



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 24 November 2009

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING**Table of Contents****Meeting Date:** 24 November 2009**TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
SECTION 4 - Reports for Determination		3
CITY PLANNING		3
Item: 252	CP - Development Application - Dwelling Additions - 19 Macquarie Place, Glossodia - (DA0134/09, 101833, 101832, 95498)	3
Item: 253	CP - Development Application - Removal of one tree - Lot B DP 158118 13 Kable Street, Windsor / Lot 21 DP 603166 12 Fitzgerald Street, Windsor - (DA0304/09, 6385, 6384, 95498)	12
Item: 254	CP - Development Application - Rural Shed - 672 Slopes Road, The Slopes - (DA0525/09, 75919, 112088, 95498)	18
Item: 255	CP - Implementing the Integrated Planning and Reporting Framework - (79385, 95498)	28
Item: 256	CP - Community Sponsorship Program - (2009/2010 - Round 2) - (96328, 95498)	33

ORDINARY MEETING

Table of Contents

Meeting Date: 24 November 2009

ORDINARY MEETING

Meeting Date: 24 November 2009

SECTION 4 - Reports for Determination

CITY PLANNING

Item: 252 **CP - Development Application - Dwelling Additions - 19 Macquarie Place, Glossodia - (DA0134/09, 101833, 101832, 95498)**

Development Information

Applicant: GP Bates & AM Wellington
Owner: Mr GP Bates & Ms AM Wellington
Zone: Housing
Exhibition Dates: 31 March 2009 - 24 April 2009
Date Received: 18 March 2009

Key Issues: ♦ Front setback

Recommendation: Refusal

REPORT:

Description of Proposal

The development involves the construction of dwelling alterations and additions to the ground floor of an existing dwelling on the above property. The proposed works involve an extension to the front of the living area, a front porch, two bedrooms, a laundry, verandah extension and a carport to the front of the dwelling which is forward of the building line. The design of the carport utilises a pitched roof form with a gable end facing the street.

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

History

The original proposal submitted to Council involved the construction of a first floor addition and a garage forward of the building line. An objection from the owners of the property to the west was received in relation to this original proposal on the grounds of loss of privacy from the first floor additions. Council staff requested an amended design to address the issues raised in the objection and also to address the issue of non-compliance with the front setback requirement of Hawkesbury Development Control Plan.

Amended plans were submitted which deleted the first floor addition and changed the garage into an open carport, which is the proposal currently before Council.

Issues Relevant to the Decision - In Point Form

Non-compliance with Hawkesbury Development Control Plan regarding the setback to the front property boundary.

Council Policies, Procedures and Codes to Which the Matter Relates

Hawkesbury Local Environmental Plan 1989
State Regional Environmental Plan No 20
Hawkesbury Development Control Plan
Section 79C Matters for Consideration

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 (where applicable) of any:

i. Environmental Planning Instrument:

The proposal is permissible and is not inconsistent with any Environmental Planning Instrument.

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

There are no draft Environmental Planning Instrument's applicable to the land or the proposed development.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) applies to the subject land.

The **general aims** of Hawkesbury DCP for residential development in the Hawkesbury are to:

- *provide clear guidelines for residential development in the City;*
- *ensure that all forms of residential development is designed to be compatible with the built environment in which they are located in terms of height, size, bulk, scale, setbacks, materials and open space;*
- *ensure that the building form, including alterations and additions, is sympathetic with the existing surrounding neighbourhood;*
- *ensure that all types of housing meet community expectations about health, safety and amenity;*
- *ensure that proposed development does not detract from the amenity of adjacent residents or the quality of the environment;*
- *encourage innovative housing which is pleasant to live in and is responsive to the site; and*
- *ensure that proposed development is sympathetic to items of environmental heritage.*

Hawkesbury DCP also has aims and objectives specific to **setbacks**. Such as:

- *To establish, maintain or enhance attractive streetscapes.*
- *To maintain roadways that are safe for all users - pedestrians, cyclists and motor vehicles - by ensuring adequate sightlines.*

There is a non-compliance with the front setback provisions of the DCP in relation to the carport only. HDCP requires a setback of 7.5 metres from the front property boundary or otherwise consistent with an established pattern of development. The carport is proposed to be 3.5 metres from the front property boundary.

With one exception (as discussed late in this report) there is a general consistency of front building setbacks within the street. It is considered that the setback of 3.5 metres from the front boundary will have an adverse impact upon the streetscape. Neither the proposal, or the site warrants any special consideration by way of circumstance (see below).

Background on setbacks

A building set back from the street assists in the establishment of an attractive streetscape. The reason for a setback standard is to reduce the prominence and visual impact of a structure upon the street and to provide a landscape and visual setting for the building.

On 4 August 2009 a Briefing Session for Councillors was held in relation to front setback standard and the requirements of the DCP. Following the Briefing Session, an interim practice was developed to provide guidance to Council staff and the community as to what constitutes an appropriate variation to the DCP setback requirements, until such time as Hawkesbury Development Control Plan is formally reviewed. It should be noted that the briefing session did not change the DCP setback standard, but simply provided some guidance in relation to acceptable variations to the current DCP standards.

Interim Practice Approach

The current minimum setback of 7.5 metres should be maintained to prevent unsightly structures forward of the building line dominating an existing and attractive streetscape.

Where variations to the DCP requirements are sought by an applicant, these cases should be described in detail and should only be considered where there are exceptional circumstances or where development options are limited.

The following options are recommended to provide guidance for variation requests:-

1. *Where there is adequate space for development elsewhere on the site – in other words – where there is no justification for a variation - then the existing setback shall remain unaltered.*
2. *Where there are limited alternative options to provide for the development behind the building alignment, a variation of the DCP setback requirement of 5.5 metres from the front property boundary be considered on merit. (This would provide a reasonable setback to the street, allow for suitable landscape treatment and maintain an open streetscape free from the encroachment of structures).*
 1. *Where variations less than 5.5 metres are requested, the following matters be considered:*
 - a. *Established streetscape and setbacks of adjoining premises;*
 - b. *Traffic and pedestrian safety;*
 - c. *Heritage vistas and other site specific matters.*

The proposal before Council does not appear to be the most appropriate development option for the site. Council staff do not object to the dwelling additions, however the proposed location and nature of the additions subsequently determine the location of the car parking area. It is considered there are suitable alternative options for development that are more appropriate for the site which would comply with Hawkesbury DCP. Some of these options may involve a redesign of the development, or construction of a detached garage to the rear yard, or not proceeding with the carport component.

It is considered that in this case, given that established streetscapes and setbacks of adjoining premises are compliant with a 7.5 metre setback that there are no special circumstances to warrant the support of the development as proposed.

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

Not applicable.

v. Matters prescribed by the Regulations:

There are no matters prescribed by the regulations.

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 carport is likely to have an adverse visual impact upon the street as the proposal will be visually prominent within the front building alignment. It is also considered that the proposed development is inconsistent with the established character of the area.

