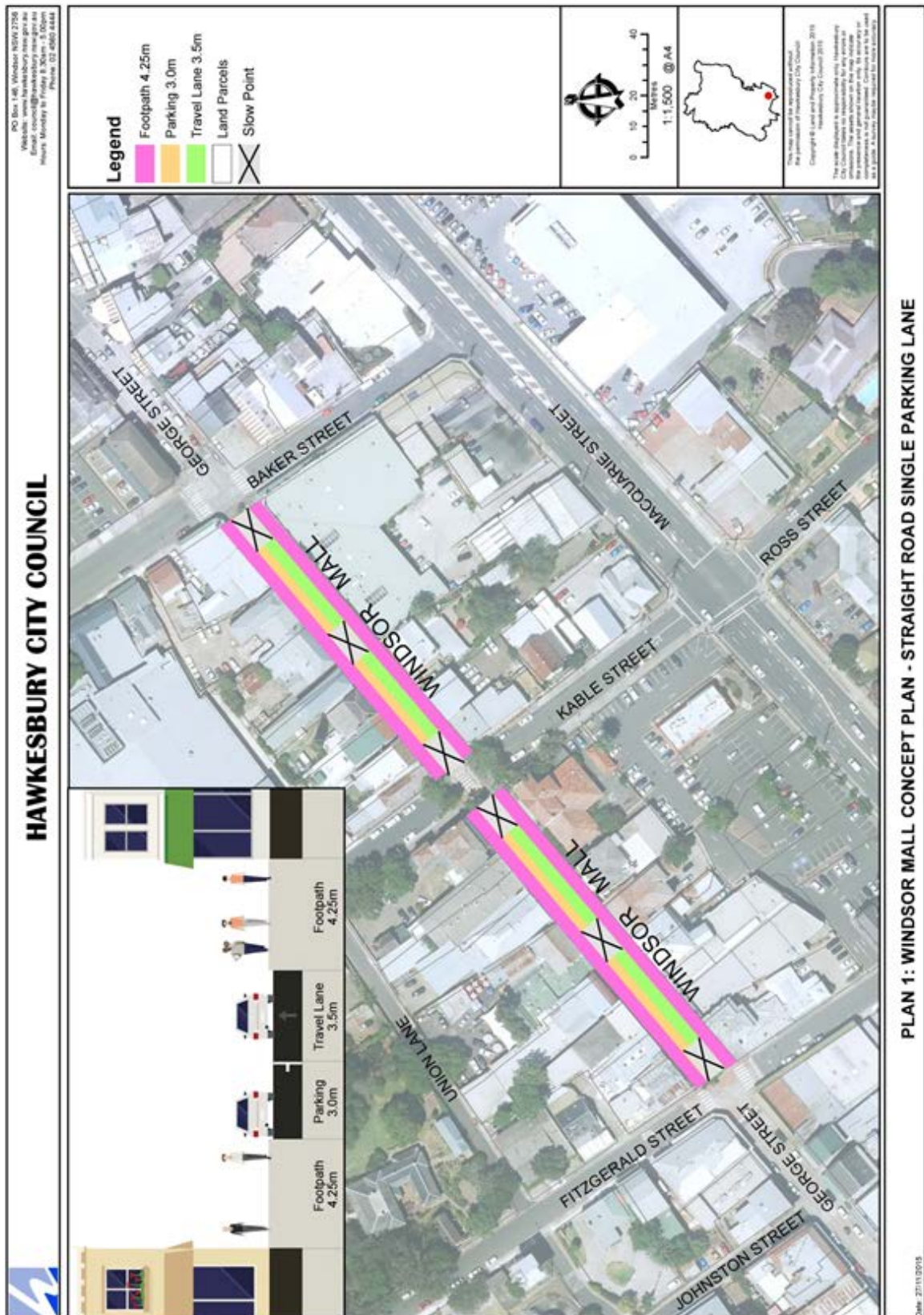
ATTACHMENTS:

- AT – 1** Windsor Mall - Concept Plan Straight Road Single Parking Lane
- AT - 2** Windsor Mall - Concept Plan Straight Road Double Parking Lane
- AT - 3** Windsor Mall - Concept Plan Curvilinear Road Single Parking Lane

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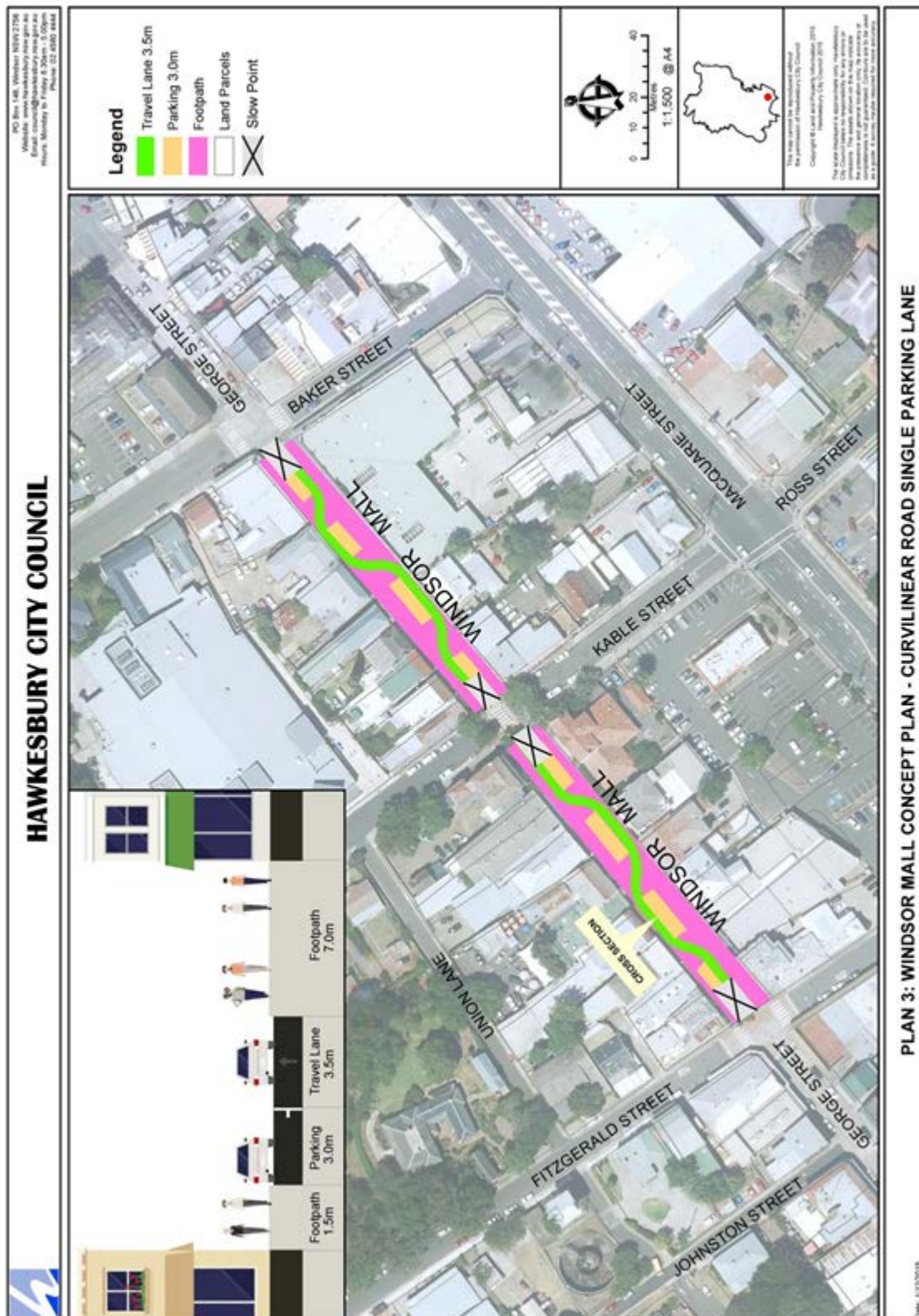
AT – 1 Windsor Mall - Concept Plan Straight Road Single Parking Lane



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AT - 3 Windsor Mall - Concept Plan Curvilinear Road Single Parking Lane



oooO END OF REPORT Oooo

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Item: 220 **IS - Deerubbin Centre Plant - (79351, 95495, 105109, 125612)**

Previous Item: NM1, Ordinary (30 June 2015)

REPORT:

Executive Summary

Council sought advice regarding the status of the trigeneration/cogeneration plant located at the Deerubbin Centre. This report provides details on the operation and cost of this plant.

In basic terms the Deerubbin Precinct was designed in the early 2000's to be supplied with power from a natural gas fired generator with the waste heat from that being reused to provide cooling through an "absorption chiller".

This was supplemented with a gas fired boiler for heating and cooling. The plant also includes a separate electric chiller to meet the full cooling load for the buildings within the precinct.

With the rapid rise in gas prices relative to electricity, the operation of the plant in cogeneration mode is not financially viable at the current time.

The report recommends that the generator be operated/maintained in standby mode to provide backup/emergency power to the precinct.

Consultation

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

Background

Council at its meeting of 30 June 2015 resolved that:

"Council prepare a report on the options of what to do with the cogeneration plant at the Deerubbin Centre."

