



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 14 August 2012

location: council chambers

time: 6:30 p.m.



mission
statement

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

How Council Operates

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

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

Ordinary Meetings of Council are generally held on the second Tuesday of each month (except January), and the last Tuesday of each month (except December), meeting dates are listed on Council's website. The meetings start at 6.30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held, it will usually also be held on a Tuesday and start at 6.30pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

The business paper contains the agenda and information on the items to be dealt with at the meeting. Matters before the Council will be dealt with by an exception process. This involves Councillors advising the General Manager by 3:00pm on the day of the meeting, of those items they wish to discuss. A list of items for discussion will be displayed at the meeting for the public to view.

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

Public Participation

Members of the public can request to speak about an item raised in the business paper at the Council meeting. You must register to speak at a Council meeting. To register you must lodge an application form with Council prior to 3:00pm on the day of the meeting. The application form is available on the Council's website, from the Customer Service Unit and by contacting the Manager - Corporate Services and Governance on (02) 4560 4426 or by email at council@hawkesbury.nsw.gov.au.

The Mayor will invite registered persons to address the Council when the item is being considered. Speakers have a maximum of five minutes to present their views. The Code of Meeting Practice allows for three speakers on the Proponent side (i.e. in support) and three for the Respondent side (i.e. in objection). If there are a large number of speakers for one item, speakers will be asked to organise for three representatives to address the Council for either the Proponent or Respondent side (six speakers in total).

Voting

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

Planning Decision

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

Business Papers

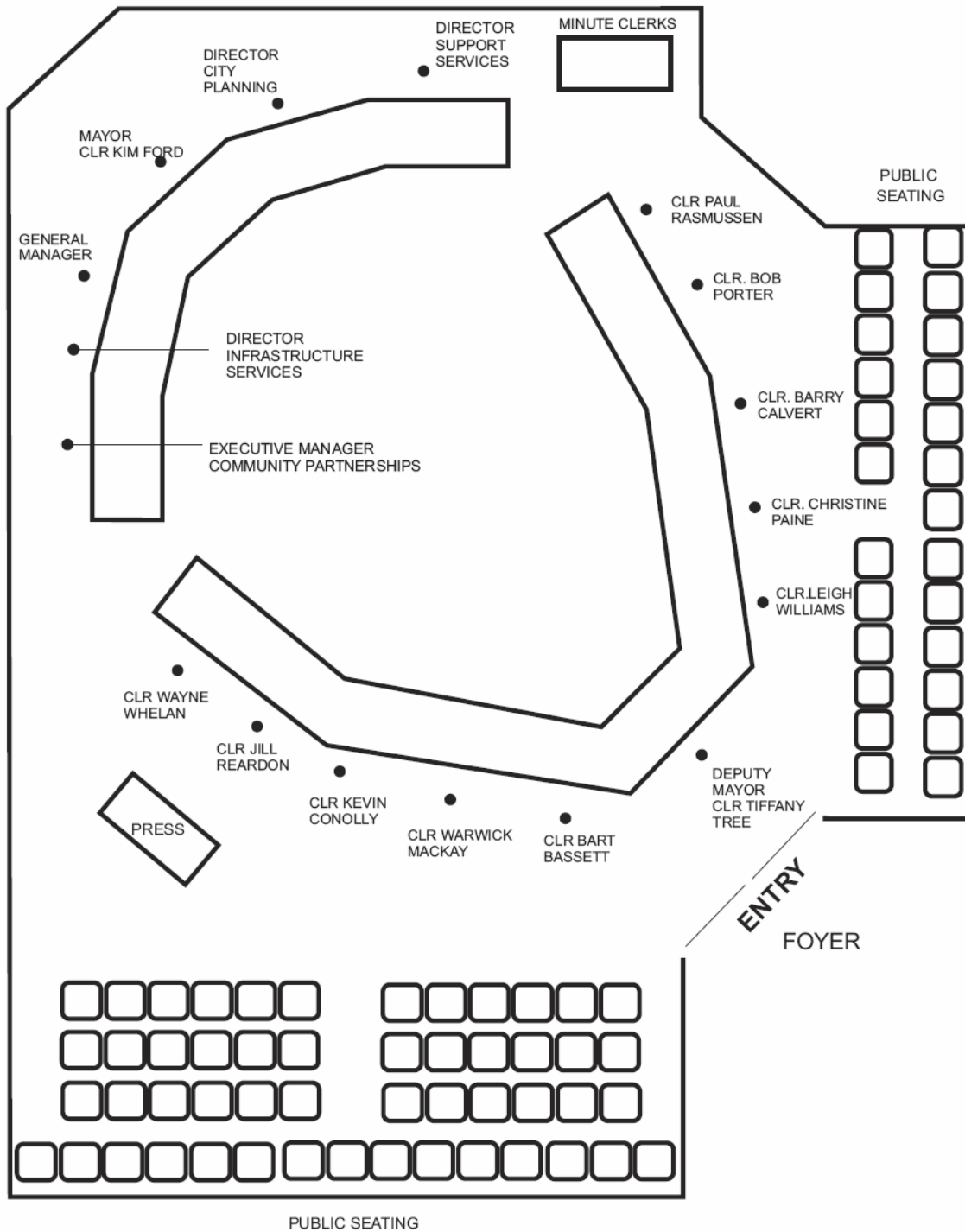
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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

Further Information

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone (02) 4560 4426.

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SECTION 3 - Notices of Motion

NM **Flood Risk Management Committee Members Name, Qualifications and Attendance - (79351, 90477)**

Submitted by: Councillor B Porter

NOTICE OF MOTION:

That:

1. Following the revelation that the draft Hawkesbury Flood Risk Management Study and Plan has been prepared by Council's Floodplain Risk Management Advisory Committee, it is now reasonable that in considering the contents of the Study and Plan, our community should know who are the members of this Committee, their qualifications and their attendance at the meetings of the Committee.
2. This information be released to the community within the next seven days.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 142 GM - Code of Conduct Complaints - Annual Report - 1 July 2011 to 30 June 2012 - (79351)

REPORT:

Under Council's Code of Conduct the General Manager is required to submit an Annual Report to Council in respect of complaints that had been submitted under the Code during the year the subject of the report.

The purpose of this report is to submit the required Annual Report in respect of the period from 1 July 2011 to 30 June 2012.

