



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 24 June 2014

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

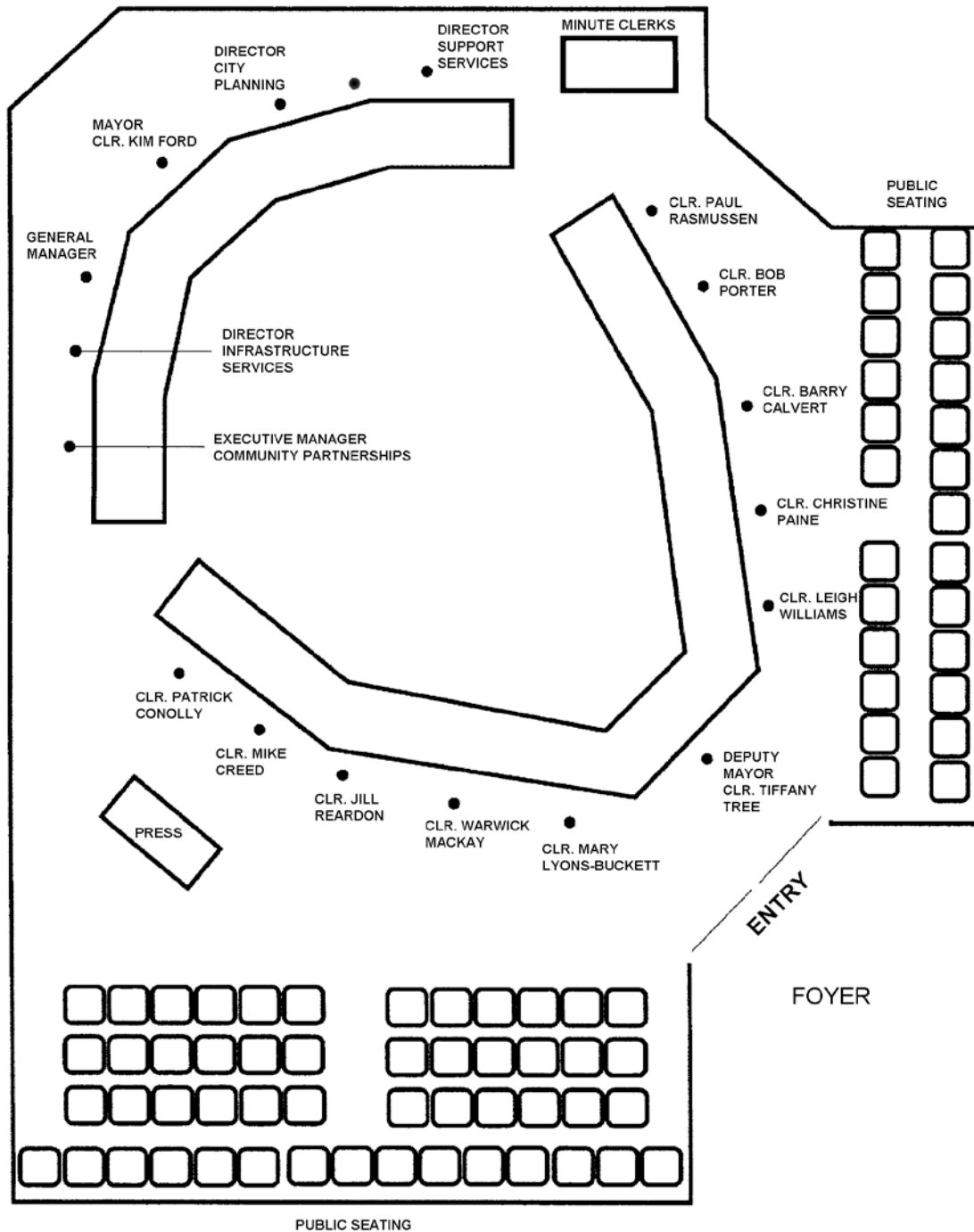
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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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 - General Manager**
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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 98 **CP - DA0542/13 - 255 Springwood Road, Yarramundi - Lot 31 DP 1048098 - Dwelling House with animal boarding and training establishment - (95498, 104692, 121379)**

Development Information

File Number: DA0542/13
Property Address: 255 Springwood Road, Yarramundi
Applicant: Barbara Tarnawksi Architects
Owner: Ms MG Peterson and Ms LA Vicary
Proposal Details: Dwelling House, Animal Boarding and Training Establishment including staff accommodation and ancillary buildings
Estimated Cost: \$1,155,000
Zone: E4 Environmental Living
Date Received: 9/10/2013
Advertising: 18/10/2013 - 1/11/2013

Key Issues:

- ◆ Bushfire
- ◆ Flooding
- ◆ Flora and Fauna
- ◆ Effluent Disposal

Recommendation: Approval subject to conditions

REPORT:

Executive summary

The application seeks approval for a dwelling house and animal boarding and training establishment for horses.

An assessment of the proposal has revealed that there are no objections to the proposed development 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 the Mayor, Councillor Ford.

Description of Proposal

The application seeks approval for the construction of a dwelling house, rural workers dwelling, stables and shed, and the establishment of an animal boarding and training establishment at Lot 31 DP 1048098, 255 Springwood Road, Yarramundi.

The proposed development involves the following:

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Main Dwelling house

The proposed principle dwelling house will have an area of 380m², plus 157m² garage, and will include four bedrooms and two offices and be constructed of masonry walls and a steel roof.

Animal boarding and training establishment

A specialised equine birthing centre for the care and management of thoroughbred broodmares and their foals involving a stable building, workers accommodation and machinery/hay shed is to be constructed. The centre will also cater for thoroughbred horses with orthopaedic conditions and offers post-operative care and treatment as well as assisting with the breeding of horses.

A maximum of 12 horses would be kept on site at any one time.

It is expected that a maximum of five to six staff will be employed. The centre will operate 24 hours per day.

The staff accommodation dwelling will be located within close proximity to the stable to provide staff with on-site accommodation. This dwelling will have three bedrooms and will be constructed of brick walls with metal roofing.

The stable building will be approximately 250m², having dimensions of 18.5m by 13.5m, with a total height of 5.2m. The building will be constructed of pre-painted metal (Colorbond) and will contain:

- Stables;
- A birthing suite;
- Cross tie bay;
- First aid room;
- Vet observation room; and
- Toilets.

The shed will have a floor area of approximately 434m², having dimensions of 42m by 12m, and a total height of 6.4m. The shed will be constructed of pre-painted metal (Colorbond) and be used for the storage of hay, horse trailers, trucks and ancillary equipment for the operation of the animal boarding and breeding facility.

A horse shelter 27m² in size and 3.1m in height is proposed adjacent to the observation yard.

Description of the site and its locality

The site is approximately 10.08ha in area, with cleared areas and areas of native vegetation, particularly at the front of the property and along the Nepean River to the south. Access to the property exists from Springwood Road. The land is currently vacant.

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.

Council Policies, Procedures and Codes to Which the Matter Relates

State Environmental Planning Policy (BASIX) 2004
State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44)
State Environmental Planning Policy No. 55 – Remediation of Land
Sydney Regional Environmental Plan No 20 (SREP20) Hawkesbury Nepean River
Hawkesbury Local Environmental Plan (LEP) 2012
Hawkesbury Development Control Plan (HDCP) 2002
Development of Flood Liable Land Policy

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:

State Environmental Planning Policy (BASIX) 2004

A BASIX Certificate has been issued for each of the proposed dwellings and supports the application. A condition of consent will ensure that the development meets the necessary performance requirements as set out in the BASIX certificates, therefore complying with SEPP (BASIX 2004).

State Environmental Planning Policy No. 44 - Koala Habitat

State Planning Policy No. 44 - Koala Habitat applies to land within the Hawkesbury Local Government Area to which a development application has been made and has an area of more than 1 hectare.

The flora and fauna report submitted advises:

"On the basis of SEPP 44 the site does constitute Potential Koala Habitat as food trees, E.punctata and Eucalyptus tereticornis constitutes >15% of the upper and lower canopy of tree species.

A search for this species failed to identify them on the site and no scats or fresh scratches indicating the presence of Koalas were found on the subject site. Motion sensor cameras were set up for one week to monitor if koalas would access the subject site across Springwood Road. No koalas were recorded. Taped calls of Koalas did not elicit a response."

As a result, it is considered that the site is not 'core habitat' as defined by this Policy.

Therefore, under Clause 8 of S.E.P.P. No. 44, Council is not prevented from granting consent to the proposal.

State Environmental Planning Policy No. 55 - Remediation of Land

A search of Council files indicated that the land has not been used for any activities which would render the soil contaminated to such a degree as to cause harm and prevent the future development of the land. Therefore, the application is considered to be consistent with the provisions of State Environmental Planning Policy No. 55.

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

The subject land falls within the boundary of SREP 20. This Policy aims "to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context." SREP 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

The subject land is located within a scenic corridor of regional significance.

It is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River, either in a local or regional context and that the development is not inconsistent with the general or specific aims, planning considerations, planning policies, recommended strategies and development controls.

Hawkesbury Local Environmental Plan 2012

An assessment of the proposed development against the relevant provisions of Hawkesbury Local Environmental Plan 2012 follows:

Clause 1.2 Aim of Plan

The proposed development is considered to be consistent with the aims of the Plan as outlined in Clause 1.2 of HLEP 2012.

Clause 2.2 Zoning of land to which Plan applies

The subject land is zoned E4 Environmental Living.

Clause 2.3 Zone objectives and Land Use Table

Subclause (2) requires in the determination of a development application that regard is given to the objectives of the zone. The zone objectives of the E4 zone are:

- To provide for low impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To restrict development on land that is inappropriate for development because of its physical characteristics or bushfire risk.
- To ensure that land uses are compatible with existing infrastructure, services and facilities and with the environmental capabilities of the land.
- To encourage existing sustainable agricultural activities.
- To ensure that development does not create or contribute to rural land use conflicts.
- To promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.
- To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.

The proposal is consistent with the overall objectives of the E4 zone 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.

'Dwelling house' and 'animal boarding and training establishment' are permissible with consent within the E4 zone. The dwelling proposed to be used for staff accommodation is considered to be ancillary to the equine centre.

Clause 6.1 Acid sulfate soils

The subject land is within Class 5 as shown on the Acid Sulfate Soils Map. The subject land is not within 500m of land within another Class, and therefore there are no further requirements in respect to acid sulfate soil management for the proposed development.

Clause 6.3 Flood planning

The 1 in 100 year flood level for the locality is approximately 18.4m AHD. The proposed development will be located on land having a level between approximately 15m and 21.5m AHD. The dwelling house and workers cottage will be located on land at levels approximately 17.5m AHD and higher. The finished floor height of each dwelling will at 18.4m AHD.

It is considered that the proposed development is consistent with this Clause as the development is compatible with the flood affectation of the land, will not adversely affect flood behaviour in the locality or the environment, and is not likely to result in unsustainable economic cost to the community.

In addition, Council's 'Development of Flood Liable Land' Policy applies. The proposal is consistent with this Policy as the dwellings will be located on land no more than 3m below the 1 in 100 year flood level, all habitable rooms will be at the 1 in 100 year flood level, and the buildings will be constructed of flood compatible materials.

Clause 6.4 Terrestrial biodiversity

A flora and fauna assessment has been submitted that satisfactorily demonstrates that the proposed development will have no adverse impacts on the natural environment.

Clause 6.7 Essential services

Water and sewerage services are capable of being provided onsite, and the proposed development will have no unreasonable impacts on the provision or extension of public amenities or services. Written evidence that satisfactory arrangements for the provision of electricity will be ensured through conditions of consent.

(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***Part A: Chapter 3 – Notification*

The application was publicly notified in accordance with the requirements of this chapter. No submissions were received in response to the notification of the application.

Part C Chapter 2 – Carparking and Access

Two (2) covered spaces have been provided for each dwelling which is consistent with the requirements of this chapter.

Part C: Chapter 4 - Erosion and Sediment

Erosion and sediment control has been detailed on the plans and would be enforced through conditions of consent.

Part C: Chapter 5 – Bushfire Prone Land

The application has been submitted with a bushfire hazard assessment. Specific bushfire conditions have been recommended in this regard.

Part C Chapter 6 – Energy Efficiency

The proposal is consistent with this chapter as:

- A BASIX certificate has been issued for the proposed development demonstrating that the proposed design can achieve the minimum energy performance targets, and
- Adequate sunlight access is available to private open space and clothes drying areas.

Part C: Chapter 7 - Effluent Disposal

This Chapter requires that certain "development requiring or relying on an existing or proposed on-site sewage management facility must be accompanied by a waste water feasibility study (or similar) prepared by a suitably qualified and experienced expert."

A wastewater feasibility assessment was submitted in support of the application and is considered satisfactory.

Part D: Chapter 1 Residential Development

The proposal is consistent with the residential chapter in respect to building height, setbacks, parking, landscaping, private open space, privacy, services, etc.

(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:

There has been no planning agreement or draft planning agreement entered into under Section 93F of the environmental Planning and Assessment Act, 1979.

(v) Matters prescribed by the Regulations:

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

A development contribution fee of \$11,550 is applicable under Hawkesbury Council's Section 94A Development Contribution Plan 2006.

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, and is compatible with adjoining land uses. 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.

A 'Flora and Fauna Assessment' prepared by Joy Hayley Environmental Consultant dated January 2014 was submitted in support of the application. This Report concluded that:

- "1. The proposed development ensures that any disturbance or modification to the environment will be minimal and will occur in an area substantially environmentally degraded and in close proximity to existing development.
2. The Section 5a "7 part test" concluded that there would be no significant impact on the threatened species therefore no further investigation is required, i.e. a Species Impact Statement is not required.
3. The assessment under the EPBC Act concluded that the action would have no significant impact on the threatened species. A referral of this action to the Commonwealth minister is not recommended."

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The 'Flora and Fauna Assessment' Report recommends that native species be used for future landscaping of the site, and that weed management be undertaken along with the control of feral cats and foxes. Existing vegetation on the land provides a suitable setting for the proposed development. No additional landscaping is considered warranted. A weed management plan, and its implementation, will be required as conditions of consent.

A feasibility report, relating to the on-site disposal of wastewater, by Kerry Flanagan was submitted in support of the application and satisfactorily demonstrates that the land is capable of being developed for the proposed houses and animal and boarding establishment and can dispose of wastewater efficiently and without damage to the adjoining land or the river.

Car parking and vehicular access would utilise the existing driveway which services the site. It is considered that there is adequate space available on the site to park vehicles catering to the proposed development. 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.

A 'Bushfire Hazard Assessment Report' prepared by Control Line Consulting was submitted with the application and demonstrates that the proposed development can meet the requirements of Planning for Bushfire Protection 2006. The recommendations of this report will be ensured through conditions of consent.

c) Suitability of the site for the development:

The area is characterised by rural land uses and it is considered that the size and shape of the allotment can sustain the proposed land use. The location and design of the development will ensure minimal impact on the amenity of the adjoining properties and natural environment.

Adequate access is available to the site and the proposed use will not generate unmanageable traffic demand for the existing road network. The subject site area is adequate to accommodate on-site effluent disposal. Other utilities such as electricity and telephone are also available to the site.

The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

There are no constraints from surrounding land uses that would make this development prohibitive.

The flood and bushfire affectation of the land is not considered to be prohibitive to the proposed development.

For these reasons, it is considered that the subject land is suitable for the proposal.

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

Public Submissions

The proposal was publicly exhibited 18 October 2013 to 1 November 2013. No submissions were received.

Integrated Development

The proposed development was referred to the NSW Office of Water as 'integrated development' under Section 91A of the Environmental Planning and Assessment Act 1979. In their letter of 9 January 2014, the NSW Office of Water provided their General Terms of Approval (GTA).

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External Authority

The application was referred to the Roads and Maritime Services (RMS) for comment. In their letter of 5 November 2013 RMS advised that "concurrence from RMS is not required for this development proposal."

e) The Public Interest:

The proposal is consistent with the various planning controls affecting the site. 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 proposed development is consistent with the relevant provisions of Hawkesbury Local Environmental Plan 2012, Sydney Regional Environmental Plan No. 20, State Environmental Planning Policies No. 44 & 55, and Hawkesbury Development Control Plan.

It is considered that the proposal will have no significant adverse impact on the locality, 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 DA0542/13 at Lot 31 DP 1048098, 255 Springwood Road, Yarramundi for a Dwelling House and an Animal Boarding and Training Establishment including staff accommodation and ancillary buildings be approved subject to the following conditions:

NSW Office of Water Conditions

Plans, standards and guidelines

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2013/0542 and provided by Council:
 - a) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3. The consent holder must prepare or commission the preparation of:
 - a) Vegetation Management Plan

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- b) Erosion and Sediment Control Plan
 - c) Soil and Water Management Plan
 - d) Amendments to Plans – watercourse crossing and stormwater outlet details to be shown
4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx.
- a) Vegetation Management Plans
 - b) Riparian Corridors
 - c) Outlet structures
 - d) Watercourse crossings
5. The consent holder must:
- a) carry out any controlled activity in accordance with approved plan and
 - b) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and
 - c) when required, provide a certificate of completion to the NSW Office of Water.

Rehabilitation and maintenance

6. The consent holder must carry out a maintenance period of two years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

Reporting requirements

8. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

Security deposits

9. The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to the NSW Office of Water as and when required.

Access-ways

10. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.

Bridge, causeway, culverts, and crossing

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11. The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
12. The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by the NSW Office of Water.

Disposal

13. The consent holder must ensure that no materials or cleared vegetation that may
 - a) obstruct flow,
 - b) wash into the water body, or
 - c) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

Drainage and Stormwater

14. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
15. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

Erosion control

16. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Excavation

17. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

River bed and bank protection

18. The consent holder must establish a riparian corridor along Hawkesbury Nepean River and the first order tributary of same in accordance with a plan approved by the NSW Office of Water.

Hawkesbury City Council Conditions

General Conditions

19. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
20. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.

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21. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
22. The development shall comply with the provisions of the Building Code of Australia.

Prior to Issue of Construction Certificate

23. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$11,550 shall be paid to Hawkesbury City Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the Construction Certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority.

24. Plans and specifications are to be submitted to the Principal Certifying Authority demonstrating that the development is consistent with the recommendations of the 'Bushfire Hazard Assessment Report Ref No. 12.03.27; prepared by Control Line Consulting and dated 10 December 2012.
25. Written evidence that a Controlled Activity Approval from NSW Office of Water has been obtained is to be provided prior to the release of any construction certificate.
26. A schedule of external colours shall be provided to the Principal Certifying Authority for approval.
27. A Weed Management Plan for the property shall be prepared by a suitably qualified person and submitted for approval to the Principal Certifier.
28. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
29. An engineering design compliance and construction compliance certificate is required for the driveway works. This can be issued by Council or an appropriately accredited certifier.

Fees for Council to issue these certificates are \$315.27 for the design compliance and \$640.46 for the construction compliance certificate. Fees are valid until 30 June 2014.
30. Retaining walls are to be designed by a suitably qualified and experienced Structural Engineer.
31. The watercourse crossing shall be designed to be capable of carrying a load of 15 tonnes.

Prior to commencement of works

32. A Sewer Management Facility System application for the dwelling house and the workers cottage shall be submitted to and approved by Council prior to any works commencing.
33. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
34. 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.

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35. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
36. 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.
37. 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.
38. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

During Construction

39. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
40. The development shall be completed in accordance with the approved colours and finishes.
41. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties.
42. 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.
43. During the demolition and construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
44. 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:
45. 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.
46. Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
47. Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
48. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.

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49. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
50. All roofwater shall be drained to the water storage vessel/s.
51. The habitable floor levels of the dwelling house and workers cottage shall be at or above the 1% AEP flood level of RL18.4mAHD.
52. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, to a minimum all weather surface, line marked, signposted and maintained, as shown on the approved plan.
53. Disabled parking shall be provided in accordance with AS2890.6, 2009.
54. Filling, if required to achieve the required floor level for the rural workers cottage, shall comprise only uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.
55. The development shall be constructed of flood compatible materials in accordance with the NSW Government Flood Plain Manual. In this respect the following design precautions must be adhered to in all respects:
 - a) all electrical, heating and air conditioning service installations are to be located above the 2% AEP flood level of 18.4m AHD;
 - b) the building is to be constructed of flood compatible materials such as galvanised steel frame, galvanised zinc alum cladding doors and door frames; and
 - c) the structure and walls shall be strengthened to increase resistance to floodwater flow and debris impact.
56. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
57. Inspections shall be carried out and compliance certificates issued by Hawkesbury City Council or an accredited certifier for the components of construction detailed on Hawkesbury Development Control Plan appendix E Civil Works Specification, Part ii, Table 1.1.
58. A pavement four metres wide, with a passing bay located approximately midway along the driveway to the workers cottage, shall be constructed along the access driveways appropriate to the gradient of the land in accordance with the following table:

Gradient	Surface Construction
0 – 16%	Compacted crushed rock
17 – 20%	Bitumen seal
21 – 25%	Reinforced concrete

Driveway gradient shall not exceed 25% in any section. All weather turning areas in accordance with Planning for Bushfire Protection, s4.1.3(2) are to be provided to the dwellings.

59. A bitumen sealed rural footway crossing at Springwood Road shall be constructed to the development in accordance with the requirements of the NSW Roads and Maritime Services.

Prior to Issue of the Occupation Certificate

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60. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
- a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
 - b) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
 - c) The type of timber installed indicating both species and durability as required by AS 1684.
 - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
 - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
61. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
62. Written clearance from an energy provider shall be submitted to the Principal Certifying Authority.
63. Retaining walls are to be certified on completion by a suitably qualified and experienced Structural Engineer.
64. The "as constructed" creek crossing is to be certified by a suitably qualified engineer as being capable of carrying a load of 15 tonnes.

Use of the Development

65. No internal or external alterations shall be carried out without prior approval of Council.
66. The staff accommodation dwelling shall only be occupied by persons employed for the purposes of the animal boarding and training establishment.
67. Delivery trucks shall only access the property between 7am and 6pm daily.
68. A maximum of 12 horses are to be kept on the property at any one time.
69. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
70. The management of weeds on the property shall be carried out in accordance with the approved weed management plan.
71. 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.
72. 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.

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Advisory Notes

- *** Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- *** 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.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** The applicant is advised to consult with the relevant:
- a) water and sewer provider
 - b) electricity provider
 - c) natural gas provider
 - d) telecommunications carrier
 - e) road authority
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- *** Should any Aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

ATTACHMENTS:

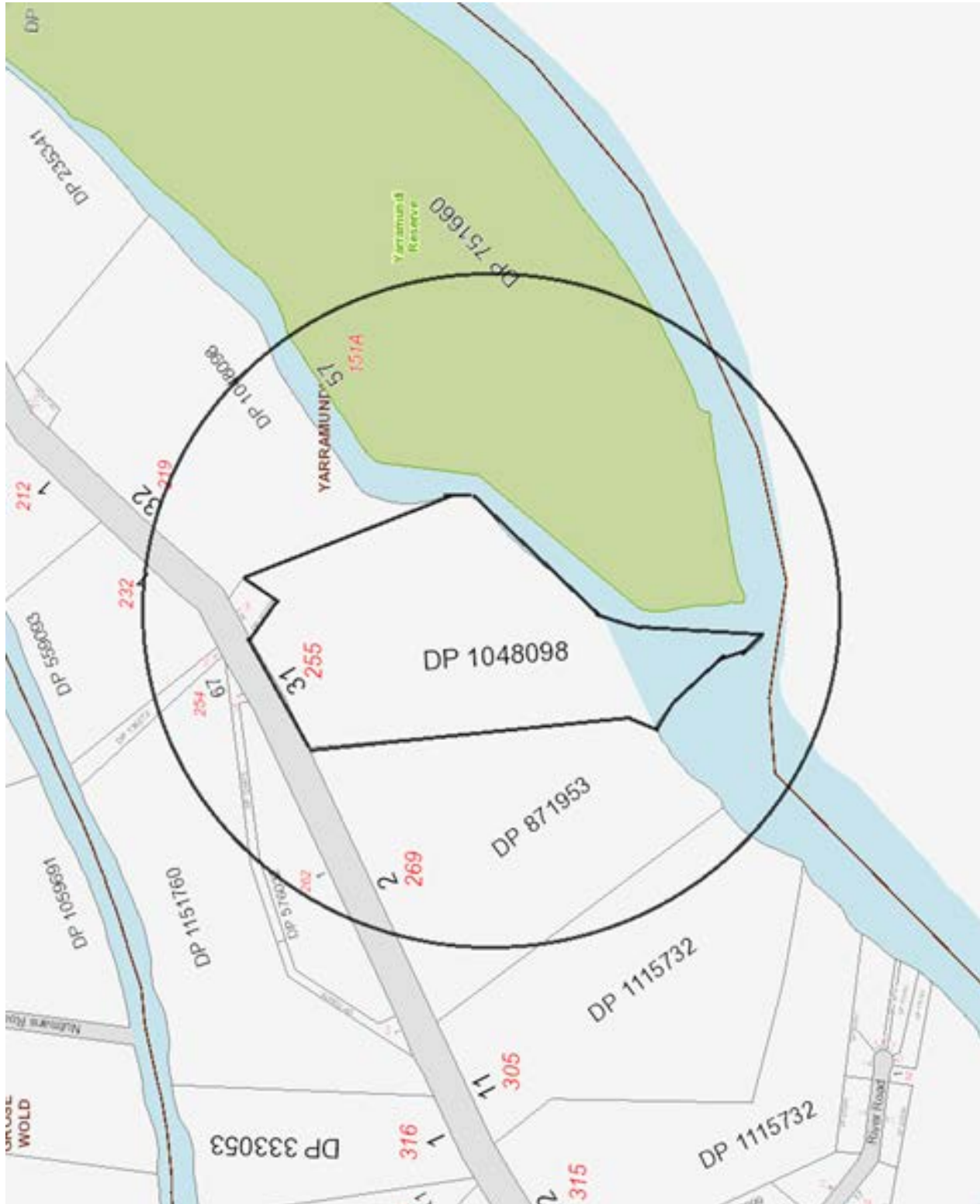
- AT - 1** Locality Map - Lot 31 DP 1048098, 255 Springwood Road, Yarramundi
- AT - 2** Aerial Photograph
- AT - 3** Site Plan
- AT - 4** Elevations – Dwelling House
- AT – 5** Elevations – Workers Cottage
- AT – 6** Elevations – Shed
- AT – 7** Elevations/Floor Plan – Stable
- AT – 8** Elevation/Floor Plan – Horse Shelter and Shed

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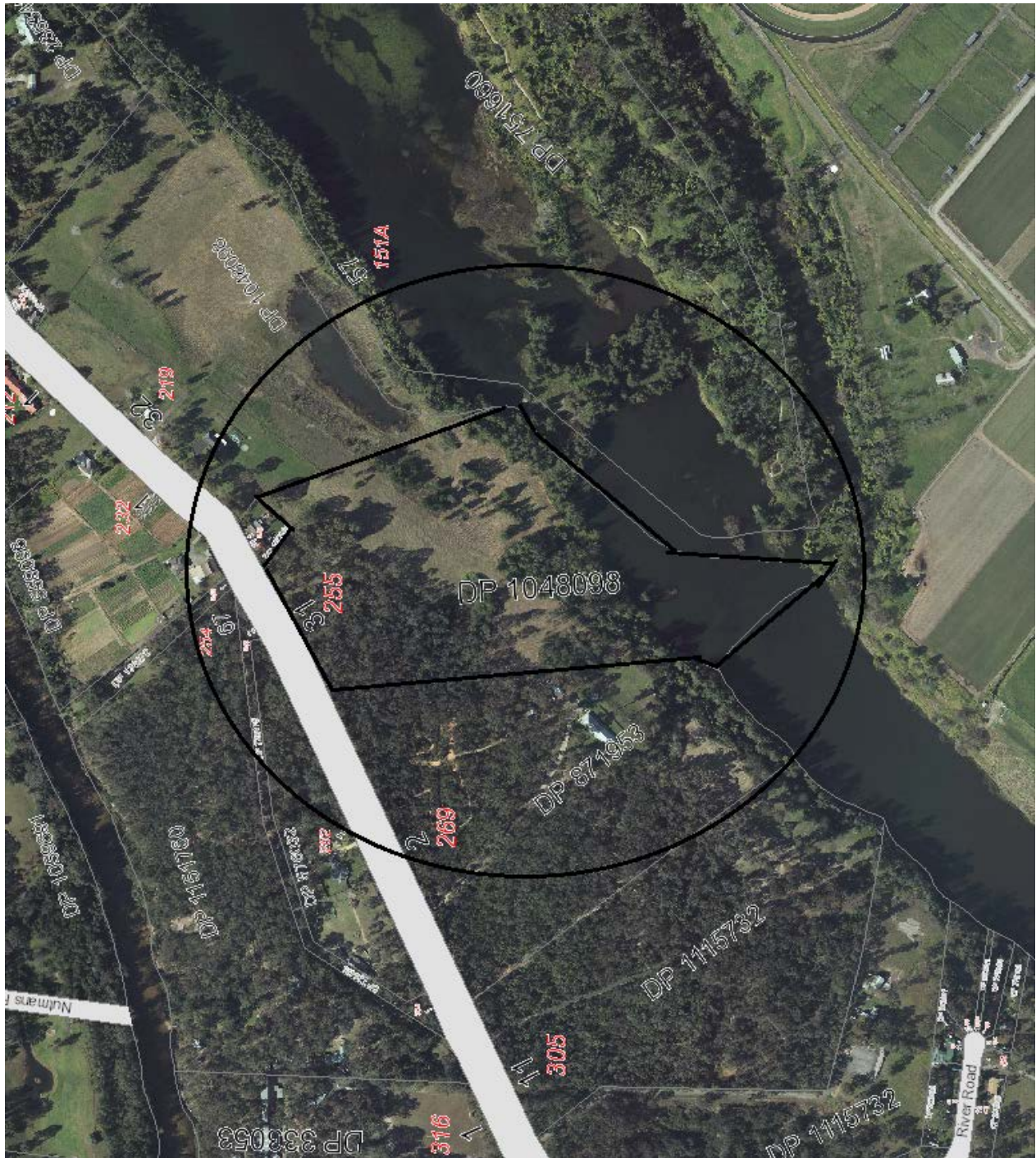
AT - 1 Locality Map

Lot 31 DP 1048098, 255 Springwood Road, Yarramundi



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AT - 2 Aerial Photograph



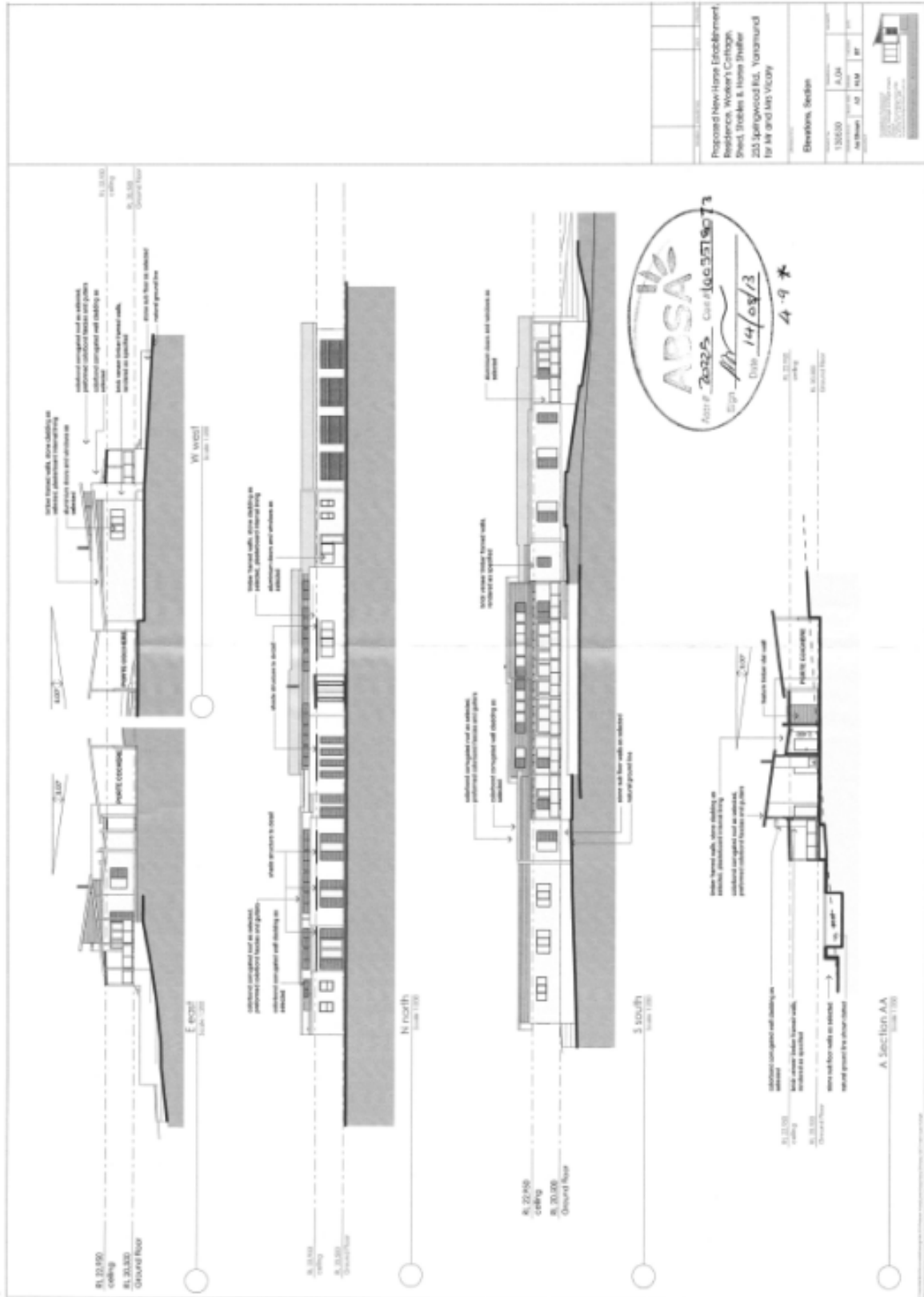
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AT - 4 Elevations – Dwelling House



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The architectural drawings for the proposed New Rural Establishment include the following:

- North elevation (Scale 1:50):** Shows the front facade with a gabled roof, a central entrance, and a large window. Annotations include: "reduced roof, fence and gates as indicated", "architectural fence line and entrance as indicated", "New brick masonry exterior walls as indicated", "concrete (600) ground to eng. levels", and "existing ground line shown below".
- South elevation (Scale 1:50):** Shows the rear facade with a gabled roof, a central entrance, and a large window. Annotations include: "existing ground line shown below", "architectural fence line and entrance as indicated", "New brick masonry exterior walls as indicated", "concrete (600) ground to eng. levels", and "existing ground line shown below".
- West elevation (Scale 1:50):** Shows the side facade with a gabled roof, a central entrance, and a large window. Annotations include: "reduced roof, fence and gates as indicated", "architectural fence line and entrance as indicated", "New brick masonry exterior walls as indicated", "concrete (600) ground to eng. levels", and "existing ground line shown below".
- East elevation (Scale 1:50):** Shows the side facade with a gabled roof, a central entrance, and a large window. Annotations include: "reduced roof, fence and gates as indicated", "architectural fence line and entrance as indicated", "New brick masonry exterior walls as indicated", "concrete (600) ground to eng. levels", and "existing ground line shown below".
- Section PP (Scale 1:50):** A cross-section of the building showing the internal layout, including the entrance, living area, kitchen, and bedrooms. Annotations include: "reduced roof, fence and gates as indicated", "architectural fence line and entrance as indicated", "New brick masonry exterior walls as indicated", "concrete (600) ground to eng. levels", and "existing ground line shown below".