It is noted that opposite the subject site, there exists a garage with a reduced setback to Macquarie Place. This premise, known as 16 Macquarie Place, is a corner allotment and actually faces Mitchell Drive. In this particular case, the garage is located within the secondary setback. As such, that development is considered acceptable as it complies with the secondary setback provision in Hawkesbury Development Control Plan for corner allotments.

Access, Traffic & Pedestrian Safety

There are not considered to be any demonstrable adverse impacts associated with the proposal concerning access, traffic movements or pedestrian safety.

c. Suitability of the site for the development:

The site is suitable for the development.

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

One submission (to the original two storey proposal). The points of objection related to privacy concerns and these issues were addressed with the submission of amended plans which reduced the proposal from a two storey to a single storey development.

e. The Public Interest:

Approval of the development may set an undesirable precedent for similar inappropriate development which would not be in the public interest.

Developer Contributions

The development is exempt from contributions under Section 94E of the Environmental Planning and Assessment Act 1979 or Council's Section 94A Contributions Plan.

Conclusion

The dwelling additions are not in contention. The only matter of concern relates to the non-compliance of the front carport setback with HDCP. It is considered that in the light of the recent Councillor Briefing Session, the proposal before Council does not have sufficient justification to warrant approval as there are alternative options for re-design of the proposal which would comply with HDCP.

Planning Decision

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

ORDINARY MEETING

Meeting Date: 24 November 2009

RECOMMENDATION:

That development application DA0134/09 at No. 19 Macquarie Place, Glossodia for dwelling alterations and additions and attached carport be refused for the following reasons:

Reason for Refusal

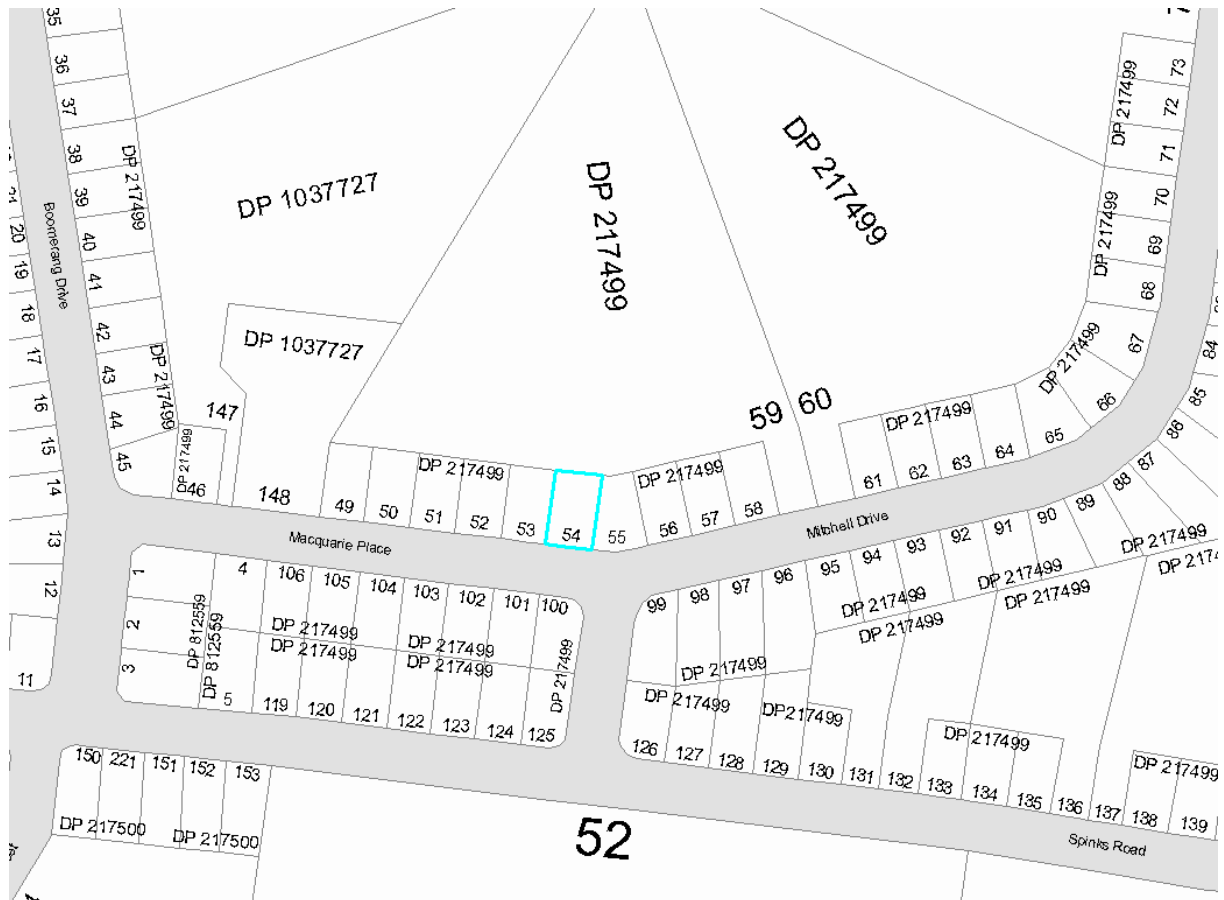
1. Pursuant to the provisions of Section 79C(a)iii of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the aims and objectives of Hawkesbury Development Control Plan.
2. Pursuant to the provisions of Section 79C(a)iii of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with the provisions of Clause 1.4 – Setbacks - of Hawkesbury Development Control Plan.
3. Pursuant to the provisions of Section 79C(a)iii of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the established character of the area.
4. Pursuant to the provisions of Section 79C(b) of the Environmental Planning and Assessment Act 1979 the proposed development would have an unacceptable impact upon the visual quality of the area.
5. Pursuant to the provisions of Section 79C(e) of the Environmental Planning and Assessment Act 1979 approval of the development may set an undesirable precedent for similar inappropriate development which would not be in the public interest.