It is recommended that Council note the report.

Consultation

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

Background

Council adopted its current Code of Conduct (Code) (based on the Model Code of Conduct for Local Councils issued by the then Department of Local Government) on 8 September 2009.

Clause 12.33 of the Code, in relation to "reporting on complaints", provides as follows:

"The General Manager must report annually to Council on Code of Conduct complaints. This report should include, as a minimum, a summary of the:

- a) *number of complaints received*
- b) *nature of issues by complainants, and*
- c) *outcomes of complaints."*

In accordance with the above provisions of the Code, this report is submitted to Council in respect of the period from 1 July 2011 to 30 June 2012. Details of complaints received during this period are as follows:

a) Number of Complaints Received

- 1 in respect of councillors and 1 in respect of staff. (1 in respect of staff and 1 in respect of councillors ongoing from previous period.)

b) Nature of Issues Raised

- Breach of pecuniary interest provisions.
- Various issues regarding a development application, handling of appeal before the Land and Environment Court and matters associated with the development and related reports.

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c) Outcomes of Complaints

- One complaint initially referred to Division of Local Government and subsequently no further action due to lack of prima facie evidence of a breach of the Code.
- Two complaints finalised with no breach of Code of Conduct being determined.
- Complaint against staff member regarding development related issues ongoing as at 30 June 2012.

No complaints were referred to a Conduct Reviewer or Conduct Review Committee during the subject reporting period.

In addition, a council is required to review its Code within 12 months of an election. The Council's current Code was reviewed and adopted in its current form by Council on 8 September 2009, being within 12 months of the last local government election that was held in September 2008. In addition, the Division of Local Government is undertaking a review of the Model Code and it is likely that a revised/amended Model Code will be issued in the near future. When the review of Council's Code is undertaken it would be based upon the new Model Code.

Conformance to Community Strategic Plan

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

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

Funding

Not applicable as this is an annual report required under Council's Code of Conduct.

RECOMMENDATION:

That the annual report under Clause 12.33 of Council's Code of Conduct in respect of complaints received under the Code for the period from 1 July 2011 to 30 June 2012 be noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 143 GM - Contractual Conditions of Senior Staff - Annual Report - (79351)

REPORT:

Executive Summary

Under the provisions of the Local Government Act 1993 the General Manager is required to report annually to Council in respect of the contractual conditions of senior staff.

The purpose of this report is to submit the required annual report, the last report having been submitted to Council on 26 July 2011.

It is recommended that Council note the report.

Consultation

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

Background

Under the provisions of Section 339 of the Local Government Act 1993 (the Act) the General Manager is required to "at least once annually, report to the Council on the contractual conditions of senior staff".

Section 334 of the Act provides that the position of General Manager is a "senior staff position" and in determining the organisational structure of the organisation a council must, under Section 332 (1) of the Act, determine those positions that are also to be "senior staff positions". There are certain criteria that apply before a position can be classified as a "senior staff position". In Hawkesbury's case Council has determined that, in addition to the position of General Manager, the following positions are "senior staff positions":

1. Director Infrastructure Services
2. Director City Planning
3. Director Support Services

The "contractual conditions" of senior staff are dictated by a "standard form of contract" approved by the Chief Executive Officer Local Government, Division of Local Government, Department of Premier and Cabinet (the DLG) under Section 338 of the Act. The current "standard form of contract" for general managers can be reviewed on the DLG's website at:

www.dlg.nsw.gov.au/dlg/dlghome/documents/information/SCE_General_Managers.pdf

The current "standard form of contract" for senior staff can be viewed on the DLG's website at:

www.dlg.nsw.gov.au/dlg/dlghome/documents/information/SCE_Senior_Staff_Excluding_General_Managers.pdf.

The current total remuneration packages (TRP) payable under the senior staff contracts are as follows:

1.	General Manager	\$245,647
2.	Director Infrastructure Services	\$210,000
3.	Director City Planning	\$207,929
4.	Director Support Services	\$198,031

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The above TRPs include the following:

- Salary component of the package
- Defined employers contribution to any superannuation scheme
- The total value of non-cash benefits elected under the package (i.e. Council supplied vehicle)
- FBT payable by Council for any non-cash benefits.

It should be noted that as required by the relevant regulation, the TRP amounts payable for all senior staff positions are also detailed in the Annual Report provided by Council each year at the level applicable at the end of the year to which the report relates.

Conformance to Community Strategic Plan

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

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

Funding

Not applicable as this is an annual report required under the Act.

RECOMMENDATION:

That the annual report under Section 339 of the Local Government Act concerning the contractual conditions of Council's senior staff be noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 144 **CP - Development Application - DA0301/12 - Multi Unit Housing and Demolition of existing cottage - Lot 27 DP 238337 - 55 Pecks Road North Richmond - (95498, 32559, 32558)**

Development Information

File Number: DA0301/12
Property Address: 55 Pecks Road, North Richmond
Applicant: John Micallef
Antoinette Micallef
Owner: Mr J Micallef and Mrs A Micallef
Proposal Details: Multi-unit housing and demolition of existing cottage
Estimated Cost: \$412,000
Zone: Housing
Date Received: 28 June 2012
Advertising: 9 to 23 July 2012

Recommendation: Refusal

REPORT:

Executive summary

The application seeks approval for the construction of Multi Unit Housing – Detached Dual Occupancy on Lot 27 in DP 238337, 55 Pecks Road, North Richmond.

In 2006, Amendment No. 108 to Hawkesbury Local Environmental Plan 1989 was gazetted. This Amendment included new residential zonings to distinguish between areas suitable for single dwelling houses within the Housing zone and medium density residential development (dual occupancies, villa, townhouses etc) within the Multi Unit Housing zone. The introduction of these new zonings was mainly due to the State Emergency Services being concerned at the time with the potential for infill development, the resulting incremental increases in population and the impacts on flood evacuation.

With the gazettal of Amendment No. 108, Clause 53A was introduced by the NSW Department of Planning without the consultation of Council. This clause introduced a three year time limit to Council's decision to prohibit multi unit development within the Housing zone. The three years was considered sufficient at that time due to the original deadline to be placed on Council for the preparation of the Draft LEP 2011.

