



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 26 November 2013

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

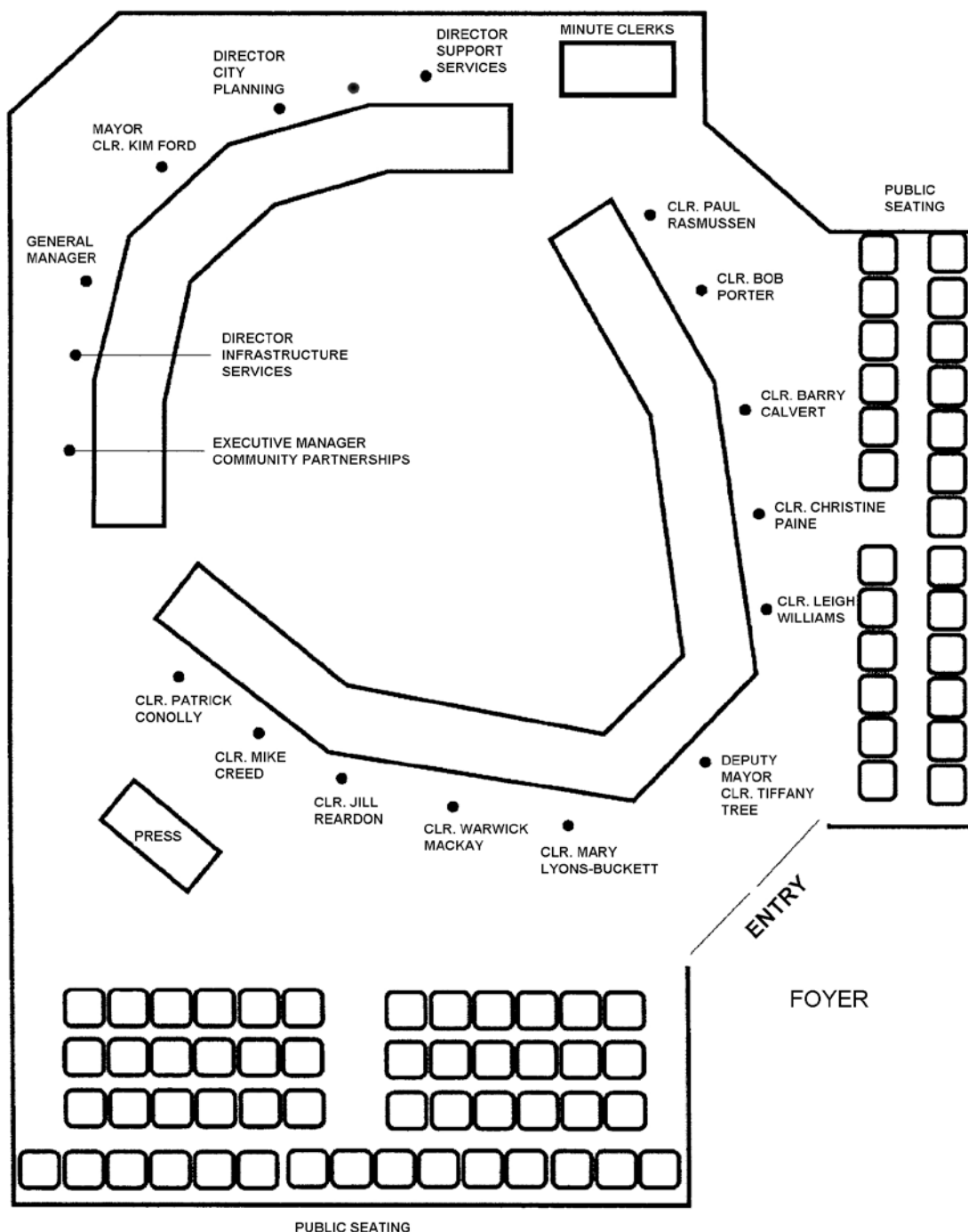
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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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- **INTRODUCTION OF SISTER CITY EXCHANGE STUDENTS AND PRESENTATION OF CERTIFICATES**
- **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**
- **SECTION 2 - Mayoral Minutes**
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SECTION 3 - Reports for Determination

PLANNING DECISIONS

ITEM: 232 CP - Planning Proposal for Lot 1 DP 880604, 1411 Kurmond Road, Kurmond
(LEP89005/10) - (95498)

REPORT:

Executive Summary

The purpose of this report is to advise Council of submissions received following the public exhibition and public authority consultation relating to a planning proposal affecting Lot 1 DP 880604, 1411 Kurmond Road, Kurmond.

It is recommended that the planning proposal as amended be forwarded to the Department of Planning and Infrastructure (DP & I) for finalisation and gazettal.

Background

On 31 January 2012 Council considered a report to permit large lot residential development on 1411 Kurmond Road, Kurmond and resolved as follows:

"That:

1. *Council support in principle a planning proposal to permit not more than five large residential lots on Lot 1 DP 880684, 1411 Kurmond Road, Kurmond, generally consistent with the layout in plan prepared by McKinlay Morgan & Associates Pty Ltd., titled "Plan Showing Gradients Over Part of Lot 1 DP 880684 Kurmond Road, Kurmond", dated 1/11/2011.*
2. *The "in principle" support for this Planning Proposal must be subject to the proposal being responsible, jointly with the Roads and Maritime Services, for some upgrade to the intersection of Kurmond Road and Bells Line of Road to improve right turn movements into Kurmond Road for traffic travelling west along Bells Line of Road,*
3. *Montgomery Planning Solutions be requested to provide Council with a planning proposal consistent with resolution 1 and Department of Planning and Infrastructure's "A guide to preparing planning proposals".*
4. *As a result of parts 1, 2 and 3 of the resolution, the planning proposal be forwarded to the Department of Planning and Infrastructure for a "gateway" determination.*
5. *The Roads and Maritime Services be reminded of the concerns of the community and Council in relation to the significant existing traffic problems along Bells Line of Road through North Richmond and Richmond and request that this issue be addressed as soon as possible."*

Montgomery Planning Solutions (MPS) subsequently provided an amended planning proposal and it was forwarded to the Department of Planning and Infrastructure (DP & I) on 16 October 2012. Note; in preparing the amended planning proposal MPS endeavoured, on a number of occasions, to discuss the matter with RMS staff, however, no response was received.

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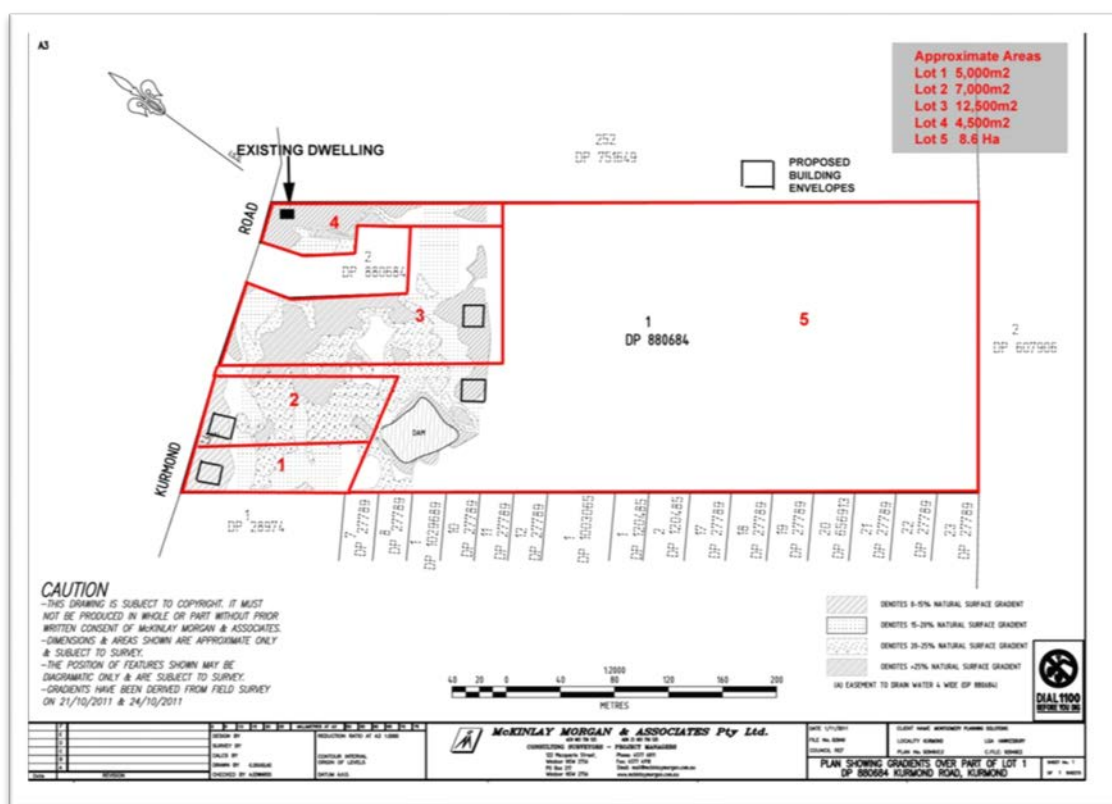
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On 17 November 2012 a “gateway determination” was issued that allowed the proposal to proceed to consultation with certain public authorities and community consultation.

Objectives or Intended Outcomes of the Planning Proposal

The objective of the planning proposal is to allow the land to be subdivided into four large residential lots (in keeping with properties adjoining to the south-west) and one larger rural lifestyle lot. The intended outcome is to facilitate a development application to subdivide the land. Figure 1 below is a concept plan only of a subdivision layout. Should the planning proposal be supported, the subdivision layout will be the subject of a separate development application following gazettal of the planning proposal.

Figure 1: Concept Subdivision Layout



Explanation of proposed LEP amendments

The planning proposal as exhibited proposed to either:

- Amend zoning and lot size maps as follows:
 - amend the Hawkesbury Local Environmental Plan 2012 Land Zoning Map to identify part of the land as RU5 - Village as shown in Figure 2 below; and
 - amend the Hawkesbury Local Environmental Plan 2012 Lot Size Map to fix the minimum lot size for part of the land at 4,000 square metres as shown in Figure 3 below.

Figure 2: Extract from Draft Hawkesbury LEP 2011 Zone Map Sheet 12



Figure 3: Extract from Draft Hawkesbury LEP 2011 Lot Size Map Sheet 12



or

2. Add the following entry to the table to Schedule 1 - Additional permitted uses, of proposed Hawkesbury Local Environmental Plan 2012:

Lot Description	Address	Additional permitted use	Conditions
Lot 1, DP 880604	No. 1411 Kurmond Road, Kurmond	Subdivision into five allotments	Minimum lot size 4,000m2

Consultation

In accordance with the relevant statutory provisions and the “gateway determination” requirements, the relevant public authorities and the community were consulted on the planning proposal and the outcome of the consultation is discussed in this report.

Consultation with Public Authorities

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The planning proposal was referred to the following public authorities:

- Department of Primary Industries (Agriculture)
- NSW Rural Fire Service
- Office of Environment and Heritage
- Transport for NSW - Roads and Maritime Service (RMS)

Council received submissions from the NSW Rural Fire Service, Transport for NSW and the Office of Environment and Heritage. These submissions are discussed below:

Office of Environment and Heritage

OEH advised:

The mapping projects Native Vegetation of the Cumberland Plain, Western Sydney (OEH 2002) and Council's vegetation mapping (2005) indicate the site contains remnants of Shale-Sandstone Transition Forest and Cumberland Plain Woodland which are listed under the Threatened Species Conservation Act 1995 as an endangered ecological community (EEC) and critically EEC respectively. OEH recommends Council confirm the presence of these EEC and, if present, ensure any potential impacts are adequately addresses.

Council mapping shows relatively small patches of Shale Plains Woodland and Shale Sandstone Transition Forest towards the front of the site and the rear of the site. Given the relatively small area of vegetation it is expected that any impacts of future development can be appropriately considered at the development application stage by way of Clause 6.4 Terrestrial biodiversity of the LEP 2012.

This matter has been discussed with relevant Department of Planning and Infrastructure staff and in reply Council has been advised that Clause 6.4 ensures that such matters are adequately dealt with at the development application stage. The planning proposal will not have any effect on the operation of Clause 6.4, and will not affect the way the vegetation is treated in the development application process, and therefore does not have an adverse impact that would trigger the requirement of a threatened species assessment.

Transport for NSW - Roads & Maritime Services (RMS)

RMS advised:

RMS has reviewed the proposal for rezoning the land to create five rural residential lots and does not object to the proposal as it is unlikely to generate significant traffic on the classified road network.

In recent reports to Council dealing with other planning proposals within the vicinity of Kurmond it has been noted that Council has received petitions from residents west of the Hawkesbury River concerned about rezoning of land for residential purposes in the absence of necessary infrastructure upgrades. To address this it has been recommended that Council commence the preparation of a Section 94 Contributions Plan for the land within the vicinity of Kurmond to ensure that all proposed developments in the locality contribute to the required infrastructure, especially road upgrade and provision, in the locality. Alternatively applicants and Council can commence Voluntary Planning Agreement negotiations to address this issue. It is considered this is a fundamental matter to be dealt with by Council prior to the finalisation of any planning proposals in the locality as the cumulative impact of these types of development will be unacceptable if no traffic improvements are made.

Council staff are currently in discussion with DP&I and RMS staff to prepare a contributions plan (or similar). As this current proposal is for 5 allotments it is considered inappropriate to withhold the finalisation of this planning proposal until the completion of a Section 94 Plan. However, it is considered appropriate to complete the Section 94 Plan prior to the completion of other planning proposals in the Kurmond locality.

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NSW Rural Fire Service

RFS raised concern that the property was to be zoned RU5 Village and stated:

It is noted that the RU5 Village zoning under the Hawkesbury Local Environmental Plan 2012 allows for the usage of Bed and Breakfast Accommodation without consent. Planning for Bush Fire Protection 2006 recognises Bed and Breakfast Accommodation as a Special Fire Protection Purpose pursuant to Section 100B of the Rural Fires Act 1997. The Bed and Breakfast Accommodation is integrated development and requires referral to the Rural Fire Service.

The Rural Fire Service recommends that the planning proposal should be facilitated under Schedule 1 (Additional Permitted Uses) of the Hawkesbury Local Environmental Plan 2012, which will retain the existing zoning under the Hawkesbury Local Environmental Plan 1989.

The subject property is currently zoned RU4 Primary Production Small Lots. At present *bed and breakfast accommodation* is permitted without consent in this zone and the RU5 Village zone. Hence rezoning the land as proposed will not impact on the operation of the *Rural Fires Act*.

Community Consultation

The planning proposal and supporting documentation was publically exhibited for the period 18 January 2013 to 4 February 2013. A notice was placed in the Hawkesbury Courier and letters were sent to adjoining and nearby landowners and occupiers advising of the proposal and the exhibition period. The planning proposal was available on Council's website and at Council's Main Administration Building.

Council received no submissions.

Although not submitted as a specific submission to this individual planning proposal, Council has also previously received a petition headed "Do not approve any rezoning west of the river" with 4207 signatures. The petition states:

"Do not approve any rezoning west of the river.

The current infrastructure is inadequate for the existing population of North Richmond and surrounding areas. Traffic congestion is a major problem which impacts on all residents west of the river as well as residents and businesses in Richmond due to the bank up of traffic in Richmond.

North Richmond Districts Community Action Association and the community are therefore requesting that Hawkesbury City Council does not approve any further rezoning west of the river until the infrastructure has been upgraded significantly. The community calls for action by the relevant authorities to improve the infrastructure NOW, not simply make promises for future improvements but implement actual upgrades to alleviate the existing problems. Until this time the area west of the river cannot sustain any further rezonings."

Additional Information received from Proponent and Subsequent Amendment to the Planning Proposal

Since the matter was previously reported to Council MPS has provided a preliminary assessment of potential soil contamination and options for wastewater disposal.

The soil contamination assessment consisted of a site inspection and soil testing. The assessor found no visible signs of contamination, no detection of odour and the results of the soil testing found that the contaminants in the soil were well below acceptable levels. The assessor concluded that from the land history and testing the land was suitable for residential use.

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The wastewater assessment found that based on the concept lot layout an onsite irrigation area of 1000m² may not be possible. However, other methods such as a mound system or evapotranspiration beds could be possible.

As can be seen in "Figure 1: Concept Subdivision Layout", four of the lots to be created are towards the front of the property fronting Kurmond Road with Lots 1, 2 and 4 being the smaller lots. Proposed Lot 4 will contain an existing dwelling and onsite wastewater disposal system. Lots 1 and 2 would be new lots with relatively limited area to provide for a dwelling and associated onsite waste water disposal.

Following receipt of this information discussions were held with MPS regarding the potential to amend the planning proposal to enable greater flexibility in lot layout and therefore provide greater options for dwelling and onsite wastewater disposal system location whilst at the same time not increasing the proposed development yield of 5 lots.

An option of amending the lot size map over the whole of the property to 4000m² and including a provision on the LEP to limit the maximum number of lots to 5 was discussed with MPS and in response MPS have agreed to this amendment.

This option will provide greater flexibility in lot layout, increased choice of dwelling and waste water disposal area and better opportunity to produce a lot layout that avoids any significant vegetation of the property. This option is also consistent with Council's recent consideration of other planning proposals in the immediate vicinity at 396 Bells Line of Road and 1442 & 1442A Kurmond Road, Kurmond.

This amendment is minor in nature and consistent with the intended outcome of the planning proposal and proposed LEP amendments identified earlier in this report and hence it is considered that re-exhibition of the planning proposal is not necessary.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping our future together Directions statement;

- A balanced set of decisions that integrate jobs, housing, infrastructure, heritage, and environment that incorporates sustainability principles

Financial Implications

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

Planning Decision

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

RECOMMENDATION:

That the planning proposal to permit large lot residential development on 1411 Kurmond Road, Kurmond be forwarded to the Department of Planning and Infrastructure for finalisation and gazettal subject to:

- a) the relevant Lot Size Map of Hawkesbury Local Environmental Plan 2012 being amended to provide for a minimum lot size of 4,000m² over the whole of 1411 Kurmond Road, Kurmond; and
- b) a suitable provision being included in the Hawkesbury Local Environmental Plan 2012 to limit the maximum number of lots to be created from subdivision of the site to 5.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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ITEM: 233 **CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - Lots 1, 2, 3 & 4 DP 1057585, Lots 2 & 3 DP 808945, part Lot 1 DP 808945 and Part Lot 2 DP 555257, Mitchell Road, Pitt Town - (95498)**

REPORT:

Executive Summary

This report discusses a planning proposal received from Ghant Developments Pty Ltd (GD) seeking to amend Hawkesbury Local Environmental Plan 2012 to enable subdivision of the subject land into residential lots with a minimum lot size of 1,000m².

This report recommends that Council not support the planning proposal in its current form.

Consultation

The planning proposal has not yet been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation) and as specified in the "Gateway" determination.

Background

In 1998 Council made a resolution that identified 5 areas for future urban development. These include Pitt Town, Vineyard, North Bligh Park, Wilberforce and North Richmond.

In 2000 Council resolved to prepare a draft Local Environmental Plan (LEP) to rezone land at Pitt Town for residential purposes. A Local Environmental Study (LES) was subsequently prepared by Connell Wagner and this study identified three growth scenarios, low (495 lots), medium (730 lots) and high (1405 lots). In 2003 Council adopted the LES and resolved to prepare a draft LEP based on a revised medium growth scenario of approximately 690 lots. Subsequently Hawkesbury Local Environmental Plan 1989 (Amendment 145) was gazetted on 18 August 2006.

In January 2007, the State Emergency Service (SES) indicated that no more than 1100 lots can be safely evacuated and this reduces the safety factor to zero.

Council at its meeting of 31 July 2007 resolved to prepare a draft local environmental plan to rezone additional land at Pitt Town. The proposed additional development on the land owned or controlled by Johnson Property Group (JPG) was determined, on 12 October 2007, to be a Major Project under the then Part 3A provisions of the *Environmental Planning and Assessment Act 1979*. On 10 July 2008, the Minister for Planning approved the Concept Plan which provided for an additional 893 lots. 647 lots were attributed to JPG with the remaining 246 lots being made up from other potential developers. On 18 July 2008 an amendment to *State Environmental Planning Policy (Major Projects) (Pitt Town) 2008* was gazetted. This has the effect of replacing the controls relating to Pitt Town with the Hawkesbury Local Environmental Plan 1989 to be consistent with the Concept Approval, issued on 10 July 2008.

In order to implement the provisions of the Part 3A Concept Plan approval, the Hawkesbury Development Control Plan 2002 (DCP) was subsequently amended by way of an updated chapter for Pitt Town, Part E Chapter 4. This updated chapter came into effect on 19 February 2009. The DCP chapter divides the Pitt Town Development Area into precincts and the subject site is located within the Precinct E - Cattai precinct.

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Subject Site and Surrounds

The subject site is located on the northern end of Mitchell Road, Pitt Town and is approximately 2kms away from Pitt Town Village Centre (see Attachment 1 to this report). The site consists of eight properties and is irregular in shape. It has an area of approximately 15.59ha, and is approximately 260m wide and 470m deep (see Attachment 2 to this report and Table 1 below).

The site is owned by five different owners and four of the subject properties are owned by GD. In total the land is currently occupied by four dwelling houses, two small dams and some outbuildings as shown on Table 1 below.

Table 1: Subject Properties and Current Land Use

Property Description	Street Address	Area	Current Use
Lot1 DP 1057585	30A Mitchell Road	2.0ha	Vacant
Lot2 DP 1057585	30B Mitchell Road	2.0ha	Vacant
Lot3 DP 1057585	30C Mitchell Road	2.0ha	Vacant
Lot4 DP 1057585	34 Mitchell Road	1.98ha	Dwelling and outbuildings
Lot 2 DP 555257	32 Mitchell Road	0.16ha	Dwelling and outbuildings
Lot 1 DP 808945	14 Mitchell Road	2.1ha	Dwelling house, outbuildings and a dam
Lot 2 DP 808945	26 Mitchell Road	2.0ha	Dwelling house and outbuildings
Lot 3 DP 808945	28 Mitchell Road	3.35ha	Outbuildings/sheds and a dam
Total		15.59ha	

The majority of the land is zoned R5 Large Lot Residential under HLEP 2012 with a smaller area towards Mitchell Road zoned RU4 Primary Production Small Lots (see Attachment 3).

Lot Size Map 3800_COM_LSZ_008C of HLEP 2012 applies to the site. This map shows a minimum lot size of 2,500m² applying to the R5 Large Lot Residential zoned land and a minimum lot size of 2ha applying to the RU4 Primary Production Small Lots zoned land (see Attachment 4).

The whole site (other than approximately 0.6ha triangular shaped area of land at the south-eastern corner of the site) is above 17.5m AHD, and the area that is the subject of the planning proposal is above the 1 in 100 year flood event level for the area. The site is relatively flat in sections, and a small area of the site at the south-eastern corner has a gentle slope towards Mitchell Road.

Part E Chapter 4 Pitt Town of the DCP divides the Pitt Town Development Area into 10 precincts, and the subject land is located within Precinct E (see Attachment 5). Development of land in precincts C, D, E, part F, G and H relies upon the proposed Pitt Town Flood Evacuation Route (FER) identified in this chapter. The FER runs through the site in a north-south direction and partly an east-west direction (see Attachment 6).

The immediate surrounding is predominantly zoned R5 Large Lot Residential and RU4 Primary Production Small Lots and is characterised by large lot residential and rural residential development. To the immediate north of the site is vacant land that has been previously used for agricultural purposes and to the immediate east of the site is a poultry farm with a significant area of Shale/Gravel Transition Forest identified as an Endangered Ecological Community at the corner of Mitchell and Cattai roads. The area of land to the west of the site is occupied by large lot residential development and rural residential development and some rural residential development is to the south of the site (see Attachment 7).