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Site Plan

Overall dimensions: 10.420m x 13.510m

Central building: 245.90 m²

Parking area: 10 spaces

Stable area: 10 stalls

North Elevation

Height: 8.10m

Width: 10.420m

South Elevation

Height: 8.10m

Width: 10.420m

East Elevation

Height: 8.10m

Width: 10.420m

Stables

10 stalls

10.420m

Parking

10 spaces

13.510m

Central Building

245.90 m²

8.10m

North Arrow

North

Development Application

Proposed New Horse Establishment
Residence, Workshed, Cattle
Shed, Stables & Horse Box
250 Springfield Rd, Yarramund
for Mr and Mrs Vicky

Stables Floor Plan & Elevation

Stables: 10 stalls

Workshed: 10m x 10m

Cattle Shed: 10m x 10m

Horse Box: 10m x 10m

Residence: 10m x 10m

Overall dimensions: 10.420m x 13.510m

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Item: 99 **CP - Draft Voluntary Planning Agreement for Proposed Development known as Redbank, Grose Vale Road, North Richmond - (95498)**

Previous Item: 223, Ordinary (12 November 2013)
 54, Ordinary (25 March 2014)

REPORT:

Executive Summary

The purpose of this report is to advise Council of submissions received during the public exhibition of the draft Voluntary Planning Agreement (VPA) for the proposed development known as “Redbank, North Richmond” affecting Lot 271 DP 1156792, 98 Grose Vale Road, North Richmond; Lot 272 DP 1156792, 96 Grose Vale Road, North Richmond; Lot 273 DP 1156792, 26 Arthur Phillip Drive, North Richmond; and Lot 274 DP 1156792, 28 Arthur Phillip Drive, North Richmond.

A total of 39 submissions were received during the exhibition period from the general public (30 in support and nine objecting/suggesting amendment) and submissions received from the RMS, Heritage Council and the Office of Environment and Heritage (OEH).

The VPA is complementary to the planning proposal that Council resolved to support on 12 November 2013 to rezone the affected land to enable the development of the site for approximately 1,400 residential allotments and ancillary development.

The VPA is the legal agreement between the Council, Roads and Maritime Services (RMS) and the Developers/Owners of the land. The VPA legal agreement will be registered on the property titles for the affected properties and will endure with that land should the land ownership change.

This report recommends that minor changes to the draft VPA be forwarded to the other parties to this agreement and, should those changes be agreed, the VPA be finalised and executed by Council.

Consultation

The issues raised in this report concern matters which do not constitute a trigger for Community Engagement under Council's Community Engagement Policy. The draft VPA community engagement process for VPAs is set out in the *Environmental Planning and Assessment Act 1979* (the Act) and Regulations. In this regard the minimum period for public exhibition has occurred and this report addresses the submissions received during this period.

The draft VPA was placed on public exhibition for the period 11 April until 19 May 2014 (Total of 38 days).

What is a Voluntary Planning Agreement?

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

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

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

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Note: the subject VPA has provisions that require the agreement to be registered on the land titles.

Background

The draft Voluntary Planning Agreement (VPA) was reported to Council on 25 March 2014 where the Council resolved the following:

"That:

- 1. The draft Voluntary Planning Agreement attached to this report be placed on public exhibition for a minimum period of 28 days.*
- 2. All persons who made a submission to the planning proposal for the Redbank at North Richmond development be advised of the public exhibition of the Voluntary Planning Agreement.*
- 3. Following public exhibition the Voluntary Planning Agreement be reported back to Council for Council's final consideration."*

The draft VPA was placed on public exhibition for the period 11 April until 19 May 2014 (total of 38 days). During this time submissions were received from the Roads and Maritime Services (RMS), Heritage Council, Office of Environment and Heritage (OEH), 30 submissions from the general public in support of the draft VPA and nine submissions objecting to the development or suggesting amendments to the draft VPA. The following is a summary of the submissions received and assessment comments addressing those submissions.

Public Authority Submissions

Roads and Maritime Services

No objections raised to the Voluntary Planning Agreement.

Heritage Council

The comments received are as follows:

"A large portion of the Redbank site is listed on the State Heritage Register as the 'Yobanie Keyline Farm' (SHR no. 01826). The south-eastern portion of the site is not listed.

The Heritage Division is supportive of the VPA as it provides for, and dedicates, extensive open space (including Cumberland Plain Woodland) and drainage areas to Council. This is consistent with Policy 15 of the Conservation Management Plan for Yobanie that requires all identified heritage elements (being dams, dams as waterbodies, keyline contour drains) to remain in public ownership. Hawkesbury Council should ensure that the VPA provides for and dedicates these identified heritage elements."

Comment

The VPA makes provision for the dedication of the heritage elements as identified in the Conservation Management Plan.

Office of Environment and Heritage

The OEH response notes that the VPA provides for the transfer of lands to Council. However, the response suggests that the lands identified in "table 3 schedule 2" makes reference to "Annexure B" where the plan in that annexure does not clearly identify the land to be transferred. In this regard it is suggested that "an additional map be included as an annexure to the VPA that clearly identifies the land to be transferred to Council".

Comment

The concern from OEH is understood in that the exact location of the transfer lands is not fully detailed. In particular the lands identified as “1.8 (d) – Connectivity lands” in Annexure B plan marked “VPA contributions Plan 02 of 02”. However, the exact location of these lands cannot be accurately identified until the subdivision layout is finalised at the development application (DA) stage of the development.

- **Recommended Amendment to the VPA**

In order to more clearly identify these lands prior to the final DA plans being submitted it is recommended that the VPA wording be amended to refer to the definition of those lands in the relevant development application and they must be consistent with the plans shown in Annexure B of the VPA.

Public Submissions

During the exhibition period Council receive a total of 39 submissions from the general public, with 30 submissions in support of the proposed VPA and nine either objecting to the development in principle or objecting/amending parts of the VPA.

The following is a summary of the issues raised in the 30 submissions that **support** the VPA:

- *“Without development the chances of new infrastructure is limited”*
- Support the provision of infrastructure improvements amounting to approximately \$55M as follows:
 - Upgrading to intersections of Bells Line of Road,
 - Possible new bridge at Yarramundi,
 - Improvements to local sporting facilities, Peel Park and Community buildings,
 - “80 acres” of open space dedication,
 - Child Care Centre,
- From a local resident and business owner perspective criticism towards the proposed development is disappointing,
- Area needs regeneration and growth to support local business
- Development will provide work to local trades people,
- *“The Hawkesbury community would be mad to challenge this development”*,
- *“Lets take this once in a lifetime opportunity”*,
- Current Federal budget is not likely to fund this infrastructure being proposed and funded by the developer,
- Approval (rezoning) has been given for residential development, proper support should be given to the VPA.

The submissions in support of the VPA and development, summarised above, were from a variety of local residents, landowners and business owners and, whilst raising similar issues, were not form letters of support. It was clear from these submissions that there is a strong level of support of the VPA.

The submissions in support of the VPA and development did not suggest or propose any amendments to the draft VPA that was placed on public exhibition.

The following is a summary of the issues raised in the 9 submissions **objecting/suggesting amendments** to the draft VPA (Assessment comments are provided after each issue):

General objection to the development of the site, Development not consistent with the Community Strategic Plan (CSP)Comment

The planning proposal that rezoned the land to permit residential development was gazetted and commenced on 11 April 2014 and development for residential purposes is now permitted on the site (subject to development consent). The progress and finalisation of the VPA does not, and cannot, prevent development from occurring. In this regard the assumption that stopping the VPA from progressing will stop development of the site would be incorrect.

Concern that Council does not have the resources to enforce the provisions of the VPA.Comment

The VPA is a legally binding agreement between the parties and will be registered on the property title. The provisions of the VPA set certain milestones to be met prior to allotments being released. These include payment of contributions, civil works such as intersection upgrades or bridge design/construction or construction of community facilities. It is not a question of requiring resources to “follow up” these provisions as the legal agreement prevents certain development stages from progressing until the works/contributions are provided.

The VPA does not provide any certainty for the community, does not provide “anything for the community”, is in favour of the developer, it is too vague, timeframes are too long and it is too flexible.Comment

The above comments were raised in a number of the submissions objecting to the VPA. However, these statements seem to be generalist, statements that do not seem to be founded on the content of the VPA. In this regard these statements seem to be comments that simply do not agree with the provisions or timeframes in the VPA rather than omissions in the VPA. It is also possible that these comments (i.e. “timeframes are too long”) are due to an expectation that the proposed development, via the VPA, is required to fix the current traffic problems in the locality. In this regard the proposed development cannot be required to fix the existing problems in the locality but it must provide infrastructure that will cater for the development itself whilst not making any existing problems worse in the long run. It is considered that the VPA meets this criteria.

The VPA provides certainty to the community, Council and the developer by setting timeframes for certain tasks to be undertaken that are linked to the release of allotments for the development, such as designs submitted, approvals obtained, construction completed, buildings constructed. In this regard the works *required* by the development are supplied via the VPA at the milestones that meet the thresholds for that infrastructure, i.e., road construction when additional allotments reach a point where the submitted traffic study identifies that need.

The VPA does provide infrastructure for the community in the form of upgrades to intersections of Bells Line of Road, proposed new bridge at Yarramundi, improvements to local sporting facilities, Peel Park and Community buildings, significant open space dedication, Child Care facilities and other infrastructure. It is not clear why the objections have claimed that there is no infrastructure or community facilities to be provided.

The general statement of the VPA being “*in favour of the developer*” has not been explained in the submissions and it is not clear what is meant by that statement. The VPA sets milestones for the provision of contributions / infrastructure / works, and if those milestones are not met by the developer then Council does not release the subdivision plans (subdivision certificate) that creates separate allotments. In this regard, the powers of the Council to withhold the release of the subdivision certificate, and other statutory powers, are not spelt out in the VPA as there is no need to include these powers as they are defined in various Acts. Clause 26 of the VPA, titled “*No fetter*” is the Clause that specifically states that the VPA does not override Council's statutory powers.

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It is true that there is an element of flexibility and some definitions are relatively general in the VPA, e.g. open space definition and works, etc. However, it should be remembered that the VPA is designed to deal with a development that is likely to have a lifespan in excess of twenty years that will also be the subject of multiple future development applications to determine the exact detail of the development, i.e., allotment layouts, open space boundaries, detailed designs for open space embellishment, etc. At this stage of the development (no development approvals in place) it is not possible to specify these details in the VPA. However, the VPA does refer to Council's specification documents and also refers to these details being specified in the relevant development approvals.

The purpose of the VPA is not to define the exact detail of all works for the development as this is undertaken in the relevant development approvals. The purpose of the VPA is to set the principles and parameters for the provision of certain infrastructure, works and contributions that the developer must meet. The VPA does this for the infrastructure external to the site and dedication (and monetary payment) for open space for the development. It must be noted that the development will still need to meet the infrastructure and works requirements that are normally specified in any development approval.

Much of the works and infrastructure are not certain and are only a "promise" and there is no guarantee that it will occur. These comments are particularly related to the proposed bridge across the Grose River. Some of the submissions have stated that this should be addressed via a Section 94 Plan.

Comment

It is true that there is no guarantee that certain works will be granted approval. However, this can be said for the entire development as well, as to date there is no development approval in place for any development.

The planning, design, funding, construction and completion of major development, such as road and bridge construction, take considerable time and expense, regardless of whether it is undertaken by private developers or Government Authorities. To suggest that this work be undertaken prior to any advancement of the planning approvals, etc., of any development is unreasonable. However, it is reasonable to expect that there are certain "hold points" built into this process to ensure that development and infrastructure provision is tied together. In this case the VPA introduces those "hold points" to the release of allotments to ensure that this occurs.

The suggestion that the infrastructure should be provided via a Section 94 Plan is understood, but is not correct in this case. A Section 94 Plan collects cash contributions from development on a per lot basis in order for Council to then provide the required infrastructure with those contributions. However, it should be noted that in those cases, the infrastructure is then delayed until after the contributions are received, i.e., cannot be collected until after the lots are released, or Council (and the community) takes the risk of borrowing the funds to provide the infrastructure up front and then attempts to recoup the funds from future development. If that development does not progress at the anticipated rate then the loss is absorbed by the Council and the community.

Section 94 Plans are also bound by strict statutory controls relating to the "nexus" (link or identified need) of the infrastructure to the development. In this regard, if the development only requires, say, 65% of roadwork upgrades or bridge crossing, with the remainder required as part of an existing shortfall, then the Plan can only collect that lower percentage from the development with the remainder of the funds being sourced from general Council revenue. In this regard a development may proceed by paying their required contributions, but the bridge or roadwork cannot be constructed until the funding shortfall is acquired.

In the case of the Redbank development, the VPA has provisions that will overcome this problem by requiring the development to fund 100% of the identified nominated infrastructure.

The VPA states that the proposed community centre at Peel Park may be constructed on the Park or the development land. The submissions have stated that if the development does not wish to contribute to the upgrading of the existing North Richmond Community Centre then a new centre should be built on their land and not the existing Peel Park.

Comment

This concern has merit in that the original draft of the VPA proposed either a contribution to Council for upgrading of existing facilities or the construction of a new community centre on the development land. In this regard it is agreed that the matter should be pursued to ensure that if there is a new community centre that it is not built on existing open space land.

- **Recommended Amendment to the VPA**

The wording in Schedule 2, Table 1, Item 1.6a – Community Facilities, be amended to make provision for the construction of the “multipurpose community centre” on the “land”, as defined in the VPA, and not permit that construction on the existing Peel Park land. This wording amendment can also include the option, at Council’s discretion, for a monetary contribution to be made to Council for the equivalent amount of the construction of the facility, including land value, for expenditure on community facilities within the North Richmond locality. This amendment may also require additional wording amendments in Clause 7 of the VPA.

Objection to the development of Peel Park with the inclusion of sporting facilities. “Why is NRJVG (sic) dictating to Council and the existing community of North Richmond. And why is council so willing to developer’s demands”.

Comment

These proposed works were NOT proposed by the developer and were proposed by Council and the Sports Council. These works are Council’s requirements in relation to the Regional Open Space Strategy and design guidelines as previously adopted by Council. In this regard the developer is not “dictating to Council”, in this a case Council is dictating the requirements for works to the developer.

“Why is the NRJVG (sic) defect liability period only 12 months on permanent infrastructure?”

Comment

The defect liability period relates to the identification of defects in construction and the holding of bonds for that work by Council. It is not a guarantee period as implied in some of the submissions. The 12 month period for defect liability is the period that Council holds a bond for the identification and repair of construction defects, should they occur within that period. At the end of this period the bond is returned to the developer. This period is the same period that is utilised for all development civil construction works in the Hawkesbury.

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“The use of “such later date as agreed to by the parties” is not acceptable, this is a legal document and vague statements means the community will inedible (sic) miss out”. Submissions also suggested that the inclusion of this term is contrary to Council’s resolution of 12 November 2013.

Comment

The term “or such later date as agreed to by the parties” has been in the draft VPA since prior to the reporting of the draft to Council or exhibition of a draft VPA with the planning proposal. As it should be appreciated, the VPA is a complex document that is dealing with matters that may not be fully addressed for 20+ years. In this regard the use of this term will allow some minor flexibility without changing the overall intent of the agreement. This flexibility must be agreed to by all parties, including Council, who would not agree if it would be detrimental to the community. Should this term be removed it would make the agreement extremely difficult to implement, require multiple future amendments (which would have a greater possibility of changing the overall intent) and would not provide the flexibility to require works or infrastructure to be provided earlier than the specified timeframe. It is not recommended that this term be removed from the VPA.

The Council resolution of 12 November 2013 introduced amended allotment release milestones for the design, approval and completion of construction of the proposed bridge over the Grose River. The resolution brought these milestones forward from the original draft VPA. It is not agreed that the inclusion of the term “or such later date as agreed to by the parties” would be contrary to the terms of that resolution. The inclusion of this term will provide the minor flexibility, both shorter and longer timeframes, to be utilised if unforeseen circumstances arise. In the case of the bridge timing, a strict milestone could be interpreted that work could not commence earlier should the approval be obtained earlier than predicted.

“Concern that the Landowner is part of Nathan Tinkler’s Buildev Group”.

Comment

Whilst Buildev were involved originally as a landowner, Council is advised that they no longer have any interest in the property.

Questions Council’s legal advice in relation to the construction of the draft VPA.

Comment

Council has obtained advice from its solicitors in relation to this matter and the advice is considered satisfactory. It should be noted that the advice from the solicitors relates to the legal construction of the VPA and not necessarily the works program as this is a matter for agreement between the Council and the other parties to the agreement.

The amount of \$26,380,000 for bridge and road works is considered to “be their (the developer) opening gambit with opportunity for increase”. Why do the definitions in the VPA limit the contributions to \$23,825,000 and \$26,380,000.

Comment

The first proposal put forward by the developer was \$18M for the proposed bridge and some uncoded works to intersections at Bells Line of Road. These works have been increased by \$7.5M in the exhibited VPA.

The figure of \$23,825,000 is quoted in the VPA to be used only if the proposed bridge over the Grose River cannot gain construction approval and the developer is required to make a cash contribution in lieu of construction. (The requirement to construct the bridge to a certain standard is NOT limited to this value.) This figure has been identified and verified by the RMS as the reasonable cost for the bridge construction. It should also be noted that the VPA does not give the developer the option to make this contribution in lieu of construction. The VPA requires the construction of the bridge, however, has included this amount and provisions for payment as a precaution if the bridge cannot gain the required construction approvals.

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The figure of \$26,380,000 is a figure that is stated in Schedule 3 of the exhibited VPA. This figure is quoted as the total estimated (minimum) amount for road works and is for information only as Schedule 3 is an explanatory note only and does not form part of the agreement.

A submission from the NRDCAA has stated the following:

“The sum offered could be a reasonable offer but only if:

- a) It is larger than the sum obtainable under a section 94 contribution both on a per block and total from 1399 lots.***
- b) It is of equal or higher than contributions made to the Council by any other developer on a per block basis.***
- c) It is comparable to contributions obtained by other councils in the State for development of similar size.”***

Comment

In relation to the above statement there may be a misunderstanding of how Section 94 operates. Part of this has been discussed previously in this report. A Section 94 Contributions Plan must identify the additional infrastructure requirements for a development, proportion the cost of that infrastructure to all benefiting development and then levy the appropriate charges, i.e., if there are existing developments that benefit then that portion cannot be included. There are also very strict statutory rules as to what can be included as S94 infrastructure and also there must be a direct nexus from that development to the included infrastructure.

Contributions for development are calculated on the needs of the development under Section 94 and are catchment based and are not a set charge that can be applied in different areas (Note this is different to Section 94A which is a set charge of 1% of the Capital Investment Value (CIV) of the development. In the case of the subject subdivision it would be 1% of approximately \$55M or \$400 per allotment. Section 94A is not proposed to be used in this case).

Section 94 in a Greenfield development site is currently capped at \$30,000 per allotment. The approximate contribution value per allotment (cash and ‘works in kind’) in the Redbank development is approximately \$40,000. In this regard, the VPA contribution, on a per allotment basis, is over the value that a Section 94 Plan would normally charge. A direct comparison of that charge to other areas within the Hawkesbury or other Council areas can be made but it would not have any meaning due to being different catchments. (For information only the other Section 94 charges in the Hawkesbury are Pitt Town – approximately \$22,000 per allotment and the proposed VPA for Jacaranda Ponds is equivalent to \$40,000 per allotment)

No alternate bridge location has been considered.

Comment

After the planning proposal was granted a Gateway determination that required the preparation of a Transport Mobility Access Plan (TMAP) a traffic consultant was appointed, at the applicant’s expense, to prepare that plan. The brief for that work was prepared by the applicant with the input of Council staff and the RMS. This occurred over a number of meetings between all parties.

During the preparation of the TMAP brief the matter of alternate bridge locations was discussed at length. Some potential locations considered were between Grose River Road and Bells Line of Road. These locations were not considered suitable due to either potential grades of the road (too steep), the location of the crossing would deposit traffic onto unsuitable existing roads where the cost of land acquisition and road upgrading was not commensurate with the traffic benefits or the location of the crossing did not provide any additional traffic benefits. Similar consideration was given to locations north of the existing bridge crossing at Bells Line of Road.

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Alternate crossing locations were given consideration at the time of preparing the TMAP brief and the alternate locations, apart from Bells Line of Road upgrade, were not considered suitable for reasons of limited traffic benefit, no benefit to the proposed development, i.e., no traffic movement benefit being too far from the site, or the alternate was too close to the already proposed upgrading of Bells Line of Road.

The NRDCAA submission made the following, Clause by Clause, comments about the operative provisions of the VPA. Assessment comments will be provided after each.

The capped amount includes land acquisition costs and project management fees and these should not be included in the capped amount.

Comment

The capped amount is required to be defined in the event that the bridge cannot gain construction approval and the monetary contribution applies. In calculating this amount it is appropriate to incorporate "reasonable costs" for the investigation work undertaken. However, it is also agreed that the project management fees and other staff costs could be included in the calculation and could be excessive. In this regard the definition should be amended to limit the reasonable costs that are considered.

Land acquisition costs are also considered in the capped amount definition. The submission has suggested that these costs should be considered as "an investment cost for the benefit of the developer" and should not be included. It is not agreed that this cost is for the benefit of the developer as the land acquisition would be to Council ownership at the cost of the developer.

- **Recommended Amendment to the VPA**

That the capped amount definition in the VPA be amended to limit the 'reasonable costs' and that project management fees and staff costs not be included in this amount.

Contributions 4.4 and 4.5 of Schedule 2 should be excluded from the capped amount.

Comment

These contributions are not currently included in the capped amount and are a separate contribution as reimbursement for processing of the application and for administering the VPA. No change proposed.

Clause 6.1(b) relating to land acquisition includes the phrase "and on terms satisfactory to the Developer". This essentially provides the developer with veto over the process at the exclusion of the relevant authority.

Comment

This paragraph deals with land acquisition undertaken by the Relevant Authority. In this regard it is agreed that the inclusion of the phrase "and on terms satisfactory to the Developer" is unreasonable. Should this process not be agreed upon by all parties then the VPA includes a dispute resolution Clause and as such this phrase should be removed from this Clause.

- **Recommended Amendment to the VPA**

That the phrase "and on terms satisfactory to the Developer" be removed from Clause 6.1(b).

Clause 6.3(c) permits a delay in Council accessing funds for defects and this should be reconsidered.

Comment

It is reasonable that Council give the developer 14 days notice of intention to utilise bond monies and it is not agreed that this needs further amendment.

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Clause 7.1(a)(i) is too vague and the trigger point for this work should be amended to the approval of the first DA.

Clause 7.1(b)(iii) potentially permits the reasonable costs to reduce the contribution by too much.

Clause 7.1(b)(iv) only states that the developer will “proceed to deliver” with no completion date.

Clause 7.1(b)(v) is poorly written and should be amended.

Comment

Clause 7.1(a)(i) deals with the timing of contributions/works for the intersection upgrades on Bells Line of Road. The trigger point is linked to the release of lots as it is defined in traffic studies and relates to the traffic generated by additional allotments. This is also a trigger that has been set by the RMS. No change is proposed.

The other Clauses referred to above all relate to the works to be undertaken on Bells Line of Road and are under the control of the RMS. Whilst the Clauses may seem confusing, they need to be read in conjunction with Schedule 2 and are dependent on the, yet to be finalised, RMS work program. It is considered that the Clauses are suitable in this regard as the RMS must be satisfied with either the work undertaken or the payment of the cash contribution. Council will not release the subdivision certificate for the allotments nominated as the milestones until the RMS have advised of their satisfaction. No changes proposed.

Clause 7.2, all references to the term “multi-span bridge” should be deleted as this is too restrictive for the proposed bridge.

Comment

The proposal for the bridge is for a defined type of bridge. The submissions have been critical of the VPA for being too vague with some works and in this case are criticising the VPA for being too specific. A bridge type must be defined in this case due to the secondary option of making a cash contribution if construction is not possible. No changes are proposed.

Various comments relating to Clause 7.2 such as; defining timeframes to specific dates, representative numbers at meetings should be amended to have more Authority numbers, Council should not be constrained to passing contributions to the RMS and should retain funds to subcontract construction, Relevant Authority should specify Council.

Comment

Clause 7.2 is a long Clause that deals with the arrangements for bridge construction and/or payment of contributions in lieu of construction. This Clause has been the subject of significant discussion between the developer, RMS and Council representatives and was predominately written by the RMS.

Timeframes are not linked to specific dates as the works milestones are more appropriately linked to allotment release and as such no change proposed.

It is appropriate for each party to have equal representative numbers in meetings, no change proposed.

Should the proposed bridge not be able to obtain construction approval there is no point in Council retaining funds to “subcontract construction”. In this regard, the monetary contribution should be focused on works on Bells Line of Road (as defined in Clause 7.2(g)(iv)) and these would be undertaken by the RMS, as such it is appropriate that those funds be paid to the RMS. No change proposed.

The term Relevant Authority is defined to include Council or the RMS as there will be several approvals required and multiple authorities involved. No change proposed.

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Clause 7A(b) should be amended to refer to delays precisely, i.e., if a delay is X weeks then the completion be delayed by X weeks only.

Comment

This Clause was drafted by Council's legal advice and the delay specification has been specifically written in this way for Council to retain control of that timing. No change proposed.

Clause 8(d)(ii) places the onus on Council to ensure payment for maintenance work.

Comment

Clause 8 specifies a timeframe to which Council must respond to the developer following completion of works. In order to define when works are completed and the commencement of the maintenance period, this timeframe is required. Whilst it does require Council to respond within a certain timeframe, this requirement is not unreasonable. No change proposed.

***Clause 9. Dedication of Transfer Lands. Issues raised in this submission are:
Object to the option of constructing a community centre on developer land or Peel Park,
Object to the option for dedication which includes a Deposited Plan with the intention to dedicate shown on that plan as this is an intention only,
Reference to the non-payment of stamp duty by the developer should be removed.***

Comment

The use of Peel Park land has been addressed previously in this report.

The intention to dedicate land to Council via a Deposited Plan (DP) is acceptable as this is a common manner in which land is dedicated. A DP is an appropriate process for this dedication as when the plan is prepared the panel on the plan itemises land to be dedicated and any 88B restrictions or covenants to be created. When the Plan is registered the subject allotments are created and titles are issued. In this case the title for the dedicated land is issued to Council at no cost.

It is agreed that the dedication of land should be unencumbered and the payment of Stamp Duty, if applicable, should be the responsibility of the entity dedicating the land and not Council.

• **Recommended Amendment to the VPA**

That the reference "other than paying stamp duty associated with the transfer" in Clause 9.2(a)(iii) be removed from the VPA.

***Comments that the 'Place Maker' position should be for the life of the development rather than 5 years,
Reference to "Relevant Authority" in Clause 12 should be changed to Council,
Object to Clause 13 (Review Clause) and suggests that once the agreement is signed there should not be any review as Council will be outnumbered in such a review.***

Comment

The position of Place Maker is proposed to establish the community within the new development. Once this is established the community should take ownership of this matter rather than relying on an external facilitator. No change to this timeframe is proposed.

The term Relevant Authority is defined in the VPA to include Council and the RMS. The use of this term in relation to Clause 12 is appropriate as the RMS also have the right to place a caveat on the land title should the developer not satisfy the provisions of this Clause.

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A review Clause is appropriate for such a long running agreement. There are four parties to the VPA and each has equal rights. The agreement cannot be changed without the agreement of all parties. No change proposed.

Concerns raised regarding Clause 14 Dispute Resolution

Comment

Clause 14 is a relatively standard dispute resolution Clause that has been legally reviewed. The use of the term "Good Faith" is a common term used in legal agreements and to suggest that one or more of the parties will not enter into the agreement 'in good faith' undermines the intent of such an agreement. No change is proposed.

Clause 15 Security. Comments made that Council should have security guarantees for all expensive items.

Comment

The VPA nominates the type of security for a number of items, such as the bridge, etc., but does not need to nominate security amounts for all infrastructure proposed as the development consents for relevant stages will impose security bonds, etc., as appropriate.

Clause 18 Assignment. Comments that this Clause currently permits Council to investigate financial solvency of any proposed assignee but this Clause should also include the ability to review "reputation" of the assignee.

Comment

Reputation is a subjective assessment that is difficult, if not impossible, to define in this case and is not a matter that can be used in the assessment of a planning approval. The terms and provisions of the VPA and development consents will clearly set the parameters that need to be met in the development of the site regardless of a personal or company reputation. No change is proposed.

Clause 19 Release and Discharge is not understood by the NRDCAA and they comment that Council should not allow the Developer release from the agreement.

Comment

This Clause only allows release from the agreement if the development does not proceed, i.e., LEP approval not granted (However, already granted) or if the obligations of the Developer have been met. In this case when the obligations have been met and the relevant allotments have been created the VPA is released from those created allotments so that these allotments, and their new owners, are not encumbered by the VPA. In this regard the developer is not released from the VPA unless their obligations are met.

Clause 21 Entire Agreement. Concern that this gives the VPA absolute power and that part (b) appears to "nullify the Environmental Planning and Regulation Act."

Comment

This Clause simply specifies that the detail contained in the VPA is to form the whole agreement and other documentation does not form part of the agreement.

Paragraph (b) of this Clause does not nullify the Act or Regulations but simply states that Schedule 3, Explanatory Note, is not to be used in the legal interpretation of the agreement. (Schedule 3, under Clause 25E of the Environmental Planning and Assessment Regulation, is an explanatory note and does not form part of the agreement. Clause 25E(7) of the Regs permits the inclusion of this statement in a VPA).

Comments made in relation to Clause 26 “No Fetter” and Clause 28 “Waiver” stating that both these Clauses are inappropriate.

Comment

Both of these Clauses are standard contract Clauses and the wording is also standard. No changes proposed.

Conclusion

The draft VPA has been the subject of extensive review over the last 12 months with Council, RMS and the Developer (with the assistance of the Department of Planning). A draft VPA accompanied the public exhibition of the planning proposal for the Redbank site and following that exhibition amendments were made to the document.

The draft VPA has completed the formal exhibition period of 38 days on 19 May 2014 with Council receiving 30 submissions supporting the VPA and 9 submissions objecting or suggesting amendments to the VPA. The above report has assessed the submissions and a number of amendments are suggested to the exhibited VPA as proposed in the submissions. A summary of the proposed amendments are as follows:

1. The VPA wording be amended in Schedule 2 (particularly 1.8(d)) to state that the definition of lands to be transferred is to be defined in the relevant development application and they must be consistent with the plans shown in Annexure B of the VPA. These plans may also require amendment.
2. The wording in Schedule 2, Table 1, Item 1.6a – Community Facilities, be amended to make provision for the construction of the “multipurpose community centre” on the “land”, as defined in the VPA, and not permit that construction on the existing Peel Park land. This wording amendment to also include the option, at Council’s discretion, for a monetary contribution to be made to Council for the equivalent amount of the construction of the facility, including land value, for expenditure on community facilities within the North Richmond locality. This amendment may also require additional wording amendments in Clause 7 of the VPA.
3. That the capped amount definition in the VPA be amended to limit the ‘reasonable costs’ and that project management fees and staff costs not be included in this amount.
4. That the phrase “*and on terms satisfactory to the Developer*” be removed from Clause 6.1b.
5. That the reference “*other than paying stamp duty associated with the transfer*” in Clause 9.2(a)(iii) be removed from the VPA.

Conformance to the Hawkesbury Community Strategic Plan

Council’s consideration and approval of the Voluntary Planning Agreement would be consistent with the following Hawkesbury Community Strategic Plan Themes and Direction statements:

Looking after People and Place

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

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- Have future residential and commercial development designed and planned to minimise impacts on local transport systems allowing easy access to main metropolitan gateways.

Caring for our Environment

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

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

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

Financial Implications

The infrastructure listed in the Voluntary Planning Agreement is to be provided by the developer progressively throughout the development and would be at no cost to Council.

Planning Decision

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

RECOMMENDATION:

That:

1. The exhibited draft Voluntary Planning Agreement attached to this report be amended in accordance with the five items listed in the "Conclusion" section of this report.
2. Subject to the amendments referred to in 1 above, being incorporated in the Voluntary Planning Agreement, authority be given for the Agreement to be executed under the Seal of Council.

ATTACHMENTS:

- AT - 1** Copy of the exhibited draft Voluntary Planning Agreement for Redbank at North Richmond - *(Distributed under Separate Cover)*.

oooO END OF REPORT Oooo

Item: 100**CP - Progress and Review of Hawkesbury Residential Land Strategy - (95498)**

REPORT:**Executive Summary**

The purpose of this report is to provide details of the Hawkesbury Residential Land Strategy (RLS), progress of the implementation of the RLS and to discuss options for review of that document.

Consultation

The issues raised in this report do not trigger the community consultation requirements of Council's Policy. Should the review of the RLS be required there will be a separate report to Council proposing a community engagement strategy for that review.

Background

On 25 February 2014 Council resolved, on a foreshadowed motion when considering a planning proposal matter, the following:

"That a report be submitted to Council regarding a review of the Hawkesbury Residential Land Strategy."

The following provides a summary of the preparation of the RLS prior to adoption to provide some context to the document and also discusses some of the issues that have been raised during the implementation of the Strategy that could be considered in any review of the RLS.

History

The preparation of the RLS commenced in July 2008. The RLS strategy preparation was the subject of several reports to Council as follows:

- | | |
|-------------------|---|
| 8 July 2008 | Resolution of criteria for use in the preparation of the RLS. The criteria being as follows: <ul style="list-style-type: none">• Maintain the rural character and atmosphere of the Hawkesbury• Achieve balanced growth• Provide housing choice• Develop strong town centres• Encourage better public transport |
| 8 December 2009 | Draft Strategy recommended to be placed on public exhibition. Council resolution suggested changes to reduce building heights and densities in Town and Village areas and referred draft Strategy to a briefing session. |
| 28 September 2010 | Council again reduced density provisions in the strategy and resolved to place on public exhibition after those density reductions were made. |
| 10 May 2011 | Hawkesbury Residential Land Strategy adopted by Council. |

A copy of the Council report of 10 May 2011 is attached for background information that outlays the significant public consultation undertaken as part of the preparation of the Strategy.