The Deerubbin Centre in George Street, Windsor was constructed in 2004 and as part of that project the building plant room and equipment was designed to service this building as well as other adjoining buildings in the precinct including the café, old Hospital Building, Peppercorn Building and the Johnson Building.

Whilst commonly referred to as a cogeneration facility, the plant installed is more correctly described as "trigeneration" as the plant includes a gas fired generator, absorption chiller and a gas fired boiler that produces electricity, heating water and cooling water.

In simple terms the natural gas powered electrical generator is designed to produce electricity for use in the precinct and to the external grid. Waste heat from the generator is transferred through heat exchangers to provide energy to the absorption chiller unit which provides cooling for air conditioning. It also provides heating for the precinct.

At the time of construction certain assumptions were used in sizing and selecting the plant. This included the price of gas, which in the early 2000's was less expensive than electricity and feed in tariffs for excess electricity were also assumed. Air conditioning loading and power usage was also based on estimates. Since that time significant changes, particularly in gas prices, have affected the operating costs.

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The generator is kept in an operational state, with periodic operation and maintenance being undertaken however the current price of gas is such that the precinct is principally cooled using the electric chiller, and heated using the gas boiler with electricity supplied by the grid.

A detailed review of the Deerubbin plant was undertaken by an external party. This review concluded that based on current gas pricing the costs of operation of the plant in "cogeneration mode" far exceeded the cost of grid power supply.

By way of illustrating the costs, at the present time the cost of generating power using the gas powered generator, is approximately \$0.242/kWh compared to grid supply of \$0.154/kWh.

The system would only be viable at a sale price for generated electricity of \$0.60/kWh back to the grid to cover the maintenance costs and efficiently run the absorption chiller. Current price for sale to the grid is \$0.07/kWh, almost one tenth of breakeven.

The provision of the generator does however provide a significant benefit for the precinct by providing a backup/emergency power source. This includes the backup data centre for Council, and for the commercial tenancies.

The review also emphasised the need to improve the efficiency of plant to dehumidify the Gallery in winter months and at night when the main chiller is operating at low output. Design is underway to install a small chiller for the dehumidification unit, to meet the Gallery requirements

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Linking the Hawkesbury Directions Statement;

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

Financial Implications

There are no financial implications arising from this report.

Conclusion

The plant currently installed at the Deerubbin Centre is not designed or sized to enable it to be currently operated cost effectively, in cogeneration mode. This is due both to design issues and current gas pricing. The retention of the generator, and its maintenance in a standby mode, is recommended as it can provide a backup power supply for the site. Once reconfigured, this would change the sites operational modes to exclude cogeneration.

The installation of a smaller chiller for a dehumidifier for the Gallery this year will provide a more cost effective solution for maintaining that facility. Should changes occur to either gas or electricity pricing, or if carbon pricing/grant schemes change the economics of the plant operation, the operating principles will be reviewed.

ORDINARY MEETING

Meeting Date: 08 December 2015

RECOMMENDATION:

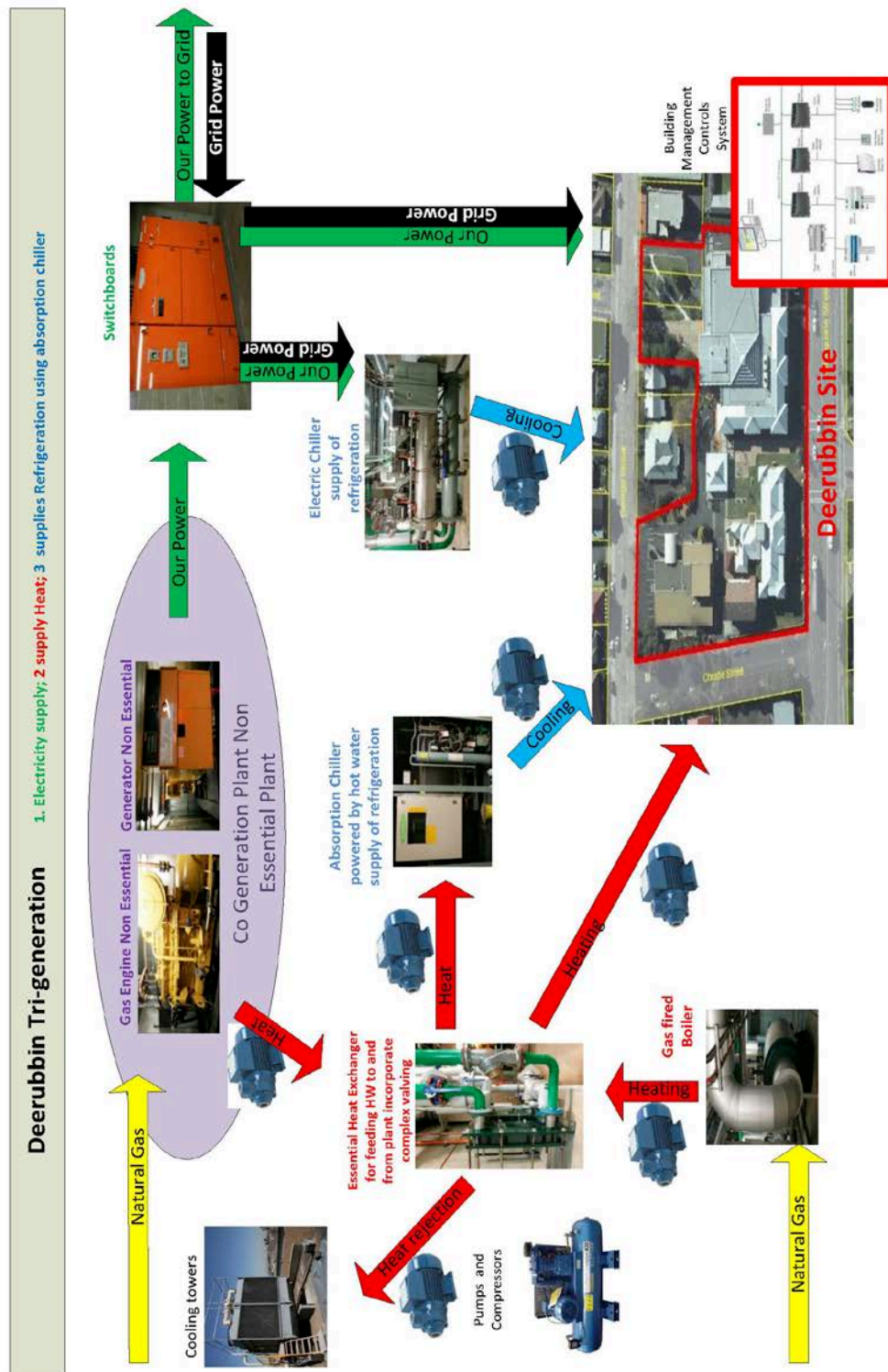
That:

1. The information in this report on the Deerubbin Centre Plant be noted.
2. The generator continue to be operated in maintenance mode to provide for standby power to the whole site.

ATTACHMENTS:

AT - 1 Deerubbin Trigeneration Diagram

AT - 1 Deerubbin Trigeneration Diagram



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 08 December 2015

Item: 221 **IS - Acquisition and Provision of Lot 1 in DP 1197894 - Blaxlands Ridge Road, Blaxlands Ridge - (95495, 79344, 79346, 14893)**

Previous Item: 11, Ordinary (31 January 2006)
 360, Ordinary (28 October 2014)
 110, Ordinary (14 July 2015)

REPORT:

Executive Summary

This report outlines issues relating to the acquisition and provision of road access to Lot 1 in Deposited Plan 1197894, Blaxlands Ridge Road, Blaxlands Ridge and recommends that acquisition approval issued in accordance with the current requirements of the Office of Local Government be amended.

Consultation

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

Background

Highland Park Pty Limited owns Lots 1 and 2 in Deposited Plan 1193603 (formerly known as Lot 109 in Deposited Plan 751656), being 556B and 556D Blaxlands Ridge Road, Blaxlands Ridge. The access provided to the property, at the time of its creation, was over Roberts Creek in the south-west corner of the property by way of a Crown Public Road via East Kurrajong Road. This legal access is extremely steep as well as traversing over Roberts Creek.

Practical access to the property is however, obtained from Blaxlands Ridge Road via a section of Crown Public Road through Lot 2 in DP 547929 and Lot 1 in DP 790059 (approximately 600m). There is, however, a missing link (approximately 240m) from these two properties leading to Lot 2 in DP 1193603. The missing link is over Crown Land where a formed track currently exists. It is apparent that access over the missing link has been in place for decades. Furthermore, utilities such as electricity and telephone exist within the bounds of this corridor.

The Crown Lands Division of NSW Trade & Investment has previously indicated that there would be no objection in principle with Council acquiring the required land for the continuity of the Road Reserve (20.115m wide) over the existing track (being the area referred to as the missing link). This land, subject to Departmental consent, could be acquired by Council for the public purpose of 'Road' under the relevant legislature provisions and due compensation. A condition of the Department's approval would be that Council also acquire the existing Crown Public Road Reserve which links Blaxlands Ridge Road to the Missing Link (through Lot 2 in DP 547929 and Lot 1 in DP 790059).

