



ORDINARY MEETING

Date of meeting: 10 December 2024
Location: Council Chambers
Time: 6:30 PM

BUSINESS PAPER

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1. WELCOME

a) Acknowledgement of Indigenous Heritage

The Mayor, Councillor Les Sheather will acknowledge the Indigenous Heritage.

b) General Manager's Matters for Mention

The General Manager will address the Council meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones.

2. ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL

The Mayor will acknowledge and welcome official visitors to the Council and make any relevant presentations as required.

3. APOLOGIES AND LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

The Mayor will ask for any Apologies or Leave of Absence Requests to be noted.

Attendance

Attending Councillors and Council staff members will be noted for the purposes of the Minutes.

4. DECLARATIONS OF INTERESTS

The Mayor will ask for any Declaration of Interests from the attending Councillors. These will then be addressed at the relevant item.

Statement of Ethical Obligations

On 15 October 2024 in accordance with Section 233A of the Local Government Act 1993, Councillors took an oath or made an affirmation of office to undertake the duties of the office of Councillor in the best interests of the people of the Hawkesbury City Council Local Government Area and the Hawkesbury City Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in Councillors under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

Council's Code of Conduct requires Councillors to disclose and appropriately manage conflicts of interest.

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7. CONDOLENCES

Condolence Motion – John Maguire

Submitted by: Councillor Mary Lyons-Buckett

BACKGROUND

John Maguire, a respected orchardist and tireless advocate for preserving the Hawkesbury’s agricultural heritage, passed away on 5 November aged 87.

Born in Cowra, John later established Enniskillen Orchard in Grose Vale, renowned for its roadside stall, produce, and café. A founding member of Hawkesbury Harvest, he played a pivotal role in creating the Farm Gate Trail in 2001, helping to spotlight the region as a premier agricultural and tourism destination. John passionately spoke of the potential for the Hawkesbury to be the “Tuscany of the Pacific,” advocating for thoughtful development to safeguard farmland from urban sprawl.

Passionate about agritourism, John championed initiatives that brought visitors closer to farming, from “pick your own” experiences—featured on *MasterChef Australia*—to farm stays. He frequently sold produce at the Richmond Good Food Market, where his warmth, humour, and meticulous stall setup became fixtures.

John was also a fierce protector of the region’s identity, opposing projects like the Bells Line of Road corridor, which threatened agricultural lands. His commitment about the need for future food security and Hawkesbury’s role in contributing to that, was a frequent topic in the many conversations John shared with a wide range of locals and visitors.

John Maguire’s legacy as a visionary leader, a champion of the Hawkesbury’s rural heritage, and a beloved community figure will endure.

Condolences are expressed to his wife Trish, children and grandchildren, and all those who knew, loved and respected John.

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8. MAYORAL MINUTES

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8. MAYORAL MINUTES

There was no Mayoral Minute at the time of preparing this Business Paper.

Notwithstanding the above, pursuant to Clauses 9.6-9.9 of Council's Code of Meeting Practice, the Mayor may submit a Mayoral Minute to the meeting without notice in relation to any matter or topic that:

- Is within the jurisdiction of the Council
- Council has official knowledge of.

However, a Mayoral Minute must not be put without notice if it relates to a routine or non-urgent matter.

A matter is considered to be urgent when it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

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**9. EXCEPTION REPORTS - ADOPTION OF ITEMS NOT IDENTIFIED FOR DISCUSSION AND
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10. REPORTS FOR DETERMINATION

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10. REPORTS FOR DETERMINATION

10.1. PLANNING DECISIONS

10.1.1. CP - Planning Proposal LEP002/24 - Kemsley Park, 322 Grose Vale Road, Grose Vale (95498, 124414)

Directorate: City Planning

PLANNING PROPOSAL INFORMATION

File Number:	LEP002/24
Property Address:	322 Grose Vale Road, Grose Vale
Applicant:	Redbank Communities
Owner:	MCPB Investments Pty Ltd
Date Received:	21 August 2024
Current Minimum Lot Size:	200 Hectares
Proposed Minimum Lot Size:	R2 - 375m ² R5 - 1,500m ²
Current Zone:	RU4 Primary Production Small Lots
Site Area:	35.41 Hectares

Key Issues:	Identify Key Issues
Strategic	<ul style="list-style-type: none">• Consistency with the Greater Sydney Region Plan and Western City District Plan including• Metropolitan Rural Area Classification• Infrastructure capacity of the area• Hawkesbury-Nepean flood evacuation modelling and isolation during a major flood event.
Site Specific	<ul style="list-style-type: none">• Integration into existing Redbank Development, and North Richmond community.

PURPOSE OF THE REPORT

The purpose of this report is to present Planning Proposal (LEP002/24) for a site known as Kemsley Park, Grose Vale, and consider a report recommending that Council supports forwarding the Planning Proposal to the Department of Planning, Housing, and Infrastructure for a Gateway Determination.

EXECUTIVE SUMMARY

Council is in receipt of a new applicant initiated Planning Proposal associated with the property known as Kemsley Park, Grose Vale which seeks to amend the Hawkesbury Local Planning Environmental Plan 2012 to achieve between 300 to 350 new dwellings.

The Planning Proposal seeks to achieve this proposed outcome by rezoning the subject site from RU4 Primary Production Small Lots to R2 Low Density Residential, R5 Large Lot Residential, and RE1 Public Recreation. The Planning Proposal also seeks to amend the Minimum Lot Size provisions to 375m² for the proposed R2 Low Density Residential zoned land, and 1,500m² for the proposed R5

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Large Lot Residential zoned land. The Planning Proposal also seeks to amend the Urban Release Area Map in order to include the subject site within the Redbank Urban Release Area, and to also to provide for dual occupancies as an additional permitted use over the subject site.

As per Ministerial Direction, advice was sought from the Hawkesbury Local Planning Panel at its Meeting on 21 November 2024 ahead of the Planning Proposal being presented to Council to consider whether to submit the Proposal to the Department of Planning, Housing and Infrastructure for a Gateway Determination. The Hawkesbury Local Planning Panel advice was that the strategic planning rationale and site-specific merit of the Planning Proposal as set out in the Planning Proposal and the report to the Panel has sufficient merit to proceed in the assessment process.

This report provides an assessment of the Planning Proposal and recommends that the Proposal be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

RECOMMENDATION

That Council support Planning Proposal (LEP002/24) Kemsley Park, 322 Grose Vale Road, Grose Vale and forward the Planning Proposal to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

BACKGROUND

On 21 August 2024, Council received an applicant-initiated Planning Proposal - Kemsley Park. The Planning Proposal seeks to amend the Hawkesbury Local Planning Environmental Plan 2012 to facilitate urban residential development and achieve between 300 to 350 new dwellings in addition to approximately 4.8 Hectares of open space and drainage land.

The Planning Proposal seeks to amend the Hawkesbury Local Environmental Plan 2012 in the following manner:

1. Rezone the subject site from RU4 Primary Production Small Lots to partly R5 Large Lot Residential, R2 Low Density Residential and RE1 Public Recreation.
2. Amend the Minimum Lot Size provision to apply a minimum lot size of 375m² to the R2 Low Density Residential zoned land and 1,500m² for the R5 Large Lot zoned land.
3. Amend the Urban Release Area Map to include the subject site within the Redbank urban release area.
4. Inclusion on the Additional Permitted Uses Map and related amendment to Schedule 1 to allow an additional permitted use over the subject site for dual occupancies provided lot requirements are met.

A suite of technical reports has been provided to support the Planning Proposal which are included as Attachments 1-18. Amongst other reports, these supporting reports include:

- Master Plan
- Aboriginal Heritage Due Diligence Assessment
- Housing Demand Assessment
- Traffic Impact Assessment
- Water Cycle Management Study

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- Preliminary Site Investigation
- Biodiversity Development Assessment Report
- Bushfire Assessment Report
- Flood Evacuation Report
- Geotechnical and Salinity Report
- Riparian Assessment
- Non-Indigenous Heritage Assessment
- Economic Impact Assessment
- Utility Servicing Assessment.

DISCUSSION

Subject Site and Locality:

The subject site is located at 322 Grose Vale Road, North Richmond and is legally described as Lot 260 DP 123271, and has historically been known as 'Kemsley Park'. The subject site has an area of 35.41 hectares with a 590m frontage to Grose Vale Road and adjoins the existing Redbank Estate which is an emerging community at North Richmond.

The subject site has been predominantly used for agricultural and rural residential purposes, and contains a single storey residential dwelling, detached garage, freestanding machinery shed, three earth formed dams, rural style timber post fencing and significantly cleared land with a long driveway traversing across the subject site from the dwelling to Grose Vale Road.

The topography of the subject site varies from 86m AHD in the southwestern corner down to 46m AHD in the northwest, with the land graded to direct water into three existing dams. The majority of the subject site has been cleared of vegetation for the recent rural and agricultural land uses, being subject to extensive grazing. Vegetation present on the subject site is partly characterised by Cumberland Shale Plains Woodland with planted native vegetation along the driveway and more exotic species planted around the dwelling house. Figure 1 below illustrates the subject site and surrounding development.

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Source: Nearmap, June 2024

Figure 1 - Subject Site and Surrounds

As shown in Figure 2, the subject site adjoins the Redbank Estate which surrounds the subject site to the northwest and southeast. The emerging Redbank Estate is delivering a variety of housing from low density to medium density including seniors housing based on an earlier rezoning in 2013. The current Redbank Estate has a dwelling cap of 1,400 dwellings and is currently approaching the delivery of approximately 1,000 lots. The Redbank Estate represents an extension of North Richmond which is located further to the east of Redbank. The North Richmond Bridge provides access across the Hawkesbury River to Richmond.

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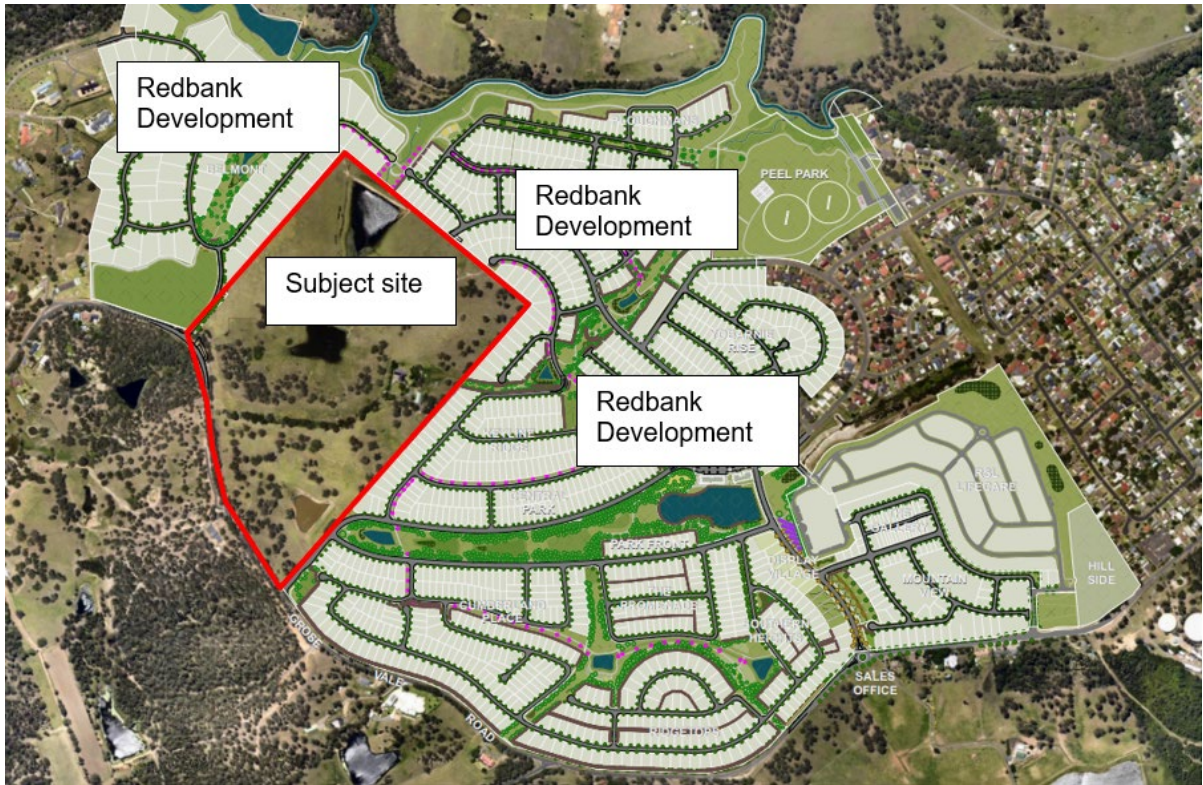


Figure 2 - Subject site and Surrounding Redbank Development

Indigenous Heritage

Artefact has prepared an Aboriginal Heritage Due Diligence assessment for the subject site. The study area did not record any items listed on the AHIMS register, with the closest item being approximately 160 meters northeast of the study area. Some of these items were previously recorded as part of the rezoning of the surrounding Redbank Estate. One new site was identified during a visual inspection of the site. The inspection confirmed the potential for further Aboriginal objects to be present, such as sub-surface deposits and scarring or carved trees.

Non-Indigenous Heritage:

The surrounding Redbank development site is listed on the State Heritage Register (Item No. 01826) as 'Yobarnie Keyline Farm' which includes the innovative 'Yeoman's Keyline Irrigation System' that was designed and installed to advance farm irrigation technologies. The surrounding development has retained dams and incorporated these elements into the development, reflecting the historical significance of the land's association with agriculture and production. Figure 3 below identifies the site in relation to the original Yobarnie System.

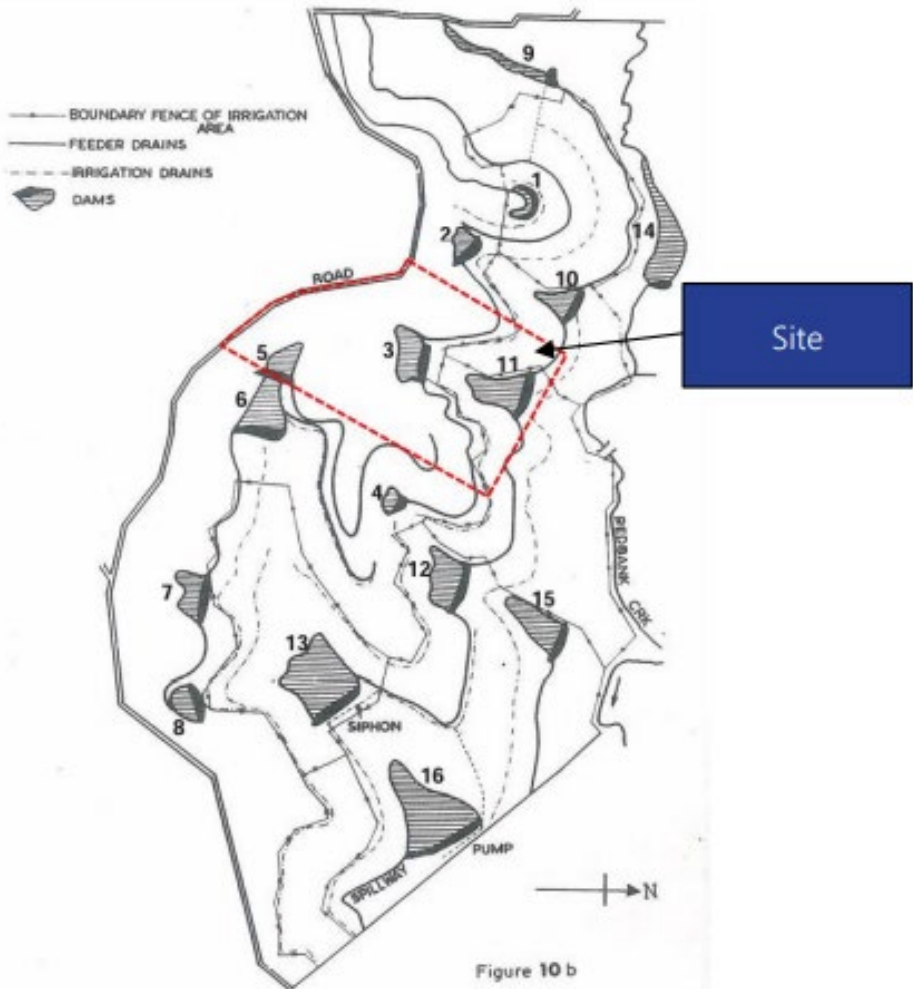


Figure 10 b Plan of the original Yobarnie showing the placement of the original dams, feeder, and irrigation swales. Approximate Kemsley Park lot boundary is indicated.

Source: Urbis, 2023

Figure 3 - Yobarnie Keyline Farm

Biodiversity:

The subject site contains areas of Cumberland Plain Woodland in the Sydney Region Basin Bioregion (PCT 3320), of low to degraded quality, that is identified as a Threatened Ecological Community under the BC Act. The subject site also contains suitable habitat for the Green and Golden Bell Frog, Square-Tailed Kite, Southern Myotis as well as the Matted Bush Pea. The BC Act requires that for the purposes of the Biodiversity Offsets Scheme, offsets to compensate for impacts on biodiversity values must only be taken after measures are taken to avoid or minimise those impacts first. The extent of Cumberland Plain Woodland on the Site is mapped at Figure 4 below.



Source: ESEA, 2024

Figure 4 - Extent of Cumberland Plain Woodland on subject site

Flooding:

The subject site is above 1% AEP and PMF flood events. However, the locality does get isolated during an extreme flood event due to the closure of the North Richmond bridge. Figure 5 below illustrates the PMF levels which does not affect the subject site.

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Source: Hawkesbury Spatial Viewer
Figure 5 - Probable Maximum Flood Level

Bushfire:

The subject site has Category 3 bushfire affectation as shown in Figure 6. The Planning Proposal states that the subject site can accommodate a suitable Asset Protection Zone within the boundaries of the subject site.

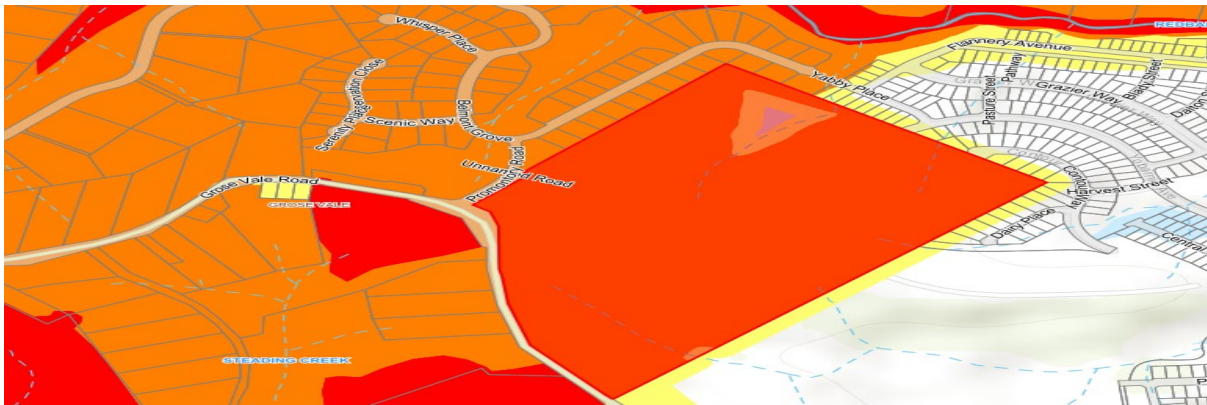


Figure 6 -Bushfire Mapping

Current Hawkesbury Local Environmental Plan 2012 Provisions:

Zone	RU4 Primary Production Small Lots
Minimum Lot Size	200 hectares
Height of Buildings	10m
Terrestrial Biodiversity	Partly Endangered Ecological Communities and Connectivity with remnant vegetation.
Flood	Not Affected but locality can be isolated during

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Zone	RU4 Primary Production Small Lots
	flood events due to the closure of the current North Richmond Bridge which has a very low flood immunity
Heritage	Not Affected but adjoins State Heritage Listed Yobarnie Keyline Farm site (current Redbank Estate).

Planning Proposal:

On 21 August 2024, Council received an applicant-initiated Planning Proposal - Kemsley Park. The Planning Proposal seeks to amend the Hawkesbury Local Planning Environmental Plan 2012 to facilitate urban residential development and achieve between 300 to 350 new dwellings in addition to approximately 4.8 Hectares of open space and drainage land. The Planning Proposal seeks to amend the Hawkesbury Local Environmental Plan 2012 in the following manner:

1. Rezone the subject site from RU4 Primary Production Small Lots to partly R5 Large Lot Residential, R2 Low Density Residential and RE1 Public Recreation.
2. Amend the Minimum Lot Size provision to apply a minimum lot size of 375m² to the R2 Low Density Residential zoned land and 1,500m² for the R5 Large Lot zoned land.
3. Amend the Urban Release Area Map to include the subject site within the Redbank urban release area.
4. Inclusion on the Additional Permitted Uses Map and related amendment to Schedule 1 to allow an additional permitted use over the subject site for dual occupancies provided lot requirements are met.