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Throughout the above process the draft RLS was the subject of Councillor Briefings and reports to gain agreement on the criteria used in the strategy preparation. At the meeting on 10 May 2011 the consideration of this matter attracted four speakers. The Council vote in support of adopting the RLS was unanimous at the meeting with Councillors Porter and Calvert absent from the meeting.

The brief for the preparation of the RLS was as follows:

- *Review and analysis of the Statutory framework for the Residential Strategy;*
- *Analysis of the existing and projected demographic makeup of the Hawkesbury and the impacts this will have on the provision of housing in the Hawkesbury;*
- *Analysis of the existing supply of residential (urban, semi urban/rural village and rural residential) land;*
- *Projections of future residential land requirements by type (urban, semi urban/rural village and rural residential) to at least the year 2031;*
- *Analysis of physical and environmental constraints to residential development in the Hawkesbury;*
- *Analysis of existing and required infrastructure for residential development;*
- *Recommend, based on demographic needs and infrastructure costs and efficiency, a ratio of urban and rural housing required to achieve projected targets;*
- *Applying the criteria contained in the Metropolitan Strategy, the draft North West Subregional Strategy and the Council adopted criteria (report dated 8 July 2008), identify, both infill and greenfield, future investigation areas for urban, semi urban/rural village and rural residential housing provision;*
- *Develop methodology for strategic planning approach for future Greenfield residential land provision;*
- *Develop methodology for strategic planning approach for future redevelopment and infill residential development;*
- *Recommend urban design principles for each housing type to assist in the maintenance of desired character of localities;*
- *Recommend timing and options for the implementation of the Strategy recommendations;*
- *A monitoring and review program for the Strategy.*

The adopted RLS has addressed all the above requirements of the brief.

The principle aim of the RLS is to identify land locations to accommodate additional dwellings for the projected population growth, preserve the natural environment of the LGA, accommodate the changing population in terms of housing needs, services and access, identify the pressures to expand urban growth into natural and rural areas and focus those pressures into appropriate locations, and identify the physical constraints (flood, native vegetation and bushfire risk) that would preclude land for residential uses. In this regard, the RLS, by identifying areas for further investigation, precludes the further investigation of land for residential development that is outside the criteria for the Strategy, i.e., it does not set a precedent for development when a proposal is approved if it complies with the RLS. However, a precedent would be set if the RLS is varied to permit land that is outside the Strategy to be developed.

The RLS did not, and was not intended, to prepare a development plan or master plan for the development of the identified areas, nor was it intended for the document to prepare infrastructure plans for such development. This work was identified in the RLS as additional work that was required to be completed prior to release or development of land for residential development.

The RLS is similar to the NSW Government Strategy that identified the North West Growth Centre including the Vineyard Precinct. In this situation the land areas were identified in the Strategy and the more detailed precinct planning (Integrated Land use Planning including, traffic, access, flora and fauna, economic, social, etc.), currently underway for the Vineyard Precinct, is undertaken as a follow-on from the identification of the land in the strategy.

Section 6.2 *Review and Monitoring* section of the RLS identifies the timing for a review of the Strategy.

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This section states:

"The Hawkesbury Residential Land Strategy should be reviewed, in consultation with the community, every five years to meet State Planning and LEP requirements and to update with ABS Census and population projection data."

Whilst it is possible to undertake minor reviews outside this timeframe, it is of little value to review such a Strategy unless there is up to date population and ABS Census data to review projections.

Progress of the Implementation of the Residential Land Strategy

Since the adoption of the RLS on 10 May 2011, 10 planning proposals for residential development have been lodged with Council for consideration. A summary of these applications is shown in the following table:

Application status	Location	No. of additional allotments proposed	No. of allotments created or dwellings constructed
Gazetted (rezoned)	Redbank - 96 & 98 Grose Vale Road, 26 & 28 Arthur Philip Rd, North Richmond	1400	0
Refused by Council	1. 278 Hermitage Rd, Kurrajong Hills 2. 1059A Grose Vale Rd, Kurrajong	450 6	0
Awaiting Gazettal	Jacaranda Ponds, Glossodia	580	0
	1411 Kurmond Rd, Kurmond	4	
Council support awaiting Gateway	136 Longleat Ln, Kurmond	3	0
	396 Bells Line of Rd, Kurmond	22	
	1442 & 1442A Kurmond Rd, Kurmond	12	
Not yet reported to Council	Mitchell Rd, Pitt Town	112	0
	373 Bells Line of Rd, Kurmond	7	

Whilst the Vineyard Precinct of the Growth Centre is not included in the above 10 planning proposals or included in the RLS, it should be noted that the investigation and planning for this precinct (enabled under the provisions of the Growth Centres SEPP), initiated by NSW Planning and Infrastructure and assisted by Council, is underway. It is expected that the Vineyard Precinct rezoning (not allotment creation) will be completed mid to late 2015. The expected yield for this precinct is approximately 2,000 allotments.

As seen from the above table only one planning proposal has been gazetted and no allotments or dwellings have been created to date.

If the planning proposals above are gazetted the subject properties must then first obtain development consent for subdivision works and that subdivision is registered and the allotment titles issued before a lot is counted as 'created'. Following that creation a separate development consent and construction approval is required for dwelling construction. In this regard there can be a significant time lag between the rezoning of a site and the construction of any dwellings or introduction of any residents to the site.

Issues raised during the Implementation of the Residential Land Strategy

The RLS, as well as identifying the constraints to development and only identifying land suitable for further investigation, has also identified sustainability principles and implementation actions in order to assist with the orderly consideration of land suitable for further residential development.

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The following issues have been raised by community members and Councillors when considering the planning proposals that are implementing the RLS:

- Question whether the land is included in the RLS
- RLS does not provide infrastructure
- Funding for infrastructure (Section 94)
- Questions and confusion regarding density of development
- Context of the RLS and relationship with other Strategies and Policies

An explanation of the manner in which the current RLS deals with these issues is outlined below. Where required a recommendation for an amendment or enhancement to the RLS is provided.

Question whether the land is included in the RLS

It has been stated, during the consideration of several planning proposals for large lot residential zonings, by community members and some Councillors, that the proposals are not consistent with the RLS in relation to locational criteria. In this regard, the questions raising this concern make statements *that the properties are not mapped for future investigation, as shown on pages 5/9 to 5/13 in the RLS, and as such are not included in the Strategy*. This interpretation is incorrect.

The mapped areas on the above mentioned pages in the RLS delineate the investigation areas for potential General, Low Density or Medium Density Residential zoning. In this regard, the mapped areas are for investigation of more 'urban' zonings.

The RLS provides for rural residential (Low Density Residential) zonings in a variety of locations and instead of mapping these areas, it defines the criteria that the location must meet prior to consideration. In this regard, the RLS sets the "strategy for rural village development" at section 2.10 (page 2/3) and defines that criteria in Sections 3.3.8 (page 3/11) and section 6.5 (page 6/9). This criteria has been quoted in the assessment reports to Council for a number of planning proposals and is as follows:

"Additionally all future low density and large lot residential development in rural villages must:

- *Be able to have onsite sewerage disposal;*
- *Cluster around or on the periphery of villages;*
- *Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within 1km radius);*
- *Address environmental constraints and with minimal environmental impacts; and*
- *Within the capacity of the rural village."*

The above criteria clearly indicate that the investigation area is to be within a one kilometre radius of the neighbourhood services. This method of identifying investigation areas for large lot residential is used in the RLS in order to provide sufficient flexibility in the interpretation of the strategy (after all it is a strategy and not a development plan or development application). The investigation area is then broad enough so that the exact location of development can be more appropriately defined following detailed environmental investigation. However, it seems that there have been various interpretations of this criteria that have caused confusion.

Suggested action

That an addendum be made to the RLS that shows the areas that meet the above criteria on a map so that the investigation areas align with the cadastral (property) boundaries in the investigation area and there is no subjective interpretation of these investigation areas.

RLS does not provide infrastructure

The purpose of the RLS is as stated in section 1.1 of the Strategy as follows:

“The purpose of the Strategy is to determine the future residential needs of the Hawkesbury LGA and to identify localities that are worthy of further, more detailed assessment for suitability for residential development.”

The RLS requires any application for release or rezoning of land to be located within the “future investigation areas” only and they must also address the Sustainable Development Framework contained in Chapter 6 of the document. The RLS must also be read in context with other relevant State and Local development strategies.

Section 6.6 of the RLS sets out actions for implementing the strategy. In this regard, the strategy recommends a number of actions to be undertaken before, or as part of, the release or rezoning of land. Some of these actions are as follows:

- Council to undertake structure planning, subject to funding, to determine capability of investigation areas
- Council to prepare design guidelines
- Facilitate partnerships to facilitate affordable housing
- Investigation into servicing, renewal of existing centres

The above list is not all inclusive and the RLS sets out these implementation actions based on specific issues (Housing types, Service infrastructure, employment and centres, transport and access, open space, etc.). The RLS only identifies the broad constraints to land release locations and identifies the areas worthy of additional investigation and outlines the nature of those additional investigations based on specific development issues rather than location.

The RLS assessed the demand for dwellings up to the year 2031 and stated that up to 6,000 additional dwellings were required to be constructed to meet the projected demand. This equates to approximately 300 additional dwellings (including units) per year. As seen in the previous table showing the applications received at Council over the last three years, there is the potential for approximately 2,140 allotments to be released for future development. This equates to approximately 710 allotments per year.

From the above figures, it is clear that the Hawkesbury is ahead of the identified target for land release. However, it should be noted that this is only approximately 10 years supply of land, at the predicted demand, and Council should not be complacent about the release of more land in the near future. However, the situation of being ahead of the target does allow Council to slow the acceptance of planning proposals, for the short term, and undertake the required implementation planning as mentioned above to permit that future land release.

In order to implement the RLS as envisaged and to ensure that the appropriate locality and regional planning can be undertaken in the identified investigation areas, it is proposed that Council not accept any additional planning proposals until the appropriate development plans and Section 94 plan (if required) is in place for the locality. This does not affect the planning proposals currently lodged with Council which will continue to be assessed and processed. This would allow the existing staff resources within Council to undertake much of this work in the short term, without the need to assess additional planning proposals that result in the planning focus being site specific rather than locality or regionally based.

Suggested action

That prior to consideration of additional planning proposals for residential land release (i.e. continue processing the existing applications that have been lodged with Council) Council identify distinct land investigation areas, similar to the identification of the “Kurmond Investigation Area” in February 2013, and undertake some of the specific additional investigation work outlined in the RLS, i.e. prepare a development plan for the location. In order to undertake this work there will need to be a specific program for investigation that would need to be initially funded upfront by Council with the ability, via application fees or Section 94 Plan, for Council to recoup those funds at the time landowners make application to Council. This program and funding structure will be the subject of a separate report to Council.

Funding for infrastructure (Section 94)

This issue has been partly addressed in the previous section of this report. Whilst there is the ability to recoup some funds and fund some infrastructure via Section 94, this avenue is limited in its ability to raise funds for all required infrastructure. Some infrastructure required for development will be State provided (e.g. Bells Line of Road, river crossings, etc.) some will be funded by Council, e.g. district facilities such as libraries or district sporting facilities, and more local infrastructure can be partly funded via Section 94 Plans or Voluntary Planning Agreements (VPA).

Section 94 Plans are tightly controlled in relation to what infrastructure can be included, the amount of funds that can be raised per additional allotment and there must also be a firm nexus between the additional development and the proposed infrastructure. A VPA is based on similar principles as Section 94 but has more flexibility in the infrastructure that it can provide. However, it must be remembered that a VPA is “voluntary” and Council cannot require a developer to enter into such an agreement and it cannot “require” certain contributions to be made by the developer. The whole process is a negotiated outcome.

The most significant issue that must be noted is that prior to the preparation of a Section 94 Plan a Strategy, such as the RLS, must be in place to provide the basis for the works program and to identify the extent of the infrastructure. It must be noted that a Section 94 Plan can only levy contributions on development to provide additional infrastructure specifically required by that development and cannot collect funds to rectify existing infrastructure backlogs or gaps. The existence of a Strategy also assists with VPA negotiations and other State Agency discussions about infrastructure provision.

Suggested action

That as part of the preparation of a development plan for a location proposed to be released for development, a Section 94 Plan or similar provision is to be in place prior to the finalisation of a landowner initiated planning proposal. Similarly, Council should develop and adopt a Voluntary Planning Agreement Policy that contains a standard Agreement template and provides guidelines as to what Council will and will not accept as inclusions in these agreements and also provides a procedure for the preparation and negotiation of such agreements. This would be the subject of a separate report to Council.

Questions and confusion regarding density of development

During the preparation of the RLS it was originally proposed that certain areas, generally infill proposals within existing urban centres, would have a higher density in order to conform with the “centres model” for development that the RLS is based upon and to also reduce urban sprawl and assist in the retention of the rural character outside those centres. This higher density, maximum of 6 storeys, was only proposed within the main centres (Windsor, Richmond and North Richmond) and only where other criteria, such as character and amenity, would not be adversely impacted. As mentioned previously in this report, Council removed this proposed increase in density and expanded the provision for a small amount of Greenfield development adjoining existing centres (based on the “Neighbourhood Centre” criteria in the RLS).

The reduction or removal of density provisions in the RLS seems to have resulted in a misunderstanding during implementation where the proposed outcome for some proposals is thought to be a higher density than what is actually proposed. This is particularly in locations where large lot residential (rural residential) is proposed. In some of these cases there is a fear that the proposal will result in a more urban style development when in reality the proposed large lot residential proposal is similar to, or sometimes larger than, the existing subdivision pattern in the locality.

Suggested action

During the preparation of the Development Plans, as mentioned previously, the proposed building heights, lot sizes and resulting dwellings per hectare ratio should be more clearly defined to better articulate the desired outcome for the locality. For infill development, particularly in Windsor and Richmond centres, consideration be given to increasing densities and building heights, subject to detailed community consultation, consideration of heritage character and amenity, so that existing infrastructure can be better utilised and there is less pressure for urban sprawl.

Context of the RLS and relationship with other Strategies and Policies

The adoption and implementation of the RLS has been seen by some as the only issue that needs to be considered when considering growth. Whilst the RLS is an important aspect for consideration, it must be viewed in the context of other local and State Strategies. The State Strategies include the Metropolitan Strategy, Subregional plans and the various infrastructure provider strategies. The local strategies to be considered include the Community Strategic Plan, Operational Plan, Employment Land Strategy and the Revitalisation Plan project process that Council considered and adopted at the meeting of 29 April 2014. It is the Revitalisation Plan project that is most relevant for considering context.

The preparation of Development Plans for localities will involve the input from a variety of local strategies. The proposed Revitalisation project (for the three towns of Windsor, Richmond and North Richmond) will be the vehicle where the implementation of the RLS, and other strategies, is informed by the community consultation and matters such as density, timing and infrastructure needs can be more clearly defined and actioned. The investigation areas in the RLS can then be viewed in the context of issues such as: additional river crossing location/s; individual town streetscape plans; short, medium or long-term actions relating to growth and setting of Council position statements; setting long-term position on issues outside Council's control such as provision of health, education or defence facilities in the LGA.

Council has in the past developed a number of Policies that have addressed specific matters and, over time, these Policies have been overtaken by more recent Policy or Strategy. In the case of the RLS the existing Policy "Our City Our Future" is an example where much of the Policy has essentially been incorporated into the RLS or some aspects of that Policy have, during the implementation of that Policy, been incorporated into the LEP. In these cases there appears to be some confusion as to the relationship of the Strategy and Policy and it is recommended that those Policies be amended to rectify that situation.

Suggested action

That Council be stable on its position in relation to land strategies and not significantly amend the direction of those strategies so that the Revitalisation project can use those long-term strategies as a basis for community consultation and local revitalisation actions. It will be critical to have strategies in place in order to assist in preparing submissions to obtain funding for any projects arising from the Revitalisation project for the three town centres.

The RLS be reassessed against existing Policies with a view to amend those Policies to ensure consistency.

The RLS is an important document to communicate intended areas for residential development investigations (and to demonstrate Council's compliance with State Government requirements for subregional strategies). The information needs to be readily available to Government Agencies, existing residents and the broader community as well as potential investors in a future Hawkesbury. Council's website information will be improved to provide a clearer section about planning proposals, the Residential Land Strategy and related policies.

Proposed Criteria for the introduction of Second Dwellings on Rural Properties

The issue of permitting "Second dwellings" in rural areas has been the subject of a report and Councillor Briefing in the past. "Second dwellings" are separate to the use of "Secondary Dwellings" which is a defined term which are currently permitted in a number of zones in the Hawkesbury Local Environmental Plan 2012 (LEP). In this case a "Secondary Dwelling" is a separate dwelling on an allotment established in conjunction with another dwelling (the Principal dwelling) and is limited in size to 60m² or 10% of the total floor area of the Principal Dwelling.

The following discussion is related to "Second Dwellings", which is an undefined term in the LEP, which are essentially a "detached dual occupancy".

It is suggested that investigation be undertaken into permitting detached dual occupancy dwellings in a variety of locations that are defined by certain criteria that is set in the RLS. In this regard the criteria used for the consideration of large lot residential proposals, i.e. *Section 3.3.8 Role of Rural Residential Development*, should be used to consider the permissibility of detached dual occupancy. The suggested criteria proposed is the same as in the above mentioned Section 3.3.8 with changes shown in italics (NOTE: the following criteria is a suggestion only and is subject to further consultation):

All future detached dual occupancy residential development in rural locations must:

- Be able to have *separate* onsite sewerage disposal systems
- Cluster around or on the periphery of villages
- Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within *1.5 – 2.0 km* radius)
- Address environmental constraints and with minimal environmental impacts and
- Be within the *servicing* capacity of the rural village
- *Have a minimum allotment size of 2.0ha.*

If outside the above criteria and is located on a heritage listed property, detached dual occupancy permitted where attachment to the main dwelling would be detrimental to the significance of the heritage item.

Suggested action

That when mapping the location for rural residential development proposals as an addendum to the RLS an additional map, accompanied by defined criteria as mentioned above, be prepared to indicate the locations where detached dual occupancies can be considered for rezoning.

Detached Dual Occupancy development should only be permitted once an appropriate infrastructure contribution plan (Section 94 Plan) is in place. Additionally, whilst Council has existing Policies to address retrospective development, there is a need for Policy/procedure clarification to guide how existing illegal dual occupancy dwellings, if found, will be addressed in relation to building controls (BCA matters), compliance action and contribution payments by these developments.

Conclusion

The above report has outlined the background to the RLS and has also identified some issues that have been raised during the implementation of the RLS that have resulted in misunderstandings or misinterpretation of the role of the Residential Land Strategy. Whilst many of those issues can be individually addressed at the time of implementing, it is recommended that some minor addendums be included in the existing RLS to overcome those subjective interpretation issues.

It is also recommended that the implementation actions that are already contained in the RLS be given greater focus, i.e. defer acceptance of additional planning proposals until those actions are completed, so that the subsequent implementation of the RLS can proceed in a more streamlined manner.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

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

Financial Implications

The mapping suggestions and minor changes are able to be undertaken within existing budgets. The preparation of development plans may need to be funded through amendments to the budget at a quarterly review. A Section 94 Plan/s can be prepared to recoup some of these funds but some initial expenditure by Council will be required.

Planning Decision

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

RECOMMENDATION:

That:

1. The areas identified in the Hawkesbury Residential Land Strategy for large lot residential investigation be mapped to align with cadastral boundaries and form an addendum to that Strategy.
2. The investigation area for Kurmond identified by Council on 5 February 2013 be the first area to have a development/structure plan (as described in this report) prepared and a report be brought back to Council identifying priority areas for the preparation of structure plans and Section 94 Plans.
3. Council not accept additional planning proposals for residential development unless a structure plan and/or Section 94 Plan has been prepared for the locality. Existing planning proposals currently submitted to Council will continue to be processed.
4. A Voluntary Planning Agreement Policy be drafted and reported to Council for consideration.
5. Existing Council Policies in relation to development be reviewed to be consistent with the Hawkesbury Residential Land Strategy.
6. The suggested action for the introduction of Second dwellings on rural properties as outlined in this report be commenced and reported back to Council in the fourth quarter of 2014.

ORDINARY MEETING

Meeting Date: 24 June 2014

ATTACHMENTS:

AT - 1 Copy of Council Report dated 10 May 2011

ORDINARY MEETING

Meeting Date: 24 June 2014

AT - 1 Copy of Council Report dated 10 May 2011

ITEM: CP - Progress and Review of Hawkesbury Residential Land Strategy - (95498)

Previous Item: 148, Ordinary (8 July 2008)
273, Ordinary (8 December 2009)
223, Ordinary (28 September 2010)

REPORT:

Executive Summary

The purpose of this report is to review the issues raised in submissions received during the public exhibition of the draft Residential Land Strategy, propose changes as a result of the review of public submissions and to recommend that Council adopt the amended draft Residential Land Strategy.

Consultation

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

The preparation of the draft Strategy has previously been the subject of two separate Briefings to Councillors on 17 November 2009 and 1 June 2010. The report to Council on 28 September 2010 proposed the following engagement process:

- Place the document on public exhibition for a minimum of 28 days.
- The document to be available at Council's office and libraries and also on Council's website during the exhibition period.
- Relevant industry and community groups be advised of the exhibition period and be invited to submit comments during that period.
- Staff briefings to community groups, should that be required by those groups.

The draft Residential Land Strategy was originally placed on public exhibition for the period from 7 October 2010 to 4 November 2010 in accordance with the Council resolution. However, due to requests from the community this exhibition period was extended on two separate occasions, firstly to 7 January 2011 and then to the end of January 2011.

This has resulted in the draft Residential Land Strategy being on public exhibition from 7 October 2010 to 28 January 2011, a total period of 16 weeks, or approximately four months. During the exhibition period the following occurred:

- The document was on public exhibition for a period of at least 114 days.
- The document was available at Council's office, libraries and Council's website. Copies of the draft document were also available on CD upon request.
- 35 letters were sent to Community groups and Government authorities, with a further 24 industry and development groups (that deal with Council on a regular basis) also notified of the exhibition by email.
- Presentations, followed by questions and answer sessions, were made by the Director City Planning to public meetings at North Richmond and Glossodia. This is in addition to numerous phone and counter enquiries that were dealt with by staff during the exhibition period.
- The Director City Planning also had three separate 2 hour meetings in January 2011 with a group calling themselves the "Hawkesbury Community Consultative Group" made up of representatives of the North Richmond District Community Action Association (NRDCAA), Kurrajong Action Group, Council Watch, Hawkesbury Harvest, Vineyard Action Group, Bowen Mountain Action Group, Agnes Banks Action Group, Land Care Groups, Glossodia resident representative. This group was

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organised and invited via a representative of the NRDCAA. These meetings discussed the draft Strategy in detail and also discussed some wording changes that addressed some of the community concerns raised. Details of these changes are discussed later in this report.

As seen from the above, there has been extensive consultation with Community representatives about the content of the Strategy and this has appeared to assist those representatives better understand the content and intent of the Strategy and how the Strategy is applied. This is evidenced by a comment from one of the community members stating in one of the workshops *"I hate to admit this, but the more you read this (the Strategy) the more sense it makes"*.

Background

On 28 September 2010 Council considered a report that proposed the public exhibition of the Draft Hawkesbury Residential Land Strategy. The resolution of that meeting was as follows:

"That:

1. *The Draft Residential Land Strategy be amended:*
 - (a) *To replace references in 3.3.5 and 6.4 to "high density" with references to "medium density (vertical)" and that this description is to apply to "flats, home units and apartments" of a height broadly consistent with existing and approved development in Richmond and Windsor.*
 - (b) *In item 6.4 to identify a density of "up to 25 – 30 dwellings per hectare" in the Town Centres, rather than "25 – 50".*
 - (c) *With the addition of an additional sentence at the end of the second paragraph in item 3.3.6 as follows: "It is therefore not an objective of this strategy to satisfy a predetermined ratio of infill to greenfields development".*
2. *The Draft Hawkesbury Residential Land Strategy be placed on public exhibition for a minimum of 28 days commencing immediately and relevant industry and community groups be advised of the exhibition period and be invited to submit comments during that period.*
3. *Any issues raised in submissions received during public exhibition be reported to Council for consideration prior to the finalisation of the Residential Land Strategy."*

The abovementioned amendments were made to the draft Strategy and the draft Strategy was placed on public exhibition for a total period of 114 days with additional discussions and meetings held during that period as detailed in the "consultation" section of this report. During the exhibition period Council received a total of 13 submissions.

These were comprised of one submission from the University of Western Sydney, Industry and Investment (old Department of Primary Industries) and 11 submissions from individuals. As well as these submissions, the three meetings with the group calling themselves the "Hawkesbury Community Consultative Group" raised a number of specific individual matters that were discussed and either agreed to remain in the draft Strategy or changes to the Strategy were proposed and agreed in the group meetings. Council also received three "requests" for rezoning in the 24 months prior to the exhibition of the Draft Strategy and the authors of those requests were advised at that time that their submissions would be considered with the Draft Strategy.

The individual submissions and issues raised during public exhibition are discussed in the following section of this report.

Public Submissions and Suggested Actions

The following is a summary of the issues raised in the submissions received.

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Submissions requesting the inclusion of additional land in the draft Strategy

A number of submissions were made that requested the following properties be included in the Draft Strategy;

1. 28-30 Ivy Avenue, McGraths Hill
2. 7 West Hill Street, McGraths Hill
3. Area known as "Bligh Park North"
4. Include various properties being (Lot 2 DP 578886 (Dight Street), Lot Y DP 419316 (Evans Cres) and Lot 100 DP 877011 (Francis Street) Richmond
5. 165 Grose Vale Road, North Richmond
6. Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond
7. Include area to the south of Spinks Road, Glossodia, being the following:
 - Lot 2 DP 533402 and Lot 52 DP 1104504, 103 Spinks Road, Glossodia
 - Lot 20 DP 214753, 213 Spinks Road, Glossodia
 - Lot 75 DP 214752, 361 Spinks Road, Glossodia
 - Lot 3 DP 230943, James Street, Glossodia
 - Lot 44 DP 214755, 3 Derby Place, Glossodia
 - Lot 50 DP 751637, 746A Kurmond Road, Freemans Reach
 - Lots 1, 2 and 3DP 784300, 780A – 780C Kurmond Road, North Richmond
8. 88 Spinks Road, Glossodia
9. Land in the vicinity of Ebenezer and Wilberforce for rural residential development
10. 119 Argents Road Wilberforce
11. 41 Stone Terrace, Kurrajong Hills
12. Flood Free land in Vineyard

Comments

Some changes are proposed as a result of these submissions.

The following comments are provided in relation to the inclusion of the abovementioned properties in the Draft Hawkesbury Residential Land Strategy;

McGraths Hill properties

The draft Strategy uses the criteria adopted by Council in the report dated 8 July 2008 for the preparation and identification of land for inclusion in the strategy. On page 5/8 of the Draft Strategy the following comments are made in relation to McGraths Hill and non-urban flood prone land;

"Mulgrave/McGraths Hill – This area has been removed from the investigation areas as it is subject to unacceptable flooding and evacuation impact.

Non-urban flood prone land – All non-urban zoned land currently affected by the 1:100 year flood event is not considered suitable for intensification of residential development."

Given the adopted criteria and the above comments it is not considered appropriate to include the above properties, or other additional properties in the McGraths Hill locality in the residential strategy.

"Bligh Park North"

It should be noted that this land is already listed on the Metropolitan Development Plan (MDP) and is also currently identified in the Draft Residential Land Strategy for investigation subject to the resolution of the flood issues. It is not proposed to remove this land from the Strategy. However, as previously advised by the Department of Planning in relation to the rezoning application for this land, the flood issues in relation to this land will need to be resolved prior to further progress to land release. The Draft Strategy reiterates this requirement.

Land at Richmond

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The land requested for inclusion at Richmond is already included in the draft Strategy and it is not proposed to remove it from the strategy. It is noted that the submissions received were in support of the lands' inclusion in the Strategy.

Land at North Richmond

The land requested for inclusion at North Richmond is already included in the draft Strategy and it is not proposed to remove it from the strategy. It is noted that the submissions received were in support of the inclusion of the land in the Strategy.

Land at Glossodia

The land requested for inclusion at Glossodia is immediately adjoining, to the south and east, of the land identified for further investigation in the Draft Strategy for Glossodia. The land to the south of Spinks Road is subject to a rezoning application that was submitted to Council prior to the exhibition of the Draft Strategy. This application will be the subject of a separate report to Council. It is proposed to include this land (to the south of the current investigation area) in the Strategy Investigation Area for the purpose of assessment of the current rezoning application. The subject properties are as follows:

- Lot 2 DP 533402 and Lot 52 DP 1104504, 103 Spinks Road, Glossodia
- Lot 20 DP 214753, 213 Spinks Road, Glossodia
- Lot 75 DP 214752, 361 Spinks Road, Glossodia
- Lot 3 DP 230943, James Street, Glossodia
- Lot 44 DP 214755, 3 Derby Place, Glossodia
- Lot 50 DP 751637, 746A Kurmond Road, Freemans Reach
- Lots 1, 2 and 3DP 784300, 780A – 780C Kurmond Road, North Richmond

It should be noted that the inclusion of the land in the Strategy for further investigation does not guarantee that all or part of the land will be supported for further development.

The land to the east of the investigation area (88 Spinks Road) received approval for a nine lot subdivision for rural residential development in 2000. Given the restricted capacity of the existing sewer infrastructure in the locality (preventing the identification of this land for urban residential) and the size of the allotments recently approved for the site (Rural Residential), and the growth projections for the locality, it is not considered appropriate to include this land in the draft Strategy as this would result in the identification of a further over supply of land in the Glossodia locality.

Land at Ebenezer, Wilberforce and Kurrajong Hills

The land requested for inclusion in the Strategy in these localities is proposed for use as rural residential. The draft Strategy uses the criteria adopted by Council in the report dated 8 July 2008 for the preparation and identification of land for inclusion in the Strategy. In relation to rural residential development the following criteria, as stated in the 8 July 2008 report, is used:

- *minimise the fragmentation of rural land;*
- *development needs to build on existing settlements;*
 - *adjoining an existing centre or village for urban development,*
 - *within reasonable distance from centre or village for rural residential (defined by short distance, topography or physical feature),*
 - *isolated, or stand alone, residential subdivisions should not be developed further or used as justification to undertake additional similar development, as these are contrary to the Sub-Regional actions,*
- *avoid prime agricultural land (Defined by the agricultural land classification and/or the need to protect the particular purpose for which the locality is currently used.);*
- *need to promote and protect existing productive and economic activities (both rural and urban activities);*
- *minimise potential land use conflicts (i.e., not make existing conflict worse or introduce new conflicts);*
- *avoid vegetated land or land that will require significant clearing (for actual development or asset protection zones) or landform alteration (particularly to raise currently flood liable land).*

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The draft Strategy, in relation to rural residential development, on page 6/9, states the following:

*"All future low density and large lot residential development (Rural residential style development) in rural villages must:
Be able to have onsite sewerage disposal;
Cluster around or on the periphery of villages;
Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within 1km radius);
Address environmental constraints and with minimal environmental impacts; and
Within the capacity of the rural village."*

The draft Strategy, in relation to rural residential development, has used the approach of not mapping areas for investigation but simply setting out the criteria, as shown above, that must be met. The use of criteria rather than mapping gives greater flexibility for localities and properties that may be suitable for such development. In this regard, there is no need to include or exclude specific properties from the draft Strategy.

Flood Free Land in Vineyard

The land in Vineyard is already included in a development Strategy, i.e., the North West Growth Centre. As the North West Growth Centre is a Strategy that would take precedence over the Hawkesbury Residential Land Strategy, there is no need to include this land in the latter.

Submission from University of Western Sydney

The University notes that the draft Strategy has identified some University land in Richmond for further investigation. *"The University supports flexibility for these land holdings to potentially accommodate future mixed use however, this would be on the basis that it would not impact on existing uses of the land"*. The University currently undertakes a number of projects on the land including the Hawkesbury Forestry Experiment and the Free Air CO₂ Experiment which includes field research equipment on that land.

Comment

No change to the Strategy is proposed as a result of this submission.

The University land has been identified in the draft Strategy for future investigation of uses. Discussions have been held with the University regarding their plans for the campus land, including the Director City Planning being on the Steering Committee for the development of the University campus master plan.

The identification of the University land was to enable the land to be included in future planning by both the University and Council to ensure that the University land was given the flexibility required for their uses whilst ensuring that any future development of the locality did not result in land use conflicts. The land is proposed to remain in the Strategy.

Submission from Industry and Investment

A summary of the submission is as follows:

Issues:

- Agriculture:
 - Supports the focus of new residential within existing urban zoned land and areas identified via State Government strategic planning processes.
 - Cost benefits for infrastructure provision
 - Provides certainty for agricultural investors in the rural resource lands
 - Ad-hoc residential development across rural zones increases potential for land use conflict and restricts agri-business expansion.
 - Supports Sustainable development criteria G9, acknowledging that good soil is not the only criteria for agricultural land.
- Fisheries:
 - Best design practices should be used for residential development that includes riparian buffers using native vegetation and water sensitive urban design principles.

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- Division will work with Council to ensure that land use changes from Agriculture to urban will not result in significantly reduced water quality outcomes for Hawkesbury River.
- Strong support for Council's introduction of Water Sensitive Urban Design principles
- Strong support for objective that there is neither increase in the volume, nor reduction in the quality of the stormwater flows from urbanisation.
- Supports the practical and straightforward framework adopted by the strategy for assessing the sustainability of the catchment to further development.
- Division recommends the use of Riparian Buffers (using native species)
- The strategy currently refers to "DPI maps of significant aquatic biodiversity" and I & I NSW recommend that section be amended to refer to "maps of Key Fish Habitat and distributions of threatened species prepared by I & I NSW".
- Minerals:
 - Extractive areas should be protected. These are outside areas identified for residential development, i.e. Richmond lowlands.
 - Lowlands should be acknowledged as important rural resource lands in the Natural Environment Chapter of the Key Issues document under 4.7.1 Agricultural and Rural Land.

Comment

No change to the Strategy is proposed as a result of this submission.

The above comments from Industry and Investment are noted. The comments support the approach used in the draft Strategy and the additional comments in relation to "best practice" relate to the more detailed planning that will be undertaken for localities at the rezoning or development application stage.

The comments in relation to the Richmond lowlands are noted. However, as this strategy deals with Residential Land matters it is not proposed to insert comments about the resource lands as the lowlands are not proposed for any residential development as a result of this Strategy. These comments could be included in any rural strategy that is prepared by Council.