Draft Local Environmental Plan 2011 zones the subject property R2 Low Density Residential, reinforcing the intention of Amendment No. 108 that the land is only suitable for low density development ie. single dwelling houses. The Draft Plan is with the Department of Planning and Infrastructure for gazettal, and is therefore considered to be imminent and certain.

It is therefore recommended that the application not be supported as the development is prohibited under Draft Local Environmental Plan 2011 and is inconsistent with the current and future character of the locality

The application is being reported to Council for determination at the request of the Mayor, Councillor Ford.

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Description of Proposal

The application proposes the demolition of an existing dwelling and construction of a detached dual occupancy.

Proposed Unit 1 will be two stories, constructed of brick veneer with metal roofing, and will have access from Pecks Road.

Proposed Unit 2 will also be two stories and constructed of brick veneer and metal roofing. Access to this Unit will be from Tyne Crescent.

Both dwellings will contain three bedrooms, living room, meals and kitchen, study, bathroom, ensuites, laundry and a double garage.

History of the Application

This application was lodged with Council on 28 June 2012. Following lodgement of this application the applicant was advised (Council's letter of 12 July 2012) that the proposal was unlikely to be supported as the development is prohibited under Draft Hawkesbury Local Environmental Plan 2011 and it was considered that this plan was imminent and certain.

In their letter of 2 August 2012, the Applicants provided the following response:

"Therefore given the recent events such as the approval of Mr & Mrs Gatt's application we do not agree that our current development application for a detached dual occupancy is prohibited in the current zone. Further there is no evidence to suggest the draft LEP is immanent (sic) and certain. Further it would appear that the elected members of Council do not consider (sic) that the draft LEP is immanent (sic) and certain."

At the Ordinary Meeting of 29 May 2012, Council resolved to approve DA0707/11 for a dual occupancy at 46 Grose Vale Road, North Richmond. This approved development differs from the subject proposal in the following manner:

- No. 46 Grose Vale Road is located on the outskirts of (opposite) the Multi Unit Housing zone of North Richmond;
- the property is located in close proximity to the North Richmond commercial centre (approximately 450m); and
- there are numerous multi unit housing developments surrounding this property;

However, the subject property is:

- located solely within a Housing zone area;
- is in an area removed from the North Richmond commercial centre (approximately 1.5 km), and
- has very few examples of multi unit housing in its vicinity.

Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan 20. (No.2 - 1997) - Hawkesbury Nepean River
- Hawkesbury Local Environmental Plan 1989
- Draft Hawkesbury Local Environmental Plan 2011
- Hawkesbury Development Control Plan 2002

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

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

a) The provisions of any:

(i) Environmental Planning Instrument:

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been issued for the proposed development. Should the application be supported a condition of consent will be required to be imposed ensuring that the development meets the necessary performance requirements as set out in the BASIX certificate, therefore complying with SEPP (BASIX) 2004.

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

The proposal is consistent with the aims and objectives of SREP No. 20. It is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and that the development is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies contained in this plan.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The subject property is zoned Housing under Hawkesbury Local Environmental Plan 1989.

An assessment of the proposal reveals that the development is inconsistent with the overall aims and objectives of this plan. The proposal being defined as multi unit development is prohibited under Clause 9 of this plan.

The application has been submitted pursuant to Clause 53A – Special provision relating to multi unit housing. It should be noted that Clause 53A was introduced by the NSW Department of Planning without the consultation of Council. This clause introduced a three year time limit to Council's decision to prohibit multi unit development within the housing zone. The three years was considered sufficient at that time due to the original deadline to be placed on Council for the preparation of the Draft LEP 2011. However, due to a number of unforeseen issues arising with the Standard Instrument and the conversion of the Hawkesbury LEP 1989 to the LEP 2011 the three year time limit on prohibiting multi unit housing in the housing zone has lapsed. This has given Council the opportunity to consider the proposal.

However, it has always been the intention to remove Clause 53A with the preparation of Draft Hawkesbury Local Environmental Plan 2011 to revert the planning controls to that proposed in 2006, i.e., that multi unit development be limited to land zoned for medium density residential development. This has been the long term planning intent for the last five years.

Clause 9A to Hawkesbury Local Environmental Plan 1989 requires that a development be consistent with the objectives of the zone in which the development is being carried on. The relevant objectives of the Housing zone are:

- *to provide for low density housing and associated facilities in locations of high amenity and accessibility,*
- *to protect the character of traditional residential development and streetscapes,*
- *to ensure that new development retains and enhances the existing character,*

The construction of the dual occupancy is not considered to be low density as envisaged in the zone objectives. The locality predominantly consists of single storey dwelling houses on single allotments of 600m² or larger. Whilst the proposed development will present as single dwelling houses due to

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the units fronting different roads, the design and separation of the units will mean that the structures will appear to be a dwelling on an allotment of 365m² which is half of the current apparent allotment size. This will result in the site appearing more densely developed. The proposed development is therefore considered inconsistent with the existing residential character of the locality and streetscape.

It is considered that approving a multi unit development within the housing zone would be inconsistent with both Council's intention for multi unit development and the overall objectives of the zone which is to provide for low density housing.

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

Draft Hawkesbury Local Environmental Plan 2011

Draft Hawkesbury Local Environmental Plan 2011 was exhibited 5 February 2010 to 12 April 2010. The subject site falls within R2 Low Density Residential Zone under draft HLEP 2011.

The proposed development is best defined as 'dual occupancy' which means "2 dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling" and is prohibited within the R2 zone.

On 7 June 2011 Council resolved to forward the Draft Hawkesbury Local Environmental Plan 2011 to the Department of Planning and Infrastructure for finalisation and gazettal.

On 22 June 2011 the draft plan was received by the Department of Planning and Infrastructure. Since the draft plan was sent to the Department of Planning and Infrastructure there has been a considerable amount of consultation with Council staff with a view to finalising the draft plan. This consultation has been in relation to technical matters (definitional matters and mapping) that do not relate to the substantial changing of any uses of this site.

On 1 May 2012 Council was advised by Department of Planning and Infrastructure that the draft plan is considered to be complete and would like the document and maps to be checked by Council staff prior to sending it to the Director General of Planning and Minister for Planning for Gazettal. This work is currently being finalised with the Department.

It is therefore considered that the gazettal of the Draft Plan is both imminent and certain.