ATTACHMENTS:

- AT - 1 Location Map
- AT - 2 Aerial Photo
- AT - 3 Site Plan
- AT - 4 Elevations

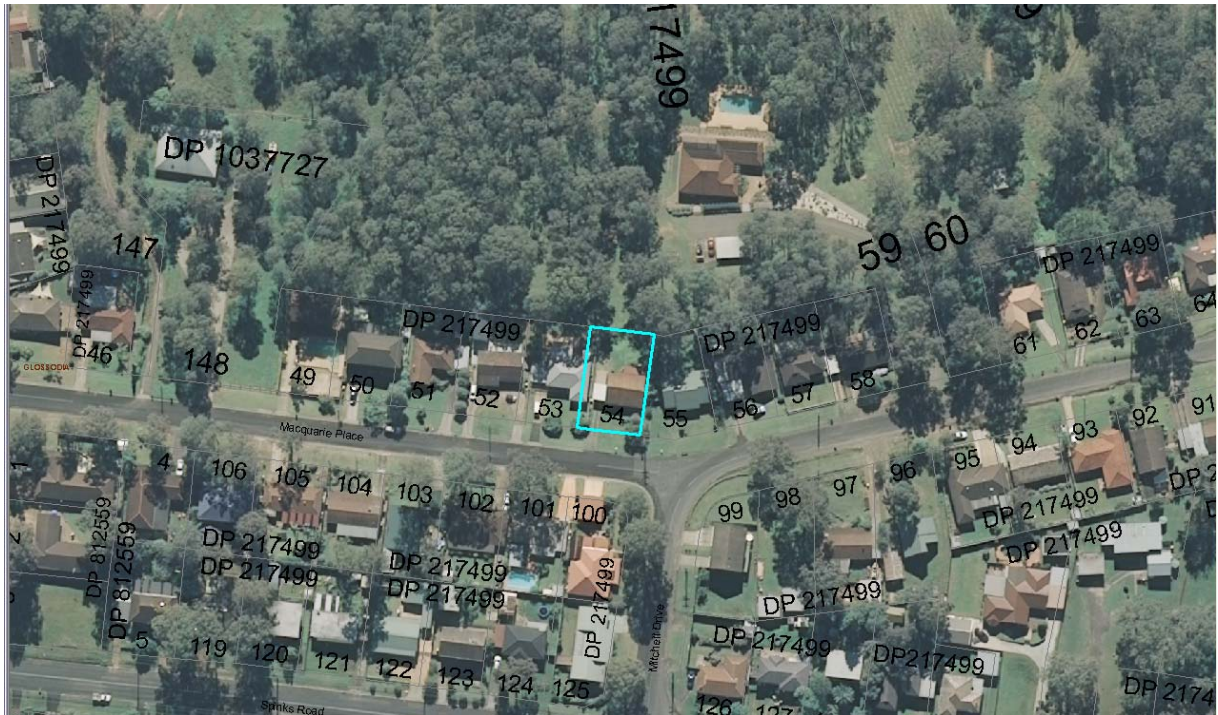
ORDINARY MEETING
Meeting Date: 24 November 2009

AT - 1 Location Map



ORDINARY MEETING
Meeting Date: 24 November 2009

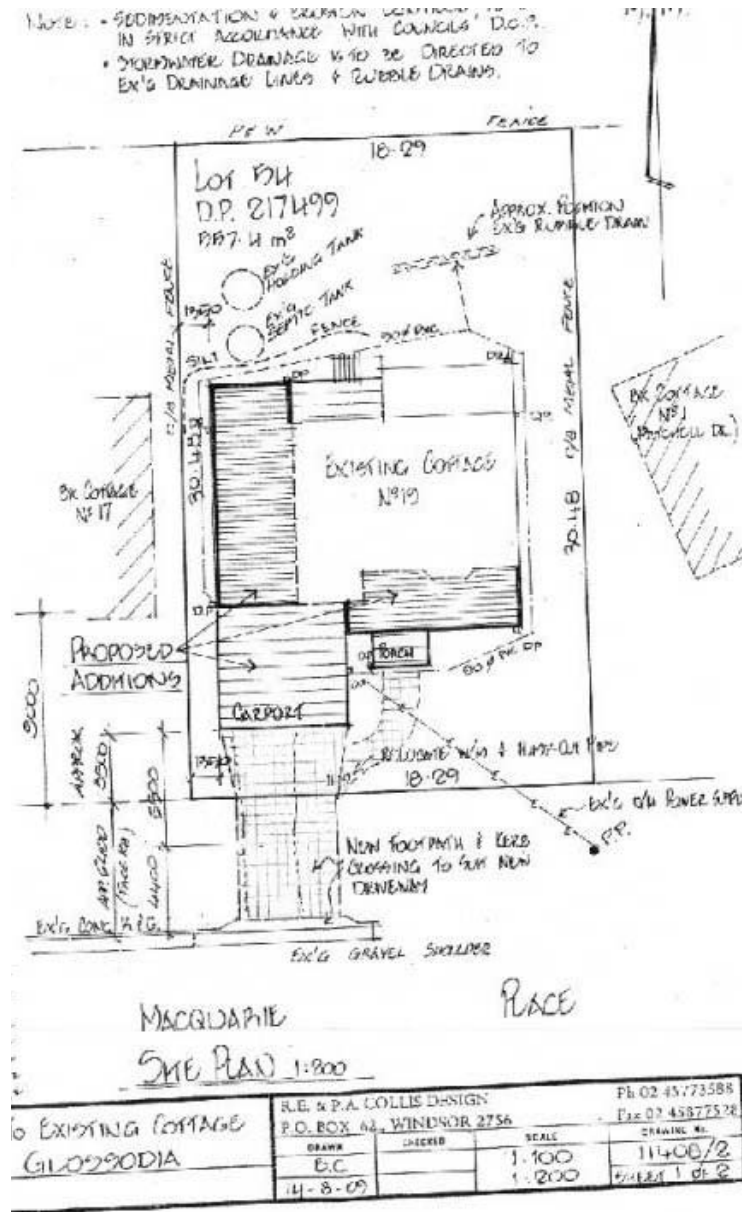
AT - 2 Aerial Photo



ORDINARY MEETING

Meeting Date: 24 November 2009

AT - 3 Site Plan



Meeting Date: 24 November 2009

Architectural drawings for the proposed alterations and additions to the existing Cottage at No. 19 Macquarie Place, Gungahlin, ACT. The drawings include:

- SECTION A-A:** A cross-section of the building showing the roof structure, floor slabs, and foundation details. Key features include: "All Framing to Match Exis", "Roof Pitch to Match Exis", "Upper Street Floor", "Cav. Floor Joists", "Conc. Footings & Pier Pads", "Conc. Floor Slab", "Exis. Verandah", "Extend Roofing over Verandah to Gut", "Sheet Cladding to Gut", "Brick Sides New", "Match New Roof to Exis", "New Roof Line", "New Windows", "Match New Work to Exis".
- SECTION B-B:** A cross-section of the building showing the roof structure, floor slabs, and foundation details. Key features include: "Gable Truss or Beam Over", "New Roof Framing", "Exis Roof Framing", "New Roof Line", "Match New Work to Exis", "New Windows", "Match New Work to Exis".
- FRONT ELEVATION:** A perspective drawing of the front of the building. Key features include: "New Work to Existing", "Extend Roofing over Verandah to Gut", "Sheet Cladding to Gut", "Brick Sides New", "Match New Roof to Exis", "New Roof Line", "New Windows", "Match New Work to Exis".
- SIDE (WEST) ELEVATION:** A perspective drawing of the west side of the building. Key features include: "Extend Roofing over Verandah to Gut", "Sheet Cladding to Gut", "Brick Sides New", "Match New Roof to Exis", "New Roof Line", "New Windows", "Match New Work to Exis".
- SIDE (EAST) ELEVATION:** A perspective drawing of the east side of the building. Key features include: "Extend Roofing over Verandah to Gut", "Sheet Cladding to Gut", "Brick Sides New", "Match New Roof to Exis", "New Roof Line", "New Windows", "Match New Work to Exis".