General issues raised in Submissions

Many of the submissions received indicated support for the Strategy in relation to:

- Agreement to the inclusion of their land in the Strategy for further investigation,
- Agree with the principles used in the Strategy including, servicing and infrastructure criteria, clustering of development around existing settlements to prevent "sprawl" and erosion of productive rural land and reduce the need for expensive extension of services and infrastructure to service rural residential development, etc,
- Agree with the importance of protecting Agriculture,
- Agree with the Sustainability criteria to be used for assessment of future development and land release proposals,
- Agree with the identification and protection of the Hawkesbury Character as indicated in the strategy,
- Agree with the further detailed investigation of localities to protect the character, heritage and amenity of each of the individual areas.
- Agree with the recommendation on page 4/16 of the Strategy that land auditing is required.

The following is a summary of other issues raised, and improvements recommended, by the submissions received with each followed by a "Comment" as to what is proposed for change in the Strategy or what other action is proposed:

- The Strategy is "Flawed" *"in that it has been produced with blind acceptance of the NSW Department of Planning's nomination that the Hawkesbury LGA will contain a further 5,000 dwellings to 2031"*,

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- There has not been any provision for additional growth beyond the provision of 5,000 dwellings.
- *"There is no further thought on what is required within the Hawkesbury other than to blindly accept that 5,000 dwellings are to be provided by 2031."*
- Agree with identification of University land but this land is capable of accommodating more than the planned 5,000 dwellings.

Comment

No change to the Strategy is proposed as a result of this submission.

Whilst the NSW Department of Planning's "target" for the Hawkesbury of 5,000 dwellings by 2031 has been a consideration, there has not been "blind acceptance" of that target. The focus by these submissions on the target number of 5,000 is unwarranted as that figure was simply a target mentioned in the Northwest Subregional Strategy that needed to be confirmed or amended by the relevant Council when preparing and adopting their own residential or land use strategy.

The Hawkesbury Residential Land Strategy aims to identify land that, subject to further investigation, may be suitable for consideration for residential development. Chapter 3 - Population and Housing Needs, of the Strategy undertakes an assessment of the population forecasts and trends and considers the implications of those trends for housing provision. Based on that assessment the Strategy has indicated that there may actually be a need for approximately 6,000 dwellings.

The land identified in the Strategy for further investigation is sufficient in area to cater for these numbers and, in fact, the Strategy has identified more land than is actually required for the life of the Strategy. The additional land has been identified to account for the removal of some land that is found, after more detailed investigation, to be unsuitable for development or unable to be adequately serviced in the timeframe required. The additional land also allows for some flexibility to occur in the density provision of housing in different areas.

- Support the philosophy of developing rural residential development around existing towns and villages, but, questions the figure quoted in the draft Strategy of only 400 lots to 2031.

Comment

No change to the Strategy is proposed as a result of this submission.

The numbers referred to are estimate numbers only and are not intended to be a definitive number that cannot be varied. The philosophy and criteria developed for the location of rural residential development is the only limitation that is being proposed and, subject to the conformance with the adopted philosophy and criteria, there is no number limitation to rural residential development. However, it should be noted that the figure quoted suggests an average of approximately 20 allotments/dwellings per year which is a substantial increase in the number of rural residential dwellings to that determined by Council currently.

- There should be some flexibility provided in the Strategy to allow development outside the areas that have been shown on the investigation area plans.

Comment

No change to the Strategy is proposed as a result of this submission.

The Strategy has identified, via a desktop assessment using the adopted criteria, virtually all the suitable land available in the eastern portion of the Local Government Area (including west of the river). Whilst the Strategy states that future release land should be contained within the identified areas, or criteria, it is agreed that there may be an opportunity for a proposal that will be outside these areas. It is considered that if such an opportunity arises there are other mechanisms that could be pursued to enable that proposal to proceed. However, any such opportunity would need to be large enough to provide for substantial, long term economic benefits for the Hawkesbury to take advantage of such mechanisms and must also comply with the sustainability criteria contained in the Strategy. The chance of this occurring is low as generally residential development does not provide long term economic benefits in the same way as employment related development affords. The existing Employment Land Strategy allows for this to occur.

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- The Strategy identifies a need to plan for accommodating a changing population but does not identify that there is a need to plan for the previous decline in population and the future very limited growth projected.

Comment

No change to the Strategy is proposed as a result of this submission.

There is no doubt that there is a need for additional work required in relation to actual housing needs. However, it is considered that the purpose of the current Strategy, to identify residential land needs and potential locations for that use has been achieved. The inclusion of the sustainability matrix and criteria contained in chapter six of the Strategy identifies the service levels that different sized settlements should achieve. These criteria can also be used and applied to existing settlements to test if the settlements are meeting the minimum level of servicing. If not then the criteria can be used to identify the upgrades required before any new growth of those areas is considered.

- *"A thriving economic future for the Hawkesbury will not come about by the limited growth indicated within the Draft Strategy."* There is a need to provide at least 2% PA growth rate.
- The projected growth rate is too low.
- Whilst agreeing with the need for more medium density, questions the proportion of medium density dwellings proposed and concerned with the impact on the Hawkesbury character.
- The strategy notes the increase in demand for medium density but Council has done little to address this demand, the LEP & DCP are too restrictive and "no additional services have been lobbied for".
- Given the lead time for provision of additional services and infrastructure it is pressed that the planning for these additional services should begin now.
- Question whether the existing services are suitable for the extension areas in Wilberforce and if not then planning for these extensions should start immediately.

Comment

No change to the Strategy is proposed as a result of this submission.

The Strategy has identified, via a desktop assessment using the adopted criteria, virtually all the suitable land available in the eastern portion of the Local Government Area (including west of the river). This land is considered to be in excess of the land requirements for the life of the Strategy and some of the investigation areas have notations that acknowledge this. It is considered that the Strategy identifies enough land to cater for a significant growth rate should the infrastructure be available and the community and market wish to have such growth.

It is acknowledged that there is a need for additional work in relation to the detailed planning of individual settlements and locations in order to deal with the servicing capacity, heritage and character issues. The whole purpose of the Residential Land Strategy is to gain agreement on the preferred location for future residential development so that infrastructure planning and other detailed planning can be undertaken. There is no use doing infrastructure, or other, planning for growth etc, unless there is agreement on the preferred locations for development, i.e., adoption of the Residential Land Strategy.

- Reference documents used do not mention the Urban Lands Draft Strategy and Rural Lands Draft Strategy of the 1980's. Nor is there mention of the Our City Our Future strategic investigations of the 1990's. These have made similar recommendations as the current proposed strategy, albeit with greater population projections.

Comment

No change to the Strategy is proposed as a result of this submission.

These documents and Policies were used when the criteria for the development of the Strategy were prepared and the "Our City Our Future" document is a current Council Policy. These criteria were adopted

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by Council at the meetings of 8 July 2008 and 8 December 2009. References used in the Strategy refer to those Council reports.

- Agree with the importance of Agricultural land as a constraint to urban development. However, there has not been a proper assessment of agricultural land and its uses and potential for ongoing agriculture (or any other use) since the early 1980's.

Comment

No change to the Strategy is proposed as a result of this submission.

This is agreed and, as mentioned previously, that work is beyond the brief of this Strategy work which was to identify residential land needs and potential locations to 2031. The Council report of 29 May 2007 "Preparation of Land Use Strategy for the Hawkesbury Local Government Area" identified the need for an overall Land Use Strategy but also the practical need to break down this work into manageable areas. The Council resolution agreed to the proposal in the report to undertake that work in sections, being the employment lands (adopted in December 2009), Residential Lands (current draft Strategy) and Rural Lands (to be programmed when the current strategy is finalised). Doing this work in that order was driven by the current development pressures in the employment and residential field.

- The Hawkesbury has been described as the "hole in the donut". All the adjoining LGA's have significant growth and "*none have had negative population growth over the last 10 years*". The Draft Strategy contains "core philosophy" that reads that the area is vibrant and is to experience significant growth patterns.

Comment

No change to the Strategy is proposed as a result of this submission.

The surrounding LGA's have not all experienced significant growth and in the 2006 census there have been some population losses in surrounding LGA's. It is appropriate for a Strategy, that looks forward to the next 20 years, to use language that is positive and optimistic rather than using negative language that uses past negative indicators

- The strategy indicates that future development in rural villages should be of low density and large lot dwellings. Why? "*Many of the villages are capable of containing some other forms of housing that are denser and in proximity to shops/services etc.*"

Comment

No change to the Strategy is proposed as a result of this submission.

It is true that many rural villages may be capable of more dense settlement. However, the villages that the Strategy refers to in this manner are villages that do not have the required sewer services that would service a more dense settlement. It is appropriate to restrict development in these villages until there is agreement on the provision of the necessary sewer services as, from previous experience with servicing village areas with reticulated sewer, this may be a very long time. Upon obtaining such agreements and setting timeframes for the provision of these services, the Strategy can be reviewed as appropriate. The Community Survey has also indicated that the community wish to preserve the rural character of these areas and this is also a Direction in the Community Strategic Plan. Significantly increasing density in Rural Villages would not be consistent with that sentiment.

- The Strategy discusses affordability of housing is impacted by the stock of affordable housing and housing stress for mortgage and rental markets. "*Nowhere is it indicated that a prime impact on affordable housing is the almost complete absence of new and additional housing opportunities.*"

Comment

No change to the Strategy is proposed as a result of this submission.

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This comment relating to lack of supply impacting on affordability is agreed and has been discussed in relation to the reason for preparing a Residential Land Strategy to generate additional land supply, i.e. it is one of the basic reasons for preparing this strategy.

- Questions raised in relation to the maps and mapping used in the Strategy, particularly the vacant land map (page3/10) and the vegetation mapping.

Comment

No change to the Strategy is proposed as a result of this submission.

In relation to the vacant land map, it is agreed that this map is difficult to see the detail at the reproduced scale. However, the purpose of the map is to simply show the quantum of vacant/available land that was investigated and not the individual parcels. The map indicates the spatial spread of this land and it is clear from this map that there is not an abundance of vacant land that is available for residential development. Hence, due to the lack of available land for residential development the Residential Land Strategy is needed to provide the guidance for the provision of appropriate land for that purpose.

In relation to the vegetation mapping, it is agreed that some of the mapping used may not be perfect. This can be said for all the mapping used at the scale that it has been used. The 'Key Issues' chapter and constraint and opportunity mapping in the Strategy need to be viewed in the context of a strategic, long term document and not in the same manner as assessing a development application. This strategy work is undertaken, based on the best available information at the time, so that a desktop identification of the constraints and opportunities can be made to provide greater focus for the further, more detailed, investigations and environmental studies required for land release, rezoning and development. This focus will allow these more detailed investigations to be undertaken in a more cost efficient way. If these studies were to be undertaken in the absence of a Strategy there would be the need for more detailed studies to be undertaken on land that, for some other unidentified constraint, should have been excluded prior to undertaking a costly study.

- If development to north of Hawkesbury River, as per NW Subregional Strategy, is to be followed, as does the draft Residential Land Strategy, then the development of Peels Dairy at North Richmond is most appropriate. This land is the largest tract in single ownership adjoining an existing urban area. However, historical and servicing issues need to be addressed and the draft Strategy target of medium density is not appropriate for this site.
- The land identified for further investigation, particularly in North Richmond, would seem to be capable of contributing well in excess of the required number of dwellings. *"Further the area noted for investigation of additional density should be increased to at least the 800 metre town centre.... Most of the North Richmond town is within this 800 metres circle and therefore should be available for appropriate urban infill."*
- The catchment distances (800 metres) around Windsor and Richmond should be more flexible and the current LEP provision should change. Also North Richmond catchment of 400 should be at least 800, same as Windsor and Richmond, as *"North Richmond should have no less medium density housing capability than other urban areas within the Hawkesbury"*

Comment

Some changes are proposed as a result of these submissions.

This is generally agreed, subject to the area being appropriately investigated and master planned as required by the draft Residential Land Strategy.

The matter raised about medium density is an issue raised in a number of discussions during exhibition. The need for a glossary of terms is required and the term "medium Density" and "Medium Density (vertical)" needs to be defined in the context of the Hawkesbury Residential Land Strategy. It would be appropriate to separate 'medium density' in the infill and Greenfield context.

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The Strategy has identified investigation areas in excess of the requirements for the life of the strategy for three main reasons:

1. The first being that in some locations the investigation area identifies all of the area in the locality that is considered relatively constraint free, i.e. outside the area is too constrained for further investigation.
2. The second is that, for practical reasons, it is more appropriate to locate the investigation area boundary on a cadastre (property) boundary so that there is no question as to whether a property is in or out of the investigation area.
3. The third is that the over identification of the investigation area will enable a full investigation of the suitability of an area for further development to be undertaken. In this regard, all aspects of development, including buffer areas, riparian zones, open space, bushfire asset protection zones, etc, can be incorporated into this investigation area and not “spill out” of the identified investigation area.

The issue of the 400 and 800 metre zones and catchments, or any corresponding zone identified from other centres, can be amended to incorporate the bulk of an existing locality if supported. In this regard the density provisions can be extended when undertaking the structure, LEP or DCP work rather than changing the Strategy.

- The Strategy states, on page 4/43, that “*rural/residential development utilises large amounts of land and promotes a sprawled urban form.*” The submission states that “*What this fails to do is to recognise that rural/residential development can also provide a positive transition between urban and rural land.*”

Comment

No change to the Strategy is proposed as a result of this submission.

The comments made in the Draft Strategy were made in the context that if too much rural residential development is permitted, amongst other issues that this would create (such as increased cost of servicing, lack of public transport viability, increased car use and associated car parking problems this creates in nearby centres, housing affordability pressures and lack of housing choice), the development form would essentially be of an urban form but on a larger scale, i.e. road layouts (cul-de-sacs, etc) with housing fronting those roads but just larger allotments (Urban sprawl on a larger scale). The principles recommended in the Strategy for rural villages (rural residential) development do recognise the importance of this style of development and the ability of this to provide a transition between different types of development, hence, the principle of distance from centres or services.

- Agreement with the identification of Glossodia for reduction in the residential zone. However, states that “*The Glossodia future investigations map at 5.6.4 gives landowners false expectations as it is all shown as being subject to residential investigation. The map should more accurately reflect what is proposed.*”

Comment

No change to the Strategy is proposed as a result of this submission.

The map and text contained in the Draft Residential Land Strategy is considered to be clear in relation to the intention for Glossodia and the other investigation areas shown in the Strategy. The comment in the submission refers to the map itself, however, as with all the Strategy documents, a single section or parts of the document cannot be taken in isolation as all the aspects of the Strategy relate to each other. Whilst it may be convenient to get all the information onto one map, in relation to a strategy that deals with the future 20 or 30 years, such as the residential land strategy, this is not possible.

- “*I query why South Windsor should be totally removed from consideration from further urban development?*”

Comment

No change to the Strategy is proposed as a result of this submission.

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South Windsor has not been “totally removed from consideration from further urban development” as shown Figure 5.6.5 at the end of chapter 5 of the Strategy. This figure identifies the existing urban areas in Windsor and South Windsor as potentially suitable for “*Longer term opportunities to increase densities subject to resolution of flood evacuation issues.*” Council has already commenced the investigation of these issues and the draft results of this work should be available for comment in the early second half of 2011.

- Identification of land along Francis St, Richmond, whilst supported, is inconsistent with the noise criteria contained in the strategy.
- Aircraft noise restrictions seem to be too strict. Questions raised as to the desirability or need for the blanket prohibition of further development in areas higher than 20 ANEF noise exposure from the RAAF base.

Comment

Some changes are proposed as a result of this submission.

The land that this submission refers to is shown on Figure 5.6.1 as “short” and “medium term opportunities above flood level”. These areas are relatively minor portions of the allotments on the edge of the floodplain that are above the 1 in 100 year flood level. These portions were identified initially to “tidy up” the edge of the development surrounding Richmond to coincide with the edge of the floodplain.

The Australian Noise Exposure Forecasts (ANEF) classifications for different uses are contained in Australian Standard – AS2021-2000 Acoustic Aircraft Noise Intrusion – Building siting and Construction and are reproduced in Table 4.7 of the draft Strategy. In relation to residential use the Standard states the following:

Building type	ANEF Zone of Site		
	Acceptable	Conditional	Unacceptable
House, home unit, flat, caravan park.	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Commercial building	Less than 25 ANEF	25 to 35 ANEF	Greater than 35 ANEF

The properties that have been identified for further investigation along Francis Street, Richmond are within the 25 – 30 ANEF. From the above table, this is in the unacceptable range as suggested by the Australian Standard. However, these sites need to be considered in context with the rest of Richmond.

The area within the zoned town of Richmond currently affected by the 25 – 30 ANEF is substantial, bound, approximately, from west of Chapel St to the RAAF base and all the land between Windsor Street and Francis Street. There is also some land south of Windsor Street, between Paget and Chapel Streets that is also affected by the 25 – 30 ANEF. Within this affected area the land zoning, under the provisions of the Hawkesbury LEP 1989 (LEP 1989), includes Housing, Multi-unit housing and Commercial. The conversion of the LEP 1989 to the Standard Instrument format will retain these zoning provisions.

In this situation, i.e., the minor “tidy up” of the edge of the zones for Richmond, it would seem to be inconsistent that a more restrictive provision should apply to these minor areas when the remainder of the area of Richmond affected by the ANEF is less restrictive. In this case it is considered reasonable to make minor amendments to the “blanket” noise restrictions contained in the Strategy.

In this regard the following additional comments are proposed to be included in the Strategy on page 4/38, in Section 4.6.4 Noise exposure (replacing the last paragraph):

As Figure 4.15 identifies, the area immediately surrounding Richmond from approximately McGraths Hill to North Richmond is affected by aircraft noise exposure forecast (ANEF) ranging from 20-35. In this regard the ANEF Classifications of Acceptable, Conditional and Unacceptable as shown in Table 4.7 are to be applied to applications for rezoning to release land in those areas affected by these ANEF levels. However, these levels, due to the existing zoned land in Richmond affected by this high ANEF level, should not be strictly applied to the

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land identified for further investigation in Figure 5.6.1 ("Short and medium term opportunities") adjoining Richmond to the north, west and east.

Prior to the consideration of any rezoning of these properties in Richmond, development controls are to be incorporated into Council's Development Control Plan to address suitable provisions for the mitigation of noise for residential development in both the existing zoned areas and the proposed release lands. In these localities it is strongly suggested that zoning for uses other than residential be encouraged rather than provision of costly, elaborate noise mitigation measures.

The following point to be added, as a replacement to the current final point, to the "Implications for the Hawkesbury Residential Strategy" section 4.6.4:

Residential development in areas above 25 ANEF is considered unsuitable except in the vicinity of Richmond where up to 30 ANEF may be considered, conditional on appropriate noise mitigation measures being consistently applied. However, in areas where ANEF levels are above 25 the land should be more appropriately considered for non-residential uses.

- Redevelopment around the Richmond rail station should include residential development with the overriding design parameter being heritage integrity.

Comment

No change to the Strategy is proposed as a result of this submission.

This is agreed and the Draft Strategy does not prevent this.

- The Strategy should have 3, 5 and 10 year targets as well.

Comment

No change to the Strategy is proposed as a result of this submission.

It is agreed that there is a need for shorter targets. However, due to the lack of a Residential Land Strategy currently in the Hawkesbury, the limited vacant land supply and the potential 'unrealised' demand for housing development, it is difficult, if not impossible, to identify any trends in this field. It is considered that realistic short term targets could not be determined at the present time. These could be considered as part of the first review of the plan in the next five years, or following the release of the Census figures, when better estimates of the demand can be determined. However, there is scope for the setting of short term targets, via including the implementation tasks (generally set out in chapter 6 of the Strategy) in the Council's Management Plan process.

- Is there a possibility of a Housing Strategy to be developed in the near future?
- Housing Demand and supply:
 - Need for more investigation into the circumstances that drive the housing market.
- Analysis of Hawkesbury target is focused on theoretical application of demographic analysis in absence of market demand and experience.
- The Strategy acknowledges that many significant issues remain to be considered in detail that will affect Hawkesbury's ability to deliver the growth rates identified across parts of the LGA.
- Need to determine the reasons for decline of existing areas before identifying for medium density redevelopment.
- Agree that there is a decline in household occupancy rates and that there is a need for a greater range in dwelling sizes and opportunities. However, the draft Strategy does not properly acknowledge this and lacks a method for achieving these changing dwelling needs.

Comment

No change to the Strategy is proposed as a result of this submission.

These issues raised in submissions are correct in that the primary purpose of the Hawkesbury Residential Land Strategy was to identify land suitable for additional investigation and to set the criteria under which that land should be investigated.

It is agreed that there is a need for a more comprehensive analysis of the housing demand and supply. Many submissions, and discussions during the exhibition period, had raised the issue, e.g., “what we need is more rural residential development”, “everyone wants to live on larger allotments”, “no one wants to live in units, etc. However, none of these statements seem to be based on any substantive evidence. As such, it seems that these statements were simply personal preferences. In order to overcome the arguments of personal preferences for housing, a more comprehensive analysis of market demand and experience is required. However, due to the lack of a Residential Strategy currently in the Hawkesbury, the limited vacant land supply and the potential ‘unrealised’ demand for housing development, it is difficult, if not impossible, to identify any trends in this field. This work can be proposed once the direction for further development land, i.e., the adoption of the Hawkesbury residential Land Strategy, is set.

- In relation to the land identified for further investigation at North Richmond:
 - Strategy “clearly recognises the role which future development may have in addressing road infrastructure inadequacies.”
 - Strategy has only limited analysis of the flood matters. Then points out a number of these matters.

Comment

No change to the Strategy is proposed as a result of this submission.

These statements are correct.

The Strategy has set out to identify land that is suitable for further investigation, with the understanding that there is the need for a significant amount of additional work that is required prior to development proceeding. The sustainability criteria contained within the Strategy also recognises that some of the additional work can be undertaken as a result of a development proposal, e.g., rather than prior to a development being proposed.

The Strategy has identified a number of matters in relation to flooding that should be resolved by the Flood Risk Management Study and Plan or can then be further progressed after completion of that work.

- The following general comments were made in several submissions received:
 - The density proposed/projected in the Strategy are a substantial shift in the current situation in the Hawkesbury and are not backed by market analysis,
 - There seemed to be some confusion in the submissions and discussion as to the meaning of some terms used in the Strategy, particularly when referring to medium density and “medium density (vertical)”, amongst other terms,

Comment

Some changes are proposed as a result of these submissions.

The density ratio originally suggested in the draft Strategy has been removed. However, the Strategy is still based on a centres model, as resolved by Council on 8 July 2008, which has been agreed to by many submissions. Some wording changes are proposed to the Strategy to reinforce the proposal that, whilst the Strategy is proposing development based on existing centres, the Strategy does not suggest that development should occur in these centres at the total disregard of the character, heritage or capacity (infrastructure and servicing) of the existing settlement.

In relation to the density, and other, terms used in the Draft Strategy, it is proposed to include a “Glossary of Terms” to the strategy to assist in the understanding of the document and to clarify the intent of some of the statements in the document.

General comments made in relation to jobs growth etc that were not relevant to residential strategy but have been dealt with in Employment Strategy.

Issues Raised and Discussed in Meetings with ‘Hawkesbury Community Consultative Group’

Three, two hour meeting were held with a group calling themselves the “Hawkesbury Consultative Committee Group”. These meetings were informal and generally consisted of up to nine attendees plus the Director City Planning. Minutes were taken at these meetings and were then circulated to all the members. The meetings discussed a variety of matters contained in the Strategy and many of these were for clarification of the meaning and application of parts of the Strategy. The specific matters worked through during these meetings were as follows:

- *Motivation for the Strategy. Why is it being prepared?*

Comment

The group was advised that the motivation for the Strategy was the lack of a Residential Strategy in the Hawkesbury and the need for such a strategy to provide direction for such matters. The need for the preparation of such a Strategy was identified and outlined in a report to Council dated 27 May 2007 where the program and outline was adopted by Council.

The group accepted the above explanation and no change was required to the Strategy.

- *Status of the Strategy. Can the draft be changed following exhibition or in the future?*

Comment

The group were advised that the draft is placed on exhibition for comment and then, if supported by Council, it can be changed prior to adoption. The Strategy is a Council document and, subject to following the appropriate processes and Policies, the document can be reviewed and changed to accommodate changing needs. However, it is not usual, and is not good practice, to change a long term strategy regularly or in less than five years.

The group accepted the above explanation and no change was required to the Strategy.

- *Impact of the latest version of the Metropolitan Strategy*

Comment

The recent changes to the Metropolitan Strategy do not significantly impact on the draft Hawkesbury residential Land Strategy. The group accepted the above explanation and no change was required to the Strategy.

- *Preparation of Complementary Plans, being Rural/Agricultural Strategy, Commercial and Industrial Strategy, Transport Plan.*

Comment

The Group were advised that the Council report of May 2007 proposed the preparation of a Land Use Strategy for the Hawkesbury to be prepared in small, manageable task so that certain areas could be addressed earlier. Similarly the Community Strategic Plan has identified some other tasks for completion, such as an Integrated Transport Plan. In this regard the Employment Land Strategy has been adopted by Council in December 2008, the draft Residential Land Strategy has been prepared and it is intended to commence work on a rural land strategy upon completion of the current strategy, LEP conversion and the DCP review and other tasks currently underway to meet the State Government reform agenda.

The group accepted the above explanation and no change was required to the Strategy.

- Discussion surrounding numerous issues in the Strategy including;
 - Perceived inconsistency between dwelling targets and prediction tables,
 - Infrastructure provision, particularly sewer and public transport,
 - Land investigation at Vineyard and University lands,
 - Building heights, dwelling types, agricultural land and affordable housing.

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Comment

The discussion around these issues occupied almost an entire 2 hour workshop with the group and included the following:

- The perceived inconsistencies related to the various tables within the Strategy. The principle perceived problem related to the “target of 5000 dwellings” and the Strategy calculation relating to 5,932 - 6,000 dwellings. As the tables relate to prediction models there are errors in rounding but also a calculation may achieve an exact figure, but as it is a prediction these figures are usually rounded.
- Clarification in relation to the Sustainability Matrix – The infrastructure requirements for settlement types are essentially the requirements for future development, i.e., development is not supported unless the required level of infrastructure is provided progressively with or before the development proceeds.
- General discussion about the inclusion of University land and the situation of Vineyard being included in the Growth Centre Strategic planning rather than Council's.
- Clarification as to how building heights, dwelling types etc are addressed as they are not dealt with in the Strategy. (These are dealt with in the next phase of detailed planning including the Structure planning, LEP and DCP preparation for the localities).
- Agricultural land to be addressed via a separate Rural Land Strategy.

The group accepted the above explanations and no change was required to the Strategy.

- *How can Council justify additional development in centres, particularly in North Richmond, Glossodia and Wilberforce, when the infrastructure and services are inadequate for the existing development?*

Comment

This was the subject of significant discussion and clarification. There seemed to be a perception that additional development would be allowed in these localities without the provision of additional infrastructure and services. This is not correct.

The Strategy sets out the required services for typical settlement types, i.e., neighbourhood centre, village, town, etc. The Strategy requires that if additional development is proposed in these settlements then the infrastructure and service levels set in the Strategy must be provided either prior to development or staged as development proceeds. Similarly if an existing locality is not currently up to the standards identified in the Strategy then the “gap” can be identified and planned for upgrading as resources permit. (Note: This may not be able to be provided by an individual development proposal and may need to be provided via other means.) However, if development is proposed in an area with an infrastructure “gap” then appropriate arrangements need to be made (not necessarily only by the developer) for the gap to be addressed.

The group accepted the above explanation and no change was required to the Strategy.

- *If the target is quoted as “5,000 dwellings over 25 years” from 2004, how many have already been developed and what remains?*

Comment

Between January 2004 and October 2010 a total of 521 dwellings were approved by Council. This equated to an average of 76 dwellings per year. To achieve 5,000 dwellings over 25 years the figure would need to be 200 per year. However, this growth rate is a “planned” rate, i.e., the planning is proposed to be in place, and the actual rate of growth will essentially be driven by the market.

The group accepted the above explanation and no change was required to the Strategy.

- On page 2/1, Section 2.3 last paragraph should add “in consultation and expectations of the Community” in relation to the preparation of the Strategy.

Comment

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It was explained that the Strategy is written in preparation for adoption. The exhibition period, 4 months and including the current workshops, was the consultation that was being required. No change was required.

- On page 2/2, Section 2.7 – Sustainable Development. *“How long will it take to provide the requirements set out in 2.7?”*

Comment

Section 2.7 discusses sustainability indicators and outcomes. The implementation of these matters will take time as development proceeds, i.e., the life of the Strategy. Chapter six of the Strategy proposes a broad range of tasks to implement over time, via a range of strategies, plans and general Council operations, to work towards those outcomes.

The group accepted the above explanation and no change was required to the Strategy.

- On page 2/3, Section 2.8, Third paragraph “Residential Strategy will seek to”. *“Seek to should be deleted for obvious reasons”*

Comment

A strategy, as it is predicting a “desired future” should not use terms that are as specific as proposed by the group as in this section it is setting out desired outcomes of other proposed actions. The group agreed with the proposal to change the word “seek” to “aims”.

- On page 3/2, final paragraph. *Skill sets should be what the economy wants rather than what is existing.*

Comment

Group agreed to insert the words “and training” at the end of the paragraph.

- On page 3/12, Section 3.4.4 states “good access to existing services ...infrastructure”. *“I do not believe these essentials are available currently”.*

Comment

This statement was discussed in the context of the rest of Section 3.4.4. In this regard the statement is *“The majority of future dwellings will be located in existing urban areas where there is good access to existing services, facilities and infrastructure.”* The intent of this statement is that unless there is provision for an upgrade to these facilities to meet this requirement, the development would not be supported, i.e., the development would need to upgrade the services to meet the increase in demand generated by the development.

The group agreed that there is no need for a change to this section.

- Page 4/6, “Implications for Hawkesbury”. *“Who is to carry out the detailed site specific studies” Should the body responsible be inserted?*
- Page 4/30, Section 4.4.2 Implications for strategy. *When and who will carry out “Detailed investigations”?*

Comment

In these cases the responsibility varies depending on the situation. Generally if a proponent wishes to proceed with a development prior to any additional investigation being done, then they undertake the work and it is reviewed by Council. In other cases the responsibility may be with the landowner. If Council wants to promote a particular area as a priority then Council may undertake the work subject to the resources being available. The group accepted this explanation and no changes required in regards to the nomination of the responsible body.

- Page 4/12, “Implications for Hawkesbury”. *“Who is to prepare the “Flood Risk Management Plan”?*

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Comment

Explanation given to group that Council had previously resolved to prepare this Plan and work had commenced. Explanation accepted by the group.

Page 4/16, Section 4.1.7 last point in "Implications for the Hawkesbury residential Strategy" *"after required" add urgently*.

Comment

After discussion the group agreed to add the following words:

"...in the short term before further erosion of this important resource."

- Page 4/20, Section 4.2.2. How are the jobs defined, *"In accordance with the job definition of 1 hour in the week surveyed?"*

Comment

Following discussion regarding this matter the group agree the use the standard definition for jobs as used by the Australian Bureau of Statistics (ABS) will be used as this provides reliable data that can be repeated, used and measured.

- Page 4/22, Section 4.3.1. Question regarding train timetables.

Comment

Upon review and agreed by the group the last part of the last paragraph *"during peak hour and an hourly service for all stops during off-peak times."* be deleted.

- Page 4/22, Section 4.3.2 *"final paragraph add after Authority "and community groups"*.

Comment

This paragraph refers to the technical review of traffic and road capacities. It is not appropriate for community groups to be involved in a technical review of this kind. This was discussed with the group and it was agreed to not amend this paragraph as there is opportunity for community groups to have input into the review of the Strategy when required.

- Page 4/26, Section 4.3.6 Implications for strategy. *"Most of the implications do not apply at North Richmond, Wilberforce or Glossodia now. How is this going to be overcome?"*

Comment

It is understood that these matters do not apply in these localities at present. It is not reasonable to expect that an existing area can grow or change without an equivalent change to infrastructure and services. The intent of this section is to identify the infrastructure and services that would be needed so that the necessary planning and infrastructure and service provision program can be put in place prior to any further development occurring.

This explanation accepted by the group and no changes required.

- Page 4/33, Table 4.6. Questions in relation to the hospital bed numbers.

Comment

This table needs to be completed in relation to current provision of hospital beds and aged care facilities and will be inserted into the document when all the other recommended changes are made.

- On Page 4/34, Section 4.5.1, Determination of Community needs, who is going to do this and when is it to be done?

Comment

The Community Strategic Plan has identified the need to consult with the community to define the character of the Hawkesbury. This work is scheduled in the Management Plan for 2011/2012 financial

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year. This work, combined with land release investigations, will also contribute to the determination of community needs as these needs will vary from locality to locality. The Strategy deals with the tasks for this work on page 6/18.

The group accepted the above explanation and no change was required to the Strategy.

- On page 4/36, Implications for the Hawkesbury Residential Strategy. Progress report on this *matter* (investigation and upgrade of infrastructure) should be on every Council meeting agenda for the Community to gauge the progress.

Comment

This was discussed with the group and the Integrated Planning and Reporting framework and other reporting requirements for Councils were explained. It was suggested that a report on these matters was not required on every agenda as the existing reporting regime for these matters will provide an update at least every 6 – 12 months. There is also the opportunity for a report to be sent to Council as required outside these timeframes.

The group accepted the above explanation and no change was required to the Strategy.

- On page 4/42 there are comments regarding the preservation of “prime Agricultural” land. “*Prime*” should be defined and there is an urgent need to develop a rural land strategy to identify and preserve such land.

Comment

This matter of “prime” or “high quality” agricultural land was the subject of lengthy discussion at the group meetings. It was agreed by the group to remove these terms such as “prime” and “High Quality” when referring to this land. The reason for this is that there are a range of agricultural activities that have a broad range of needs. These needs are not always reliant on “prime” or “high quality” land or soils to produce their products. In these cases there needs to be a range of factors for consideration when undertaking investigations into agricultural use of land.

During the preparation of the Glossary of Terms (Copy attached to this report) it was considered more appropriate to define these terms as one rather than delete the words “Prime” and “High Quality” when referring to agricultural land. The reason for this was that it is generally accepted to refer to agricultural land as “prime” or “high Quality” and by leaving these terms in the Strategy it would assist in the understanding of the document. The combined definition of these terms allows the assessment of the land to consider more than just the soil classification and will enable all relevant considerations of agricultural uses to be considered.

- On page 4/42, Section 4.8.3 Environmentally Responsive Design, second paragraph, last sentence, “*on-site retention and recycling ... of water*”. Will this save every dam on Peel’s paddocks at North Richmond? This is a good example of “site retention and recycling”.

Comment

The comment in the Strategy refers to stormwater reuse and water sensitive urban design principles to be applied to future development. Whilst the Peels paddock dams are a good example of water recycling, they have been constructed to recycle water for a particular land use, i.e., dairy or grazing agricultural uses. If the land use changes (not proposed by the Strategy but identified for investigation) the water recycling measures would need to change for the changed land use, i.e., the appropriate solution for a farming land use is not generally suitable for an urban or other residential land use.