A suite of technical reports has been provided to support the Planning Proposal which are included as Attachments 1-18.

Urban Design and Master Planning of Kemsley Park:

The masterplan for the subject site is shown at Figure 7 and 8 below.



Source: Inspire, 2024

Figure 7 – Kemsley Park Master Plan

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Figure 8 - Kemsley Park Master Plan blended with Redbank Development

As detailed in the Planning proposal, the key features of the master plan include:

- A development footprint that responds to the areas of significant terrestrial biodiversity positioned across the southwestern edge of the site and continuing through the spine of the subject site
- Capacity for approximately 300 to 350 residential lots to provide for a range of housing and land options including:
 - Primarily R2 Low Density Residential lots
 - R5 Large Lot Residential lots on the northwestern perimeter
- Commitment towards affordable housing to be delivered in partnership with a Community Housing Provider through dual occupancy typologies
- Delivery of a local road network consistent with the adjoining Redbank development, comprising three access points via new local roads, with no additional access points to Grose Vale Road proposed
- Open space network aimed at meeting the daily active and passive recreation needs of the community and contribution to higher order active open space facilities off-site
- Location of open space to maximize appreciation of the subject site's landform and views
- Opportunities to maximize tree canopy via future street tree planting, embellishment of open spaces and drainage corridors

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- Use of road positions and lot depths to manage bushfire planning considerations
- Utilization of planned capacity within water, sewer and power networks.

The proposed Structure Plan provided at Figure 9 supplements the Urban Design and Masterplan Report. This masterplan has been used to determine the proposed land use zoning of R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation in a manner consistent with the existing Redbank community



Source: Inspire Planning, 2024

Figure 9 - Indicative zoning layout of Kemsley Park subdivision

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Strategic and Site-Specific Merit

The surrounding Redbank Community was rezoned in 2013, with Kemsley Park not included in the previous planning proposal despite Council support in the 2011 Residential Land Strategy. The Planning Proposal details that the subject site serves as a logical example of infill development, as it is bounded by Redbank on three sides and Grose Vale Road, which runs along a natural ridgeline delineating the property from large rural zoned lots to the southwest.

In 2018, the NSW Planning Framework changed with the commencement of the Greater Sydney Region Plan, A Metropolis of Three Cities, and the Western City District Plan, which included the introduction of the Metropolitan Rural Area.

Metropolitan Rural Area:

The Hawkesbury Local Government Area is classified as a Metropolitan Rural Area (except for the Vineyard Precinct in the Northwest Growth Area) under the Greater Sydney Region Plan - A Metropolis of Three Cities, and the Western City District Plan. Objective 29 of the Greater Sydney Region Plan states that land use in the Metropolitan Rural Area will be influenced by local demand to live and work in rural towns or villages. It also states that urban development is not consistent with the values of the Metropolitan Rural Area. Furthermore, it indicates that Greater Sydney has sufficient land to meet its housing needs within the current urban area boundaries, including existing growth areas and urban investigation areas associated with the development of the Western Sydney Airport.

The Planning Proposal introduces urban zones (R2 Low Density Residential and R5 Large Lot Residential) in the Metropolitan Rural Area to meet the local demand for living and working in the area. The Greater Sydney Region Plan states that rural-residential development is not an economic value of the district's rural areas and generally does not support further rural-residential development. Limited growth of rural-residential development could be considered where there are no adverse impacts on the local area's amenity and where the development provides incentives to maintain and enhance the environmental, social, and economic values of the Metropolitan Rural Area. Given that the Planning Proposal seeks to achieve 300-350 residential lots on the subject site, it is not considered to be a limited growth of rural-residential development.

Urban expansion or encroachment on rural areas, particularly rural lands within the Greater Sydney Region Plan, causing the loss of agricultural land, is not generally supported by the Department of Planning, Housing, and Infrastructure and other relevant government agencies. The Department of Planning, Housing, and Infrastructure is currently reviewing the Greater Sydney Region Plan and the Western City District Plan, with clear policy signals indicating the need to deliver more housing within Sydney. Discussions with the Department to date have indicated that significant changes to the Greater Sydney Region Plan regarding the Metropolitan Rural Area objectives are not expected.

Hawkesbury Local Housing Strategy:

The Hawkesbury Local Housing Strategy, adopted by the Council in December 2020, assesses local housing needs in the Local Government Area to accommodate population growth through 2036. The strategy emphasizes that the existing Redbank release area is projected to accommodate a substantial portion of future housing growth, with up to 1,400 additional dwellings. It identifies that the North Richmond Centre has the potential capacity to accommodate an additional 683 dwellings, while other existing centres have relatively limited capacity for significant growth, particularly due to the limited capacity of flood evacuation routes and the viability of medium-density housing. While the existing zoned capacity of the release areas and urban centres was considered adequate, there is a projected shortfall of housing beyond 2031. The Hawkesbury Local Housing Strategy emphasizes a place-based approach for determining rezonings that would not jeopardize the productivity of the rural environment.

The report notes that consideration needs to be given to the appropriateness of the Metropolitan Rural Area designation for the subject site, especially given the limited development opportunities

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throughout the Local Government Area due to environmental constraints such as flood risk. It is considered that there is merit in investigating the subject site for urban residential purposes.

The Planning Proposal states that the Hawkesbury Local Housing Strategy notes that the NSW Government’s population projections for the Hawkesbury Local Government Area suggest a demand for an additional 8,000 dwellings (around 400 dwellings per year) between 2016 and 2036, which is more than double the average historical rate prior to 2016. The completion rate for dwellings across the Local Government Area in the five years to June 2023 averaged 179 dwellings per year. The Hawkesbury Local Housing Strategy instead recommends that an additional 10,000 dwellings will be needed by 2036, highlighting issues in locating these dwellings outside flood-prone areas. The majority of growth is anticipated in existing urban centers as well as the Vineyard Precinct within the Northwest Growth Area.

Furthermore, the housing target for Hawkesbury between 2016 and 2021 was set at 1,150 dwellings to address the housing demand from a projected population of 77,048 by 2036. After reviewing development approvals, dwelling completions, and dwellings under construction, it was identified that the dwelling supply in the Local Government Area was slightly below the 2016-2021 target. This shortfall was largely due to market forces, despite an adequate supply of zoned land to meet the target. The Hawkesbury Local Housing Strategy provided a table of dwelling supply status in the Hawkesbury LGA based on the 1,150 dwellings housing target, as illustrated below.

Timeframe	District Plan target	Status
0-5 years (2016–2021)	1,150 dwellings	Dwellings completed 2016- 2019: 659 dwellings* Dwellings in pipeline 2019 to 2021: 385 dwellings**
20 years	No target stated	Suggested target of around 4,000 additional dwelling 2016- 2036 based on an average completion of 200 dwellings per annum.

Source: *DPIE housing activity database 1 July 2016- 30 June 2019; **Cordell Connect projects with completion dates listed 1 July 2019- 30 June 2019

Source: Hawkesbury Local Housing Strategy 2020

The Hawkesbury Local Government Area had capacity to meet its dwelling target of 1,150 from development in the Vineyard (Stage 1) Precinct - 2,500 dwellings, Redbank development -1,400 dwellings and the Jacaranda development -580 dwellings. Additionally, the Department of Planning, Housing and Infrastructure has released new housing targets, which for the Hawkesbury Local Government Area is 1,300 dwellings for 2024- 2029. This target has cascaded from the National Housing Accord which includes an aspirational housing target of 1.2 million new well-located homes agreed by the Australian Government with the states and territories, local governments, institutional investors and the construction sector in supply purposes.

Hawkesbury Local Strategic Planning Statement:

The Planning Proposal states that the proposed Kemsley Park development is consistent with the planning priorities of the Hawkesbury Local Strategic Planning Statement. It aligns with and will be supported by the existing infrastructure of the Redbank Development. The proposal aims to deliver a range of housing types, from low-density residential to larger lot housing, to meet local demand. Predominantly, the demand for housing in the area is for detached dwellings, and the proposed variety of lot sizes would accommodate different housing needs for various demographics. The Planning Proposal also intends to amend the Additional Permitted Use provisions to allow dual occupancy development within the Kemsley Park development, enabling affordable housing while maintaining the local character of the area.

The Planning Proposal states that the development will protect and promote Aboriginal heritage through a concurrent development application process involving an Aboriginal Cultural Heritage

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Assessment Report and associated consultation. The adjoining State Heritage Listed Yobarnie Keyline Farm dams, identified as of European heritage significance, will be protected through the retention of native vegetation clusters along ridgelines, the retention and reshaping of farm dam 11, and the delivery of the drainage and open space corridor.

The Planning Proposal states that the subject site is not classified as prime agricultural land, and using the land for intensive agriculture would create a land use conflict with the adjoining residential uses at the Redbank development. Given the location and classification of the subject site, there is no economic or environmental benefit to retaining it for rural purposes. The Kemsley Park development represents a relatively small expansion of the existing North Richmond/Redbank Township. The subject site serves no functional purpose from a tourism or rural industry perspective. The proposed development and additional population will contribute to the social and economic viability of nearby local centres, including North Richmond.

The Planning Proposal states that the subject site is not situated on flood-prone land and can be designed to mitigate and respond to bushfire risks and climate change, consistent with the surrounding Redbank Estate. The proposal involves rezoning land for public recreation purposes to maintain tree canopy and biodiversity outcomes, contributing to the Council's broader 'green grid'. The subject site contains a series of first-order watercourses identified on hydro line mapping. These watercourses have since been ground-truthed for formation, vegetation, and function. Where applicable, deemed watercourses are proposed to be protected and rehabilitated as part of a riparian corridor zoned RE1 Public Recreation. Should the Planning Proposal be supported and the LEP Amendment made, it is expected that a Vegetation Management Plan will be prepared at the Development Application stage to support revegetation outcomes.

The Planning Proposal states that the subject site is not situated on flood-prone land and can be designed to mitigate and respond to bushfire risks and climate change, consistent with the surrounding Redbank Estate. The proposal involves rezoning land for public recreation purposes to maintain tree canopy and biodiversity outcomes, contributing to the Council's broader 'green grid'. The subject site contains a series of first-order watercourses identified on hydro line mapping. These watercourses have since been ground-truthed for formation, vegetation, and function. Where applicable, deemed watercourses are proposed to be protected and rehabilitated as part of a riparian corridor zoned RE1 Public Recreation. Should the Planning Proposal be supported and the LEP Amendment made, it is expected that a Vegetation Management Plan will be prepared at the Development Application stage to support revegetation outcomes.

Hawkesbury Rural Lands Strategy:

The Hawkesbury Rural Lands Strategy states that 86.1% of land use in the rural lands of the Hawkesbury Local Government Area is rural residential. A settlement hierarchy has been developed based on the services and facilities provided in each settlement, which is a factor of its size. This hierarchy is aligned with the Western District Plan prepared by the Greater Sydney Commission and further categorizes local centres into towns, villages, and rural localities. The purpose of the hierarchy is to acknowledge that some settlements, due to their lack of services and facilities, are not able to grow through either infill or expanding the boundaries of their urban zoned land. Additionally, there is an RU4 Primary Production Small Lot zone, which is mostly used for rural residential purposes with a small number of intensive agricultural uses.

The Strategy further states that urban expansion into the surrounding rural landscape can only occur in accordance with the settlement hierarchy and the recommendations of the Hawkesbury Local Housing Strategy. The Western City District Plan identifies that rural areas contain large areas that serve as locations for people to live in a rural or bushland setting. Rural-residential development is not an economic value of the District's rural areas and is generally not supported. Limited growth of rural-residential development could be considered where there are no adverse impacts on the local area's amenity and where the development provides incentives to maintain and enhance the environmental, social, and economic values of the Metropolitan Rural Area. This could include the creation of

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protected biodiversity corridors, buffers to support investment in rural industries, and the protection of scenic landscapes.

Hawkesbury Development Control Plan:

The draft masterplan provides a macro-level arrangement of intended land uses, including the higher-order road network, residential uses, open space, water cycle management, and connection with the surrounding Redbank development. It places particular focus on connectivity with adjoining vegetation communities and the State Heritage-listed Yobarnie Keyline Farm. The Planning Proposal intends to amend the Hawkesbury Development Control Plan to incorporate the subject site and extend the same provisions for continuity, as the subject site is positioned between existing Redbank developments currently being developed in accordance with Chapter 8 of the Hawkesbury Development Control Plan.

Infrastructure Provision

The Planning Proposal represents an expansion of the Redbank Estate in a consistent manner to how that estate has been developed in terms of local infrastructure provision. On a wider scale, the following major infrastructure project should also be noted:

- Richmond Bridge Duplication Project (Transport for NSW) - the Australian Government and NSW Government have committed \$500 million for traffic improvements including a new bridge over the Hawkesbury River between Richmond and North Richmond. This project has progressed to detailed design stage following completion of the corridor investigations, and with the funding already committed it is expected that delivery will commence on a staged basis in the relatively near future.
- Grose River Bridge (to be delivered as part of existing Redbank Voluntary Planning Agreement) - Council has recently completed assessment of an application to construct a new road that will connect Grose River Road at Grose Wold with Springwood Road at Yarramundi, including a new bridge across the Grose River (1:100 flood immunity). Following completion of acquisitions by Transport for NSW, it is expected that this key piece of infrastructure will be delivered in 2026. This item is included as a deliverable under the current Redbank Voluntary Planning Agreement.
- Richmond System Wastewater Upgrade project has commenced which includes a new wastewater pumping station and the construction of a new seven kilometre main which is expected to transfer wastewater from North Richmond to Richmond.

Also relevant to this Planning Proposal is the consideration of a Voluntary Planning Agreement or the provision of a Section 7.11 Contribution Plan, which requires contributions towards local infrastructure in the area. This could include drainage services, public roads, public open space, streetscape and other public domain improvements, as well as community and recreational facilities. Negotiations in this respect will be guided by the NSW Government's Planning Agreements Practice Note (February 2021) and the Council's Voluntary Planning Agreements Policy.

Strategic and Site-Specific Merits:

It is considered that the Planning Proposal provides for an expansion of existing North Richmond/Redbank development that doesn't compromise Metropolitan Rural Area principles and assists in meeting longer term housing targets and diversity of product.

Furthermore, there is infrastructure delivery occurring in the locality that supports the provision of additional dwellings, but if approved any development will need to deliver further infrastructure (Voluntary Planning Agreement).

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It is considered that the Proposal provides for the logical extension of the Redbank development, ensuring consistency of built form and delivery.

Hawkesbury Local Panel Advice:

As required by Ministerial Direction, the advice from the Hawkesbury Local Planning Panel is to be included as part of the report to Council.

The Hawkesbury Local Planning Panel considered this Planning Proposal at its Meeting on 21 November 2024, and provided the following advice:

Panel Discussion:

The Panel was addressed by staff and representatives of the applicant in a closed session after the public meeting in order to provide additional explanation of the Planning Proposal and answer questions from the Panel.

The Panel notes that the applicant is committed to the construction of the new bridge over the Grose River as the planning approvals are now in place.

The Panel encourages this to occur in the quickest possible time noting that the construction of the bridge underpins the traffic assessment for this site, and the Redbank development generally.

The Panel is of the opinion that the strategic planning rationale and site-specific merit of the Planning Proposal as set out in the Planning Proposal and the report to the Panel has sufficient merit to proceed in the assessment process.

The Panel understands that the Planning Proposal is ready for submission to the Department of Planning subject to Council's approval.

Panel Advice:

The Panel's advice to the Council is that the Planning Proposal LEP002/24 – Kemsley Park, Grose Vale should proceed to the next step of applying to the Department of Planning, Housing and Infrastructure for a Gateway Determination and as part of this process the Panel suggests that consideration be given to whether the Molino Stewart report in relation to Flood and Bush Fire, Safety Evaluation August 2009 should be updated.

Applicant's Response to Panel Advice:

The applicant has not updated the report for this Planning Proposal as the conditions and issues relating to Kemsley Park have not changed since 2009, nor have they improved.

The Molino Stewart report in 2009 included the subject site Kemsley Park in the safety evaluation report for the whole of Redbank and a senior's living development for rezoning.

Flooding

The Molino Stewart report provided a summary of historical flooding including 1:100 year flood levels and Probable Maximum Flood (PMF) within the Hawkesbury River catchment.

There has been no change to that catchment from 2009 to 2024, and Kemsley Park is still situated above the Probable Maximum Flood level, and as such not affected by any direct flooding.

Government Policy

There has been subsequent inquiries and reviews into various flood policies in NSW and the Hawkesbury since 2009 and these recent policy reviews and changes affect lands below the Probable

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Maximum Flood level.

The policy for urban development within a floodplain (below Probable Maximum Flood) is to not support such development, however for land situated above the Probable Maximum Flood level there are no such restrictions from a floodplain management perspective.

State Emergency Services

State Emergency Services objects to urban development below the Probable Maximum Flood level, whereas Kemsley Park is situated above the Probable Maximum Flood level.

State Emergency Services do not have a policy to evacuate any residents/houses located above the Probable Maximum Flood level west of the Hawkesbury River. These residents are safe to remain in place and if required can transit via Bells Line of Road to Lithgow or the Great Western Highway.

Direct and Indirect Flood Impacts

The 2009 Molino Stewart report refers to direct and indirect impacts from flooding which in summary are:

- Direct (Riverine and local flooding) - None of Kemsley Park is impacted by riverine flooding
- Indirect (Riverine) - with respect to localities above the Probable Maximum Flood level the State Emergency Services policy position has remained unchanged since 2009. North Richmond is considered as accessible by road, and this has not changed from 2009 to 2024.

Road Access

Whilst bridges at Richmond and Windsor can close during flooding, North Richmond has road access available during flood events via Bells Line of Road, which has not changed since 2009.

The proposed Grose River Bridge will provide greater road access choice for North Richmond residents once completed via Springwood Road.

Electricity

During extreme events the electricity supply can be affected. Since 2009 there has been no change to this scenario except that more residents have solar panel systems in 2024 than 2009, particularly in the new Redbank housing estate.

Telecommunication

Since the 2009 Molino Stewart report there have been significant upgrades to mobile phone coverage and NBN Networks, and it is unlikely that telecommunications would be lost during a flood event in comparison to 2009.

Water

In the 2009 report the water supply from North Richmond was from the North Richmond Treatment Plant which services North Richmond and towns east of the Hawkesbury River including Windsor and Richmond.

In the event of power failure or a water main impacted in the floodplain, the towns east of the Hawkesbury River are at risk of losing water supply.

Since the 2009 report, two high level reservoirs have been built at Redbank providing gravity water supply to Redbank, Kemsley Park and greater North Richmond.

The chance of losing water supply in a flood event in 2024 is negligible and far less than in 2009.

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Sewerage System

The original 2009 Molino Stewart reports assessed the Redbank and Kemsley Park land as being serviced by a pumping system. The proposal is now for gravity.

Additionally, the North Richmond Sewerage Treatment Plant is currently under refurbishment and reconfiguration to send flows to the Richmond Sewerage Treatment Plant via a new sewer main. The line will be serviced with a pump that is well above the 1:100 flood level.

This system is considered superior when compared to 2009.

Medical Services

There has been no change since 2009 with respect to accessing medical services in times of flood. Access by road is still available during flood to Lithgow and Nepean hospitals. In major emergencies airlift retrieval is available, which is the case with or without flood impact. In summary the current situation in 2024 is considered superior than in comparison to 2009, therefore it was not considered necessary to update the 2009 Molino Stewart report.

Consistency with the State Environmental Planning Policies (SEPPs):

The Planning Proposal is mostly consistent with the State Environmental Planning Policies. Attachment 19 provides a detailed assessment of the Planning Proposal against the individual SEPPs.

Consistency with the Planning Directions:

The Planning Proposal is mostly consistent with the Planning Directions. Attachment 20 provides a detailed assessment of the Planning Proposal against the individual Focus Areas of the Planning Directions.

COMMUNITY ENGAGEMENT

Should the Planning Proposal be supported by Council, and subsequently a Gateway Determination issued by the Department of Planning, Housing and Infrastructure to proceed, then the issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. This will occur based on the requirements contained within a Gateway Determination.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Great Place to Live

1.3 Increase the range of local partnerships and plan for the future.

1.5 Provide the right places and spaces to serve our community.

Protected Environment and Valued History

2.1 Value, protect and enhance our historic built environment as well as our relationship to Aboriginal and non-Aboriginal history.

Strong Economy

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3.4 Support the revitalisation of our town centres and growth of our business community.