Planning Proposal

The applicant Ghant Developments Pty Ltd (GD) seeks an amendment to HLEP 2012 to enable subdivision of the land consisting of eight properties into 116 residential lots with a minimum lot size of 1,000m².

GD proposes to amend the lot size map of HLEP 2012 to fix the minimum lot size for the zoned R5 Large Lot Residential zoned land at 1,000m² and retain the minimum lot size of 2ha for the RU4 Primary Production Small Lots zoned land.

GD claims that at present the site has development potential to create approximately 47 lots. The proposed amendment would allow for additional 69 lots thus providing a total of 116 lots on the site.

GD have not provided an indicative plan of subdivision for the land using the current planning controls or proposed planning controls demonstrating the number of lots claimed. Initial assessment by Council staff suggests that the subject land currently has a development potential of approximately 43 lots and the proposed amendment would create the potential for approximately 107 lots. Notwithstanding this, for the purposes of this report GD's figure of 47 and 116 lots has been adopted.

Applicant's Justification of Proposal

GD has provided the following reasons in support of the planning proposal:

- *The proposal will provide significant public infrastructure in the form of a 900m section of the Pitt Town FER at no cost to the community.*
- *Construction of the Pitt Town FER and designated bus transport road is dependent upon this planning proposal.*
- *The risk to residents of Pitt Town in terms of flooding will be significantly reduced.*
- *The FER will assist the State Emergency Service and reduce the risk to life during flood evacuation.*
- *The proposal will facilitate additional housing opportunities in an area of high amenity with access to services.*
- *The proposal will provide a variety of cheaper housing choices, consistent with government and Council policy.*
- *The land is already zoned R5 Large Lot Residential, therefore there will be no change in character.*
- *The proposal will make use of existing infrastructure, therefore no additional infrastructure is required.*
- *There are no adverse environmental and visual impacts arising from this planning proposal.*
- *The proposal is consistent with all relevant State, Regional and Local Strategies, including the Hawkesbury Residential Land Strategy.*

Assessment

Metropolitan Plan for Sydney 2036 and Draft North West Subregional Strategy

The aim of *Metropolitan Plan for Sydney 2036* (the Metro Plan) is to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036. A number of objectives and actions have been identified in the *Metropolitan Plan for Sydney 2036*.

The draft North West Subregional Strategy (dNWSS) requires the provision of new housing in existing urban areas, focused around centres and corridors. This is to take advantage of existing services such as shops and public transport.

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The dNWSS classified Pitt Town as a neighbourhood centre. This classification gives an indication as to what the function of the Pitt Town centre was at the time of preparing the Strategy and is not intended to be a set classification to limit the growth or expansion of the centre, and may be modified slightly as long as it is part of a sustainable strategy for the LGA. Given the current Pitt Town centre's population the Hawkesbury Residential Land Strategy (RLS) states that the centre has the ability to grow to the upper level limit of the Small Village category by 2031, and therefore the HRLS identifies Pitt Town as a small village.

The following objectives and actions of the Metro Plan and actions of the dNWSS are of primary relevance to the Planning proposal:

Metropolitan Plan for Sydney 2036

- Objective B1* To focus activity in accessible centres.
Action B1.1 Plan for centres to grow and change over time.

The land is located within the Pitt Town Development Area and therefore the planning proposal will enable increased housing opportunities and hence improve the viability of the existing centre.

- Objective D1* To ensure an adequate supply of land and sites for residential development.
Objective D2 To produce housing that suits our expected future needs.
Action D1.1 Locate at least 70% of new housing within exiting urban areas and up to 30% of new housing in new release areas.
Action D2.1 Ensure local planning controls include more low rise medium density housing in and around smaller local centres.

The planning proposal seeking subdivision of the land into 116 residential lots will enable the expansion of the existing residential area to the north-east of the Pitt Town Small Village Centre. It will also enable relatively affordable housing in proximity to the existing small village centre to meet future needs.

Draft North West Subregional Strategy

- .Action 1.3.1* North West Councils to plan sufficient zoned land to accommodate their local government housing target in their principle LEPs.
Action C2.1.2 Councils to provide in their LEPs zoned capacity for a significant majority of new dwellings to be located in strategic and local centres.

The land is already zoned for residential purpose to meet the Hawkesbury's housing target set by the dNWSS. The proposal provides the opportunity to create approximately 116 residential allotments in proximity to the Pitt Town Small Village Centre within the timeframe of the Metropolitan Plan and Subregional Strategy.

Hawkesbury Residential Land Strategy

In May 2011, Council adopted the Hawkesbury residential Land Strategy (HRLS). This Strategy is, in part, a response to the above mentioned State strategies and seeks to identify residential investigation areas and sustainable development criteria which are consistent with the NSW Government's strategies. The HRLS is based on best practice models of sustainable development and provides guidance on locations and types of future residential development within the LGA.

The HRLS guides future residential development within the LGA, with the aim of accommodating approximately 5,000 and 6,000 new dwellings (based on projected demand) by 2031. The HRLS seeks to locate much of the future growth within existing areas to minimise fragmentation of agricultural land, demand on public infrastructure and impacts on environmental sensitive and scenic landscape areas accordance with the Metro Plan. Therefore the Hawkesbury Residential Development Model focuses on future residential development in urban areas and key centres.

With respect to Pitt Town the HRLS states that:

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'The future development has previously been addressed by the Department of Planning in 2008 as part of a Part 3A Concept Approval, which is considered to supply Pitt Town with an adequate supply of zoned residential land for the duration of the HRLS. Pitt Town has longer term development potential in zoned areas'.

Hence, the HRLS does not envisage further development of the Pitt Town Development Area beyond that provided for by the Part 3A approval, in the short term.

Hawkesbury Local Environmental Plan 2012

The land is currently zoned part R5 Large Lot Residential and part RU4 Primary Production Small Lots under HLEP 2012, and the planning proposal does not seek to change these zonings. The current Lot Size Map 3800_COM_LSZ_008C of HLEP 2012 applies to the subject land. As shown on Attachment 4 to this report a minimum of 2500m² lot size applies to part of the land zoned R5 Large Lot Residential and 2ha minimum lot size applies to the remaining area of the land zoned RU4 Primary Production Small Lots.

GD claims that subdivision of the land under current provisions of HLEP 2012 into 47 lots with minimum 2500 lot size is not an economically viable development and therefore GD seeks to amend the lot size map to allow 1,000m² minimum lot size on the land to yield additional 69 lots thus producing a total of 116 lots (see Attachment 8).

The minimum lot size for R5 zoned land within the Pitt Town Development Area ranges from 1,000m² to 10,000m², therefore the proposed 1,000m² minimum lot size for the land is considered consistent with minimum lot sizes for the R5 zoned land. However, the planning proposal does not provide an appropriate justification as to how and why such a minimum lot size for that part of the land zoned R5 Large Lot Residential, located approximately 2kms away from the Pitt Town Small Village Centre, or why it is strategically significant in terms of the provision of housing within the LGA.

Section 1.3 of 'A guide to preparing planning proposals' published by the Department of Planning and Infrastructure in October 2012 (the Guidelines) states that:

'A planning proposal must demonstrate the strategic merit of the proposed amendment to the LEP proceeding'.

Section 117 Directions

Section 117 directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the Section 117 directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. The key Section 117 directions are as follows:

1.2 Rural Zones

The objective of this Direction is to protect the agricultural production value of the land. This direction requires Council not to rezone land from a rural zone to a residential, business, industrial, village or tourist zone and not to contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Part of the land is zoned RU4 Primary Production Small Lots. The planning proposal seeks an amendment to the lot size map as it relates to the R5 zoned land. Hence, it does not propose any zoning changes or contain provisions to increase the permissible density of land within the RU4 zoned area. It is therefore considered the planning proposal is consistent with this Direction.

1.3 Mining, Petroleum Production and Extractive Industries

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

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The planning proposal does not seek to rezone the land. According to '*Plan1- Mineral Resources Audit of Hawkesbury City August 2011*' issued by the NSW Department of Trade and Investment (DT&I's) the subject site is not located within any identified resource areas, potential resources areas or transitional areas within the Hawkesbury LGA. There are no known existing mines, petroleum production operations or extractive industries in the area subject to the planning proposal or in the vicinity. Given existing residential zoning of the land, the current development on the land and the immediate locality, it is considered that the future development of the land for residential purposes would not further restrict development potential or create land use conflict beyond that which currently exists.

Notwithstanding this the planning proposal would need to be referred to DT&I for comment.

3.1 Residential Zones

The objectives of this Direction are to:

- (a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) *to minimise the impact of residential development on the environment and resource lands.*

The planning proposal does not seek to reduce the amount of residential land but rather provide for additional 69 lots on the land through an amendment to the lot size map of HLEP 2012 and hence assist Council in achieving its housing targets. The site has reasonable access to the required services to accommodate the proposed development on the land. Therefore, it is considered that the planning proposal is generally consistent with this Direction.

Direction 3.3 Home Occupations

The objective of this Direction is to encourage the carrying out of low-impact small businesses in dwelling houses.

The planning proposal seeks only an amendment to Lot Size Map Sheet LSZ_008C of HLEP2012 and the current part R5 Large Lot Residential and part RU4 Primary Production Small Lots zoning of the land is to remain unchanged. Both these zones permit carrying out of home occupations in dwelling houses without development consent. The planning proposal is therefore consistent with this Direction.

Direction 3.4 Integrated Land Use and Transport

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

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

The DP & I's guidelines "*Integrated Landuse and Transport*" seeks to improve the integration of land use and transport planning.

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The planning proposal seeks to subdivide approximately 15.5ha of residential land into 116 residential lots within proximity to the Pitt Town Village Centre and support the efficient and viable operation of both rail and road transport networks in the area. The proposal will enable the expansion of the existing Pitt Town residential area and thereby it would help improve local business/retail activities and employment opportunities and support growth and change of the existing small village centre.

It is considered that the proposed planning proposal is generally consistent with this Direction.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&I. The subject site is identified as "Class 5" (less constrained) on the Acid Sulphate Soils Planning Maps. The DP&I will consider this as part of their "gateway determination" and if required can request further information/consideration of this matter.

Direction 4.4 Planning for Bushfire Protection

The objectives of this Direction are:

- (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) *to encourage sound management of bush fire prone areas.*

A small area of the subject land in the south-eastern corner is identified as bush fire prone land. Accordingly, Council is required to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in accordance with section 57 of the Act, and take into account any comments so made.

Direction 6.1 Approval and Referral Requirements

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. It is considered that the planning proposal is consistent with this Direction as it does not require the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls. The proposal is consistent with this direction as it does not specify any restrictive provisions for future development on the land other than those already specified in HLEP 2012 for the R5 Large Lot Residential and RU4 Primary Production Small Lots zones.

Direction 7.1 Implementation of the Metropolitan Strategy

The objective of this Direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

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

The Section 117 Directions do allow for planning proposals to be inconsistent with the Directions. In general terms a planning proposal may be inconsistent with a Direction only if the DP&I are satisfied that the proposal is:

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

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

State Environmental Planning Policies

The State Environmental Planning Policies of most relevance are *State Environmental Planning Policy No. 55 Remediation of Land*, *State Environmental Planning Policy No. 19 - Bushland in Urban Areas* and *Sydney Regional Environmental Plan No. 20 Hawkesbury - Nepean River (No.2 - 1997)*, and *State Regional Environmental Plan No. 9 - Extractive Industry (No 2 - 1997)*

State Environmental Planning Policy No. 55 Remediation of Land

The *State Environmental Planning Policy No. 55 Remediation of Land* (SEPP 55) requires consideration as to whether or not the land is contaminated, and if so, is it suitable for future permitted uses in its current state or does it require remediation. The SEPP may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

The site is currently being used mainly for residential purposes. GD states that the land was used for agriculture for many years prior to 1976 and in 1979 approximately 2.5ha of sand was extracted with Council's approval. In April 2006 Council approved filling of part of the site. Given the previous use of the site for agricultural and land fill purposes there may be a potential that the site may be contaminated according to *Table 1 - 'Some Activities that may Cause Contamination' of the Managing Land Contamination: Planning Guidelines*. However, at present this has not been investigated by the proponent or by Council.

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

State Environmental Planning Policy No. 19 - Bushland in Urban Areas - SEPP 19

The aim of SEPP 19 is to protect and preserve bushland within the urban areas.

The majority of the site is free of any significant vegetation and the planning proposal ensures that any significant vegetation within the site are appropriately retained and protected by Clause 5.9 of HLEP 2012 and the Preservation of Trees and Vegetation chapter of the DCP.

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

The aim of State Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No 2 - 1997) (SREP No 20) is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the

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impacts of future land uses are considered in a regional context. This requires consideration of the impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as environmentally sensitive areas, water quality, water quantity, cultural heritage, flora and fauna, agriculture, rural-residential development and metropolitan strategy.

It is considered that the planning proposal achieves satisfactory compliance with the relevant provisions of SREP No 20 (No. 2 - 1997). Further detailed consideration of these matters can be addressed at the development application stage.

State Regional Environmental Plan No. 9 - Extractive Industry (No 2 - 1997)

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

Economic Feasibility of Subdivision

It appears that the main justification of GD for the planning proposal is that under the current provisions of the LEP and Section 94 contributions plan subdivision of the land is not economically feasible hence subdivision of the land will not occur as forecast and the proposed FER in the DCP will not be completed.

Prior to examining GD's claim the following summary of past, current and future lot yields is provided:

Prior to Amendment 145 - the land had no subdivision potential because the minimum lot size applying to the land was 2ha.

Upon gazettal of Amendment 145 - the land had a lot density of 2 lots per hectare therefore creating a development potential of approximately 29 lots.

Part 3A approval - the land has a minimum lot size of 2500m² therefore creating a development potential of approximately 47 lots.

Current planning proposal - proposed minimum lot size of 1,000m² thereby creating a development potential of approximately 116 lots

GD has provided the following table showing indicative costs and return for a subdivision of Lots 1, 2, 3 and 4 DP 1057585 (approximately half of the land subject to the planning proposal) into 23 lots under the current minimum lot size requirements.

Cost Component	Estimated Cost
Legal fees, taxes and contributions	\$1,265,449
Development costs (roads etc.) including contingency	\$4,020,783
Survey costs	\$25,000
Agents fees, bank charges and interest	\$1,914,008
Total Cost	\$7,225,240
Sales (avg. \$521,000 per lot)	\$11,983,000
Return	\$4,757,760

GD claims that the return from selling the four properties as they are (i.e. the "no development" option) would be \$4,654,000 (this is based on GD's assessment of a likely sale price). Hence, the difference in return between "no development" and "development" under the current minimum lot size provisions is marginal at best i.e. only \$103,760.

Therefore, GD seeks to amend the lot size map to a 1,000m² minimum lot size thus enabling an additional yield of 69 lots to create a total of 116 lots. GD states that a subdivision allowing 1,000m² lots should be permitted to provide additional housing opportunities and facilitate the construction of the Pitt Town FER.

GD has not provided a detailed cost breakdown or justification of likely sales figures to accompany the above table. Detailed economic modelling of existing and proposed minimum lot sizes was requested of GD prior to lodgement of the planning proposal. GD has not provided this information and in their planning proposal states that it is not appropriate for the purposes of the planning proposal to disclose the individual cost detail. Whilst it is agreed that the individual cost detail is inappropriate to disclose, there is a need for the applicant (GD) to provide sufficient detail in the planning proposal to support the assertion that the site is not economic to develop under the current planning controls. In the absence of this economic justification it is not possible to check, in detail, the veracity of GD's claims and hence support the planning proposal in its current form.

GD's total costs equate to approximately \$314,000 per lot and the estimated sale price of \$521,000 appears to be derived by recent sales of land within the Pitt Town Development Area. Recent information obtained from UrbanGrowth NSW (formally Landcom) suggest that, in general terms, for a sale price of \$521,000 the per lot development costs should be about \$261,500, per lot cost of land acquisition about \$156,300 and per lot developer's margin (profit) about \$104,200. If UrbanGrowth NSW's indicative figures were applied to a 23 lot subdivision of Lots 1, 2, 3 and 4 DP 1057585, the developer's margin (profit) would be about \$2.4M.

Finally, it is noted that Council has issued a number of development consents for subdivision of land within the Pitt Town Development Area to other developers, large and small, and at present GD is the only developer to claim that subdivision of the land under the existing LEP controls is not economically feasible.

The likely percentage increase of the lot yield on the land under the proposed minimum lot size of 1,000m² compared with the current 2,500m² minimum lot size would be approximately 146%. The planning proposal fails to demonstrate and provide sound justification of the land's and /or the location's strategic importance in the provision of housing within this small village centre to support such a significant increase of lot yield on this land.

DP&I guidelines for planning proposals require that applications must demonstrate the strategic merit of the proposed amendment to the LEP proceeding. It is considered the planning proposal in its current form does not demonstrate sufficient merit to proceed for a gateway determination.

Section 1.3 of the Guidelines states that:

'A planning proposal must demonstrate the strategic merit of the proposed amendment to the LEP proceeding'.

Flood Evacuation Route (FER)

As shown in Attachment 6 to this report the proposed FER runs along the site in a north-south direction and partly in an east-west direction through the site. The proposed north - south running FER will connect the future FER extension of Hall Street to the north-west and Mitchell Road to the south. Future FER extension of Wells Street to the east will connect with the north-south running FER.

GD argues that the planning proposal has the following advantages:

- *Since there is an inadequate mechanism for funding of the flood evacuation route for Pitt Town this application will provide funding for the construction of the FER.*
- *The flood evacuation route will assist the State Emergency Services (SES) and reduce the risk to life during flood evacuation.*
- *The developed land in C, D, E, part F, G and H precincts rely on the FER.*

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- *Currently under the present controls the construction of the FER is totally dependent on the development of the subject land*
- *A significant section of the Pitt Town FER (some 900m in length) will be constructed at no cost to the community. The subdivision works would include the construction and dedication of the section of the FER which runs through the land.*
- *The FER is not funded by public funds or developer contribution, and this critical piece of public infrastructure will not be built unless this planning proposal proceeds.*

GD's claim that there is an inadequate mechanism for the funding of the FER is incorrect. The funding of the FER is to be provided partly from Section 94 contributions and by developers who develop land that fronts the FER. Section 7A, Catchment 5 - Pitt Town Residential Precinct of the Section 94 Plan and Appendix 1 to S.94 Plan make provision to fund part of the FER. As shown in Attachment 9 to this report the proposed Section 94 road works does not include the section of FER running through the site in a north-south direction and partly an east-west direction. As is Council's standard practice this section of the FER is to be provided by the developer upon subdivision of the land. It seems that the applicant's justification for the increased lot yield is entirely based on the emotive issue of providing the FER rather than on other planning merits.

Traffic and Public Transport

The site has a single frontage and access to Mitchell Road.

The planning proposal does not include a traffic report or a statement to explain the likely traffic generation and impacts on the local road network and how the increased traffic volume of the proposed development would be accommodated within the existing or the future upgraded local and regional traffic network. The planning proposal only provides a statement stating that the future development would generate 684 additional daily vehicle trips based on average 9 daily vehicle trips specified in the RTA's 'Guide to Traffic Generating Developments, October 2002'

Public transport is limited to the Blacktown Busway Route 664 service via Oakville and Pitt Town between Windsor and Wisemans Ferry. Mulgrave and Windsor Railway Stations are the closest stations to the site and they are located approximately 8 and 10 kms away from the site respectively.

Should Council resolve to proceed and forward the proposal to DP&I for a gateway determination it is recommended that the planning proposal mention the need for a referral to the Roads and Maritime Services (RMS).

Flora and Fauna

The Biodiversity Protection Map of the LEP 2012 shows some significant vegetation in the south-east corner and along eastern and north-western boundaries. However, recent site investigation reveals that the majority of the site is covered with exotic pasture grasses with some scattered regenerating Acacias.

It is noted along the eastern boundary Radiata pines have been planted as a windbreak consistent with other plantings throughout Pitt Town's historic orchard growing areas.

Although the land in its current state has limited ecological value from a biodiversity perspective, a flora and fauna report may be required to satisfy the legislative requirements of the Act, as threatened biodiversity has been recorded in the locality.

Should Council resolve to proceed with the planning proposal the applicant may be advised to provide a flora and fauna report.

Flooding

The area of the site that is the subject of the planning proposal is situated above 1 in 100 year ARI flood level.

Topography

According to Council's slope mapping the land is relatively flat, being generally less than 6%. A very narrow strip of land with a steep slope, generally in excess of 15% is located along the western boundary of both Lots 1 and 2 DP 1057585. The Sustainability Criteria of the HRLS recommends that urban development be limited to areas with a slope of 15% or lower. It is considered that the land is relatively free of significant slope constraints and the land is suitable for residential development.

Character of the Area

The area surrounding the site has a mix of lot sizes ranging from small residential lots of 450m² - 1,000m², large residential lots ranging from 2,000m² - 2ha and rural lots of 10ha. Lots immediately to the north are generally 2,000m² - 2,500m², lots immediately east are 2,500m² and the lots immediately south and west are 2ha (see Attachment 9). Given larger 10ha rural lots north-east of the site and smaller lots (ranging from 450m² - 1,000m²) within the Pitt Town small village centre south-west of the site, it is considered that the proposed 1,000m² lots within the site somewhat act as a transition between these two areas with distinct visual characters. Further future development of the site for low density residential development will blend with the surrounding large lot residential and rural residential development.

Services

It is considered that the site has a reasonable access to the required services. However, the proposal provides very limited information on services to demonstrate its environmental capability to accommodate the proposed development. The proposal only states that the proposal will make use of existing and proposed infrastructure and arrangements will be made with the relevant service providers for reticulated water and sewer, electricity and telecommunications.

Agricultural Land Classification

The site consists of Class 3 land. The NSW Land and Water Conservation's 1988 Agricultural Suitability Classification System describes Class 3 as follows:

Class 3 - Moderately productive lands suited to improved pasture and to cropping within a pasture rotation. The overall level of production is moderate as a result of edaphic or environmental constraints. Erosion hazard or soil structural breakdown limit the frequency of ground disturbance, and conservation or drainage works may be required.

Given the site is already zoned and used for residential purposes and predominant residential character of the immediate surrounding area it is considered that it is unlikely the site could be used for a substantial or sustainable agricultural enterprise. GD advises that the site has been previously used for low intensity grazing and rural residential activities.

Heritage Significance

None of the subject properties are identified as a heritage item/property in Schedule 5 Environmental Heritage of HLEP 2012 or located within the Pitt Town Conservation Area. The Pitt Town Heritage Map of HLEP 2012 identifies the Pitt Town small village including the subject land as potential archaeological sites and places of Aboriginal significance. Appropriate development conditions ensuring no adverse impacts on potential archaeological sites could be imposed in future development approvals for land within Pitt Town Heritage Map area.

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Possible Amendments to Council's Plans

Should Council resolve to proceed with the planning proposal, HLEP 2012, the DCP and Section 94 Contributions Plan 2008 would need to be amended as explained below:

HLEP 2012 - As shown in Attachment 8 the current lot size map would need to be amended to apply the proposed 1,000m² minimum lot size for the land.