ORDINARY MEETING

Meeting Date: 08 December 2015

Council, at its meeting on 14 July 2015, considered a report pertaining to this matter and resolved (in part) as follows:

"That:

1. *Council continue to endeavour to acquire the land comprised within folio identifiers:*

- a) *1/1197894; and*
- b) *1/1193603,*

(the Land) for the purpose of dedicating the Land as a public road pursuant to Council's approved functions as a public roads authority under the Roads Act 1993 (NSW) and the Local Government Act 1993 (NSW) and for the reasons noted in this report and in accordance with Council's previous resolution of 28 October 2014."

In accordance with the previous resolution, Council through its solicitors Marsdens Law Group, made an application to the Minister for the Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the land.

On 20 November 2015, the Office of the Minister for Local Government approved Council's request to acquire Lot 1 in 1197894 and Lot 1 in 1193603 and issued the Acquisition Notice, however, since the previous resolution, ownership of Lot 1 in 1193603 has been transferred to Highland Park Pty Limited. As such, it is not necessary for Council to acquire this lot. It is, however, necessary for the Acquisition Notice to be amended by the Office of the Minister for Local Government before it can be published in the NSW Government Gazette.

This requires another resolution of Council, which is the purpose of this report.

Once Council has resolved to remove the reference to Lot 1 in DP 1193603, a copy of the same will be sent to the Office of the Minister for Local Government.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Linking the Hawkesbury Directions Statement;

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

In addition to the above, Council's strategic plan includes an objective to establish a framework within which local infrastructure demands can be equitably met and managed.

Financial Implications

There are no financial implications arising from this report. All costs will be met by the Highland Park Proprietary Limited including although not limited to costs associated with the construction of a sealed road for the full length of the road from Blaxlands Ridge Road to the land comprising Lots 1 in DP 1197894 (through Lot 2 in DP 547929 and Lot 1 in DP 790059).

ORDINARY MEETING

Meeting Date: 08 December 2015

RECOMMENDATION:

That:

1. Council approve the making of an application to the Minister for Local Government and the Governor for approval to amend the Proposed Acquisition Notice previously approved under the land Acquisition (Just Terms Compensation) Act 1991 (NSW) to remove the reference in the Schedule to Lot 1 in DP 1193603.
1. Any documentation regarding this matter be executed under delegated authority and the Seal of Council, if necessary.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 222**IS - Playgrounds in Bligh Park and Glossodia - (95495, 79354)**

REPORT:**Executive Summary**

As part of Council's commitment to provide safe and enjoyable play spaces, Council uses specialist contractors to undertake quarterly inspections of its playgrounds. It has been identified through these inspections that the following playgrounds do not comply with current safety standards:

- Birk Place Playground – Birk Place, Bligh Park
- Ian Street Playground – Ian Street, Glossodia
- Mitchell Drive Playground – Mitchell Drive, Glossodia.

Each of the above playgrounds was closed in early September 2015 and notification posters were placed at each site informing the residents of the closure and removal with a notification period extended to six weeks. Within this period Council received only one phone call from a resident in the Mitchell Drive area expressing her concerns. No other community contact was received.

Given the low level of response or concern from the community this report recommends that the play equipment be removed from those three parks.

Consultation

Consultation as part of the notification outlined in this report has already occurred. No further consultation is considered necessary.

Background

As part of Council's commitment to provide safe and enjoyable play spaces, Council uses specialist contractors to undertake quarterly inspections of its playgrounds. During inspections the contractor details the following:

- repair summary for equipment
- safety surface report
- major works reporting, including recommendation for removal.

In a recent inspection program the contractor identified playgrounds at which both the equipment and safety surfaces do not comply with current Australian Standards for user safety and pose a risk to the users, exposing Council to liability.

The following playgrounds were identified as not complying with safety standards:

- Birk Place Playground – Birk Place, Bligh Park
- Ian Street Playground – Ian Street, Glossodia
- Mitchell Drive Playground – Mitchell Drive, Glossodia.

As a result of this advice, on 9 September 2015, each of the above playgrounds was closed and notification posters were placed at each site informing the residents of the reason for the closure. This notification advised of the proposed removal of the playground and that the equipment would not be replaced, with a notification period extended to six weeks to allow for residents comments and to address any issues. Within this period Council received only one phone call from a resident in the Mitchell Drive area expressing her concerns. Council staff requested that the resident put these concerns in writing, however no further contact was received.

ORDINARY MEETING

Meeting Date: 08 December 2015

There has been significant change in the demand for playgrounds in recent years with older style equipment in pocket parks not attracting high usage. The current demand is generally for larger facilities that cater for a range of ages and abilities in larger parks. Council has been responding to this trend by creating larger parks such as at Bligh Park, and Richmond Park.

Given the risk posed to users by the condition of the playgrounds, and the consequent liability to Council it is recommended that the playgrounds be removed and Council consider future budget provision for a replacement which meets Australian Standards as part of its Capital Work Program in line with the priorities of other playground areas across the City. As part of Council's normal consultation process, Council staff will liaise with the community regarding any future replacement.

Conformance to the Hawkesbury Community Strategic Plan

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

- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury

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

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

Financial Implications

Removal of these playgrounds will reduce maintenance and inspection budgets. Future improvements to the playgrounds are proposed to be funded from the Park Improvement Program, subject to funding availability.

RECOMMENDATION:

That:

1. Removal of the following playgrounds be undertaken:
 - a) Birk Place Playground – Birk Place, Bligh Park
 - b) Ian Street Playground – Ian Street, Glossodia
 - c) Mitchell Drive Playground – Mitchell Drive, Glossodia.
2. As part of its future Capital Works Program, Council give consideration to the replacement of the playgrounds with equipment which meets Australian Standards.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Meeting Date: 08 December 2015

Previous Item: 123, Ordinary (28 July 2015)

Expenditure to date:	
Deferred amount approved at Ordinary Meeting 28 April 2015	\$3,000
Round 1 2015/2016	<u>\$55,316</u>
Balance remaining	\$12,279

ORDINARY MEETING**Meeting Date:** 08 December 2015**Assessment of 2015/2016 Round 2 Applications**

In total, 14 applications have been presented for Council's consideration under Round 2 of the 2015/2016 CSP. Table 1 summarises the applications received and the proposed level of financial assistance. Attachment 1 provides an assessment of the applications received against the CSP criteria.

	Applicant	Type ⁽¹⁾	Proposal	Recomm. Amount \$
1.	St Matthews Anglican Church, Repair & Restoration Committee	SG	Publication of a book celebrating the bicentenary of the church	3,000
2.	Colo Heights Rural Fire Service	ICF	Reimbursement of DA fees	665
3.	Ashleigh Hill	MA	Representative karate	150
4.	James Hill	MA	Representative karate	150
5.	Thomas Hill	MA	Representative karate	150
6.	Bligh Park Community Services Inc	SG	Landscaping at Tiningi Community Centre	716
7.	Mountain Lagoon Rural Fire Brigade	MA	Recovery of expenses associated with sale of scrap metal for fundraising	500
8.	Renee Hardy	MA	Representative Track and Field	150
9.	Hawkesbury Community Kitchen	SG	Replacement of Hot Water System	2,530
10.	Windsor High School P&C Association	CF	Hire of McGraths Hill Community Garden	500
11.	Hawkesbury Dog Agility Club	MA	Contribution to lighting installation	500
12.	Wisemans Ferry Community Men's Shed	MA	Fit out of a kitchen in the new men's shed	1,000
13.	Windsor Beautification Group	SG	Set up costs for beautification works around Windsor	700
14.	Richmond Girl Guides	SG	Removal of a tree at Richmond Guide Hall	1,568
	TOTAL			12,279

(1) MA = Minor Assistance ES=3 Year Event Sponsorship SG = Seeding Grant CF = Access to Community Facilities ICF = Improvements to Council owned Community Facilities

There are sufficient funds to cover the total recommended amount of \$12,279 for Round 2 of the 2015/2016 Community Sponsorship Program. This amount will result in the operational budget for the Community Sponsorship Program for the Financial Year 2015/2016 being fully expended.

ORDINARY MEETING

Meeting Date: 08 December 2015

Applications recommended for partial funding only

Application 12: Wisemans Ferry Community Men's Shed – Amount requested \$3,000, amount recommended \$1,000. The applicant seeks funding to fit out a kitchen in a new men's shed on a property located within the Hornsby Local Government Area (DA approved by Hornsby Shire Council in October this year) to meet the needs of residents primarily residing in the Hawkesbury, Hills and Hornsby local government areas. The men's shed has received funding through the NSW Community Building Partnership Program. The amount recommended reflects the percentage of Hawkesbury LGA residents who are members of the group.

Application 14: Richmond Girl Guides – Amount requested \$1,750, amount recommended \$1,568. The applicants seeks funding to remove a tree in the grounds of the guide hall at Richmond which is dead and in danger of falling and destroying buildings on the property and adjoining properties. Amount recommended reflects the final amount available in the budget allocation for the Community Sponsorship Program for the Financial Year 2015/2016.

Conformance to Community Strategic Plan

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

- Have constructive and productive partnerships with residents, community groups and institutions

and is also consistent with the nominated strategy 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

There are no financial implications arising from this report. The recommended level of financial assistance can be met from the approved funding allocation for the 2015/2016 financial year.

RECOMMENDATION:

That Council:

1. Approve payments of Section 356 Financial Assistance to the organisations and individuals listed, and at the level recommended in Table 1 of this report.
2. Approve the execution of Council's standard Sponsorship Agreement for the applications 1, 2, 6, 9, 12, 13 and 14 identified in Table 1 of this report.
3. Authorise staff to advise applicants that any further applications received under the Community Sponsorship Program for 2015/2016, will be carried forward for determination under Round 1 of the 2016/2017 Program, following the adoption of the 2016/2017 Operational Plan.