The drawings are dated 11/08/2014 and are the property of R.E. & P.A. COLLIS DESIGN. The scale is 1:100. The drawings are for the proposed alterations and additions to the existing Cottage at No. 19 Macquarie Place, Gungahlin, ACT. The drawings are the property of R.E. & P.A. COLLIS DESIGN.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 November 2009

Item: 253 **CP - Development Application - Removal of one tree - Lot B DP 158118 13 Kable Street, Windsor / Lot 21 DP 603166 12 Fitzgerald Street, Windsor - (DA0304/09, 6385, 6384, 95498)**

Development Information

Applicant: Mr JD Paine
Owner: Mr JD Paine & Mrs CA Paine
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan 2002
Area: 12 Fitzgerald St - 9514m² - 13 Kable St - 569m²
Zone: Housing
Advertising: Not required
Date Received: 9 June 2009

Key Issues: ♦ Health and significance of tree
 ♦ Tree Preservation Order

Recommendation: Refusal

REPORT:

Description of Proposal

The applicant seeks approval to remove one silky oak tree from the premises. The tree is located upon the northern boundary of an existing one storey dwelling at 13 Kable Street and is partially located within the access handle that leads to 12 Fitzgerald Street. The tree, including the existing dwelling at 13 Kable Street is surrounded by heritage listed items, and is visually prominent in the streetscape, due to its height and size. The mature tree forms part of a landscape hedge and is approximately 26 metres in height and has a canopy spread of approximately 11 metres. The tree is not an item of heritage significance.

Section 79C Matters for Consideration

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 (where applicable) of any:

i. Environmental Planning Instrument (i.e LEPs, REPs & SEPPs)

Statutory Situation

The sites are zoned housing under Hawkesbury Local Environmental Plan 1989 and is also subject to:

- Sydney Regional Environmental Plan 20 (Hawkesbury Nepean)

The following clauses of Hawkesbury Local Environmental Plan 1989 were taken in to consideration:

Clause 2 - Aims, objectives etc
Clause 9a - Zone objectives

An assessment of the Development Application reveals that the proposal is inconsistent with clause 2 of Hawkesbury Local Environmental Plan as it is considered that the removal of the silky oak tree would diminish the appearance of the existing landscape as the tree has landmark significance.

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

There are no draft environmental planning instruments applicable to the proposed development.

iii. Development Control Plan applying to the land

The application was not required to be neighbour notified in accordance with Hawkesbury Development Control Plan 2002 Part A, Chapter 3. In respect to development standards for the removal of trees, no specific development control plan exists.

iii(a) 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 are no planning agreements applicable to the proposed development.

iv. Matters prescribed by the Regulations

The proposed development is not inconsistent with the provisions of the Environmental Planning and Assessment Regulation, 2000.

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 application was referred to Council's Heritage advisor as the land contains a heritage item. However, there is no objection to tree removal in this case on heritage grounds.

The application for the removal of the tree was referred to Council's Acting Parks Officer for consideration. In assessment of such applications, consideration is given to the trees characteristics and health; site conditions, the landuse surrounding the tree, whether the tree can be relocated, tree defects; hazard rating and abatement before making a recommendation on whether a tree can be removed.

In this instance, the recommendation was that permission to remove the silky oak be refused for the following reasons:

- It is a healthy and significant landmark tree
- At the time of inspection, the tree did not exhibit any obvious structural faults.

Council has a Tree Preservation Order Policy which specifies that a person shall not ring-bark, cut down, top, lop, remove, injure or wilfully destroy any tree within the Hawkesbury City Council area except with prior development consent of Hawkesbury City Council.

Exemptions in the Tree Preservation Order Policy exist, one of which permits the removal or clearing of any vegetation on land zoned for housing with an area of 1,000 square metres or less, except for land located in Kurrajong or Kurrajong Heights. It is noted that the property at 13 Kable Street has an area of 569m² and is located within the Housing zone and subject to the Policy, a tree wholly contained within this property could be removed without Council consent.

However, in this instance Council is unable to clearly define the location of the tree and it appears to straddle the boundary of both Kable Street and Fitzgerald Street properties. No survey plan was submitted with the application to identify the exact location of the tree. As the area of the allotment at 12 Fitzgerald Street exceeds 1000m², Council is unable to utilise the exempt provisions of the Tree Preservation Order Policy and therefore a development application is required to consider the removal of the tree.

As the tree appears to straddle across two allotments thus preventing the use of exemptions within the Tree Preservation Order Policy and with consideration of comments received from Council's Acting Parks Officer, it is considered that removal of the tree would be detrimental to the natural and built environment in this instance, as the tree is healthy and has landmark significance, which contributes to the streetscape within the locality.

c. Suitability of the site for the development

The site is currently being used for residential purposes and does not require the removal of the tree to create asset protection zones, improve internal manoeuvrability on site or for safety reasons.

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

The application was not required to be neighbour notified.

e. The Public Interest

The site is currently being used for residential purposes and does not require the removal of the tree to create asset protection zones, improve internal manoeuvrability on site or for safety reasons. Having regard to the relevant planning considerations, it is concluded that it would be in the public interest to refuse the application to enable the tree to be retained, which has landmark significance.

Conclusion

As the tree appears to straddle across two allotments thus preventing the use of exemptions within the Tree Preservation Order Policy and with consideration of comments received from Council's Acting Parks Officer, it is viewed that removal of the tree would be detrimental to the natural and built environment in this instance, as the tree is healthy and contributes to the streetscape within the locality.

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 DA0304/09 at Lot B DP 158118, 13 Kable Street, Windsor and 12 Fitzgerald Street, Windsor for the removal of one tree be refused for the following reasons:

Reason for Refusal

1. The proposal fails to comply with the objectives of Hawkesbury Local Environmental Plan 1989 Clause 2, as the development would diminish the appearance of the existing landscape as the tree has landmark significance pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979.
2. The proposal is not considered to be in the public's wider interest pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979.

ORDINARY MEETING

Meeting Date: 24 November 2009

ATTACHMENTS:

AT - 1 Location Plan

AT - 2 Aerial Photo

Meeting Date: 24 November 2009

The map displays a section of the Mulgrave area, showing a network of streets and residential lots. Key streets include George Street, Macquarie Street, Ross Street, and the Port Phillip coastline. A specific lot, DP 883806, is highlighted in red. The map also shows the surrounding areas of Wilberforce and Mulgrave, with various lot numbers and street names visible.