DCP - It is envisaged that the following amendments to Chapter 4 Pitt Town Part E of the DCP and certain administrative amendments to Part A Introduction would be required:

- Amendment to Figure E4.2 - Development Plan
- Amendment to Figure E4.3 - Development Precincts - Currently minimum lot size of 1,000m² applies only to Precinct B. If the minimum lot size for the land in Precinct E was to be changed as 1,000m² Precinct E boundary would need to be changed to accommodate Precinct B for the subject land.
- Amendment to Figure E4.4 - Road Hierarchy
- Amendment to Figure E4.5 - Flood Evacuation Route

S94 Plan - if the subject land was to be included in the S94 plan amendments to the current Section 7A Catchment 5 - Pitt Town Residential Precinct and Appendix 1 would need to be made.

Conformance with Community Strategic Plan

The proposal is consistent with the Looking After People and Place Direction statements.

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

and is consistent with the nominated strategy in the Community Strategic Plan, being:

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

and is consistent with the nominated goal in the Community Strategic Plan, being:

- Housing is available and affordable for the population whilst retaining agricultural and heritage values of the area.

Conclusion

The assessment of the planning proposal to amend Lot Size Map 3800_COM_LSZ_008C of HLEP 2012 to allow subdivision of part of the land zoned R5 Large Lot Residential into 116 lots with minimum lot size of 1,000m² reveals that the site is free of any major development constraints. However, the planning proposal does not clearly demonstrate the strategic significance of the proposal or adequately demonstrate that development of the land under Council's current controls is not economically viable.

It is therefore recommended that a planning proposal not be supported in its current form.

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Should the applicant be able to provide sufficient strategic and economic justification (i.e. more than statements that the current minimum lot size is uneconomic to develop, as information available to Council does not support such statements) for the decrease in the minimum lot size and increased lot yield, the planning proposal could be reconsidered. If the economic and strategic justification is satisfactory the planning proposal could be supported.

Financial Implications

The applicant has paid the fees required by Council's Revenue Pricing Policy for the preparation of a local environmental plan. Should the proposal not proceed a partial refund of those fees would apply.

Planning Decision

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

RECOMMENDATION:

That:

1. Council not support the planning proposal in its current form as there is insufficient strategic and economic justification for the proposed increase in lot yield.
2. Should the applicant wish to pursue the proposal they be requested to provide additional strategic and economic justification for further consideration by Council.

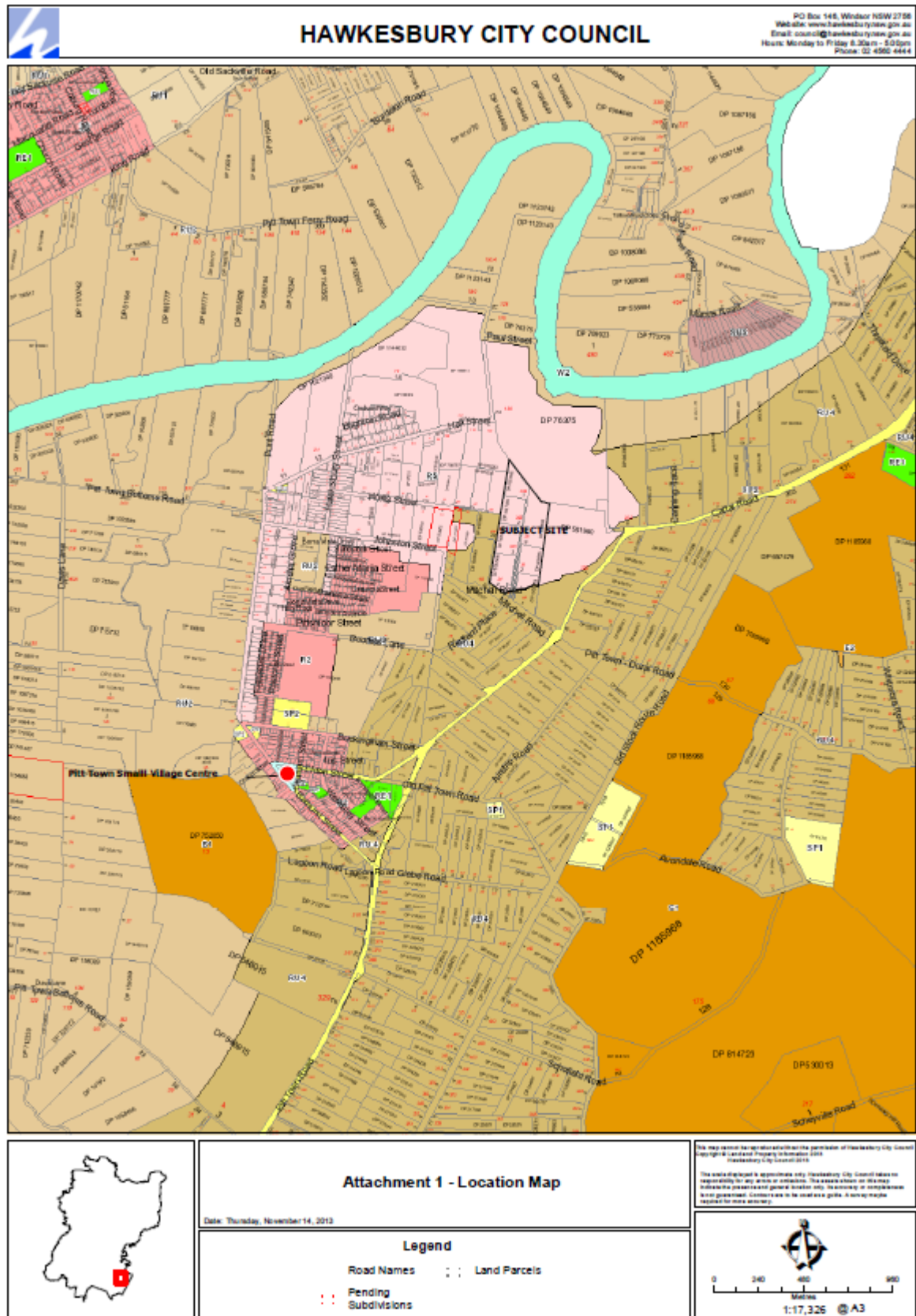
ATTACHMENTS:

- AT - 1 Location Map
- AT - 2 Subject Site
- AT - 3 Current Zoning of the Immediate Surrounding
- AT - 4 Extract of Lot Size Map 3800_COM_LSZ_008C of HLEP 2012
- AT - 5 Precincts within Pitt Town Development Area
- AT - 6 Flood Evacuation Route
- AT - 7 Aerial View of the Immediate Surrounding
- AT - 8 Extract of the Proposed Lot Size Map
- AT - 9 Extract of Section 94 Plan - Proposed Road Works

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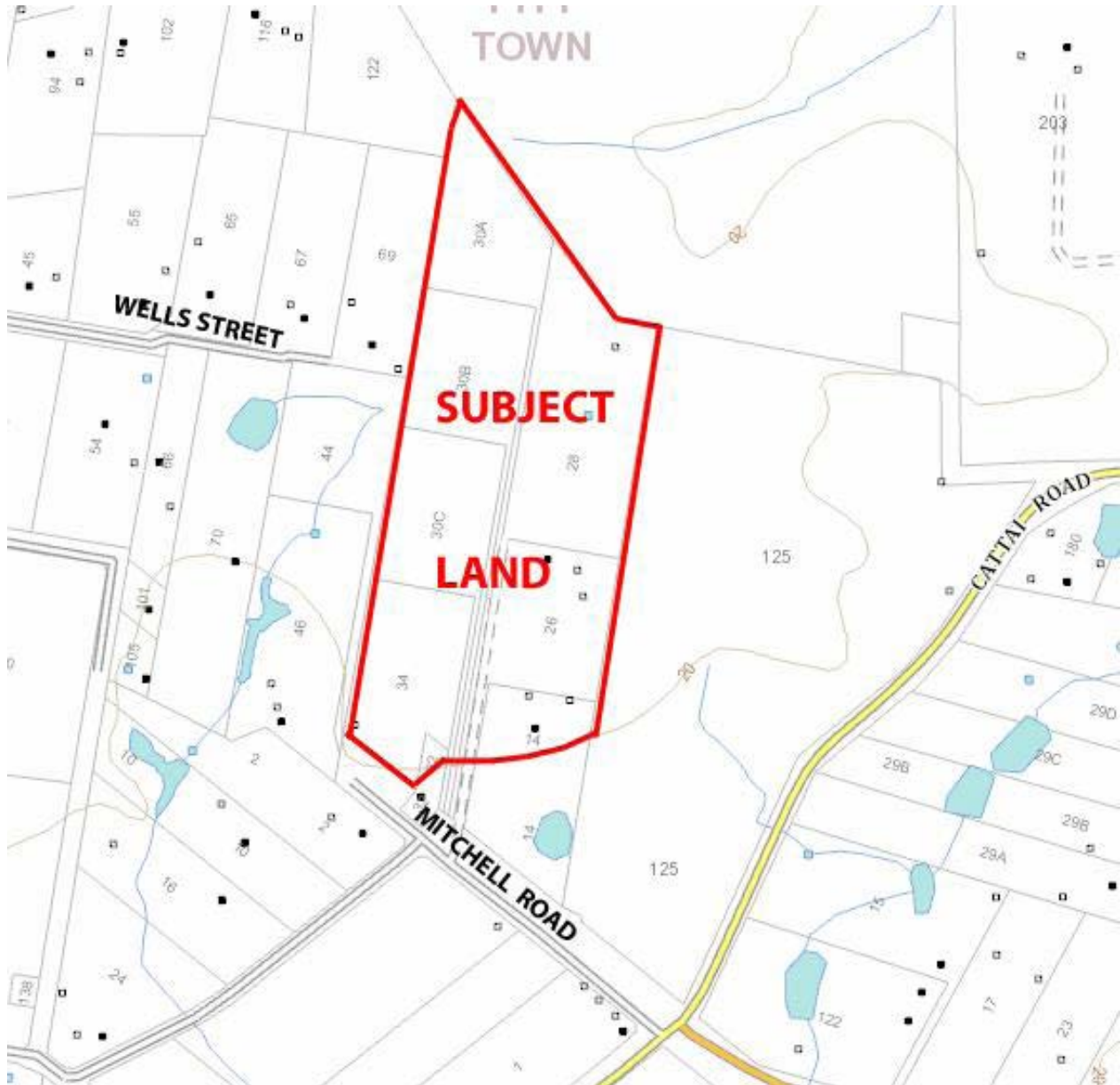
AT - 1 Location Map



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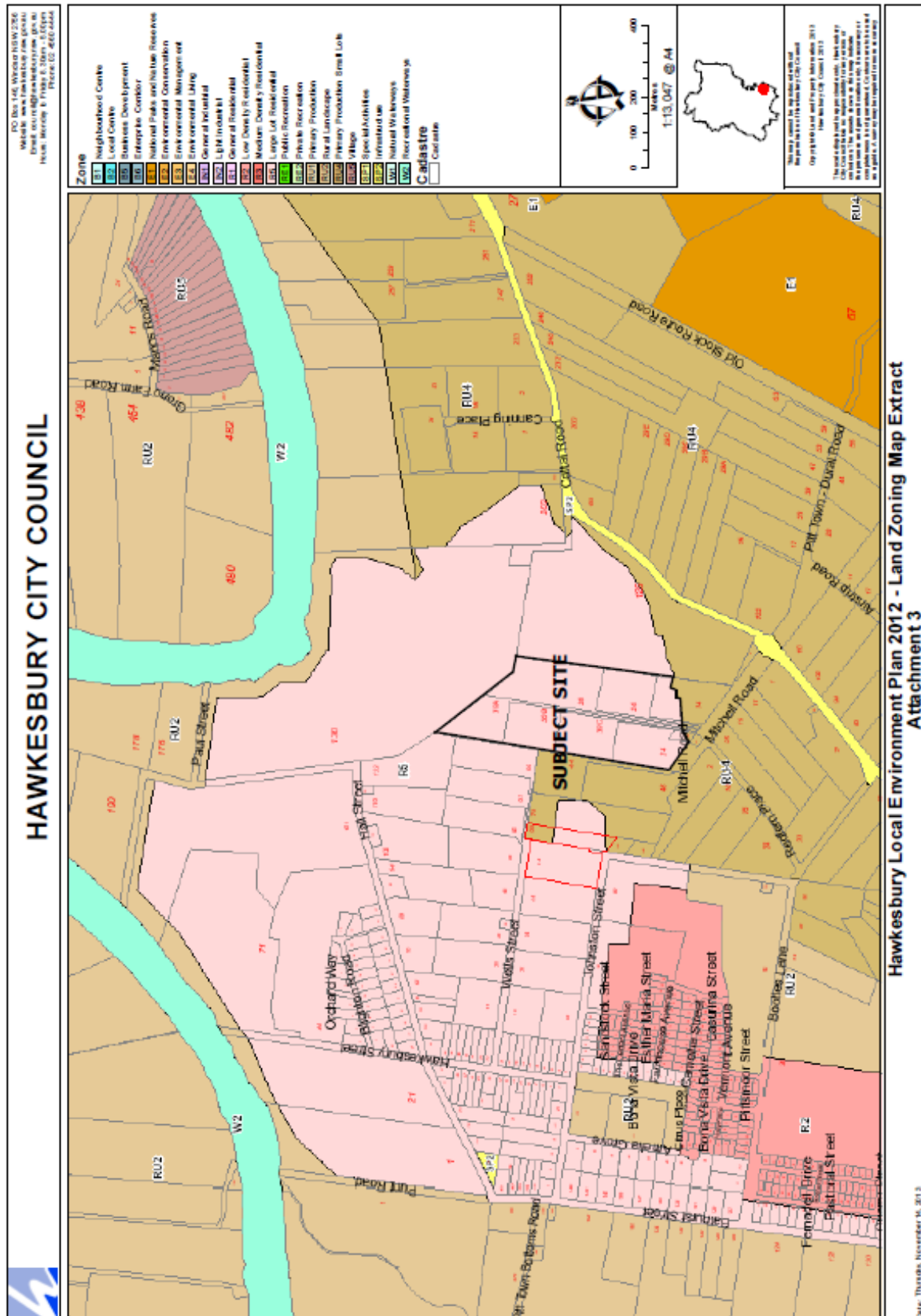
AT - 2 Subject Site



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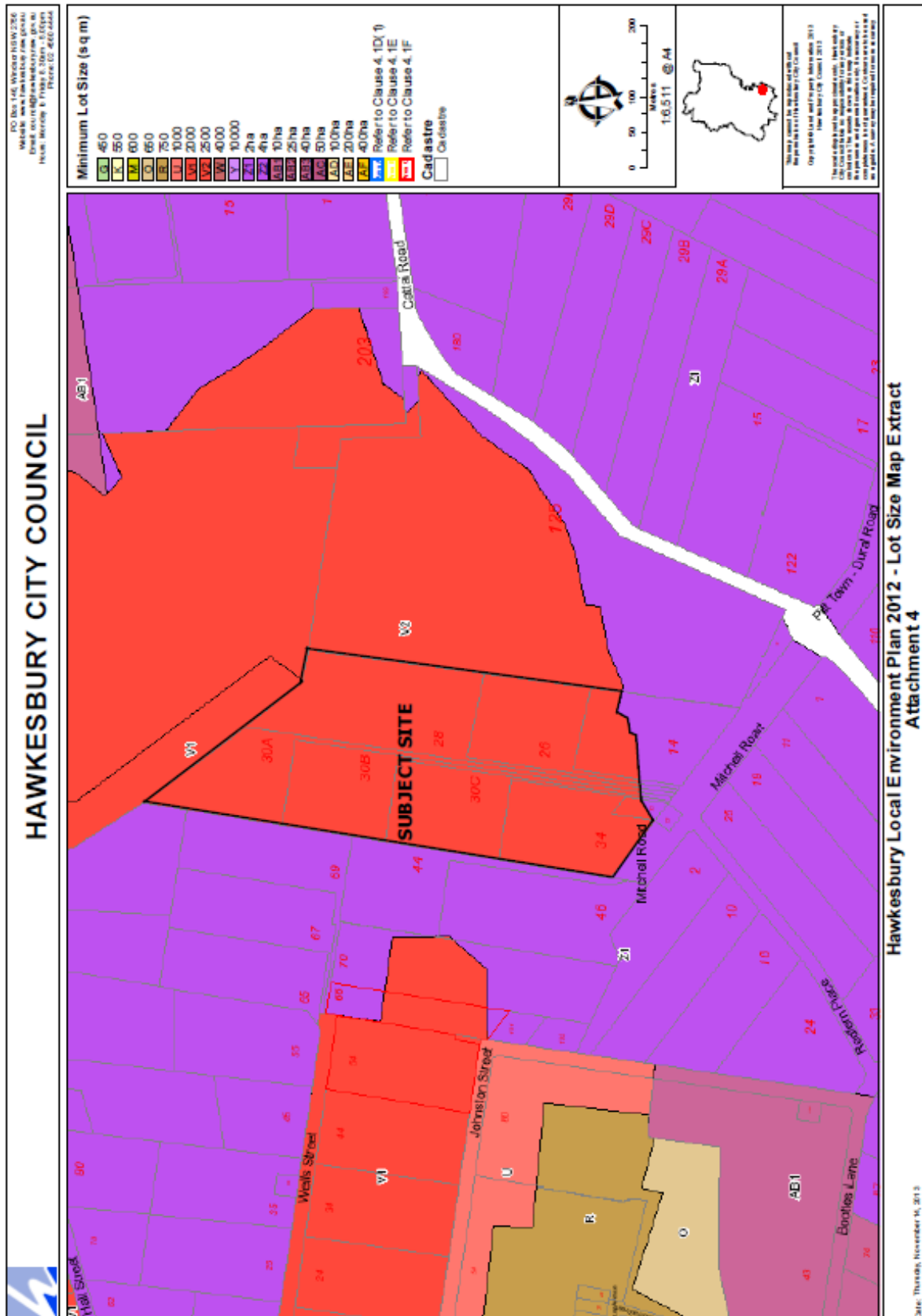
AT - 3 Current Zoning of the Immediate Surrounding



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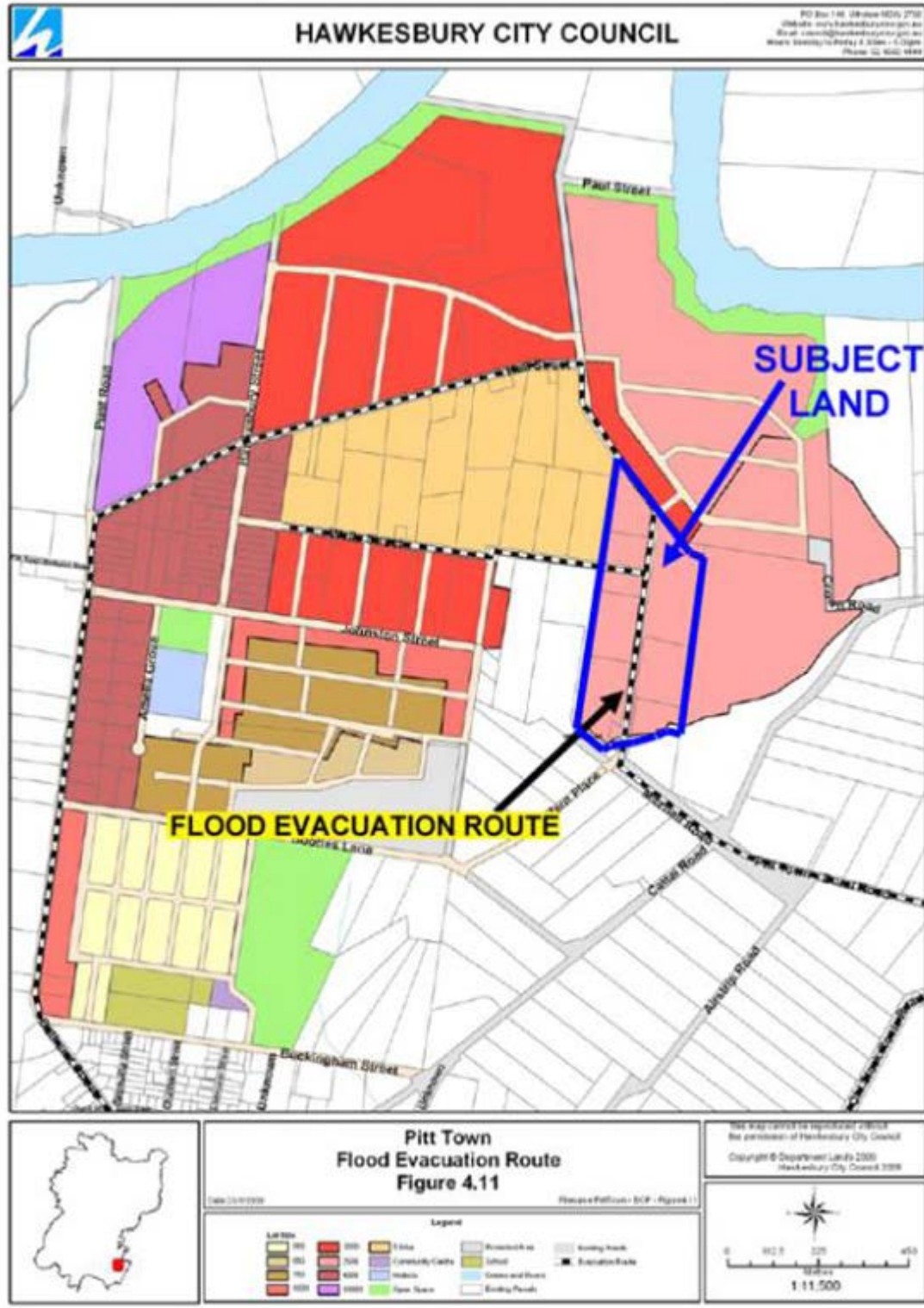
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AT - 4 Extract of Lot Size Map 3800 COM LSZ_008C of HLEP 2012



AT - 6 Flood Evacuation Route

Figure E4. 11: Flood Evacuation Route



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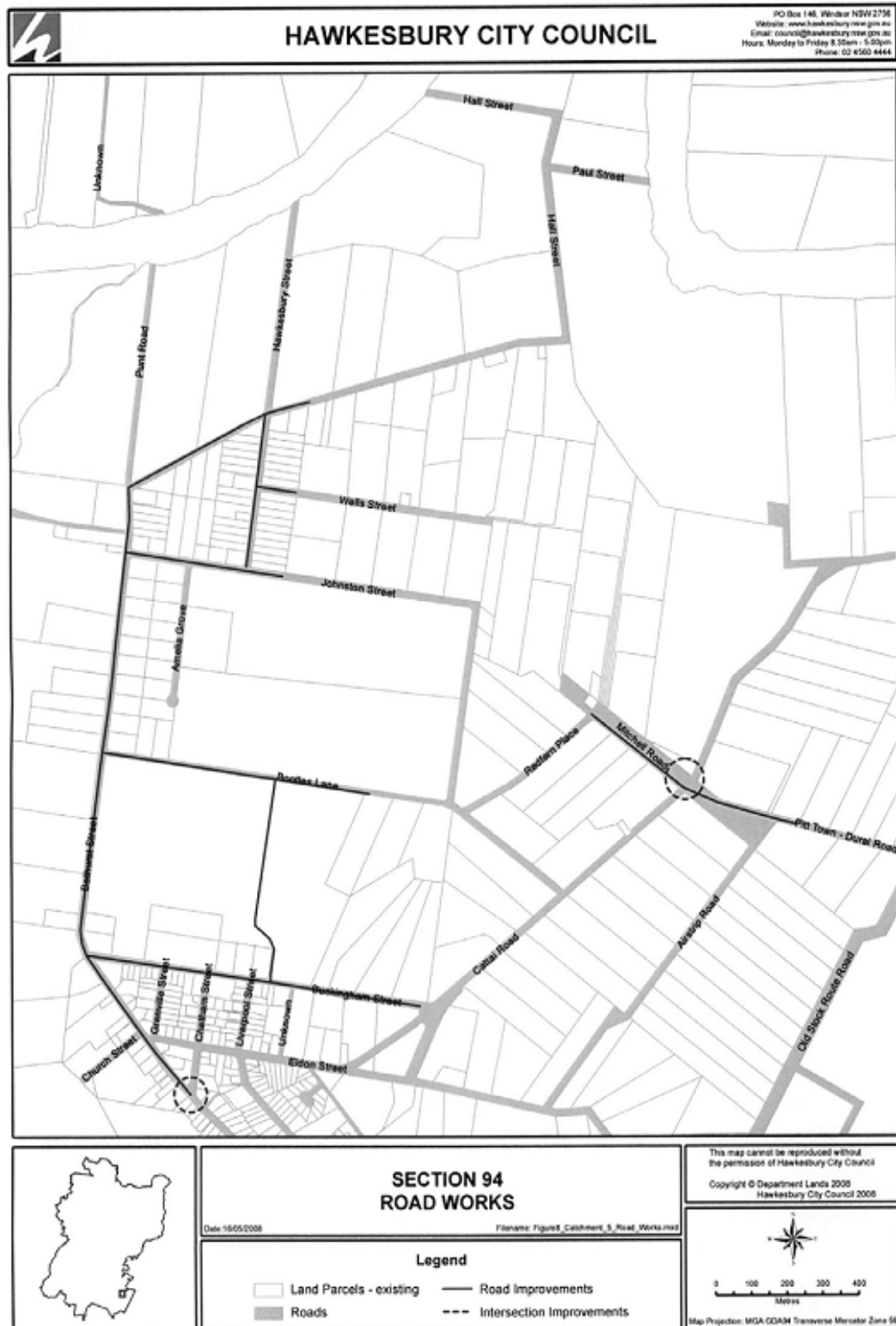
AT - 7 Aerial View of the Immediate Surrounding



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AT - 9 Extract of Section 94 Plan - Proposed Road Works



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ITEM: 234 **CP - Development Report - DA0421/13 - Lot 4 DP707766 - 338 Spinks Road, Glossodia - Animal boarding and training establishment (85782, 126147)**

Development Information

File Number: DA0421/13
Property Address: 338 Spinks Road, Glossodia
Applicant: Urban City Consulting Pty Limited
Owner: Mrs CI Keddie, Ms RM Keddie, Blefari Holdings Pty Ltd
Proposal Details: Animal boarding and training establishment – Including retrospective approval for a horse arena
Estimated Cost: \$10,000
Zone: R2 Low Density Residential & RU1 Primary Production
Date Received: 12/08/2013
Advertising: 16/08/2013 - 30/08/2013

Key Issues: ♦ Unauthorised construction of horse arena

Recommendation: Approval subject to conditions

REPORT:

Executive summary

The application seeks approval for an animal boarding and training establishment for horses. As part of the proposal the applicant has applied to obtain retrospective approval for the use of a horse arena which has been previously constructed on the premises without the necessary approval.