Reliable Council

4.7 Encourage informed planning, balanced growth and community engagement.

4.8 Facilitate the delivery of infrastructure through relevant agencies and Council's own works.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

RISK MANAGEMENT CONSIDERATIONS

There are both political and reputational risks associated with consideration of Planning Proposals, particularly associated with additional residential development west of the Hawkesbury River. Council has a statutory responsibility to consider new Planning Proposals within timeframes established by the Department of Planning, Housing and Infrastructure and through the Ministerial Statement of Expectations Order.

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.

ATTACHMENTS

There are no supporting documents for this report.

AT – 1 - Planning Proposal Kemsley Park (Distributed under separate cover).

AT - 2 - Masterplan and Urban Design Report (Distributed under separate cover).

AT – 3 - Aboriginal Heritage Due Diligence Assessment (Distributed under separate cover).

AT – 4 - Housing Demand Assessment (Distributed under separate cover).

AT – 5 - Traffic Impact Assessment (Distributed under separate cover).

AT – 6 - Water Cycle Management Report (Distributed under separate cover).

AT – 7 - Preliminary Site Investigation Report (Distributed under separate cover).

AT – 8 - Biodiversity Development Assessment Report (Distributed under separate cover).

AT – 9 - Bushfire Assessment Report (Distributed under separate cover).

AT – 10 - SES Comment (Distributed under separate cover).

AT – 11 - Flood Evacuation and Bushfire Safety Report (Distributed under separate cover).

AT – 12 - Geotechnical and Salinity Assessment Report (Distributed under separate cover).

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AT – 13 - Riparian Assessment Report (Distributed under separate cover).

AT – 14 - Non-Indigenous Heritage Assessment Report (Distributed under separate cover).

AT – 15 - Economic Impact Assessment Report (Distributed under separate cover).

AT – 16 - Utility Servicing Assessment Report (Distributed under separate cover).

AT – 17 - Social Infrastructure Scoping Report (Distributed under separate cover).

AT – 18 - Redbank Stormwater Management Strategy (Distributed under separate cover).

AT – 19 – Consistency with the State Environmental Planning Policies (SEPPs)

AT – 20 – Consistency with the Planning Directions

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Attachment 19 - Consistency with the State Environmental Planning Policies (SEPPs)

SEPP	Chapter	Consistency	Evaluation	Council Officer Comments
SEPP (Biodiversity and Conservation) 2021	2 Vegetation in Non-Rural Areas	Yes	The rezoning of the subject site will not preclude the operation of this part of the SEPP that establishes requirements for approval to remove certain vegetation at the development application stage. Where required, development approval will be sought for limited vegetation removal to facilitate urban development.	Consistent. The subject site contains Cumberland Plain Woodland. The planning proposal includes supporting material to outline that the development will avoid and minimise vegetation removal to retain the Cumberland Plain Woodland by creating open space corridors within the subject site.
	3 Koala habitat protection 2020	Not applicable	This part of the SEPP does not apply to the land as it is zoned RU4 Primary Production Small Lots.	The subject site is not mapped for any koala habitat.
	4 Koala habitat protection 2021	Yes	The Hawkesbury LGA is situated within lands affected by this Chapter. The BDAR has included targeted surveys which did not identify any koalas or evidence of koalas on the Site or	The subject site is not mapped for any koala habitat.

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			surrounds.	
	5 River Murray lands	Not applicable	This part of the SEPP does not apply to the Hawkesbury LGA.	Not applicable
	6 Water Catchments	Yes	The Site is within the catchment draining to the Hawkesbury Nepean River system and as such the provision of this chapter applies. Future DAs for the Site will ensure that the proposed works have a negligible impact on the Hawkesbury Nepean River System. During the activity period, the works will be closely monitored to ensure that all mitigation measures identified in the Erosion and Sediment Control Plan have been installed correctly and are working effectively throughout the project's construction.	Consistent. Stormwater drainage will be assessed at subsequent stages of the development process following detailed design.
	13 Strategic conservation	Yes	The Planning Proposal is not inconsistent with this SEPP which would apply to certain aspects	Consistent. The Site is not mapped as containing certified urban capable or avoided lands.

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			of future development of the Site given that the land is located within the land application map for the CPCP. The Site is not mapped as containing certified urban capable or avoided lands. The Biodiversity Development Assessment Report details measure to avoid and minimise impacts and provision of appropriate offsets in certain parts of the Site.	The Biodiversity Development Assessment Report details measure to avoid and minimise impacts and provision of appropriate offsets in certain parts of the Site.
SEPP (Sustainable Buildings) 2022	N/A	Yes	The Planning Proposal does not include any provisions which impede the operation of this SEPP over the Site. This SEPP will apply to any future DAs on the Site for built form.	Consistent. The Kemsley Park Planning Proposal and indicative development is anticipated to be consistent with this SEPP. Sustainable design and buildings are encouraged to ensure low carbon emission, energy consumption, good thermal performance of the buildings and minimised consumption of mains-supplied potable water.
SEPP	N/A	Yes	The Planning	Consistent.

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(Exempt and Complying Codes) 2008			Proposal is not inconsistent with this SEPP which would apply to certain aspects of future development of the Site. It is intended to make minor amendments to the SEPP to allow the application of the Greenfield	The Kemsley Park Planning Proposal and anticipated development is anticipated to be consistent with the Codes SEPP 2008.
SEPP (Housing) 2021	2 Affordable housing	Yes	Refer to discussion in Part 2 and 3. The Planning Proposal includes minor amendments to facilitate the ability to deliver certain housing types under the LEP, as well as ultimately making for affordable rental housing, that would be expected to be retained for a period of at least 15 years in accordance with the requirements of the SEPP.	Consistent. The Kemsley Park development is seeking to provide secondary dwellings as a means of affordable housing. The planning proposal indicates provisions for affordable rental housing, that would be expected to be retained for a period of at least 15 years in accordance with the requirements of the SEPP.
	3 Diverse housing	Not applicable	The proposal would likely not result in any developments that would deliver housing under this planning pathway, but is also not inconsistent with the provisions	Consistent. The Kemsley Park development will provide housing diversity through the different housing density as stipulated in the proposed indicative

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			under the SEPP.	zoning layout in Figure 6 of this report.
SEPP (Industry and Employment) 2021	2 Western Sydney Employment Area	Not applicable	This part of the SEPP does not apply to the Hawkesbury LGA.	Not applicable
	3 Advertising and signage	Yes	The Planning Proposal does not compromise the application of this part of the SEPP. Any future advertising or signage will need to comply with the requirements of the SEPP.	Consistent. Should any advertising signs be installed at the Kemsley Park development, it will need to comply with this SEPP.
SEPP No 65 – Design Quality of Residential Apartment Development		Not applicable	Not applicable, as the R2 Low Density Residential and R5 Large Lot Residential zones do not permit residential flat buildings under the LEP.	Not applicable
SEPP (Planning Systems) 2021	2 State and regional development	Yes	The Planning Proposal does not compromise the application of this part of the SEPP.	Consistent. The Kemsley Park Planning Proposal is not classed as a state or regionally significant development.
	3 Aboriginal land	Not applicable	This part of the SEPP does not apply to the site	Not applicable
	4 Concurrences and consents	Yes	The Planning Proposal does not compromise the application of this part of	Consistent. The Kemsley Park Planning Proposal does not need a concurrence

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			the SEPP.	under nominated SEPP.
SEPP (Precincts – Central River City) 2021				Not applicable
SEPP (Precincts – Eastern Harbour City) 2021				Not applicable
SEPP (Precincts – Regional) 2021				Not applicable
SEPP (Precincts – Western Parkland City) 2021				Not applicable
SEPP (Primary Production) 2021	2 Primary production and rural development	Yes	<p>The Site is not identified as State significant agricultural land per the draft mapping by DPI. The land is not in the area of operations of an irrigation corporation.</p> <p>The Planning Proposal does not provide any restraint on the ability for nearby rural land to carry out development that would permit development that would temporarily contain livestock. The Planning Proposal does not restrict the ability to carry</p>	<p>Consistent. The subject site is zoned RU4 Primary Production Small Lots. However, there is no significant agricultural activities occurring at the subject site at this stage. Given the subject site is bounded by the existing Redbank Residential Development, agricultural activities on the subject site may cause a conflicts with the surrounding development. Residential development is the highest and best use</p>

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			out aquaculture development that would otherwise be subject to the requirements of this SEPP and a separate DA. The Planning Proposal does not compromise the application of the relevant sections of the SEPP regarding the consideration of development on oyster aquaculture	of the subject site given its location and limited agricultural usage.
	3 Central Coast plateau areas	Not applicable	This part of the SEPP does not apply to the Site	Not applicable
SEPP (Resilience and Hazards) 2021	2 Coastal Management	Not applicable	This part of the SEPP does not apply to the Site.	Not applicable
	3 Hazardous and Offensive Development	Not applicable	The Planning Proposal does not suggest the use of the land for hazardous or offensive development and does not compromise its ongoing application to the land.	Consistent. Kemsley Park development is proposed to be an entirely residential development. The subject site is not anticipated to be used for any hazardous or offensive development and does not compromise its ongoing application to the land.
	4 Remediation of land	Yes	Refer to discussion in Part 3.	Consistent. The subject site was previously

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				used as an agricultural farm.
SEPP (Resources and Energy) 2021	2 Mining, petroleum production and extractive industries	Yes	The Site and surrounds is not known to have any evidence of current or previous underground coal mining, petroleum production of extractive industries.	Consistent. The subject site was historically used for farming purposes. There is no evidence of the subject site being contaminated; however, any remediation of contamination will be considered at the detailed design stage.
	3 Extractive industries in Sydney area	Yes	There are no current or previous extractive industries associated with the Site.	Consistent. The subject site is not mapped for mining, petroleum production and extractive industries.
SEPP (Transport and Infrastructure) 2021	2 Infrastructure	Yes	Future development of the Site will need to be consistent with the relevant provisions of this SEPP, with future DAs referred to Transport for NSW where necessary. The Planning Proposal does not preclude the operation of this part of the SEPP that applies to infrastructure approval pathways for	Consistent. Should the subject site contain a childcare, the development will require compliance with this SEPP. Should the main Grose Vale Road be upgraded as part of the Kemsley Park development, adherence to this SEPP will be required.

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			key utilities and services that will need to be delivered to the Site.	
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Attachment 20 - Consistency with the Planning Directions

Direction	Applicant Comments	Council Officer Comments
Focus Area 1: Planning Systems		
1.1 Implementation of Region Plans	The Planning Proposal supports the intended outcomes within the Greater Sydney Region Plan: A Metropolis of Three Cities, as discussed within Part 3 of this Planning Proposal.	Whilst the subject site is classified as Metropolitan Rural Land it is considered that the Planning Proposal provides for an expansion of existing North Richmond/Redbank development that doesn't compromise Metropolitan Rural Area principles, and assists in meeting longer term housing targets and diversity of product.
1.3 Approval and Referral Requirements	No unnecessary referral or concurrence conditions are proposed as part of the Planning Proposal.	Consistent. the Planning Proposal is not a state significant development, therefore, it does not require any concurrence conditions.
1.4 Site Specific Provisions	<p>The inconsistency is of minor significance.</p> <p>Site specific provisions are proposed to permit additional permitted uses, being dual occupancies, in the R2 Low Density Residential zone in prescribed circumstances (i.e. where on corner lots that have a minimum area of 600m²). This avoids the wholesale amendment of the permissible uses in the R2 zone and confines the use to the intended outcome. Whilst it represents a restriction on the type of dual occupancy that is permissible, it is considered appropriate for the Site's and LGA's context and the inconsistency with the Direction is of minor significance.</p> <p>It is noted that a number of environmental planning instruments limit the form of permissible uses within Schedule 1, including the LEP that limits permissibility under Schedule 1 to certain parameters in Vineyard and Glossodia.</p>	The Planning Proposal is inconsistent with this direction. The current Hawkesbury Local Environmental Plan 2012 does not have provisions for dual occupancies in R2 zoned land.
1.4A Exclusion of Development Standards from Variation	This Planning Proposal does not propose to exclude any development standards from variation under Clause 4.6 of the LEP.	Not Applicable. The Planning Proposal is to rezone the subject site which is at the earlier stage of development process and does not have the scope to address development standards of the LEP.
Focus Area 3: Biodiversity and Conservation		
3.1 Conservation Zones	The Planning Proposal is consistent with this direction and does not affect any lands zoned for conservation purposes. Environmental conservation	The Planning Proposal is consistent. The development does not affect conservation zones.

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	outcomes will be achieved via the use of the RE1 Public Recreation Zone.	
3.2 Heritage Conservation	The Planning Proposal is consistent with this direction. The Site is not listed as a local or State heritage item, nor is it affected by an interim heritage order. As noted above, the Site is located directly adjacent the Yobarnie State Heritage item and contains dams associated with the associated Keyline Irrigation System. As noted throughout this report, the proposal is consistent with the broader approach at Redbank to interpret and conserve the key landscape features associated with this item.	The subject site does not contain items of heritage significance and is consistent with this direction, although it is not that it adjoins a State Heritage Listed site (existing Redbank Development site).
3.3 Sydney Drinking Water Catchments	The Site is not located within the Sydney Drinking Water Catchment. The Site is not identified as a 'Special Area'. The Planning Proposal will not have any impact upon the broader drinking water catchments.	Not Applicable as Land is not located in the Sydney Drinking Water Catchment.
3.6 Strategic Conservation Planning	The Site is located within the land application map under Chapter 13 of the B&C SEPP. The land is not identified as containing any avoided lands or strategic conservation areas. An assessment against the relevant provisions of the B&C SEPP is provided in Table 5 .	The Planning Proposal is consistent with this direction as the subject site is not identified as Avoided land or Strategic Conservation Area in the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
3.7 Public Bushland	The Site is located within a relevant local government area, however, does not currently contain any public bushland. The proposal has been supported by a BDAR commissioned by ESEA which seeks for the retention of 1.2ha of CPW across the drainage and riparian corridors that will be dedicated to Council.	The Planning Proposal is consistent with this direction. The subject site does not contain Public Bushland. The vegetation present on the subject site is considered to provide habitat for several threatened species. The proposal has addressed the objective of mitigating disturbance caused by development by retaining 1.2 ha of Cumberland Plain Woodland and dedicating it to Council.
3.10 Water Catchment Protection	The Site is situated within the Webbs Creek catchment as part of the Hawkesbury Nepean Catchment Map within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021. Appendix I contains the high-level strategy for stormwater management for the broader Redbank release area, including the Site, which has been confirmed as to ensure that local	The Planning Proposal is consistent with this direction. The Proposal is consistent with the objectives of addressing the effect of periodic flooding, storm water management and local catchment peak flows.

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	catchment peak flows at the 1% AEP event are not greater than pre-development levels. The concurrent development application will be required to satisfy the requirements under the B&C SEPP, and will provide specific measures regarding on-site detention and water quality measures.	
Focus Area 4: Resilience and Hazards		
4.1 Flooding	<p>The Planning Proposal is consistent with this direction. The Site is not located within the flood planning area as it is situated above the 1% AEP and PMF flood events.</p> <p>Consideration of flood impacts and evacuation is provided at Part 3 of the report, and the Site has been considered as part of the previous flood investigations into the Redbank Estate by Molino Stewart as provided at Appendix O.</p>	<p>The Planning Proposal is consistent with this direction. The subject site is not within the Flood Planning Area of Hawkesbury LGA. However, in the event of a PMF flood the subject site will be isolated from Richmond. The previous rezoning of Redbank in 2013 was supported by a Flood and Bushfire Safety Evacuation report by Molino Stewart. The report considered that evacuation was not necessary during regional flood events, and that the local road network could be managed to accommodate the Redbank development and the remainder of North Richmond during flood events, so it did not coincide with urgent evacuations from life threatening flood waters.</p>
4.3 Planning for Bushfire Protection	<p>The Planning Proposal is consistent with this direction. The proposal has been supported by a bushfire assessment by Control Line which is provided at Appendix M. Additional commentary is provided at Part 3 of this report.</p>	<p>The planning proposal is consistent with this direction. The Bushfire Assessment study submitted along with the Planning Proposal concludes that the site can accommodate suitable Asset Protection Zones (APZ) within the boundaries. The Grose vale road acts as perimeter road that enables firefighting operations to take place.</p>
4.4 Remediation of Contaminated Land	<p>The Planning Proposal is consistent with this direction. A Preliminary Site Investigation has been prepared by ERM which is provided Appendix K. A number of Areas of Environmental Concern have been identified, however, these are localised and not suspected to cause widespread contamination that would render the Site as unsuitable for residential land uses.</p> <p>A Detailed Site Investigation and if necessary, a Remediation Action Plan will be prepared to support future applications for residential development, which will render the Site suitable for residential land uses if required.</p>	<p>The Planning Proposal is consistent with this direction. The Preliminary Site Investigation Report submitted with the Planning proposal have concluded that there is a potential risk to identified human health and sensitive ecological receptors due to potential contamination at the site associated with current and historical land use practices. However, there is no evidence of widespread contamination that will render the site unsuitable for future residential land-use.</p>
4.5 Acid Sulphate	The Planning Proposal is consistent	The Planning Proposal is consistent with

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Soils	<p>with this direction.</p> <p>The Site is mapped on the Acid Sulfate Soils Map as Class 5 lands. Future development applications would not be expected to further consider any impacts as the Site is located more than 500 metres from Class 1, 2, 3 and 4 lands, and development would not be anticipated to lower the water table below 1 metre.</p>	<p>this direction. The site is Classified Acid Sulphate Class 5. Further study on Acid Sulphate soil is not required as the development site is 500m away from class 1,2,3,4 class soil and will not lower the water table below 1 metre.</p>
4.6 Mine Subsidence and Unstable Land along the Pacific Highway, North Coast	<p>The Site is not situated within a Mine Subsidence District. The geotechnical assessment at Appendix P did not find there to be any significant constraints across the Site from a slope stability perspective and concluded that the Site is suitable for residential development</p>	<p>Not Applicable as the land is not within a Mine subsidence District and does not have any significant constraints from a slope stability perspective as land sits in a gradient,</p>
Focus Area 9: Primary Production		
	<p>The Principles for primary production support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.</p>	
9.1 Rural Zones	<p>The Planning Proposal is inconsistent with this direction.</p> <p>The Site is currently zoned RU4 Primary Production Small Lots under the LEP and proposes to rezone the lands for residential land uses. However, in line with the criteria allowing inconsistency with the direction, the proposal is consistent with the aims of the LHS and LSPS, and will not degrade the metropolitan rural area given that the Site is hemmed in by urban development and serves no purpose from a strategic rural purpose. The proposal is generally modest in allowing up to an additional 300 to 350 homes and therefore is of minor significance to the overall quantum of rural lands within the LGA.</p>	<p>The Planning Proposal is inconsistent with this direction. The proposal aims to rezone RU4 primary production lots into R5(Large lot Residential) and R2 (low density residential). The proposal intends to increase the permissible density of land within a rural zone by subdividing the land into 300-350 residential lots which is not a limited growth of rural-residential development.</p> <p>The proposal is consistent with the Greater Sydney Regional Plan in its aim to address the housing targets set for Western Parkland City.</p>
9.2 Rural Lands	<p>The Planning Proposal is consistent with this direction.</p> <p>As noted above, the proposal is</p>	<p>The Planning proposal is inconsistent with this direction. The proposal aims to subdivide the RU4 land for housing settlement. The subject site is not</p>

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	<p>consistent with the Region Plan and District Plan, in addition to the LSPS and LHS. The lands are not identified as being of any state significance from an agricultural perspective. Biodiversity values have been retained across the Site where practicable through the use of the RE1 Public Recreation zone to maximize existing vegetation communities, noting that these are of a poor to degraded state across the Site generally, in part due to historical rural clearing.</p> <p>The constraints of the land have been considered through the mixed use of zones and the masterplan, and further subdivision of the land would not introduce fragmentation as the Site is already disconnected from other rural lands by Grose Vale Road. The existing lands, if continued to be zoned for rural land uses, results in increased conflicts between rural and urban land uses. The proposal will deliver increased social, economic and environmental outcomes throughout the locality via the delivery of increased housing supply, additional economic activity throughout the local area via construction of and settlement of housing,</p>	<p>currently used for agricultural purposes. Given its location, the subject site is fragmented from other rural zones by Grose Vale Road and sits in between the Redbank Housing settlement.</p> <p>Considering the lack of agricultural use of the land and its separation from other rural lands, the rezoning to residential zones to integrate with the Redbank housing settlement seems a viable use of the subject site and align with the Housing strategy and Greater Sydney Regional plan.</p>
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10.1.2. CP - Draft Hawkesbury Slab Barns and Outbuildings Update Study (95498, 124414)

Directorate: City Planning

PURPOSE OF THE REPORT

The purpose of this report is to present the draft Hawkesbury Timber Slab Barns and Outbuildings Update Study to Council and seek endorsement to place the draft Study on public exhibition.