ATTACHMENTS:

AT - 1 Assessment of Applications under Round 2 of Community Sponsorship Program 2015/2016

ORDINARY MEETING

Meeting Date: 08 December 2015

Attachment 1: Assessment of Applications under Round 2 of

Community Sponsorship Program 2015/2016

Applicant	Sponsorship Type (1)	Description	Assessment Criteria									Amount requested for ES Sponsorship	Amount recommended	Comments
			Local service	Not-for-profit	Not funded by State/Federal Agency	Co-contribution provided	Reflects agreed community priority	Meets sponsorship criteria	Financially sustainable	Documentation provided				
1. St Matthews Anglican Church Repair & Restoration Committee	SG	Publication of a booklet celebrating the church's bicentenary	✓	✓	✓	✓	✓	✓	✓	✓	✓	3,000	3,000	Meets requirements of Seeding Grant category
2. Colo Heights Rural Fire Services	ICF	Reimbursement of fees for installation of water tank	✓	✓	✓	✓	✓	✓	✓	✓	✓	665	665	Meets requirements of Improvements to Council Owned Community Facilities category
3. Ashleigh Hill	MA	Representative karate – Australian National Championships, Adelaide	✓	✓	✓	✓	✓	✓	n/a	✓	✓	150	150	Meets requirements of the Minor Assistance category
4. James Hill	MA	Representative karate – Australian National Championships, Adelaide	✓	✓	✓	✓	✓	✓	n/a	✓	✓	150	150	Meets requirements of the Minor Assistance category
5. Thomas Hill	MA	Representative karate – Australian National Championships, Adelaide	✓	✓	✓	✓	✓	✓	n/a	✓	✓	150	150	Meets requirements of the Minor Assistance category
6. Bligh Park Community Centre Inc	SG	Landscaping supplies and plants at Tinningi Community Centre	✓	✓	✓	✓	✓	✓	✓	✓	✓	716	716	Meets requirements of Seeding Grant category
7. Mountain Lagoon Rural Fire Brigade	MA	Recovery of Environmental Levy on the sale of scrap metal as a fundraiser for the brigade	✓	✓	✓	✓	✓	✓	n/a	✓	✓	500	500	Meets requirements of the Minor Assistance category
8. Renee Hardy	MA	Representative athletics – Australian All School Track and Field Championships, Melbourne	✓	✓	✓	✓	✓	✓	n/a	✓	✓	150	150	Meets requirements of the Minor Assistance category
9. Hawkesbury Community Kitchen	SG	Replacement of hot water system at Macquarie Street premises	✓	✓	✓	✓	✓	✓	✓	✓	✓	2,530	2,530	Meets requirements of Seeding Grant category
10. Windsor High School P&C Association	CF	Reimbursement of fees for use of Community Garden at McGraths Hill Depot	✓	✓	✓	✓	✓	✓	✓	✓	✓	500	500	Meets requirements of the Access to Community Facilities category
11. Hawkesbury Dog Agility Club	MA	Contribution to installation of lighting at training arena at Hawkesbury Showground	✓	✓	✓	✓	✓	✓	n/a	✓	✓	500	500	Meets requirements of the Minor Assistance category

ORDINARY MEETING

Meeting Date: 08 December 2015

Applicant	Sponsorship Type (1)	Description	Assessment Criteria									Amount requested (or ES Sponsorship previously approved for)	Amount recommended	Comments
			Local service	Not-for-profit	Not funded by State/Federal Agency	Co-contribution provided	Reflects agreed community priority	Meets sponsorship criteria	Financially sustainable	Documentation provided				
12. Wisemans Ferry Community Men's Shed	MA	Contribution to the fit out of a new men's shed at Wisemans Ferry Bowling Club	✓	✓	✓	✓	✓	✓	✓	✓	3,000	1,000	Men's shed located in Hornsby LGA which draws membership from Hawkesbury, The Hills and Hornsby Council areas	
13. Windsor Beautification Group	SG	Costs associated with beautification works around Windsor (safety equipment, tools etc)	✓	✓	✓	✓	✓	✓	✓	✓	700	700	Meets requirements of Seeding Grant category	
14. Richmond Girl Guides	SG	Removal of dead tree in the grounds of the guide hall	✓	✓	✓	✓	✓	✓	✓	✓	1,750	1,568	Amount recommended reflects the final amount in the operational budget	
TOTAL												12,279		
(1) MA = Minor Assistance ES=3 Year Event Sponsorship SG = Seeding Grant CF = Access to Community Facilities ICF = Improvements to Council owned Community Facilities														

(1) MA = Minor Assistance ES=3 Year Event Sponsorship SG = Seeding Grant CF = Access to Community Facilities ICF = Improvements to Council owned Community Facilities

oooO END OF REPORT Oooo

ordinary

section 4

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 4 - Reports of Committees

ROC Sustainability Advisory Committee - 19 October 2015 - (124414, 126363)

The meeting commenced at 5pm in Council Chambers.

Present:	Councillor Mary Lyons-Buckett, Chairperson Mr John Street, Deputy Chairperson Ms Vickii Lett, Community Member Ms Jean Downie, Community Member
Apologies:	Councillor Leigh Williams, Hawkesbury City Council Ms Jen Dollin, University of Western Sydney Mr Phil Pleffer, Hawkesbury City Council
In Attendance:	Mr Matthew Owens, Hawkesbury City Council Ms Suzanne Stuart, Hawkesbury City Council Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council
Non Attendance:	Ms Janice Bagot, Office of Environment & Heritage

REPORT:

RESOLVED on the motion of Mr Street and seconded by Ms Lett that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr Street and seconded by Ms Downie that the Minutes of the Sustainability Advisory Committee held on the 30 March 2015, be confirmed.

Attendance Register of Sustainability Advisory Committee

Member	17.11.14	30.03.15	19.10.15		
Councillor Mary Lyons-Buckett	✓	✓	✓		
Councillor Leigh Williams	A	✓	A		
Ms Jean Downie	✓	✓	✓		
Ms Jen Dollin	✓	✓	A		
Ms Vickii Lett	A	✓	✓		
Mr John Street	✓	✓	✓		
Ms Janice Bagot	A (belated apology due to heavy traffic conditions)	✓	X		

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

SECTION 4 - Reports for Information

SAC - Fleet Vehicle Information - Hawkesbury City Council - (126363)

DISCUSSION:

- Mr Street noted the lower leaseback fee for staff should they opt for a smaller car and raised concern only two staff members had elected that option. Mr Street asked if anything could be done to further encourage staff to lease the smaller cars.

Mr Owens responded staff's selection of vehicle was generally dependent upon the role of the staff member, for example the smaller vehicles (such as a Yaris) would not be suitable for a building surveyor due to the high volume of kilometres, carrying of equipment and possible need for a 4 wheel drive for the position.

- Councillor Lyons-Buckett asked if there was any move to review Council's plant (for example the replacement of garbage trucks with more sustainable models). Councillor Lyons-Buckett added Blacktown Council was introducing hybrid bio fuel trucks.

Mr Owens responded he was aware discussions with other councils had taken place in relation to the use of more sustainable plant.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Ms Lett, seconded by Mr Street.

Refer to COMMITTEE RECOMMENDATION

That the information be received.

SECTION 5 - General Business

The Committee raised further queries and discussion in relation to the following *Questions from Previous Meeting* (as listed in the SAC Business Paper).

- Ms Lett raised concern koala habitat was rapidly disappearing in the Hawkesbury due to clearing of vegetation and advised it did not appear that mapping which identified koala habitat (previously undertaken by Ecological Australia) was being taken into consideration during the DA process.
- Mr Owens advised there were provisions under the State Environmental Planning Policy No.44 and in Council's LEP for vegetation mapping to be considered as part of the DA assessment process. Mr Owens advised it was the intent for potential habitat sites to be ground truthed, and agreed there was a need for staff to be made more aware of potential habitat.
- Ms Lett asked if Council would consider preparing a comprehensive Koala Plan of Management.

ORDINARY MEETING

Reports of Committees

- Mr Owens suggested in-house guidelines in relation to identifying potential habitat and promoting education and awareness be explored in the first instance, as a statutory plan of management was an onerous and protracted step to take.
- Ms Lett reported Southern Highland councils (Wingecarribee and Wollondilly) had taken a proactive approach to koala conservation by setting up a 'koala hotline' to report koala sightings in addition to mapping areas prior to development occurring.
- Ms Lett referred to the *Science for Wildlife* website (<http://scienceforwildlife.org/how-to-help/join-our-koala-project/>) which encouraged people to register koala sightings on its mapping portal and also promoted education and awareness of koalas by facilitating koala spotting workshops. Ms Lett suggested it would be beneficial for koala sightings in the Hawkesbury to be documented and suggested that link be added to HCC's website.
- Ms Lett advised the Southern Highland councils were organising further meetings and asked if staff from this Council would consider attending one of those meetings to engage and learn about koala conservation.

Mr Owens responded staff's attendance at a future meeting may be considered depending on staff's availability at the time. Mr Owens added in the meantime he would explore, (in-house), the matters raised including mapping and tracking sightings, education campaign, koala sighting hotline and placement of relevant links on Council's website.