An assessment of the proposal has revealed that there are no objections to the animal boarding and training establishment as the proposed activity is permitted on the land and the site is considered to be suitable for the proposed development.

The application is being reported to Council for determination at the request of Councillor Rasmussen.

Description of Proposal

The application seeks approval to establish an animal boarding and training establishment at Lot 4 DP 707766, 338 Spinks Road, Glossodia.

The development would involve the keeping, breeding and training of horses that are associated with show jumping and dressage. Horses to be kept and trained on the property would be managed by the property owners.

It is proposed that a maximum of 12 horses would be kept on the property and a maximum of three lessons would occur each day. Lessons would be approximately one hour and occur between 3pm and 5pm on weekdays and 10am to 2pm on weekends. The majority of lessons would involve the training of horses on the property or clients who keep their horses on the property. Some clients may also bring their horses to the site by a horse float.

It is intended that the animal boarding and training establishment would utilise an existing 74m x 23m horse arena and that a portion of an existing farm building would be converted into an amenities building. An additional on-site effluent disposal system would be required to be installed to service the proposed amenities building.

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It is noted that the existing horse arena was constructed unlawfully and the farm building had been constructed under the exempt provisions of State Environmental Planning Policy (Exempt and complying development codes) 2008.

It is proposed that two business identification signs would be installed on the site, one at the front of the properties battle-axe handle and one at the end of the battle-axe.

Description of the site and its locality

The site is a battle-axe allotment that totals 10.2ha in area and has an intermittent watercourse running through the property. Access to the property is via a shared driveway which services two lots. The land contains an attached dual occupancy approved under DA0045/92 and shed approved as part of DA587/87. The land is used primarily for rural residential purposes with a number of horse paddocks located around the existing dwelling.

Surrounding properties consist of large residential lots and agricultural properties. The locality has a rural appearance with the majority of nearby properties being used for rural residential living.

Issues Relevant to the Decision

- Unauthorised construction of the arena

History

The unauthorised works in respect to horse arena were brought to the attention of Council following a customer request from a nearby property owner. A search of Council's records had revealed that the works were undertaken without any formal approval. The property owner was advised to lodge a development application with Council if they proposed to retain the horse arena constructed onsite.

The application states that some minor levelling, grass planting and installation of barrier fencing would be required to finish the arena.

Recommendation

Approval subject to conditions.

Council Policies, Procedures and Codes to Which the Matter Relates

State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44)
Sydney Regional Environmental Plan No 20 (SREP20) Hawkesbury Nepean River
Hawkesbury Local Environmental Plan (LEP) 2012
Hawkesbury Development Control Plan (HDCP) 2002

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

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:

SEPP No. 44 - Koala Habitat Protection

The application does not propose the removal of any koala feed tree species specified under this plan and would not disrupt any 'potential koala habitat' or 'core koala habitat' as defined by SEPP 44.

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SREP No 20 - Hawkesbury Nepean River

The proposal is consistent having regard to this plan. The proposal would not have an impact on the scenic quality of the Hawkesbury Nepean River or the quantity or quality of water entering the catchment.

Hawkesbury LEP 2012

The site is zoned part R2 Low Density Residential and part RU1 Primary Production. The horse arena and amenities building would be used in conjunction with the proposed use of the site as animal boarding or training establishment which is a permitted form of development within both zones.

The proposal is consistent with the overall objectives of these zones in that the development would unlikely result in any adverse land use conflicts. The activity is well setback from adjoining properties and the proposal is consistent with surrounding land uses in the locality. The development is unlikely to have a negative impact on the visual quality of the area or result in any adverse impacts on any nearby ecological communities or watercourses.

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 directly relate to the land or the specified development.

iii. Development Control Plan applying to the land:

Hawkesbury DCP 2002

The proposal is generally consistent with this plan. Adequate information has been submitted with the application in order to make a proper assessment of the proposal.

Car parking and vehicular access would utilise the existing driveway which services the site. It is considered that there is adequate space available on site to park vehicles for people who would visit the site for lessons. Given the low scale nature of the proposal it is considered unlikely that the development would result in the creation of any unreasonable traffic impacts on adjoining properties.

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:

Not applicable.

v. Matters prescribed by the Regulations:

The development would be required to comply with the Building Code of Australia.

Furthermore developer contribution fees are not applicable to the proposal under Hawkesbury Councils Section 94A Development Contribution Plan 2006. In this respect the cost of the development has been estimated below the minimum levy threshold prescribed under this plan.

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:

Support of the proposal would not result in any detrimental social, economic or environmental impacts on the locality. The development is considered to be consistent with the typical rural use of the land. The development would be managed by the residents of the land and it is considered unlikely that the proposed use of the site would have an adverse impact on the amenity of the locality in terms of noise, traffic or dust.

c) Suitability of the site for the development:

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The site is considered able to support the proposed development. The site has sufficient area and dimensions and is relatively free from environmental constraint. It is not expected that the proposal would impact upon critical habitats and threatened species, populations, ecological communities and habitats.

While the existing arena was constructed without formal approval it is considered that the works which have been undertaken are acceptable for the proposed use. In order to finish the arena it is required that some minor levelling and landscaping is required.

Furthermore it is noted that even though the farm building was constructed as exempt development under State Environmental Planning Policy (Exempt and complying development codes) 2008, the fit out works of the amenities room has already started. A building certificate would be required to be lodged in this regard.

The application has been referred to Council's development engineer and building surveyor for comment. No objections to the proposal were raised, subject to the conditions recommended in their referrals. Appropriate conditions of consent have been included under the recommendation section of this report.

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

Public submissions

Following the notification of the development Council received one (1) objection from an adjoining property owner. The matters raised in the submission have been listed and considered below:

1. The location of the arena would have an impact on the noise, privacy and health of adjoining properties.

Comment: Whilst it is acknowledged that the activity would result in an increase in traffic to the site it is considered that the proposal is relatively low scale in nature. The arena is setback approximately 90m from the nearest dwelling and it is considered unlikely that the activity would raise any significant issues in terms of noise or dust.

It is proposed that sand would be used on the surface of the arena to limit dust nuisance and the area around the arena which has been excavated would be grassed. Lessons would run for approximately one hour and occur between 3pm and 5pm on weekdays and 10am to 2pm on weekends.

It is considered that the proposed hours of operation are reasonable and that both the traffic entering the site and use of the arena could be appropriately managed by the property owners.

Appropriate conditions have been included in the recommendation of this report to ensure that the proposed activity is conducted in a manner that would not unreasonably disrupt adjoining neighbours.

2. The application does not state whether there would be a building constructed next to the arena or if the arena would be illuminated in the future.

Comment: It is proposed that no other structures would be erected on the property and the arena would not be illuminated. Separate approval would be required for any changes to the proposal.

3. The plans submitted do not show all structures located on adjoining properties.

Comment: It is considered that adequate information has been submitted to undertake an assessment of the proposal.

4. The property has several guard dogs which currently impact native fauna and adjoining property owners.

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Comment: This matter is not considered to be relevant to the proposed use of the site as an animal establishment.

It is considered that the matters raised in the public submission do not warrant refusal of the application.

e) The Public Interest:

The proposal is consistent with the various planning controls affecting the site and support of the proposal would allow for the property owners to obtain formal approval for the unauthorised works.

It is considered that the site would be able to cater for the development with no negative cumulative impact foreseen. Consequently the proposal is considered to be in the general public interest.

Conclusion

The assessment has identified various concerns regarding the operation of the proposed activity and the unauthorised works which have been undertaken on the site. On balance this proposal is considered to be satisfactory, subject to the implementation of conditions outlined in the recommendation section of 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.

RECOMMENDATION:

That development application DA0421/13 at Lot 4 DP 707766, 338 Spinks Road, Glossodia for an animal boarding and training establishment – Including retrospective approval for a horse arena be approved subject to the following conditions:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The proposed amenities building shall comply with the provisions of the National Construction Code - Building Code of Australia.
3. A Section 149A Building Certificate Application shall be obtained for the fit out works to the proposed amenities building.

Prior to commencement of works

4. A Sewer Management Facility System application shall be submitted to and approved by Council prior to any works commencing in relation to the proposed amenities building.

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During Construction

5. Site and building works shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
6. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
7. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
8. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - 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 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.
9. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
10. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
11. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
12. The cut or fill shall be battered at a slope not exceeding one vertical to three horizontal. All constructed batters are to be top soiled and grassed.
13. Catch drains are to be constructed around the high side of the arena to convey storm water around the structure.
14. Certification for all fill imported to the site is to be provided to Council confirming that it is sound, suitable for the proposed use and free from contamination .
15. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted, re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.

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Prior to Commencement of Use

16. A works as executed plan and contour depth of fill plan prepared by a registered surveyor or the design engineer shall be submitted to Council.

Use of the Development

17. The development shall be limited to the area shown on the submitted plans.
18. The equestrian arena shall not be illuminated.
19. The equestrian arena is to be kept clean. Stock piles of any organic animal manure are to be stored in an enclosed fenced area, undercover and appropriately banded to avoid escape of contaminated water. Waste manure is to be disposed of at regular intervals to prevent the waste from overflowing and emanating odour.
20. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
21. Customers visiting the site for lessons shall be restricted to visiting the site between 3pm and 5pm on weekdays and 10am to 2pm on weekends.
22. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
23. Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour) or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

Advisory Notes

- *** The principles and practices contained in the Department of Environment and Conservation "Best practice environmental guide for keeping horses" (Horse properties on the rural urban fringe) (ISBN 1 74137 0787 www.environment.nsw.gov.au) shall be observed.
- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

ATTACHMENTS:

AT - 1 Locality Map

AT - 2 Aerial Photograph

AT - 3 Site Plan

AT - 4 Floor Plan / Elevations

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The map shows a portion of the City of St. Louis, Missouri, with various lots and their dimensions. The lots are labeled with DP numbers and dimensions. The map is oriented with North at the top.

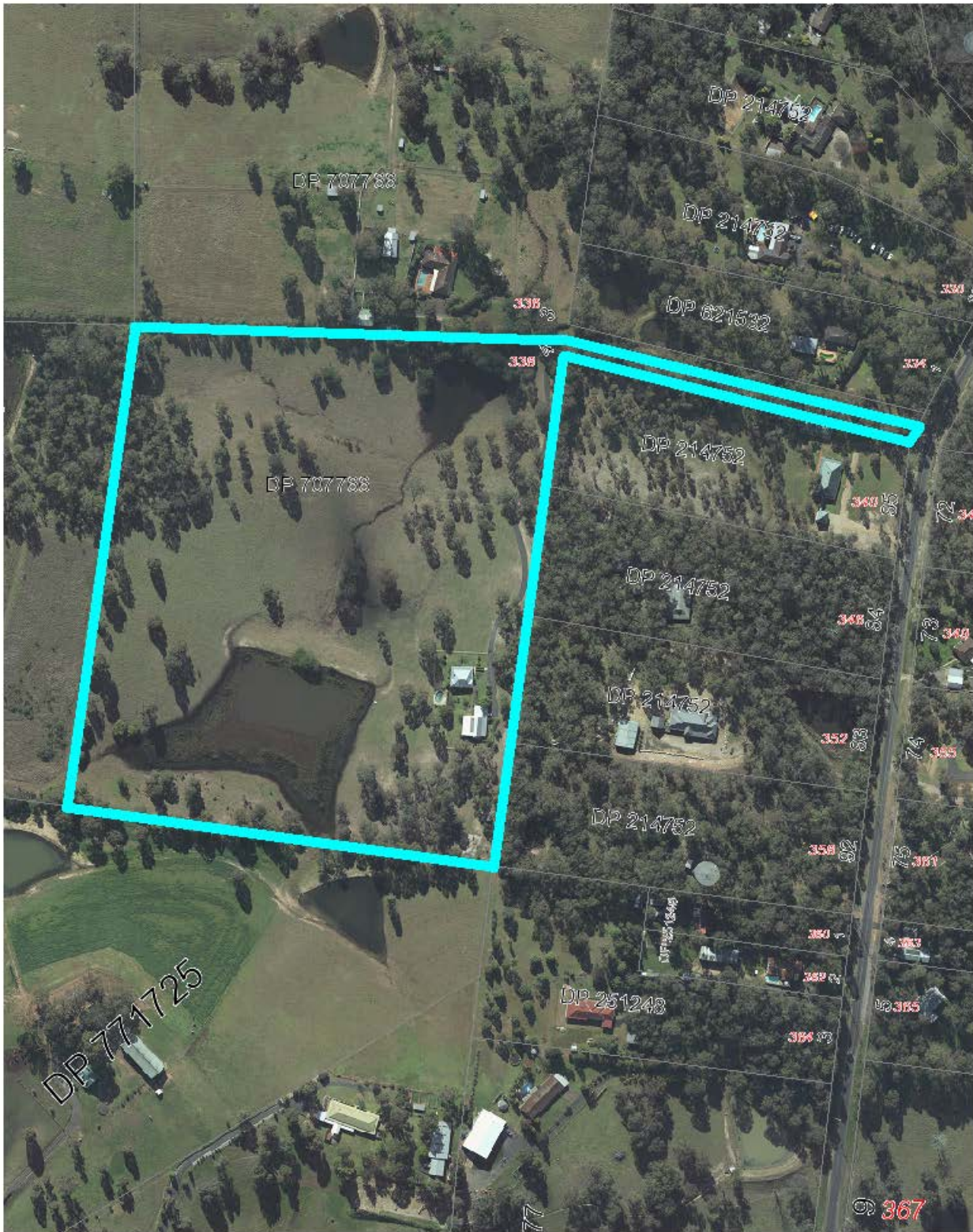
Key features include:

- Red Circle:** A large red circle highlights a specific area in the center of the map.
- Cyan Rectangle:** A cyan rectangle is drawn within the red circle, highlighting a specific lot.
- Lot Dimensions:** Dimensions are provided for many lots, such as 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885

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AT - 2 Aerial Photograph



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1 — **SITE PLAN**
1:1250

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ITEM: 235 CP - Proposed Amendments to Hawkesbury Development Control Plan 2002 - Inclusion of a new Heritage Chapter - (95498)

REPORT:

Executive Summary

A draft Heritage Conservation Chapter and associated minor administrative amendments to other relevant parts of the Hawkesbury Development Control Plan 2002 (the DCP) were publicly exhibited and one submission was received from the public.

The purpose of this report is to outline the issues raised in the submission and advise Council of the revocation of Chapter 6 Bligh Park Neighbourhood Business Precinct Part E of the DCP.

It is recommended that Council adopt the exhibited draft Heritage Conservation Chapter with post-exhibition amendments as outlined in this report and note the repeal of Chapter 6 Bligh Park Neighbourhood Business Precinct Part E of the DCP.

Consultation

In accordance with Section 18 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation) the draft Heritage Conservation Chapter (the draft Chapter), associated minor administrative amendments to other relevant parts of the DCP and other supporting documentation were publicly exhibited for the period from 12 April to 13 May 2013. Exhibition notices were placed in the 'Hawkesbury Courier' local newspaper on 11 April and 25 April 2013. One submission was received as a result of the exhibition.

Background

On 12 March 2013 Council considered a report on proposed amendments to the DCP and resolved, in part, as follows:

"That:

1. *Council place the intention to revoke Chapter 6 of Part E of the Hawkesbury DCP 2002, "Bligh Park Neighbourhood Business Precinct", of the Hawkesbury Development Control Plan 2002 on public exhibition for a minimum of 28 days,*
2. *The draft Heritage Conservation Chapter be placed on public exhibition for a minimum of 28 days,"*

In accordance with the Council's resolution the draft Chapter was exhibited publicly. One submission supporting the inclusion of the new Heritage Chapter in the DCP whilst proposing a number of minor amendments to the draft Chapter was received from Edwards Planning (EP). These minor amendments and a subsequent comment on each of them are outlined below.

Consideration of Submission

1. Identification and Listing of Five Macquarie Towns

Submission:

- *Given the immense significance of the Hawkesbury region, together with the unparalleled townscapes of the five Macquarie Towns, Council should give consideration to the identification and listing of the towns and their streetscapes as individual heritage conservation areas.*

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- *The recognition of the unique heritage values and characteristics of the townscapes through the identification as a heritage conservation area will put in place statutory provisions that will enable the appropriate management, protection and retention of the cultural heritage values, while still allowing new sympathetic development to occur.*
- *It is noted that in or about 2009 Council commenced a listing nomination with the Heritage Branch for the state heritage listing of the townscapes of the 5 Macquarie Towns. However, to date, this has not eventuated for reasons unknown. Council is urged to resume this listing nomination as the 5 Macquarie towns clearly have unparalleled heritage significance elsewhere in Australia.*

Response:

The draft Chapter acknowledges heritage significance and the remarkable siting and design of the Macquarie Towns of Pitt Town, Windsor, Richmond and Wilberforce in the Hawkesbury Local Government Area (LGA).

In July 2010 Council considered a report on the possible State heritage listing of the original layout of the Macquarie Towns recommended by the Heritage Advisory Committee and resolved to defer consideration of the matter until confirmation was received from the then Department of Planning, Heritage Branch. The listing was proposed to cover the conceptual town layout only and not affect the buildings or private land within the towns. To date, following representations and requests from Council staff, no confirmation or response has been received from the Department.

However the aim of this draft Chapter is to provide development controls to promote and protect individual heritage items and conservation areas listed in Schedule 5 of the LEP, and heritage listing of the Macquarie Towns is beyond the scope of this draft Chapter.

2. Development/work not requiring consent

Submission:

Internal alterations

- *By exempting 'non-structural alterations to local heritage items only' as specified in Table 1 Development/Work not requiring consent in section 10.1.12 [now section 10.4.2] of the draft Chapter has the potential to result in the loss of important internal features, significant fabric and detailing. Consideration should be given to limit such exemptions only to previously modified heritage items or non-original fabric.*

Response:

Section 10.1.12 requires a written notification to Council of any minor work identified in Table 1 addressing the following issues for its consideration prior to undertaking such works:

- (i) A sketch plan of the location of the proposed works in relation to the heritage item.
- (ii) Full details of the proposed works including materials, colours, fixtures, dimensions and detailing.
- (iii) Photographs showing the location of the proposed works in relation to the heritage item.
- (iv) Brochures or colour charts that show the proposed colours and/or details of the proposed works.

With the abovementioned provisions Council would be able to assess the likely impact of the proposed works on the heritage significance of a heritage item or a conservation area. In addition a minor modification to the criterion relating to internal alterations in Table 1 has been made and the revised criterion reads as follows:

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"Non-structural internal alterations to local heritage items only where the interiors of items are not listed as significant."

Given these provisions the submission's above proposed amendment to the criterion for internal alterations in Table 1 is not considered necessary.

General maintenance works

Submission:

- *Re-roofing of heritage items with 'matching materials included under general maintenance works in Table 1 does not require consent. However the exempt criteria for General maintenance works should be expanded to include the retention of the profile and/or replacement with matching materials that reinstates the original profile based on existing or documentary evidence. This criterion refers to a conservation order management plan which should be amended as conservation management plan.*

Response:

The exempt criteria for general maintenance works adequately covers re-roofing of heritage items with matching materials and therefore EP's suggestion to expand the criteria is not considered necessary.

An administrative error occurred referring to a conservation order management plan instead of a conservation management plan in the exempt criteria for general maintenance works was noted and rectified.

Submission:

Demolition and erection of fences and boundary walls

- *This exempt criterion should be expanded to require fencing or walls to be compatible with surrounding fencing styles, particularly within heritage conservation areas.*

Response:

Not agreed. New fences should either match as closely as possible the original fencing, or if the original fence type is not known, it should relate to the architectural character and period of the existing heritage building with respect to design, materials, colour and height. Old photographs or careful inspection of remaining fabric can often reveal the original fence type.

Demolition of existing fences that are not identified as significant, do not contribute to the overall setting or character of a heritage item or conservation area, or located behind the front alignment of the heritage building does not require consent.

Exempt provision for demolition and erection of fences and boundary walls in Table 1 has been expanded accordingly to make clear this exempt provision.

Removal of alterations and additions

Submission:

- *The exempt criteria for removal of alterations and additions should be expanded to ensure that the removal of alterations and additions not only increases the exposure of the heritage item and enhances its heritage significance, but also does not result in material affection to original fabric and significant elements.*

Response:

Not agreed. EP's suggested provision is not merely a DCP matter rather is a condition of consent, and therefore is not warranted.