AT - 2 Aerial Photo



oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 24 November 2009

Item: 254 **CP - Development Application - Rural Shed - 672 Slopes Road, The Slopes - (DA0525/09, 75919, 112088, 95498)**

Development Information

Applicant: Steven Allen Masters
Owner: Mr SA Masters & Mrs JA Masters
Zone: Rural Living
Exhibition: 18/09/2009 - 2/10/2009
Date Received: 7 September 2009

Recommendation: Approval

REPORT:**Description of Proposal**

The proposal involves the construction of a colourbond rural shed 140 square metres in area. The shed is proposed to be located three metres from the adjoining property boundary. The shed will have open bays with no roller doors. The shed will be used for the storage of vehicles, machinery and equipment. The colour of the shed is to be cream walls and roof and red guttering.

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

Recommendation

Approval

Issues Relevant to the Decision - In Point Form

- 1 objection received

Council Policies, Procedures and Codes to Which the Matter Relates

Hawkesbury Local Environmental Plan 1989
State Regional Environmental Plan No 20
Hawkesbury Development Control Plan

Section 79C Matters for Consideration

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:

Issue	Comments (in point form)
Any Environmental Planning Instrument (EPI)	<ul style="list-style-type: none">• The proposal is consistent with all Environmental Planning Instruments
Any draft EPI that has been placed on public exhibition	<ul style="list-style-type: none">• There are no draft instruments that are applicable.

ORDINARY MEETING**Meeting Date:** 24 November 2009

Issue	Comments (in point form)
Any DCP in force	<ul style="list-style-type: none">• The proposal is consistent with Hawkesbury DCP.
Any matters prescribed by the Regulations	<ul style="list-style-type: none">• There are no matters prescribed.
Likely impacts, including environmental, on both natural and built environments and the social and economic impacts of the locality	<ul style="list-style-type: none">• There are no adverse impacts associated with the development.
The suitability of the site	<ul style="list-style-type: none">• The site is considered suitable for the development.
Any submissions (see attached scheduled for details)	<ul style="list-style-type: none">• 1 Objection (see below for comments)
The public interest	<ul style="list-style-type: none">• Approval of the Shed would not be against the public interest.

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

One objection was received from the property adjoining the western boundary of the subject property.

The points of concern are as follows:

1. The location of the proposed shed is of concern in that it will block the views that the objector currently enjoys from the rear deck of his dwelling;

Comment: The principles of view sharing have been considered in a case heard in the NSW Land and Environment Court – Tenacity Consulting v Warringah [2004] NSWLEC 140. That case set principles for the assessment of view impacts. The Senior Commissioner of the Land and Environment Court – Dr John Roseth – in his judgement set four steps for assessment of views:

1. The first is the assessment of views affected (water and iconic views are more highly valued than land views and whole views are more highly valued than partial views);
2. The second is to consider from what part of the property the views are obtained (“The impact on views from living areas is more significant than from bedrooms or service areas”);
3. The third is to assess the extent of the impact (“assess the view loss qualitatively as negligible, minor, severe or devastating”);
4. The fourth is to assess the reasonableness of the proposal that is causing the impact.

Senior Commissioner Dr Roseth goes on to mention in paragraph 27 of the judgement that “...the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries....The expectation to retain side views...is often unrealistic.”

The neighbour has enjoyed the benefit of a broad rural vista for many years and would obviously prefer to retain their existing rural views of their own property and adjoining land. It is acknowledged that the development as proposed will marginally reduce the objectors previously enjoyed view. However, it should be noted that this view is over the adjoining property, not owned by the objectors, and noted by Commissioner Dr Roseth in the above judgement as “unrealistic” to keep. The objectors do not own the view they previously

ORDINARY MEETING

Meeting Date: 24 November 2009

enjoyed. It is unreasonable to require the owners of the subject land to maintain a corridor over their land for the views of adjoining neighbours, particularly when that view does not involve any iconic feature. Hence there is a minor impact in this case for a modest size shed that is a permitted land use in the zone.

2. There are suitable alternative locations for the proposed shed;

Comment: Council staff have raised with the applicant, the option of relocation of the proposed shed to a position further down the hill toward the rear of the property. Such a position would satisfy the objectors concerns and the shed would potentially be 'exempt development'. Council staff are of the opinion that there is no impediment to such a location. The applicant indicated that this was not an option and did not wish to amend the proposal.

The neighbours view from the deck (as explained above) is only partially obscured. If the application were to be refused, an alternative location could be chosen without reference to Council or the neighbour. An alternative location could also have an unsatisfactory view outcome for the neighbour.

It should be noted that the applicant has already commenced earthworks in connection with the proposed shed without approval. This work involves the importation of fill material to the site and levelling the area. This matter is being pursued separately.

3. Access to the proposed shed. The objector has concerns that the access road may extend past the Western side of the dwelling (adjacent to the objector's dwelling) ;

Comment: Access to the shed has not been indicated on the plans, however the existing driveway enters the property on the eastern side. The applicant has verbally indicated that the driveway would continue past the dwelling on the eastern side and then traverse behind the dwelling to service the shed.

It has been indicated to the neighbour that the shed complies with all the requirements set out under Hawkesbury Development Control Plan.

Conclusion

It is considered that the shed complies with Hawkesbury Development Control Plan and is not of a size and scale as to have a demonstrable impact upon the scenic quality of the area. Given the above, the application is recommended for approval.

Planning Decision

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

RECOMMENDATION:

That development application DA0525/09 at Lot 4 DP 976395, 672 Slopes Road, The Slopes for a rural shed be approved subject to the following conditions:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.

ORDINARY MEETING

Meeting Date: 24 November 2009

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The development shall comply with the provisions of the Building Code of Australia at all times.
4. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
5. The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

Prior to Commencement of Works

6. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
7. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
8. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
9. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
10. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
11. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

During Construction

12. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
13. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
14. Exterior surfaces of the proposed structure shall be painted or treated with an earth toned non-reflective material.
15. No excavated material, including soil, shall be removed from the site.

ORDINARY MEETING

Meeting Date: 24 November 2009

16. The site shall be secured to prevent the depositing of any unauthorised material.
17. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
18. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
19. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
20. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
21. No trees are to be removed without the approval of Council.
22. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
23. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
24. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
25. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
26. All roofwater shall be drained to the water storage vessel/s. The overflow from the tank is to be directed to an approved absorption trench of suitable size. The absorption trench shall be a minimum of three metres from any structure or boundary.
27. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.

Use of the Development

28. No internal or external alterations shall be carried out without prior approval of Council.
29. The development shall be limited to the area shown on the submitted plans.
30. The Shed shall not be occupied for human habitation/residential, industrial or commercial purposes. The rural shed is only to be used in conjunction with, or ancillary to, the agricultural use of the land.