Amendment 108 to HLEP 1989 introduced the Housing and Multi Unit Housing zones to distinguish the residential areas suitable for multi unit housing and those only suitable for single dwelling houses. Part of the criteria for this distinction included the property's proximity to town centres and their associated services and amenities. The subject property is situated approximately 1.5km by road from the North Richmond town centre.

Amendment 108 was gazetted 18 August 2006. Clause 53A came in effect on 18 August 2009, thereby permitting multi unit housing with development consent. However, the Draft LEP 2011 zones the subject property R2 Low Density Residential, reinforcing the intention that the land is only suitable for low density development ie. single dwelling houses.

It is considered that there is a reasonable degree of certainty that it is Council's strategic intent to restrict development on land that has not been zoned for multi dwelling housing.

In addition, Clause 1.8A - Savings provision relating to development applications - to the Draft Plan states:

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced."

This Clause allows consideration of applications where there are inconsistencies between the old and new Plans, however, assessment must still be based on the merits of the proposal. The purpose of the current Housing zone and the proposed R2 zone to permit only single dwelling houses is the same. This is also reflected in the respective zone objectives. The proposed development is inconsistent with the current and proposed zone objectives in that the proposal is not considered, under the intent of the zone objectives, to be low density in nature or character.

Support of this proposal would create a non-conforming use with the Draft plan and would result in a poor strategic planning outcome knowing that Council has already decided to prohibit multi dwelling housing on land zoned for low density residential development.

In light of the above it is considered that the current zone objectives and the Draft plan should be given significant weight with the determination of this application as the proposal to prohibit the development is imminent and certain. Consequently it is recommended that the application be refused on the basis that the proposal is prohibited under Draft Hawkesbury Local Environmental Plan 2011.

(iii) Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

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

Part A Chapter 2 - General Information

The subject application provides adequate information for the assessment of the proposal and therefore complies with this chapter.

Part A Chapter 3 - Notification

The application was notified to adjacent property owners from 9 July to 23 July 2012 in accordance with this plan. No submissions were received.

Part C Chapter 1 - Landscaping

A concept landscaping plan has been submitted with the application and is considered satisfactory.

Part C Chapter 2 – Carparking and Access

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

Part C Chapter 4 - Erosion and Sediment

Erosion and sediment control will be enforced through conditions of consent.

Part C Chapter 6 – Energy Efficiency

This Chapter requires:

- *Sunlight is available to at least 50% of required private open space for at least 2 hours between 9:00am and 3:00pm on 21 June. Where existing overshadowing is greater than the above, it should not be further reduced.*
- *Sunlight is available to clothes drying areas for at least 4 hours on June 21 to a plane 1 metre above the finished ground levels under the drying lines.*

The proposed development meets these requirements for sunlight access to each unit.

Part D Chapter 1 - Residential development

An assessment of the proposal against the requirements of this chapter has revealed that the proposal is inconsistent with the following residential development requirements:

The proposed units encroach outside the building height plane. The Applicant provides the following justification:

Building Height Plane

"The detached dual occupancy is in general compliance with the building height plane with the exception of some minor guttering and fascia intrusions along the south-western side boundary of Unit 2. This will not create any adverse problems in respect to occupant amenity, overshadowing or solar access to the adjoining properties."

It is also noted that Unit 1 has a very minor encroachment from the gutters. These encroachments are considered minor in that it will not create any adverse impact on adjoining properties with respect to loss of privacy, overshadowing or solar access, and therefore satisfies the objectives for this requirement.

Setbacks

The DCP requires a 7.5m building setback for the proposed development from the front boundary (Pecks Road). As a corner lot, a 2m setback from the secondary road is also required. The main wall to proposed Unit 1 has a minimum setback from Pecks Road of 7m. In addition, the porch area is approximately 6m from the front boundary.

The applicant provides the following justification:

"The setbacks provided to Pecks Road ranges from 6.26m to 7.6m. The area of the 6.26m setback is the portico entry to unit 1. The setback provided aligns with the adjoining dwelling to the west of the site."

The Tyne Cres setback to unit 2 is between 5.5m and 6.580m. This set back is generally consistent with the adjoining dwelling to the south....

The proposed setbacks will maintain and with the proposed landscape planting enhance the existing streetscape when compared to the existing situation. The setbacks will provide adequate distance to maintain safe sightlines. The setbacks will ensure adequate and maximum solar access is provided to the rear open space areas for each unit."

The proposed setback of proposed Unit 2 to Tyne Crescent is consistent with Hawkesbury Development Control Plan, in that a 2 metre setback is required for a secondary street frontage.

It is noted that the existing dwelling house on the land, which fronts Pecks Road, has a setback of approximately 6 metres. In addition, it is also noted that existing dwelling houses in the locality have a variety of setbacks, some as small as approximately 5 metres.

In view of the above, this proposed variation is considered acceptable given its minor nature, and the design of the building.

On-site manoeuvring

Hawkesbury Development Control Plan (DCP) requires onsite manoeuvring areas to be provided to allow entry and exit from the site in a forward direction. It is also noted that the DCP also provides that *"attached dual occupancies will be assessed on merits in relation to onsite manoeuvring."*

However, the proposed development is for a detached dual occupancy. Onsite manoeuvring for vehicles has been provided for proposed Unit 1 (Pecks Road), however has not been provided for proposed Unit 2 (Tyne Crescent).

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The applicant provides the following justification in respect to onsite manoeuvring and the provision of separate driveways:

"The proposed development providing individual driveways to Pecks Rd and Tyne Cres assist in better integrating the development by allows the development to have a street presence to each road and read as a single detached dwelling on a stand-alone allotment of land.

This design has been approved by Council in other recent development approved that provides a better relationship to both streets and reduces the overall paved area in one streetscape if a combined driveway was proposed that would service the double garage of each unit.....

The proposed development and the proposed 2 driveways achieve the aims of the controls as it has made access to the development unobtrusive to the streetscape and landscape.

The driveways will provide safe access and egress to the site and the location of the driveways will maintain the amenity of the adjoining properties as they are setback from the property boundaries.

In respect to the requirement for vehicles entering and leaving in a forward direction Council at the ordinary meeting of the 8 March 2005 resolved in dealing with a report on shop top housing not to requires turning areas on site for dual occupancies where they front a minor road.