3. Adaptive reuse

Submission:

EP suggests the following changes:

- *Section 10.1.13 [now 10.4.3] should be expanded to encourage development proponents to retain the existing use and for adaptive reuse to be reversible, should the former use be re-instated in the future.*
- *This provision should also encourage development proponents to follow the Burra Charter principle of 'changing as much as necessary but as little as possible', which will encourage the repurposing of a building to fit within the existing spaces and respect significant elements and fabric.*
- *The second point of section 10.3.2 [now 10.5.2] should be expanded to ensure that internal changes do not result in material affection or loss of important features that contribute to the significance of the item.*
- *Consideration should be given to the incorporation of interpretation measures to assist in retaining an understanding and appreciation of former uses or functions of a building or place or movable heritage.*

Response:

EP's proposed amendments are supported, and sections 10.1.13 and 10.3.2 [now 10.4.3 and 10.5.2] of the draft Chapter have been amended to reflect the above suggestions.

In addition, the first point of section 10.3.2 (now 10.5.2) has been amended with the inclusion of words '*and its setting*' in the end of the first point to strengthen its intent as follows:

*The new use requires minimal alterations to significant fabric and building elements, and that any changes to these are reversible or have minimal impact on the heritage significance of the item **and its setting**.*

4. Demolition of a Heritage Item

Submission:

- *This provision identifies that demolition by neglect from insufficient ongoing and cyclic maintenance will not be tolerated. However there is no consideration for demolition based on structural failure and inadequacy.*
- *This provision should be expanded to cover demolition based on structural failure or inadequacy, and in such instances, require a supporting Structural Engineer report, accompanied by a schedule of works requires to be undertaken to rehabilitate the structural integrity. A cost summary of the works should also be provided to inform decision-making regarding demolition based on the financial costs associated with remedial works.*
- *Where remedial works are required, including substantial reconstruction or replacement of fabric, a heritage impact assessment should also be provided that assesses the impacts that the extent of material affection will have on the overall heritage significance of the item.*

Response:

Agreed with EP's comment in first bullet point, and comment in second bullet point is agreed in principle. The first two paragraphs in section 10.1.14 [now 10.4.4] have been amended reflecting EP's comments.

The proposed provision in the last bullet point is a development assessment matter and is therefore not warranted.

5. Objectives

Submission:

- *Objectives of the Heritage Conservation Chapter be relocated to the beginning of the chapter.*

Comment:

Agreed. The objectives have been moved to the beginning of the chapter.

6. Conservation and Maintenance

- *Section 10.3.1e) [now 10.5.1e] relating to enclosure of verandahs should be expanded to allow for the replacement of verandah enclosures where the proposed works are reinstating original features that are appropriately evidenced and or documented and that contribute to the significance of the item.*
- *Section 10.3.1 h) [now 10.5.1h)] refers to the use of appropriate materials such as lime based mortars rather than cement based mortars. The NSW Heritage Council has produced a number of technical publications on appropriate material conservation, and it is recommended that development proponents be encouraged to refer to these useful sources of information on materials and conservation works.*

Comment:

Agreed. Section 10.3.1 e) (now 10.5.1e)) has been amended reflecting the comment in first bullet point, and an advisory note encouraging applicants to refer to technical publications on construction materials and techniques published by NSW Heritage Council has been included in the end of section 10.3.1(now 10.5.1).

7. Alterations and Additions

In principle, this provision is supported however the following recommendations are made:

- *Section 10.3.3 a) (ii) [now 10.5.3 a(ii)] should be expanded to insert the words 'or detract from' after 'obscure' and before 'the street' to read as follows:*

Not obscure or detract from the street elevation of the heritage item.

- *Section 10.3.3 [now 10.5.3] has not recognised the conversion of roof spaces as a common means of achieving additional living space. Therefore these provisions should be expanded to include the conversion of roof spaces whereby the conversion of roof spaces should not include dormer windows, skylights or changes to the roof pitch or form, when viewed from the public domain or other important views to and from the heritage item.*

Comment:

Agreed. However the likely impact of fixing of a skylight on a roof space of a heritage item on the heritage significance of that item would be insignificant and therefore this item has been not included in this provision. Section 10.3.3 a) [now 10.5.3 a)] has been amended reflecting the comment in the first bullet point, and a new provision specifying the conversion of roof spaces should not include dormer windows, skylights or changes to the roof pitch or form, when viewed from the public domain or other important views to and from the heritage item has been included in this section.

8. Built Form and Character

Submission:

EP's submission suggests the following changes:

- *Section 10.3.4 b) [now 10.5.4 b)] should be expanded to state that alterations and additions should be designed to complement the existing period style and character of the heritage item without mimicking finer detailing.*
- *Provisions are to be incorporated to recognise that contemporary additions are generally considered appropriate as infill development or as alterations and additions in heritage settings, provided that it can be demonstrated that the new additions are identifiable as such and harmonise with the form, detailing and important features of the heritage building.*
- *Section 10.3.4 c) [now 10.5.4 c)] should be expanded to state that the reasons for requiring a deliberate recessed break or rebate in alterations and additions is to delineate between the old and the new.*
- *A street-front elevation to show that proposed alterations and additions to the rear of the heritage item should not exceed the existing envelope of the roof form needs to be included.*
- *Section 10.3.4 e) [now 10.5.4 e)] states that when adding new garage structures to a heritage item, open sided carport structures are generally more acceptable and less intrusive than solid garage structures. An enclosed garage structure can be considered acceptable within a heritage setting, where the garage structure is detached from the main dwelling, is not positioned further forward of the front building line and is of a modest scale and form. This needs to be included to encourage the location of new garages in such manner that does not visually or physically impact on the heritage significance of the item.*

Response:

EP's comment in first bullet point is supported, and section 10.3.4 b) [now 10.5.4 b)] has been amended accordingly.

Section 10.3.4 a) [now 10.5.4 a)] makes provisions for additions and alterations to be consistent with the existing built form of the heritage building and 10.3.4 c) (now 10.5.4 c)) makes provisions for additions and alterations to be visually recessive for easy identification as being later work. Therefore, EP's suggestions in the second and third bullet points are not warranted other than part of the suggestion in second bullet point to require that alterations and additions to harmonise with detailing and important features of the heritage building. Section 10.3.4 a) [now 10.5.4a)] has been amended to reflect this.

Adequate written provisions and figures relating to alterations and additions are contained in the exhibited draft Chapter to ensure new built forms do not compromise the heritage significance of the item, and therefore the inclusion of a street front elevation referred to in the fourth bullet point is not considered necessary.

The last bullet point suggesting an amendment to Section 10.3.4 e) [now 10.5.4 e)] to allow detached enclosed garages with modest scale located behind the front building line within a heritage setting is considered an assessment matter. Section 10.3.3 d) [now 10.5.3 d)] makes adequate provisions for locating garages with no adverse impacts on the heritage significance and therefore the proposed amendment to section 10.3.4 e) (now 10.5.4 e)) is not required.

9. Finishes, Materials and Colours

Submission:

- *Section 10.3.5 a) (now 10.5.5 a)) requires the use of recessive colours to rear first floor additions and that such additions should not visually dominate the existing building to the front. This provision should be expanded to include consideration of the visual impact from other significant views or elevations.*
- *Section 10.3.5 b) (now 10.5.5 b)) encourages the use of recycled or new galvanised steel custom orb sheeting and lead flashing to be used as a conservation technique. The primary reason is due to incompatibility of materials and subsequent corrosive reaction caused which accelerates deterioration of the fabric. It is recommended that such advice be included as advisory notes in the DCP to encourage the selection and use of compatible materials.*

Response:

Agreed. The words 'to the front' at the end of section 10.3.5a) (now 10.5.5 a)) has been deleted, and an advisory note on the use of compatible materials under section 10.3.5 b) (now 10.5.5 b)) has been included reflecting the above comments.

10. New Development within the Curtilage of a Heritage Item

This provision does not provide clear guidance on definition of 'heritage curtilage'. An explanatory note defining 'heritage curtilage' should be included.

Comment:

Agreed. An explanatory note on 'curtilage' has been included in section 10.3.6 b) (now 10.5.6b)) of the draft Chapter.

11. Development in the Vicinity of a Heritage Item

Submission:

- *This provision specifies a series of controls for development within the vicinity of a heritage item or conservation area. It is noted that statutory controls to the same effect have been excluded in the LEP, and as such these provisions are welcome and supported. It is proposed to make the following recommendations:*

Section 10.3.8 j) [now 10.5.8 j)] requiring consideration of the impact of the proposed use on the amenity of the heritage item should be expanded to include such issues as land use compatibility, solar access and overshadowing.

Section 10.3.8 k) [now 10.5.8 k)] requiring consideration of the effect of the construction phase on the wellbeing of a heritage item should be expanded to include such considerations as vibration, excavation and subsidence of land and the health and vigour of trees.

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Response:

Sections 10.3.8 j) and 10.3.8 k) [now 10.5.8 j) and 10.5.8 k)] require applicants to identify and address the likely impacts of the proposed use or construction on the amenity of the heritage item. EP's suggestions to include the above identified issues in these two sections are likely to narrow an applicant's impact assessment only to those issues and therefore such inclusions are not considered appropriate.

12. Subdivision

Submission:

Section 10.3.10 [now 10.5.10] includes a number of controls relating to the subdivision and amalgamation of land. The following recommendations are made relating to this provision:

- *Section 10.3.10 a) [now 10.5.10 a)] requires the retention of the heritage item and any other associated outbuildings on the same allotment. This section should be expanded to define which associated outbuildings should be retained on the same allotment. It is recommended that this provision states that the 'heritage item and associated outbuildings that contribute to the heritage significance of the item, are retained on the same allotment.*
- *Section 10.3.10 e) [now section 10.5.10e)) states that the amalgamation of sites is generally discouraged in heritage conservation areas because it obscures the original subdivision patterns and can result in unsympathetic development. However there may be some instances where the amalgamation of land is proposed to reclaim and re-establish the former landscaped setting of an item. In this regard, it is recommended that this provision be amended to reflect this.*

Response:

EP's the above proposed amendments are not merely DCP matters rather they are assessment matters and therefore are not warranted.

13. Landscaping

Submission:

- *This provision establishes a series of controls relating to landscaping. The following recommendations are made:*

Section 10.3.11 c) [now 10.5.11 c)] requires the use of traditional brick or tile edging to delineate the edging of paths and garden beds. It is recommended that this provision be expanded to include 'stone edging' as the use of natural bush stone and cut sandstone is a frequently occurring landscape feature and material used throughout the Hawkesbury to define pathways and garden beds.

Response:

Agreed in principle, however, materials used for edging of pathways and garden beds need to be consistent with the character, style and era of heritage item/building (e.g. Georgian, Federation and Victorian). Therefore, EP's proposed amendment to section 10.3.11 (c) (now 10.5.11 c)) is not warranted. Instead, it has been rephrased to make clear the intent of the provision as follows:

Where edging is required to separate paths, garden beds and gardens from areas of lawn, edging materials are to be consistent with the character, period and style of the heritage item/building.

14. Submission Requirements

Submission:

- *This provision states that additional information may be required. Whilst it is appreciated that each and every heritage management document may not be applicable to every heritage item and development proposal, this provision should be expanded to include the identification of some of the most common heritage management documents including Conservation Management Plans, Archaeological Management Plans, Arboricultural Assessment Reports, Photographic Archival Recordings etc.*

Response:

Agreed. In addition to the above suggested requirements the following requirements of documents/information have been included under submission requirements:

Curtilage Study - applications proposing subdivision of or adjacent to a heritage property are required to include a curtilage study prepared by a heritage consultant.

Post-Exhibition Amendments

As a result of the public exhibition a number of amendments have been made to the exhibited draft Heritage Chapter of the DCP including the insertion of some additional information and explanatory/advisory notes as outlined in this report. A number of new development provisions have also been included to enable Council to undertake a comprehensive heritage impact assessment of development applications, and the draft Chapter has been reformatted. The amended draft Chapter shows new inclusions with red text and deletions with strike through.

Revocation of Chapter 6 Bligh Park Neighbourhood Business Precinct

As a result of the Council's resolution of 12 March 2013 to revoke Chapter 6 Bligh Park Neighbourhood Business Precinct Part E of the DCP, a public notice of intention to repeal Chapter 6 and a notice of repeal of the Chapter 6 was published in the 'Advertiser' and the 'Courier' local newspapers on 16 May 2013 and 4 July 2013 respectively in accordance with clause 23 of the *Environmental Planning and Assessment Regulation 2000*. The repeal of this DCP chapter took effect on 4 July 2013 upon publication of the notice of repeal.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking after People and Place Direction Statement.

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

and is consistent with the nominated strategy in the Community Strategic Plan being:

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

and is also consistent with the nominated goals in the Community Strategic Plan being:

- Maintain and foster the rural and heritage character within the Hawkesbury.
- Natural and built heritage valued socially and economically.

The new Heritage Conservation Chapter will enable Council to promote and protect Hawkesbury's natural and cultural heritage as a valuable resource for existing and future generations.

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Financial Implications

No financial implications 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.

RECOMMENDATION:

The exhibited draft Heritage Conservation Chapter with post-exhibition amendments as attached to this report be adopted and made effective (i.e. included into Hawkesbury Development Control Plan 2002) on the date that public notice of Council’s adoption is given in a local newspaper.

ATTACHMENTS:

AT - 1 Exhibited draft Heritage Conservation Chapter with Post-Exhibition Amendments - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 26 November 2013

ITEM: 236 CP - Works In Kind Deed - 137 New Residential Allotments on "Bona Vista" Precinct, Pitt Town - (95498)

REPORT:

Executive Summary

The purpose of this report is to provide Council with an update on the progress of the Works In Kind Deed (WIK) and to advise the issues that have arisen that have stalled the progress of the WIK.

The report recommends that the WIK be varied to permit the continuation of the development whilst the issues outlined in the report are addressed. Any future release of allotments beyond 137 for this precinct will be subject to the normal Section 94 contributions, that is, cash payments or Bank Guarantee as appropriate rather than works in kind.

Consultation

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

Background

At the meeting of 25 November 2008 Council considered a report on the Works In Kind Agreements for Stormwater and Section 94 Contributions for the Pitt Town Development. The resolution from that meeting was as follows:

"That the:

- 1. Request for Council to enter into a works-in-kind agreement for the provision of Stormwater, Roads, Open Space, Community Facilities and other relevant infrastructure and facilities, identified in the Section 94 contributions plan, to Pitt Town in lieu of a cash payment for Section 94 costs for that infrastructure be agreed, subject to Council's solicitor being in agreement to the documentation.*
- 2. Seal of Council be affixed to any necessary documentation."*

As a result Council entered into three agreements with the Johnson Property Group (JPG) for "Initial Drainage Infrastructure Pitt Town", Stormwater Infrastructure - Bona Vista and Fernadell" and "Bona Vista First 137 new lots". The "Bona Vista First 137 New Lots" agreement is the subject of this report.

The "Bona Vista First 137 New Lots" agreement (WIK) allows for all the Section 94 Contributions for the first 137 allotments in the precinct to be provided to Council via the provision of Works rather than a cash contribution. The contributions to be provided for these lots related to the following:

- Preliminary investigations/plans
- Land Acquisition
- Recreational Facilities
- Park Improvements
- Road Works

The JPG has developed this precinct and Council has released 136 allotments as per the WIK agreement. JPG have commenced construction on the next stage of the precinct and the release of those allotments would exceed the current 137 Lot limit of the WIK. The next stage, currently scheduled for completion in December or January, consists of approximately 19 allotments. However, a subsequent stage is also proposed in the near future (early 2014) that consists of another 23 allotments.

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Whilst some of these contributions have been provided via cash (preliminary investigations/plans and administration fees) or Works (The identified road works in Bootles Lane and the Park and recreation works expected prior to the end of 2013) there are some works that have been delayed for a variety of reasons caused by both Council and JPG. The following three matters, and the reasons for them outstanding, are as follows:

1. Land Acquisition

This is a matter that has been the subject of extensive negotiations between Council and JPG with no agreement reached to date. This matter is being pursued by both parties, but may take some time to resolve.

2. Construction of Part of Bathurst Street

The construction works identified in the Section 94 Contributions Plan identified the construction in the vicinity of Buckingham Street to Bootles Lane to be provided with kerb and gutter on both sides of the road. During the design phase of this work it was discovered that construction of kerb and gutter would result in substantial stormwater issues for the adjoining properties and easements and significant additional construction works would be required that were not envisaged when the Plan was prepared.

The issues can be overcome with the deletion of the kerb and gutter and finishing the carriageway with flush concrete edging. This has been reviewed by both Council engineering staff and the JPG representatives and the amended works are acceptable to both parties. However, due to the legal structure of Section 94 Plans, the work schedule cannot be amended without amending the Section 94 Plan itself. This process has commenced and is expected to be completed late this year for reporting to Council, for public exhibition, early in the new year.

3. Provision of Facilities in Bona Vista Park.

The development application for this work has been submitted to Council, undergone public consultation and has been discussed and amended by the applicant since exhibition. This application is expected to be determined in the near future and then works would commence almost immediately. Whilst this aspect of the WIK is likely to be completed prior to the release of any more allotments, this matter has been mentioned in this report in the unlikely event that the finalisation of the works are not completed prior to the desired release of additional allotments.

There are two options available to Council in relation to the WIK agreement. The first being that the agreement is not changed and no additional allotments be released (Linen Plan release) to allow the sale of those allotments until all aspects of the WIK are completed. The second, and preferred option, is that the agreement be varied that permits the release and sale of additional allotments whilst the remaining WIK matters are resolved.

The second option, varying the WIK, is preferred for the following reasons:

1. The WIK agreement will still remain in place and the obligations of the developer in providing or paying the Section 94 contribution will still remain.
2. The development (lot release) at Pitt Town will not be slowed for some time until the matters (land acquisition and variation of the Section 94 Plan in relation to Bathurst St works) are resolved. The sales and building activity at Pitt Town are strong and provide significant investment and employment activity in the Hawkesbury. The slowing of this activity would have adverse impacts on that employment.

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3. The reasons for the delays in achieving the specified works are not the sole fault of only one party. Both parties to the agreement, JPG and Council, have required a delay in the provision of the works for different reasons. This has also been exacerbated by the delay in ongoing discussions with the Department of Planning and Infrastructure (DP&I). The DP&I have been involved due to the incorporation of the State Infrastructure Contributions (SIC) and the Planning Agreement between the DP&I and JPG into Council's Section 94 Plan and that the Plan was made by the Minister for Planning.

On 24 September 2013 the Minister for Planning and Infrastructure, the Hon Brad Hazzard, issued a Section 94E (1)(a) Direction, under the provisions of the Environmental Planning and Assessment Act 1979 (the Act) to Council to cease collection of State contributions that are identified in the Plan. A copy of the Directive is attached. This Directive has clarified some of the issues that were occurring with the implementation of the Section 94 Plan and allows Council to review the Plan more readily. That review has commenced and is expected early 2014. This review will assist in clarifying the scope of works for Bathurst Street as well as enable additional flexibility to allow some credits to be granted to JPG for some additional works that have been completed beyond what they would normally be responsible for, e.g. additional roadworks in Hall Street and Bootles Lane.

The "Bona Vista First 137 New Lots" agreement contains Clause 7 as follows:

"This agreement may be reviewed or modified by the agreement of the parties using their best endeavours and acting in good faith."

In this regard there have been numerous discussions and meetings between Council staff and JPG in an attempt to resolve these issues and the option of varying the agreement to permit additional allotments to be released whilst retaining the obligations contained in the WIK agreement is preferred. This options will mean that the developer will be "in deficit" in relation to the Section 94 contributions specified in the WIK but will be required to pay the contributions for the additional allotments prior to the release of the additional allotments, i.e. no additional deficit will occur.

Conformance to Community Strategic Plan

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

- Have development on both sides of the river supported by appropriate physical and community infrastructure

and is also consistent with the nominated strategy in the Community Strategic Plan being:

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

Financial Implications

Council's Section 94 Contributions Plan has been set up to provide for the collection of the appropriate contributions from development for the required infrastructure. The Contributions Plan permits the contribution to be via a cash contribution or the provision of the works identified in the Plan to the same value.

Variation of the WIK agreement to permit additional allotments to be released will not result in any reduction of the contributions payable in the Section 94 Plan nor the works required in the WIK. The result will simply be a relatively slight delay in the delivery of some specified work.

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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 the “Bona Vista First 137 New Lots” Works In Kind Agreement dated 12 December 2008 be varied, under the provisions of Clause 7 of that Agreement, to permit the release of the Subdivision Certificate for more than 137 allotments in the Bona Vista precinct subject to the following conditions:

1. Both parties continue to use the best of their endeavours and act in good faith to finalise the delivery of the outstanding Works in that Agreement.
2. Upon completion of the review of the Section 94 Contributions Plan by Council the revised road work for Bathurst Street be either constructed by the Johnson Property Group or an equivalent cash contribution is made to Council for that construction to be undertaken in 2014.
3. Prior to the release of any Subdivision Certificate for any additional allotments, beyond 137, in the Bona Vista Precinct, a cash contribution, to fulfil obligations under the Section 94 Contributions Plan, must be made.

ATTACHMENTS:

AT - 1 Ministerial Direction dated 24 September 2013

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AT - 1 Ministerial Direction dated 24 September 2013

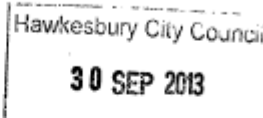


The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

Mr Peter Jackson
General Manager
Hawkesbury City Council
PO Box 146
DX 8601 WINDSOR NSW

12/13039

Attn: Matthew Owen



Dear Mr Jackson

Hawkesbury City Council Section 94 Plan – Ministerial Direction

I refer to the draft Ministerial Direction regarding section 94 contributions for Pitt Town, which was previously provided to Hawkesbury City Council for comment and has been the subject of ongoing discussions.

I wish to advise that a Direction has now been issued under section 94(E)(1)(a) of the *Environmental Planning and Assessment Act 1979*. The Direction requires Council to cease levying for the Pitt Town bypass, interim bus service and Mulgrave railway station parking under the Pitt Town chapter of its Contributions Plan as these are items of State infrastructure and are not the responsibility of Council to deliver.

The Direction is attached and is effective from the date on which it is received by Council. It is recommended that the Council amend its Contributions Plan to ensure it is consistent with the Direction.

Contributions toward the provision of State infrastructure will be secured through Voluntary Planning Agreements with developers within the Pitt Town development area. Negotiation of these Agreements will be undertaken by the Department of Planning and Infrastructure and will be triggered by Clause 6.8 of Council's LEP that requires the developer to make satisfactory arrangements for the provision of State infrastructure.

I understand that Council has raised some issues with the proposed approach and I refer you to the enclosed attachment for detailed responses.

I note that Johnson Property Group (JPG) has previously provided two bank guarantees to Council to secure Section 94 contributions of \$514,980 toward items of State infrastructure. As contributions for these items are no longer to be levied via Council's Section 94 plan, it is appropriate that the bank guarantees be returned to the developer.

The Department is currently renegotiating the terms of the JPG Planning Agreement to ensure it is consistent with contributions funding policies of the NSW Government.

Level 31 Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000
Phone: (61 2) 9228 5258 Fax: (61 2) 9228 5721 Email: office@hazzard.minister.nsw.gov.au



SCANNED

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When a draft agreement has been reached, I will ensure that you will receive written notification of the exhibition period.

Should you have any further enquiries about this matter, I have arranged for Michael Corninos, Director Infrastructure Planning and Coordination of the Department of Planning and Infrastructure to assist you. Mr Corninos can be contacted on telephone number (02) 9228 6492.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Hazzard', written in a cursive style.