ORDINARY MEETING

Meeting Date: 24 November 2009

ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Aerial Photo
- AT - 3** Site Plan
- AT - 4** Floor Plans and Elevations

Meeting Date: 24 November 2009

[illegible]

AT - 2 Aerial Photo



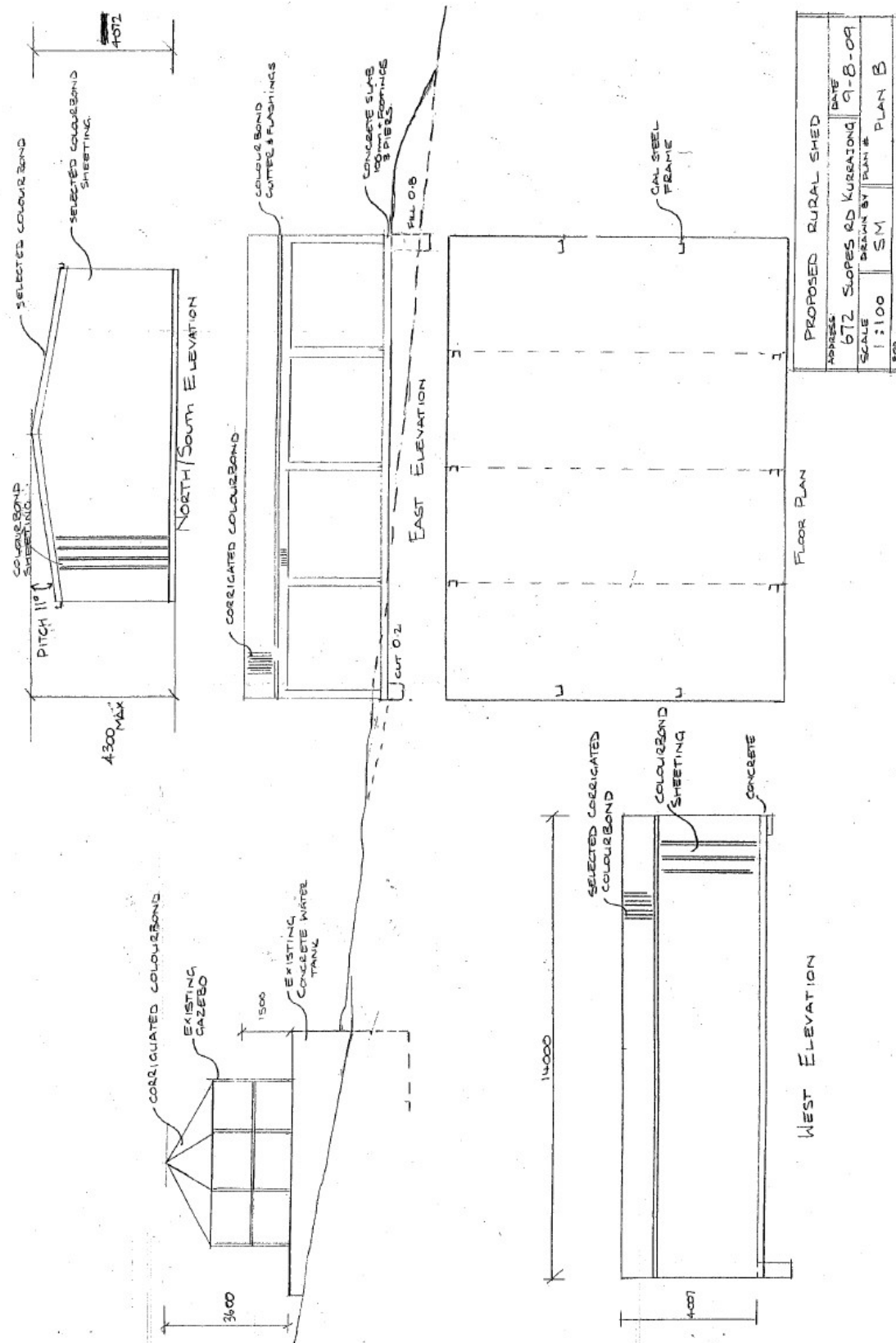
Meeting Date: 24 November 2009

[illegible]

ORDINARY MEETING

Meeting Date: 24 November 2009

AT - 4 Floor Plans and Elevations



0000 END OF REPORT 0000

Item: 255 CP - Implementing the Integrated Planning and Reporting Framework - (79385, 95498)

REPORT:

Introduction

The NSW Division of Local Government has introduced a new planning and reporting framework for NSW local government. The *Local Government Amendment (Planning and Reporting) Act 2009* (the Act), was assented to on 9 October 2009. The purpose of this report is to further advise Council of the requirements of the amendment to the Act, and to nominate a Group for the timeframe to complete implementation of the changes.

Division of Local Government's - Planning for a Sustainable Future: Integrated Planning and Reporting Framework

The reforms replace the former Management Plan and Social Plan with an integrated framework, consisting of a hierarchy of documents which include a long-term Community Strategic Plan, a Resourcing Strategy and a Delivery Program for each elected council term. An Operational Plan is then developed for each year to outline the specific details of Council's activities and budget and report on the progress of its activities to the community through the Annual Report.

The Division of Local Government (DLG) released for public consultation, in May 2009, the Integrated Planning and Reporting Legislation and Guideline Exposure Draft Local Government Amendment (Planning and Reporting) Bill 2009, and the Local Government (General) Amendment (Planning and Reporting) Regulation 2009. The draft legislation was supported by draft Planning and Reporting Guidelines (compliance is mandatory), and a draft Planning and Reporting Manual (supporting information to assist councils).

The Bill was tabled in the NSW Parliament in early July 2009 and was assented to (commenced) on 9 October 2009.

Councils will be required to address all essential elements of the legislation in their plans and prepare a compliance report in accordance with the Act. The following diagram shows the basic structure of the proposed new planning and reporting system.



ORDINARY MEETING

Meeting Date: 24 November 2009

The contents of the Manual are not mandatory requirements. However, councils are required to consider the content of the Manual when they are making decisions on the transition to the new planning and reporting system.

The implementation of the new requirements will be staged, to comply with the requirements of the legislation. However, all councils by 2012 will need to have in place the following planning processes:

- a community engagement strategy that sets out how each council will engage its community when developing or reviewing its Community Strategic Plan,
- a Community Strategic Plan,
- a Resourcing Strategy that includes a long term financial plan, a workforce management strategy and an asset management policy, strategy and plans,
- a Delivery Program,
- an Operational Plan, including a statement of revenue policy, and a detailed annual budget.

To comply with the requirements of the legislation and the *Planning and Reporting Guidelines for local government in NSW*, councils will also need to have in place the following reporting processes:

- an Annual Report outlining achievements against the Delivery program,
- a State of the Environment Report as part of the Annual Report, which outlines achievements in relation to the environmental objectives in the Community Strategic Plan,
- audited financial statements as part of the Annual Report,
- an end of term report by each outgoing council outlining the achievements in implementing the Community Strategic Plan presented to the final meeting of that council.