EXECUTIVE SUMMARY

Based on advice from Council's Heritage Committee, Council commissioned an updated study of timber slab barns and outbuildings within the Hawkesbury Local Government Area. The update study sought to provide a definitive list of the location and current condition of all of the extant slab barns within the Hawkesbury Local Government Area. This involved additional historical research, physical inspections, and the production of updated heritage inventory sheets for all the previously identified slab barns. This was in addition to any other timber slab barns that have come to the attention of Council Officers since the completion of the 1991 and 2010 studies on Slab Barns.

The draft Study also included consideration of group and/or individual listing of timber slab barns considered to be of State and or National heritage significance. The draft Study has also included innovative strategies for incentivising the retention and conservation of timber slab barns that are of local heritage significance.

Council has received the draft Hawkesbury Timber Barn and Outbuildings Update Study (Attachment 1) and had previously sought feedback and input from Council's Heritage Committee which has been incorporated.

The draft Study is presented to Council to seek endorsement to undertake public exhibition of the draft Study.

RECOMMENDATION

That:

1. Council endorse the Draft Hawkesbury Timber Slab Barn and Outbuildings Update Study included as Attachment 1 to this report, for the purpose of public exhibition for a period of at least 28 days.
2. The matter be reported back to Council following the public exhibition period, including any submissions that are received and Council Officer responses to these submissions.

BACKGROUND

Since the earliest years of European settlement, the Hawkesbury River - Dyarubbin, its tributaries, and their surrounding lands have played an important role in food supply for the developing Greater Sydney Region. Commencing in 1794 with the granting of 18 land parcels, the Hawkesbury was one of the earliest agricultural localities in the new colony and the Hawkesbury River - Dyarubbin area eventually became known as the "food bowl" of Sydney. Agriculture continues to play an important role in the economic and social development of the area today.

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As a region that developed as a principally agricultural locality, the barn (together with other farm buildings), has been a feature of the area from the time of the region's initial period of colonial settlement.

With such a long and important history of European based farming practices in the area, surviving physical evidence (such as early barns) of the earliest phases of agricultural development in the area is highly prized by the local community (and others) for its historical significance, as well as its aesthetic significance as a contributor to the historical landscape character that defines much of the Hawkesbury Local Government Area.

However, such evidence is also under threat, due to population growth throughout the former farming lands of the region, the changing practices of farming, the inherent adaptability of farm buildings themselves, as well as the impacts of flooding which affects the Hawkesbury Local Government Area in such a significant manner.

Based on advice from Council's Heritage Committee, the Timber Slab Barns and Outbuildings Update Study was commenced based on the outcomes and recommendations made in two previous studies involving surviving timber slab barns located throughout the Hawkesbury Local Government Area, being:

- Pitt Town Slab Barn Study (May 1991)
- Hawkesbury City Council Slab Barn Study (March 2010).

The aim of the Hawkesbury Timber Slab Barns Update Study was to provide the following:

- A definitive list of the location and current condition of extant timber slab barns located throughout the Hawkesbury Local Government Area
- New or updated heritage inventory sheets (including histories and assessments of significance) for the surviving barns
- Consideration of whether any of the surviving barns warrant listing on the NSW State Heritage Register under the Heritage Act 1977 (either individually or as a group)
- Consideration of whether any of the surviving barns warrant listing on the National Heritage List under the Environmental Protection and Biodiversity Conservation Act 1999 (either individually or as a group)
- Innovative strategies for incentivising the retention and conservation of surviving timber slab barns that are of significance.

Following a procurement process Lucas Stapleton Johnson and Partners Pty Ltd were appointed to undertake the Hawkesbury Timber Barn and Outbuildings Update Study.

The draft Study identifies that a total of 132 properties were investigated to establish whether any historic slab barns and/or outbuildings survived. These were comprised of:

- 88 properties previously identified in the 1991 and 2010 studies, and
- 44 properties identified in other heritage reports, by Council and by the local community that potentially contained historic slab barns or outbuildings.

As a result of the site inspections undertaken throughout May to August 2023, a total of 112 individual slab barns and outbuildings were located across 86 separate properties.

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Council has received the draft Hawkesbury Timber Slab Barn and Outbuildings Update Study (Attachment 1) and had sought input from Council's Heritage Committee which has been incorporated. The draft Study is presented to Council to seek endorsement to place the draft Study on public exhibition.

DISCUSSION

The draft Study provides the following recommendations (amongst others):

- 13 properties should be nominated for inclusion on the State Heritage Register as State heritage items under the Heritage Act 1977 (Attachment 2)
- 18 properties should be listed as local heritage items under Schedule 5 of the Hawkesbury Local Environmental Plan 2012 (including six that are also recommended for State heritage listing)
- 13 properties would benefit from either on-site inspections or internal inspections of their barns/outbuildings to confirm condition and integrity prior to listing as local heritage items under Schedule 5 of the Hawkesbury Local Environmental Plan 2012.

As noted in the Summary Statement of Significance prepared for the draft Study, the slab barns and outbuildings of the Hawkesbury Local Government Area are:

- Historically significant as rare surviving evidence of the long-term agricultural development of the region which commenced in 1794 and continues today. Many of the slab barns remain in agricultural use and are representative of the historic significance of the region as a whole, one of the earliest agricultural districts in NSW that in its early decades was considered the "breadbasket" of the colony.
- The surviving early to mid-19th century town barns located on the early allotments within the Macquarie towns of the Hawkesbury district, are also considered to be rare, with very few surviving today and are significant as tangible evidence of the colonial era policy of land tenure, and the inseparable links between the town allotments and farming lands established by Governor Macquarie.
- The barns of the Hawkesbury region have a consistency in their form and construction that is recognisable as a distinct building type; and construction techniques first used in barns constructed in the early 19th century continue to be employed today as witness to the continuity of the tradition of constructing slab barns in the Hawkesbury region.
- The continued use and adaptation of the early slab barns, outbuildings and town barns ensuring their survival to date is indicative of the high esteem in which these structures are held by the community.
- The survival of so many slab barns dating from the 19th century, despite the devastating impacts of the frequent flooding of the Hawkesbury River - Dyarubbin and its tributaries, is testament to the robustness of these simple, timber structures.

It is desirable that these farm buildings remain in agricultural use where possible but their survival, especially in the case of town barns, depends on the ability to adapt them to other uses. Adaptation often involves the addition of interior linings, stairs, and services but this does not negate the significance of the structure, provided the exterior envelope and structure remain intact. However, through incentives that provide education, heritage advice, access to materials and resources, financial support and planning exemptions, owners of the historic slab barns and outbuildings can be encouraged and supported to commit to the long - term care and maintenance of these significant buildings.

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Planning Decision

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

COMMUNITY ENGAGEMENT

Following consideration and endorsement by Council, the draft Study will be placed on public exhibition for a period of at least 28 days, and property owners of sites identified in the draft Study contacted directly.

The draft Study was presented to Council's Heritage Committee for feedback and input ahead of finalising the draft Study which has been incorporated.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Great Place to Live

1.7 Encourage broad and rich celebration of our local culture and significant heritage.

Protected Environment and Valued History

2.1 Value, protect and enhance our historic built environment as well as our relationship to Aboriginal and non-Aboriginal history.

FINANCIAL IMPACT

Funding to undertake the draft Study was originally included in the 2023/2024 Operational Plan, with the Study now progressed to the Final Draft stage ready for public exhibition, subject to Council's consideration and endorsement.

Should the draft Study be adopted following public exhibition, there are recommendations that will require separate consideration of funding in the future.

RISK MANAGEMENT CONSIDERATIONS

There are reputational risks associated with ensuring that heritage listings within the Hawkesbury Local Government Area are up to date, and at the correct level of listing (Local, State or National Significance). If Council does not progress with this Study, the risks are such that Items that are not currently heritage listed do not have the statutory protection of listed items, and as such are at risk of being demolished.

ATTACHMENTS

AT - 1 Draft Hawkesbury Timber Barns and Outbuildings Update Study - (*Distributed under separate cover*).

AT - 2 Draft State Heritage Register Nomination Forms - (*Distributed under separate cover*).

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10.1.3. CP - Hawkesbury 7.12 Contributions Plan 2024 (124414, 95498)

Previous Item: 10.1.2, Ordinary (13 August 2024)

Directorate: City Planning

PURPOSE OF THE REPORT

The purpose of this report is to present the outcome of public exhibition of the draft Hawkesbury 7.12 Contributions Plan 2024 (the Plan) and to seek adoption of the Plan, and in doing so repealing the previous Hawkesbury Section 94A Contributions Plan 2015.

EXECUTIVE SUMMARY

Council considered the draft Hawkesbury 7.12 Contributions Plan 2024, at the Ordinary Meeting on 13 August 2024, and resolved to undertake public exhibition to provide an opportunity for the community to have input into the draft Plan. Public exhibition was undertaken from 28 October 2024 to 25 November 2024, with two submissions received. Following the consideration of the submissions received, amendments have been made to the draft Plan, as included as Attachment 1 - Hawkesbury 7.12 Contributions Plan 2024 and Attachment 2 - Hawkesbury 7.12 Contributions Plan 2024 - Work Program Maps, which is now presented to Council for adoption.

RECOMMENDATION

That Council:

1. Note the outcome of public exhibition of the draft Hawkesbury 7.12 Contributions Plan 2024.
2. Adopt the Hawkesbury 7.12 Contributions Plan 2024 included as Attachments 1 and 2, and repeal the Hawkesbury Section 94A Contributions Plan 2015.
3. In future reviews of the Hawkesbury 7.12 Contributions Plan 2024 where there are only changes to the work program and mapping, Council will report and exhibit the reviewed work program for adoption.

BACKGROUND

On 13 August 2024, Council considered a report regarding the draft Hawkesbury 7.12 Contribution Plan 2024 which sought endorsement to publicly exhibit the draft Plan. Following consideration, Council resolved:

“That:

1. *The Draft Hawkesbury Section 7.12 Contribution Plan 2024, attached as Attachment 1 and 2 to this report, be placed on public exhibition.*
2. *The outcomes of public exhibition of the Draft Hawkesbury Section 7.12 Contribution Plan 2024 be reported to Council prior to adoption.”*

Additionally, it is noted that at the same meeting on 13 August 2024, the following resolution was also made in respect to Section 7.12 relief in events of catastrophic loss:

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- “1. Council's policy be that Section 7.12 fees are generally not charged for applicants seeking to rebuild homes or structures following catastrophic loss (being so long that the new structures do not exceed 110% of the floor area of the lost structures).
2. If a replacement structure exceeds 110% of the floor area of the original structure, that 7.12 fees are only charged on the difference in replacement cost between a replacement structure of the same floor area and the proposed new structures.
3. Council's policy be that after a catastrophic loss, that the assessment not define the new DA as occurring on 'vacant land' so long as the gap between loss and the application for rebuild does not exceed 5 years.
4. The date of a 'Loss' shall be defined as the date that the property was damaged by flood, fire or storm event.
5. 'Catastrophic Loss' shall be defined as the substantial destruction of a dwelling or a structure that renders it uninhabitable due to a fire, flood, earthquake or other natural disaster. A dwelling or structure must be deemed inhabitable, either by damage impact assessment (as undertaken by an emergency response agency) or by an insurer's assessment.
6. Council Draft Contributions Plan be amended prior to being placed on public exhibition to reflect this policy. “

The Draft Hawkesbury Section 7.12 Contribution Plan 2024 was subsequently amended to incorporate provisions responding to the Council Resolution, regarding relief from contributions in circumstances of catastrophic loss, before being exhibited post Council Caretaker period from 28 October 2024 to 25 November 2024.

Details in relation to the incorporation of the Council Resolution and the outcome of the public exhibition or the draft Plan are provided in the Discussion Section of this report.

DISCUSSION

Inclusion of Resolution: NM - Section 7.12 Levy Relief for Dwellings Lost Through Catastrophic Loss - 13 August 2024

Prior to exhibition, amendments were made to the draft Plan as required by the Council Resolution with respect to 7.12 relief for dwellings lost through catastrophic events. This was by way of inclusion of the provisions of the Council Resolution in Clause 2.6.2 and 2.6.3 of the draft Plan. To ensure consistency of the application of the resolution, a process of calculating the difference in larger replacement development has been established, with this process is set out in clause 2.6.3 of the draft Plan.

Public Exhibition

The draft Plan was publicly exhibited between 28 October 2024 to 25 November 2024. The draft Plan was made available to view by the public online at Hawkesbury Your Say and in person at the Council Administration Office. Council received two submissions with respect to the draft Plan, the details of which are provided in Table 1 of this report, along with Council Officer comment.

Table 1 – Public Exhibition Submissions

Number	Submission	Council Officer Comment
1	I strongly disagree with the proposed contributions plan. These types of contributions should only be applicable to greenfield projects that developers are responsible for.	Council and State Government utilises a variety of planning mechanisms including 7.11 Contributions Plans, Voluntary Planning Agreements and Special Infrastructure Contributions to fund infrastructure in Greenfield Development

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Number	Submission	Council Officer Comment
	<p>This proposal is favourable for those who want to reduce development in the Hawkesbury LGA if that's the objective then I would think that is in contradiction to the Community Strategic Plan. Seems like a council that has lost its way.</p>	<p>sites such as Redbank and Vineyard Stage 1, where there is a significant amount of public infrastructure needed to support new development.</p> <p>Section 7.12 plans are recognised by the <i>Section 7.12 fixed development consent levies - Practice Notes February 2021</i> as an appropriate contribution system to capture the increase in demand for public infrastructure caused by the gradual development in established residential areas, commercial and industrial areas and rural areas, which form the majority of the Hawkesbury Local Government Area except where a 7.11 Contributions Plan or Voluntary Planning Agreement applies.</p> <p>Additionally, Council has implemented 7.12 Plans (formerly Section 94A) since 2008 to fund public infrastructure such as community facilities and open space embellishment.</p> <p>It is considered that the 7.12 Plan is consistent with the Community Strategic Plan 2022-2042 as outlined in Part 8 of this report, as it meets numerous community objectives relating to the provision of quality public spaces and infrastructure delivery.</p>
2	<p>Are Council able to give consideration to increasing the \$1,000,000 threshold amount (before requiring a professional cost estimate be prepared) given the significant increases in construction costs that the building industry has seen in the past few years and in order to assist applicants that haven't yet decided if Owner Builder or engaging a Builder, to avoid the added and unnecessary costs of having to pay an Estimator/Quantity Surveyor approx. \$1,500 - \$2,500 to prepare a professional cost estimate, just for the purpose of successfully submitting a D.A. to Council?"</p>	<p>The concern raised by the submitter is acknowledged and is considered to have merit. Accordingly, the raising of the threshold in which a professional cost estimate is requested is considered to be reasonable in respect to rising construction costs.</p> <p>The current \$1,000,000 threshold for this purpose has been recalculated through indexing the figure against the ABS Producer Price Index - Construction Industries from December 2015 to the present cost of \$1,425,788.50. This figure is rounded to \$1,500,000 for potential ease of application, and to accommodate rising construction costs through the life of the Plan.</p> <p>Further consideration will be given to further revising this cost at subsequent reviews of the Plan.</p>

Future Reviews of the Hawkesbury 7.12 Contributions Plan 2024

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It is intended that a minor review of the plan is conducted every two to three years focused on the work program, and a major whole of plan review is conducted every five years. Additionally, the work program will be monitored continuously throughout the life of the plan. In the process of monitoring the plan, should the need to amend the work program be identified in respect to adding an item, removing an item or revising the cost or delivery timeframe whether part of a minor review or not, Council would seek to present the reviewed work schedule and mapping for exhibition and adoption separately, should there be no other changes to the contribution plan.

Transitional Arrangements

The repealing of the Hawkesbury Section 94A Contributions Plan 2015 (2015 Plan) will have no impact on Council's Section 7.12 contribution process except for the work program. The work program of the 2015 Plan will no longer apply, as all items within the previous work program have either been delivered, funded through other mechanisms, no longer deemed necessary or have been incorporated into the work program of the draft Plan. Existing 7.12 reserves will be able to be applied to the work program of the current plan.

COMMUNITY ENGAGEMENT

Public Exhibition of the draft Hawkesbury 7.12 Contributions Plan 2024 was undertaken in accordance with the Hawkesbury Community Participation Plan 2019. The Discussion section of this report details the submissions received and how the exhibition was undertaken.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Great Place to Live

1.5 Provide the right places and spaces to serve our community.

Strong Economy

3.4 Support the revitalisation of our town centres and growth of our business community.

Reliable Council

4.3 Build strong financial sustainability for now and future generations.

4.7 Encourage informed planning, balanced growth and community engagement.

4.8 Facilitate the delivery of infrastructure through relevant agencies and Council's own works.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. Regular reviews of the plan will be undertaken in order to reduce the risk of negative financial implications emerging. Additionally, the development of the plan in house provides cost savings which can be directed to funded projects.

RISK MANAGEMENT CONSIDERATIONS

The matters included in this report are of low risk. A degree of reputational and operational risk is identified should Council receive lower than the anticipated annual 7.12 contributions, which the work program is based on. This risk is minimised through Council's existing 7.12 reserve and through the ongoing monitoring of the work program.

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ATTACHMENTS

AT - 1 Hawkesbury 7.12 Contributions Plan 2024 - (*Distributed under separate cover*).

AT - 2 Hawkesbury 7.12 Contributions Plan 2024 - Work Program Maps (*Distributed under separate cover*).

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10.2. GENERAL MANAGER

10.2.1. GM – Resignation – Councillor Tom Aczel

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is to advise of the resignation of Councillor Tom Aczel as a Councillor of Hawkesbury City Council, and the countback electoral process to be followed for the filling of the casual vacancy in the Office of Councillor resulting from Councillor Aczel's resignation.

EXECUTIVE SUMMARY

Councillor Tom Aczel was officially declared elected to the Hawkesbury City Council on 3 October 2024. Councillor Aczel made an Affirmation of Office at the first Council Meeting of the current term on 15 October 2024.

On 2 December 2024, the General Manager received a letter of resignation from Councillor Tom Aczel from the Office of Councillor of Hawkesbury City Council, resulting in a casual vacancy in office for the Hawkesbury Local Government Area.

This report provides details of Councillor Aczel's resignation and the process that will be followed by the NSW Electoral Commission to conduct a Countback Election.

RECOMMENDATION

That Council:

1. Note the resignation tendered by Councillor Tom Aczel from the Office of Councillor of Hawkesbury City Council, resulting in a casual vacancy within Hawkesbury City Council.
2. Note that the NSW Electoral Commission, Office of Local Government and Local Government NSW have been advised of the resignation of Councillor Tom Aczel, to allow a Countback Election to take place to fill the vacancy resulting from Councillor Aczel's resignation.

BACKGROUND

The NSW Electoral Commission administered the 2024 Local Government Elections on behalf of Hawkesbury City Council. The results of the 2024 Local Government Elections for the Hawkesbury Local Government Area were declared on 3 October 2024.

Councillor Tom Aczel was officially declared elected to the Hawkesbury City Council on 3 October 2024. Councillor Aczel made an Affirmation of Office at the first Council Meeting of the current term on 15 October 2024.

DISCUSSION

On 2 December 2024, the General Manager received a letter of resignation dated 2 December 2024 from Councillor Tom Aczel with respect to his role as Elected Councillor for Hawkesbury City Council.

At the Council Meeting dated 15 October 2024, Council considered a report on filling casual vacancies in Civic Office and resolved:

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"That pursuant to Section 291A(1)(b) of the Local Government Act 1993 (the Act), Hawkesbury City Council declares that casual vacancies occurring in the office of a Councillor within 18 months after the last Ordinary election of Councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with Section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision."

The Countback Election is conducted using the same ballot papers from the Local Government Elections held on 14 September 2024. The timeline for a Countback Election is:

1. The NSW Electoral Commission is notified of the casual vacancy, within seven days of it occurring.
2. A Returning Officer is appointed within 14 days of the notification of the casual vacancy.
3. Casual vacancy notices are issued within 14 days of the appointment of a Returning Officer.
4. Where a Candidate is interested, they must submit a formal application to the Returning Officer. The application period closes after ten days of the notices being issued.
5. The Countback is conducted at least 14 days from when the vacancy notices are issued and no more than 49 days from when the casual vacancy occurred.

The Returning Officer will contact all potential Candidates from the 2024 Local Government Election who may still qualify to be elected to the Office of Councillor for Hawkesbury City Council. Where a Candidate is interested, they must submit a formal application.

Included as Attachment 1 is a Fact Sheet for a Countback Election published by the NSW Electoral Commission.

COMMUNITY ENGAGEMENT

The issues raised in this report do not concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy.

The NSW Electoral Commission was advised of the resignation of Councillor Tom Aczel on 4 December 2024, being within the required seven days of receipt of the formal resignation. In addition, the Office of Local Government and Local Government NSW have been advised of the casual vacancy in the Office of Councillor resulting from Councillor Aczel's resignation.