- Ms Lett asked if Mr Owens had a timeframe in mind to commence his investigations as the breeding season for koalas had commenced (and ended around February).

Mr Owens responded he would discuss those matters with Council's IT department within the next couple of weeks.

- Mr Street asked if Council would consider re-joining the RID (Regional Illegal Dumping) Squad as he believed good results were had whilst the RID squad was dealing with illegal dumping.

MOTION:

RESOLVED on the motion of Mr Street, seconded by Ms Lett.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Sustainability Advisory Committee recommends that Council revisit joining the RID (Regional Illegal Dumping) Squad.

- Mr Street raised concern closure of the Hawkesbury Earth Care Centre (Richmond Campus - UWS) was imminent and asked if Council could actively support its continuation.

Councillor Lyons-Buckett responded she would be putting a Notice of Motion to the next Council Meeting seeking Council's support.

- Mr Street asked of the status regarding Council's attempts to put a stop to wakeboarding on the Hawkesbury River.

Mr Owens responded Council had sent correspondence to the Minister and local members to lobby against wakeboarding and added Council held no power to regulate that activity on the River.

ORDINARY MEETING
Reports of Committees

- Ms Lett asked if Hawkesbury River County Council could be approached to investigate weed infestation along Putty Road.

Mr Owens responded that those issues should be brought to the attention of Chris Dewhurst at the County Council.

Future meeting dates for 2016 to be set and emailed to members - to be actioned by Robyn Kozjak.

The meeting closed at 6:35pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC **Hawkesbury Access and Inclusion Advisory Committee Minutes - 22 October 2015 - (124569, 96328)**

The meeting commenced at 4pm.

Present: Mr Robert Bosshard, Community Representative
 Ms Debbie Court, Community Representative
 Mr Desmond Crane, Community Representative
 Mr Gary London, Community Representative
 Ms Carolyn Lucas, Community Representative
 Ms Melanie Oxenham, Community Representative
 Ms Kate Barlow, District Health Service Representative
 Councillor Leigh Williams, Hawkesbury City Council

Apologies: Councillor Barry Calvert, Hawkesbury City Council
 Mr Alan Aldrich, Community Representative
 Mr Ken Ferris, Community Representative
 Ms Mary-Jo McDonnell, Community Representative
 Meagan Ang - Community Development Co-ordinator

In Attendance: Mr Joseph Litwin - Executive Manager - Community Partnerships
 Ms Jane Nolan - Human Resources Coordinator
 Mr Lachlan McClure - Building and Associated Services Manager
 Mr Craig Johnson - Parks Project Officer
 Jan Readford - Minute Secretary

REPORT:

RESOLVED on the motion of Mr Robert Bosshard and seconded by Mr Gary London that the apology be accepted.

Attendance Register of Hawkesbury Access and Inclusion Advisory Committee

Member	22/10/2015	26/11/2015		
Councillor Barry Calvert	A			
Councillor Leigh Williams	✓			
Mr Alan Aldrich	A			
Ms Alison Baidon	✓			
Mr Robert Bosshard	✓			
Ms Debbie Court	✓			
Mr Desmond Crane	✓			
Mr Ken Ferris	A			
Ms Carolyn Lucas	✓			
Mr Gary London	✓			
Ms Mary-Jo McDonnell	A			
Ms Melanie Oxenham	✓			

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

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Debbie Court and seconded by Ms Melanie Oxenham that the Minutes of the Hawkesbury Access and Inclusion Advisory Committee held on the 27 August 2015, be confirmed.

SECTION 2 - Presentations to the Committee

1. National Disability Insurance Agency (NDIA)

Mr Litwin welcomed Ms Tessa Duncan, Engagement Officer, National Disability Insurance Agency (NDIA) to the meeting. Ms Duncan advised that NDIA provides assistance across the Local Government Areas of Penrith, Hawkesbury and Blue Mountains, with offices in Penrith, Katoomba and an outreach office in Lithgow.

Ms Duncan advised the National Disability Insurance Scheme (NDIS) covers people 0-64 years, and from 1 July 2016 will expand to entire age cohort in South West and Western Sydney, with the remaining areas by 1 July 2017.

The NDIA is currently focusing on 0-17 year age group. The NDIA is working towards securing client agreements for those already in the system within the next three months. Between now and the 30 June 2016, the NDIA is also looking at individuals who have not yet used the system.

The NDIA knows about existing children with a disability via the education system, and this natural pathway can be used to provide help i.e. via a Pediatrician. The NDIA is looking at early intervention, so that these children may never need to enter the disability system.

- Ms Oxenham referred to the phasing approach and to the instance of people with existing funding, and enquired if the pattern will work the same next year. Some people believe that if they do not have existing funding, they will be last on the list.

Ms Duncan advised that in June 2016, there will be an anticipated 50,000 to 60,000 individuals in the scheme, and in another three years, an estimated 150,000 individuals to organise. Delays are anticipated, however, NDIA are actively working with groups to get people through the door. NDIA do not want people who currently have services to lose their services.

- Ms Lucas advised that there are people out there who have had case managers and receive support, but do not have a specific disability.

Ms Duncan indicated these are people who may need support with setting up the home to cater for their disability, however once done, they no longer need further support. The system is about putting the supports in where they are needed.

- Ms Baildon indicated she thought people with medical disabilities might not get support through NDIS.

Ms Duncan advised that it is not about the health issue. It's about bringing people back to a baseline via rehabilitation. For example, someone with a traumatic brain injury, in the first instance will receive medical intervention, then can be assisted further and go to the NDIS. Case by case, the health agencies and NDIA help the process. In the case of youth, this does not replace parental support. It is not means tested. Everyone has equal rights to access the scheme.

- Ms Lucas enquired if there is a minimum level of services available.

Ms Duncan advised that here in NSW, we have Ability Links.

ORDINARY MEETING
Reports of Committees

- Mr London referred to the Hawkesbury as being a country outlet, and enquired if funding is available for people with transport issues.

Ms Duncan advised that transport will be assisted in the future.

- Mr Aldrich referred to Enable and enquired if there will be any impact of the assistance that is currently provided by this organisation.

Ms Duncan advised that at the moment there are negotiations taking place with EnableNSW.

Ms Duncan advised that the NDIA is aware of the concerns of disabled individuals and their families, and is funding the Community Connectors to provide the necessary assistance to these families.

Ms Duncan advised that anyone can visit the NDIA office to ask questions. Ms Duncan is also available to assist by email as follows: tessa.duncan@ndis.gov.au

2. Employment Opportunities for People with Disabilities at Hawkesbury City Council

This presentation was held first, as the speaker for Item 1 had been delayed.

Mr Litwin welcomed Ms Jane Nolan, Council's Human Resource Coordinator, to the meeting in response to a request by HAIAC at its meeting of 27 August 2015 for an update on employment opportunities for people with a disability at Hawkesbury City Council.

Ms Nolan advised that recruitment at Hawkesbury City Council is a formal process and is open to all individuals in accordance with Council's Equal Employment Opportunity Operational Standard. There are no positions at Council that are specifically aimed at individuals with a disability. If such a person were to apply for a position, and were successful with their application, Council would assess their needs as part of their employment process.

In the past, a person with a disability went through an Ability Points Program being run at Council, and on successful completion, went onto gain employment in other areas. More recently, an individual with a disability was participated in a traineeship with Council, and this practice will not change in the future.

3. Council Works Update

Mr Litwin welcomed Mr McClure, Council's Building and Associated Services Manager, to the meeting. Mr McClure has previously met with the Committee and has now returned to provide an update on the progress of the following Council's Works.

- **Hawkesbury Seniors Leisure and Learning Centre**
Works are expected to be completed in the next three weeks and includes a refurbishment of the old section, an extension to the front of the building; new access friendly driveway with undercover drop-off zone, ambulant toilets, compliant signage, including brail, widened access way to 1.2 metres, scooter track with directional tiles, path lighting, a courtyard café, and a library style community centre. Mr McClure suggested the HAIAC visit the Centre once it is opened.
- **Oasis Aquatic and Leisure Centre**
A Development Application has been lodged and construction is expected to commence in November 2015. The value of the contract is approximately \$600K and will be funded via Section 94 funding, together with some funding raised by YMCA NSW towards the ramp. The proposed works include changes to change rooms and toilets, improved access to outdoors and new flooring for the gymnasium. The changes will improve family access and assist with child protection. The work is expected to be completed by July 2016.

ORDINARY MEETING

Reports of Committees

- **Windsor Pre-school**

The budget for the proposed works is \$360K. Works include an access entry, a compliant toilet block in a better location, improvements to the function room, and the additional of a new cloak room. Development Applications are to be lodged.

- **Kable Street Carpark**

The toilet block is expected to be completed by the second week in November 2015 and will be vandal proof, access compliant and easier to clean. The toilets will be locked overnight due to associated drug problems, as is the case with those located in South Windsor and Richmond. Council's Parks Manager, Mr Sean Perry, can provide details of opening hours.

Ms Lucas suggested that a master access key (MLAK) system be implemented to ensure access and avoid the problems. Mr McClure advised that a time lock has been implemented at other locations, however there have been problems.

Mr Litwin left the meeting at 5.25pm to attend another Council meeting.

- **Richmond Country Women's Association**

The Richmond CWA has received a grant to undertake the works. An access toilet has been implemented. The hall will be upgraded which will improve wheelchair access.