In this regards Tyne Cres is a minor road and the likely traffic generation is small and similar to a single dwelling which is not required to provide a turning area on site."

It is considered that the provision of onsite manoeuvring is not warranted given:

1. each unit fronts a different street,
2. this requirement is not imposed for single dwelling houses or attached dual occupancies, and
3. this situation results in less sealed areas within the front setbacks, giving a more attractive street presentation.
4. the nature of the development (one additional dwelling), and
5. that site distances are considered adequate

The application complies with the set rules of this chapter in respect to landscaped areas, private open space, visual privacy, acoustic privacy, external noise and vibration, safety and security, utility and site services, recycling, garbage and mail collection areas, and fencing.

Based on the assessment above it is considered that the proposal is generally consistent with the aims, objectives and rules of the residential chapter of the DCP 2002 and it is recommended that the variations to HDCP 2002 be supported.

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

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

(v) Matters prescribed by the Regulations:

Should the application be supported the Environmental Planning and Assessment Regulation 2000, requires the development to:

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- Comply with the National Construction Code – Building Code of Australia
- Be levied against Council's S94A Development Contributions Plan
- Comply with the BASIX requirements specified in the BASIX Certificate issued for the development.

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

The relevant matters for consideration are as follows:

Context & Setting

As previously discussed, the locality predominantly consists of single storey dwelling houses on single allotments of 600m² or larger. Whilst the proposed development will present as single dwelling houses due to the units fronting different roads, the design and separation of the units will mean that the structures will appear to be a dwelling on an allotment of 365m² which is half of the current apparent allotment size. This will result in the site appearing more densely developed. The proposed development is therefore considered inconsistent with the existing residential character of the locality and streetscape.

Flora & Fauna

The removal of street trees is required for the construction of the new driveways to each unit. In Pecks Road, a Liquid Amber is to be removed, while in Tyne Crescent a Conifer tree and Oleander bush is to be removed.

c) Suitability of the site for the development:

The proposal is inconsistent with the strategic direction for the locality and is therefore not considered suitable for the proposed development.

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

The application was publicly exhibited for the period 9 July 2012 to 23 July 2012. No submissions were received in response to the application.

e) The Public Interest:

It is considered that supporting a development which is inconsistent with the current zone objectives of the HLEP1989, is prohibited under Draft Hawkesbury Local Environmental Plan 2011 and inconsistent with Council's strategic direction is contrary to the public interest.

Conclusion

An assessment of the proposal has revealed that the development is inconsistent with the relevant aims and objectives of the Housing zone contained within Hawkesbury Local Environmental Plan 1989.

The proposal is a prohibited form of development under Draft Hawkesbury Local Environmental Plan 2011.

Whilst the proposed development is currently permissible with development consent under Clause 53A of Hawkesbury Local Environmental Plan 1989, it is inconsistent with Council's long term strategic direction, as reflected in the objectives of the Housing zone, and which has been further reinforced in Draft Hawkesbury Local Environmental Plan 2011.

In light of the above it is recommended that the proposal not be supported.

Development Contributions

The following development contributions apply to this development - \$4,120.00. Accordingly, a condition of consent can be imposed in this regard should the development be approved.

ORDINARY MEETING

Meeting Date: 14 August 2012

Planning Decision

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

RECOMMENDATION:

That development application DA0301/12 at Lot 27 DP 238337, 55 Pecks Road, North Richmond for multi-unit housing - demolition of existing cottage and erection of detached dual occupancy be refused for the following reasons:

1. The proposed development is inconsistent with the aims and objectives of the Housing zone contained under Hawkesbury Local Environmental Plan 1989.
2. The proposal being Multi Dwelling Housing is prohibited in the R2 Low Density Residential zone under Draft Hawkesbury Local Environmental Plan 2011.
3. Due to the above reasons the proposal is considered to not be in the public interest.

ATTACHMENTS:

AT - 1 Locality Plan & Aerial Photo

AT - 2 Site Plan

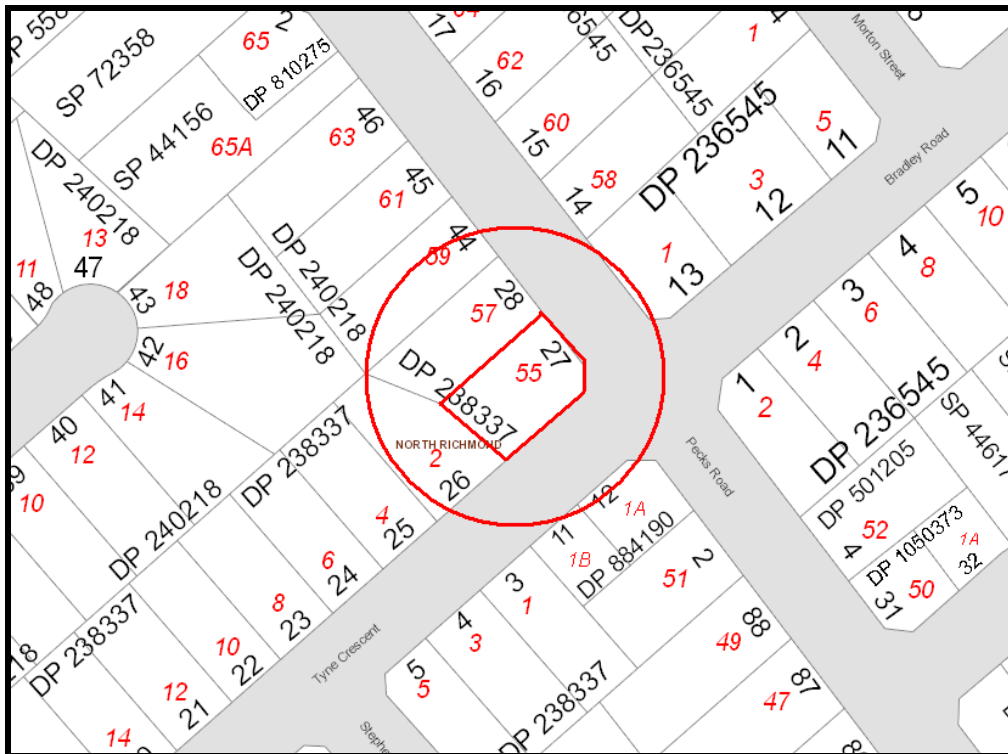
AT - 3 Elevation Plan – Pecks Road & Tyne Crescent Elevations