HON BRAD HAZZARD MP
Minister for Planning and Infrastructure

24 SEP 2013

ORDINARY MEETING

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Environmental Planning and Assessment (Local Infrastructure Contributions - Hawkesbury City Council) Direction 2013

Rectangular Snip

I, the Minister for Planning and Infrastructure, in pursuance of section 94E (1) (a) of the *Environmental Planning and Assessment Act 1979*, direct Hawkesbury City Council that it may not impose a condition under section 94 of that Act, in respect of development within Catchment 5 (Pitt Town Residential Precinct), that requires contributions towards the cost of the State and Regional transport infrastructure identified in section 7A.12, and the table on page 34, of the Council's *Section 94 Contributions Plan 2008* (being Pitt Town Bypass, Mulgrave Railway Station parking and the 2 year interim bus service).

Note:

Section 94EC (1A) of the *Environmental Planning and Assessment Act 1979* provides as follows:

The imposition of a condition by an accredited certifier as authorised by a contributions plan is subject to compliance with any directions given under section 94E (1) (a), (b) or (d) with which a council would be required to comply if issuing the complying development certificate concerned.



Minister for Planning and Infrastructure

Dated: 24 SEP 2013

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 26 November 2013

GENERAL MANAGER

ITEM: 237 **GM - Possible Process for Establishment of Economic Development Advisory Committee or Forum - (79351)**

Previous Item: NM1 Ordinary (13 November, 2012)

REPORT:

Executive Summary

Supporting Business and Local Jobs is one of the five themes that guide the Hawkesbury Community Strategic Plan 2013-2032 (CSP). The success of the theme is linked to 'economic development', which is about improving and developing the sustainability of an area's economy and distributing that wealth through the community via increased expenditure, employment and activation of key places.

Strategic planning is about understanding the decisions that need to be made for the future. For local economic development, it's about understanding the issues in the local economy (strengths, weakness, opportunities and threats) and making decisions to help grow the economy.

Council in the past had an Economic Development Committee; and it has decided to look at establishing a new body to help it make decisions about the economy and even possibly assist the Council undertake projects. Economic development has evolved since Council's last committee; and the local economy's performance has perhaps weakened and local business sentiment appears to be low.

If Council wishes to undertake a more active role in the local economy, it should give direction to this program area and involve the community in the process. An economic development advisory committee could be an appropriate forum. The CSP identifies that an Economic Development Strategy (EDS) be developed to support the local economy.

If Council is of the view to establishing a mechanism for meeting with the community about local economic development, it is proposed that it set up a working group as a first step to help inform the development of an EDS; and once completed, re-look at a committee as a second step. This will allow the strategy process to consider the best way in which to work with the community and the role, activities, funding and outcomes of a committee of similar meeting mechanism.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Business groups have been consulted as required by Council's resolution. If Council decides to establish a committee or similar meeting mechanism, the broader community and businesses operators should be consulted under the policy.

Background

Council at its meeting held on 13 November, 2012, considered a Notice of Motion in relation to the possible establishment of a Business Economic Forum or Working Group and resolved:

"That:

- 1. A Report be submitted to Council regarding models available to have community economic engagement including the feasibility of establishing either a Business Economic Forum or a Business Development Working Party. Council consult with groups such as Chambers of Commerce, Business Groups and Hawkesbury City Alliance.*

2. *The Report to also address related issues such as costs involved, funding sources, community membership, constitution and operating procedures, and any other related issues including a brief summary of the Council and the community's previous such models."*

This report addresses the above resolution and provides other information to help inform Council about its role in economic development.

(a) What is Local Economic Development?

Local or community economic development takes place in a 'location' and involves improving and developing the sustainability (i.e. size, income, diversity, skills, jobs) of an area's economy and distributing that wealth through the community via increased expenditure, employment and use of key places. It involves people, place and activities - business, trade, events and activities – to activate local places. Other ways of looking at economic development are:

- The sustained actions of authorities and communities that progress the economic health and well being of the community and its people.
- A local approach to addressing and dealing with economic issues.
- Economic development differs from economic growth. It is intervention in the market with the aim of improving the economic and social well-being of people. Economic growth is about market productivity (and GDP) and is an aspect of the process of economic development. Actions can include development of human capital (eg. skills, training, literacy), infrastructure supply and improvement, regional competitiveness, environmental sustainability, social inclusion, health, safety, innovation and industry development and shifts.
- For industry-based and technology-based economies, the local approach to responding to market conditions and dynamics – globalism, regional/ national economies, interventions (eg. land use planning, laws), demographics, consumer behaviour, changing industries processes, the suburbia, infrastructure, regional strengths and technology changes.

The approach to economic development has evolved from just economic growth to encompass local economies.

(b) The Role of Local Government and Economic Development

Responsibility for the economy has been the jurisdiction of the Australian and NSW Governments. Their economic policies are generally geared towards the macro economy and are issue-based. The NSW Government's documents for economic development include:

- NSW 2021 State Plan - Rebuild the Economy Strategy (6 goals).
- Platform for Growth: NSW Economic Development Framework.
- Industry Actions Plans.
- Business Sector Growth Plan
- Western Sydney and Blue Mountains Regional Actions Plan.

In the last 20 years, local government involvement in economic development has increased with the level of activity varying with the state of the economy. However, most councils recognise that:

- macro economic policies and land use planning policies of higher level governments have a significant affect on local communities, small business and the survival of areas;
- they can, within their legislative constraints, help improve the opportunities and prosperity of their areas by encouraging investment and job growth, enhancing liveability and town centre attractiveness, improving environmental attributes and facilitating business performance, making representation to higher levels of government;

- they are responding more to local economic and business issues from macro economic impacts and poor services delivery of infrastructure by higher level governments - telecommunications, roads, services, taxes, red tape.

The Local Government Act 1993 (the Act) provides that councils are to undertake economic development in community strategic and integrated planning and states:

“(3) The council must ensure that the community strategic plan:

- (a) addresses civic leadership, social, environmental and economic issues in an integrated manner, and*
- (b) ...*
- (c) is adequately informed by relevant information relating to civic leadership, social, environmental and economic issues, and*
- (d) is developed having due regard to the State government’s State Plan and other relevant State and regional plans of the State government.”*

Achieving the objectives of the community strategic plan can involve other partners like State government agencies, non-government organisations and other community groups and individuals.

(c) Council and Local Economic Development

The CSP addresses economic development directly through the Supporting Business and Local Jobs theme. Indirectly, economic development is addressed through the other four themes of the community strategic plan, which supports the functioning of the community and the local economy. The Supporting Business and Local Jobs scope is shown in the Conformance to Community Strategic Plan section of the report. Council can support and encourage opportunities in the local economy by providing an environment in which business can be productive.

It is noted that Council has previously undertaken some business development activities and this will be summarised later in the report. It is also noted that a number of these activities have been continued in the budget today.

The CSP provides for a local EDS to be prepared, and that process would consider the need for an economic development committee or similar meeting mechanism to engage and involve the community in sustaining the local economy.

To progress the establishment of an economic development committee, Council could consider funding the EDS as part of the 2014/2015 Draft Budget. An EDS is a framework required to guide decision making and community engagement around the local economy. In the meantime, an economic development working group could be established to assist with developing the EDS brief with Council staff.

(d) Models for Local Economic Development

In regard to part (a) of Council’s resolution, the Act guides Council on the models for economic engagement. Section 355 provides,

“A function of a council may, subject to this Chapter, be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or*
- (b) by a committee of the council, or*
- (c) partly or jointly by the council and another person or persons, or*

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(d) ...

(e) *by a delegate of the council (which may, for example, be a Voluntary Regional Organisation of Councils of which the council is a member)."*

With the above in mind, the options considered available to Council to pursue economic engagement with community engagement are:

- Within the organisational structure of Council, by staff or by staff with the support of a working group, business forum, or committee.
- By a formal committee of Council, supported by the organisational structure of Council

Examples of a delegation of function are the Hawkesbury Sports Council and the Hawkesbury Sister City Association. Council has delegated specific and well defined operational functions to the two groups. Economic development is broad and Council is yet to develop its EDS. The delegation of that function to a model for economic engagement may not be appropriate until the EDS is developed.

Within the two options above, Council can pursue community economic engagement by developing a program of business engagement activities like a business forum or business development working party. A business forum or series of forums could be developed to provide the community with the opportunity to meet with Council and business leaders to discuss topics of interest, economic issues, the state of the local economy and how the business community and Council might work together in the future. Likewise a working group could be established along a similar line and provide more structured input into Council, a committee or the EDS as suggested above.

Council needs to consider how active it wishes to be in community economic engagement and decide on a model of engagement – business forum, working group or committee. It also needs to consider how the results of engagement would be used in Council's decision making processes to address valid and priority local economic development matters.

Council has run a successful Small Business Week in the last two years focused on training and networking for business. A business forum or working group activities could be integrated into the week.

In regard to part 1 of Council's resolution, the following business groups have been consulted to obtain their views on models for community economic engagement:

Kurrajong Community Forum Incorporated

As a result of a meeting with representatives of Kurrajong Community Forum Incorporated, it was indicated that:

- Kurrajong village is made up of smaller businesses and the nature of shopping is changing,
- Smaller business has limited capacity to grow the area and leadership needs to come from larger business. Need to attract bigger businesses that employ, including government employers; and bigger business that see value in the area e.g. vet businesses close to their markets,
- Town centres and villages need to be attractive to residents and customers, as a way to compete with larger towns and shopping centres. Need to address rundown buildings and towns need to be well designed. Need to build on the heritage of the area, to complement the presentation of the towns,
- Need to understand economic issues better, attract a range of jobs (including growth areas like health), promote the community benefit of working local, have good transport and roads so the area is accessible, have events and activities to bring people to the area,

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- A committee is supported and needs representation from Council, the community, small business, big business, business groups; and the right people with demonstrated skills in business and economic development,
- A committee needs to be funded by Council (and set up), and if business gets a direct benefit from activities of a committee then they should contribute funds too,
- Support the development of an EDS to inform the strategic direction for economic development so Council activities are coordinated and integrated with other strategic plans. A steering committee for the strategy is ideal.

Hawkesbury City Alliance Incorporated/Hawkesbury City Chamber of Commerce

As a result of a meeting with representatives of Hawkesbury City Alliance Incorporated (HCA) and the Hawkesbury City Chamber of Commerce, it was indicated that:

- The HCA was set up to work with individuals and groups to improve economic and social aspects of the area, by bringing these people and businesses together to work on projects around tourism, economic viability and sustainability,
- HCA's mission is: To create and facilitate guidance for economic stimulus and sustainability for the Hawkesbury community,
- HCA uses a facilitator for economic engagement model, whereby HCA will act as a facilitator for projects which could include guidance on the types of Council approvals that might be required for a project (e.g. events), seeking funds from Council to undertake projects, seeking funds/ grants for other sources to undertake projects; and approving projects. HCA will not undertake project,
- Project areas indicated are: tourism, business development, events, planning, sponsorship, forums, conferences and marketing. HCA sees its potential as an action arm of Council in program areas it has limited resources in which to operate,
- HCA structure includes trustees, committees, coordinators and members (individual and groups)
- HCA funding model is from members, grants and funding directly from Council, businesses and groups. Discussions revealed funding from Council is a foundation objective of the model, which proposes Council apply a special levy to all rateable lands to raise new funds for economic engagement activities via the HCA model. This approach is suggested in light of Councils financial position and that something needs to start happening now to stimulate the local economy. Reference was made to other councils that have raised funds through levies to undertake their economic development engagement e.g. Bega, Parramatta and Penrith.
- If HCA does not achieve funding from Council, it will grow membership fees and seek funding from grants and other businesses and groups to undertake its activities and grow its presence in the community.

Comment

The HCA funding model is partly based on Council raising funds and transferring them to HCA for use and distribution to business and community projects and is likened to the Hawkesbury Sports Council Incorporated (HSC) arrangement by HCA. The HSC is delegated the functions, with funding assistance, for a specific and well defined program area of Council. Further comment regarding the concept of a levy is provided later in this report.

Some councils do use special levies by way of a higher rates for the business categories to raise and dedicate funds for town centres and economic development. In most cases, these apply to business rated lands, though some councils have extended charges to residential lands for town improvement type activities. Councils that have economic development charges include Parramatta, Penrith and Liverpool Councils. They are primarily cities/ towns in the urban system and have stronger business locations to perhaps support extra charges. However, liaising with Penrith Council highlighted mixed views about any special levies for economic development in the community and use of funds to also underwrite the Penrith Business Alliance. Most councils allocated funds from within their budgets for economic development activities undertaken by council staff working with the community, businesses groups and individual businesses.

Heart of Hawkesbury Incorporated

As a result of a meeting with representatives of Heart of Hawkesbury Incorporated, it was indicated that:

- A formal committee of Council should be established to progress local economic development, and Council needs to be committed to it,
- A committee should operate at a senior management level and involve the General Manager and key council staff,
- A committee should be chaired by a Councillor and have about nine community and business leaders (with demonstrated skills),
- A committee once established, to have oversight of projects (including capital expenditure) that are funded in budgets,
- The committee scope to include full range of economic development activities to address integrated decision making required of Council,

Activities might include events, assisting new business arrivals with site finding, promotion of projects and area, applying for grants and funding from sources other than Council, provision of economic impact comment for development applications, industry development e.g. RAAF Base and aviation, forums with the business community, investigate new industries opportunities and innovation.

- A new economic development unit should be established and support a committee.

Windsor Business Group Incorporated

As a result of a meeting with representatives of Windsor Business Group Incorporated, it was indicated that:

- It supports HCA models and approach to local economic engagement,
- The HCA model has the ability to unite the various groups in the area and addresses resourcing matters,
- There needs to be money spent on economic development in the area now to stimulate the economy.

(e) Other issues for local economic development by Council

In regard to part 2 of Council's resolution the following comments are provided:

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- Costs involved. It is suggested that the best approach to economic engagement would be to complete the EDS and formalise a meeting mechanism with the community, like a committee to progress and prioritise economic development activities in collaboration. The cost of developing the EDS is estimated to be approximately \$60,000, including possible costs of associate Working Group activities. It is proposed that these funds be considered in the 2014/2015 Draft Budget. The EDS will be an important strategic document and its value is in setting a framework for future actions.

The cost of establishing a business forum or other appropriate meeting mechanism suggested in the EDS depends on the scope of activities. If similar to past forums focusing on networking and meeting opportunities funds in the vicinity of \$10,000 per annum might be appropriate in the budget. This is assuming the forum is a project within Council. If the forum is to be a group (i.e. financial assistance, joint arrangement or a delegation of function), there would be additional set up costs for the operational structure, insurances and potential staff, rooms, infrastructure and equipment costs. This could potentially add a minimum of \$20,000 per annum to costs.

The cost of establishing a business working group depends on the scope of activities of the working groups. If similar to past working groups for a program area or special project, cost would be minimal and could be absorbed within the budget. Meetings could be held at Council, and no additional operational structures are required. This would be the same for a committee, but if the committee role was beyond advisory and include projects they would have to be costed in the budget annually and/or grant funding sought.

- Funding sources. Council could fund an economic engagement model from the budget or via a special levy on business rated properties. In current circumstances it is suggested that a special levy may not be appropriate, as if Council were to pursue a special rate variation it should do so to address the infrastructure backlog as a priority, rather than for new projects. The Budget would be the most appropriate source of funds and would require some re-allocation of funding towards the economic development program area, if Council wishes to increase this activity.
- Membership. Membership of a committee or similar meeting mechanism needs to draw on Councillors, community and business leaders who are champions for the area, economic development and or place making practitioners to set up the best possible committee to make the difference. It is suggested that the committee should be no more than 10 individuals to keep the committee to a manageable size.
- Constituting and operating procedures. Terms of reference for a business development working group and a constitution for an economic development committee would be based on Council's standard documents, with aims and objectives being tailored. It is suggested that once the EDS defines an appropriate model for economic engagement that draft documents for this purpose be developed and presented to Council.
- Council's previous economic engagement models. In 1994 Council formed the Hawkesbury Economic Development Board and it operated until about June 2000. In August, 2000 it became the Hawkesbury Economic Development Advisory Committee and operated until March 2004.

The objective of the Board/Committee was to encourage the sustainable economic and employment growth of the area. It had Councillors, key industry and business group representatives (i.e. tourism and hospitality, RAAF, agriculture and horticulture, large business, Hawkesbury Chamber, small business). Its focus was growing the economy by:

- Increasing employment opportunities and economic activity,
- Pressuring for infrastructure issues impacting on local the economy. i.e. capacity of Windsor Road and access to water licences for farmers,
- Furthering the growing area.

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A range of activities were undertaken by the Board/Committee, including:

- Business forums for the community to express views on economic development to the Board/Committee to pursue. Topics included: employment schemes, small business marketing and promotion, industry clusters, group training, Olympic Games opportunities, infrastructure improvements, threats to the economy,
- Funding to projects including the Hawkesbury Eat Street proposal that became Hawkesbury Harvest; the Great River Walk Inc committee etc,
- Promoting the area, via a business profile, video and press releases,
- Sponsoring the local Business Advisory Centres/ Business Enterprise Centre and expos,
- Overseeing the Mainstreet funding to the Hawkesbury Chamber of Commerce,
- RAAF Base future, including responses to EISs, Aerospace and Defence Industry Cluster Project, RAAF and Civil Airport Terminal Feasibility Study,
- Home base business database project with the Hawkesbury City Chamber of Commerce,
- Agriculture future, instigating the Hawkesbury Agriculture Retention through Diversification and Clustering project (HARtDAC).

In August 2004 Council formed the e-Commerce Advisory Committee and it operated until February 2007. Its focus was:

- progressing e-commerce and ICT technology as ways to lead innovation in the local economy,
 - instigating a more commercial approach around financial assistance to groups eg. Hawkesbury Chamber, Windsor Business Group,
 - supporting the business community to take more responsibility for its own destination, through business lead initiatives like customer service and marketing workshops.
- The communities previous economic engagement models. Council staff are not aware of any previous 'economic development' models lead by the community. There have been a number of community or business lead initiatives to help support aspects of the local economy like:
 - The former Mainstreet Program lead by the Hawkesbury City Chamber of Commerce with financial assistance from Council,
 - Hawkesbury Harvest, which aims to retain food production in the area by making better links to customers by undertaking events and activities. Financial assistance was provided by Council in the group's start up period,
 - Events to attract people to the area, including the former Food and Wine Affair, The Scarecrow Festival, Windsor Blues and Roots Festival and the International Sand Sculpture Completion.
 - Best case economic development models and approaches. Economic development and place making are emerging disciplines focused on local economies and creating active local places for business, residents and visitors. Best case models and approaches can be found in USA, Europe, UK and New Zealand and are lead by professional groups, community advocacy groups, business advocacy groups (e.g. UK Association of Town Centre Management, USA People for Public Places) and or various levels of government.

The Transport Commissioner of New York City has lead a place making exercise to make over the streets of New York, Time Square and other unfriendly parking lots and precincts which has helped transformed the City into an active, safe and attract space for residents, business and visitors to enjoy much more. Rents around Time Square are now in the Top 10 in the World.

The British Government under Prime Minister Cameron, through its Communities and Local Government Department, lead a review of High Streets as the Heart of Communities (Mary Portas Review), which lead to direct funding to local communities to address high streets economies and create Business Improvement Districts (BIDs). This occurred after the riots in 2011, which highlighted the need to invest in high streets which had deteriorated, lacked direction and were alienating environments. BIDs involve business groups, individual business, residents and council representation and have clear objectives and measures to do make over town centres for business, residents and visitors.

Lessons learnt from best case models and experiences can be applied here within an EDS supported by other strategic documents like the Masterplans for town centres, the tourism strategy, the open space strategy and the resourcing strategy.

Conformance to Community Strategic Plan

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

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

and is also consistent with the nominated goals in the Community Strategic Plan, being;

- Increase level of GDP from tourism
- Have expanded, sustainable and growing industry base
- Stronger broader range of sustainable businesses
- Skills development and training opportunities are available locally

Financial Implications

There are no funding implications associated directly with this report at this stage.

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RECOMMENDATION:

That:

1. The information be received and noted.
2. Funding for the development of a Hawkesbury Economic Development Strategy be considered in the 2014/2015 Draft Budget.
3. An Economic Working Group be established to specifically inform and support the development of the Hawkesbury Economic Development Strategy with a further report to be submitted regarding the membership and activities of the Group.
4. The manner in which Council undertakes economic development activities and engages the community in this regard be further considered following the establishment of the Economic Working Group and development of the Hawkesbury Economic Development Strategy as referred to above.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ITEM: 238

GM - Potential Siting of a Second Sydney Airport - (79351, 77675, 78149)

REPORT:

Executive Summary

On numerous occasions in the past Council has considered reports regarding various aviation capacity and scoping studies and other issues in relation to the potential siting of a second Sydney airport and the future use of the RAAF Base Richmond.

Council's focus has generally related to the RAAF Base Richmond as distinct from the specific issue of the second Sydney airport. In respect of the latter issue there had been significant discussion and activity towards the proposed Wilton site; however, there has also been much recent coverage and support for Badgerys Creek to be selected for the future site.

Correspondence has recently been received from the Mayor of Blacktown City Council, following a resolution of that Council, regarding this Council's possible involvement in the reforming of an advocacy group to oppose Badgerys Creek and the funding of an analytical report into the Badgerys Creek option.

As the issues of the potential site for a second Sydney Airport have not been specifically addressed by Council for some time this matter is referred to Council for consideration.

Consultation

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

Background

On numerous occasions Council has considered reports regarding various aviation capacity and scoping studies in relation to the potential siting for a second Sydney airport and the future use of the RAAF Base Richmond.

Council's focus has generally related to the RAAF Base Richmond as distinct from the specific issue of the second Sydney airport. Generally, the Council's position regarding the possible use of the RAAF Base Richmond has been that the Base should be retained; it should not be considered as a site for a second Sydney airport and continue to operate as a permanent operational facility for defence purposes with any use of the Base for civil aviation purposes not preventing or hindering this.

In May 2013, the Australian Government released the Sydney Aviation Capacity Scoping Study titled "*A Study of Wilton and RAAF Base Richmond for civil aviations*". In respect of the first aspect of the study its purpose was to investigate and assess the suitability of the proposed Wilton site as a second Sydney airport. The then Minister for Infrastructure and Transport subsequently indicated that the Government would "*conduct geotechnical analysis of the Wilton site to determine the impact mining subsidence could have on an airport development*".

In the intervening period there has been significant discussion and debate regard the proposed Wilton site; however, there has also been much coverage and support for Badgerys Creek to be selected for the future second Sydney airport site.

Correspondence has recently been received from the Mayor of Blacktown City Council, Councillor L Robinson, following a resolution of that Council, regarding this Council's possible involvement in the reforming of an advocacy group to oppose Badgerys Creek and the funding of an analytical report into the Badgerys Creek option. The letter from the Mayor of Blacktown City Council advises:

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"I write to advise that Council at its Ordinary Meeting of 18 September 2013 resolved the following in relation to the issue of Badgerys Creek being the site for a second Sydney Airport.

1. *That Council write to all WSROC member councils for the establishment of a group to advocate the case against Badgerys Creek airport.*
2. *That Council write to all WSROC member councils calling for funding an analytical report into the Badgerys Creek airport option which properly examines the true economic, social, infrastructure, environmental and other issues that will impact on Western Sydney residents as well as to analyse the validity of the data/claims currently publicly available.*

Blacktown City Council has for many years opposed a second Sydney Airport at Badgerys Creek and was an integral member of the Western Sydney Alliance against the airport proposal of the time. Despite recent reports suggesting there are valid economic arguments for Badgerys Creek being a second airport for Sydney, Council believes that there are other important factors which must be considered.