Mr McClure advised that other works have also been carried out and includes:

- **Windsor CWA** - A \$20K grant received to widen the front door for wheelchair access. Completion due in January 2016.
- **Richmond Pool** - Works include a new toilet facility (similar to Kable Street carpark), and improvements to existing toilet access and change rooms.
- **Pound Paddock** - Works include an upgrade of the existing toilet block. Mr Johnson advised that once the works are completed, Council will start on landscaping.
- **Visitors Information Centre** - A new fully compliant toilet block will be constructed to cater for the busloads of tourists visiting the Centre and the adjacent park. Existing facilities will remain. Vandals continue to be a problem.
- **Bell Bird Lookout** - Council received a customer complaint regarding the toilet facilities. A grant has been received to fund an upgrade. Vandals and resulting destruction continues to be a problem.

Mr McClure advised that Council has conducted an access audit of all its toilet facilities and those receiving higher usage will be upgraded first. Council has also audited its community spaces and the results of the audits will be available.

Ms Lucas acknowledged the positive progress being conducted by Hawkesbury City Council.

Ms Oxenham enquired if all staff at the Centres are trained in disability access. Mr McClure advised he was aware that YMCA NSW staff at the Oasis Aquatic and Leisure Centre all participate in disability awareness training, and that Peppercorn Services staff are all trained.

4. Council Parks Update

Councillor Williams welcomed Mr Johnson, Council's Parks Projects Officer, to the meeting. Mr Johnson provided an update of current works underway in response to a request by HAIAC at its meeting of 27 August 2015.

- **Smith Park, Richmond** - Pathways under construction. Completion due mid-November 2015.

ORDINARY MEETING

Reports of Committees

- **Ham Common** - A welding problem found with the new access health and fitness equipment resulted in the equipment being returned to the factory. The new date for completion expected by November/December 2015.
- **Macquarie Park** - \$300K funding received to provide an accessible kayak on the river. Currently in the design process, Council is working with contractors to provide accessible ramps to the river edge, including works on the boat ramp. Work will commence after Christmas 2015. Improvements to car park have been planned. Transport NSW will spend \$140 million in the next five years just for river access, in accordance with their Strategic Plan.
- **Governor Phillip Park** - \$500K has been allocated for upgrade of the boat ramp and construction of a timber/ floating jetty.

In response to Mr London, Mr Johnson advised that a feasibility study was conducted of Windsor Wharf and the foreshore, in consultation with Councillors and the people who own the adjacent properties, and it was found to be untenable to construct a pathway between the bridge and the park. Council then developed another design that will improve the access from that area.

Mr London advised that there is a walking track adjacent to Ebenezer Church that goes down to the river. Visitors to the Church would enjoy the walk, however in recent times the pathway has not been maintained and is now become unusable. Previously, staff at the gaol maintained the walkway.

Mr Johnson advised that Council will go out and look at the pathway.

Councillor Williams thanked Mr Johnson and Mr McClure for their respective presentations.

SECTION 3 - Reports for Determination

Item: 1 **HAIAC - Progress on Access and Inclusion Plan - (124569, 96328)**

DISCUSSION:

- Ms Lucas referred to the meeting of the Working Group held on 15 October 2015 and advised that the actions are ongoing. Ms Lucas advised that an update will be tabled at the next Committee meeting when Ms Ang can be in attendance.
- Ms Lucas also noted the repeat of the recommendation under Action Item 6, from the item above, to be updated.

RECOMMENDATION TO COMMITTEE:

That the matters raised by the Committee relating to the progress of the Access and Inclusion Plan, be noted.

MOTION:

RESOLVED on the motion of Mr Gary London, seconded by Ms Carolyn Lucas.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the matters raised by the Committee relating to the progress of the Access and Inclusion Plan, be noted.

ORDINARY MEETING
Reports of Committees

Item: 2 HAIAC - Access and Inclusion Advisory Committee Audits - (124569, 96328)

DISCUSSION:

- Councillor Williams acknowledged the content of the letter dated 13 October 2015 sent to Centrelink.

RECOMMENDATION TO COMMITTEE:

That the matters raised by the Committee relating to the progress of the Access and Inclusion Plan, be noted.

MOTION:

RESOLVED on the motion of Mr Robert Bosshard, seconded by Ms Alison Baidon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the matters raised by the Committee relating to the progress of the Access and Inclusion Plan, be noted.

SECTION 4 - General Business

- **Access and Inclusion Policy Review**

Ms Oxenham referred to the last Committee meeting held 27 August 2015, specifically the Third Party Verification Outcome report and the recommendation requesting that the Committee review the Access and Inclusion Policy and provide feedback to the October meeting.

Ms Oxenham suggested that she forward her feedback to Council for circulation to the Committee to promote review and discussion at the next Committee meeting.

The meeting terminated at 5.55pm.

Submitted to and confirmed at the meeting of the Hawkesbury Access and Inclusion Advisory Committee held on 26 November 2015.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC **Human Services Advisory Committee - 5 November 2015 - (95498, 123486, 124414)**

The meeting commenced at 9:34am in Council Chambers.

Present:	Ms Vickie Shackley, Chairperson Councillor Barry Calvert, Deputy Chairperson Councillor Mary Lyons-Buckett, Hawkesbury City Council Mr Douglas Carbery, Community Representative Ms Jacquie Menzies, Community Representative Ms Jenny Ranft, Wentworth Community Housing Ms Denise Handcock, Community Representative Ms Birgit Walter, Community Representative
Apologies:	Mr Glenn Powers, Community Representative Mr Joseph Litwin, Hawkesbury City Council Mr Glenn Powers, Community Representative
In Attendance:	Mr Matthew Owens, Hawkesbury City Council Mr Michael Laing, Hawkesbury City Council Ms Megan Ang, Hawkesbury City Council Ms Corey McWhinnie - Nepean Blue Mountains Primary Health Network Ms Jackie Janosi - Nepean Blue Mountains Primary Health Network Mr Bryan Smith - HDHS Community Board of Advice Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council

REPORT:

The Chair opened the meeting and welcomed four guest speakers:

- Bryan Smith from HDHS Community Board of Advice - (in lieu of Barry Adams)
- Jenny Ranft - Wentworth Community Housing
- Corey McWhinnie - Nepean Blue Mountains PHN
- Jackie Janosi - co-presenter - Nepean Blue Mountains PHN.

CHANGE TO ORDER OF BUSINESS:

Councillor Calvert moved a Motion to suspend Standing Orders to accommodate the four guest speakers in delivering their respective presentations.

MOTION:

RESOLVED on the motion of Councillor Calvert, seconded by Ms Walter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the items listed under General Business in the Business Paper be brought forward to accommodate the four guest speakers.

ORDINARY MEETING
Reports of Committees

PRESENTATIONS:

Ms McWhinnie and Ms Janosi (co-presenter) commenced their presentation and subsequently invited questions from the Committee.

- Mr Carbery made reference to the proposed housing development 'on the other side of the river' and asked if there was any proposal for a medical centre to be established on that side.

Ms Janosi responded she would raise that issue with the Workforce Group which was working on a Business Plan.

- Ms Handcock referred to the issue of transport to specialised medical services at Nepean Hospital (including oncology and eye specialist services). Ms Handcock advised although demands were generally being met, it had been noted the need for medical transport services had increased dramatically over the last two years.

Mr Smith responded transport for renal patients was a major issue with demands currently not being met, and advised the Local Health District (LHD) may be able to consider that matter. Mr Smith added there were plans for expansion of local services with the shift from Catholic Health to St John of God.

10:01am - Ms McWhinnie and Ms Janosi were thanked for their presentation and Ms McWhinnie subsequently left the meeting.

10:02am - Mr Smith commenced his presentation.

The following key points were noted:

- Hawkesbury District Health Services is the only private hospital to provide public health services in the State;
 - 30,000 accident and emergency admissions;
 - 42 community services;
 - Local Advisory Board in place 1996;
 - Ownership now changed (as at 5 November to St John of God) - Constitution had not changed and will continue to function as previously.
 - Poor access to mental health services identified
- Ms Ranft asked if a discharge plan for homeless people could be considered to prevent homeless patients from being re-admitted.

Mr Smith responded he would liaise with Dr Ramesh and Ms Rose Cowan, discharge planner, to ascertain what provisions could be put in place for the discharge of homeless people who were admitted to hospital out of the accident and emergency department.

It was suggested StreetMed (Homeless Support Team) also be involved in those discussions.

10:29am - Mr Smith was thanked for his presentation.

10:30am - Ms Ranft commenced her presentation and invited questions from the Committee.

- Ms Handcock asked what services in the Hawkesbury provided crisis accommodation.

Ms Ranft responded the Hawkesbury area was now better catered for in regards to crisis accommodation, with Mission Australia bringing some extra units to the mix. Ms Ranft advised services included Turning Point for young people, Nurreen services for women and children and other services previously provided by Project 40 were available.

10:55am - Mr Owens left the meeting.

ORDINARY MEETING
Reports of Committees

Ms Shackley resumed the Chair and thanked the guest speakers for their presentations.

RESOLVED on the motion of Mr Carbery and seconded by Ms Walter that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Calvert and seconded by Mr Carbery that the Minutes of the Human Services Advisory Committee held on the 30 July 2015, be confirmed.