This explanation was discussed by the group and the explanation was accepted.

- On page 4/44, final point on that page, delete the word “encourage”

Comment

The point referred to in the Strategy currently states the following:

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Subdivision controls should encourage/require lot design/layouts that provide that allotment layout that will facilitate more sustainable dwelling design/siting.

The meaning of this was discussed with the group. The reason for using the word “encourage” is that there are some sustainability controls, e.g., BASIX, that are set by the State Government and presently Council cannot require controls above those standards. As such the group agreed to change this section to the following:

*Subdivision controls should encourage/require lot design/layouts that provide ~~that~~ **an allotment layout that will facilitate more sustainable dwelling design/siting and development would be encouraged to design beyond the minimum requirements.***

It should also be noted that this section of the Strategy is proposing principles for a secondary issue to the strategy, i.e., sustainable dwelling design, which would be used in the development of dwelling design codes for any new release areas. These Codes could vary for each area (to retain character or fit with heritage considerations) and can then be included in the Development Control Plan.

- On page 4/45, Section 4.8.8. Delete the words “Generally be 3 – 6 Storeys” and insert “generally be 2 Storeys”.

Comment

This section is, like the above comment, proposing principles for the secondary issue to the Strategy, being preparation of more detailed controls for sustainable dwelling design. This part of the Strategy proposes generic principles for low, medium and high density development. These three categories are mentioned for the sake of being complete rather than being a requirement in the Strategy.

It was suggested in the discussion at the group meetings that to be describing “high density” development and limiting it to two storeys, in this context, did not make sense. It was discussed and agreed by the group that on the last line in the first paragraph of Section 4.8.8 (page 4/45) the words “generally be 3 – 6 storeys” be removed completely. This will allow the principles proposed in the strategy to be applied in different localities in the most appropriate manner. The matter of building heights, lot sizes etc, are not a matter for a strategy to define but will be matters that are addressed in the detailed planning for any future areas. As such, it is recommended that all references to number of storeys in a building be removed from the Strategy.

The group accepted the above explanation and the changes to remove the reference to building heights in the Strategy will be made.

- On page 4/45, Section 4.8.8, Key Principles. The strategy makes comments about attached dwellings facing the road and to “minimise site coverage to allow stormwater to infiltrate”. “Would you explain as most attached dwellings currently do not face the road” and “The attached dwellings I have seen, seemed to be dwellings and concrete.”

Comment

After some discussion at the group meetings and explanation of the Strategy by the Director City Planning, it was clear that the above comments (admitted by author of comments) that there was a misunderstanding of the language and tense used in the Strategy.

The Strategy is written in positive terms and written in future tense, i.e., the comments are written for future development and not referring to existing or current development in this instance. Current development and trends are considered in the earlier chapters of the Strategy where population and demographic analysis (Chapter 3) is undertaken as well as the key issue analysis (most of Chapter 4). Chapter 5 is the opportunity and constraint analysis section where there is discussion as to the constraints and what should be considered to enable opportunities to be explored. Chapter 6 contains the sustainability matrix and sustainability actions that should be followed to ensure appropriate development occurs.

Following this discussion the group had a better understanding of the terms used and were satisfied with the explanation. No change to the Strategy was required.

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- On page 6/2, Table 6.1. What does the “m” stand for and if it is metres where did these figures come from?

Comment

Table 6.1 contains a hierarchy of Centres in the Hawkesbury based on the terms and criteria used in the North West Subregional Strategy. The “m” stands for metres and the catchment distances are the same distances used in the North West Subregional Strategy. These terms were used to ensure some consistency between the relevant State and Local strategies. These figures are a general standard used in similar documents and are based on walking distance catchments. However, it is not intended that these catchment distances be “hard and fast” rules that cannot be varied. It is always the case that a town, village or neighbourhood centre is not exactly round and the catchment varies in size and shape depending on topography and the like. The terms are used for consistency to enable categorising the settlement into the sustainability matrix in Chapter six of the Strategy.

The group accepted the above explanation and no change was required to the Strategy.

- *“At page 6/3, Section 6.4 at Public Transport and Access point 4, Transport infrastructure is available.... Urban development”. “or scheduled” needs to be absolutely watertight. As you are aware too many commitments are abandoned by the stroke of a pen.”*

Comment

This comment refers to the Sustainability Matrix (Chapter 6) requirement to address certain matters as part of any land release or future development. In this case the comment refers to the following comment:

“Transport infrastructure is available or scheduled to be provided in a timely and efficient way to service future urban development.”

The above sustainability criteria are one of many (see section 6.4 in Strategy) that will apply to new development. These criteria will apply to all areas identified in the Strategy, and as the detailed investigation and planning for each of those areas will differ to cater for the unique circumstances in each of those areas, the wording of the criteria cannot be “watertight” in the same sense as if it referred to a particular, individual development application.

The discussion at the group meeting came to this understanding and did not require any change to this section. The understanding was that these matters are more appropriately addressed at the DA stage.

- The following submission was received from a representative of the ABRAG (Agnes Banks Residents Action Group Inc.):

“In view of this being our apparent last meeting tonight to consider this strategy, I thought I should put in writing the formal rejection of the Draft Strategy on behalf of ABRAG (Agnes Banks Residents Action Group Inc.) and Agnes Banks residents due to the failure of the report to address our concerns on the omission of any particular reference to Agnes Banks in this strategy.

Our concern is that this omission will not protect Agnes Banks from unreasonable development within it's area, given the problems already experienced on this occasion with the Hawkesbury Gas DA, and subsequent problems caused by the failure of the occupants to comply with the provisions of the DA.”

Comment

This submission was received in the afternoon prior to the last meeting with the “Hawkesbury Community Consultative Group”. The submission was discussed with the representative from the ABRAG prior to the meeting and also with the group as a whole.

The principle concerns of the ABRAG related to the Strategy not specifically mentioning Agnes Banks which made the group feel that the locality had been forgotten. The second concern related to the

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residents concern that this apparent exclusion of the locality in the Strategy would result in “unreasonable development” (This concern originated from issues about a matter unrelated to the Strategy, being a past development application for Hawkesbury Gas).

In relation to the first concern that there was a perceived exclusion of the locality, the Director City Planning explained the provisions of the Strategy in relation to Agnes Banks. The Strategy has identified all the flood free land around Agnes Banks for further investigation. This can be seen in Figure 5.6.1 Richmond Future Investigation Areas. The existing parts of Agnes Banks that is currently zoned “Housing” under the provisions of the Hawkesbury LEP 1989 has not been included for investigation as it is already zoned for urban purposes.

The second concern related to development in the existing area zoned for housing. The Strategy does not undertake the detailed planning of existing or proposed development areas. However, the Strategy has identified design and development principles to be used as part of that detailed planning as well as identifying tasks for the implementation of the Strategy (See Chapter 6 of the Strategy).

Following this explanation and discussion with the ABRAG representative and the rest of the group it was understood by the Director City Planning that the submitted objection was no longer relevant. The concerns about development within and surrounding Agnes Banks can be addressed via more detailed Structure planning should the investigation areas be supported in the Strategy.

Summary of changes to the Draft Residential Land Strategy

The following table is a summary of the proposed changes to the Draft Strategy following public exhibition. There are some relatively minor wording changes that have been described in the main body of this report and are not specifically nominated in the following table. These minor changes and the more substantial changes that are being proposed in this report will be made to the document following Council adopting those changes.

Proposed Change to Strategy	To be added to the Document
Include area to the south of Spinks Road, Glossodia being the following properties: <ul style="list-style-type: none">• Lot 2 DP 533402 and Lot 52 DP 1104504, 103 Spinks Road, Glossodia• Lot 20 DP 214753, 213 Spinks Road, Glossodia• Lot 75 DP 214752, 361 Spinks Road, Glossodia• Lot 3 DP 230943, James Street, Glossodia• Lot 44 DP 214755, 3 Derby Place, Glossodia• Lot 50 DP 751637, 746A Kurmond Road, Freemans Reach• Lots 1, 2 and 3DP 784300, 780A – 780C Kurmond Road, North Richmond	✓
Glossary of Terms (Attached to this report)	✓
Change to the wording in relation to ANEF controls (Page 4/38)	✓
Some wording changes were made to the Strategy to reinforce the proposal that, whilst the Strategy is proposing development based on existing centres, the Strategy does not suggest that development should occur in these centres at the total disregard of the character, heritage or capacity (infrastructure and servicing) of the existing settlement.	✓
General and minor wording changes as set out in the “Issues Raised and Discussed in Meetings with ‘Hawkesbury Community Consultative Group’” section.	✓
Removal of all references to building heights in the Strategy.	✓
Include a more comprehensive Table of Contents	✓

Conformance to Community Strategic Plan

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

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.
- 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 also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Prepare residential land strategy.
- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities.

The Residential Land Strategy, apart from being a specific strategy within the Community Strategic Plan, is also a document that will provide guidance for the achievement of a number of other strategies, e.g. *Create a sustainable land use strategy that protects environmentally sensitive lands, Facilitate the integration of a transport network*, and goals, e.g. *Accommodate at least 5,000 new dwellings to provide a range of housing options (including rural residential) for diverse population groups whilst minimising environmental footprint, People are living more sustainably, Council demonstrate leadership by implementing sustainability principles*, contained in the Community Strategic Plan.

The proposed implementation timeframe for this matter, as specified in the CSP Milestones is 2010.

Financial Implications

The preparation and exhibition of the Residential Land Strategy has been provided for in Component 43 – City Planning, Consultancy, of the 2010/2011 Adopted Budget. The project has progressed within the adopted budget and the additional work required as recommended in this report following public exhibition can be undertaken within the remaining budget allocation for this matter.

Planning Decision

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

RECOMMENDATION:

That Council:

1. Adopt the changes proposed to the Hawkesbury Residential Land Strategy following public exhibition as detailed in the report.

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2. Adopt the amended Hawkesbury Residential Land Strategy.

ATTACHMENTS:

- AT - 1** Glossary of Terms to be included in the Hawkesbury Residential Land Strategy
AT - 2 Exhibited Draft Hawkesbury Residential Land Strategy (*Distributed under Separate Cover*)

AT - 1 Glossary of Terms to be included in the Hawkesbury Residential Land Strategy

Glossary of Terms

ABS

Australian Bureau of Statistics

ANEF

Australian Noise Exposure Forecast. These forecasts are shown on a map showing noise contours based on the operations of an airport. These forecasts are referred to in Australian Standard – AS2021-2000 Acoustic Aircraft Noise Intrusion – Building siting and Construction.

Centres Hierarchy

Term used to classify different centre types into an order of size, i.e., Strategic Centre (Global Sydney, Regional Centre (Penrith), Specialised Centre (Norwest) and Major Centre (Castle Hill or Blacktown) and Local Centres (Town, village, small village and neighbourhood centres.)

Character

The aggregate of qualities that distinguishes one locality or settlement from another. This is a subjective matter and will vary from locality to locality.

DCP

Development Control Plan. Supplements the LEP by providing more detailed planning controls that apply to various land uses in different zones.

DECCW

Department of Climate Change and Water

DPI

Department of Primary Industry

Employment Land Strategy

Hawkesbury Employment Land Strategy, adopted by Council in December 2008.

Flood Prone Land

Land susceptible to flooding by the Probable Maximum Flood (PMF). Flood Prone Land is synonymous with flood liable land.

Flood Risk Management Plan

A management plan developed in accordance with the principles and guidelines in the “*Floodplain Development Manual*”. This plan usually includes both written and diagrammatic information describing how particular areas of flood prone land are to be used and managed to achieve defined objectives.

Future Investigation Areas

Localities identified from the Constraint Severity Index (CSI) mapping that have a high opportunity for future development. These areas need further investigation to determine the locality's ability to support additional or new housing development. The principle future investigation areas are identified in Section 5.6 of the Strategy and include Richmond, North Richmond, Windsor, Wilberforce and Glossodia

Heritage

In relation to the Residential Land Strategy heritage refers to State and Locally listed items, areas or landscapes. Heritage can also be considered in relation to character and heritage listed and non-listed items can contribute to the overall character and amenity of the locality.

I & I

NSW Department of Industry and Investment (Former Department of Primary Industry)

Infrastructure

Generic term used to describe the services and facilities that are required for development to take place. In its broadest terms this will include, Roads, Water, Sewer, Electricity, Telecommunications, Open Space, Parks, Community Facilities (Community Halls, etc), shops, and any other services that are required for the developed community.

LEP

Local Environmental Plan. This Plan is the principle planning document for a Local Council which defines the location and contents of land use zones and controls. This Plan is prepared by the Council but is finalised by the Minister for Planning when it is published in the Government Gazette.

Low Density

Low density development is typically characterised by single dwellings located on a single allotment. This type of development is usually a density of less than 10 dwellings per hectare.

Medium Density (Greenfield)

Greenfield development is the development of land that is currently not developed for urban purposes. In relation to this Strategy Medium Density (Greenfield) is development of vacant land adjoining existing centres, such as North Richmond or Wilberforce. This type of development provides an important smaller housing format suited to the increasing number of smaller households such as couples without children, lone person households and options for older people. This type of development is usually a density of up to 20 dwellings per hectare.

Medium Density (Infill)

Infill development is development of vacant land, or the redevelopment of land, within existing centres. In this regard it is the development, or redevelopment, of land already zoned for such a purpose. Medium Density (Infill) development has the same characteristics as Medium Density (Greenfield) except that it usually replaces existing older housing stock at a higher density, usually up to 20-25 dwellings per hectare. This type of development is often referred to as "Townhouses, villas and flats".

Medium Density (Vertical)

This description applies to "flats, home units and apartments" of a height broadly consistent with existing and approved development in Richmond and Windsor. This development type will usually be located in "infill" development areas and has a density up to 25-30 dwellings per hectare.

Neighbourhood Centre

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Generally a centre containing one or a small cluster of shops and services. Generally contains between 150 and 900 dwellings. Current examples of Neighbourhood centres in the Hawkesbury include Glossodia, Hobartville, Kurmond, Kurrajong, Pitt Town, and Wilberforce.

Prime or High Quality Agricultural Land

General term for describing land that is more suitable for agricultural land uses. Whilst these terms usually relate to soil classification (soils more suited to agriculture) these terms when used in the Residential Land Strategy refer to the land characteristics in general and are not solely reliant on soil types. In this regard the terms are also used where location, surrounding land uses or other relevant characteristics make land more suited to agricultural or aquaculture pursuits.

Probable Maximum Flood

The Probable Maximum Flood (PMF) is the largest flood that could conceivably occur at a particular location. The PMF defines the extent of flood prone land, that is, the floodplain.

Rural Residential

This development type is low density; large lot residential development located surrounding rural villages and within rural zoned land where the predominant land use is residential. The density of this development is approximately 1 dwelling per hectare.

Short, Medium and Long term

Short term refers to a time period of approximately 5 years,
Medium term refers to a time period of approximately 5 - 10 years,
Long term refers to a time period in excess of 10 years.

Structure Plan

A plan to develop the overall concept of an area, locality or settlement. The Structure Plan will outline the general concepts and parameters for future development to enable the preparation of more detailed development control plans for future development. A Structure Plan is usually developed for an area following the completion of a Strategy and prior to the preparation of a Development Control Plan or assessment of a Development Application.

Sustainability Matrix

A tool to assist in the establishment of minimum levels of services and facilities for a particular centre type. The matrix nominates the character and level of service provision in terms of numbers of dwellings, type of retail and employment, infrastructure requirements, public transport provision and level of community service.

Town

A settlement of generally one or two supermarkets, community facilities, medical centre, schools, etc. Generally contains approximately 4,500 to 9,000 dwellings. Examples of Town Centres in the Hawkesbury are Windsor and Richmond.

Urban Land

Any land zoned for urban purposes, such as residential or commercial land uses, and excludes any land that is zoned for any rural or environment protection purpose.

Village

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A settlement with a strip of shops and surrounding residential area within a 5 to 10 minute walk containing generally one supermarket, takeaway food shops, hairdresser, etc. Generally contains approximately 2,100 to 5,500 dwellings. An example of a Village Centre in the Hawkesbury is North Richmond.

oooO END OF REPORT Oooo

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GENERAL MANAGER

Item: 101 **GM - 2014 Hawkesbury Local Business Awards (79351, 80198)**

Previous Item: Item 65, Ordinary (30 April 2013)
 Item 55, Ordinary (8 May 2012)
 Item 84, Ordinary (10May 2011)

REPORT:

Executive Summary

Council has again been approached by Precedent Productions Pty Ltd seeking sponsorship of the 2014 Local Business Awards (Awards) in the Hawkesbury area. Precedent Productions manages approximately 21 Local Business Awards programs throughout the Sydney, Hunter and Illawarra regions.

The Hawkesbury 2014 Local Business Awards will be launched on Monday, 7 July 2014 and the Awards night will be held on Wednesday, 17 September 2014. Hence, the Awards program will mainly be active during July and August.

Council has been a sponsor of the Awards in the past and needs to consider whether it wishes to be a sponsor of the 2014 Awards. It is considered that the Awards are a way in which Council can support and encourage the local business community.

Consultation

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

Council officers have liaised with the local business association groups about support of the Awards in the past. These groups include Hawkesbury City Chamber of Commerce, Windsor Business Group and Kurrajong Community Forum. They have been supportive of Council's sponsorship of the awards. The groups have had the opportunity via Council to help develop and improve the Awards program with Precedent Productions, to support businesses and the local economy.

Background

Historically, there have been two industry lead business awards programs that have operated in the area and Council has sponsored both being:

- The Local Business Awards (Awards), operated by Precedent Productions
- The Hawkesbury Business Excellence Awards, supported by Hawkesbury Newspapers (in partnership with the Hawkesbury Chamber). Not operational from 2010.

Council was a major sponsor of the Awards program in 2004 to 2008 and 2010 to 2013.

By letter dated 28 March 2014 Precedent Productions has approached Council seeking sponsorship of the 2014 Hawkesbury Local Business Awards. A copy of this submission is included as Attachment 1 to this report. It is indicated that for the 2013 Awards some 506 businesses were registered to participate, 10,036 public nominations of businesses were received, 170 businesses were finalists and the presentation evening attracted 413 patrons. This would likely be the largest gathering of Hawkesbury businesses at an event each year.

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Precedent Production has invited Council to be a sponsor of the 2014 Awards, and has suggested that Council continues to be a major sponsor of the event at \$5,000 (+ GST). This amount is lower than the advertised major sponsorship rate of \$8,500 (+GST). Funds have been included in the 2014/2015 Operational Plan to enable Council to sponsor for the Awards i.e. \$5,000 (+GST).

Details concerning the Awards are outlined in the Sponsorship Proposal (see Attachment 1). Key points of the Awards are:

- The Award Region is determined by the Hawkesbury Courier's distribution boundary and not Council's Local Government Area.
- The Award Program will run over the months of July, August and early September, for nine weeks.
- The Awards presentation night will be held at Windsor Function Centre, on Wednesday, 17 September 2014.
- Entry is by customer nominations of a business or self-nomination of a business.
- Customer nominated businesses are shortlisted to finalists across a range of categories, based on votes received. Finalists participate in a judging process, including assessment by judges, 'mystery shopper' visits and/or interviews.
- Self-nominated businesses are evaluated by judges.
- The judging process is based on customer experience, including business appearance and presentation; the range of products and/or services; value for money; and customer service.
- Weekly promotion of the Awards will be by the Awards media partner – The Hawkesbury Courier (Hawkesbury newspapers).
- Awards will also be presented for Youth Business Person of the Year, Business Person of the Year (from the business category winner) and Business Longevity (a business operating for some time).
- Award winners receive trophies, media coverage and other gifts.

It is considered that Council should continue its support of the Awards in 2014, as it is of value to the business community and provides an opportunity for the business community to recognise business success, achievement and leadership on an annual basis. The Awards can also be a promotion and advertising strategy for local businesses. Therefore, the Awards are an important way in which Council can support business and local jobs. The Awards presentation night has been consistently well patronised over the years.

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

Conformance to the Hawkesbury Community Strategic Plan

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

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

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Financial Implications

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

RECOMMENDATION:

That:

1. Council sponsor the 2014 Local Business Awards to the value of \$5,000 (excluding GST) on the basis of further negotiations being undertaken with Precedent Productions concerning sponsorship benefits.
2. A Sponsorship Agreement be entered into with Precedent Productions for the 2014 Local Business Awards.

ATTACHMENTS:

- AT - 1** Precedent Productions' letter to Council seeking sponsorship of the 2014 Local Business Awards and Precedent Productions' Sponsorship Proposal for the 2014 Local Business Awards - *(Distributed under separate cover).*

oooO END OF REPORT Oooo

CITY PLANNING

Item: 102 CP - Request from Hornsby Shire Council to provide Animal Shelter Services for their Impounded Cats and Dogs - (95498, 39906, 112333)

REPORT:

Executive Summary

Hornsby Shire Council has in recent times, been discussing with Hawkesbury City Council the possibility of Council providing pound keeping facilities at the Companion Animal Shelter at Mulgrave, under the same terms that have been established with both Penrith City Council and the Hills Shire Council.

Due to the current slight reduction in the number of animals coming to the Shelter as a result of increased micro chipping of companion animals in the community, resulting in animals being returned to their owners rather than them being impounded, there will be adequate space to accommodate the small number of cats and dogs that Hornsby Shire Council has on an annual basis.

Council has a current Memorandum of Understanding (MOU) with Hornsby Shire and The Hills Shire Councils which was formed on 27 August 2010 which includes as one of the objects of the MOU the following Clause:

"(c) to foster cooperation between the members in terms of projects of interest, resource sharing etc."

Based on the terms of this particular clause in the MOU in relation to resource sharing the need to form a new MOU will not be needed.

A letter of agreement to the terms of keeping their companion animals whilst impounded will suffice to formulate the housing and financial arrangements. This letter of agreement will reflect the terms that presently exist with Penrith City Council and The Hills Shire Council.

Consultation

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

Relevant staff from Hawkesbury City Council and Hornsby Shire Council have been consulted with regard to the terms of any agreement formed and how such agreement would operate.

Background

Council has recently been approached by Hornsby Shire Council to investigate the possibility of using the Companion Animal Shelter facility at Mulgrave as an alternative to the Sydney Cats and Dogs Home located at Carlton which currently houses Hornsby Shire Council's impounded companion animals.

The opportunity to house their impounded companion animals was offered under the same terms as that agreed to with Hills Shire Council and Penrith City Council.

After due consideration by Hornsby Shire Council of this offer, a letter of request to take up the offer was received on 22 May 2014. Hornsby Shire Council has requested that this arrangement commence as soon as possible.

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The current numbers of animals that have been housed in the facility over the past two years have been examined and this has revealed that there would be adequate space to accommodate the average of between 25 and 40 dogs per year and five to 10 cats annually.

The animals would be delivered to Council by staff of Hornsby Shire Council and housed until the time has expired for them to be claimed by their owner under the legislative requirement, and would then become the property of Hawkesbury City Council to sell or rehome if not collected.

This report is now submitted to Council to gain approval to invoke the terms of the existing MOU, and form and agreement under the same terms that currently exist with both Penrith City Council and the Hills Shire Council.

Conformance to the Hawkesbury Community Strategic Plan

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

- Integrate sustainability principles into Council's plans and policies

Financial Implications

There will be a minor positive improvement in the Companion Animal Shelter operational income budget due to the limited number of animals that will be housed from Hornsby Shire Council as part of this agreement.

RECOMMENDATION:

That based on the terms of the current Memorandum of Understanding between Hornsby Shire Council and Hawkesbury City Council, an agreement be formulated under the same terms and conditions that apply to the agreements between Hawkesbury City Council and Penrith City Council and The Hills Shire Council, to house impounded companion animals from the Hornsby Local Government Area.

ATTACHMENTS:

- AT - 1** Copy of Memorandum of Understanding between Hawkesbury City Council, Hornsby Shire Council and the Hills Shire Council
- AT - 2** Copy of Letter of Request from Hornsby Shire Council to be the Holding Facility for their Impounded Companion Animals

ORDINARY MEETING

Meeting Date: 24 June 2014

**AT - 1 Copy of Memorandum of Understanding between Hawkesbury City Council,
Hornsby Shire Council and the Hills Shire Council**

MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING between the Councils of Hawkesbury City, Hornsby and The Hills Shire.

This Memorandum of Understanding is made on the *twenty-seventh day of August 2010* between

**HAWKESBURY CITY COUNCIL
HORNSBY COUNCIL
THE HILLS SHIRE COUNCIL**

*366 George Street, Windsor
296 Pacific Highway, Hornsby
129 Showground Road, Castle Hill*

WHEREAS this Memorandum of Understanding is intended to create a relationship on each party to the extent that it is able, and where it is not able to record the intention of the parties to act cooperatively.

WHEREAS it will always be in the interest and to the good of the ratepayers and residents of the three (3) areas, it is intended to investigate, evaluate and propose a co-operative and regional direction for all three (3) Councils, whilst at the same time acknowledging the specific needs of each entity.

OBJECTS:

The objects of the relationship shall be:

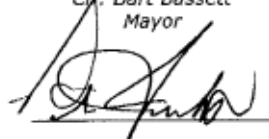
- a) to work cooperatively and on a regional basis by developing plans, policies and actions in regard to planning, infrastructure, transport and economic development
- b) to strengthen the role of local government in regional affairs, particularly in terms of its relationship with peak organisations such as the Chambers of Commerce
- c) to foster cooperation between the members in terms of projects of interest, resource sharing etc.
- d) to determine the most appropriate structure to develop and guide the tripartite relationship
- e) to consider the needs of the local government areas and of the people of the local government areas and to make known those needs to the Commonwealth and New South Wales governments and the wider community
- f) to submit to the Commonwealth and New South Wales governments proposed policy changes and infrastructure, planning and economic development needs to satisfy the Council's obligations in terms of the metropolitan strategy or its replacement
- g) to assist members to carry out their duties/functions under the powers of the local government act 1993 and any statutory making provision for duties, functions or powers of members.

THE PARTIES AGREE to progress the objects of the Memorandum of Understanding through their General Mangers and to report at least three times each year to joint meetings of the Mayors and General Managers. The Meetings to be held on a rotating basis at the Council Chambers of the three Councils chaired by the host Mayor.

HAWKESBURY CITY



*Clr. Bart Bassett
Mayor*



*Peter Jackson
General Manager*

HORNSBY

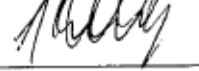


*Clr. Nick Berman
Mayor*

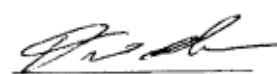


*Robert Ball
General Manager*

THE HILLS SHIRE



*Clr. Peter Dimbrowsky
Mayor*



*Dave Walker
General Manager*

ORDINARY MEETING

Meeting Date: 24 June 2014

**AT - 2 Copy of Letter of Request from Hornsby Shire Council to be
the Holding Facility for their Impounded Companion Animals**



22 May 2014

Garry Baldry
Hawkesbury City Council
PO Box 146
WINDSOR DX 8601

Dear Mr Baldry

Subject: Pound Arrangement

Please be advised that Council has completed it's review of our pound arrangement and has decided to enter into a memorandum of understanding with Hawkesbury City Council for your facility, the Hawkesbury Companion Animal Shelter, to be our future pound service provider. We would like to commence this agreement at your earliest convenience.

Can you please provide confirmation that you are able to provide this service. We look forward to working with you in future.

If you would like to discuss this matter please do not hesitate to contact me on 9847 6578 or email mpalmer@hornsby.nsw.gov.au.

Yours faithfully

A handwritten signature in dark ink, appearing to read "M. Palmer".

MILDI PALMER
Team Leader Environmental Health
Planning Division

Hornsby Shire Council
ABN 20 706 996 972
296 Pacific Highway, Hornsby 2077
PO Box 37, Hornsby NSW 1630
DX 9655 Hornsby
Phone 02 9847 6665
Fax 02 9847 6999
Email hsc@hornsby.nsw.gov.au
Web hornsby.nsw.gov.au

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2014

INFRASTRUCTURE SERVICES

Item: 103

IS - Sydney Blues and Roots Festival 2014 - (95495, 79354)

REPORT:

Executive Summary

The representatives of the Sydney Blues and Roots Festival have submitted an application to Council to hold the Sydney Blues and Roots Festival at Holland's Paddock, Windsor from Friday, 24 to Sunday, 26 October 2014.

The event is into its sixth year and attracts up to 1,000 people per day. The Sydney Blues and Roots Festival are seeking exclusive use of Holland's Paddock during their event.

The Festival has provided a significant profile for both the Hawkesbury and tourist and entertainment businesses, however due to current broader economic circumstances the event requires continuing support to ensure its long term viability. The organisers of the event have thus requested that Council waive the exclusive use fees for this event and garbage removal fees.

Consultation

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

Background

The representatives of the Sydney Blues and Roots Festival have submitted an application to Council to hold the Sydney Blues and Roots Festival at Holland's Paddock, Windsor from Friday, 24 to Sunday, 26 October 2014.

This will be the sixth Annual Sydney Blues and Roots Festival to be held in Windsor. It is expected that approximately 1,000 patrons per day will attend the Festival over the duration of the weekend. This event will be a ticketed event. The Festival is intending to run between Friday evening and Sunday evening.

The times of the event will be:

Friday, 24 October 2014	5:30pm to 11pm
Saturday, 25 October 2014	Noon to 11pm
Sunday, 26 October 2014	Noon to 10:30pm

The organisers have also arranged with the Hawkesbury Sports Council for camping at Deerubbin Park.

Suspension of Alcohol Free Zone and Restricted Alcohol Zone

Holland's Paddock does not have any alcohol restrictions and thus there are no temporary suspensions required. To ensure appropriate controls are in place it is recommended that permission be granted subject to:

1. The licensed premises adhere to any other requirements of the NSW Police Service and relevant authorities in relation to the service of alcohol within those areas. A limited licence, if not already held, must be applied for and granted by the Casino, Liquor and Gaming Control Authority for Holland's Paddock.
2. No alcohol is to be removed from within any fenced area.

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3. No glass is permitted.
4. Uniformed licensed security guards to remain at the entrances and exits to ensure no persons leave the area with alcohol.
5. Uniformed licensed security guards to patrol within the fenced areas to ensure there is no intoxication or anti-social behaviour.
6. A limit of 1,200 patrons are to be allowed in the fenced area of Holland's Paddock.

Exclusive Use

The organisers are seeking exclusive use of Holland's Paddock. Music in these open areas will cease at 11pm on Friday and Saturday and 10:30pm on Sunday. This is an increase from last year where they closed at 10:30pm on Friday and Saturday and 9pm on Sunday.

The exclusive use of Holland's Paddock requires a resolution from Council and is subject to exclusive use fees.

Separate approval for Traffic Management is required to be undertaken as part of the Special Event Application.

Request for Assistance

The Festival has provided a significant profile for both the Hawkesbury and our tourist and entertainment businesses, however due to current broader economic circumstances organisers have advised that the event requires continuing support to ensure its long term viability.

In seeking to establish and consolidate this Festival as a permanent event, Council has provided financial assistance through its Community Sponsorship Program, with funding allocated for the past four years. This assistance will continue for the next two years.

The organisers are seeking Council's support in the form of waiving exclusive use fees for the current year as well as the cost for hire and emptying of bins. The hiring and emptying of bins has been paid by the organisers in the past and it is recommended that this arrangement continue. Council carries out additional bin and cleaning operations on public areas during the event.

For a corporate/business organisation where an entry fee is charged, the fees and charges for 2014/2015 are \$500 (including GST) per day for setting up and post event removal/clean up and \$1,000 (including GST) per day for the event days. Taking Friday as a set-up day and Monday as a clean-up day the costs equates to \$3,000.

Whilst the event may over time move to a full commercial basis, the organisers have advised that the continuing support of Council is vital to develop the event.

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

If Council were to waive the fee, income of \$3,000 would be forgone. This income was not budgeted for in 2014/2015.

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RECOMMENDATION:

That:

1. Approval be granted to Sydney Blues and Roots Festival for "Exclusive Use" of Holland's Paddock as identified in their application for 24, 25 and 26 October 2014.
2. The approval be subject to the following conditions/documents:
 - a) Council's general park conditions.
 - b) Council's Fees and Charges.
 - c) The Windsor Foreshore Plan of Management.
 - d) Approval of a Traffic Management Plan as part of the Special Event Application, if required.
3. Alcohol usage on the site, be subject to the following conditions that are required to be complied with by the Event Organiser:
 - a) The licensed premises adhere to any other requirements of the NSW Police Service and relevant authorities in relation to the service of alcohol within those areas. A limited licence, if not already held, must be applied for and granted by the Casino, Liquor and Gaming Control Authority for Holland's Paddock.
 - b) No alcohol is to be removed from within the fenced off area.
 - c) No glass is permitted within the fenced off area.
 - d) Uniformed licensed security guards to remain at the entrances and exits to ensure no persons leave the area with alcohol.
 - e) Uniformed licensed security guards to patrol within the fenced areas to ensure there is no intoxication or anti-social behaviour.
 - f) A limit of 1,200 patrons are to be allowed in the fenced area of Holland's Paddock.
4. The fee for the exclusive use of Holland's Paddock for the 2014 Sydney Blues and Roots Festival be waived (including set up and removal days).

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2014

SUPPORT SERVICES

Item: 104

SS - Monthly Investments Report - May 2014 - (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 \$42.50 million in investments at 31 May 2014.