Therefore, I am writing to all WSROC councils to seek your interest in the following:

- *Reforming an advocacy group of WSROC councils opposing the Badgerys Creek airport proposal.*
- *Helping fund a detailed analytical report into the Badgerys Creek airport option that examines the true economic, social, infrastructure and environmental issues. This assessment should also examine the validity of recent economic reports prepared on the subject.*

Council makes this request because it wants the community to be confident that all of the important issues have been properly considered before any decisions are made on a preferred site for a second airport. A report commissioned by the WSROC councils helps do this. Although it is acknowledged the funding required for this analytical study would be substantial, at this stage Council merely seeks comment from WSROC councils to further inform its own position.

It would be greatly appreciated if you can consider this request and advise your intentions,"

Whilst Council has specifically addressed issues in relation to the future use of the RAAF Base Richmond on many occasions in the past, the issue of the potential site for a second Sydney airport has not been specifically addressed by Council for some time.

In view of the approach from Blacktown City Council and the current discussion/debate occurring regarding the Wilton and Badgerys Creek sites it may be appropriate for Council to consider its position regarding the potential siting of a second Sydney airport and its position regarding the requests made by Blacktown City Council in this regard.

Conformance to Community Strategic Plan

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

- Offer an increased choice and number of local jobs and training opportunities to meet the needs of Hawkesbury residents and to reduce their travel times.
- Maintain its independent identity and voice through strong local government and community institutions.

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and is also consistent with nominated strategies in the Community Strategic Plan 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

Provision has not been provided in the 2013/2014 Operational Plan for a contribution to fund of an analytical report into the Badgerys Creek as requested by Blacktown City Council.

RECOMMENDATION:

That Council consider the issue of the potential siting of a second Sydney airport and the request received from Blacktown City Council in this regard.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 26 November 2013****SUPPORT SERVICES****ITEM: 239****SS - Monthly Investments Report - October 2013 - (96332, 95496)****REPORT:****Executive Summary**

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

This report indicates that Council held \$42.96 million in investments at 31 October 2013.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$42.96 million in investments as at 31 October 2013. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
ANZ	A1+	AA-	31-Oct-13		3.90%	5,200,000	12.10%	
CBA	A1+	AA-	31-Oct-13		2.50%	750,000	1.70%	
Total On-call Investments								5,950,000
Term Investments								
ANZ	A1+	AA-	24-Apr-13	06-Nov-13	4.40%	1,000,000	2.33%	
ANZ	A1+	AA-	08-May-13	06-Nov-13	4.30%	2,000,000	4.66%	
ANZ	A1+	AA-	26-Jun-13	20-Nov-13	4.25%	1,500,000	3.49%	
ANZ	A1+	AA-	03-Jul-13	28-Jan-14	4.25%	500,000	1.16%	
CUA	A-2	BBB	06-Feb-13	15-Jan-14	4.40%	250,000	0.58%	
NAB	A1+	AA-	30-Jan-13	19-Dec-13	4.42%	1,500,000	3.49%	
NAB	A1+	AA-	16-Jan-13	15-Jan-14	4.43%	1,000,000	2.33%	
NAB	A1+	AA-	30-Jan-13	29-Jan-14	4.42%	2,000,000	4.66%	
NAB	A1+	AA-	06-Feb-13	05-Feb-14	4.35%	2,000,000	4.66%	
NAB	A1+	AA-	21-Aug-13	20-Aug-14	3.94%	2,000,000	4.66%	
NAB	A1+	AA-	21-Aug-13	19-Aug-15	4.25%	1,000,000	2.33%	
NAB	A1+	AA-	03-Sep-13	03-Sep-14	3.90%	2,000,000	4.66%	
NAB	A1+	AA-	03-Sep-13	02-Sep-15	4.10%	2,000,000	4.66%	
NAB	A1+	AA-	29-Oct-13	18-Jun-14	3.80%	1,500,000	3.49%	

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Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
Westpac	A1+	AA-	20-Feb-13	19-Feb-14	4.30%	1,500,000	3.49%	
Westpac	A1+	AA-	20-Mar-13	19-Mar-14	4.35%	1,000,000	2.33%	
Westpac	A1+	AA-	20-Mar-13	19-Mar-14	4.35%	2,000,000	4.66%	
Westpac	A1+	AA-	08-Apr-13	08-Apr-14	4.60%	1,000,000	2.33%	
Westpac	A1+	AA-	08-Apr-13	08-Apr-14	4.60%	2,000,000	4.66%	
Westpac	A1+	AA-	15-May-13	15-May-14	4.15%	1,000,000	2.33%	
Westpac	A1+	AA-	22-May-13	28-May-14	4.20%	2,000,000	4.66%	
Westpac	A1+	AA-	03-Jul-13	19-Dec-13	4.25%	1,000,000	2.33%	
Westpac	A1+	AA-	24-Jul-13	15-Jan-14	4.25%	2,260,000	5.26%	
Westpac	A1+	AA-	07-Aug-13	29-Jan-14	4.20%	1,000,000	2.33%	
Westpac	A1+	AA-	07-Aug-13	06-Aug-14	4.10%	1,000,000	2.33%	
Westpac	A1+	AA-	18-Sep-13	05-Mar-14	4.10%	1,000,000	2.33%	
Total Term Investments								37,010,000
TOTAL INVESTMENT AS AT 31 OCTOBER 2013								42,960,000

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	5,950,000	3.72%	Reserve Bank Cash Reference Rate	2.50%	1.22%
Term Deposit	37,010,000	4.25%	UBS 90 Day Bank Bill Rate	2.59%	1.66%
Total	42,960,000	4.17%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	8,995,761
External Restrictions - Other	2,696,213
Internal Restrictions	21,384,832
Unrestricted	9,883,194
Total	42,960,000

Funds subject to external restrictions cannot be utilised for any purpose other than that specified, in line with legislative requirements. Externally restricted funds include funds relating to Section 94 Contributions, Domestic Waste Management, Stormwater Management and Grants.

Internal restrictions refer to funds allocated through a Council Resolution for specific purposes, or to meet future known expenses. Whilst it would 'technically' be possible for these funds to be utilised for other purposes, such a course of action, unless done on a temporary internal loan basis, would not be recommended, nor would it be 'good business practice'. Internally restricted funds include funds relating to Tip Remediation, Plant Replacement, Risk Management and Election.

Unrestricted funds may be used for general purposes in line with Council's adopted budget.

Investment Commentary

The investment portfolio decreased by \$2.45 million for the month of October 2013. During October 2013, income was received totalling \$3.18 million, including rate payments amounting to \$1.41 million, while payments to suppliers and staff costs amounted to \$5.47 million.

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

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

As at 31 October 2013, Council has \$0.25 million invested with a second tier institution that is not a wholly owned subsidiary of a major Australian trading bank, with the remaining funds being invested with first tier institutions. Investments in second tier financial institutions, that are not wholly owned subsidiaries of major trading banks, are limited to the amount guaranteed under the Financial Claims Scheme (FCS) for Authorised Deposit-taking Institutions (ADIs), in line with Council's Investment Policy.

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

Council's investment portfolio complies with Council's Investment Policy, adopted on 25 June 2013.

Investment Certification

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

Conformance to Community Strategic Plan

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

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

Financial Implications

Funds have been invested with the aim of achieving budgeted income in 2013/2014.

RECOMMENDATION:

The report regarding the monthly investments for October 2013 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 26 November 2013

ITEM: 240 **SS - September 2013 Quarterly Budget Review Statement - (96332, 95496)**

Previous Item: 108, Extraordinary (18 June 2013)

REPORT:

Executive Summary

Within two months of the end of each quarter, Council is required to review its progress in achieving the financial objectives set out in its Operational Plan. This report and the relevant attachment provide information on Council's financial performance and financial position for the first quarter of the 2013/2014 financial year, and the resulting financial position including the Budget variations proposed.

The Quarterly Budget Review Statement - September 2013 (QBRS) recommends a number of variations that result in a balanced budgeted position being maintained.

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

The QBRS has been prepared in accordance with the Division of Local Government Circular 10/32, dated 10 December 2010.

Consultation

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

Background

Council adopted its Operational Plan for 2013/2014, on 18 June 2013.

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

The QBRS has been prepared in accordance with the Division of Local Government Circular 10/32, dated 10 December 2010, and is attached for Council's information.

Financial Position

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

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

The more significant items of the September 2013 review include:

ORDINARY MEETING

Meeting Date: 26 November 2013

Favourable Adjustments

- **Financial Assistance Grant – Net Favourable Variance \$98K**
(Adopted Operational Plan –Part 2 – SS Pg.. 121; IS Pg.. 52, Pg.. 54, Pg.. 56)

Local Government Financial Assistance Grants (FAG) are general purpose grants that are paid to local councils under the provisions of the Commonwealth Local Government (Financial Assistance) Act 1995. The grant is comprised of general purpose and roads components.

The Original Adopted Budget for 2013/2014 for the FAG is a combined total of \$4.3M. This is made up of a budgeted general purpose component of \$2.7M, with the remaining \$1.6M being attributable to the roads component of the grant. The amount allocated to Council varies from year to year due to population changes, changes in standard costs and disability measures, local road and bridge length variations, and changes in property values, and takes into account any short or overpayments in the previous year as well as any prepayments.

The Original Budget was based on the amount received in 2012/2013 being maintained. The actual FAG amount for the 2013/2014 financial year has now been advised and is \$187K above the budgeted amount. The \$187K increase is comprised of \$89K relating to the roads component, with the remaining \$98K being the surplus against the budgeted general component. The surplus income relating to the roads component has been allocated to additional roads maintenance.

Consequently, a net favourable adjustment of \$98K is included in this QBRS in relation to the Financial Assistance Grant.

The first payment for the 2013/2014 financial year was received in the 2012/2013 financial year and the necessary adjustments to reflect this prepayment have also been included in this QBRS.

- **Rates Income – Net Favourable Variance \$56K**
(Adopted Operational Plan –Part 2 – SS Pg. 123)

A favourable variance of \$56K has been included to reflect the actual rates levied as at the end of the first quarter, as compared to the budgeted amount estimated earlier in the year. The variance is mainly a result of variations in the number and valuation of rateable properties, as a result of changes in relation to subdivisions and supplementary valuations issued by the NSW Valuer General.

- **Consultancy Fees – Net Favourable Variance \$62K**
(Adopted Operational Plan –Part 2 – SS Pg. 103; CP Pg. 16, Pg.5; IS Pg. 54; GM Pg. 34)

A favourable adjustment of \$75K is included in this QBRS in relation to the Council funded portion of the Hawkesbury River Estuary Management Study, which has been funded by the Section 94 Drainage Reserve and is therefore not required. This is partially offset by other minor adjustments to Consultancy Fees.

- **Purchase of Plant – Net Favourable Variance \$80K**
(Adopted Operational Plan –Part 2 –IS Pg. 45, Pg. 62, Pg. 79)

Adjustments have been made to reflect income received from the sale of plant resulting in a favourable variance of \$80K.

- **Contribution to Local Government Recognition Referendum – Net Favourable Variance \$20K**
(Adopted Operational Plan –Part 2 – GM Pg. 34)

Following the determination of the discontinuation of the referendum for Constitutional Referendum of Local Government, a refund of contributions previously paid, less expenses incurred to date, was received as at the end of the first quarter. An adjustment reflecting the refund of previously paid fees, as well as the budgeted contribution for 2013/2014, now surplus to requirements, is included in this QBRS. Council was subsequently advised that reimbursement of the short payment will follow shortly. An adjustment in the December 2013 QBRS will reflect this additional refund.

ORDINARY MEETING

Meeting Date: 26 November 2013

Unfavourable Adjustments

- **Employee Costs – Net Unfavourable Variance \$150K**
(Adopted Operational Plan – CP Pg. 15; GM Pg. 35; Various)

Included in this QBRS is a net unfavourable variance of \$61K for a new position, the “Strategic Planning Manager”. This position is a recommendation arising from the City Planning Review conducted earlier in the year, and is aimed at ensuring Council’s strategic planning, including but not limited to, the requirements of the Integrated Planning and Reporting regime is appropriately resourced.

This QBRS also includes a number of adjustments for employee on-costs. Accounting processes for employee entitlements have been automated, resulting in entitlement adjustments normally processed at the end of the financial year, now being processed on an ongoing basis. In 2013/2014, budget adjustments will be progressively processed on a quarterly basis in lieu of the practice to date, whereby the adjustment was processed once a year in the last quarter. Part of the adjustments are reflected as reallocated amounts from the relevant corresponding operating budgets, with a net unfavourable amount of \$50K.

In line with projected leave entitlements for staff currently on Maternity Leave, an unfavourable variance of \$39K has been included in this QBRS.

- **Rental Income – Net Unfavourable Variance \$33K**
(Adopted Operational Plan –Part 2 – SS Pg. 107)

Included in this QBRS is a net unfavourable variance of \$33K for Rental Income. The filling of one rental vacancy with a favourable variance of \$12K has been offset by a \$45K unfavourable variance relating to rental income for the Old Hospital Building for first quarter. As at the end of the first quarter, the property has not been leased.

- **Risk Management – Unfavourable Variance \$59K**
(Adopted Operational Plan –Part 2 – Various)

An unfavourable variance of \$59K has been included in this QBRS in relation to insurance expenses. The adjustment is required to fund an unbudgeted increase in insurance premiums and additional claim management contractor costs.

- **Data Centre Upgrade – Net Unfavourable Variance \$33K**
(Adopted Operational Plan –Part 2 – IS Pg. 46, Pg. 85)

Included in this QBRS is a net unfavourable variance of \$33K relating to the Data Centre upgrade as quotations for the entire project have exceeded the anticipated costs as previously estimated. A total increase of \$100K has been added to this project, with \$67K being funded from savings made on the following:

- \$14K from Fire Service Contract,
- \$10K from works at the Windsor Function Centre,
- \$15K from works at 325 George Street, Windsor, and
- \$28K from the upgrade of lighting at the Oasis Leisure Centre Carpark

Grants

A number of adjustments relating to grant funding successfully secured by Council, are included in this QBRS. These adjustments have a nil effect on the budget position. The major adjustments relating to grant funding are outlined below:

- *Natural Disaster Claim* – Council has received funding from Roads and Maritime Services of \$758K to assist in the cost of road rehabilitation and maintenance required as a result of flooding and storm events affecting the Hawkesbury LGA earlier in the year.

ORDINARY MEETING

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- *Hawkesbury River Estuary Management Study* – In line with the Council Resolution of 11 October 2011, Council has accepted an offer of a grant for \$125K over two years commencing 2011/2012. The adjustment in this QBRs relates to the unclaimed portion of this grant of \$91K.
- *Stabilisation of Governor Phillip Reserve* – Adjustments totalling \$65K have been included in this QBRs for a grant for the Stabilisation of Governor Phillip Reserve approved from the Office of Environment and Heritage.
- *Biodiversity Hawkesbury River Restoration* – Council was successful in attaining funding from Department of Sustainability, Environment, Water, Population and Communities in the total of \$600K over six years for the regeneration and re-vegetation in reserves along the Hawkesbury River. A variance of \$48K has been included in this QBRs for actuals received.
- *Roadside Vegetation Implementation Project* – Funding from the Local Government NSW, through the Environmental Trust, has been approved in the amount of \$22K for threatened species recovery in high conservation roadside vegetation. The grant funding and expenditure for \$22K has been included in this QBRs.

Reserve Funded Adjustments

The following adjustments are within internally or externally restricted funds, and consequently have no net impact on Council's overall position:

- *Section 94 Reserve* – In line with actuals received, an increase in Section 94 contributions of \$34K has been included in this QBRs.
- *Section 94A Reserve* – In line with actuals received, an increase in Section 94A contributions of \$130K has been included in this QBRs.
- *Extractive Industries Reserve* – Contributions received from extractive industry companies using Regional Roads are collected by Council and forwarded to Roads and Maritime Service (RMS). Previously, these contributions have been budgeted and accounted for as income and restricted through a Reserve. As these funds are collected by Council on behalf of the RMS, it is more appropriate to hold these contributions in trust. To reflect this change in accounting treatment an adjustment to income of \$65K of contributions is necessary.
- *Local Infrastructure and Renewal Scheme (LIRS) Loan Reserve* – Council has reviewed the delivery timeframes of the Bridge Replacement Program, funded by the LIRS Loan. A postponement of \$1.2M in expenditure to 2014/2015 has been included in this QBRs in line with this review. Additionally, an increase of \$54K has been included for interest earned on investments funded by the unspent LIRS Loan, in line with applicable interest to date.
- *Contingency Reserve* – In line with the Council Resolution dated 5 February 2013, Council has overhauled the replacement Lower Portland Ferry vessel, funded by the Contingency Reserve. The overhaul of the vessel has cost an additional \$94K over the anticipated \$200K and the variance within this QBRs proposes to fund the additional cost from the Contingency Reserve.
- *Domestic Waste Management Program* – Included in this QBRs is an adjustment reflecting a saving of \$79K relating to plant replacement.
- *Sullage Program* – There has been a reduction in Sullage customers resulting in a drop in Sullage income budgeted for 2013/2014. Included in this QBRs is an unfavourable variance for this income line of \$95K. This will be offset in subsequent reviews in line with reduced contract payments.

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- *Hawkesbury Waste Management Facility* – In line with reviewed timeframes in relation to the construction of a new cell, a postponement in capital expenditure of \$1.4M to 2014/2015 is included in this QBRS. Also included are increases for Casuals (\$30K) and Works Expenditure (\$75K), in line with observed trends.
- *Sewerage Reserve (Operating)* – An income budget adjustment of \$48K is included in this QBRS to bring the budgeted income in line with amounts received.

An increase in works expenditure of \$250K is also included in this QBRS to bring forward desilting works at the wetlands. As a result of flooding earlier in the year, deposited silt within the wetlands system has resulted in works being now required to be undertaken to ensure licensing requirements continue to be met.

- *Sewerage Reserve (Capital)* – Included in this QBRS is a favourable adjustment of \$25K to reflect unbudgeted revenue from sale of plant. Additional funding is required from this Reserve in relation to the purchase and installation of replacement variable speed blowers (\$125K), and the replacement of pumps at Pump Station E (\$40K) with energy efficient pumps, estimated to save in the vicinity of 80% in energy costs. The latter will be monitored post equipment installation and budget adjustments made in future reviews accordingly.

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

Conformance to Community Strategic Plan

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

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

Funding

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

RECOMMENDATION:

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – September 2013 be adopted.

ATTACHMENTS:

AT - 1 The Quarterly Budget Review Statement – September 2013 - (*distributed under separate cover*)

oooO END OF REPORT Oooo

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ordinary

section 4

reports
of committees

ORDINARY MEETING
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ORDINARY MEETING
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SECTION 4 - Reports of Committees

ROC - Local Traffic Committee - 11 November 2013 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Monday, 11 November 2013, commencing at 3.00pm.

ATTENDANCE

Present:	Councillor Kim Ford (Chairman) Mr Richard McHenery, Roads and Maritime Services Mr Brendan Beirne - Roads and Maritime Services Snr Constable Debbie Byrnes, NSW Police Force Mr Dave Davies, Busways
Apologies:	Mr Bart Bassett, MP (Londonderry) Mr Ray Williams, MP (Hawkesbury) Mr Kevin Conolly, MP (Riverstone) Mr Steve Grady, Busways Ms Jill Lewis, NSW Taxi Council
In Attendance:	Mr Chris Amit, Manager, Design & Mapping Services Ms Judy Wong, Community Safety Coordinator Ms Laurel Tweedie, Administrative Officer, Infrastructure Services

The Chairman tendered an apology on behalf of Mr Kevin Conolly (Riverstone), advising that Mr Kevin Conolly (Riverstone) concurred with recommendations as contained in the formal agenda and had granted proxy to himself to cast vote(s) on his behalf.

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Mr R. McHenery, seconded by Snr Constable D. Byrnes, that the minutes from the previous meeting held 9 September 2013 be confirmed.

Item 1.2 Business Arising

There was no business arising from previous minutes.

SECTION 2 - Reports for Determination

Item: 2.1 LTC - 11 November 2013 - Item 2.1 - Proposed Line Marking in Fisher Road, Maraylya - (Hawkesbury) - (80245)

REPORT:

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Introduction:

Representation has been received requesting that centre line marking be provided along Fisher Road, Maraylya to improve road safety and stop vehicles crossing over to the wrong side of the road.

Discussion:

Fisher Road is a local rural road in Maraylya extending from Pitt Town Dural Road (Regional Road) to Reedy Road for an approximate length of 2.064 kilometres. The road has a central seal with unsealed shoulders. The seal width varies in the range of 5.5 to 7.1 metres.

Central line marking assists drivers in providing a separation between the travelling lanes. Double Barrier lines are used to create no-overtaking zones in roads where there is restricted overtaking sight distance due to horizontal or vertical curves, or both, or where a hazardous condition exists such as approaches to an intersection, side road intersections or mid-block central roadway obstructions. Dividing line marking is generally used on sealed pavements widths of 5.5 metres or more.

Adjacent roads such as Pebbly Hill Road, Pitt Town Dural Road and Scheyville Road are line marked with dividing line marking.

The RTA/RMS Accident Database indicates no injury accidents during the 5 year period from July 2007 to June 2012 along Fisher Road. Road section details for Fisher Road are contained in Table 1.

Table 1: Road Section Data

Road Name	Road Section	Road Width and Shoulder	Block Length	Speed Limit	ADT (year)
Fisher Road	Pitt Town Dural Road to Reedy Road	5.5 to 7.1 metres Gravel shoulder on both sides	2064m metres	70kph	300 (2003) 350 (projected to 2013)

An evaluation of Fisher Road indicates that Double Barrier Lines need to be marked to create no-overtaking zones considering the road environment, short straight sections of road and in particular the horizontal and vertical curves and approaching intersections. There are rural properties on both sides of the road. The rural aspect of the area tends to promote unsafe overtaking of vehicles.

It would be appropriate to provide dividing line marking (Double Barrier Lines – BB) and associated Retroreflective Raised Pavement Markers (RRPMs) along Fisher Road, Maraylya, between Pitt Town Dural Road and Reedy Road, (approximate length of 2064 metres) to improve road safety and discourage unsafe overtaking:

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable D Byrnes, seconded by Mr R McHenery.

Support for Recommendation: Unanimous

That:

1. The dividing line marking (Double Barrier Lines – BB) and associated RRPMs be provided along Fisher Road, Maraylya, between Pitt Town Dural Road and Reedy Road, (approximate length of 2064 metres), to improve road safety and discourage unsafe overtaking:

APPENDICES:

There are no supporting documents for this report.

SECTION 3 - Reports for Information

**Item: 3.1 LTC - 11 November 2013 - Item 3.1 - Local Traffic Committee 2014 Calendar -
(Hawkesbury, Londonderry, Riverstone) - (80245)**

REPORT:

The current format for the Local Traffic Committee (LTC) meetings is to meet on the second Monday of the month, commencing at 3.00pm in the Large Committee Room, Council Offices at 366 George Street, Windsor

Proposed is a list of dates, outlined below, for 2014 in the current Monday format (second Monday of the month) with the exception of June which is proposed to be held on the third Monday due to the Queen's Birthday public holiday on 09 June 2014.

- 13 January 2014
- 10 February 2014
- 10 March 2014
- 14 April 2014
- 12 May 2014
- 16 June 2014 (third Monday due to Queens Birthday Holiday on 09 June 2014)
- 14 July 2014
- 11 August 2014
- 08 September 2014
- 13 October 2014
- 10 November 2014

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor K Ford, seconded by Snr Constable D Byrnes.

Support for Recommendation: Unanimous

That:

1. The 2014 Local Traffic Committee Meetings be held from January to November on the second Monday of the month with the exception of June which will be undertaken on the third Monday.