AT - 4 Elevation Plan – Rear Elevation

ORDINARY MEETING

Meeting Date: 14 August 2012

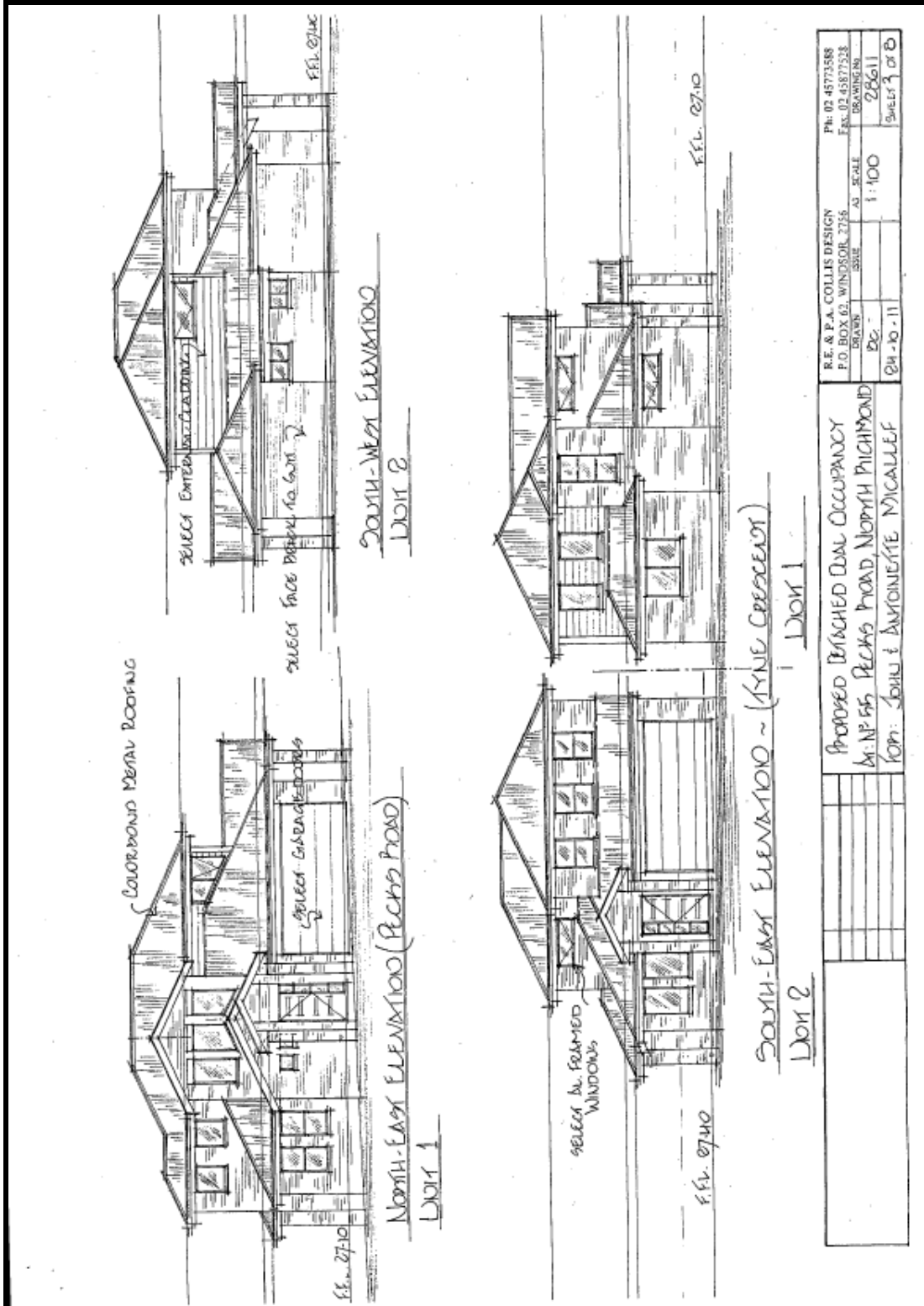
AT 1 - Locality Plan & Aerial Photo Lot 27 DP 238337, No. 55 Pecks Road, North Richmond



ORDINARY MEETING

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AT 3 - Elevation Plan – Pecks Road & Tyne Crescent Elevations Lot 27 DP 238337, No. 55 Pecks Road, North Richmond