The implementation of the new integrated planning framework is proposed over a three year period. The Division of Local Government wrote to Council on 14 October 2009 (copy attached) requiring Council to nominate, by resolution, its choice of Group for the implementation of the new requirements. The timeframe groups are as follows:

- Group 1: Community Strategic Plan and Delivery Program adopted by 30 June 2010.
- Group 2: Community Strategic Plan and Delivery Program adopted by 30 June 2011.
- Group 3: Community Strategic Plan and Delivery Program adopted by 30 June 2012.

The Division has suggested that Councils should consider the following matters in determining which Group to nominate:

- its capacity to meet the new legislative requirements within the timeframe,
- if there is sufficient time to effectively engage the community in preparing the relevant plans,
- the status of its Resource Strategy development. The Council should have an asset management strategy developed that identifies how it will manage its assets and how and over what timeframe it will develop asset management plans for all classes of assets.

The letter from the Division also states that if councils are well progressed, or have already adopted, a Community Strategic Plan, that consideration should be given to nominating for Group 1, i.e., to be completed by 30 June 2010.

As Council is aware, the Hawkesbury Community Strategic Plan was adopted at the meeting of 13 October 2009. Notwithstanding, there is a significant amount of work still required prior to Council fully implementing the legislative requirements. These include Resource Strategy matters, such as asset management processes, preparation and budgeting, Delivery Plan preparation and necessary amendments to Council operations and development of Council processes to enable the necessary reporting regime.

ORDINARY MEETING

Meeting Date: 24 November 2009

The adoption of the Community Strategic Plan will ensure that Council is well placed to embrace and comply with the planning reform requirements. However, given the amount of work required and the impact this work will have on Council's limited resources, it is recommended that Council nominate for Group 3, i.e., implementation of the requirements by 30 June 2012.

Conformance to Strategic Plan

The implementation of the Integrated Planning and Reporting framework is a legislative requirement. However, it should also be noted that this framework involves the development and implementation of strategic policy throughout Council and its operations. The first part of this strategic policy has been the development and adoption of the Community Strategic Plan. All future decisions of Council will need to be consistent with, or flow from, the directions and strategies articulated in the Community Strategic Plan.

Funding

Funding for some of the required work is already included in the current budget as the work will essentially involve modifications to current practices. As the need for additional budget allocations are identified, the proposed changes will be developed and reported via the usual budget process.

RECOMMENDATION:

That the Division of Local Government be advised that Council nominates to be included in "*Group 3: Community Strategic Plan and Delivery Program adopted by 30 June 2012*", for the implementation of the integrated planning and reporting framework.

ATTACHMENTS:

AT - 1 Correspondence from the Division of Local Government dated 14 October 2009.

ORDINARY MEETING

Meeting Date: 24 November 2009

AT - 1 Correspondence from the Division of Local Government dated 14 October 2009

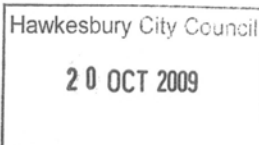


Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

OUR REFERENCE
YOUR REFERENCE
CONTACT

A195960
IPR team
02 4428 4220

Mr Peter Jackson
General Manager
Hawkesbury City Council
PO Box 146
Windsor NSW 2756



14 October 2009

Dear Mr Jackson

Implementation of the integrated planning and reporting framework

As advised in Circular to Councils 09-37, the *Local Government (Planning and Reporting) Amendment Act 2009* was assented to on 9 October 2009.

Group nomination:

As you would be aware, the Amendment Act includes transitional provisions to enable general purpose councils to select when they will commence under the new Integrated Planning and Reporting framework. To facilitate this, Council is asked to advise in writing its choice of Group for the implementation of the new requirements. Please note that Group choice will need to be determined by Council resolution.

Nominations for Group 1 will be formally Gazetted by Ministerial Order, with these councils required to meet the timeframes that are set out in Schedule 8 of the Amendment Act.

The timeframes are as follows:

- Group 1: Community Strategic Plan and Delivery Program adopted by 30 June 2010.
- Group 2: Community Strategic Plan and Delivery Program adopted by 30 June 2011.
- Group 3: Community Strategic Plan and Delivery Program adopted by 30 June 2012.

Councils are required to submit their completed Community Strategic Plan to the Division of Local Government, Department of Premier and Cabinet, within 28 days of it being endorsed by Council.



SCANNED

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlgl@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195



ORDINARY MEETING

Meeting Date: 24 November 2009

2

When determining which one of the three Groups it will participate in, Council should consider:

- its capacity to meet the new legislative requirements within the timeframe
- if there is sufficient time to effectively engage its community in the development of the Community Strategic Plan
- the status of its Resource Strategy development. It is essential that the elected council has adequate information to inform its decisions when endorsing the Community Strategic Plan and adopting its first Delivery Program and Operational Plan. For example, Council should have an asset management strategy developed that identifies how it will manage its assets and how and over what timeframe it will develop asset management plans for all classes of assets.

If Council has already adopted, or is well-progressed towards adopting a long term community strategic plan, which included appropriate community engagement, it is encouraged to consider nominating for Group 1.

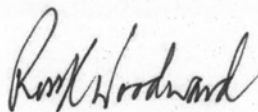
It would be appreciated if the attached Group nomination template could be completed and returned to the Division by close of business on Tuesday, **1 December 2009**. Please return the completed form to: ipr@dlg.nsw.gov.au or (fax) 02 4428 4199 or IP&R Project Team, Division of Local Government, Locked Bag 3015, Nowra, 2541.

Survey:

A survey regarding the Integrated Planning and Reporting framework will soon be circulated to councils via email. Your assistance in responding to this survey would be appreciated.

I would like to take this opportunity to thank you for your input to the development of the new framework and I look forward to continuing to work with you on its implementation.

Yours sincerely



Ross Woodward
Deputy Director General (Local Government)
Department of Premier and Cabinet

oooO END OF REPORT Oooo

ORDINARY MEETING
Meeting Date: 24 November 2009

Item: 256 CP - Community Sponsorship Program - (2009/2010 - Round 2) - (96328, 95498)

REPORT:

This report has been prepared to advise Council of applications for financial assistance to be determined under Round 2 of the 2009/2010 Community Sponsorship Program.

Background

On March 13 2007 Council adopted a Sponsorship Policy, prepared in accordance with the guidelines issued by the Independent Commission Against Corruption. To give effect to the Sponsorship Policy, criteria and administrative arrangements for a Community Sponsorship Program were developed with implementation commencing in 2007/2008.

The adopted financial estimates for 2009/2010 include an allocation of \$60,770 for the Community Sponsorship Program. At its Ordinary Meeting 25 August 2009, Council resolved to allocate an additional \$10,000 to the Community Sponsorship Program for 2009/2010.