Attendance Register of Human Services Advisory Committee

Member	06.11.14	05.02.15	23.04.15	30.07.15	05.11.15
Councillor Barry Calvert	✓	✓	✓	✓	✓
Councillor Mary Lyons Buckett	✓	✓	✓	✓	✓
Ms Vickie Shackley	✓	✓	A	✓	✓
Ms Denise Handcock	✓	✓	A	A	✓
Mr Douglas Carbery	✓	✓	X	✓	✓
Mr Nick Sabel (<i>Ms Jenny Ranft appointed in May 2015</i>)	✓	A <i>Ms Ranft in lieu</i>	✓	✓ <i>Ms Ranft</i>	✓ <i>Ms Ranft</i>
Mr Glenn Powers	✓	✓	✓	✓	A
Ms Jacquie Menzies	X <i>Was not aware of meeting due to communication devices offline</i>	A	✓	✓	✓
Ms Birgit Walter	✓	A	✓	✓	✓

Key: A = Formal Apology

✓ = Present

X = Absent - no apology

SECTION 3 - Reports for Determination

Item: 1 **HSAC - Nepean Blue Mountains Local Health District (NBMLHD) Business Plan 2015-2016 - (123486)**

Previous Item: 1, HSAC (30 August 2012)

DISCUSSION:

- The Committee expressed its disappointment at the content of the correspondence received from Nepean Blue Mountains Local Health District (dated 25 August 2015), particularly as the Hawkesbury was not included in the statistical data outlined in that correspondence.

RECOMMENDATION TO COMMITTEE:

That the:

1. Information be received.
2. Human Services Advisory Committee recommend that Council staff make further representations to the Nepean Blue Mountains Local Health District (NBMLHD), and this correspondence be forwarded to the NSW Minister of Health and local members to offer Council's assistance in the planning and placement of public health services across the NBMLHD region which currently disadvantages residents of the Hawkesbury area due to poor road and public transport linkages in the region.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the:

1. Information be received.
2. Committee thank the NBMLHD Chief Executive, Ms Kay Hyman, for her correspondence of 15 August 2015 and the copy of the NBMLHD Business Plan 2015-16, but express its disappointment at the lack of information about health services provided for residents in the Hawkesbury area. The Committee is concerned that this reflects a lack of consideration for an equitable provision of, and planning for, allied health services to cover the Hawkesbury area. The Committee requests that, in future, the Hawkesbury be given greater priority in the organisation's planning for, and reporting of, allied health services across the NBMLHD.
3. Human Services Advisory Committee recommend that Council staff make further representations to the Nepean Blue Mountains Local Health District (NBMLHD), and this correspondence be forwarded to the NSW Minister of Health and local members to offer Council's assistance in the planning and placement of public health services across the NBMLHD region which currently disadvantages residents of the Hawkesbury area due to poor road and public transport linkages in the region.
4. Human Services Advisory Committee be given the opportunity to review and provide input into the draft correspondence as per Recommendation 3.

Item: 2 HSAC - Emergency Services - (123486)

DISCUSSION:

- Mr Laing distributed copies of an email response from Ambulance NSW in relation to his enquiry regarding ambulance services and response times in the Hawkesbury (copy of email dialogue included at end of Minutes).

RECOMMENDATION TO COMMITTEE:

That the:

1. Information be received.
2. Human Services Advisory Committee recommend that Council write to the relevant authorities advising them of the population growth west of the Hawkesbury River and offer Council's assistance in the planning and location, or co-location of emergency services to ensure the safety of Hawkesbury residents west of Hawkesbury River can be assured into the future.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. The Human Services Advisory Committee recommend that Council write to the relevant authorities advising them of the population growth west of the Hawkesbury River and offer Council's assistance in the planning and location, or co-location of emergency services to ensure the safety of Hawkesbury residents west of Hawkesbury River can be assured into the future.
3. Point 2 of the above recommendation be raised as a Notice of Motion at Council's Ordinary Meeting on 24 November 2015.

SECTION 4 - Reports for Information

Item: 3 HSAC - Hawkesbury Homelessness Action Plan (HHAP) for the Hawkesbury LGA - September 2015 Update - (123486)

DISCUSSION:

- Mr Laing distributed copies of a Hawkesbury Homelessness Resource Card which was recently launched at the Hawkesbury Hub and was to be distributed throughout various services including community centres, hospitals and Centrelink. Mr Laing reported the resource card provided local information about emergency accommodation and homelessness, health and support services.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Item: 4 **HSAC - Human Services Advisory Committee Annual Report 2014/2015 - (123486)**

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Calvert, seconded by Ms Handcock.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Item: 5 **HSAC - Affordable Housing Update - November 2015 - (123486)**

Previous Item: HSAC (30 July 2015)
 37, Ordinary (10 March 2015)
 27, Ordinary (24 February 2015)
 129, Ordinary (29 July 2015)
 79, Ordinary (26 May 2015)

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

SECTION 5 - General Business

- Ms Ang reported Council's new Youth Participation officer, Rohan Smyth, commences with Council on Monday 9 November.
- Councillor Calvert suggested an invitation be forwarded to the officer to attend a future HSAC meeting.

ORDINARY MEETING
Reports of Committees

- Ms Shackley referred to the change of the bus routes in the area and raised concern the new bus stops were not very well signposted. Ms Shackley reported some directional signage existed, however no shelter nor footpath existed.

Ms Ang responded a strategy in Hawkesbury's Access and Inclusion Plan (2014 - 2017) included improvements to public transport and suggested she raise the matter as an action item at a future Hawkesbury Access and Inclusion Committee meeting.

MOTION:

RESOLVED on the motion of Councillor Calvert, seconded by Ms Hancock.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the issue of lack of signage to identify new bus stops in the Hawkesbury area be raised at a future Hawkesbury Access and Inclusion Committee for discussion and review.

TABLED CORRESPONDENCE:

Response from Ambulance NSW in relation to ambulance services and response times in the Hawkesbury.

From: CHIVERS, Ross [mailto:RChivers@ambulance.nsw.gov.au]
Sent: Thursday, 29 October 2015 10:12 AM
To: Michael Laing
Subject: FW: Questions regarding ambulance services for the Hawkesbury Local Government area.

Good Morning Michael
Please find below response to the questions. I hope this assist in your preparation of the report
Should you have any questions in regards to the response, please do not hesitate to email direct
Regards
Ross Chivers
Superintendent | Zone Manager, Nepean Blue Mountains | Western Sydney Nepean Blue
Mountains Sector
Level 1 668 High Street PENRITH NSW 2750
p: +61 2 4731 2167 | rchivers@ambulance.nsw.gov.au
www.ambulance.nsw.gov.au



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If you are not the intended recipient, please delete it and notify the sender. Views expressed in this
message are those of the individual sender, and are not necessarily the views of NSW Ambulance.

From: Michael Laing [mailto:Michael.LAING@hawkesbury.nsw.gov.au]
Sent: Tuesday, October 13, 2015 3:47 PM
To: GENERIC, generalenquiry
Subject: Questions regarding ambulance services for the Hawkesbury Local Government area.

Hi,

I am preparing a report for Hawkesbury City Council on ambulance services and response times in our area.

Is Ambulance NSW responsible for providing these ambulance services to the Hawkesbury area?

NSW Ambulance Paramedics respond to Triple Zero (000) calls across the whole of their region, regardless of which ambulance station they are rostered to begin their shifts at. They provide dynamic coverage 24 hours a day to ensure the nearest appropriate resources respond to assist patients

The Hawkesbury area is serviced by Richmond Ambulance Station which operates 24 hours a day, 7 days a week. 18 paramedics are rostered to cover two day shifts, one afternoon shift and one night shift. An additional paramedic crew is "On-Call" throughout the night (7pm to 7am) to support local operations, as required.

ORDINARY MEETING

Reports of Committees

NSW Ambulance uses an international standard computerised medical triage and dispatch system to prioritise emergency calls. Some categories of calls are transferred to healthdirect for further medical assessment and to provide important medical advice when an ambulance response is initially assessed as not being immediately required.

Where are ambulances stationed in proximity to the Hawkesbury Local Government Area (LGA)?

- *NSW Ambulance has fully maintained 18 staff at Richmond Ambulance Station providing coverage across 24 hours with two day shifts crews, one afternoon shift crew and one night shift crew. An additional crew is also rostered "On-Call" throughout the night to support local operations.*
- *Additional Ambulance Stations are located at Penrith, Springwood, Katoomba and Riverstone for normal responses in the area described as the Hawkesbury area.*
 - *Penrith 3 Dayshift crews 3 Nightshift crews*
 - *Katoomba 2 Dayshift and 1 nightshift + On Call resources*
 - *Springwood 2 Dayshift crews and 1 nightshift crew + On Call resources*
 - *Riverstone 2 Day shift crew, 1 afternoon shift crew + 1 Nightshift crew*
- *In addition to the above, single response Extended Care Paramedics operate out of Penrith x 2 dayshifts and Single response managers are available out of Stations and Sector office.*

ECPs have been trained to identify the clinical needs of patients and determine the most appropriate disposition for the patient. ECPs have also been trained to assess and manage clinical risk. ECPs follow a clinical decision making algorithm that aims to identify patients with presentations that need to go to an emergency department (ED) for further assessment and management. For patients with low risk presentations ECPs may be able to offer these patients alternatives other than an ED. Some patients will be referred to a general practitioner while others may be referred services provided by the area health service or to community based services. ECPs may be able to provide immediate care for patients with presentations that fall within the specific scope of the program.