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 \$42.50 million in investments as at 31 May 2014. 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-			3.10%	3,400,000	8.00%	
CBA	A1+	AA-			2.40%	1,100,000	2.59%	
Total On-call Investments								4,500,000
Term Investments								
ANZ	A1+	AA-	20-Nov-13	11-Jun-14	3.80%	1,500,000	3.53%	
ANZ	A1+	AA-	27-Nov-13	23-Jul-14	3.80%	1,500,000	3.53%	
ANZ	A1+	AA-	20-Nov-13	19-Nov-14	3.85%	2,000,000	4.71%	
ANZ	A1+	AA-	27-Nov-13	26-Nov-14	3.85%	1,000,000	2.35%	
ANZ	A1+	AA-	28-May-14	27-May-15	3.70%	1,000,000	2.35%	
NAB	A1+	AA-	29-Oct-13	18-Jun-14	3.80%	1,500,000	3.53%	
NAB	A1+	AA-	06-Nov-13	25-Jun-14	3.79%	1,000,000	2.35%	
NAB	A1+	AA-	06-Nov-13	04-Jul-14	3.79%	1,000,000	2.35%	
NAB	A1+	AA-	05-Feb-14	23-Jul-14	3.68%	1,500,000	3.53%	
NAB	A1+	AA-	21-Aug-13	20-Aug-14	3.94%	2,000,000	4.71%	
NAB	A1+	AA-	03-Sep-13	03-Sep-14	3.90%	2,000,000	4.71%	
NAB	A1+	AA-	19-Dec-13	15-Oct-14	3.81%	500,000	1.18%	
NAB	A1+	AA-	29-Jan-14	29-Oct-14	3.75%	2,000,000	4.71%	

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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 \$
NAB	A1+	AA-	19-Dec-13	17-Dec-14	3.83%	1,500,000	3.53%	
NAB	A1+	AA-	15-Jan-14	17-Dec-14	3.82%	1,000,000	2.35%	
NAB	A1+	AA-	05-Mar-14	04-Feb-15	3.73%	1,000,000	2.35%	
NAB	A1+	AA-	21-Aug-13	19-Aug-15	4.25%	1,000,000	2.35%	
NAB	A1+	AA-	03-Sep-13	02-Sep-15	4.10%	2,000,000	4.71%	
Westpac	A1+	AA-	05-Mar-14	25-Jun-14	3.80%	1,000,000	2.35%	
Westpac	A1+	AA-	05-Feb-14	04-Jul-14	3.80%	500,000	1.18%	
Westpac	A1+	AA-	07-Aug-13	06-Aug-14	4.10%	1,000,000	2.35%	
Westpac	A1+	AA-	05-Mar-14	15-Oct-14	3.70%	1,000,000	2.35%	
Westpac	A1+	AA-	08-Apr-14	19-Nov-14	3.85%	2,000,000	4.71%	
Westpac	A1+	AA-	23-Apr-14	17-Dec-14	3.75%	500,000	1.18%	
Westpac	A1+	AA-	15-May-14	17-Dec-14	3.75%	1,000,000	2.35%	
Westpac	A1+	AA-	15-Jan-14	15-Jan-15	3.75%	2,000,000	4.71%	
Westpac	A1+	AA-	28-May-14	15-Jan-15	3.75%	1,000,000	2.35%	
Westpac	A1+	AA-	29-Jan-14	29-Jan-15	3.65%	1,000,000	2.35%	
Westpac	A1+	AA-	19-Mar-14	19-Mar-15	3.70%	2,000,000	4.71%	
Total Term Investments								38,000,000
TOTAL INVESTMENT AS AT 31 May 2014								42,500,000

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	4,500,000	2.93%	Reserve Bank Cash Reference Rate	2.50%	0.43%
Term Deposit	38,000,000	3.83%	UBS 90 Day Bank Bill Rate	2.71%	1.12%
Total	42,500,000	3.73%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	10,797,487
External Restrictions - Other	992,460
Internal Restrictions	16,903,803
Unrestricted	13,806,250
Total	42,500,000

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

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

ORDINARY MEETING

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

Investment Commentary

The investment portfolio increased by \$0.10 million for the month of May 2014. During May 2014, income was received totalling \$6.90 million, including rate payments amounting to \$4.10 million, while payments to suppliers and staff costs amounted to \$6.60 million.

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

Council has a loan agreement for an amount of \$5.26 million under the Local Government Infrastructure Renewal Scheme (LIRS). The full amount was drawn down upon signing the agreement in March 2013, with funds gradually being expended over 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 May 2014, Council's investment portfolio is all invested with major Australian trading banks and in line with Council's Investment Policy.

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

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

Investment Certification

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

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

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

RECOMMENDATION:

The report regarding the monthly investments for May 2014 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2014

Item: 105

SS - 2014/2015 Remuneration for Councillors and Mayor - (95496, 96332)

REPORT:

Executive Summary

The Local Government Act 1993 (the Act) makes provision for the payment of fees to the Mayor and other Councillors and the categories that individual councils are placed into.

The Local Government Remuneration Tribunal (the Tribunal), each year, reviews and sets the minimum and maximum amount of fees to be paid to mayors and councillors of councils. The Tribunal also, at least, once every three years, reviews and determines the categories for councils and mayoral offices.

The Tribunal last reviewed the categories for councils in 2012, and therefore did not review the categories this year. The Tribunal will next consider the categories of councils in 2015. This report recommends that Council set the maximum amount under the Tribunal's determination applicable to Hawkesbury City Council.

Consultation

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

Background

The Local Government Remuneration Tribunal, pursuant to Section 239 of the Act, is required to determine the categories of councils and mayoral offices at least once every three years. The Tribunal undertook its last review of the categories of councils in 2012, with Hawkesbury City Council being categorised as "Regional Rural".

Each year the Tribunal, pursuant to Section 241 of the Act, is required, to determine the minimum and maximum fees for mayors and councillors, as well as chairpersons and members of county councils. The Tribunal did not call for general submissions from individual councils as part of its 2014 review. The Tribunal has recently determined to increase these annual fees payable by 2.5%, effective from 1 July 2014.

Accordingly, the annual fees to be paid to mayors and councillors for the period 1 July 2014 to 30 June 2015 for a Regional Rural Council (which includes Hawkesbury City Council), are as follows:

	Councillor Annual Fee		Mayor Additional Fee	
	<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>
Regional Rural	\$8,130.00	\$17,930.00	\$17,310.00	\$39,110.00

In the past, it has been the practice for Council to pay the maximum fee, and the following table depicts the annual and monthly payments that would be paid to Councillors, the Mayor and the Deputy Mayor, should this practice continue. The Deputy Mayor fee has been maintained at 15% of the Mayoral fee, which is deducted from the Mayor's annual fee.

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	Councillors Fees		Mayor / Deputy Mayor *		Maximum Total	
	Maximum - Annual	Maximum - Monthly	Maximum - Annual	Maximum - Monthly	Annual	Monthly
Councillors	\$17,930.00	\$1,494.16			\$17,930.00	\$1,494.16
Mayor	\$17,930.00	\$1,494.16	\$39,110.00 less \$5,866.50 = \$33,243.50	\$2,770.29	\$51,173.50	\$4,264.45
Deputy Mayor	\$17,930.00	\$1,494.16	\$5,866.50	\$488.87	\$23,796.50	\$1,983.04

* Note; Pursuant to Section 249 (2) of the Act, the fee paid to the Mayor and Deputy Mayor, is paid in addition to the fee paid to the Mayor and Deputy Mayor as a councillor.

The current fees for councillors and the Mayor are \$17,490 and \$38,160 respectively, with an additional fee of \$5,724 being paid to the Deputy Mayor, and deducted from the Mayor's fees.

Based on Council's previous practice of paying the maximum fees, as determined by the Tribunal, the following recommendation is submitted for Council's consideration.

Conformance to the Hawkesbury Community Strategic Plan

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

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

Funding

Councillor and Mayoral fees have been provided for in Service Account 169 - Elected Members of the 2014/2015 adopted Operational Plan.

RECOMMENDATION:

That:

1. The annual fee for Councillors for 2014/2015 be set at \$17,930.
2. The additional annual fee for the Mayor be set at \$39,110 and the Deputy Mayor's additional annual fee be set at \$5,866.50 to be deducted from the Mayor's annual fee.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2014

Item: 106

SS - Outstanding Receivables - Bad Debts Write Off - (96332, 95496)

REPORT:

Executive Summary

Outstanding sundry debtors for 2013/2014 which have been unable to be recovered, have been reviewed.

The debts owed to Council have been subject to recovery action and all avenues have been exhausted in recovering these debts with no success.

Council's Writing Off of Rates and Charges and Other Receivables Policy allows for any debts under the amount of \$500 to be written off by the General Manager. Any debts over the amount of \$500 may only be written off by resolution of Council.

It is recommended that Council write off three bad debts for 2013/2014 that are over the amount of \$500.

Consultation

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

Background

Clause 213 of the Local Government (General) Regulation 2005 (the Regulation) provides restrictions on writing off bad debts owed to a council. Clause 213 does not relate to debts in relation to rates or other charges for which other specific provisions exist.

This report deals with three debts raised by Council which are unable or unlikely to be recovered.

Council provides credit to individuals and businesses in the enforcement of laws and regulations or for the provision of services. As with all suppliers of credit, some debtors fail to meet their obligations to pay, despite the best efforts of officers to recover outstanding payments.

Council has appropriate debt recovery and collection procedures to ensure adequate controls are in place to minimise bad debts.

Details on the debts proposed to be written off have been provided below in a form compliant with Clause 213(4) of the Regulation.

The bad debts over \$500, which cannot be dealt with under Clause 213(3) of the Regulation by order in writing of Council's General Manager, are as follows:

Debtor Number	Amount	Details
7307554	\$1,562.15	Reimbursement of costs due to vandalism
7302277	\$1,378.80	Companion Animal Impounding fees
7302317	\$872.35	Food Premises Inspections and Improvement Notices

In accordance with Clause 213(5) (c) of the Regulation, "A debt can be written off under this clause only (c) if the council or the general manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective."

The above debts owed to Council have been subject to recovery action and all avenues have been exhausted in recovering these debts with no success. It is deemed uneconomical to pursue further recovery action and it is recommended that the debts detailed above are written off.

ORDINARY MEETING

Meeting Date: 24 June 2014

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

If the debts are written off, the amounts will be funded from the existing Council's provision for doubtful debts.

RECOMMENDATION:

That Council write off the amount of \$1,562.15, \$1,378.80 and \$872.35 from Debtor Account numbers 7307554, 7302277 and 7302317 respectively.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2014

Item: 107 **SS - Glossodia Shopping Village - (38869, 95496)**

Previous Item: 46, Ordinary (11 March 2014)

REPORT:

Executive Summary

At the Ordinary Meeting held on 11 March 2014, Council considered a report in relation to Glossodia Shopping Centre and resolved:

"That a report regarding priorities for upgrades to the Centre and details regarding outgoings be brought back to Council following consultation with the shopkeepers and also following community engagement and an interim report be brought to the Councillor Briefing Session"

The interim report was presented to the Councillor Briefing Session on 7 April 2014 and details regarding outgoings are contained in a separate confidential report to Council.

This report provides Council with an update regarding priorities for upgrades to the Centre following consultation with both shopkeepers and the community.

Consultation

As outlined below, Council has consulted with the shopkeepers at Glossodia Shopping Centre through an on-site meeting and the Glossodia Community through a community survey.

Background

In the early 1980's, Council commenced the construction of a neighbourhood shopping precinct at Glossodia. The precinct, now referred to as Glossodia Shopping Centre, is situated on the western side of Golden Valley Drive, and is approximately 750m north of Spinks Road, being the main thoroughfare through Glossodia.

The tenancy mix within Glossodia Shopping Centre has varied greatly since it opened. The current tenancy mix is, as follows:

- Bottleshop;
- Take-Away Shop;
- Butcher;
- Pizza Café;
- General Store (two shops);
- Pharmacy; and
- Hairdressing Salon.

There have continuously been vacancies within the Centre since its construction in the early 1980's. Currently three of the eleven shops are vacant, with the most recent vacancy occurring in April 2012.

In accordance with the resolution of Council of 11 March 2014, Council engaged with the community by way of a community survey and consulted with the shopkeepers.

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Shopkeepers

Consultation with the shopkeepers commenced on 26 March 2014, with Council's Director Support Services, Director Infrastructure Services and Senior Property Officer holding an on-site meeting with the tenants of Glossodia Shopping Centre. At least one representative from each of the tenancies attended the meeting. Each shopkeeper/representative was provided with an information package which included a copy of the Community Survey, and was given the opportunity during the meeting, to discuss relevant issues.

Comments from the shopkeepers at the meeting included the following:

- Encourage a Doctor to set up at Glossodia
- "Way Finder" signage to Glossodia
- Upgrade the planter pots, plants and gardens
- Shopping Centre is clean and tidy
- Tenant-specific signage would be desirable
- The tenants like the layout and condition of the Centre
- Allow alfresco dining
- Provide a play area for children
- Improve the directional signage on Spinks Road
- Pressure clean the pavers
- Name change to "Glossodia Shopping Village" or similar
- Market as a country village
- Car parking and pedestrian safety

The shopkeepers also requested that they receive feedback from the Community Survey in regard to the Centre itself as well as any comments regarding their individual shops.

Consultation between some of the shopkeepers and Council's Senior Property Officer has continued to date.

Community

With reference to engaging the community, a Community Survey was distributed to 600 homes in Glossodia via a direct mail out on 3 April 2014, as well as being available via Council's website. The Survey sought to ascertain the usage levels of Glossodia Shopping Centre by the community, and also their views regarding possible improvements and enhancements to the Centre. The Survey also promoted the Shopping Centre.

At the close of the consultation period on 17 April 2014, approximately 120 surveys had been completed and returned to Council. Of the surveys:

- 100% of respondents are aware of the location of Glossodia Shopping Centre;
- The majority of respondents indicated that they shopped at the Centre occasionally;
- A large percentage of respondents indicated that they shopped at the Centre on more than one occasion per week;
- 6% of respondents indicated that they never shop at Glossodia Shopping Centre.

When asked what would encourage people to utilise Glossodia Shopping Centre more frequently, the most common responses were:

- The presence of a Bakery/Café;
- The presence of a Doctor's Surgery;
- Cheaper product prices;
- More variety;
- The presence of an Automatic Teller Machine; and
- The presence of a Newsagency.

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When asked how Glossodia Shopping Centre could be improved, the most common responses were:

- A children's playground and
- Reduced rentals.

Other recurring responses when asked how Glossodia Shopping Centre could be improved were:

- Allow outdoor/alfresco dining
- Improved gardens
- Additional signage and
- Increased trading hours.

In addition, there were various constructive and negative comments regarding the existing shops and tenants including certain shops being great and others being dirty, smoking, quality of food and better product range. Specific feedback concerning these comments will be provided to each individual tenant as requested at the on-site meeting on 26 March 2014.

Comments Regarding Results of Shopkeeper and Community Consultation

A number of the comments and suggestions from the shopkeepers and the community were similar. The following are comments in regard to the main comments and suggestions from the shopkeepers and the community.

1. Presence of Other Services

In regard to the suggested presence of services such as a Bakery/Café, a Doctors Surgery, a Newsagency or an Automatic Teller Machine, it is important to note that Council's Property Staff pro-actively seek to attract such tenancies and have done so for many years. Whilst interest has been generated and some inspections have been undertaken, no formal lease submissions have been received to date. Council staff have been, and will continue to be, pro-active in terms of marketing the vacant properties and negotiating with prospective tenants in an effort to provide the services currently lacking within Glossodia.

2. Outdoor/Alfresco Dining

It should be noted that the relevant tenants have already been advised that outdoor dining is permitted within the Centre, as has always been the case. In addition to the settings within the courtyard area, tenants are permitted to place chairs and tables outside of their leased premises, subject to adhering to regulations pertaining to food safety standards and the need to have sufficient pedestrian access available. The use of areas outside each leased premises would be at no additional cost to the tenants.

3. Improved Gardens and Replacement of Planter Pots

Feedback indicated that improved gardens were desirable and, in this regard, a quotation has been obtained to improve the gardens (including the planter pots) based on consultation with the tenants regarding the types of plants and pots they desire. Garden improvements would include plants, mulch, potting mix, spraying, planting and replacement of planter pots. The estimated cost of these works is approximately \$3,200 plus GST.

The improved gardens and the replacement of the planter pots would be carried out by Council at no cost to the tenants.

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4. *Additional Directional Signage*

In regard to additional signage, it is noted that whilst State Planning Policy generally restrict anyone (including Council) from erecting advertising signage upon public roads. However, increased 'way finder' signage to Glossodia will be installed including enhanced directional signage to the shopping facility at the intersection of Spinks Road and Golden Valley Drive.

The additional signage will be installed by Council at no cost to the tenants.

5. *Children's Playground*

Both the tenants and the community suggested the installation of a small children's playground in the courtyard at the Centre would be an improvement to the Centre. A quotation has been obtained for the installation of a children's playground, including fencing and a shade structure in the amount of approximately \$50,000 plus GST.

6. *Reductions in Rental and Outgoings*

Reductions in rentals and outgoings have been considered by Council and specific details, regarding the same, are contained separately within a confidential report as agreements between Council and the tenants are commercially sensitive. However, it is important to note that Council has absorbed as many costs as practicable, specifically in relation to maintenance costs; notwithstanding that these are the responsibility of the tenants in accordance with their lease agreements.

7. *Rebranding of Name and Signage*

The tenants requested that the Glossodia Shopping Centre be rebranded to "Glossodia Shopping Village" to enable it to be marketed more as a country village.

Signage artwork identifying the Centre and the businesses therein, including the re-branded name of "Glossodia Shopping Village", has been re-designed with extensive input from the tenants. The signage has now been ordered and will be installed in the near future, using the existing infrastructure which will be refurbished to compliment the enhanced signage.

The signage will be installed by Council at no cost to the tenants.

8. *Tenant-Specific Signage*

The tenants suggested that more tenant-specific signage be installed at the Centre. Currently, signage indicating the various shops at the Centre is located at the pedestrian entrance to the Centre in Golden Valley Drive. As indicated above, this signage will be refurbished in the near future at no cost to the tenants.

Also, it is considered that additional tenant-specific signage could be installed at the driveway entrance to the Centre carpark in Golden Valley Drive, and also at the pedestrian access way at the rear of the Centre. This would allow prospective customers to know what shops are at the Centre whether they are entering the Centre from Golden Valley Drive or the carpark.

The approximate cost to install two new tenant-specific signage is \$8,000 plus GST.

Other Initiatives

Council's Property Staff continuously liaise with shopkeepers in an effort to maximise patronage of the Centre. Most recently, Council has coordinated meetings between some of the tenants and the Windsor Mall Craft Market Committee, based on a suggestion by the tenants regarding markets in the courtyard of the Centre. Staff are also in the process of ascertaining if Glossodia Shopping Village is a suitable location for a 'Hoyts Kiosk' (DVD Vending machine).

Other Improvements

Additional improvements as suggested by the tenants have either been carried out or will be carried out in the near future. These include painting the picnic tables, cleaning the vacant shopfronts and replacing concrete parking wheel stops. These works have been or will be carried out by Council at no cost to the tenants.

The issues being experienced by shopkeepers would appear to be unique to Glossodia, as other Council owned shopping centres do not have the same issues. The smaller population of Glossodia is possibly a factor, together with a lack of growth, for the trading issues being experienced by tenants. Council has provided all the assistance it can and made suggestions, where appropriate, to tenants regarding marketing ideas.

Funding Improvements

As outlined above, various works have either been undertaken or about to be undertaken by Council at no cost to the tenants including additional signage, painting, cleaning and replacement of damaged parking wheel stops.

Other major improvements suggested above including approximate costs are:

- Improved gardens and replacement of plant pots = \$3,200 plus GST
- Children's playground = \$50,000 plus GST
- Tenant-specific signage = \$8,000 plus GST

The total cost of these three major improvements is approximately \$61,200 plus GST.

These three major improvements to the Centre have been suggested by both the tenants and the community and are considered to be important improvements to the Centre that will enhance and improve the Centre for both the tenants and customers.

With regard to funding these improvements, Council previously allocated \$225,000 for amenities in Windsor. Council at its meeting on 25 March 2014 resolved to reallocate funding of \$160,000 for the upgrade and refurbishment of the Kable Street public amenities thereby allowing the remaining funding of approximately \$65,000 to remain in Council's working funds to be available for allocation to works in future programs.

It is considered that this funding could be utilised by Council to fund the above three major improvements at the Centre.

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

The financial implications are outlined in this report and include the allocation of funds in the approximate amount of \$65,000 to improve the gardens and replace the planter pots, install a children's playground and install additional tenant-specific signage at Glossodia Shopping Village.

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RECOMMENDATION:

That:

1. The information be received and noted.
2. Council carry out works associated with improving the gardens and replacing the planter pots, installing a children's playground and installing additional tenant-specific signage at the driveway entrance to the carpark and at the rear of the Glossodia Shopping Village at a total approximate cost of \$61,200 and these works be funded from Council's working funds as outlined in the report.
3. The tenants at Glossodia Shopping Village be advised of Council's decision in this matter together with the comments in the report regarding the results of the consultation and the comments from the Community Survey that relate to each tenant.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 108**SS - Hawkesbury Community Strategic Plan - Proposed List of Community Indicators - (96328, 95496)**

REPORT:**Executive Summary**

This report has been prepared to present to Council a proposed list of Community Indicators to be used to measure progress in the implementation of the Hawkesbury Community Strategic Plan 2013-2032 (HCSP). The list of Community Indicators has been compiled to reflect the adopted Strategies and Measures in the HCSP. The proposed list has been considered by both the Human Services Advisory Committee and the Sustainability Advisory Committee. The report also outlines how it is intended to incorporate the reporting of the Community Indicators within Council's existing reporting processes within the Division of Local Government's Integrated Planning and Reporting Framework.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. The report identifies a series of Community Indicators to monitor the implementation of HCSP which are based on the content of the HCSP which was adopted following its public exhibition and report to Council. The list of Community Indicators is ostensibly a 'technical tool' to complement and quantify the adopted Measures in the HCSP.

The proposed Community Indicators have been developed in consultation with the Human Services Advisory Committee. The proposed Community Indicators have also been considered by the Sustainability Advisory Committee.

Background

The Hawkesbury Community Strategic Plan 2013-2032 was adopted by Council on 9 April 2013. The Plan documents the community's aspirations for the future of the Hawkesbury. The Plan incorporates a series of Directions, Strategies and Goals which outline how these aspirations are to be achieved and the targets that will need to be met if they are to be achieved. The Plan also identifies measures to track progress in moving towards these targets.

At the Councillor Workshop to review the HCSP held in 2012, there was a strong emphasis on developing a Plan whose outcomes could be objectively measured. To this end, considerable time was spent on developing a set of measures which reflect the Goals within the HCSP. These measures (indicators) were subsequently included in the HCSP and also appear in the Delivery Program.

The Development of HCSP Community Indicators

In December 2011, Council established the Human Services Advisory Committee (HSAC). One of the objectives of HSAC (as outlined in its Constitution adopted by Council) was *'to assist Council to identify community indicators to measure progress in the improvement of the well-being of residents which reflected the human service priorities identified within the Hawkesbury Community Strategic Plan'*. The HSAC had commenced preliminary work on this task. The adoption of the HCSP in 2013 provided a more precise framework for its completion.

Initially, it was intended to develop Community Indicators to reflect the human service priorities identified within the HCSP. In practice, it was difficult to define the boundary between the 'human service' elements and the other elements within the HCSP. Accordingly, with the concurrence of Council's senior management, the scope of the Committees project was expanded to encompass all Strategies and Measures across the five themes within the HCSP.

A draft list of Community Indicators was compiled by the HSAC and presented to Council Managers. The list was subsequently refined based on advice as to the availability of data for the proposed indicators within the draft list. The final list was re-reported to the HSAC and adopted. The final list was also reported to the Sustainability Advisory Committee (SAC) to assist the Committee in its work of identifying sustainability indicators for Council.

Proposed List of HCSP Community Indicators

In relation to the final list of Community Indicators attached as Attachment 1 to this report, the following matters are highlighted.

Source

The indicators have been derived from established indicators which have been identified in conjunction with the development of community indicator frameworks by other local governments, universities and state and federal local government bodies.

The draft and final lists were developed with reference to the following publications:

- City of Sydney Indicator Framework (Institute for Sustainable Futures)
- Briefing Paper: Measuring Well Being (NSW Parliamentary Research Service)
- Community Indicators Project Report (NSW Department of Local Government)
- Measuring Liveability: Community Wellbeing Framework and Indicators. Penrith City Council. (Australian Centre for Excellence for Local Government).
- Community Wellbeing Indicators: Measures for Local Government. Local Government Association of Queensland (Australian Centre for Excellence for Local Government).

Scope

Each proposed Community Indicator is directly linked to the 43 measures in the HCSP. If a measure was not in the HCSP, it was assumed that this was not something which Council wanted to be measured. The final list includes a headline indicator for each HCSP measure – which directly relates to the measure or which is as close as possible to the HCSP measure (given the availability of data). Secondary Indicators have also been identified to supplement the headline indicator – these could be considered to be optional but they are useful in that they provide a more balanced picture of performance against the HCSP measure.

A mix of Indicators

A combination of quantitative and qualitative indicators have been proposed. The quantitative indicators provide hard numerical data, while the qualitative indicators are primarily derived from Council's biennial community survey tool.

Measurable and based on existing sources

Only indicators which can be readily obtained from an existing, reliable source have been included. The measurement of each indicator needs to be able to be repeated over time – where an indicator was not able to be accurately sourced and replicated on a regular basis it was omitted (from the initial draft list).

Achievable within existing resources

Indicators have been selected on the basis that they can be accessed and collated without the need for significant additional staffing or financial resources (apart from the time required to prepare the proposed annual, mid-term and end of term reports – which in any event would have been needed to be prepared to meet the requirements of the Office of Local Government's Integrated Planning and Reporting Guidelines).

Referenced to biennial Community Survey

The final draft list includes 19 indicators which are sourced directly from the biennial Community Survey conducted by Micromex Research. Nine additional questions are proposed for inclusion in the Survey to fill a gap in the Survey in relation to key HCSP strategies which are currently not adequately covered within the Survey.

Adoption of Community Indicators

The final list of Community Indicators are being reported to Council for adoption. As outlined above, the final list identifies indicators which are directly related to the adopted measures within the HCSP, or which are as close as possible to the HCSP measure given the availability of data.

Should Council wish to consider other possible indicators for inclusion in the final list, it is suggested that any additional indicator should be directly relevant to a HCSP measure or strategy and be able to be measured using an existing data source which can be replicated over time. Ideally, there should be a maximum of two indicators for each HCSP measure (one headline and one secondary indicator), and consequently for the total number of indicators should not exceed 80.

Implementation

Under the Office of Local Government's Integrated Planning and Reporting Framework, Council is required to prepare and publish six-monthly reports on progress in implementing its yearly Operational Plan, a mid-term and an end-of-term (four yearly) report on the implementation of the Delivery Program.

It is proposed to integrate the reporting of Community Indicators within this existing cycle. This will enable Council and the community to track progress in the implementation of the HCSP over the longer term. It is proposed that a 'Community Report Card' format be explored which would collate and condense the data from the proposed list of Community Indicators, to make some deductions as to the progress in achieving HCSP outcomes. Each Goal in the HCSP would be evaluated (on the basis of what the applicable headline and secondary indicators say) to assess how the community is travelling in relation to that goal – i.e. improving, stable, or declining.

However, the precise format and timing of the Community Report Card will need to take into account the frequency of data that can be collected for each of the proposed Community Indicators. As more than half of the proposed Community Indicators involve the collection of data which is only generated at two yearly or five yearly intervals - there would be little value in implementing a six-monthly or annual reporting regime, as this frequency of reporting would not provide for the identification of any meaningful trend over the short term. It may be more realistic to prepare a two-yearly Community Report Card (a 'mid-term' and an 'end of term' report).

In any event, before any Community Report Card can be produced, there is a need to establish the baseline from which progress in implementing the HCSP can be measured. To this end it is proposed that an introductory Community Report Card be compiled to establish the baseline for each of the indicators, so that future trends in relation to each HCSP measure can be tracked. This Introductory Report would be reported to Council and if approved by Council posted on Council's web-page.

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Conformance to the Hawkesbury Community Strategic Plan

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

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

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

- Achieve community respect through good corporate governance and community leadership and engagement.

Financial Implications

There are no financial implications arising from this report. The identified Community Indicators have been selected on the basis that they can be accessed and collated without the need for significant additional staffing or financial resources. The preparation of the required reports will require staffing resources which can be negotiated in conjunction with normal workload demands.

RECOMMENDATION:

That:

1. Council adopt the proposed list of Community Indicators, attached as Attachment 1 to the report, to be used to measure progress in the implementation of the Hawkesbury Community Strategic Plan 2013-2032.
2. An Introductory Community Report Card be compiled, based on the proposed Community Indicators, and reported to Council.

ATTACHMENTS:

- AT - 1** Proposed Community Indicators – Measuring the Hawkesbury Community Strategic Plan
(*Distributed under separate cover*).

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2014

Item: 109 **SS - Hawkesbury Heritage Descriptive Plaques - (96328, 95496)**

Previous Item: 55, Ordinary (30 March 2010)
 NM1, Ordinary (10 December 2013)

REPORT:

Executive Summary

This report has been prepared in response to a Notice of Motion considered by Council at its Ordinary Meeting of 10 December 2013. In considering the Notice of Motion, Council resolved to request the preparation of a report into the costs of erecting descriptive plaques at heritage sites and linking these plaques into a heritage walk or similar concept. The report outlines the operational and strategic context within which the issue of interpretive signage is situated and, on the basis of this context, outlines a proposal for Council's consideration.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council Community Engagement Policy. However, in accordance with Council's Resolution, the issues raised in this report have been presented to the Heritage Advisory Committee.

Background

At its Ordinary Meeting of 10 December 2013, Council considered a Notice of Motion on 'Hawkesbury Heritage Descriptive Plaques'. Council subsequently resolved;

"That:

1. *A report be developed by staff on the strategies, costs and processes that would be involved in:*
 - (a) *Having descriptive plaques provided and erected on all Hawkesbury Heritage sites;*
 - (b) *Numbering or codifying the plaques in some manner that will enable a 'Heritage Walk' or similar concept to be developed; and*
 - (c) *Building the concept into the Council budget over time, so that the plaques could be progressively provided and/or seeking funding from other sources.*
2. *The draft report be provided to the Heritage Advisory Committee."*

Given the complexity of the issues involved in formulating advice in relation to this matter, Council staff had prepared a presentation which was provided to Councillors at the Councillor Briefing Session held on 4 March 2014. In response to Part 2 of the Council resolution, the same presentation was provided to the Heritage Advisory Committee at its meeting held on 22 May 2014. The following is a brief summary of that Presentation.

Snapshot Audit

There are currently 526 heritage items listed in Hawkesbury Local Environment Plan (LEP) (300 in Richmond and Windsor) and probably many more sites of local significance which are not listed in the LEP. Council's experience to date indicates that the true cost of installing a descriptive plaque can be many multiples of the cost of the plaque itself if staff time and associated expenses are taken into account. As Council has been previously advised, there are a significant number of existing plaques, memorials and interpretive panels within the Hawkesbury Local Government Area. Most (if not all) of these assets exist in isolation and it would be fair to say that they are largely invisible to residents and visitors.

Strategic and Operational Context

In undertaking the preparation of the requested report arising from Council's resolution of 10 December 2013, Council staff have been required to take into account the strategic and operational context within which a heritage walk concept would be implemented. Accordingly, staff have referred to the relevant policies and plans adopted by Council including as well as industry trends (as outlined below);

1. *Interpretive Signage Policy*

The 'Interpretive Signage and Public Art Policy: Telling Hawkesbury Stories' was adopted by Council in 2010. The Policy suggests that good interpretive signage should;

- be based on good practice principles for design, location and installation
- focus on interpretive trails and way-finding (not stand alone plaques)
- be supported by paper based, audio and/or electronic guides; and
- be embedded into public domain and add value to tourism, township renewal

2. *Strategic and Operational Plans*

Staff have recently completed a strategic audit of the content of the Hawkesbury Community Strategic Plan (HCSP) and the 20 'drop down' strategies and plans of management which have been adopted by Council. This suite of plans outlines a strategic framework which is intended to direct Council's operational and capital investment decisions. The audit was undertaken to identify the strategic priorities that Council is seeking to achieve. In preparing this report, staff referred to the audit to determine what Council's documents had to say about signage and way-finding, particularly from a capital works perspective.

The HCSP and 14 of the 20 'drop down' strategies identify some requirement for way-finding and signage capital works. The strategic framework within which these works are situated suggests that investment in way-finding and signage should be affordable over the long term and contribute to the key HCSP outcomes of revitalising our town centres, increasing visitation to the Hawkesbury, and placing rivers, landscapes and heritage at the centre of the community's leisure and recreational experience.

3. *Recent trends in the design of interpretive trails*

As previously reported to Council, effective interpretive signage is underpinned by well-recognised design principles. The best interpretive signs are not 'standalone' signs which present information in isolation, but are part of a well-researched interpretive trail whose content has been developed with the visitor in mind.

Increasingly, interpretive trails are being supported by on-line information through the use of QR (Quick Response) codes (a QR code is a machine readable barcode that contains information about the item to which it is attached which can be downloaded using a smartphone or other device). The QR code enables a person walking on an interpretive trail to access a web-site containing information, images, audio and videos which tell the story of the trail in a dynamic way. The use of upgraded infrastructure (i.e. motifs or interpretive information embedded into footpaths, balustrades or seating) and attractive detail (plantings, footpath treatments, and sight lines) can also add to the visitor experience and deliver the same outcome as a descriptive plaque at a lower cost.

Summary

The analysis undertaken by staff suggests that should Council determine to invest resources in a 'heritage plaque - heritage walk' product, then the product should be well researched and integrated into the public domain; it should have a strong focus on way-finding to create a linked network of assets; it should be supported by marketing collateral which can evolve with new technologies; and wherever possible, make use of an existing asset rather than constructing a new asset so as to maximise its financial sustainability, both as an initial cost and a long-term servicing cost. From a visitor perspective, developing the right marketing collateral right is probably more important than the actual hard infrastructure.

Walk-Through Case Study

As part of the Briefing presented to Councillors and the Heritage Advisory Committee, staff prepared a 'walk through' case study of how an interpretive trail could look based on the parameters outlined above. For the purpose of the case study, an existing heritage walk based on the historic peninsula precinct in Windsor, was revisited. This walk has been already researched by staff and a paper based guide has been produced which is available at the Visitor Information Centre and Museum, and can be downloaded from Council's web-site.

The Peninsula Precinct Walk

The Windsor Heritage Walk – The Peninsula Precinct begins at Thompson Square. It is a two kilometre walk with 14 points of interest located to the north of Bridge Street and to the west of South Creek as outlined below.

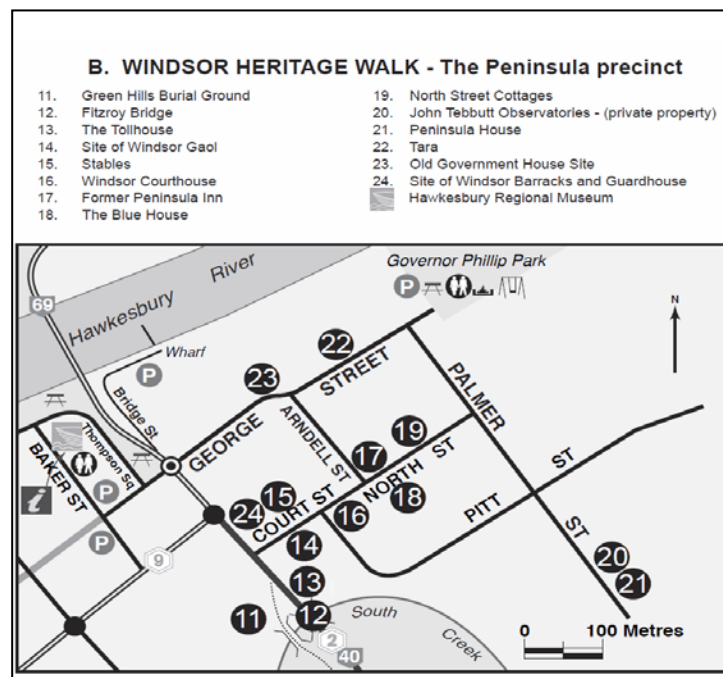


Figure 1 - Overview of Peninsula Precinct Walk

The Peninsula Precinct Walk is not supported by 'on the ground' directional (way-finding) signs. Along the walk there are seven existing plinths, place-markers or plaques of differing sizes and designs. The walk is supported by a four page hardcopy guide.