The process of the Countback Election and declaration of elected Councillor is managed by the NSW Electoral Commission seeking consideration for election in the countback.

The NSW Electoral Commission will provide communications and website links for the Hawkesbury City Council website.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.2 Encourage an informed community.

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4.4 Build strong relationships and shared responsibilities.

4.5 Encourage a shared responsibility for effective compliance.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The expenditure applicable is provided for in the Adopted 2024/2025 Operational Plan.

The NSW Electoral Commission has indicated that a Countback Election would cost in the vicinity of approximately \$6,000 and \$10,000. This amount will be confirmed by the NSW Electoral Commission within the following weeks. Council will also incur minor costs associated with the separate induction and onboarding of a newly appointed Councillor.

RISK MANAGEMENT CONSIDERATIONS

There is a moderate risk to Council should insufficient Candidates submit a formal application to be included in the Countback Election. In the event that an insufficient number of Candidates apply, a by-election may be required to take place. This would result in an extended period that the Council has a casual vacancy, and costs would increase in the vicinity of \$500,000, being the cost to conduct an Ordinary Election.

ATTACHMENTS

AT - 1 NSW Electoral Commission - Countback Fact Sheet

Attachment 1 - NSW Electoral Commission - Countback Fact Sheet



Countback elections

What is countback?

A quick, cost effective way to fill a casual vacancy.
 Countback allows the council to fill a casual vacancy using a recount of the ballot papers from the last ordinary election instead of requiring an attendance by election.
 Council must pass a resolution at its first meeting following the ordinary election to use countback to fill a casual vacancy.

Model resolution

That Council, pursuant to section 291A(1)(b) of the *Local Government Act 1993*, declare that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the Electoral Commissioner for NSW of Council's decision within 7 days of this decision.

Why would a Council choose to use countback?

Pros

- Time efficient:
 - Casual vacancy filled within 49 days or less, whereas a by-election can take up to 3 months
- Cost effective:
 - **Small by-election** >\$50,000
 - **Metro by-election** >\$500,000
 - **Countback election** \$6,000 - \$10,000
- Electorate not required to vote again
- No penalties for electors not voting
- No impact on sitting councillors
- Minimal effort from Council.

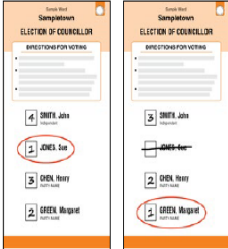
Cons

- No new candidates are able to be considered. Only unelected candidates from the previous ordinary election are able to apply
- Unelected candidates from the previous ordinary election cannot campaign to improve their vote.

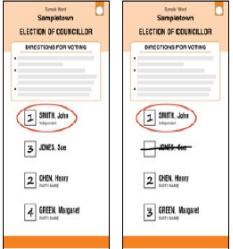
How does a countback election work?

The count is conducted using the same ballot papers from the previous ordinary election which are stored as a data file in our computer count system.
 Each ballot paper where the vacating councillor has a preference will be redistributed to the candidate with the next highest preference on that ballot paper by the count system. More examples, including ballot papers with groups, are available on our [website](#).

Example 1: Councillor Sue Jones resigns



Example 2: Councillor Sue Jones resigns

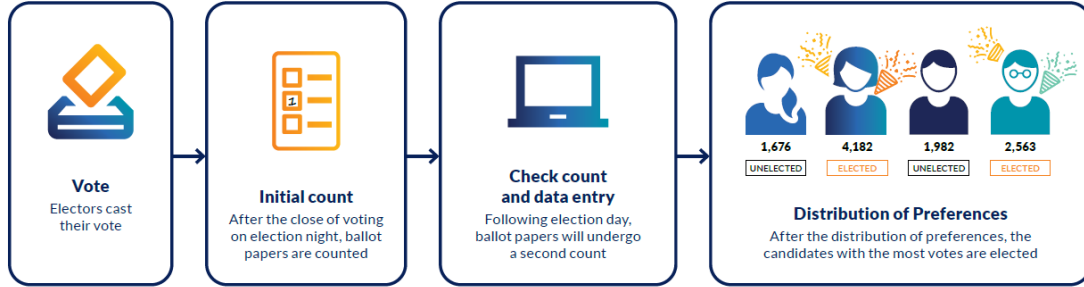


Left: Original ballot paper. Right: Countback preferences

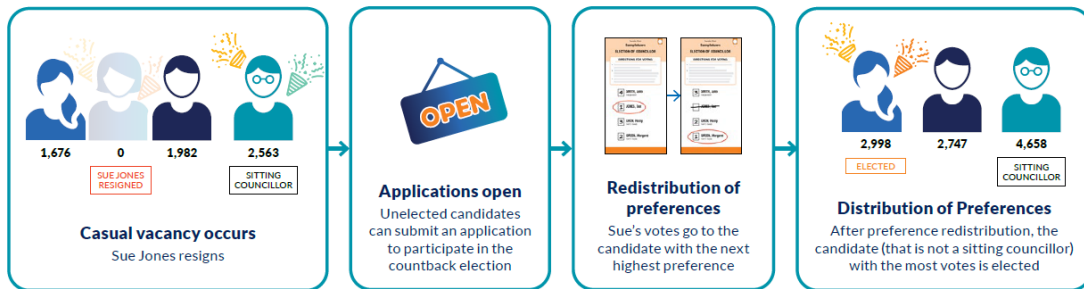
ORDINARY MEETING
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How countback works in detail

Local Government election process



Countback election process

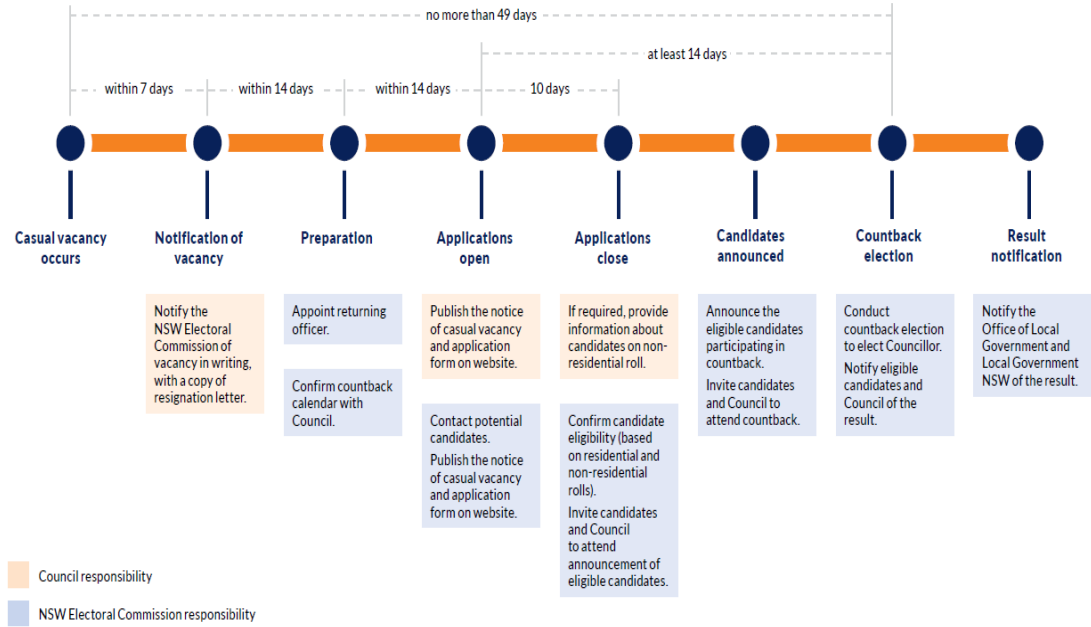


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What is the timeline for a countback election?

Countback elections can only be used for 18 months after the Local Government ordinary elections. In the case of the 2024 local government elections, countback can only be used to fill casual vacancies until 14 March 2026.

The following summarises the steps involved in a countback election.



For more information about countback elections visit elections.nsw.gov.au/elections/how-counting-works/countback-elections

oooO END OF REPORT Oooo

ORDINARY MEETING

10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

10.2.2. GM - Ordinary Council Meetings 2025 - (79351)

Previous Item: 4.2.1, Ordinary (9 April 2024)

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is to set the Council Meeting dates, times and place of its Ordinary Council Meetings for 2025.

EXECUTIVE SUMMARY

The Local Government Act 1993 (the Act) requires all Councils to meet at least ten times each year, each time in a different month.

Council is required to schedule its Ordinary Meetings in accordance with Council's Code of Meeting Practice, adopted at its Ordinary Meeting of 12 December 2023.

At its meeting on 12 December 2023, Council adopted a schedule of meetings for all meetings in 2024, based on meetings being held on the second Tuesday of each month. Council subsequently resolved at its Ordinary Meetings of 9 April 2024 and 28 May 2024 to amend the meeting schedule for 2024.

It is recommended that a similar meeting schedule be adopted for 2025, with additional meetings in various months to accommodate for financial reporting obligations and to consider an increase in Council business. The recommended schedule takes into account financial reporting deadlines and the potential need for flexibility regarding the timing of Local Government and industry conferences.

RECOMMENDATION

That Council:

1. Set the schedule of Ordinary Council Meetings for 2025, as outlined in this report.
2. Set the time of Ordinary Council Meetings for 2025 to commence at 6:30pm and to take place in the Council Chambers, or by audio-visual link in accordance with Council's Code of Meeting Practice.

BACKGROUND

Code of Meeting Practice

Council's Code of Meeting Practice sets out the rules for the conduct of Council Meetings and Committee Meetings the members for which are all Councillors. It is based on the Model Code of Meeting Practice prescribed under the Local Government (General) Regulation 2021 to provide a uniform set of rules to ensure accessible, orderly, effective and efficient meetings.

At the Council Meeting of 12 December 2023, Council resolved to adopt the most recent version of the Code of Meeting Practice.

ORDINARY MEETING

10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

Timing of Ordinary Council Meetings

Council's Code of Meeting Practice provides at Clauses 3.1 to 3.6 that the timing of Ordinary Council Meetings shall be:

“3.1 The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

3.2 In addition to the meeting cycle adopted, the Council may resolve to hold additional meetings as considered necessary.

3.3 Additional meetings of the Council convened by resolution of the Council are subject to the three (3) days' notice rule and must also be advertised in accordance with clause 3.9.

3.4 Generally, the Council will recess during school holiday periods.

3.5 Council meetings will generally commence at 6:30pm, but this commencement time may vary for particular meetings if the Council so resolves.

3.6 Public notice will be given as to the time of the meeting. However, the meeting schedule may be amended by the Mayor, General Manager, or resolution of Council if circumstances necessitate. Such circumstances would include public holidays, the Local Government Conference, or decisions to revise meeting times, etc. Public notification must be given prior to altering the meeting schedule, time or venue.”

The adopted schedule of Ordinary Council Meetings for 2024 was based on meetings being held on the second Tuesday of each month, with some flexibility during school holiday periods and to avoid conflict with the Local Government NSW Annual Conference.

It is recommended that a monthly Council Meeting Schedule be adopted for 2025 with additional meetings in February, July and November, with some additional flexibility to allow Council to comply with the provisions of the Local Government Act and Local Government (General) Regulation 2021.

DISCUSSION

It is recommended that the schedule of Ordinary Council Meetings for 2025 be held on the second Tuesday of each month, with the following amendments:

- Hold the first meeting of 2025 on 4 February 2025 with a second Council Meeting scheduled for 18 February 2025 to consider Council business;
- Hold the Council Meeting in May on 6 May 2025 to allow for the 2025 Floodplain Management National Conference to be held from 13 and 16 May 2025 in Melbourne;
- Hold the Council Meeting in July on 1 July 2025 to allow for the July School Holidays from 7 to 18 July 2025, with a second Council Meeting scheduled for 22 July 2025 to consider Council business;
- Hold the Council Meeting in November on 4 November 2025 with a second Council Meeting scheduled for 18 November 2025 to consider the Financial Statements for the year ended 30 June 2025 and to allow for the Local Government NSW Annual Conference to be held from 23 to 25 November 2025 in Penrith.

ORDINARY MEETING
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Meeting Date: 10 December 2024

Accordingly, it is recommended that Council hold its Ordinary Council Meetings for 2025 on the following dates:

Month	Date
January	Nil
February	4 February 2025 18 February 2025
March	11 March 2025
April	8 April 2025
May	6 May 2025
June	10 June 2025
July	1 July 2025 22 July 2025
August	12 August 2025
September	9 September 2025
October	14 October 2025
November	4 November 2025 18 November 2025
December	9 December 2025

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. Public notice of Council Meetings as to the date, time and venue will be given in accordance with Section 9(1) of the Local Government Act 1993.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.2 Encourage an informed community.
- 4.4 Build strong relationships and shared responsibilities.
- 4.5 Encourage a shared responsibility for effective compliance.
- 4.7 Encourage informed planning, balanced growth and community engagement.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

ORDINARY MEETING

10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

RISK MANAGEMENT CONSIDERATIONS

The Schedule of Ordinary Council Meetings for 2025 has been prepared in accordance with Clause 3.1 of Council's Code of Meeting Practice. There is a low compliance, operations and reputation risk should Council not adopt a Schedule of Ordinary Council Meetings for the year.

ATTACHMENTS

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

10.3. CITY PLANNING

10.3.1. CP - 2024/2025 Community Sponsorship Program - Round 1 (96328, 96328)

Previous Item: 10.3.1 Ordinary (9 July 2024)

Directorate: City Planning

PURPOSE OF THE REPORT

The purpose of this report is to advise Council of applications received for financial assistance under Round 1 of the 2024/2025 Community Sponsorship Program. The applications received under Round 1 of the Program have been scored against the assessment criteria in the Community Sponsorship Strategy.

The report provides Council with the outcome of the assessment of applications and makes a recommendation based on this assessment as to what applications meet the funding criteria, and therefore should receive funding under the Community Sponsorship Program.

The report also proposes that Council review the eligibility and assessment criteria for the Community Sponsorship Program, update the Community Sponsorship Strategy document and review the guidelines for working with Charitable Organisations.

EXECUTIVE SUMMARY

Applications under Round 1 of the 2024/2025 Community Sponsorship Program have now closed, with 21 applications for sponsorship received.

The applications received under Round 1 of the Program have been assessed in accordance with the assessment criteria in the Community Sponsorship Strategy. This report provides details of each application and the assessment of each application against the criteria within the Community Sponsorship Strategy. It is recommended that 20 of the 21 applications received for sponsorship meet the funding criteria, and therefore are recommended for funding under Round 1 of the 2024/2025 Community Sponsorship Program.

This report proposes that Council review the eligibility and assessment criteria for the Community Sponsorship Program and update the Community Sponsorship Strategy in order to provide greater clarity to the Community Sponsorship Program. It is also proposed that a review of the guidelines for working with Charitable Organisations be undertaken.

RECOMMENDATION

That Council:

1. Approve payments for Section 356 Financial Assistance to the individuals and organisations listed in this report and at the level of funding recommended in this report.
2. Approve the execution of Council's standard Sponsorship Agreement for those applications where the approved level of funding is over \$500.
3. Advise the unsuccessful applicant of the outcome of assessment of applications and provide feedback and offer assistance to support future applications for grant funding.

ORDINARY MEETING

10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

4. Commence a review of the eligibility and assessment criteria for the Community Sponsorship Program and update the Community Sponsorship Strategy, to provide greater clarity to the Community Sponsorship Program, including a review of the guidelines for working with Charitable Organisations.

BACKGROUND

Community Sponsorship Program Round 1 2024/2025

The Community Sponsorship Program provides the opportunity for community groups and individuals to seek financial assistance from Council. The Program provides three categories for financial assistance:

- a) Participation: funding to enable the participation of residents who have been selected to represent their community in regional, national or international sporting and cultural events (\$150 per individual or \$750 for a team of five or more).
- b) Access: funding to subsidise half (50%) of the cost of hiring a Council or community facility (to a maximum Council contribution of \$750).
- c) Building a Connected, Healthy, Inclusive and Resilient Hawkesbury: funding to the cost of an activity or project which will assist the community to come together to plan and deliver activities that support a connected, healthy, and resilient Hawkesbury (up to \$3,000).

In accordance with the schedule for funding rounds within the 2024/2025 Community Sponsorship Program, Round 1 of the Program closed on 31 October 2024. Promotion of the Community Sponsorship Program was undertaken through:

- Online on Council's website, Facebook page, and Hawkesbury e-News
- At network and interagency meetings including Hawkesbury Connect, Hawkesbury Youth Interagency
- Direct face to face and online updates.

Community Sponsorship Program within Council

Section 356 of the Local Government Act, 1993, enables a Council to grant financial assistance to residents and organisations. To meet the requirements of the Act, councils generally distribute Section 356 financial assistance by way of a grants or donations program. Council has put into place a Community Sponsorship Program to provide a framework for the consideration and approval of sponsorship requests.

In 2005, Council resolved to review the administration and operation of its Section 356 financial assistance programs in consultation with current and past recipients of community donations. The outcome of the review was reported to Council in December 2006 with Council resolving to prepare and publicly exhibit a draft Sponsorship Policy prepared in accordance with guidelines issued by the Independent Commission Against Corruption to assist public sector agencies to develop policies and procedures for granting and receiving sponsorship.

In March 2007, Council adopted the draft Sponsorship Policy and implemented a revised Community Sponsorship Program to give effect to the Sponsorship Policy.

In August 2018, Council resolved to review the eligibility and assessment criteria for the Community Sponsorship Program. This review brought the Community Sponsorship Program in line with the Community Strategic Plan and established the current format and categories.

ORDINARY MEETING

10. REPORTS FOR DETERMINATION

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The outcomes of the review were considered by Council at its Ordinary Meeting in April 2019. At that meeting, Council resolved to publicly exhibit a Draft Community Sponsorship Strategy to refocus and realign the Community Sponsorship Program. This was adopted and Council's current Community Sponsorship Program was established.

As part of the Council report in April 2019, guidelines were developed that addressed how Council works with charitable organisations who seek Council support and assistance in the promotion of their activities. The guidelines addressed how Council can assist a registered charitable organisation to organise and promote a nation-wide or state wide fundraising appeal or awareness day. These guidelines will also be reviewed.

DISCUSSION

Assessment of Round 1 - 2024/2025 Applications

In total, 21 applications are presented for Council's consideration under Round 1 of the 2024/2025 Community Sponsorship Program. Of these applications, 10 relate to financial assistance under the Participation Category, 3 relate to financial assistance under the Access to Facilities Category, and 8 applications relate to financial assistance under the Building a Connected, Healthy, Inclusive and Resilient Hawkesbury Category.

The following tables summarise the applications received and the proposed level of financial assistance to be granted.

Participation Category

There were 10 applications for the Participation Category. This Category provides for Council to contribute \$150 per individual or \$750 per team of five or more who have been selected to represent their community in regional, state, national or international sporting competition or cultural event.

Where applicants are under the age of 18 and parental permission to publish names not granted, names have been withheld from the table below.

Applicant	Proposal	Recommended Amount
Applicant One	2024 Football 12 Years and Under Championships, Western Australia	\$150
Benjamin Soper	2024 Softball Championships, NSW	\$150
Indy Aquilina	2024 Football 12 Years and Under Championships, Western Australia	\$150
Reece Rickard	2024 Gymnastics Australia National Clubs Carnival, Qld	\$150
Candice Long	Dance Showcase National Finals, Qld	\$150
Harrison Parr	2024 Gymnastics Australia National Clubs Carnival, Qld	\$150
Ashlynn Gardiner	Dance Showcase National Finals, Queensland	\$150
Mary Eberand	Performance Cheer Grand Final, Tokyo	\$150
Eloise Auditore	In the Spotlight State Championship, NSW	\$150
Pippa Hodder	Junior Nationals Indoor Netball Australia, WA	\$150

ORDINARY MEETING

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Access Category

There were three applications received under this Category. The Community Sponsorship Strategy provides for Council to subsidise half (50%) of the cost of hiring a Council or community facility, with a maximum Council contribution of \$750.

Applicant	Proposal	Recommended Amount
Hawkesbury Beekeepers Inc	Use of Hawkesbury Leisure and Learning Centre	\$735
Sydney Sheepdog Club Inc	Use of Hawkesbury Showground	\$750
Hawkesbury Valley Baptist Church	Use of Hanna Park	\$61

Building a Connected, Healthy, Inclusive and Resilient Hawkesbury Category

A total of eight applications were received under this Category. The Community Sponsorship Strategy provides for Council to fund the cost of an activity or project which will assist the community to come together to plan and deliver activities that support a connected, healthy, inclusive and resilient Hawkesbury, with a maximum contribution of \$3,000.