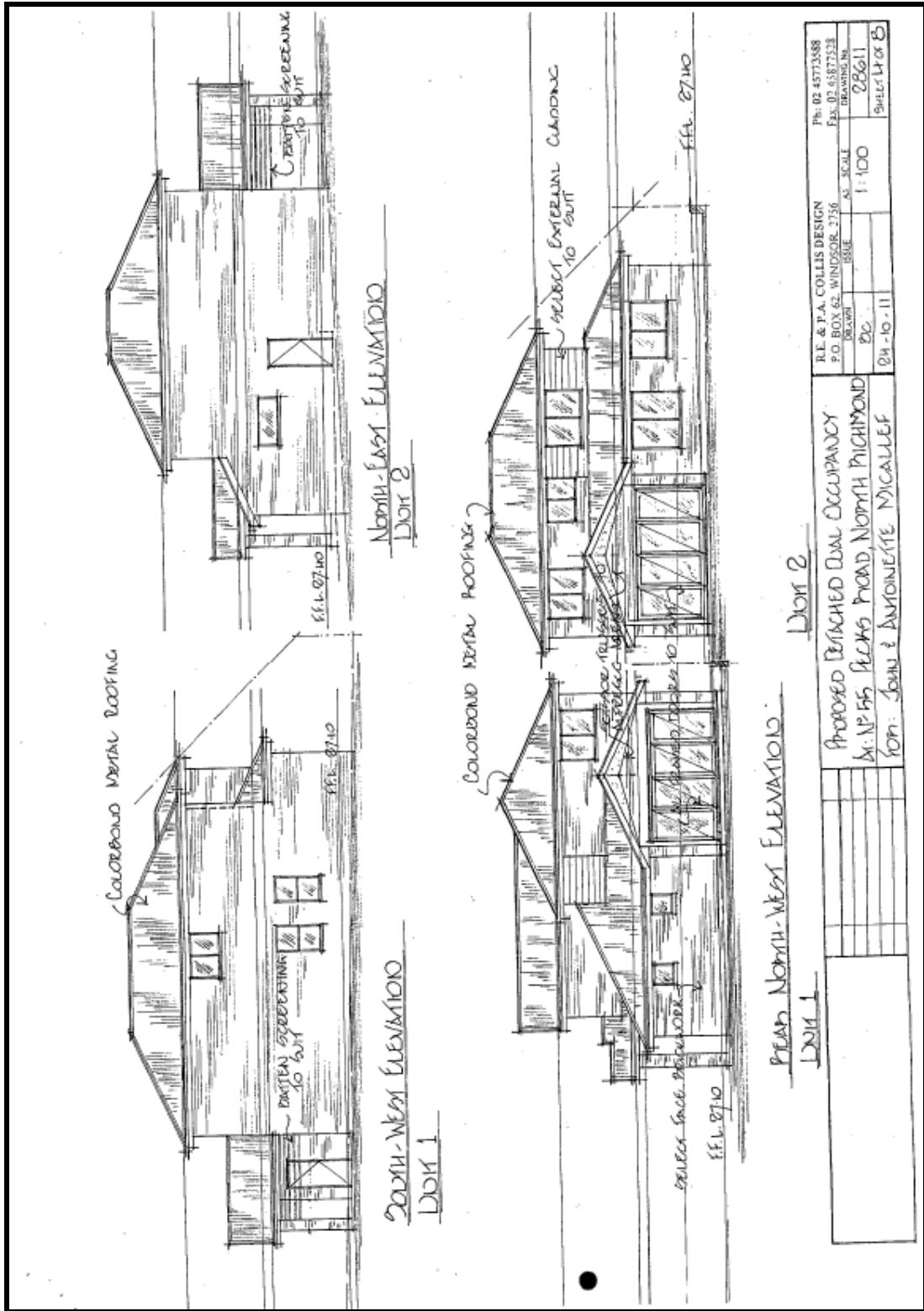


PROPOSED BRANCHED DUAL OCCUPANCY		R.E. & P.A. COLLIS DESIGN		PH: 03 4573588
Lot: 55 PECKS ROAD, NORTH RICHMOND		P.O. BOX 63, WINDSOR, 2756		FAX: 03 4573538
FORM: JOHN & ANTONIETTE NICALLIE		DATE: 28.10.11	SCALE: 1:100	DR: 28.10.11
				SHEET 3 OF 3

ORDINARY MEETING

Meeting Date: 14 August 2012

AT 4 - Elevation Plan – Rear Elevation Lot 27 DP 238337, No. 55 Pecks Road, North Richmond



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 August 2012

Item: 145 CP - Public Exhibition - Draft Customer Service Policy - (124592, 95498)

Previous Item: 44, Ordinary (13 March 2007)
138, Ordinary (29 June 2010)
200, Ordinary (31 August 2010)
77, Ordinary (29 May 2012)

REPORT:

Executive Summary

This report has been prepared to advise Council of the outcome of the public exhibition of the draft Customer Service Policy. No submissions were received with respect to the draft Policy. The report proposes that Council adopt the draft Customer Service Policy.

Consultation

The Report advises Council of the outcome of the exhibition of a draft policy document which was placed on public exhibition for a period of 45 days in accordance with the requirements of Council's Community Engagement Policy.

Background

On 13 March 2007 Council adopted a Customer Service and Communication Strategy which outlined targets for Council to achieve independent accreditation by the Customer Services Institute of Australia (CSIA) under the International Customer Service Standard (ICSS).

One of the elements of the ICSS requires an organisation 'to provide sufficient information about how the organisation will work with customers and what customers can expect'. To this end in June 2010, Council adopted a Customer Service Charter and Customer Contact and Service Standards and in August 2010 adopted a Statement of Business Ethics. Council has also recently adopted a revised Complaints Policy to take into account recent changes to Council's customer service structure and processes, and anticipated changes to the Model Code of Conduct for Local Councils in NSW.

To finalise compliance with the ICSS elements, a draft Customer Service Policy was prepared and reported to Council on 29 May 2012. In considering the report, Council subsequently resolved to place the draft Policy on public exhibition.

The Draft Policy

The draft Policy seeks to establish a framework to assist Council staff and customers to understand their reciprocal responsibilities in situations where a customer has contacted Council to obtain a service or to make an enquiry, request or complaint.

The Policy also provides a framework based on the NSW Ombudsman's *Managing Unreasonable Complainant Conduct Practice Manual*, to assist staff in responding to situations where customers may feel aggrieved, or become distressed when dealing with Council staff and may exhibit challenging behaviours which according to the NSW Ombudsman could constitute 'unreasonable conduct'. In rare circumstances, where unreasonable conduct poses safety concerns for staff and other customers, or poses significant resource management and equity issues for Council, the Policy provides options for the General Manager to limit a customer's contact with Council.

ORDINARY MEETING

Meeting Date: 14 August 2012

Public Exhibition of Draft Customer Service Policy

The draft Policy was placed on public exhibition between 29 May 2012 and 13 July 2012. No submissions were received in response to the public exhibition of the draft policy. It is therefore proposed that Council adopt the draft Policy as appended to this report (under separate cover).

Conformance to Community Strategic Plan

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

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

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Implement and monitor Council's sustainability principles

Principle 8 of Council's adopted sustainability principles refer to the need for Council to embrace continual improvement based on accountability, transparency and good governance - the adoption of a Customer Service Policy is consistent with this principle.

Financial Implications

There are no financial implications arising from this report.

RECOMMENDATION:

That Council adopt the Customer Service Policy attached to the report.

ATTACHMENTS:

AT - 1 Draft Customer Service Policy (*Distributed Under Separate Cover*).

oooO END OF REPORT Oooo

SUPPORT SERVICES

Item: 146 SS - Exemption from Rating - 96 Brahma Road, North Richmond - (95496, 76759)

REPORT:

Executive Summary

A rating exemption may be sought by an individual or organisation based on certain criteria, as set out in the Local Government 1993.

The Local Government Act, 1993, Part 6, stipulates the criteria required to be met for a rating exemption to apply. Section 556(1) stipulates that land that belongs to a public benevolent institution or public charity and is used or occupied by the institution or charity for the purposes of the institution or charity, is exempt from all rates, other than water supply special rates and sewerage special rates.