Based on the parameters outlined in this report, establishing a basic 'on the ground' heritage walk would require the following;

1. A trail head sign in Thompson Square (as depicted in Figure 2). The trail head sign would mark the beginning of the Walk and would include a colour map of the four Windsor Heritage precinct walks, and information about the Peninsula Precinct Walk based on the existing '*Explore the Hawkesbury*' brochure i.e. length of walk; time needed to complete the walk and accessibility considerations. A QR code would be included.

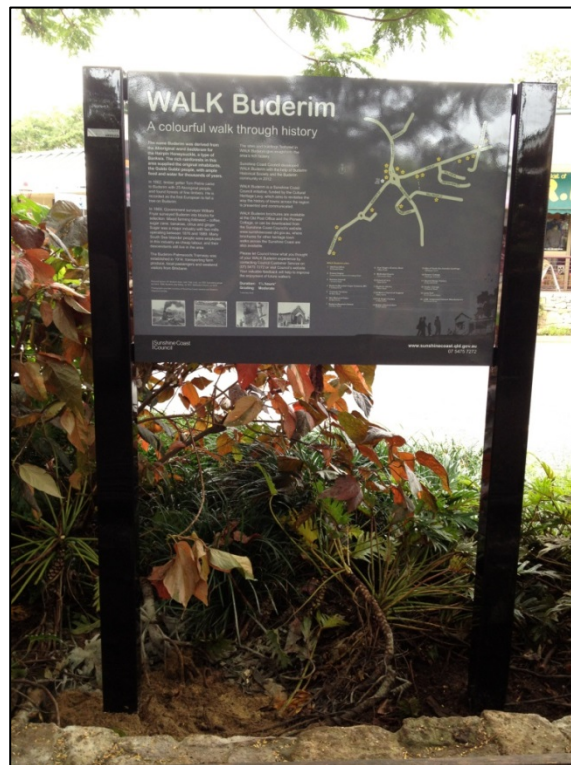


Figure 2 - Example of trail head sign

2. 14 way-finder 'finger' directional signs (as depicted in Figure 3). These signs would be located at key points along the route, mainly road intersections, to physically direct people along the route. Wherever possible, these finger signs would be attached to existing structures. In five of the 14 locations, the way-finding signs would need to be attached to a new pole.



Figure 3 - Way-finder 'finder' sign

3. An interpretive panel (as depicted in Figure 4) approximately half way along the route. The sign would be located on the corner of Arndell and Court Streets, looking across to the North Street cottages, and would describe the cultural heritage and key aspects of the Peninsula Precinct. A QR code would be included.



Figure 4 - Example of interpretive panel

4. The attachment of QR codes to the existing plinths and plaques (as depicted in Figure 5).

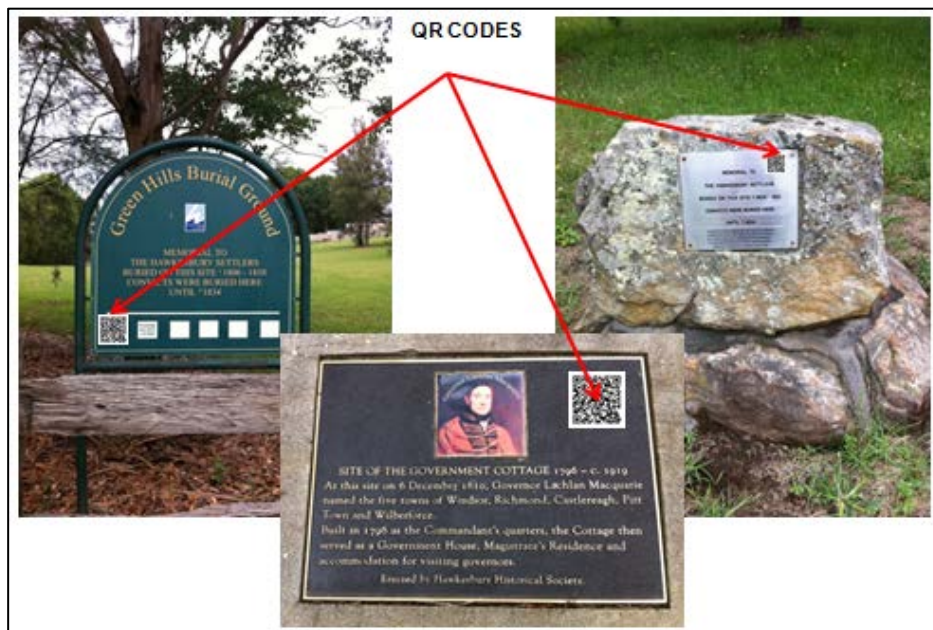


Figure 5 - Application of QR codes to existing plaques and signs

5. Preparation of supporting digital material (text, images, video, audio) for each location for uploading to website and production of hardcopy print material to support digital data.

If proceeded with, the proposed heritage trail based on the existing Peninsula Precinct Walk, would physically link, by way of directional signs, the seven existing historical markers and heritage plaques along the walk. The proposal would provide an on-the-ground physical trail supported by digital data which can be accessed via QR codes which will also enable Council to count the number of hits to the relevant web-site, and provide a more reliable and quantitative count of visitor patronage of the trail. In addition, a simple survey could also be included to collect information as visitors became aware of the trail, their length of stay, visitor spend, etc. which would be useful in determining the demand, costs and benefits of progressively creating additional heritage trails in other locations.

Figure 6 depicts the location of the proposed interpretive panels and way-finding signs as well as the location of the existing plinths and plaques within the Peninsula Precinct Walk.

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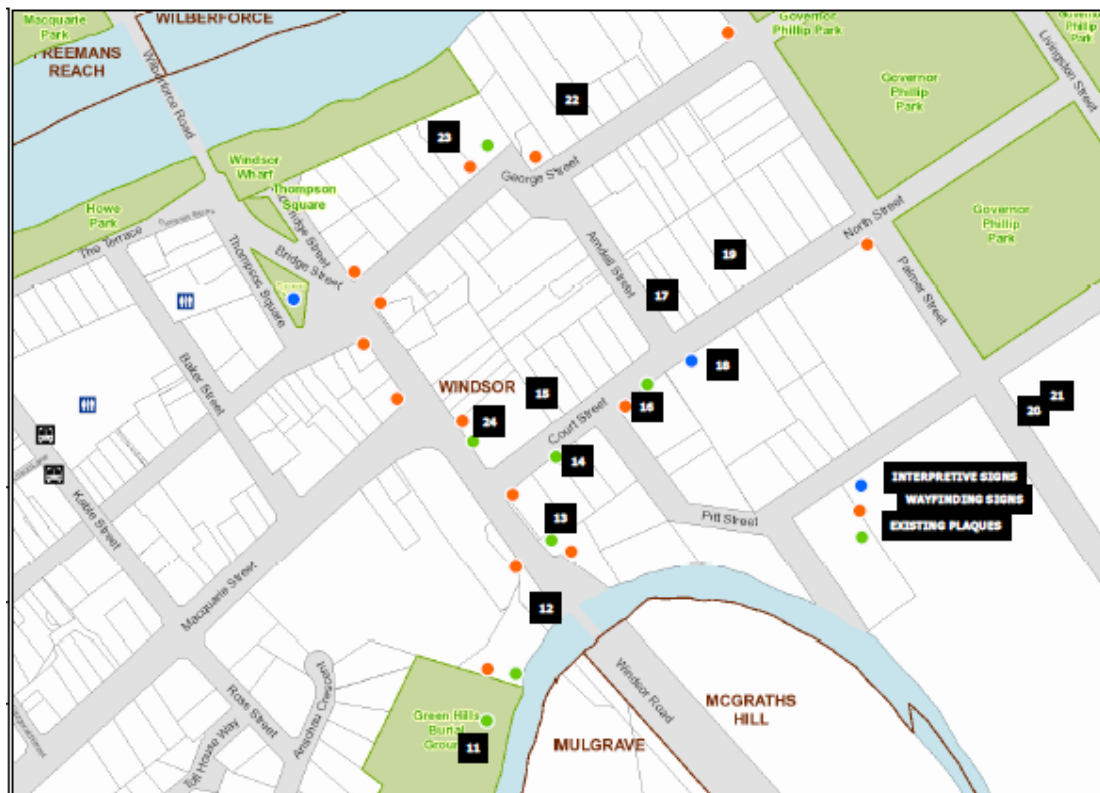


Figure 6 - Location of existing heritage plaques and proposed interpretive panels and directional signs:
Peninsula Precinct Walk

Estimated Cost

The proposed approach has been suggested to minimise the costs of establishing a heritage trail. As previously reported to Council, the cost of establishing a heritage trail from scratch using a coordinated design template based on a hierarchy of trail head signs, interpretive panels, path-markers and directional signs would require a significant capital outlay approaching \$100,000 (not including staff costs). The proposal outlined in this report would require the following outlays:

Capital Cost

1 Trail head sign (double sided)		\$6,000
1 Interpretive panel (double sided)		\$6,000
9 Way-finding signs (finger sign)	@ \$150	\$1,350
5 Way-finding signs and post	@ \$200	\$1,000
	Sub-total	\$14,350

Digital and Print Media

Historical research @ 4 hours per location - 56 hrs	@ \$100	\$5,600
Upload to website @ 2 hours per location - 28 hrs	@ \$200	\$5,600
Hard copy print material to support digital data		\$3,500
	Sub-total	\$14,700
	TOTAL	\$29,050

There is currently no provision within Council's Operational Plan to meet the total estimated cost of \$29,050.

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Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place, Supporting Business and Local Jobs and Shaping our Future Together Direction Statements;

- Be a place where we value, protect and enhance the historical, social cultural and environmental character of the Hawkesbury's towns, villages and rural landscapes
- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses
- 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

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

- Revitalise and enhance town centres and villages

Financial Implications

There are no financial implications arising directly from this report. However, should Council determine to proceed with a heritage trail proposal there will be additional financial resources required. There is currently no provision within Council's Operational Plan for the funding of such a project.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2014

Item: 110 **SS - Surrender of Service Approval - Forgotten Valley Vacation Care Program - (96328, 95496)**

REPORT:

Executive Summary

This report has been prepared to advise Council of correspondence received from Peppercorn Services Inc. (PSI) regarding the Forgotten Valley Vacation Care Program. Council receives a small amount of annual funding (\$3,699) for this Program, which it remits to PSI to deliver on its behalf. The Board of PSI has requested that Council, as the Licensee of the Forgotten Valley Vacation Care Program, advise Family & Community Services, NSW Government (FACS) of its intention to surrender its service approval for the Program. This request has been made by PSI in response to a number of factors which have made the Program no longer viable or effective. The report outlines these factors and the steps taken by the Board to negotiate an alternate service proposal to maintain the continuity of vacation care programs within the Forgotten Valley in partnership with local organisations.

Consultation

The issues raised in this report concern matters which may constitute a trigger for community engagement under Council's Community Engagement Policy. Prior to writing to Council about this matter, the Board of PSI has consulted with the nine families who have used the Vacation Care Program over the last two years – by phone in February 2014 and formally in writing in April 2014.

Background

In July 1994, following a request from the then Department of Community Services, Council agreed to assume responsibility for the operation of the Forgotten Valley Mobile Resource Unit (FVMRU). The Forgotten Valley Vacation Care Program was one of the several funded programs operated by the FVMRU. Between 1994 and 2009 Council directly operated the Program. In 2009, Council delegated operational management of the FVMRU programs to Peppercorn Services Inc.

As the funding auspice for FVMRU programs, Council receives a small amount of annual funding (\$3,699) for the Forgotten Valley Vacation Care Program which it remits to PSI to manage on its behalf. Council is also the Licensee of the Program with the Executive Manager Community Partnerships as the approved Licensee. Given the small amount of funding received for the Program, the Program has operated for nine days per year and has historically operated at a loss, with these losses covered (initially) by Council and then by PSI.

Current Situation

Over the last few years the continuing operation of the Forgotten Valley Vacation Care Program has been impacted by the following factors:

1. The introduction of new seat belt laws which require five, six and seven year old children to travel in car seats, coupled with an increase in the required staff/child excursion ratio, has necessitated the deletion of out-of-area bus outings from the Vacation Care Program. Prior to the introduction of these laws and the increased staffing requirements, the Vacation Care Program was essentially scheduled around a program of bus outings - which were the primary reason for children participating in the Program. The withdrawal of bus outings from the Program has meant that the Program has essentially become a centre-based play program which has directly impacted on the number of children attending. In 2013, the Vacation Care Program ran for three days with only the July program proceeding. The April 2013 and September 2013 programs were cancelled as only one family with two children had booked in for the April program and nil bookings were received for the September program.

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2. The withdrawal of out-of-area bus outings from the Program has prompted a change in parental preferences for vacation care activities for their children. In February 2014, the Coordinator of the Program rang the families who had previously attended the Program to survey the reasons for fall in attendance. The advice from parents was, while they understood the reasons why the bus outings had to be withdrawn from the Program, they indicated that *'the outings were what kept the kids coming back and now as they are only coming to play, they can do that at home or with friends children'*. Parents indicated that families were now getting together to take turns during the holidays to care for children, that the local Del Rio ski resort offered a more comprehensive kids activity program that was more affordable than the FV Program and that the hours of the FV Program were too limited.
3. In March 2014, the Early Childhood Education and Care Directorate within the NSW Department of Education and Communities, advised PSI that vacation care services were to be regulated under the National Education and Care Services Regulation. This had not previously been the case. PSI were advised the previous authority given to Council (as the Licensee) to deliver the vacation care service as an 'out of scope' service provider was no longer valid. The Directorate advised that grant funding for the vacation care program would be put on hold until such time as Council applied for and received a 'Service Approval' to operate the Program. To qualify for a 'Service Approval', the FV Vacation Care Program would need to satisfy the National Quality Standards which would entail a significant upgrade to both the service and the venue from which it operates. The costs of meeting these new requirements are beyond the capacity of the Program given its limited funding, fee income and declining attendance levels.
4. Other factors include the recent resignation of the Vacation Care Coordinator and the likely difficulty of recruiting a qualified childcare worker to deliver the Program and the fact that grant funding has not kept pace with the cost of operating the Vacation Care Program.

Summary of Issues

The withdrawal of out-of-scope approval has effectively meant that the FV Vacation Care Program has ceased to operate as of March 2014. The Program is not in a position to resume operation until such time as Council applies for and is issued with a Service Approval. To be in a position to apply for a Service Approval would require a substantial investment in both worker time and capital. Given the limited level of funding for the Program and its limited capacity for additional revenue generation, the investment required to apply for Service Approval could not be sourced from the Program itself and would therefore require an injection of funds from elsewhere - which would be difficult to justify. In any event, legislative and regulatory changes have impacted on the appeal and viability of the Program. Attendance levels at the Program have plummeted as families have 'voted with their feet' and have secured alternate vacation care services for their children from other sources.

In April 2014, PSI wrote to the nine families who had attended the FV Vacation Care Program over the last two years to advise them of the suspension of the Program and its possible closure. To date no responses have been received and no representations have been made to the Board of PSI to maintain the Program.

Accordingly, the Board of PSI is requesting that Council, as the Licensee of the FV Vacation Care Program, to complete a Notification of Surrender of Service Approval and submit this to the Department of Education and Communities. This action would effectively formalise the closure of the FV Vacation Care Program. The Board of PSI has recommended this action as the FV Vacation Care Program has been suspended and its funding withdrawn and to all intents and purposes has ceased to operate.

Implications

In view of the declining attendance at the FV Program, to the point where scheduled programs have been cancelled due to a lack of bookings, the closure of the FV Program will have a minimal to no impact on the local community. As it stands, families have made alternate arrangements for vacation care for their children, and in consideration of this, PSI will hold discussions with the Del Rio Resort and other local venues, with a view to providing a small financial contribution to assist these agencies in the provision of alternate vacation care activities in the Forgotten Valley.

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Given the recent resignation of the Vacation Care Coordinator, there are no industrial implications arising from the proposed closure of the Program. The second worker within the Program has a substantive position within the Forgotten Valley Pre-School and will continue to be employed within this Pre-School.

The loss of \$3,669 in annual funding will also have no impact on the ongoing viability of PSI – indeed the closure of the FV Program will provide a net benefit to PSI as it will no longer be required to cover the operating losses of the Program.

Accordingly, it is proposed that in response to the correspondence received from the Board of PSI (attached as Attachment 1 to this report), that Council support the request and complete a Notification of Surrender of Service Approval for the Forgotten Valley Vacation Care Program.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future 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.

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

- Improve financial sustainability
- Make decisions in ways that are transparent, fair, balanced and equitable supported by appropriate resource allocations.

Financial Implications

There are no financial implications arising from this report.

RECOMMENDATION:

That Council authorise the Executive Manager Community Partnerships, as the Licensee of the Forgotten Valley Vacation Care Program, to complete a Notification of Surrender of Service Approval for the Forgotten Valley Vacation Care Program, and submit the Notification to the relevant bodies.

ATTACHMENTS:

AT - 1 Letter dated 22 May 2014 from the Chair, Peppercorn Services Inc.

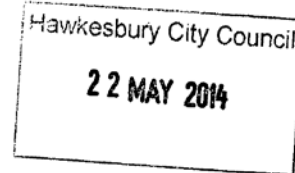
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Attachment 1 - Letter dated 22 May 2014 from the Chair, Peppercorn Services Inc.



"connecting people to family and community"



22 May 2014

Mr J Litwin
Executive Manager
Community Partnerships
Hawkesbury City council
George Street
WINDSOR NSW 2756

Dear Joseph

**Forgotten Valley Vacation Care (FVVC) – Wisemans Ferry Community Centre
Hawkesbury City Council Licensee No 1-1692954132 (CSP)**

Forgotten Valley Vacation Care and Mobile Preschool Services operational management was transferred from Hawkesbury City Council to PSInc in 2009 as part of the Children Services Portfolio.

In March 2014 the Early Childhood Education & Care Directorate (ECECD) advised Peppercorn Services Inc that vacation care services are now regulated under the Education and Care Services National Law and Regulations and our previous authority to deliver the service as an "Out of Scope" service provider is no longer valid. Grant funding has been placed on hold until such time as Service Approval is applied for and received from the Department or a Notification of Surrender of Service Approval is received, at which time the funding will formally cease.

The Vacation Care Program is currently not in a position to meet the National Quality Standards as an "In Scope" Approved Provider based on the service and venue requirements. The cost and time to implement the changes required cannot be covered by the program's grant and fee income nor is it viable in terms of current attendance levels.

The grant funding for the 2013/2014 period amounted to \$3,699 which equates to 9 days of vacation care to the Forgotten Valley community for the year. Two staff members are required to run the program at all times at a cost of \$418.83 per day (including super and permanent part time entitlements) this is equivalent to 8.83 days of service delivery.

In the past the service has predominantly supported itself financially, however the decline in attendance numbers, associated income and the cost of the two required staff has directly impacted on the number of paid staff hours available/required to develop programs, print and organise advertising and promote the service within the community.

Peppercorn Services Inc.
ABN 34 611 224 255

320 George Street, Windsor NSW 2756
Office Hours: 8.30am to 4.30pm. Monday to Friday

Phone: 02 4587 0222 Fax: 02 4587 0200 Email: frontdesk@psinc.com.au

www.peppercornservices.com.au



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More importantly, vacation care attendance numbers have declined steadily over the last 3 years with the program only running for 3 days in 2013. Only one family with two children booked in for the April program which was subsequently cancelled and nil enquiries/bookings were received for the September and most recent April program.

In February 2014, the Coordinator of Forgotten Valley Preschool rang a number of families who had previously accessed the vacation care service to survey the reasons why the children were not attending. Their comments have been listed below:

- Withdrawal of external 'outings' from the program due to the introduction of new car seat laws (approximately 3 years ago) which requires 5, 6 and 7 year old children to travel in car seats. Parents understood the reasons why the external activities program had to be withdrawn, however they have since commented 'that the outings were what kept the kids coming back' and 'now as they are only coming to play they can do that at home or with friends children'. This directly impacted on the number of children attending the program.
- Operating hours 9am to 3pm are not considered long enough.
- Financial reasons – there are cheaper alternatives available.
- Existing joint care of children in the area. Several families have gotten together and take turns during the holidays to have the children.
- Del Rio the local ski park/resort now offers a kids activity program that locals can attend and is affordable.

The Board of Management have carefully considered the following factors which would need to be addressed to ensure ongoing service sustainability:

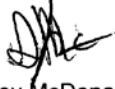
1. The significant decline in attendance - there are no local transport providers who can accommodate the requirement to have seat belts and age appropriate seats available for 5-7 year olds without a significant cost factor for the reintroduction of 'out of area outings'.
2. True cost of service delivery and extended hours of operation - the service would undergo further financial pressure due to less income and higher wages. Financial support could be sought from Hawkesbury City Council, Hornsby Shire Council or Gosford Council.
3. Recruitment of a qualified casual child care worker to replace the recently resigned Vacation Care Coordinator – this would be difficult based on location and program delivery requirements. Additional funds would need to be found to cover the true cost of time for programming, advertising etc. Financial support could be sought from Hawkesbury City Council, Hornsby Shire Council or Gosford Council.
4. Future financial viability - grant funding has not kept pace with the costs associated with running the service and decline in attendance numbers/income. Financial support could be sought from Hawkesbury City Council, Hornsby Shire Council or Gosford Council.
5. PSInc does not hold Service Approval to provide a Vacation Care Services. Financial and human resources would be needed to meet the National Quality Standards. Financial support could be sought from Hawkesbury City Council, Hornsby Shire Council or Gosford Council.

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The service has been valuable to the families in the Forgotten Valley community for a number of years and whilst it may affect a small number of families in the future, it is the only real option for PSInc. We ask Council to support the Surrender of Service Approval of the Vacation Care service.

Yours faithfully



Shirley McDonald
Chair
Peppercorn Services Inc.

oooO END OF REPORT Oooo

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Meeting Date: 24 June 2014

ordinary

section 4

reports
of committees

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SECTION 4 - Reports of Committees

ROC **Hawkesbury Access and Inclusion Advisory Committee Minutes - 8 May 2014 - (96328, 124569)**

The meeting commenced at 4pm.

Present: Ms Kate Barlow
 Mr Robert Bosshard
 Ms Debbie Court
 Mr Desmond Crane
 Ms Carolyn Lucas
 Ms Melanie Oxenham
 Ms Narelle Dale - Hawkesbury/Penrith Respite Services Inc.

Apologies: Joseph Litwin - Executive Manager - Community Partnerships
 Councillor Barry Calvert
 Councillor Leigh Williams
 Mr Alan Aldrich
 Mr Gary London
 Mr Ken Ferris
 Ms Mary-Jo McDonnell

In Attendance: Meagan Ang - Community Development Co-ordinator
 Jan Readford - Minute Secretary

REPORT:

In the absence of Councillor Barry Calvert and Councillor Leigh Williams, Ms Carolyn Lucas agreed to Chair this meeting.

RESOLVED on the motion of Mr Robert Bosshard and seconded by Ms Debbie Court that the apologies be accepted.

Attendance Register

Member	28/11/2013	27/2/2014	8/5/2014			
Councillor Barry Calvert	A	✓	A			
Councillor Leigh Williams	✓	X	A			
Mr Alan Aldrich	✓	✓	A			
Ms Kate Barlow	N/A	N/A	✓			
Mr Robert Bosshard	✓	✓	✓			
Ms Debbie Court	✓	A	✓			
Mr Desmond Crane	✓	✓	✓			
Mr Ken Ferris	A	A	A			
Ms Carolyn Lucas	✓	✓	✓			
Mr Gary London	N/A	✓	A			
Ms Mary-Jo McDonnell	✓	✓	A			
Ms Melanie Oxenham	N/A	N/A	✓			

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

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr Robert Bosshard and seconded by Ms Debbie Court that the Minutes of the Hawkesbury Access and Inclusion Advisory Committee held on the 27 February 2014, be confirmed.

SECTION 2 - Presentations to the Committee

1. National Disability Insurance Scheme

Ms Lucas welcomed Ms Narelle Dale, Executive Officer, Hawkesbury/Penrith Respite Services Inc. (HPRS).

Ms Dale gave a presentation on the expected effects of the National Disability Insurance Scheme (NDIS) on service providers and the experiences of Hawkesbury/Penrith Respite Services Inc. since its introduction. Ms Dale advised that HPRS is not an expert on the NDIS, however has followed the requirements from the beginning and all staff have received training. HPRS has done its own research to be ready. HPRS visited services in other sites to see how they are doing it. They looked at what will be a challenge for us and what is exciting.

Ms Dale advised that NSW trialled the NDIS in the Hunter region. Ms Dale attended a conference at the end of the last year and many organisations within the trial sites were in attendance, and talked about what is happening, including costings. The Government set the prices but they will need to be reviewed as trial sites have been running at an unsustainable loss (approximately \$8 - \$14 per person). The plan was to trial it until 2016 and it was proposed to roll out the other areas in NSW; however it is now being pushed back to 2018. No one is sure exactly what is happening and this is an issue for providers.

HPRS has age specific packages under different blocks of funding, namely for its Over 65 program and the 0-64 age group. This funding is applicable through to 2015, however HPRS is not sure what will happen after that. HPRS has a respite cottage - Anschau House, and operates as a respite centre during the day, with pool including hoist, and inside and outside activity space. A large number of clients are from the Hawkesbury area. The Hawkesbury community has been very supportive and HPRS have made strong links within the community.

One of the challenges will be the retention of staff due to competitive pay rates and because with future funding there is no back-up from other programs. Staff may be case managers while trying to provide additional services. This will mean that HPRS will have to say they cannot help with some of the personal things they previously took the time to assist with. This is difficult because HPRS wants to maintain the relationship with the client. Ms Dale explained that staff at HPRS are often the only human contact for a family, and recently they found that when a family member passed away, their case management services extended to assisting with funeral arrangements for the one remaining family member and were the only other attendees at the funeral.

Ms Dale advised that the HPRS has a number of high complex clients. The needs of these individuals can change quickly and decline in a number of weeks. In some cases there are issues around funding for families as some families do not know how to budget which can result in a crisis. In some cases HPRS has had to assist with funding, however this will not be possible under the new arrangements.

Ms Lucas and Ms Court expressed concern that the extra help required by some people will not be available.

Ms Dale advised that the volume of paperwork will be challenging, which includes the administration for billing clients. Some providers have also decided to share HR services as a way forward.

Ms Dale advised that basically there are three levels of care packages.

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Ms Dale advised that charges will be prohibitive for some people. This is expected to result in families wanting the service provider to employ family members to reduce costs. Experience indicates that families do not see their home environment as a workplace. However there are insurance and WHS issues that will prohibit family members from being employed.

Ms Lucas noted that HPRS is a respite service, however enquired if they still see themselves as a respite service or a service provider. Ms Dale advised that over the next 6-12 months HPRS plan to become a day provider. We want to open a day program, and it will open a lot of other areas/ systems.

Ms Court referred to her attendance at a NDIS conference and a session on strengthening funding via collaboration. Ms Dale would like to pursue a collaboration/ partnership for sourcing funding as a way forward, as there have been problems in the past with applying for funding.

Ms Dale advised HPRS will keep the focus and continue to put people first. The NDIS is good.

Ms Court advised the Hawkesbury cannot afford to lose one service, much less more. Ms Dale agreed it is important to keep services in the Hawkesbury.

Mr Crane advised that so many people do not know about us. When people leave hospital, people should be notified about this access. Ms Dale agreed and indicated there are people out there who do not have/use services now.

Mr Bosshard enquired if General Practitioners will pass on information about the NDIS to people.

Ms Dale referred to figures that are coming out and indicated that a higher support package will be \$50,000 per year. You will have to buy the equipment. You have to spend up front for the monies. If anything changes you have to put in a plan.

Mr Bosshard enquired if not all \$50,000 is spent, can the remaining funds be carried over. Ms Dale indicated that the Plan would most likely be reviewed.

Ms Dale referred to the process undertaken for the Department of Ageing and others, including paperwork and training of staff, which needs to be incorporated into service costs.

Ms Lucas enquired from where the assessors are sourced. Ms Dale referred the Committee to the NDIS website for details on assessment at: www.ndis.gov.au.

Ms Oxenham suspects there will be a significant impact on the local Council, with pressure on the local community.

Ms Dale advised she hoped that the information given was helpful and invited the Committee to contact her with any questions that may arise, or advice on any services that could be provided by HPRS in the Hawkesbury. Ms Dale tabled two brochures on the services provided by HPRS. Ms Dale advised that the HPRS runs an advisory group once a month.

Ms Dale left the meeting at 4:55pm.

SECTION 3 - Reports for Determination

Item 1: HAIAC - Council Policies Governing Outdoor Dining and Trading - (124569, 96328)

DISCUSSION:

- Ms Ang has spoken with Regulatory Services staff regarding the application and enforcement of Council's policies for outdoor dining and trading. Ms Ang has also contacted the Windsor Mall Markets. This group is easy to work with and would likely be happy to attend a Committee meeting to discuss accessibility in Windsor Mall.
- Mr Crane advised it is a challenge to get through the Windsor Mall Markets with a wheelchair.
- Ms Ang referred to her attendance at the LGA conference in Newcastle last year and discussions with Newcastle Council and advice on how we partner with local businesses, how do we make the area accessible, access to funds, and how to get the message out to traders - 'Good Access Good Business'.
- Mr Bosshard indicated in his experience that most traders have no idea about disability, however once they understand what is required, they are happy to help.
- Ms Ang suggested the Access and Inclusion Checklist be included in future in the application process for outdoor dining and trading. and be provided to all traders to use.
- Ms Lucas indicated a copy of the Access and Inclusion Audit checklist should be provided to approved outdoor traders.

RECOMMENDATION TO COMMITTEE:

That:

1. The Committee review the Windsor Mall Policy and the Outdoor Dining and Footpath Trading Policy.
2. The Committee refer any amendments to Policy or application process to Council for consideration for adoption.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Robert Bosshard, seconded by Ms Debbie Court.

That:

1. The Access and Inclusion Audit checklist be issued to all applicants as part of the Outdoor Dining and Trading application process.
2. A copy of the Access and Inclusion Audit checklist be provided to all approved outdoor traders.

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Item 2: HAIAC - Update - Access and Inclusion Checklist - (124569, 96328)

Previous Item: 6, HAIAC (3 October 2011)
7, HAIAC (24 November 2011)
2, HAIAC (27 February 2014)
61, Ordinary (25 March 2014)

DISCUSSION:

- Ms Ang advised that issuing a media release inviting all businesses and services in the Local Government Area (LGA) to avail themselves of an access audit, and obtain information on accessibility improvements grants, would ensure that the process is fair and equitable.
- Ms Ang is listed as the first point of contact on the Access and Inclusion Checklist for enquiries from local business and services. An access audit should be conducted on any prospective premises, prior to a request from the business for funding to be considered.
- Ms Court indicated that many businesses may not think they have any issues.
- Ms Lucas indicated that not all businesses will require financial assistance.
- Ms Ang indicated that undertaking the access audit would also ensure compliance with quality assurance processes.
- Council's Corporate Communication staff will prepare the media release which will be promoted via Council's media contacts. Council's Strategic Planner, Fiona Mann, will also notify Windsor Business Group and the Hawkesbury Chamber of Commerce, and other known business contacts in the local area.
- Ms Court requested that a presentation be booked for Windsor Business Group and Hawkesbury City Chamber of Commerce to increase the success of the promotion – 'Good Access is Good Business'. Ms Court agreed to contact the groups and request a speaker, discuss the Audit and Inclusion Checklist and the audit process and the accessibility improvements grants.
- Ms Court suggested the Committee receive further access audit training. Ms Ang will organise the next access audit training as soon as possible and advise Committee members. Mr Crane offered the assistance of his wife as a participant. Mr Bosshard enquired if Council staff would attend the audit training. Ms Ang advised only those involved in the audit, including the training, would be involved.
- Ms Ang advised that Penrith City Council ran a similar promotion with a "fee waive" enticement, and recognition for the business as an access and inclusion compliant business, however it had limited success because there was no funding on offer.
- Ms Ang advised that Marrickville Council have an established program and will seek information from them.
- Windsor CBD was nominated as the first area to receive letters re Community Sponsorship available for Access and Inclusion improvements. This will also be included in Community Newsletter and Mayoral Column as previously resolved at the Committee meeting held in March 2014

RECOMMENDATION TO COMMITTEE:

That the Committee review the proposed process for promoting the Access and Inclusion Checklist, as outlined in this report.

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COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms Carolyn Lucas, seconded by Ms Debbie Court.

That:

1. The Committee adopt the strategy proposed in the report to promote the take-up of the Access and Inclusion Checklist by local business.
2. The Windsor CBD to be targeted to receive letters re Community Sponsorship available for Access and Inclusion improvements.
3. The Chamber of Commerce and Windsor Business Group be invited to provide a presentation to the Committee – ‘Good Access is Good Business’.
4. Access audit training to be organised for the Committee.

Item 3: HAIAC - Draft Capital Works Program 2014/2015 - (124569, 96328)

Previous Item: 2, HAIAC - (27 February 2014)

DISCUSSION:

- Ms Ang advised the Draft Capital Works Program 2014/2015 is due to be placed on public exhibition. The Committee has the opportunity to identify any additional inclusions or areas of concern and these can be discussed with Council Officers at the next Committee Meeting, while the Draft Capital Works Program 2014/2015 is on exhibition. Any changes can then be submitted before the close of the exhibition period on 28 May 2014.
- The Committee identified the following Capital Works items for further discussion:
 - (a) 003516 - Replace decking Thompson Square
 - (b) 001955 - Footpaths various locations
 - (c) 003533 - Change Room Upgrades - Hawkesbury Oasis
 - (d) 163 Ancillary Facilities - clarification specifically on what this covers.
- Mr Bosshard referred to access limitations for pedestrians into North Richmond Shopping Centre necessitating all pedestrians to cross at the traffic lights, which is well beyond the perimeter of the Centre. This is in contrast, to the two access points for vehicles.
- Mr Crane indicated that recent works at Glossodia Shopping Centre, adjacent to a disabled car parking space, have impacted on vehicle access for disabled passengers. The driver now needs to reverse out of the parking space to enable the passenger to enter/alight the vehicle.
- Mr Crane referred to the disabled toilet facilities at Pugh's Lagoon and advised the facilities are excellent, however are difficult to approach for wheelchair access. Mr Crane suggested the road surface be extended back to the fence line on one side of the road. Cars parking on the opposite side contributed to congestion in the area as well.
- Ms Ang will invite the managers from the relevant sections to address the next Committee meeting.
- Committee encouraged to report access issues to Council's Customer Service Section.