Applicant	Proposal	Score on Matrix	Requested Amount	Recommended Amount
The Jeremiah Project Inc	Feeding the homeless and vulnerable in the community. Jeremiah Project offers the struggling community a place to come in and eat, connect with volunteers, shower, wash their clothes.	23	\$3000	Not recommended for sponsorship. Applicant did not score above the minimum threshold for funding in the assessment matrix.
Hawkesbury Area Women's and Kids Services Collective (The Women's Cottage)	Funding for Reclaim the Night. Reclaim the Night is a national initiative to raise awareness of women's experiences of gendered and sexual violence. The project will benefit the Hawkesbury community by raising awareness and creating a safer and more resilient community by connecting the residents with community services, volunteer groups and police. Community members are encouraged to raise awareness through creative outlets such as poems, speeches and entertainment, developing connections with other people around a shared experience.	40	\$3000	\$2,000
Link Wentworth Housing Limited	Funding for the Community Support Hub. The Community Support Hub fosters resilience for vulnerable populations, including those facing homelessness or isolation, by providing essential services and emotional support. It provides a central space	34	\$3000	\$2,000

ORDINARY MEETING

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Applicant	Proposal	Score on Matrix	Requested Amount	Recommended Amount
	where residents access diverse services.			
Windsor High School Parents and Citizens Association	Funding for a concrete slab and a garden shed to house tools close to the bush tucker garden at the school. The shed will contribute to the sustainability of the garden and continue to promote the school as an active supporter of environmental/cultural practices of First Nations People.	42	\$3000	\$2,000
Hawkesbury District Concert Band Inc	Funding for new blazers which will be used for formal performances, such as the ANZAC services around the Hawkesbury and the ANZAC parade in Sydney. Funding will also be used for new music. This will provide the band with updated Christmas and ensemble music for smaller groups of musicians and will enable to band to perform more around the community.	30	\$2500	\$1,675
Hawkesbury Remakery	Funding for a fortnightly craft group with monthly lessons for Hawkesbury residents. This enables the community to find creativity and improve their health and wellbeing, along with income generation and self-worth. The group builds a sense of community, personal achievement and connectedness.	32	\$2800	\$1,875
Macdonald Valley Association	Funding for 'Music at St Albans", a series of small live concerts followed by get togethers. The concerts will enhance health, connectedness and inclusiveness in the Macdonald Valley by providing access to live music and social activities.	37	\$3000	\$2,000
Hawkesbury Environmental Network	Funding for a program, run by HEN, and delivered at Oakville Preschool called "Bush Kindy". This program will benefit the whole community by connecting and educating early childhood sectors in the Hawkesbury with volunteers and the community sector. The program takes a preventative approach to better mental health outcomes.	36	\$2450	\$1,645

The analysis of each application under this Category against the Assessment Criteria Matrix is attached as Attachment 1 to this report – it is noted that the maximum score possible under the Matrix for each application is 52. As noted in the Community Sponsorship Strategy an applicant is deemed eligible for consideration by Council for sponsorship if the applicant received a score of 30 or more.

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There was one project which was assessed as not eligible for sponsorship due to not receiving a score of 30 or more in the assessment matrix.

Council staff will work with the unsuccessful applicant that was unsuccessful in Round 1 of the 2024/2025 Community Sponsorship Program to provide assistance that may support future grant opportunities, including grants writing training and referral to alternate grant programs where available.

For the applications that are recommended to be supported, a reduced rate of funding has been recommended in Round 1 due to the need for funding to be split between the three rounds across the year (October, March and May) . Ideally, Council would distribute funding equally between the three rounds, which would equate to \$14,050 per round. Given the total funding requested in Round 1 was \$25,796, this would have left \$16,353 across the remaining two rounds (\$8,176.50 per round). Based on requests from the past two years of this Program, this would leave any community organisation that applied in Rounds 2 and 3 receiving significantly less than requested. Council Officers discussed the need for reduced funding, and by reducing all of the successful requests for the Resilient Hawkesbury Category by one-third, a more even split between the three rounds is able to be achieved.

The following table outlines the total recommended amounts for each category, and overall.

Category	Amount
Participation	\$1,500
Access to Facilities	\$1,546
Building a Connected, Healthy, Inclusive and Resilient Hawkesbury	\$13,195
Total Recommended Under Round 1	\$16,241

Review of Eligibility and Assessment Criteria and updating the Community Sponsorship Strategy

It is proposed that a review of the eligibility and assessment criteria be conducted and that the Community Sponsorship Strategy be updated. The review and update will continue to be in line with the Community Strategic Plan and build upon the foundations that have been laid, improving and bringing clarity to the program. There will also be a review of the guidelines for working with Charitable Organisations.

Policy considerations

The primary reference document relevant to Council's decision in relation to Round 1 of the 2024/2025 Community Sponsorship Program and the review is the Community Sponsorship Strategy, considered by Council at its Ordinary Meeting on 30 April 2019, and adopted following the public exhibition period. The process to assess applications and the recommendations contained in this report are consistent with the adopted Community Sponsorship Strategy.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

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10. REPORTS FOR DETERMINATION

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Great Place to Live

- 1.2 Encourage and enable our community to participate in a healthy lifestyle.
- 1.3 Increase the range of local partnerships and plan for the future.
- 1.6 Build on a sense of community and wellbeing.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The expenditure applicable is provided for in the Adopted 2024/2025 Operational Plan, which makes provision for a budget of \$42,149.

The total financial assistance requested in applications that have been assessed as eligible for funding is \$25,796, however, the report recommends partial allocation to the applicants, as outlined in the table contained in the report, rather than the full amounts requested, to ensure that there is funding available for Rounds 2 and 3.

Should Council resolve to fund the Round 1 of the Community Sponsorship Program 2024/2025 applications as recommended in this report, to the total of \$16,241, there will be \$25,908 for Rounds 2 and 3.

RISK MANAGEMENT CONSIDERATIONS

If a decision is made not to award funding through the Community Sponsorship Program to applicants there could be a medium reputational risk to Council. It is reasonable for sponsorship to not be granted to applicants, if the application does not score high enough on the Assessment Criteria. Staff maintain fairness and equity when marking the Assessment Criteria and all applications are considered by the same staff, in the same meeting. This is to ensure fairness across all applications.

ATTACHMENTS

AT - 1 Analysis of Applications – Round 1 – 2024/2025 Community Sponsorship Program - (Distributed under separate cover).

oooO END OF REPORT Oooo

ORDINARY MEETING

10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

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ORDINARY MEETING

10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

10.4. CORPORATE SERVICES

10.4.1. CS - Audit, Risk and Improvement Committee - Terms of Reference (95496, 96333, 1052054)

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is to adopt the Audit, Risk and Improvement Committee Terms of Reference for the 2024 to 2028 Council Term.

EXECUTIVE SUMMARY

The Audit, Risk and Improvement Committee Terms of Reference requires that the Terms of Reference is to be reviewed annually by the Committee and once each Council term by the Governing Body.

At its meeting on 15 March 2022, Council adopted the Audit Risk and Improvement Committee Terms of Reference based on the Draft Model Terms of Reference issued by the Office of Local Government in August 2021.

In December 2023, the Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023 and the Guidelines for Risk Management and Internal Audit for Local Government in NSW were adopted.

The Terms of Reference has been amended taking into consideration the amendments in the approved Model Terms of Reference contained within the approved Guidelines for Risk Management and Internal Audit for Local Government in NSW.

RECOMMENDATION

That Council adopt the Audit, Risk and Improvement Committee Terms of Reference attached as Attachment 1 to this report.

BACKGROUND

In August 2021, the Draft Guidelines on Risk Management and Internal Audit for Local Councils in NSW were released. The Local Government (General) Regulation 2021 required Council's Audit, Risk and Improvement Committee to operate according to Terms of Reference consistent with the approved Model Terms of Reference provided in the Draft Guidelines.

Accordingly, at its meeting on 15 March 2022, Council adopted the Audit, Risk and Improvement Committee Terms of Reference based on the Draft Model Terms of Reference issued by the Office of Local Government in August 2021.

In December 2022, Draft Guidelines on Risk Management and Internal Audit for Local Councils in NSW were issued in approved form. At its meeting on 29 September 2023, the Audit, Risk and Improvement Committee conducted an Annual Review of the Terms of Reference taking into consideration the amendments in the Model Terms of Reference contained within the Draft Guidelines and resolved as follows:

ORDINARY MEETING

10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

"That the Audit, Risk and Improvement Committee Terms of Reference attached as Attachment 1 to the report be adopted."

In December 2023, the Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023 (the Regulation), commencing on 1 July 2024, was adopted. The section of the Regulation regarding the Audit, Risk and Improvement Committee Terms of Reference is as follows:

"216K Terms of Reference – the Act, Sch 6, cl 19B

(1) A council must adopt Terms of Reference for the Council's Audit, Risk and Improvement Committee.

(2) The adoption must occur by resolution of the Council.

(3) The Council must consider Model Terms of Reference approved by the Departmental Chief Executive before adopting Terms of Reference.

(4) Terms of Reference must be consistent with the Act and this Regulation.

(5) An Audit, Risk and Improvement Committee must exercise its functions in accordance with the adopted Terms of Reference."

Also in December 2023, the Office of Local Government released the Final Guidelines for Risk Management and Internal Audit for Local Government in NSW including the Audit, Risk and Improvement Committee approved Model Terms of Reference.

In accordance with the Audit, Risk and Improvement Committee Terms of Reference, the Terms of Reference are required to be reviewed annually by the Audit, Risk and Improvement Committee and once each Council term by the Governing Body. The last review of the Terms of Reference by the Audit, Risk and Improvement Committee occurred at its meeting on the 13 September 2024 and Council's Governing Body is due to review the Terms of Reference during the current Council Term.

DISCUSSION

The Terms of Reference have been reviewed and based on the Model Terms of Reference and the Terms of Reference adopted by Council at its meeting 15 March 2022 and reviewed by the Audit, Risk and Improvement Committee at its meeting of 13 September 2024, the recommended amendments are as follows:

Paragraph	Original Text	Replacement Text
The opening paragraph - the following has been amended	<i>section(#tbc) of the Local Government (General) Regulation 2021 and the Department Chief Executive's Guidelines for risk management and internal audit for local government in NSW.</i>	<i>"The Local Government (General) Regulation 2021 and the Office of Local Government's Guidelines for risk management and internal audit for local government in NSW."</i>
Composition and tenure - the following has been amended	The committee consists of one independent voting Chair, two independent voting members and one non-voting Councillor in accordance with the <i>Guidelines for risk management and internal audit in local councils in NSW.</i>	<i>"The committee consists of one independent voting Chair, two independent voting members and one non-voting Councillor member, as required under the Local Government (General) Regulation 2021."</i>

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Paragraph	Original Text	Replacement Text
Composition and tenure - the following has been amended	All Committee members must meet the independence criteria and eligibility criteria prescribed in the <i>Guidelines for risk management and internal audit for local government in NSW</i> .	<i>"All Committee members must meet the independence and eligibility criteria prescribed under the Local Government (General) Regulation 2021."</i>
Conduct - the following has been amended	Complaints or breaches of Council's Code of Conduct	<i>"Complaints alleging breaches of Council's Code of Conduct."</i>
Position Title - all references to the following have been amended	Chief Audit Executive	<i>"Internal Audit Coordinator"</i>
Meetings - the following has been amended	The General Manager and the Internal Audit Coordinator should attend Committee meetings as non-voting observers	<i>"The Mayor, General Manager and the Internal Audit Coordinator should attend Committee meetings as non-voting observers."</i>

Minor clarification of wording has been incorporated into the Model Terms of Reference. This wording has been amended in the proposed Audit, Risk and Improvement Committee Terms of Reference however, where the wording has not changed in the sentence, the minor amendments have not been incorporated into this report.

Since reporting the Audit, Risk and Improvement Committee Terms of Reference to the Audit, Risk and Improvement Committee Meeting of 13 September 2024, an additional amendment has been made to reflect the current Councillor non-voting member under *Composition and Tenure*.

The proposed Audit, Risk and Improvement Committee Terms of Reference are attached as Attachment 1 to this report for Council's consideration.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

4.1 Provide representative, responsive and accountable governance.

4.5 Encourage a shared responsibility for effective compliance.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

RISK MANAGEMENT CONSIDERATIONS

The Audit, Risk and Improvement Committee Terms of Reference have been prepared in accordance with the Office of Local Government Guidelines for Risk Management and Internal Audit for Local

ORDINARY MEETING

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Councils in NSW. Council faces minor compliance, and operational risks should it not resolve the Audit, Risk and Improvement Committee Terms of Reference.

ATTACHMENTS

AT - 1 Audit, Risk and Improvement Committee Terms of Reference - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

ORDINARY MEETING

10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

10.5. INFRASTRUCTURE SERVICES

10.5.1. IS - Liveability Project - Windsor Town Centre Stage 2 Options (95495)

Directorate: Infrastructure Services

PURPOSE OF THE REPORT

The purpose of this report is to report back to Council on the funding and timeline for the Liveability Project - Windsor Town Centre Stage 2 (Windsor Mall) and to seek Council's direction moving forward.

EXECUTIVE SUMMARY

At its Ordinary Meeting 13 August 2024, Council previously considered a report regarding the Liveability Project - Windsor Town Centre.

At this meeting, Council resolved to:

- “1. *Endorse Option 1 within this report, being –*

Endorse concept designs for Stage 1A (Thompson Square) and Stage 2 (Windsor Mall) to enable the preparation of detailed design, Quantity Survey, application for appropriate approvals and tender preparation to progress.
2. *Note that delivery of Stage 2 will be subject to the cost estimates provided through a Quantity Survey and considered against the funding commitments required to complete Stage 1A.*
3. *Note that if Council Officers determine if there is insufficient Project funding remaining to complete Stage 2 (Windsor Mall), or insufficient time remaining to complete Stage 2 works by June 2025, that a further report will be provided to Council seeking Council resolution to either:*
 - a) *Not proceed to construction of Stage 2 (Windsor Mall), or;*
 - b) *To fund the shortfall of Stage 2 Project costs through a Quarterly Budget Review”*

This report, in response to Parts 2 and 3 of the above resolution, seeks to provide Council with information on the current budget available versus the forecast cost to complete the project now that tenders for Stage 1a have been received and a Quantity Survey has been completed on the Detailed Design for Stage 2.

The report will also update Council on the risk surrounding the project based on the current funding deed and the available time for completion and options for Council to consider.

RECOMMENDATION

That Council:

1. Acknowledge the support of the Federal and State Government in supporting the finalisation of the Liveability Project – Windsor Town Centre.

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2. Finalise the detailed design and tender documents for the Liveability Project - Windsor Town Centre Stage 2 (Windsor Mall) in preparation for tender in early 2025.
3. Continue to negotiate with the Funding Body to achieve provision of funding to Council prior to 30 June 2025, for the Liveability Project - Windsor Town Centre Stage 2 (Windsor Mall).
4. Include a project within the Draft 2025/2026 Operational Plan to fund a potential \$3.6M project shortfall if the 30 June 2025 deadline is enforced.

BACKGROUND

At its Ordinary Meeting 13 August 2024, Council previously considered a report regarding the Liveability Project - Windsor Town Centre and resolved to:

- “1. *Endorse Option 1 within this report, being –*

Endorse concept designs for Stage 1A (Thompson Square) and Stage 2 (Windsor Mall) to enable the preparation of detailed design, Quantity Survey, application for appropriate approvals and tender preparation to progress.
2. *Note that delivery of Stage 2 will be subject to the cost estimates provided through a Quantity Survey and considered against the funding commitments required to complete Stage 1A.*
3. *Note that if Council Officers determine if there is insufficient Project funding remaining to complete Stage 2 (Windsor Mall), or insufficient time remaining to complete Stage 2 works by June 2025, that a further report will be provided to Council seeking Council resolution to either:*
 - a) *Not proceed to construction of Stage 2 (Windsor Mall), or;*
 - b) *To fund the shortfall of Stage 2 Project costs through a Quarterly Budget Review”*

Within this report it was also outlined that Council Officers have liaised with the funding body with regards to the proposed further scope changes to the Project. The funding body amended the current Deed that they have in place with Council to remove a "payback clause" that would have resulted in Council needing to payback the entirety of Liveability funding (including for works funded in Richmond and South Windsor town centres). The Draft Deed which has now been received from the funding body and has the hard end date of 30 June 2025 for the project funding to be expended. This end date exposes Council to financial risk, on Stage 2 (Windsor Mall) as this Stage will not be completed by 30 June 2025. Council Officers continue to liaise with the funding body to investigate other options, such as payment to Council in advance in line with the awarding of tenders for Stage 2 (Windsor Mall).

The construction works for Stage 1 of the project is expected to be completed by February 2025.

The Tender for Stage 1A has now closed and is currently being assessed by the Tender Evaluation panel as per the above resolution with the view to progressing to awarding a tender.

The detailed design for Stage 2 has been undertaken as per the resolution above, with a cost estimate completed against the remaining budget for the Liveability Project the is forecast to be available.

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DISCUSSION

As per the background within this report, the Tender for Stage 1A (Thompson Square) has now closed and is currently being assessed under Council's procurement policies and procedures. As such the anticipated costs are not able to be discussed within an open Council report. But it is anticipated for the tender to be awarded by the end of December 2024 with works to be completed by 30 June 2025, pending unforeseen delays. These dates are tentative until the tender has been awarded. The Tenders provided to council have a range of pricing, but this allows Council Officers to firmly estimate the remaining funds within the Liveability Project budget that would be available for the Stage 2 (Windsor Mall) tender.

As per the Council resolution of 13 August 2024, Council Officers have liaised with Council's consultant design team with the detailed design now 95% completed for Stage 2 (Windsor Mall). The final detailed design will be completed by mid-December 2024. This has allowed for a Quantity Survey to be completed with a cost estimate for the construction of Stage 2 now provided to Council Officers. Based on the financial reconciliation of the funding deed and the amount of funding still to be claimed, it is confirmed that there is sufficient funding from the grant allocated to Council to complete the Liveability Project - Windsor Town Centre, Stage 1A and 2. This figure has been reconciled as of the 27 November 2024 with Council's finance department. Due to the current tender for Stage 1A being assessed and the future tender for Stage 2 imminent, the total budget figure has not been included within this report as it may compromise Council's position to get the best value for money during the Stage 2 (Windsor Mall) tender process.

However, the major risk to Council now stems from the hard end date proposed in the draft funding deed provided by the funding body. If Council proceed to tender for the Stage 2 (Windsor Mall) works, the actual construction will not be completed by the 30 June 2025 end date proposed within the revised deed. Thus, exposing Council to a high risk of having to fund the value of any works completed after June 2025 if a tender is awarded. The project team have forecast an indicative Stage 2 timeframe to estimate the potential amount which could be outstanding and incurred by Council after 30 June 2025, which is estimated to be \$3.6M inclusive of contingency costs.

Council Officers have liaised with the funding body and requested the consideration of allocating funding to Council before the 30 June 2025 when the tender contract is entered into for Stage 2 (Windsor Mall). Council has advised the funding body that funding is required to be secured before the advertisement of the tender for Stage 2 (Windsor Mall) and have requested feedback in principle on this option by 10 December 2024. Council understands if this is viewed favourably a further amendment or addendum to the deed would be required before Council expedites the tender contract.

The Project Team are continuing to look at various actions, including to pre-purchase paving and other items as a means to expend the grant funding by the 30 June 2024 deadline, but this will not completely negate the high risk to Council as a high proportion of the project cost will come directly from on-ground construction costs for the works.

Ensuring funding is allocated and confirmed by Council is required when a future potential tender process occurs to ensure Council receives a suitable range of prospective tender submissions.

In considering the above information, Council is provided with the following options for consideration.

Option 1

Finalise the detailed design and advertise the Tender for the Liveability Project - Windsor Town Centre Stage 2 (Windsor Mall) whilst negotiating with the State Government Funding Body to allocate funding to Council prior to the 30 June 2025. This would be in line with the timeline for awarding of the tender for Stage 2 (Windsor Mall). To negate the financial risk if the deed end date is enforced and funding is not provided prior to the 30 June 2025 as requested, Council would need to include a project within the Draft 2025/2026 Operational Plan to fund any project shortfall after June 2025.

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This option exposes Council potentially to major elements of risk both financially and organisationally but negates some of this by being pre-emptive with the inclusion of a project within the annual Capital Works Program. If the funding is allocated to Council from the funding body prior to the 30 June 2025, the capital funding allocated would then be withdrawn before adoption of the final 2025/2026 Operational Plan by Council.

The funding body has expressed their concern with an extended timeframe of the project, with Hawkesbury City Council now being the last Council to expend their funding. Council however is in a stronger project position than previously with firm project dates now available to be provided. It is also important to note that in the early stages of the program, Councils were provided with funding in advance. Council's request for the funding to be provided in line with the awarding of the Stage 2 tender, is therefore not considered unreasonable based on historical information.

This will also negate risk to Council during the potential tender process, understanding that the project is confirmed to move forward.

This is the preferred option.

Option 2

Finalise the detailed design and advertise the Tender for the Liveability Project - Windsor Town Centre Stage 2 (Windsor Mall) whilst negotiating with the State Government Funding Body to extend the Deed end date prior to signing.