APPENDICES:

There are no supporting documents for this report.

Item: 3.2 **LTC - 11 November 2013 - Item 3.2 - Advice on School Zone Flashing Lights for Comleroy Road PS and Macdonald Valley PS - (Hawkesbury) - (80245, 93364 & 123256)**

Previous Item: Item 3.1, LTC (16 April 2012)

REPORT:

Advice has been received from the Roads and Maritime Services - RMS indicating that School Zone Flashing Lights are to be installed within the vicinity of Comleroy Road Public School and Macdonald Valley Public School. The information provided by RMS in part is listed below (ECM Document No. 4578867).

"As part of the NSW Government's \$17 million project announced in August 2011, the Roads and Maritime Services (RMS) is delivering school zone flashing lights to school zones across NSW.

The lights operate automatically when school zone 40km/h speed limits are in force and increase drivers' awareness of school zones.

RMS is pleased to advise that schools to benefit from the latest roll-out include the following schools within your LGA.

- *McMahons Road at Comleroy Road Public School*
- *St Albans Road at Mcdonald Valley Public School*

It is not possible to provide you with a date for the installation of the flashing lights, however, it is expected that the work will start in late October 2013 and all school zones in this rollout should be fitted with the flashing lights by the start of 2014 school term 1."

Further to the information provided by RMS, the following schools within the Hawkesbury Local Government Area have School Zone Flashing Lights:

1. Arndell Anglican College at Wolseley Road, Oakville,
2. Bede Polding College at Rifle Range Road, Bligh Park,
3. Bilpin Public School at Bells Line of Road, Bilpin,
4. Cattai Public School at Cattai Road, Cattai,
5. Colo Heights Public School at Putty Road, Colo Heights,
6. Colo High School at Bells Line of Road, North Richmond,
7. Ebenezer Public School at Sackville Road, Ebenezer,
8. Freemans Reach Public School at Kurmond Road and Hibberts Lane, Freemans Reach,
9. Grose View Public School at Grose Wold Road, Grose Wold,
10. Hawkesbury High School at Kurmond Road and Hibberts Lane, Freemans Reach,
11. Hawkesbury Independent School at Comleroy Road,
12. Kurmond Public School at Bells Line of Road, Kurmond,
13. Kurrajong East Public School at East Kurrajong Road, East Kurrajong,
14. Kurrajong North Public School at Bells Line Of Road, Kurrajong Hills,
15. Kurrajong Public School at Grose Vale Road, Kurrajong,
16. Kuyper Christian School at Redbank Road and Greggs Road, Kurrajong,

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17. Oakville Public School at Oakville Road, Oakville,
18. Pitt Town Public School at Buckingham Street, Pitt Town,
19. Richmond High School at Castlereagh Road and Lennox Street, Richmond,
20. Richmond North Public School at Grose Vale Road, North Richmond,
21. Richmond Public School at Francis Street and Windsor Street, Richmond,
22. St Monica's Catholic Primary School at Francis Street, Richmond,
23. Windsor High School at Mulgrave Road, Mulgrave,
24. Windsor Public School at George Street, Windsor.

COUNCIL RECOMMENDATION:

RESOLVED on the motion of Snr Constable D Byrnes seconded by Mr R. McHenery.

Support for Recommendation: Unanimous

That:

1. The information be received.

APPENDICES:

There are no supporting documents for this report.

SECTION 4 - General Business

Item: 4.1 LTC - 11 November 2013 - Item 4.1 - Presentation by RMS on the Bells Line of Road Improvement Program, (Londonderry & Hawkesbury) - (80245, 123265)

REPORT:

Mr Brendon Beirne from the Roads and Maritime Services addressed the Committee in relation to the Bells Line of Road Improvement Program and provided the following update and associated information.

The Bells Line of Road (State Route 40) is a key road link between Sydney and central western New South Wales. It runs from North Richmond in the east to the intersection with the Darling Causeway at Bell in the west and then continues as Chifley Road to connect to the Great Western Highway at Lithgow. The road is one of two road crossings of the Blue Mountains, the other being the Great Western Highway. While the Great Western Highway is the primary route across the Blue Mountains, Bells Line of Road performs a crucial role for cross-mountain traffic in addition to functioning as an important local access road.

In October 2012, the Australian and NSW governments jointly released the Bells Line of Road Long Term Strategic Corridor Plan (BLOR Corridor Plan). The Plan guides the short, medium and long term management and development of this important road corridor setting objectives to improve road safety and maintain traffic efficiency.

The BLOR Corridor Plan proposes a range of actions to meet the corridor objectives, which can be summarised as follows:

- Short and medium term improvements focused on the existing corridor (primarily overtaking lanes and road safety improvements along the central and western sections).
- Preservation of options for the longer term, by reserving corridor connections to the Sydney motorway network

The proposed Improvement Program responds to the shorter term needs identified in the BLOR corridor plan. These works will be in the form of new or extensions to current overtaking lanes, and some road safety treatments.

The proposed program is in two stages:

Stage 1:

- Investigations to confirm priority projects for delivery, and approval for further project development
- Development, design, planning approval and commencement of construction of high priority overtaking lane at site no. 4 (1.1 kilometres of upgrade works which includes a 700 metre overtaking lane located 6.4 to 7.35 kilometres west of Warks Hills Road, Kurrajong Heights)
- Completion of a road safety review
- Identification and planning of priority road safety works
- Commence the corridor investigation for the eastern section of the corridor

Stage 2:

- Complete the implementation of priority overtaking lane at site no. 4.
- Design, development, planning approval and implementation of remaining identified overtaking lanes
- Development and implementation of priority road safety works
- Identify and preserve a corridor for an upgraded connection to the Sydney motorway network.

Extensive community involvement was integral to the development of the BLOR Corridor Plan, and highlighted a number of key issues such as Safety, Traffic and Access, environmental Impacts and Regional and local economies. The findings of the community involvement process were used to inform technical studies and help identify broad strategic opportunities for upgrading the corridor.

The investigation area for the BLOR Corridor Plan covered three sections of the corridor:

1. Eastern section – Sydney motorway network to Kurrajong Heights.
2. Central section – Kurrajong Heights to Bell.
3. Western section – Bell to Lithgow

The proposed works commissioned to be undertaken in the 2013/2014 financial year (Site 4) is located in the Central section. The proposed works at Site 4 are: 1.1 kilometre of upgrade works which includes a 700 metre overtaking lane located 6.4 to 7.35 kilometres west of Warks Hills Road, Kurrajong Heights.

This site was chosen and given a higher priority as it can be delivered within the time frame remaining in the 2013/2014 financial year. Other sections along Bells Line of Road will be refined as the development process continues, including detailed investigations, planning and analysis.

The Preliminary locations, timings and costs of the overtaking lanes in Bells Line of Road is listed below. These works are part of an overall Capital cost of \$48 million.

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Stage	Site No.	Proposed Location	Direction	Length (km)	Strategic Cost (\$M)	Start Construction Target Date	Estimated Duration (months)
1	4	7.5 km west of Kurrajong Heights	Eastbound	1.1	3	Mar 2014	9
2	1	4 km west of Kurrajong Heights	Westbound	0.9	3	Early 2015	8
2	6	2 km east of Bilpin	Eastbound	1.0	4	Mid 2015	9
2	5	1 km east of Bilpin	Westbound	1.5	6	Early 2016	12
2	3	8.5 km west of Kurrajong Heights	Westbound	1.0	6	Mid 2016	12
2	2	5 km west of Kurrajong Heights	Eastbound	0.9	6	Mid 2016	12
2	7	10km west of Bilpin	Westbound	0.5	5.5	Mid 2016	12
				TOTAL	\$33.5 M		

Mr Beirne advised the Committee that updates will be provided as the Program develops further.

Councillor Kim Ford thanked Mr Beirne for the update and looked forward to the road safety improvements works being implemented along Bells Line of Road. The Committee supported in principal the proposed upgrade works along Bells Line of Road approximately 6.4 to 7.35 kilometres west of Warks Hills Road, Kurrajong Heights (in the vicinity of Nos. 1917 to 1970) which will provide for an eastbound overtaking lane for an approximate length of 700 metres.

COMMITTEE RECOMMENDATION:

Resolved on the motion of Councillor Kim Ford, seconded by Senior Constable Debbie Byrnes

Support for recommendation: Unanimous

That:

1. The Information be received.
2. The Committee support in principal the proposed upgrade works along Bells Line of Road, approximately 6.4 to 7.35 kilometres west of Warks Hills Road, Kurrajong Heights (in the vicinity of Nos. 1917 to 1970) which will provide for an eastbound overtaking lane for an approximate length of 700 metres.

APPENDICES:

AT - 1 Site Plan - Proposed Overtaking Lane, Bells Line of Road, Kurrajong Heights

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AT - 1 Site Plan - Proposed Overtaking Lane, Bells Line of Road, Kurrajong Heights



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Reports of Committees

Item: 4.2 LTC - 11 November 2013 - Item 4.2 - Bus Stop and parking issues in Elizabeth Street, North Richmond, (Londonderry) - (80245, 125358)

REPORT:

Senior Constable Debbie Byrnes advised the Committee that several complaints have been received from a resident in relation to vehicles parking along Elizabeth Street, North Richmond in the vicinity of the Pre-School and Fun Factory south-east of Campbell Street. It appears vehicles belonging to a near-by business located at the corner of Elizabeth Street and Campbell Street are parked along Elizabeth Street and in particular in front of the Pre-School and Fun Factory.

Utilisation of the kerb parking by these vehicles makes it difficult for the afternoon bus to drop-off children accessing the Fun Factory. The kerb side is not sign posted with any parking restrictions.

Mr C Amit advised the Committee that Council's Regulatory Services staff have been patrolling the area and in general the vehicles parking along the kerb are legally parked.

Mr Dave Davies from Busways advised the Committee that there is a designated Bus Stop further to the south-east approximately 30 metres away from the Pre-School and Fun Factory. The Bus Stop operates full time, however the only buses servicing Elizabeth Street in this vicinity is the afternoon school bus. It may be appropriate to relocate the designated bus stop adjacent to this site and perhaps provide appropriate times the bus stop is required.

The Committee after discussion on this matter determined that it would be best for a representative from Busways and Council to undertake a site visit to formulate an appropriate solution in Elizabeth Street, North Richmond adjacent to the Pre-School and Fun Factory, to facilitate a safe area for the buses to drop off passengers.

COMMITTEE RECOMMENDATION:

Resolved on the motion of Senior Constable Debbie Byrnes, seconded by Richard McHenery

Support for recommendation: Unanimous

That a representative from Busways and Council undertake a site visit to formulate an appropriate solution in Elizabeth Street, North Richmond adjacent to the Pre-School and Fun Factory, to facilitate a safe area for the buses to drop off passengers.

APPENDICES:

There are no supporting documents for this report.

Item: 4.3 LTC - 11 November 2013 - Item 4.3 - Provision of timed Bus Zone and alteration to exiting Bus Zone in Rifle Range Road at Bede Polding College, Bligh Park, (Riverstone) - (80245, 123265, 125358)

ORDINARY MEETING
Reports of Committees

REPORT:

Mr Dave Davies from Busways advised the Committee that there have been issues with vehicles and buses attempting to use the indented bay along the south-eastern side of Rifle Range Road opposite Sirius Road and adjacent to school frontage of Bede Polding College, Bligh Park.

Busways is requesting the installation of Bus Zone signage within the indented bus bay to indicate, "Bus Zone 8.00am-9.30am & 2.30pm-4.00pm School Days" as well as extend the No Stopping zone at the south-eastern end of the indented bus bay north-westerly across the driveway by approximately 8.0 metres (as per the attached map tabled at the meeting). The installation of the timed Bus Zone signs within the indented bus bay is required to formalise the zone.

Buses are currently using this bay under the supervision of staff from the College. The indented bay has been in operation since 21 October 2013 and is operating efficiently, with no conflict to other road users.

Access to the indented bus bay can be improved by providing timed "No Entry" signs at the entry point to the indented bus bay with supplementary plates indicating "8.00am-9.30am and 2.30pm-4.00pm School Days" and "Buses Excepted". Mr McHenery advised the Committee that the provision of the timed No Entry may be difficult to enforce and felt that this was not conventional.

Mr Davies indicated that there is an existing timed School Bus Zone "8.00am-9.30am and 2.30pm-4.00pm School Days", located along the north-eastern side of Rifle Range Road, Bligh Park adjacent to the school frontage of Bede Polding College and situated north-west of the indented bus bay. This area is listed as a full time bus stop as per the Transport for NSW data base. It is requested that the School Bus Zone be converted to a Full Time Bus Zone which will also allow for installation of bus stop signage by the bus operator.

Mr Davies advised the Committee that the Deputy Principal from Bede Polding College has indicated to Busways that the proposed changes along the school frontage such as the timed Bus Zone signage within the indented bus bay is supported to improve bus movements.

COMMITTEE RECOMMENDATION:

Resolved on the motion of Councillor Kim Ford, seconded by Senior Constable Debbie Byrnes

Support for recommendation: Unanimous

That:

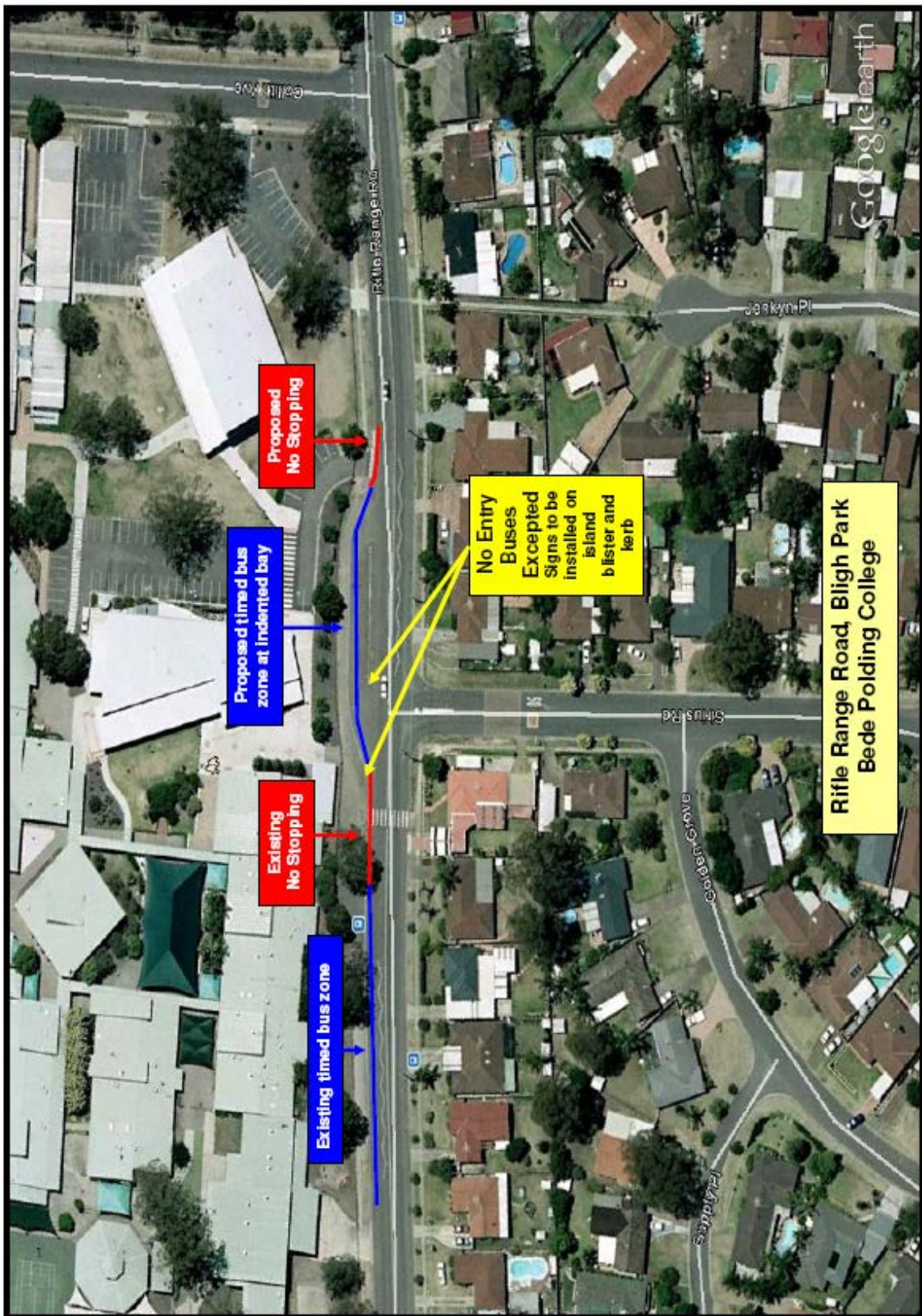
1. A School Bus Zone "8.00am-9.30am and 2.30pm-4.00pm School Days", approximately 65.0 metres in length, be provided within the indented bus bay located along the north-eastern side of Rifle Range Road, Bligh Park, opposite Sirius Road and adjacent to school frontage of Bede Polding College.
2. The existing No Stopping zone located on the north-eastern side of Rifle Range Road and south-east of the indented bus bay be extended by approximately 8.0 metres in a north-westerly direction to join the new School Bus Zone.
3. The existing timed School Bus Zone "8.00am-9.30am and 2.30pm-4.00pm School Days", located along the north-eastern side of Rifle Range Road, Bligh Park adjacent to the school frontage of Bede Polding College and situated north-west of the indented bus bay, be converted to a Full Time Bus Zone.
4. Timed "No Entry" signs be provided at the entry to the indented bus bay in Rifle Range Road adjacent to Bede Polding College, with supplementary plates indicating "8.00am-9.30am and 2.30pm-4.00pm School Days" and "Buses Excepted".

ORDINARY MEETING
Reports of Committees

APPENDICES:

AT - 1 Site Plan - Proposed changes to Rifle Range Road, Bligh Park – Bede Polding College

AT - 1 Site Plan - Proposed changes to Rifle Range Road, Bligh Park – Bede Polding College



ORDINARY MEETING
Reports of Committees

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on 13 January 2014 at 3.00pm in the Large Committee Rooms.

The meeting terminated at 5.00pm.

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

RM - Planning Proposal - Lots 271, 272, 273 and 274 DP1156792, 96-98 Grose Vale Road and 26-28 Arthur Phillip Drive, North Richmond - (125612, 80104, 80105)

Submitted by: Councillor Mary Lyons-Buckett
Councillor Christine Paine
Councillor Leigh Williams

RESCISSION MOTION:

That Council's resolution of 12 November 2013 in respect of Item 223 be rescinded.

NOTE BY MANAGEMENT:

Council's resolution of 12 November 2013 in connection with this matter was as follows:

"That:

1. *The Planning Proposal be forwarded to the Department of Planning and Infrastructure for making of the Plan with the following amendments:*
 - a) *Amendments to the riparian corridor zoning to RE 1 Public recreation to a width that is consistent with the Department of Primary Industry (Office of Water) "Guidelines for Riparian Corridors on Waterfront Land".*
 - b) *Amendment to the zone map in accordance with the map amendments outlined in the 'Issue K' section of this report.*
2. *The Department of Planning and Infrastructure be requested to consider the inclusion of an appropriate clause into Part 6 of the LEP 2012 to require satisfactory arrangements be made for the provision of designated State public infrastructure prior to the determination of a development application for urban subdivision.*
3. *The Voluntary Planning Agreement be finalised in a manner consistent with the 'Voluntary Planning Agreement' section of this report with the following additions:*
 - a) *Concept design, Review of Environmental Factors or Development Application (whichever is required) for the proposed Bridge (Multispan) and approach roads and intersections (the bridge works) is to be submitted to the relevant Authority for approval prior to the issue of a Subdivision Certificate for the creation of the 121st Urban Lot.*
 - b) *Approval for the bridge works is to be obtained prior to the issue of a Subdivision Certificate for the creation of the 341st Urban Lot.*
 - c) *Construction of the bridge works is to be completed prior to the issue of a Subdivision Certificate for the creation of the 641st Urban Lot.*

When the VPA is finalised, it is to be reported to Council prior to public exhibition. This report is to be provided to Council as soon as possible and prior to the gazettal of the planning proposal for the site.

ORDINARY MEETING

Notices of Motion

4. *The Development Control Plan, when finalised, be reported to Council prior to public exhibition. This report is to be provided to Council as soon as possible and prior to the determination of any Development Applications for subdivision of the site."*

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF RESCISSION MOTION Oooo

ORDINARY MEETING**Questions for Next Meeting****QUESTIONS FOR NEXT MEETING****Councillor Questions from Previous Meeting and Responses - (79351)****REPORT:****Questions – 12 November 2013**

#	Councillor	Question	Response
1	Rasmussen	Asked when the report concerning the possible establishment of an Economic Development Board for the Hawkesbury LGA would be reported to Council.	The General Manager advised that the report on this matter is included in this business paper.
2	Paine	Enquired if a rain water collection and storage structure could be installed at Upper Colo Reserve to gather and store rainwater.	The Director Infrastructure Services advised that there is only a limited roof area to feed a rainwater tank at this site, and this would be insufficient to provide a supply sufficient for the site usage. Bore water is provided for showers and toilets and potable water is brought in by tanker, to provide drinking water. Whilst the existing roof area could be used to supplement this, the potential for contamination exists and is not favoured in a public use environment.
3	Paine	Enquired if a Plan of Management for Upper Colo Reserve could be developed incorporating additional tree planting.	The Director Infrastructure Services advised that the Reserve, as Crown land, does not require a Plan of Management under the Local Government Act, however has been identified in Council's Generic Plans of Management, to ensure consistency in the management of Council's reserves. A Masterplan is however currently being prepared for the site, which will assist in identifying new tree plantings and vegetation to better define the camping areas and provide additional shade in the hotter months.
4	Paine	Enquired if a bench seat at Thompson Square could be repaired and have all bolts re-fitted.	The Director Infrastructure Services advised that instructions have been issued for the repair of the bench seat to be undertaken.
5	Paine	Enquired if a recycle bin could be installed at Thompson Square, Windsor.	The Director Infrastructure Services advised that a mobile recycling bin will be placed in the park on a daily basis.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
6	Paine	Enquired when the replacement of the Windsor wharf would be completed.	The Director Infrastructure Services advised that documentation is being finalised for the replacement pontoon and it is anticipated that quotations will be called prior to the end of the year, with the pontoon being installed in the first quarter of 2014.
7	Paine	Requested that the black plastic bollard fence at Wilberforce shops be investigated as the plastic is fading and to determine if a chain linking the bollards will be installed.	The Director Infrastructure Services advised that the bollards have been inspected and whilst there is some colour fading this has not affected the strength of the bollards. The spacing of the bollards is sufficiently close to prevent cars accessing the grassed area and no chain is considered necessary. Improvement works to the landscaped area and carpark are to be undertaken in the current program.
8	Paine	Enquired as to what allowances Council delegates receive for attending the Hawkesbury River County Council.	The Director Infrastructure Services advised that the delegate fees are set by the Hawkesbury River County Council, in accordance with the procedures of the Local Government Remuneration Tribunal and for 2013/2014 are \$5,230 per annum per delegate, with an additional fee of \$9,540 per annum for the Chairperson.
9	Williams	Requested an update on the progress of the repair of Windsor wharf and enquired if it is possible for the structure to be made of timber rather than plastic and aluminium.	The Director Infrastructure Services advised that the replacement pontoon will be installed in the first quarter of 2014 and is required to be of a floating type to meet accessibility requirements and original grant conditions.

oooO END OF REPORT Oooo



ordinary
meeting

end of
business
paper

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and reduce the use of
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