RECOMMENDATION TO COMMITTEE:

That the Committee review the attached Draft Capital Works Program 2014/2015.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms Carolyn Lucas, seconded by Mr Desmond Crane.

That the relevant managers be invited to attend the next meeting on 26 June 2014 to provide more information on the following matters:

- (a) 003516 - Replace decking Thompson Square
- (b) 001955 - Footpaths various locations
- (c) 003533 - Change Room Upgrades - Hawkesbury Oasis
- (d) 163 Ancillary Facilities

SECTION 4 - General Business

1. Access and Inclusion Committee Audits

Ms Lucas suggested the Committee use Windsor Mall as a starting point for the next audit. In terms of access, Ms Lucas reminded the Committee of Mr Aldrich's concern for the visually impaired as opposed to physical ability.

Mr Crane enquired if volunteers can help with the access audit, suggesting that someone with a disability be requested to join the audit. Ms Lucas agreed the Committee could co-opt someone with a disability.

Ms Court enquired if it was worth contacting the Guide Dog Association. Ms Lucas indicated that the next audit date should be set and that the Guide Dog Association be co-opted to come along. Ms Ang advised she has established contact with the Guide Dog Association in the past, and will invite them to take part in the next audit.

Ms Ang advised she has spoken with Mr Aldrich and he is available in the last two weeks of the month.

Ms Ang will establish a list of suitable dates for Access and Inclusion Audits of the following sites/facilities and liaise with Committee members.

- Richmond main street
- YMCA South Windsor (re audit after upgrades)
- YMCA Oasis Aquatic and Leisure Centre
- Hawkesbury Regional Museum
- Windsor main street
- Kurrajong Village
- South Windsor - with particular reference to access from train station to main street

Ms Ang noted that the Committee Access and Inclusion Audits will be included as a standing item on the agenda for future meetings.

2. LGA Town Entry Welcome Signs

Council has decided to review its LGA Entry Welcome signs to include the Traditional Land of the Darug and Darkinjung People.

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Reports of Committees

3. *Ability Links NSW - New Program (Ageing, Disability and Home Care NSW)*

Ms Ang received an invitation to attend a Local Government NSW Forum on 1 May 2014 to discuss the future of Local Government in planning for and operating disability services post 1 July 2015, with the introduction of new legislation in 2015. Topics included: the future of ageing and disability worker positions; ability links with Councils; learnings from Hunter launch of the NDIS; Council relationships with FACS districts; planning data on disability need by district; and Operational issues relating to IDF and QFR.

Specifically of interest, a new program - Ability Links NSW - has been introduced by Ageing, Disability and Home Care NSW, designed to link individuals with a disability with other local points of contact in the community to improve access and engagement, and help build on their strengths and skills and develop networks, outside the traditional disability service system. Service Providers are still to be announced and Coordinators to be appointed. Ability Links will attend Nepean Area Disability Forum on 7 July 2014.

The Program has already been launched in the Hunter region and is coordinated by St Vincent de Paul.

4. *Next Meeting - 26 June 2014*

Ms Carolyn Lucas and Ms Melanie Oxenham provided their apologies for the next meeting on 26 June 2014.

The meeting terminated at 5:45pm.

Submitted to and confirmed at the meeting of the Hawkesbury Access and Inclusion Advisory Committee held on 26 June 2014.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC Human Services Advisory Committee - 8 May 2014 - (123486)

The meeting commenced at 9:36am in Council Chambers.

Present:	Councillor Barry Calvert, Chairperson Ms Denise Handcock, Community Representative Ms Vickie Shackley, Community Representative Ms Birgit Walter, HARC Ms Jacquie Menzies, Community Representative
Apologies:	Councillor Mary Lyons-Buckett, Deputy Chairperson Councillor Warwick Mackay, Hawkesbury City Council Mr Nick Sabel, Wentworth Community Housing Mr Glenn Powers, Community Representative Mr Douglas Carbery, Community Representative Mr Joseph Litwin, Hawkesbury City Council Mr Matthew Owens, Hawkesbury City Council Ms Megan Ang, Hawkesbury City Council
In Attendance:	Mr Michael Laing, Hawkesbury City Council Mr Phil Pleffer, Hawkesbury City Council Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council

REPORT:

RESOLVED on the motion of Ms Denise Handcock and seconded by Ms Vickie Shackley that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Denise Handcock and seconded by Ms Vickie Shackley that the Minutes of the Human Services Advisory Committee held on the 20 February 2014, be confirmed.

ORDINARY MEETING
Reports of Committees

Attendance Register of Human Services Advisory Committee

Member	31/10/13	20/02/14	08/05/14		
Councillor Barry Calvert - Chair	✓	✓	✓		
Ms Vickie Shackley - Deputy Chair	✓	✓	✓		
Councillor Mary Lyons Buckett	✓	✓	A		
Councillor Warwick Mackay	A	A	A		
Ms Denise Handcock	A	✓	✓		
Mr Douglas Carbery	✓	A	A		
Mr Nick Sabel	A	✓	A		
Mr Glenn Powers	✓	X	A		
Ms Jacqui Menzies - (member as at 08.05.14)	n/a	n/a	✓		
Ms Birgit Walter - (member as at 08.05.14)	n/a	n/a	✓		

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

BUSINESS ARISING FROM PREVIOUS MINUTES

Item 3: Voluntary Planning Agreements - North Richmond and Glossodia

- The Chair acknowledged Mr Pleffer's attendance at the meeting to assist members with queries in relation to North Richmond and Glossodia VPA's. Mr Pleffer subsequently reported Mr Owens had carriage of negotiations with the developer in relation to VPA matters, however, in Mr Owens absence he would be happy to assist with queries the Committee may have in regard to the VPA's.
- The Chair made reference to the North Richmond VPA and the Community Centre, advising the Committee was in favour of the existing Community Centre being expanded, however, the developer was not in agreeance and wished to build its own Community Centre. The Chair reminded members the exhibition period closed on 19 May and there was opportunity as a whole or as individuals, to make a submission to Council.
- Ms Shackley suggested the developer may give more regard to comments coming from community members as individuals, rather than from a Committee.
- Ms Handcock asked if there was any flexibility in the VPA's in order for comments to be put forth at a later stage.

Mr Pleffer responded he would investigate to ascertain if it was legally possible to have that flexibility.

10:14am - Mr Pleffer left the meeting.

MOTION:

RESOLVED on the motion of Ms Denise Handcock, seconded by Ms Vickie Shackley.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Committee:

1. Be advised if it is possible during the development phase, to negotiate the location and style of the community centre based on a survey of the new population.
2. Reiterate the Working Party's recommendation in terms of pathways and cycleways.
3. Express its disappointment that the Working Party's recommendations were not followed more closely with particular attention to the linking the development with the high school to the existing community.

SECTION 3 - Reports for Determination

ITEM 1: Nominations for HSAC Community Representatives

RECOMMENDATION TO COMMITTEE:

That the two vacant positions on the Human Services Advisory Committee be filled in accordance with its Constitution.

MOTION:

RESOLVED on the motion of Ms Vickie Shackley, seconded by Ms Denise Handcock.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the two vacant positions of the Human Services Advisory Committee be filled by Ms Birgit Walter and Ms Jacquie Menzies.

ITEM 2: Draft Final Community Indicators

DISCUSSION:

- Mr Laing addressed the Committee, promoting discussion on the proposed Community Indicators.
- The Chair invited members to peruse the Indicators and send comments to either Mr Laing or to Mr Litwin, prior to the matter being reported to Council for adoption.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received;
2. The draft final list of proposed community indicators for measuring the implementation of the Hawkesbury Community Strategic Plan be endorsed by the Human Services Advisory Committee.
3. Following consultation with the Human Services Advisory Committee, that the final list be reported to Council for adoption.

MOTION:

RESOLVED on the motion of Ms Jacquie Walter, seconded by Ms Denise Handcock.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received;
2. The draft final list of proposed community indicators for measuring the implementation of the Hawkesbury Community Strategic Plan be endorsed by the Human Services Advisory Committee.
3. Following consultation with the Human Services Advisory Committee, that the final list be reported to Council for adoption.

SECTION 4 - Reports for Information

ITEM 3: May 2014 Update: Affordable Housing & Homelessness

DISCUSSION:

- Mr Laing advised the “*Going Home Staying Home*” Reform process had almost reached finalisation in NSW. Mr Laing reported it was anticipated the outcomes of that reform process would be ascertained at the end of the month, however, it was expected the outcomes would result in reduced or no local based homeless service.
- Concern was raised Hawkesbury youth would be largely effected, as the services appeared to be directed towards regional based areas of Blacktown, Penrith and Blue Mountains.
- The Committee determined to discuss the outcomes of the reform, once identified.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Ms Vickie Shackley, seconded by Ms Denise Handcock.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Next meeting - 24 July 2014

The meeting closed at 10:45am.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC **Heritage Advisory Committee - 22 May 2014 - (80242)**

The meeting commenced at 5:30pm in Council Chambers

- Present:** Professor Ian Jack, Chairperson
 Councillor Patrick Conolly, Hawkesbury City Council
 Mr John Miller, Community Member
 Ms Judith Newland, Community Member
 Ms Carol Roberts, Community Member
- Apologies:** Mr Glenn Falson, Community member
 Ms Janice Hart, Community Member
 Ms Michelle Nichols, Community Member
 Mr Jonathan Aulds, Deputy Chairperson
 Mr Matthew Owens, Hawkesbury City Council
- In Attendance:** Mrs Shari Hussein, Hawkesbury City Council
 Ms Keri Whiteley, Hawkesbury City Council
 Mr Joseph Litwin, Hawkesbury City Council
 Mr Robyn Kozjak - Minute Taker, Hawkesbury City Council

REPORT:

RESOLVED on the motion of Mr John Miller and seconded by Ms Carol Roberts that the apologies be accepted.

Attendance Register of Heritage Advisory Committee

Member	22.08.13	06.02.14	22.05.14		
Councillor Patrick Conolly	✓	A	✓		
Mr Glenn Falson	✓	✓	A		
Ms Janice Hart	A	✓	A		
Mr John Miller	✓	✓	✓		
Professor Ian Jack	✓	✓	✓		
Ms Carol Roberts	✓	✓	✓		
Mr Jonathan Auld	✓	A	A		
Ms Michelle Nichols	✓	A	A		
Ms Judith Newland	✓	✓	✓		

Key: A = Formal Apology

✓ = Present

X = Absent - no apology

CHANGE TO ORDER OF BUSINESS:

The Committee agreed to Item 3 (in relation to Heritage plaques) being brought forward for the purpose of Mr Litwin and Ms Whiteley conducting their presentation.

ORDINARY MEETING
Reports of Committees

ITEM: 3 Heritage Plaques

Previous Item: 2, HAC (6 February 2014)

5:30pm - Mr Litwin addressed the Committee and commenced his presentation in relation to the strategic and operational context governing the implementation of heritage walks.

5:38pm Councillor Conolly arrived

5:46pm - Ms Whiteley approached the lectern and continued with the presentation which demonstrated how interpretive trails could look.

DISCUSSION:

- Ms Whiteley advised work on the Richmond walks was almost completed.
- Mr Miller asked if the heritage walks included the sites of the William Cox and George Evans farms, the Evans farm being one of the oldest privately owned homes in Australia. Mr Miller also drew the presenter's attention to the Richmond RAAF Base, advising the RAAF Base was the second oldest RAAF Base in Australia and was also deserving of acknowledgement in the heritage walks.
- Ms Whiteley reminded Mr Miller the walks were designed to be precinct walks, and not driving trails (making reference to the Macquarie driving trail).
- Mr Miller noted the RAAF Base was not eligible to be incorporated into the Macquarie driving trail and suggested a footnote be placed on the Richmond walking trail signage, informing tourists of the RAAF Base, Cox and Evans sites as optional sites for those wishing to drive.
- It was suggested the application of Quick Response Codes (QR codes) to plaques would be a consistent, cost effective method to inform tourists, residents and visitors of the natural and cultural heritage of the area.
- In relation to QR codes, Councillor Conolly asked if it was proposed to use an App or website as he believed an App would be more than double the costs of a website.
- Ms Whiteley responded it was proposed to set up a website where the QR code would be linked into that website.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr John Miller, seconded by Councillor Conolly

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received

6:20pm - Mr Litwin and Ms Whiteley left the meeting.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Judy Newland and seconded by Ms Carol Roberts that the Minutes of the Heritage Advisory Committee held on the 6 February 2013, be confirmed.

BUSINESS ARISING FROM PREVIOUS MINUTES

Mrs Hussein provided the Committee with an update on the historical milestone/boundary markers. Mrs Hussein advised she had arranged for a heritage advisor to quote on the condition of the markers whilst undertaking the preparation of inventory sheets and this work should be completed before the end of the financial year. Mrs Hussein advised she would bring a report back to the next meeting with further information.

In regard to the query as to if the milestones were located on Council land, Mrs Hussein suggested the milestones were likely to be located within the road reserve and advised she would speak with Director Infrastructure Services to clarify.

SECTION 3 - Reports for Determination

ITEM: 1 92 - 98 George Street Windsor and Thompson Square Conservation Area

DISCUSSION:

- Mrs Hussein advised she had investigated the subject address and confirmed that address was not individually listed on the Schedule in Council's LEP, however the site was listed as *Part of Thompson Square Conservation Area in the LEP*. Mrs Hussein raised concern at the anomaly that would suggest the State listing line of Thompson Square Conservation Area differs from Council's LEP.
- The Committee suggested there may be other anomalies with boundaries which do not align with Council's LEP and in that regard Councillor Conolly suggested prior to Council approaching the Department seeking modification of boundaries, it may be appropriate for the matter to be further investigated and brought back to the next meeting with more background information regarding the buildings in Thompson Square.
- The Chair made reference to a previous study of Thompson Square which may be of assistance. The Chair advised he would provide a copy of the Study by Clive Lucas, Heritage Architect, for scanning. The Chair agreed it would be premature for Council to approach the Department at this stage, due to anomalies with alignments.

COMMITTEE RECOMMENDATION:

That

1. The information in the report be noted.
2. Council approach the Department of Planning and Environment to seek to modify the boundary of the Thompson Square Conservation Area to align with the Local Environmental Plan 2012 boundary and thereby recognise the State heritage importance of 92 - 98 George Street Windsor.

ORDINARY MEETING
Reports of Committees

MOTION:

RESOLVED on the motion of Councillor Conolly, seconded by Ms Carol Roberts

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That

1. The information in the report be noted.
2. A further report to the Heritage Advisory Committee be provided including a description of the buildings (with particular attention to No. 92-98 George Street Windsor) that could be affected and reasons for wanting them heritage listed.

Ms Newland and Councillor Conolly left the meeting at 6:45pm.

ITEM: 2 Heritage Promotion and Events for 2014/2015

Previous Item: 1, HAC (6 February 2014)

DISCUSSION:

- Mrs Hussein reported heritage funding had been received from NSW OEH. Mrs Hussein suggested a package be put together to educate and encourage landowners to preserve their slab barns. (stabilise or undertake urgent repairs). Mrs Hussein recommended educational seminars be developed (with information sessions in the first instance), prior to launching the financial assistance aspect, adding funding would not cover the whole of projects, however, would be a welcome incentive for landowners to protect their slab barns from further deterioration.
- Mr Miller asked if slab cottages would be included.

Mrs Hussein responded the funding assistance would be restricted to slab barns, adding outbuildings tend to become forgotten and the educational seminars would raise awareness of how important those outbuildings were.

RECOMMENDATION TO COMMITTEE:

That

1. The information in the report be noted.
2. Council accept the grant and the Heritage Advisory Committee assist in preparations for education and awareness of the Heritage Incentive Scheme.

MOTION:

RESOLVED on the motion of Ms Carol Roberts, seconded by Mr John Miller

Refer to COMMITTEE RECOMMENDATION

ORDINARY MEETING
Reports of Committees

COMMITTEE RECOMMENDATION:

That

1. The information in the report be noted.
2. Council accept the grant and the Heritage Advisory Committee assist in preparations for education and awareness of the Heritage Incentive Scheme.

SECTION 4 - Reports for Information

ITEM: 4 Heritage Advisory Committee Annual Report 2013/2014

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Ms Carol Roberts, seconded by Mr John Miller

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

GENERAL BUSINESS

- Mr Miller raised concern the RAAF Base at Richmond had not received sufficient recognition as being the second largest RAAF Base in Australia. Mr Miller added it was overdue that interpretative signage be erected in the Ham Common carpark describing the history of the RAAF Base.

MOTION:

RESOLVED on the motion of Mr John Miller, seconded by Ms Carol Roberts

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That Council's assistance be sought in consultation with the Richmond RAAF Base to erecting interpretative signage in the Ham Common carpark, which describes the history of RAAF Base as being the second largest RAAF Base in Australia.

6:56pm - Mr Miller left the meeting

Next meeting - 28 August 2014

The meeting closed at 7pm

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC

Audit Committee Minutes - 28 May 2014 - (95496, 91369)

The meeting commenced at 4:05pm.

Present:	Ellen Hegarty Nisha Maheshwari (Chair) Councillor Patrick Conolly
Apologies:	Harry Khouri Councillor Paul Rasmussen
In Attendance:	Peter Jackson - General Manager Laurie Mifsud - Director Support Services Steven Kelly - Internal Auditor Emma Galea - Chief Financial Officer Vikash Pillay - PricewaterhouseCoopers Natasha Martin - Minute Secretary

REPORT:

RESOLVED on the motion of Ms Ellen Hegarty and seconded by Ms Nisha Maheshwari that the apologies be accepted.

Attendance Register of Audit Committee

Member	26/02/2014	28/05/2014			
Councillor Patrick Conolly	A	✓			
Councillor Paul Rasmussen	✓	A			
Councillor Bob Porter (Alternate)	N/A	N/A			
Ms Ellen Hegarty	✓	✓			
Mr Harry Khouri	✓	A			
Ms Nisha Maheshwari (Chair)	A	✓			

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

Mr Khouri provided an apology after the meeting for his non-attendance and indicated that he was unfortunately unable to place a call prior to the meeting.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Ellen Hegarty and seconded by Ms Nisha Maheshwari that the Minutes of the Audit Committee held on the 26 February 2014, be confirmed.

ORDINARY MEETING
Reports of Committees

SECTION 3 - Reports for Determination

Item 1: AC - Election of Chairperson - (91369, 95496, 79351)

Mr Jackson called for nominations for the position of Chairperson, one nomination was received, being:

Ms Nisha Maheshwari	Nominated by Councillor Patrick Conolly
	Seconded by Ms Ellen Hegarty
	ACCEPTED

RECOMMENDATION TO COMMITTEE:

That a Chairperson of the Audit Committee for 2014 be determined.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Ms Ellen Hegarty.

That Ms Nisha Maheshwari be nominated as Chairperson of the Audit Committee for 2014.

The motion was carried and Ms Nisha Maheshwari was declared Chairperson of the Audit Committee for 2014.

Ms Maheshwari assumed the Chair.

Item 2: AC - Election of Deputy Chairperson - (91369, 95496, 79351)

Mr Jackson called for nominations for the position of Deputy Chairperson, one nomination was received, being:

Mr Harry Khouri	Nominated by Councillor Patrick Conolly
	Seconded by Ms Ellen Hegarty
	ACCEPTED

RECOMMENDATION TO COMMITTEE:

That a Deputy Chairperson of the Audit Committee for 2014 be determined.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Ms Ellen Hegarty.

That Mr Harry Khouri be nominated as Deputy Chairperson of the Audit Committee for the 2014.

The motion was carried and Mr Harry Khouri was declared Deputy Chairperson of the Audit Committee for 2014.

ORDINARY MEETING
Reports of Committees

Item 3: AC - Status Report - Management Responses to Development Applications Audit Recommendations - April 2014 - (91369, 121470, 79351)

DISCUSSION:

- Ms Maheshwari enquired if any additional information resulted from the report or requests for information.
- Mr Kelly advised that there has not be a lot of progress on this Audit due to staffing issues within the Planning Section.

RECOMMENDATION TO COMMITTEE:

That the attached Status Report on Management Responses regarding the Development Applications Audit recommendations be noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Ms Ellen Hegarty.

That the attached Status Report on Management Responses regarding the Development Applications Audit recommendations be noted.

Item 4: AC - Status Report - Management Responses to Audit Recommendations - April 2014 - (91369, 95496, 79351)

DISCUSSION:

- Mr Kelly provided additional details relating to the Status report, namely:
 - Corporate Services and Governance will be addressing the items within the Governance Health Check over the next 4-6 weeks.
 - Procurement will be focusing on the tendering procedures.
 - Delegations are being addressed as part of the website redesign, with packages also being researched that can link to the website.
 - Records Management is working through the issues that were addressed in the report.
 - Business Continuity will be tested in late 2014, after the return of the IT Services Manager.
 - Finance procedures are in draft stage and are expected to be released in June/July 2014.
- Councillor Conolly queried the need to develop a Conflict of Interest Policy as it would seem to be covered in Council's Code of Conduct.
- Mr Jackson explained that the development of a Conflict of Interest Policy is in response to an ICAC and Ombudsman recommendation, which will expand on the provisions within the Code of Conduct.

RECOMMENDATION TO COMMITTEE:

That the attached Status Report on Management Responses regarding Audit recommendations be noted.

ORDINARY MEETING
Reports of Committees

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Ms Ellen Hegarty.

That the attached Status Report on Management Responses regarding Audit recommendations be noted.

Item 5: AC - Draft Internal Audit Management Plan 2011-2013 - (91369, 121470, 79351)

DISCUSSION:

- It was noted that the date listed in the name of report has generated incorrectly and should be amended to 2014-2017.
- It was noted that items with the attachment were incorrectly listed and should be referred to as:

<i>Control self-assessment program established</i>	<i>S4: Dec, 31 2014</i>	(pg. 10)
<i>Purchase Card Policy & Procedures</i>	<i>Risk Rating: Moderate</i>	(pg.18)
- Ms Hegarty and Ms Maheshwari requested further information and clarification of the time that will be spent on each item within the Draft Internal Audit Management Plan.
- Mr Kelly explained that the amount of time spent on each item is not structured and varies between formal and informal actions. Mr Kelly noted that the time spent on the Internal Audit Management Plan could be quantified in the future in terms of the financial year.
- Ms Maheshwari asked if there was any input from the external auditor in the draft process.
- Mr Kelly explained that the Internal Audit Bureau (IAB) has provided input as per the three to five year plan, with some of the goals and objectives being identified as per the risk rating of IAB.
- Ms Maheshwari sought clarification that the risk ratings are in line with the risk management framework (RMF).
- Mr Kelly explained that Council uses an RMF of 5 levels within the matrix for WHS, while IAB uses a 3 level matrix.
- Ms Maheshwari asked if the risk rating needs to be reconsidered.
- Mr Kelly noted that the risk rating could be revisited in order to bring it in line with the IAB model and that there are inherent risks within the RMF and matrix and a review resulted in high risks being changed in the past years. In terms of controls being put in place, a high risk can be reduced to a more manageable risk.
- Mr Pillay discussed the need to align the RMF with the Asset Management Register (AMR) and that Schedule 7 in the Financial Statements will be the focus of the audit, next year.
- Mr Pillay asked what the AMR will be assessed against.
- Mr Kelly replied that he will be looking into the AMR over the next 12 months and noted that there is a disparity on the perception of an 'asset' between the Finance and Engineering sections.

RECOMMENDATION TO COMMITTEE:

That the Committee adopt the Internal Audit Management Plan 2014–2017 included as Attachment 1 to the report.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Ms Ellen Hegarty.

That the Committee adopt the Internal Audit Management Plan 2014–2017 included as Attachment 1 to the report.

Item 6: AC - Draft Internal Audit Operational Plan 2011 - (91369, 121470, 79351)

DISCUSSION:

- It was noted that the date listed in the name of report has generated incorrectly and should be amended to 2014/2015.
- It was noted that the date listed in the attachment on page 14 was incorrectly listed as "*Appendix A: Time Budget Summary - 2013 Plan*" and should be amended to "*Appendix A: Time Budget Summary - 2014 Plan*".
- Mr Kelly provided an overview of the process, explaining the breakdown of hours spent to review the plan.
- Ms Maheshwari asked if Mr Kelly expects to attend professional development programs such as conferences or courses for Internal Auditors.
- Mr Kelly replied that he is a member of the Internal Auditor and Local Government networking groups which each meet quarterly. Mr Kelly stated that he feels that his professional development needs are currently being met by attending the networking groups and participating in the Institute of Internal Auditors webinars.
- Ms Hegarty enquired if the Purchase Card Policy and Procedures adequately cover the potential inherent risks within the process and if a risk category has been allocated to the process.
- Mr Kelly replied that while the process does have some inherent risks, the controls that have been put in place make it a valuable low cost, high volume business tool. Mr Kelly noted that a purchase card is often the only business tool available for online bookings and transactions.
- Ms Galea commented that a number of controls and delegations have been reviewed, resulting in the removal of purchase card from staff who are no longer active. Ms Galea also noted that there has been an alignment on the card limits for individual purchases and also monthly transaction limits, with spot checks to ensure that the procurement process is not being side-stepped.
- Ms Maheshwari asked if it is appropriate to have the Payroll section audited in 2015/2016.
- Mr Kelly replied that it is considered an appropriate time frame given that the Payroll section was audited in the previous three year audit. Mr Kelly noted that the Payroll section contains good operators and rigid systems.
- Ms Maheshwari asked Mr Pillay for his opinion on this matter.

ORDINARY MEETING
Reports of Committees

- Mr Pillay commented that the cash management and cash payment systems within Finance could be reviewed to create a more streamlined approach.
- Ms Maheshwari asked if there had been any discussion with the external auditor to determine if any of the findings by the Internal Auditor could be used in the next external Audit.
- Mr Pillay commented that the external audit does not rely on any comments resulting from the internal audit, however, if anything from the internal audit appears to be relevant to the external audit, then it can be reviewed and if needed, included.

RECOMMENDATION TO COMMITTEE:

That the Committee adopt the Internal Audit Operational Plan 2014/15 included as Attachment 1 to the report, with amendments to dates within the item title and the attachment to be amended to 2014/2015 or 2014 where appropriate.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Ms Ellen Hegarty.

That the Committee adopt the Internal Audit Operational Plan 2014/15 included as Attachment 1 to the report, with amendments to dates within the item title and the attachment to be amended to 2014/2015 or 2014 where appropriate.

Item 7: AC - Draft Audit Committee Charter - (91369, 95496, 79351)

DISCUSSION:

- Mr Jackson explained that the Division of Local Government recommends two external members.
- In the interests of preventing future amendments to the number of external members, Cllr Conolly recommended that the wording in the Charter be amended to read:

5. Structure and Membership

- (a) *The structure and membership of the Audit Committee shall be as follows, and all the undermentioned appointments will have voting rights:*
 - (i) *A minimum of three independent external members (at least one of whom is to have accounting or related financial management experience, with an understanding of accounting and auditing standards in a public sector environment and/or one with financial, legal and business expertise), appointed by Council following the calling of applications as detailed in Clause 6(b) of this Charter; and*
 - (ii) *Two Councillors of the Hawkesbury City Council.*

RECOMMENDATION TO COMMITTEE:

That the Committee adopt the Draft Audit Committee Charter included as Attachment 1 to the report.

ORDINARY MEETING
Reports of Committees

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Ms Ellen Hegarty.

That the Committee adopt the Draft Audit Committee Charter included as Attachment 1 to the report.

Item 8: AC - Draft Internal Audit Charter - (91369, 121470, 79351)

RECOMMENDATION TO COMMITTEE:

That the Committee adopt the Draft Internal Audit Charter included as Attachment 1 to the report.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Ms Ellen Hegarty.

That the Committee adopt the Draft Internal Audit Charter included as Attachment 1 to the report.

SECTION 4 - General Business

There were no matters raised.

The meeting terminated at 4:56pm.

Submitted to and confirmed at the meeting of the Audit Committee held on 27 August 2014.

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

NM1 **Implement changes to the Hawkesbury Local Environment Plan and Development Control Plan - (79351, 105109, 90477)**

Submitted by: Councillor B Porter

NOTICE OF MOTION:

That:

1. Hawkesbury City Council proceed to implement changes to the Hawkesbury Local Environment Plan (LEP) and Development Control Plan (DCP) to allow detached dual occupancy on rural/residential land of 2Ha parcels or larger.
2. On lots less than 2Ha, a secondary dwelling, no greater than 60m², not including verandas and the like, be permissible.
3. These changes should mirror the provisions provided for in Penrith City Council's LEP and DCP.
4. Any funding required is to be provided for in the 2014/2015 Council Budget.
5. These changes are to be implemented by the 30 September 2014.

BACKGROUND:

There have been several Notices of Motion in the past, that the majority of Councillors have supported.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM2

Report summarising Council resolutions - (79351, 105109, 125612)

Submitted by: Councillor M Lyons-Buckett

NOTICE OF MOTION:

That Council:

1. Prepare a quarterly report summarising the resolutions passed by Council in the preceding quarter, and assigning a status to such resolution to indicate if the action has commenced, has been completed, or a likely timeframe for completion, and;
2. Present this information on an annual basis in a form showing whether resolutions are outstanding, completed or unable to be carried out and if so, for what reason.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM3 Advertising signs for Windsor Sunday Market Group - (79351, 105109, 80104)

Submitted by: Councillor C Paine

NOTICE OF MOTION:

That the Windsor Sunday Market group be allowed to erect advertising signs on all main roads into Windsor

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meeting and Responses - (79351)

REPORT:

Questions - 27 May 2014

#	Councillor	Question	Response
1	Creed	Enquired if residents along Grose Vale Road have been notified of changes to traffic conditions.	The Director of City Planning advised that the provision of a pedestrian refuge has been undertaken as required by the development approval. Advanced signage, and implementation of a 40km/h construction zone had been in place during construction.
2	Reardon	Requested on behalf of the Friends of Wilberforce Cemetery that the proposed columbarium be designed to enhance the historical significance of the Cemetery and also how many niches will be available.	The Director of Infrastructure Services advised that the design would be appropriate to the historical setting and would be discussed with stakeholders. At this stage it is unknown how many niches will be available, however it is anticipated that the design will allow for expansion to meet future needs.
3	Williams	Requested an update on the extension of the opening hours of the outdoor pool at the Oasis Aquatic and Leisure Centre.	The Director Support Services advised that Council previously extended the opening hours of the outdoor pool at the Oasis Aquatic and Leisure Centre from 31 March to 31 May 2014. A further extension of the opening hours to the public of the outdoor pool was approved from Sunday, 1 June to Sunday, 15 June 2014. The outdoor pool will then be closed to enable essential maintenance work to be carried out to the pool and the surrounds of the pool.
4	Paine	Requested an investigation into the timing of the traffic lights and pedestrian lights on the corner of Ross Street and Macquarie Street, as they are reportedly operating at the same time.	The Director of Infrastructure Services advised that the operation of the signals was referred to RMS requesting a pedestrian phase on the Ross Street crossing point.
5	Paine	Enquired if it is possible to have the Kable Street disabled toilets designed in keeping with those within the Hawkesbury Central Library.	The Director of Infrastructure Services advised that the toilets will meet accessibility standards.

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
6	Paine	Requested advice regarding an illegal function centre on the Richmond Lowlands.	The Director City Planning advised that following investigation of complaints a search of Council records has been unable to locate any approval or consent for a "function centre" at a number of the properties. Similarly it appears that a number of properties are operating "recreation facilities (outdoor)" in the vicinity which are a prohibited use in the zone. Accordingly, a Notice of Intention pursuant to Section 121H of the <i>Environmental Planning and Assessment Act 1979</i> for the unauthorised use of land for a "function centre" has been issued. The matter of other prohibited uses in the locality are also being investigated as the operating "recreation facilities (outdoor)" also have functions that may be the cause of complaint.
7	Calvert	Requested an update on the progress of the Pitt Town bypass.	The Director of Infrastructure Services advised that following removal of the project from the S94 plan (State component) the bypass is now included in works to be carried out in future programs by RMS. No advice is currently available on timing / priority of any works, however further requests are being made of RMS in this regard.
8	Calvert	Enquired if the "Welcome to the Hawkesbury" signs have provision to hang a second sign, similar to the "Welcome to the Blue Mountains" sign and if it doesn't could it be considered in order to advertise events.	The Director of Infrastructure Services advised that the "Welcome to the Hawkesbury" signs installed on main roads are currently being modified to incorporate the Aboriginal Lands message as resolved by Council in June 2013. RMS approval was required and has been obtained. The signage panel and structure is insufficient to incorporate additional panels for advertising of events. The signage was not intended nor approved by RMS to allow event / advertising messages. Council installed a number of event advertising structures at key locations throughout the City and these are governed by a policy to ensure fair and equitable distribution. Scope does exist for special consideration to be given for extended advertising subject to availability and application to Council.

oooO END OF REPORT Oooo

<p style="text-align: center;">ORDINARY MEETING CONFIDENTIAL REPORTS</p>
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CONFIDENTIAL REPORTS

Item: 111 **GM - Establishment of an Economic Working Group - Nominations and Councillor Positions - (79351, 111215)**

Previous Item: Item 27, Ordinary (25 February, 2014)
 Item 237, Ordinary (26 November, 2013)
 NM1, Ordinary (13 November, 2012)

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 112 **IS - Tender No. 00920 - Extension of Tender for the Supply and Lay of Asphaltic Concrete within the City of Hawkesbury - (95495, 79344)**

Previous Item: 23, Ordinary (5 February 2013)

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to the Supply and Lay of Asphaltic Concrete within the City of Hawkesbury and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 113 **IS - Tender No. 00938 - Tender for Supply of Goods and Services for Sewage Treatment Plants, Sewer Pump Stations and Sewer Reticulation Systems - (95495, 112179)**

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to the Supply of Goods and Services for Sewage Treatment Plants, Sewer Pump Stations and Sewer Reticulation Systems and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 114

IS - Tender No. 00942 - Tender for the Supply of Bitumen Sealing and Resealing of Roads within the City of Hawkesbury - (95495, 79344)

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to the Supply of Bitumen Sealing and Resealing of Roads within the City of Hawkesbury and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 115 **SS - Glossodia Shopping Village Outgoings - (38869, 95496)**

Previous Item: 46, Ordinary (11 March 2014)

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 116

**SS - Property Matter - Lease to Jeanette James and Ferne Thompson - Shop 9
Glossodia Shopping Village - (38869, 73792, 76718, 95739, 112106, 95496)**

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 117 **SS - Property Matter - QI Pty Limited - Lease of Former Hawkesbury Hospital Building - Part of Lot 50 in Deposited Plan 1035291, Macquarie Street, Windsor - (95496, 112106)**

Reason for Confidentiality

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

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

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



ordinary
meeting

end of
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