Community Sponsorship Program 2009/2010

Budget for Community Sponsorship Program

Total (amended) Budget for Financial Year 2009/2010 \$70,770

Expenditure to date:

Allocated to Hawkesbury Eisteddfod		\$18,540
Approved under Round 1(21 applicants)		\$31,322
Allocated to Macquarie 2010 Seed Seeding Grants		<u>\$10,000</u>
	<u>Total</u>	<u>\$59,862</u>

Balance as at 16/11/2009 \$10,908

Community Sponsorship Program (2009/2010) – Round 2

In accordance with Council's Community Sponsorship Policy, applications for community sponsorship under Round 2 of the Community Sponsorship Program 2009/2010 were called for and closed on October 30, 2009. 14 applications were received. Table 1 summarises the applications received, and the proposed level of financial assistance.

	Applicant	Type	Proposal	\$
1	Dylan Cruse	MA	Representative baseball	100
2	Bridgewater Church	SG	Carols in Hanna Park North Richmond	1000
3	Bede Polding College	MA	Students travelling to Thailand for Community work	500
4	Kaitlyn Griffin	MA	Representative indoor netball	100
5	Rachele Griffin	MA	Representative indoor netball	100
6	Hawkesbury District Health Service	SG	Calendar promoting health lifestyle for the elderly	nil
7	FOHAC & RG.	SG	Replacement of "Artists Trial" sign	1,593
8	St Matthews Primary School	CF	"Voices of Youth" Public Speaking Competition	155
9	Sarafina Taufu	MA	Representative indoor netball	100
10	Caring Hearts community Quilters	MA	Quilting supplies	500
11	Hawkesbury City Pipe Band Inc	SG	Purchase of kilts for band members	500

ORDINARY MEETING**Meeting Date:** 24 November 2009

	Applicant	Type	Proposal	\$
12	CWA – Windsor Branch	MA	80 th birthday celebration of the CWA in Windsor	500
13	Kinship at Christmas Foundation	MA	Christmas dinner for those with no family	400
14	Kieren Moss	MA	Representative rugby	100
TOTAL				5,648

Table 1 - Requests for financial assistance Round 2 of 2009/2010 Community Sponsorship Program

The applications received were assessed against the applicable criteria outlined in Council's Community Sponsorship Program. This criteria reflects the provisions of Council's adopted Sponsorship Policy and the amounts recommended for approval are consistent with the Policy. A more complete summary of the assessment of applications against the Community Sponsorship Program is appended to this report - including the details of special conditions to be applied to the recommended financial assistance (Attachment 1).

Should Council approve the provision of the proposed financial assistance, Council's standard Sponsorship Agreement will need to be executed for Applications 2 (Bridgewater Church) and 7 (Friends of the Hawkesbury Art Community & Regional Gallery). Sponsorship Agreements are not required for the other recommended applicants.

There are sufficient funds to cover the total recommended amount of \$5,648 for Round 2 of the 2009/2010 Community Sponsorship Program leaving a balance of \$5,260 for allocation in further rounds.

Funding

Funding allocations recommended in this report are available within current budget provisions.

RECOMMENDATION:

That Council approve:

1. Payments of Section 356 Financial Assistance to the organisations or individuals listed, and at the level recommended in Table 1 of this report.
2. The execution of Council's standard Sponsorship Agreement for Applications 2 and 7 as identified in Table 1 of this report.

ATTACHMENTS:

AT - 1 Assessment of Applications under Round 2 Community Sponsorship Program 2009/2010

ORDINARY MEETING

Meeting Date: 24 November 2009

AT - 1 Assessment of Applications under Round 2 Community Sponsorship Program 2009/2010

Attachment 1 - Assessment of Applications under Round 2 Community Sponsorship Program 2009/2010

Applicant	Sponsorship Type (1)	Description	Assessment Criteria								Amount requested (or previously approved for ES Sponsorship)	Amount recommended	Comments
			Local service	Not-for-profit	Not funded by State/Fed Agency	Co-contribution provided	Reflects agreed community priority	Meets sponsorship criteria	Financially sustainable	Documentation provided			
1. Dylan Cruse.	MA	Represent NSW in European Kenko Baseball Tournament	✓	✓	✓	✓	✓	✓	n/a	✓	not specified	100	Meets requirements for Minor Assistance category
2. Bridgewater Church.	SG	2009 Christmas Carols in Hanna Park North Richmond 20/12/2009	✓	✓	✓	✓	✓	✓	?	✓	1,000	1,000	
3. Bede Polding College	MA	15 Students travelling to Thailand for community work	✓	✓	✓	✓	✓	✓	✓	✓	1,500	500	Funds will be used to subsidise individual student's travel expenses.
4. Kaitlyn Griffin	MA	Represent NSW in 2009 National Indoor Netball Championships	✓	✓	✓	✓	✓	✓	n/a	✓	not specified	100	Meets requirements for Minor Assistance category
5. Rachele Griffin	MA	Represent NSW 2009 National Indoor Netball Championships	✓	✓	✓	✓	✓	✓	n/a	✓	not specified	100	Meets requirements for Minor Assistance category
6. Hawkesbury District Health Service	SG	Printing of healthy ageing calendar with falls prevention message.	✓	?	✓	✓	✓	?	✓	✓	2,000	nil	Local health service State and Federally funded to undertake preventative health projects.
7. Friends of Hawkes. Art Community & RG.	SG	Replacement of Artists Trail Sign No. 4 (Waters Lane, Lowlands)	✓	✓	✓	✓	✓	✓	✓	✓	1,593	1,593	Original sign (installed by Council) lost when the lane became private property
8. St Matthews Primary School	CF	"Voices of Youth" Public Speaking competition	✓	✓	✓	✓	✓	✓	✓	✓	155	155	Meets requirements for Access to Community Facilities category (50% of hire fee)
9. Sarafina Taufia	MA	Represent NSW in 2009 National Indoor Netball Championships	✓	✓	✓	✓	✓	✓	n/a	✓	not specified	100	Meets requirements for Minor Assistance category
10. Caring Hearts Community Quilters	MA	Purchase quilt making supplies for quilts donated to community groups	✓	✓	✓	✓	✓	✓	n/a	✓	not specified	500	Meets requirements for Minor Assistance category
11. Hawkesbury City Pipe Band Inc	SG	Purchase of kilts for use by band members	✓	✓	✓	✓	✓	✓	✓	✓	not specified	500	Meets requirements for Minor Assistance category
12. CWA – Windsor Branch	MA	Celebration of the 80 th anniversary of CWA in Windsor	✓	✓	✓	✓	✓	✓	n/a	✓	500	500	Meets requirements for Minor Assistance category
13. Kinship at Christmas Foundation	MA	Christmas dinner for those with no family to share with	✓	✓	✓	✓	✓	✓	n/a	✓	400	400	Meets requirements for Minor Assistance category
14. Kieren Moss	MA	Represent Australia Youth Rugby Championships, Fukuoka, Japan	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements for Minor Assistance category
TOTAL											5,648		

(1) MA = Minor Assistance ES = 3 Year Event Sponsorship SG = Seeding Grant CF = Access to Community Facilities ICF= Improvement to Community Facilities

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 November 2009



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.