NSW Ambulance works extensively with many communities in the more remote areas to establish community first responder programs in an effort to reduce response times to emergency situations. There are Community First Responder groups currently operating at Mt Wilson, Putty, Howes Valley and Bulga. The CFR's do not replace paramedics however can be sent as a first response to patients prior to the arrival of paramedics.

Is the old ambulance station in Windsor Street, Richmond still operational and, if so, how many ambulances are stationed there. Are ambulances stationed at Windsor hospital? If not, what other near-by ambulance stations service the Hawkesbury LGA.

- *NSW Ambulance has fully maintained 18 staff at Richmond Ambulance Station, which is operational, providing coverage 24 hours with two day shifts crews, one afternoon shift crew and one night shift crew. An additional crew is also rostered "On-Call" throughout the night to support local operations. NSW Ambulance are not stationed at Hawkesbury Hospital however, after presenting at the hospital they could be providing dynamic coverage to ensure the nearest appropriate resources respond to assist patients*

ORDINARY MEETING
Reports of Committees

- *Additional Ambulance Stations are located at Penrith, Springwood, Katoomba and Riverstone for normal responses in the area described as the Hawkesbury area.*

- *Penrith 3 Dayshift crews 3 Nightshift crews*
- *Katoomba 2 Dayshift and 1 nightshift + On Call resources*
- *Springwood 2 Dayshift crews and 1 nightshift crew + On Call resources*
- *Riverstone 2 Day shift crew, 1 afternoon shift crew + 1 Nightshift crew*

What are the response times for servicing an emergency in the Hawkesbury LGA? How much is congestion an issues when servicing areas West of the Hawkesbury River?

50th percentile response time in 2011-12 was 13.7 minutes and was 14.1 minutes in both 2012-13 and 2013-14 financial years. The reported figures are for P1 cases. P1 cases are emergency responses using lights and sirens. The 50th percentile is the formal reporting standard used by all Australian Ambulance Services and is the median response time.

Is there any plans for extending ambulance service provision in the Hawkesbury LGA – particularly for areas West of the Hawkesbury River?

NSW Ambulance is currently undertaking further planning for a comprehensive paramedic response network across the entire Sydney area. The future needs for the Hawkesbury LGA response area is incorporated in this work.

The Sydney Ambulance Metropolitan Infrastructure Strategy (SAMIS) program is a \$150 million, five year building and land acquisition program. On 16 June 2014 the Minister Health announced the commencement of the program with funding for five “superstations” in greater metropolitan Sydney: Bankstown, Blacktown, Kogarah, Liverpool and Penrith.

The SAMIS program is designed to address declining P1 response times (emergency lights and sirens response) in metropolitan Sydney by increasing capacity to respond in the right locations, and improving the efficiency of operating systems. In addition to adding capacity and more functional stations, the infrastructure changes will improve operating efficiencies by providing the capacity to enhance dynamic deployment and implement rosters more closely aligned to the workload.

Thank-you for your time in responding to this enquiry.

Regards,

Michael Laing
Senior Strategic Planner (Community)
Hawkesbury City Council
P. (02) 4560 4437
mllaing@hawkesbury.nsw.gov.au

For further information please visit Council's website: www.hawkesbury.nsw.gov.au

I acknowledge the Traditional Owners, Custodians and Elders of the Darug Nation, both past and present, on whose land I live, work and play

Future meeting dates for 2016 to be set and emailed to members - to be actioned by Robyn Kozjak.

The meeting closed at 11.:50am.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ordinary

section 5

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 5 - Notices of Motion

NM **Notification process for Business Paper items - (79351, 105109, 125610)**

Submitted by: Councillor Conolly

NOTICE OF MOTION:

That Council consider a report on options to amend the notification procedures for items listed on a Council Business Paper.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

REPORT:

Questions - 24 November 2015

#	Councillor	Question	Response
1	Calvert	Enquired if the response to the pollution of Redbank Creek was considered to be timely and adequate and will Council be revising future actions in such cases.	The Director City Planning advised that the response to the complaints regarding Redbank Creek received on Monday 2; Sunday 8 and Sunday 15 November 2015 were responded to on the next day or on the same day. In this regard, Council staff and the construction representatives were immediately inspecting the site and either the appropriate fine or Stop Work Orders were issued by Council. It is not considered that the response actions and procedures require review at this time.
2	Calvert	Enquired if the heritage order on Redbank, North Richmond required the contours to be maintained and has that been complied with.	The Director City Planning advised that there is no Heritage Order on the Redbank site. The site is State Heritage listed and all exemptions to that listing and the current works at the site have been approved by Heritage NSW. The listing and works do not require the contours to all be maintained, but there are approved interpretation works that involve tracing contours, dams and drainage lines that are included in the approved works.
3	Paine	Enquired when the report on improvements to the Windsor Mall would be submitted to Council as per resolution 135 from the Ordinary Meeting of 26 May 2015.	The Director Infrastructure Services advised that the report will be submitted to Council at the Ordinary Meeting on 8 December 2015.
4	Paine	Requested that the shopping trolleys in the park near the golf course at South Windsor be removed.	The Director Infrastructure Services advised that instructions had been given for the trolleys to be removed.
5	Williams	Enquired if it has been determined that the stormwater retention privately certified plans for Redbank, North Richmond were adequate.	The Director City Planning advised that the construction certificate issued by the Private Certifier was considered adequate at the time of issue.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
6	Williams	Enquired if the polluters of the Redbank Creek can be required to engage experts to assist with clean-up of the Creek to assist with speeding up the rejuvenation of the creek	The Director City Planning advised that there was no “one polluter” of the Creek as the entire Creek at various points was discoloured. The erosion and sediment controls at the development site at Redbank, North Richmond have been adequately upsized and appropriate regulatory action has been taken. Part of the upgrading of works will also include controlled release of clear water from the existing dams on the development site to assist in the natural flushing of the Creek.
7	Lyons-Buckett	Requested a time frame for when the vegetation along the sides Warks Hill Road, Kurrajong Heights will be cleared.	The Director Infrastructure Services advised that the vegetation would be cleared within the next week.
8	Lyons-Buckett	Enquired if Council is providing Christmas decorations in Windsor.	<p>The General Manager advised that as Council is aware, since 2010 Council has provided funds towards the provision of Christmas lights in town centres, including Windsor, by relevant business groups to support the Christmas festive and trading period.</p> <p>As reported to Council on 29 September 2015, the program has been reviewed this year as each business group approached the program differently due to resourcing and funding availability. As a result of the review this year, the budget allocated for a Christmas Program was used to continue limited support to the business groups program as well as commence the implementation of a street banner initiative. The Windsor Business Group held its annual 'Light Up Windsor' event, which is supported by funding from Council, on 19 November 2015.</p>

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
9	Lyons-Buckett	Requested an update on the current issues with asbestos in the Hawkesbury area, given the findings of Liverpool Council.	The Director City Planning advised that, like other Sydney Council's situated on the fringe of the Metropolitan area the Hawkesbury's geographical location makes it vulnerable to those looking to transport /dump waste including asbestos. Council's Compliance staff and the EPA have taken a pro-active role in identifying those responsible with over 50 investigations commenced since July 2015. Council is looking forward to continuing to work with the EPA as part of ongoing joint operations.
10	Porter	Enquired if vehicle registration details of the vehicle that spilt paint in a South Windsor laneway were known and has Council taken any action against the driver.	The Director City Planning advised that with the assistance of a witness vehicle registration details have been obtained. Council is currently collecting further evidence in this matter and the investigation is progressing.
11	Reardon	Requested that Council sponsor the Bede Polding College 'Learn to Drive' program.	The Director Support Services advised that requests for sponsorship are ordinarily received and processed through the Community Sponsorship Program. As part of the 2015/2016 Road Safety Action Plan approved by RMS, Council is currently providing financial assistance to local high schools to participate in the RYDA Program targeting young drivers. The 'Blue Datto' Program recently received \$2,000 under clubGrants to support the implementation of their program in local high schools.
12	Reardon	Enquired when the two seats near the Windsor War Memorial are going to be replaced.	The Director Infrastructure Services advised that replacement seats have been ordered and are expected to be installed in the next few weeks.
13	Creed	Requested that the footpaths in Windsor CBD be reviewed, due to complaints from people requiring wheelchair access.	The Director Infrastructure Services advised that where practicable ramps and paths are adjusted to facilitate wheelchair access. Specific locations and requests can be investigated further.
14	Creed	Requested that the Windsor Catholic Cemetery on the corner of Hawkesbury Valley Way and George Street be maintained by the relevant owner.	The Director Infrastructure Services advised that the Cemetery is maintained by Council and is on a regular maintenance roster.

oooO END OF REPORT Oooo

ORDINARY MEETING

Questions for Next Meeting

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 224 **IS - Tender No. 00967 - Reconstruction of Failed Sealed Pavement Sections of King, Terrace, Kurmond, Tizzana and Freemans Reach Roads - (95495, 79344)**
CONFIDENTIAL

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 225 **SS - Property Matter - Lease to WFC Investments Pty Limited - 7 Dight Street, Windsor - (95496, 112106, 33132) CONFIDENTIAL**

Reason for Confidentiality

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

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

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



ordinary
meeting

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