This option exposes Council potentially to major elements of risk both financially and organisationally as the funding body has expressed their concern with the extended timeframe of the project, with Hawkesbury City Council now being the last Council to expend their funding. Council however is in a stronger project position than previously with firm project dates available to be provided.

If the funding deed is not extended, a further report be provided back to Council, considering whether a budget item to be included within the draft 2025/2026 Capital Works Program or Council do not proceed with the tender for Stage 2 (Windsor Mall).

This option could create risk to the potential tender process, with potential tenderers concerned as to whether the project will go ahead. Hence reducing possible tender submissions and value for money proposition for council.

This is not the preferred option.

Option 3

Finalise the detailed design for the Liveability Project - Windsor Town Centre Stage 2 (Windsor Mall).

Advise the funding body that Council are not able to meet the timeframe for the funding deed in relation to Stage 2 (Windsor Mall) and advise of approximate funding that will not be expended.

Consider the tender for the Liveability Project - Windsor Town Centre Stage 2 (Windsor Mall) in future years' operational plans.

This option exposes Council potentially to major elements of risk financially, organisationally and reputationally.

This is not the preferred option.

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COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Great Place to Live

- 1.4 Facilitate the delivery of infrastructure through relevant agencies for Council's own works.
- 1.5 Provide the right places and spaces to serve our community.
- 1.6 Build on a sense of community and wellbeing.

Strong Economy

- 3.4 Support the revitalisation of our town centres and growth of our business community.

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.3 Build strong financial sustainability for now and future generations.
- 4.5 Encourage a shared responsibility for effective compliance.
- 4.8 Facilitate the delivery of infrastructure through relevant agencies and Council's own works.

FINANCIAL IMPACT

The matters raised in this report have potential direct financial implications dependent on Council's ability to negotiate either an alternate funding deed end date or pre-payment of grant funding before the 30 June 2025 in line with the awarding of the Stage 2 (Windsor Mall) tender. As outlined in "Option 1" within this report, Council will need to include expenditure applicable for any potential shortfall into the Draft 2025/2026 Operational Plan.

The financial reconciliation of the funding deed and the amount of funding still to be claimed, has confirmed that there is sufficient funding from the grant allocated to Council to complete the Liveability Project - Windsor Town Centre, Stage 1A and 2. This figure has been reconciled as of the 27 November 2024 with Council's finance department. Due to the current tender for Stage 1a being assessed and the future tender for Stage 2 imminent, the total budget figure has not been included within this report as it may compromise Council's position to get the best value for money during the tender process.

However, as the Stage 2 works would not be completed by 30 June 2025 under the current draft deed conditions, this could potentially expose Council to a high risk of funding any shortfall indicatively forecast at \$3.6M to finalise the project after the 30 June 2025.

At the present time, this has not been planned for and if it were to be included, would impact on Council's ability to fund other capital works.

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RISK MANAGEMENT CONSIDERATIONS

In considering the delivery of the Liveability Project -Windsor Town Centre (Stage 2), if the project does not proceed as expected there will be a direct risk to Council's reputation and its ability to deliver on strategic projects with both the community and the funding body. The lack of delivery would also have a direct impact on Council's ability to meet its strategic objectives and goals.

As this is a grant funded project, it also requires compliance with the funding deeds and delivery dates, and links directly to Council not achieving its expenditure targets. This in turn could also jeopardise external relationships with the grant body and undermine future opportunities for external funding for Council projects.

There are also operational risks directly linked to this project in relation to the community and delivery of services and businesses in the Stage 2 (Windsor Mall) area.

The above risk issues could lead to reputational damage to Council as an organisation and a brand.

Council must ensure a rigorous process when completing major capital projects that ensure it deliver against its forecast deliverables linked to grant expenditure proposed.

ATTACHMENTS

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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10.5.2. IS - WSIG - Richmond Swimming Centre Re-development Project (95495)

Directorate: Infrastructure Services

PURPOSE OF THE REPORT

The purpose of this report is to:

- Provide Council with an update on the Richmond Swimming Centre Redevelopment (RSCR) project
- Request Council endorse a preferred Concept Design option to take through design development
- Highlight the forecast budget shortfall for the RSCR project, and request Council consider alternative funding strategies

EXECUTIVE SUMMARY

This report provides an update on the Richmond Swimming Centre Redevelopment (RSCR) project, seeking Council's endorsement of a preferred Concept Design option for further development and outlines the projected budget shortfall. It notes the likely need for alternative funding strategies to ensure the successful delivery of the project.

The RSCR project, funded through the Western Sydney Infrastructure Grant (WSIG) Program, aims to revitalise the existing Richmond Swimming Centre, which currently has outdated facilities and limited operational capacity. The total grant funding of \$30.3 million is allocated for the project, but current cost estimates have revealed a significant budget shortfall. The revised project estimates range from \$43.96 million (Option B) to \$54.80 million (Option C), both of which exceed the available funding.

Two Concept Design options (Option B and Option C) are proposed which meet the strategic goals outlined in the Business Case and Functional Design Brief but come with varying costs and impacts, particularly on future funding demand. Option B, while cheaper, still presents a budget shortfall of \$13.64 million, while Option C presents a larger shortfall of \$24.48 million, but presents the greater value for money. The report recommends progressing design development with Option C, exploring value engineering and alternative funding strategies to address the shortfall.

Option B retains and includes minor refurbishments to the existing 50m pool, while Option C replaces the current pool with a new 50m pool, offering improved orientation and accessibility. The asset life for the existing 50m pool in Option B is extended by 15 years through refurbishment at most, while Option C introduces a new pool with enhanced facilities and an asset life of 50 years. In effect, Option C resolved the need to renew the existing 50m pool, whereas Option B defers the need for Council to make a major investment to renew the 50m pool by an estimated five years only.

Council would receive a future report, to coincide with achieving 50% detailed design, to assess the ongoing value for money which that progress would support.

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RECOMMENDATION

That Council:

1. Proceed to detailed design for Option C for the Richmond Swimming Centre Redevelopment.
2. Continue with design development on the project, and that value engineering and staging options are explored during this process to determine if an optimised outcome is available within the parameters of the Western Sydney Infrastructure Grant funding deed.
3. Receives a further report when the project reaches 50% detailed design, to assess the anticipated project costs, prior to proceeding with or not proceeding with the submission of a Development Application and/or any relevant grant variation application.

BACKGROUND

The Richmond Swimming Centre Redevelopment project is part of the grant-funded Western Sydney Infrastructure Grant (WSIG) Program (formerly WestInvest). The WSIG Program guidelines were distributed to Councils in March 2022, with Council submitting applications in July 2022, following a resolution of Council (item 083) during the Ordinary Meeting on 10 May 2022. The total funding granted for the project was \$30.3 million, of which \$4.9 million is contingency held by the funding body, and \$25.3 million is allocated to Council to spend within the Funding Deed parameters.

The current Richmond Pool is located at 71 East Market St, Hobartville. It comprises a 50m pool, learn to swim pool, toddlers pool, entry/changeroom building, plant building and shade structures within an open, grassy recreational area. The facility was originally built in the 1960s; significant upgrades to extend the life of the pools were completed in 2008. It is estimated that the current pools have an existing asset life of 10 years, however considerable work is required to achieve that lifespan.

The existing 50m pool has six narrow swim lanes (2.125m), is not accessible and its use is limited by its current depth. All of the pools are located externally, and nominal heating is provided via a solar heating system. The Richmond Pool currently closes from the beginning of May to the end of September each year due to being an outdoor only facility. The current facility is owned and operated by Council.

Council prepared the Business Case for the Richmond Swimming Centre Redevelopment project within a limited timeframe, alongside all other applications submitted under the WSIG Program. The Business Case proposed the following scope for the new Richmond Swimming Centre:

- All-seasons indoor and outdoor aquatic space for heat refuge and greater winter activation
- 8 lane 50m pool with separable boom for indoor/outdoor use all year and adjustable floor from 0- 25mtrs
- Holistic aquatic features- hydro-bubble seat within the program pool, ramp entry to both pools, adjoining spa/sauna and private office for additional leasing solution for occupational therapist or physiotherapy/massage.
- Indoor Learn to Swim Pool and Splash Pad – to meet the existing and growing needs of younger and school age cohorts.
- Main 50m Pool with grandstand – to replace the existing Main 50m Pool which is approaching end of asset life
- New Plant Room – to replace the existing Plant Room

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- Ancillary facilities (including outdoor fitness equipment, shades, outdoor table tennis, bicycle racks, landscaping and BBQ facilities) to enhance Centre amenity and recreation value to users and the wider community.

The Case was accompanied by high-level Concept Plans and a high-level cost estimate.

The Funding Deed for the project was executed in late November 2023, and the first instalment of funding for the project was provided the same month.

Since execution of the Deed, and receipt of the funding, Council has:

- Appointed NSW Public Works to manage the procurement of design consultants, the design phase and the procurement of the main works contractor
- Completed site surveys and preliminary investigations
- Carried out community consultation via a Your Say Survey
- Appointed the quantity surveyor (cost consultant), architect, specialist pool consultant and specialist sporting & leisure planning consultant
- Conducted a peer review of the original Concept Plans and cost estimate
- Developed a Functional Design Brief (FDB), to detail the fundamental 'must haves' for the new facility; this considered results from the Your Say survey, the outcomes required by the grant, and input from operational teams within Council

The peer review cost estimate of the original business case identified a forecast project cost of \$53.6 million for the proposed plans in 2022 dollars. When adjusted for escalation, and taking into account the forecast project programme, this equates to circa \$67.0 million. Further, a design review was completed by experienced aquatics architects; this identified the fundamental technical challenges in providing a half indoor/outdoor pool. Separation of indoor and outdoor water in winter requires two separate reticulation systems (adding costs), significant structural support would be required to support the bifold doors separating the space that also present challenges in achieving energy efficiency compliance for a sealed structure. The curved structure of the building was also found to be unnecessarily complex, impacting lifeguarding site lines as well as adding unnecessary building cost.

It was determined that the most appropriate course of action was to abandon the original concept plan, and instead redevelop the design to meet the 'must haves' of the FDB, whilst also trying to keep with the outcomes promised in the original Business Case. Three Concept Plan options were developed, and the building structure was revised to align with simple, cost-effective construction methods. Cost estimates and forecast operating models were developed for each option.

- Option A:
 - Indoor – 16.6m lap pool, Learn to Swim/Warm Water Program Pool
 - Outdoor – no renewal, retain and refurbish existing 50m pool, new splash pad and playground (extend existing life of 50m pool by approximately 5 years)
- Option B:
 - Indoor – 25m lap pool, Learn to Swim/Warm Water Program Pool
 - Outdoor – no renewal, retain and refurbish existing 50m pool, new splash pad, and playground (extend existing life of 50m pool by approximately 5 years)

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- Option C:
 - Indoor – 25m lap pool, Learn to Swim/Warm Water Program Pool
 - Outdoor – new 50m pool in improved location, new shading, new splash pad and playground

These Options were reviewed by the WISG Program's internal governance structure and it was determined to proceed developing Option B and C to 100% Concept Design, with the ability to "wind back" the concept design to align with Option A in the event that it was that Option which emerged as the preferred option, which it has not.

Options B and C have now been developed to 100% Concept Design level; cost estimates have been developed for each Option, as well as 10 year forecast operating models to determine the longer-term impact of the new facility. These results are further detailed in the next section of this report.

DISCUSSION

A summary of previous Council decisions relevant to the RSCR project are summarized below:

- Previous Item 083 [GM – WestInvest Program - (79351)], Ordinary (10 May 2022)
 - Council resolved to prepare and lodge applications under the WestInvest Program – Community Project Fund – Competitive Round for the Richmond Swimming Centre Upgrade (2. f)
- Previous Item 003 [MM2 – Project Funding – NSW Government's WestInvest Program - (138879, 79353)], Ordinary (31 January 2023)
 - Council noted it was successful in its project funding applications for the WestInvest program, including \$30,319,843 for the Richmond Swimming Centre (1. a).
- Previous Item 4.5.1 [IS – WestInvest Program Assurance - (95495)], Ordinary (14 March 2023)
 - Council resolved and endorsed items pertaining to the overall WestInvest program governance and Executive Steering Committee.
- Previous Item 6.1.2 [NM1 – WestInvest Funding and Projects - (125612, 79351, 95498)], Ordinary (14 March 2023)
 - Council resolved for reporting to be provided back to Council regarding various items including the WestInvest funding provided, contingencies and what they can be used for, and long-term financial impacts.

Concept Design Options B and C will be presented in this section, alongside the option of terminating the project. In considering each option it is important for Council to note that under the terms of the funding deed and guidelines, should Council believe the project is no longer viable, it will need to go through an assessment process with the WISG funding body. Sufficient evidence will need to be provided to substantiate this position, including designs and cost estimates. Should the funding body deem the project no longer viable, Council will be required to return any unspent funding; all costs incurred up to that point, in line with the grant funding deed, will be acquitted under the grant.

The cost estimates detailed in this report are high-level feasibility cost estimates and have a range of P75-P90. This range indicates that there is a 75-90% confidence level that the final cost will not exceed the estimated amount. The P75-P90 level reflects a conservative, risk-adjusted approach, accounting for foreseeable uncertainties and ensuring a robust buffer for cost overruns. It is not able

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to account for unknown risks. A buildup of construction costs has been developed, based on the 100% Concept Plans, with general allowances where necessary in lieu of detailed design information. These costs assume commonly used standard building materials are utilised. The Authority Fees, Professional Fees, Escalation and Contingency amounts are all based on a percentage of the Gross Construction Cost

It is noted that the contingency for WSIG projects is held by the funding body, and access to the contingency is by application only. Generally, the contingency is for items that were unforeseeable at the time of the grant submission. The funding body are yet to publish their guidelines regarding contingency drawdown. The Richmond Swimming Centre project budget includes \$4.95 million in contingency; the budget readily available to the Council is \$25.36 million.

Concept Design Option B

Scope

The Concept Design plans for Option B are provided under Attachment 1. The building structure is simple and rectangular, thus minimising construction costs. The orientation of the building takes into account the location of the existing 50m pool, as well as travel path of the sun, and the impact this has on glare and sight lines of the internal pools. The scope includes: New Indoor Facility with 25m lap pool, Learn to Swim/Warm Water Program Pool, Café and all other necessary ancillary facilities

- New Indoor Facility with 25m lap pool, Learn to Swim/Warm Water Program Pool, Café and all other necessary ancillary facilities
- Outdoor – retain and refurbish existing 50m pool and treatment plant (~\$3.5m construction value), new splash pad, and playground, new additional external amenities (allowing separation of school carnivals) and parking.

The refurbishment scope for the existing 50m pool and its' treatment plant, is expected to extend the asset life by a marginal amount but would still see significant investment required within 15 years. Based on current pricing and adjusting for 2.5% p.a. CPI only (excluding construction price indexing and other market fluctuations), the replacement of the 50m pool in 15 years' time could cost between \$22.3 - 25.2 million (total project cost).

Forecast Cost

The current forecast cost for Option B is **\$43.96 million**; this represents a **forecast budget shortfall of \$13.64 million**. A breakdown of costs is provided in Attachment 3 (Confidential).

Forecast 10-Year Operating Model

A preliminary forecast 10-year operating model was developed, which considers the estimated construction value of the new asset. Visitation and programming were forecast based on the water bodies and facilities provided, and considering the catchment area and other aquatic facilities that the Centre would compete with. The fees and charges were modelled to align with current fees at the Hawkesbury Oasis and Leisure Centre. It assumes that Council continues to own and operate the facility. Council may wish to pursue other operating models in the future to reduce their operational deficit, but this is outside of the scope of the WSIG related project.

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The Operating Result is detailed in the table below:

Result	2028	2029	2030	2031	2032
Café	\$67,981	\$74,109	\$78,187	\$77,941	\$77,577
Other	-\$665,964	-\$682,050	-\$698,717	-\$716,185	-\$734,090
Pools	\$17,439	\$62,818	\$95,099	\$97,476	\$99,913
Total	-\$580,543	-\$545,124	-\$525,431	-\$540,768	-\$556,600
<i>Cost per Visit⁹</i>	<i>-\$2.98</i>	<i>-\$2.72</i>	<i>-\$2.57</i>	<i>-\$2.64</i>	<i>-\$2.72</i>
<i>Cost Recovery¹⁰</i>	<i>74.28%</i>	<i>76.49%</i>	<i>77.92%</i>	<i>77.85%</i>	<i>77.78%</i>
<i>Result After Depreciation</i>	<i>-\$1,459,823</i>	<i>-\$1,424,404</i>	<i>-\$1,404,711</i>	<i>-\$1,420,048</i>	<i>-\$1,435,880</i>

Result	2033	2034	2035	2036	2037
Café	\$77,087	\$76,461	\$75,691	\$74,765	\$73,674
Other	-\$752,442	-\$771,253	-\$790,534	-\$810,298	-\$830,555
Pools	\$102,411	\$104,971	\$107,596	\$110,286	\$113,043
Total	-\$572,944	-\$589,820	-\$607,248	-\$625,247	-\$643,838
<i>Cost per Visit</i>	<i>-\$2.80</i>	<i>-\$2.88</i>	<i>-\$2.97</i>	<i>-\$3.05</i>	<i>-\$3.14</i>
<i>Cost Recovery</i>	<i>77.71%</i>	<i>77.63%</i>	<i>77.56%</i>	<i>77.48%</i>	<i>77.40%</i>
<i>Result After Depreciation</i>	<i>-\$1,452,224</i>	<i>-\$1,469,100</i>	<i>-\$1,486,528</i>	<i>-\$1,504,527</i>	<i>-\$1,523,118</i>

It assumes the first full year of operation is 2028, based on the forecast project program.

It is noted that these forecasts are preliminary; charges, staffing costs and other items would be further developed alongside detailed design. Generally, in the sector of Council-owned and operated aquatic facilities, a cost recovery of in the region of 60-65% is the standard. Should these projections be used for forward financial planning, it would be recommended that the cost recovery is adjusted to the industry standard, to account for optimism bias in the modelling.

Concept Design Option C

Scope

The Concept Design plans for Option C are provided under Attachment 2. As with option B, the building structure is simple and rectangular, thus minimising construction costs. The orientation of the building considers the travel path of the sun, and the impact this has on glare and sight lines of the internal pools. Street-front parking is maximised. The existing 50m pool is demolished and filled in, and a new 50m pool in an improved orientation is provided.

The scope includes:

- New Indoor Facility with 25m lap pool, Learn to Swim/Warm Water Program Pool, Café and all other necessary ancillary facilities
- New Outdoor Facilities – New 50m pool, with standard sized swim lanes (2.5m) and accessible ramp, new splash pad, and playground, new additional external amenities (allowing separation of school carnivals) and parking. Additional open space area created by removal of old plant and co-location of all pool operating plant in new plant room.

Forecast Cost

The current forecast cost for Option C is **\$54.80 million**; this represents a **forecast budget shortfall of \$24.48 million**. A breakdown of costs is provided in Attachment 3 (Confidential). The key driving cost difference between Options B and C is the provision of a new 50m pool, in an improved location. This represents most of the increase in the Construction cost line item, which in turn reflects in the proportion of the Authority Fees, Professional Fees, Escalation and Contingency.

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Forecast 10-Year Operating Model

The 10-year operating model for Option C has the same considerations as for Option B; a marginal increase in forecast visitation and membership is provided for Option C, alongside an increase in events that could be held. Despite these adjustments, the result is less favourable than Option B, due to the higher value of the new assets. The Operating Result is detailed in the table below:

Result	2028	2029	2030	2031	2032
Café	\$81,677	\$88,401	\$92,951	\$92,911	\$92,750
Other	-\$734,415	-\$752,213	-\$770,633	-\$789,899	-\$809,647
Pools	-\$121,456	-\$77,306	-\$46,994	-\$48,169	-\$49,373
Total	-\$774,194	-\$741,117	-\$724,676	-\$745,157	-\$766,269
<i>Cost per Visit¹⁴</i>	<i>-\$3.71</i>	<i>-\$3.44</i>	<i>-\$3.29</i>	<i>-\$3.39</i>	<i>-\$3.48</i>
<i>Cost Recovery¹⁵</i>	<i>69.50%</i>	<i>71.57%</i>	<i>72.92%</i>	<i>72.85%</i>	<i>72.79%</i>
<i>Result After Depreciation</i>	<i>-\$1,870,254</i>	<i>-\$1,837,177</i>	<i>-\$1,820,736</i>	<i>-\$1,841,217</i>	<i>-\$1,862,329</i>

Result	2033	2034	2035	2036	2037
Café	\$92,460	\$92,030	\$91,450	\$90,711	\$89,799
Other	-\$829,888	-\$850,635	-\$871,901	-\$893,699	-\$916,041
Pools	-\$50,607	-\$51,872	-\$53,169	-\$54,498	-\$55,861
Total	-\$788,035	-\$810,478	-\$833,620	-\$857,486	-\$882,102
<i>Cost per Visit</i>	<i>-\$3.58</i>	<i>-\$3.68</i>	<i>-\$3.79</i>	<i>-\$3.90</i>	<i>-\$4.01</i>
<i>Cost Recovery</i>	<i>72.72%</i>	<i>72.66%</i>	<i>72.59%</i>	<i>72.52%</i>	<i>72.44%</i>
<i>Result After Depreciation</i>	<i>-\$1,884,095</i>	<i>-\$1,906,538</i>	<i>-\$1,929,680</i>	<i>-\$1,953,546</i>	<i>-\$1,978,162</i>

It assumes the first full year of operation is 2028, based on the forecast project program.