An application has been received from Carroll & O'Dea Lawyers on behalf of the Trustees of the Poor Clares, requesting exemption from rating for the property known as 96 Brahma Road, North Richmond (Lot 6 DP 248337).

This report recommends that Section 556(1)(h) of the Local Government Act, 1993, be applied to the rating exemption sought, and that the property known as 96 Brahma Road, North Richmond (Lot 6 DP 248337), is granted exemption from all rates applicable to the property in accordance with Section 556(1) of the Act.

Consultation

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

Background

An application has been received from Carroll & O'Dea Lawyers, on behalf of the Trustees of the Poor Clares, requesting exemption from rating for the property known as 96 Brahma Road, North Richmond (Lot 6 DP 248337).

The property was purchased by the Trustees of the Poor Clares on 29 May 2012. The Trustees of the Poor Clares is a Body Corporate under the Roman Catholic Church Communities' Lands Act, 1942. The property is used as a residence for three sisters who are members of the Catholic Religious Institute known as the Poor Clares. The Poor Clares is a public charity and the property is being used for the purposes of that charity.

Application for rate exemption is made in accordance with Section 556(1)(h) of the Local Government Act, 1993, which provides as follows:

"S 556 - What land is exempt from all rates, other than water supply special rates and sewerage special rates?"

- (1) *The following land is exempt from all rates, other than water supply special rates and sewerage special rates:*
 - (h) *land that belongs to a public benevolent institution or public charity and is used or occupied by the institution or charity for the purposes of the institution or charity"*

ORDINARY MEETING

Meeting Date: 14 August 2012

Conformance to Strategic Plan

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

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

Funding

This report recommends the abandonment of an amount of \$2,855.82. This amount will be funded from the Rating budget allocation for 2012/2013, and will subsequently be recovered through the notional yield calculation for 2013/2014.

RECOMMENDATION:

That:

1. The Trustees of the Poor Clares be granted an exemption from rating from 1 July 2012 for the property known as 96 Brahama Street, North Richmond.
2. An amount of \$2,855.82 be abandoned in respect of rates for the period 1 July 2012 to 30 June 2013.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 August 2012

CONFIDENTIAL REPORTS

Item: 147 SS - Property Matter - Lease to Melissa Kingcott - Shop 9 Wilberforce Shopping Centre - (95496, 96728) CONFIDENTIAL

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

ORDINARY MEETING

Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillors Questions from Previous Meetings and Responses

REPORT:

Questions – 31 July 2012

#			
1	Calvert	<p>Asked if Council had sought funding to conduct the Flood Mitigation Study and if not could Council do so. Councillor Calvert also requested a report on the progress of the Flood Mitigation Policy.</p>	<p>The Director City Planning advised that on 13 December 2011 Council adopted the following Policy:</p> <p><i>"Hawkesbury City Council supports and encourages the need for regional flood mitigation measures in the Hawkesbury-Nepean Valley to be investigated and implemented by the Commonwealth and NSW State Governments and other relevant Authorities to ensure that the flood risks experienced by existing and future residents in the valley are reduced. These regional measures are too great a burden for one Council to carry and there is a need for a committed regional approach, by all relevant Authorities, to address these existing risks".</i></p> <p>The Policy does not suggest that Council will undertake this work but, due to the size of the project, calls upon the State and Federal Governments to commence the project. Discussions (verbal) with relevant State agencies to date indicate that until Council has finalised the current Floodplain Risk Management Study and Plan, addressing local matters, the success of lobbying for regional mitigation would have limited, if any, success. However, this matter is raised whenever possible by staff at relevant meetings or workshops.</p>

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
2	Paine	Requested a timeframe of the proposed longevity of the existing Ferry at Lower Portland.	<p>The Director Infrastructure Services advised that Roads and Maritime Services have notified that the licensing of the Ferry will be reviewed in November 2012. The survey of the vessel will look at a broad range of performance measures. The vessel has also been subject to quarterly inspections, with no significant issues identified to date.</p> <p>As advised previously, Roads and Maritime Services advised that the consideration of renewal of the license will take into account proposals and timeframes for replacement.</p>
3	Paine	Requested that the vandalism within McQuade Park be cleaned up as a matter of urgency due to pending School Sports Carnivals and that the Grandstand be cleaned in the vicinity of the men's toilets.	The Director Infrastructure Services advised that maintenance works have been undertaken to the area.
4	Paine	Asked if Council could make the necessary enquiries into commuters' safety on trains due to a recent incident involving a group of Sister Cities students.	The General Manager advised that correspondence will be forwarded to the relevant State Government department seeking comment in this regard.
5	Williams	Requested a copy of the report from Roads and Maritime Services relating to the operation of the Ferry at Lower Portland.	The Director Infrastructure Services advised that a copy of the Roads and Maritime Services notice will be provided to all Councillors.
6	Williams	Asked if we can dispense from calling for nominations from the community to be part of the working party for the future of the Lower Portland Ferry and accept two nominations from the community.	The Director Infrastructure Services advised that nominations were sought in accordance with Council's Community Engagement Strategy.
7	Williams	Asked if the light in the Wilberforce Shopping Centre sign at the King Road entrance could be replaced.	The Director Infrastructure Services advised that instructions have been issued for the replacement of the light.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
8	Williams	Asked for an update in relation to the alleged illegal land clearing at Weatherboard Ridge Road.	The Director City Planning advised that staff had completed the investigation into this matter and have taken appropriate action. It was found that a minor amount of works occurred outside the area covered by the development consent conditions. This resulted in an appropriate penalty notice being issued, with undertakings from the owner to rehabilitate the area of concern.
9	Mackay	Asked if approval was sought and given for the removal of trees on Mullinger Lane, South Windsor.	The Director City Planning advised that the tree removal in this case did not require approval as it is exempt under the provisions of Council's Tree Preservation Order (Clause 3(k)) and also under the provisions of Clause 41 of State Environmental Planning Policy (Affordable Rental Housing) 2009
10	Reardon	Referred to an enquiry received from Windsor Rotary for 'Stocks' to be placed in Thompson Square across from the Macquarie Arms for Photo opportunities.	The Director Infrastructure Services advised that the matter will be investigated with the proponents.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo



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.