It is noted that these forecasts are preliminary; charges, staffing costs and other items would be further developed alongside detailed design. Generally, in the sector of Council-owned and operated aquatic facilities, a cost recovery of in the region of 60-65% is the standard. Should these projections be used for forward financial planning, it would be recommended that the cost recovery is adjusted to the industry standard, to account for optimism bias in the modelling. As previously stated within this report, Council may wish to pursue other operating models in the future to reduce their operational deficit, but this is outside of the scope of the WSIG related project.

Terminate Project and Revert to Asset Replacement Program

Should Council determine that the project is no longer feasible, it would need to liaise with the WSIG funding body and go through a formal viability assessment process. As noted previously, cost estimates and designs would be required to substantiate the position. It is expected that Concept-level only costings and designs would not be sufficient. As such, terminating the project should not be considered an option until further design development has occurred.

If the grant funding is concluded without delivery of a new swimming centre, the existing centre would remain under Council’s Asset Management Program. There are key works items that would need to be undertaken by Council to achieve the remaining asset life of the pools, being 10 years, such as:

- Repairs to the 50m pool filter vessel
- Replacement of the pool concourse, which is currently cracked in multiple areas some of which create a safety risk
- Tile rectification works, within pools and at the concourse

ORDINARY MEETING

10. REPORTS FOR DETERMINATION

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- Pool guttering (waterproofing) to multiple pools, as membranes have delaminated and require repair
- Replacement of valves and pumps to multiple pools

These works could cost in the region of \$700k - \$1m over the course of 5 - 7 years, with diminishing returns as ultimately the pools would still reach the end of their asset life, unless major refurbishment or replacement were to occur. This spend would be over and above the current operating budget for the centre, and would likely need to be funded from Council's General Fund. The risk of major failure would increase, particularly the risk of membrane failure and water loss, which can then lead to clay swell beneath the pool, heightening the risk of complete structural failure, at which point refurbishment would no longer be an option. At the end of the asset life, Council would either need to find funding to completely refurbish or redevelop the centre, or consider asset disposal (note this would not be in line with the draft Infrastructure Strategy which identifies the requirement for two aquatic centres to serve the community).

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. The community engagement process proposed in this report meets the criteria for the minimum level of community engagement required under Council's policy.

Community consultation undertaken at Richmond Swimming Pool was completed at the scoping stage, as per the Richmond Swimming Pool Communications and Engagement Plan. This plan was developed under the guidelines outlined by the Hawkesbury City Council's Communication and Engagement Strategy and using the IAP2 Public Participation Spectrum.

At the scoping stage, the community was asked to provide feedback on the proposed inclusions from the initial project scope. Consultation was undertaken early in the planning process, knowing there would be budget constraints, to understand the community's current appetite for the original proposed inclusions.

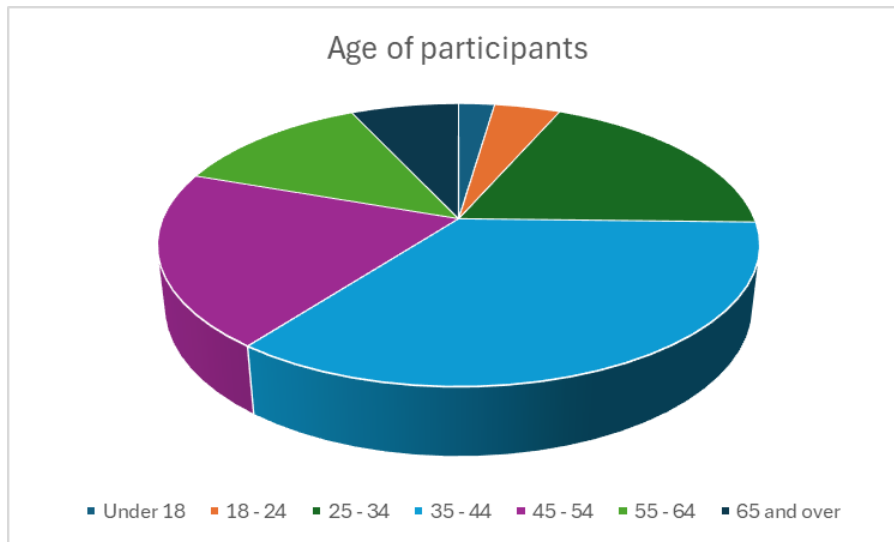
Community consultation was conducted from 19 April 2024, for 28 days (4 weeks), as per the guidelines in the Hawkesbury City Council's Communication and Engagement Strategy, ending on 19 May 2024. Consultation methods included a survey page on 'Your Hawkesbury, Your Say' which was promoted via Facebook; through signage at Richmond Swimming Pool; emailed to all current pool users; letter box dropped to Richmond and Hobartville Residents; flyer included in local schools newsletters; inclusion in the Autumn Community Newsletter; and communicated with Hawkesbury City Council Staff. newsletters; inclusion in the Autumn Community Newsletter; and communicated with Hawkesbury City Council Staff.

A total of 574 people visited the Your Hawkesbury, Your Say page and 261 people made submission via the survey on the page. The breakdown of participant ages is below.

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From the submissions, the community indicated their priority outcomes from this project as per the below:

- Improved bathroom/shower facilities including accessible options (18.02%)
- More shade and shelter (15.54%),
- Year-round facility (12.61%)
- Indoor pool (5.86%)
- More car parking (4.95%)
- Heated pool (4.50%)
- Splash Park (3.83%)
- More pool lanes for swimming (3.83%)
- More seating (3.60%)
- Improved cafe/canteen options (3.60%)
- Picnic areas/BBQ facilities (2.48%)
- Outdoor kids play area (2.48%)
- Keep outdoor pool as is (2.03%)
- Hydrotherapy pool (1.13%)
- Shallow pool for toddlers (1.13%)

The results of this consultation informed the development of the Functional Design Brief, which has in turn fed into the Concept design options presented in this report. It is proposed that a further round of consultation is completed on the preferred concept design option, and that this feedback informs design development.

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CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Great Place to Live

- 1.2 Encourage and enable our community to participate in a healthy lifestyle.
- 1.4 Facilitate the delivery of infrastructure through relevant agencies for Council's own works.
- 1.5 Provide the right places and spaces to serve our community.
- 1.6 Build on a sense of community and wellbeing.

Strong Economy

- 3.3 Promote our community as the place to visit, work and invest.

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.2 Encourage an informed community.
- 4.4 Build strong relationships and shared responsibilities.

FINANCIAL IMPACT

The matters raised in this report have indirect financial implications. Expenditure in the form of resources will be incurred in association with these matters, however these costs have been included in and form part of the grant funding under the WSIG Program.

It is noted that this report does not seek a decision to fund forecast budget shortfalls, or to make commitment to future operational expenditure of the Richmond Swimming Centre. These items will need to be determined in future by Council.

Further, it is noted that should the project progress through design development and the result is the project is no longer viable (and this is confirmed with the funding body), Council will be required to return any unspent funding; all costs incurred up to this point, in line with the grant funding deed, will be acquitted under the grant.

RISK MANAGEMENT CONSIDERATIONS

The RSCR project is funded by the WSIG Program, and Council is required to comply with funding deed and delivery dates. Currently, the project is forecast to be 3 months behind the agreed final activity milestone, however this is within the tolerable limits advised by the funding body. A delay in determining the preferred design option and way forward, presents a Compliance risk for which Council has a 'low' risk appetite.

Further, as noted previously in this report, to arrive at a position of certainty regarding the viability of the project in line with the funding body's requirements, design development needs to progress to a more detailed stage. Council can request to vary the scope of the project with the funding body, however the outcome measures identified in the original application must still be able to be met. It is the view of the project team that both Concept Options proposed in this report can deliver against the original business case outcome measures.

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The current Richmond Swimming Centre is a beloved community asset, and the community has shown a keen interest in the project, as seen in the website visitations and Your Survey submissions. The community relies on the delivery of services, such as learn to swim and school carnivals, that the Centre provides. There is a reputational risk of strong community backlash, should Council not be able to demonstrate that all avenues were explored to deliver the project.

The existing Richmond Swimming Centre is nearing the end of its useful asset life; without significant financial investment to renew or replace the asset, there is an increasing risk of significant failures impacting the operation of the facility as the asset deteriorates. The potential costs to rectify such failures are difficult to forecast and could result in unplanned fluctuations in Council's financial performance and unexpected, short-lead time financial shocks. The ongoing financial costs to continue patching and repairs, alongside ongoing maintenance costs, would continue to increase and will impact the overall financial operating performance of the facility, and thus the viability to continue to provide the Swimming Centre to the community.

ATTACHMENTS

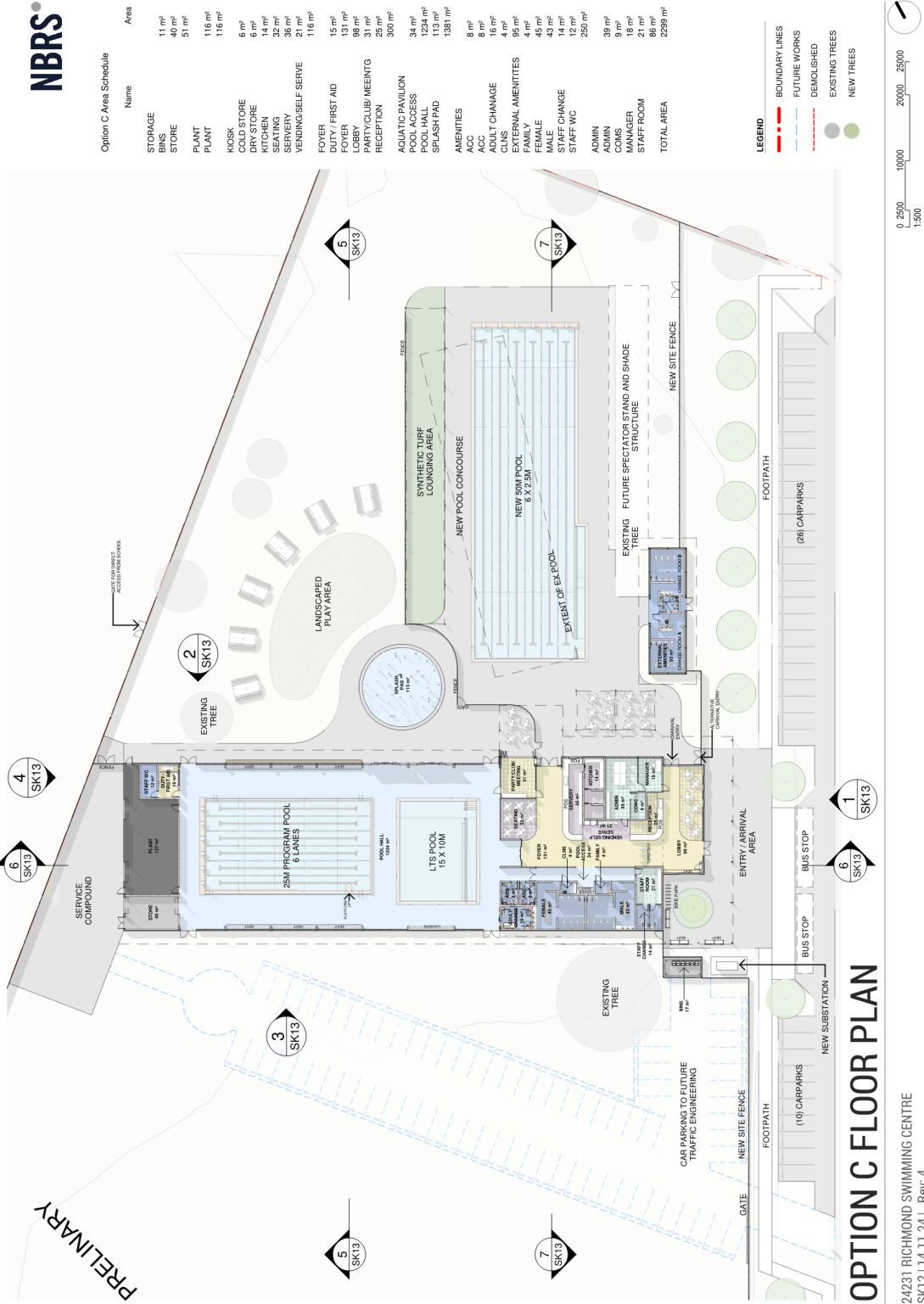
AT - 1 Option B Richmond Swimming Centre Concept Plans

AT - 2 Option C Richmond Swimming Centre Concept Plans

AT - 3 CONFIDENTIAL Cost Estimates Richmond Swimming Centre Redevelopment v3.1
(Distributed under Confidential Agenda)

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Attachment 2 - AT-2 Option C Richmond Swimming Centre Concept Plans



NBR

Option C Area Schedule	Name	Area
STORAGE		11 m ²
BINS		40 m ²
STORE		51 m ²
PLANT		116 m ²
PLANT		116 m ²
KIOSK		6 m ²
COLD STORE		6 m ²
DRY STORE		6 m ²
WASH		32 m ²
SEATING		36 m ²
SERVICES		21 m ²
VENDING/SERVE		116 m ²
FOYER		15 m ²
DUTY/FIRST AID		15 m ²
LOBBY		98 m ²
PARTY/CLUB/MEETING		31 m ²
RECEPTION		25 m ²
AQUATIC PAVILION		300 m ²
POOL DECK		94 m ²
POOL BAL		1224 m ²
SPLASH PAD		113 m ²
AMENITIES		1381 m ²
ACC		8 m ²
ACC		8 m ²
ACC		8 m ²
CHANGE		4 m ²
CLUBS		4 m ²
EXTERNAL AMENITIES		95 m ²
FAMILY		4 m ²
FEMALE		4 m ²
MALE		45 m ²
CHANGE		12 m ²
STAFF WC		12 m ²
STAFF WC		250 m ²
ADMIN		39 m ²
ADMIN		9 m ²
COMS		9 m ²
MANAGERS		15 m ²
STAFF ROOM		86 m ²
STAFF ROOM		86 m ²
TOTAL AREA		2299 m ²

- LEGEND**
- BOUNDARY LINES
 - FUTURE WORKS
 - DEMOLISHED
 - EXISTING TREES
 - NEW TREES



oooO END OF REPORT Oooo

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11. RECEIPT OF MINUTES OF OTHER COMMITTEES

Meeting Date: 10 December 2024

11. RECEIPT OF MINUTES OF OTHER COMMITTEES

Nil reports.

ORDINARY MEETING

11. RECEIPT OF MINUTES OF OTHER COMMITTEES

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ORDINARY MEETING
12. NOTICES OF MOTION
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12. NOTICES OF MOTION

Nil reports.

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12. NOTICES OF MOTION
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ORDINARY MEETING

13. QUESTIONS WITH NOTICE

Meeting Date: 10 December 2024

13. QUESTIONS WITH NOTICE

Nil reports.

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13. QUESTIONS WITH NOTICE

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ORDINARY MEETING

14. RESPONSES TO QUESTIONS WITH NOTICE FROM PREVIOUS MEETING

Meeting Date: 10 December 2024

14. RESPONSES TO QUESTIONS WITH NOTICE FROM PREVIOUS MEETING

14.1.1. Responses to Councillor Questions Taken on Notice at the Council Meeting – 26 November 2024

The following questions were raised from Councillors regarding matters on the Council Meeting Business Paper of 26 November 2024. The questions were taken on notice and responses are provided below:

#	Councillor	Question	Response
1	Wheeler	In relation to the Liveability Project, please provide further information on the impact that the changes to the project made on the overall project costs (e.g. paving extensions, street furniture, gas lamp, different paving).	<p>In relation to the impact of changes made on the overall project costs, the following information is provided.</p> <ul style="list-style-type: none">• Initial estimates for the Liveability Project were based off conceptual drawings with no firm Quantity Survey estimated costs until detailed designs were completed prior to tender. The Quantity Survey estimate costs included final costings on furniture and paving, therefore the impact on costs that changes to the furniture and paving originally proposed can't be quantified.• Over the past two years, there has been an escalation in pricing of approximately 20% on construction costs which would have impacted on the project. This is based on information provided by Quantity Surveyors working on the WSIG program.• Restoration works to the gas lamps are not included within the scope of the Liveability Project. Any works to the gas lamps, including restoration and infrastructure upgrades required to meet current standards will be funded directly by Council.• There also may have been additional project management costs attributed to the extended timeframe to complete the project. <p>All of the costs above have been and will be covered within the existing budget allocation for the project.</p>
2	Kotlash	Can a comparison be provided against the estimated annual emissions for the running of the gas lamps (e.g. compared to the number of air conditioners / LED lights, etc).	Based on the annual emissions estimate of 4,099 tonnes of CO ₂ , this equates to the running of 891 Toyota RAV 4 AWD (2020) for a year which is a fuel-efficient hybrid SUV, or the running of 20,044 LED lights for a year.

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14. RESPONSES TO QUESTIONS WITH NOTICE FROM PREVIOUS MEETING

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#	Councillor	Question	Response
3	Creed	Is McMahons Park a Council Asset?	<p>Council has been seeking appointment as the Crown Land Manager of McMahan Park, Kurrajong since 2019 through a number of Council reports and Council resolutions, and subsequent correspondence with the Crown Lands Department requesting such appointment.</p> <p>The most recent advice received from Crown Lands in late 2023 and April 2024 was that McMahan's Park does not appear to be Crown Land under the Crown Land Management Act 2016. However, it is 'land of the Crown' (a broader category of land, which can include, but is not limited to Crown Land).</p> <p>Council has been advised by Crown Lands that as the land is not designated as Crown Reserve, it is unable to appoint Council as the Crown Land Manager, nor is it able to consider the Masterplan and Plan of Management for McMahan Park until the matter of the land being declared Crown Reserve has been resolved.</p> <p>Given Crown Lands recent advice, the position is such that McMahan Park is held by a Minister of the NSW Government but doesn't fit the definition of 'Crown land'. It is not subject to a current Crown Reserve or dedication but is subject to the control and management of Council as a public recreation ground.</p> <p>As such McMahan Park is considered to be a Council Asset, the management of which is managed by the McMahan Park Management Association, a Section 377 Committee (Local Government Act) of Council. The Committee is responsible for overseeing the management and maintenance of the Park, including the Kurrajong Community Centre.</p> <p>There is a process underway through Crown Lands to resolve this issue, and for Council to be appointed Crown Lands Manager.</p>
4	Creed	If McMahons Park is a Council asset, given the status of the Park, would that meet a certain threshold for repair/renewal?	<p>Notwithstanding the changes which Crown Lands need to implement to address the tenure of the land, funding for the repairs to the exercise equipment can proceed but will carry with it a minor risk if Crown Lands proceed in a direction different to that which they have already outlined to Council. It is the view of Council's Officers that this a low risk and, given the uncertainty over how long Crown Land's process will take, the renewal/replacement of the exercise equipment should proceed, with funding from Council's</p>

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14. RESPONSES TO QUESTIONS WITH NOTICE FROM PREVIOUS MEETING

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#	Councillor	Question	Response
			Section 7.12 Contributions Plan.

ATTACHMENTS

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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14. RESPONSES TO QUESTIONS WITH NOTICE FROM PREVIOUS MEETING

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ORDINARY MEETING

15. CONFIDENTIAL REPORTS

Meeting Date: 10 December 2024

15. CONFIDENTIAL REPORTS

15.1. GENERAL MANAGER

Nil reports.

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15.2. CITY PLANNING

Nil reports.

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15.3. CORPORATE SERVICES

Nil reports.

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15.4. INFRASTRUCTURE SERVICES

Attachment 3 to Item 10.5.2. - IS - WSIG - Richmond Swimming Centre Re-development Project (95495) - Cost Estimates Richmond Swimming Centre Redevelopment

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 confidential, commercial cost estimates for the Richmond Swimming Centre Redevelopment 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.

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15. CONFIDENTIAL REPORTS

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15.4.1. IS - Investigation into Rising Main C (95495)

Directorate: Infrastructure Services

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 quotations for the supply of goods and/or services to Council 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) and (3) of the Local Government Act 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.



Ordinary Meeting

End of Business Paper

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