



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 25 June 2013

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

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

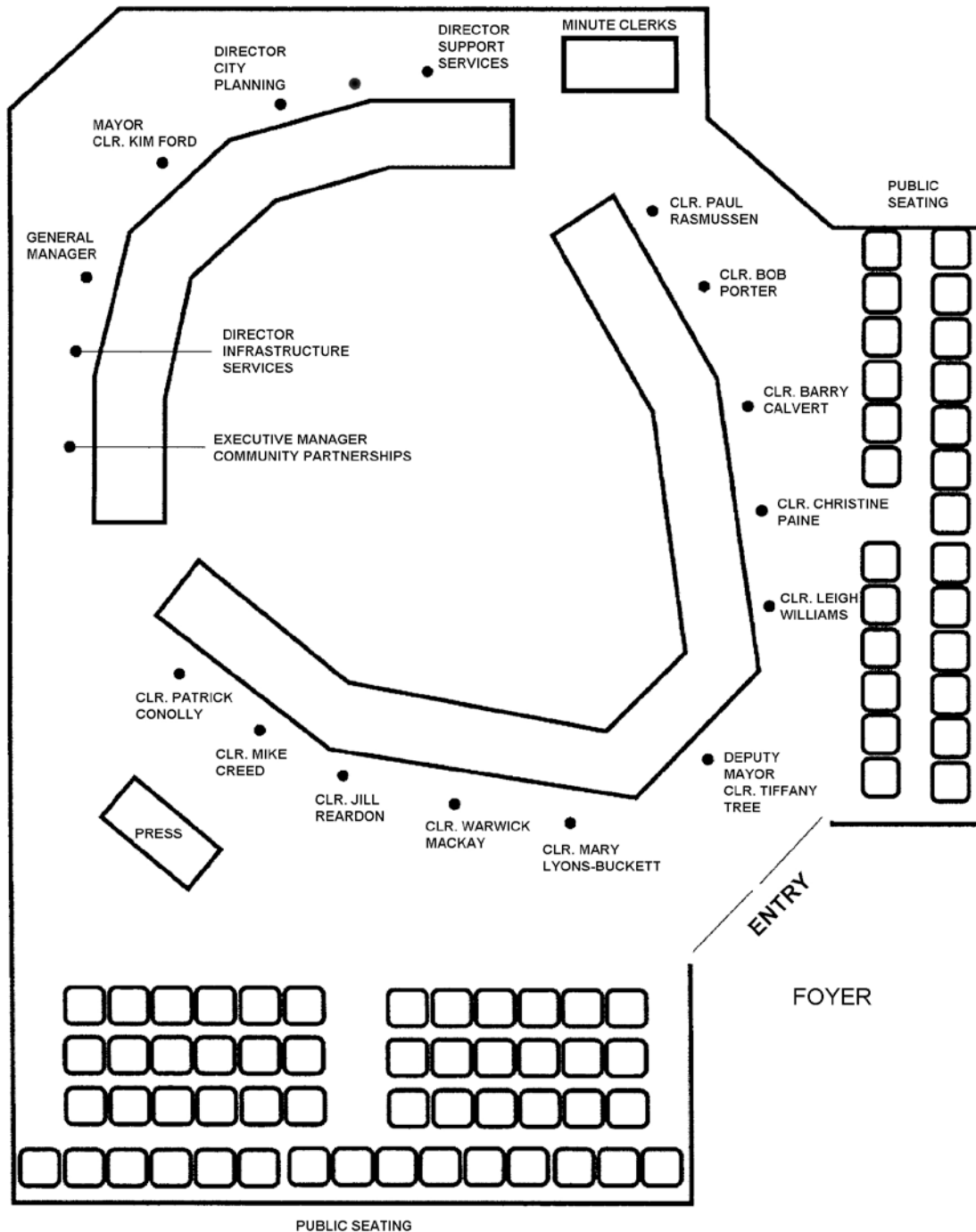
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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

NM1 - Council to Oppose CSG Exploration and Extraction in the Hawkesbury LGA - (125612, 79351)

Submitted by: Councillor M Lyons-Buckett

NOTICE OF MOTION:

That Council:

1. Oppose any current or proposed coal seam gas exploration or mining in the Hawkesbury LGA.
2. Request a report on the practices of having coal seam gas water transported into, and stored or disposed of in the Hawkesbury LGA.
3. Write to the Premier of NSW informing him of Hawkesbury City Council's position and seeking a ban on coal seam gas mining and exploration in the Hawkesbury LGA.
4. Write to the Hawkesbury, Riverstone and Londonderry Members of Parliament, and the Federal Member for Macquarie seeking support for Council's position.
5. Write to the NSW State Government urging it to ban all coal seam gas exploration or extraction within all drinking water catchment areas.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM2 - Aboriginal Flag in Council Chambers - (79351, 80104)

Submitted by: Councillor C Paine

NOTICE OF MOTION:

That Council fly the Aboriginal flag within Council Chambers at all times.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM3 - Painting of Doors - Public Toilets - (79351, 80104)

Submitted by: Councillor C Paine

NOTICE OF MOTION:

That Council investigate the possibility of painting the doors to public toilets distinctive colours eg, red and blue, so that it is easier for people with vision impairment to distinguish male from female toilets.

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: 109 **GM - Questions For Next Meeting - Provision of Security and Rope Barrier at Council Meetings - (79351)**

REPORT:

Executive Summary

At the meeting of Council held on 14 May 2013 during "Questions For Next Meeting" the Deputy Mayor, Cllr T Tree requested that a rope barrier and security guard be placed in the Chambers during Council meetings.

This report provides details of costs for these facilities as well as detailing practices of a number of councils in this regard.

It is recommended that the matter be considered by Council.

Consultation

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

Background

During "Questions For Next Meeting" at the meeting of Council held on 14 May 2013 the Deputy Mayor, Councillor T Tree, requested that a rope barrier and security guard be placed in the Chambers during Council meetings. In response, at the meeting of Council held on 28 May 2013 it was indicated that a report in relation to this matter would be submitted to this meeting. Whilst Cllr Tree asked this question the matter has been previously raised with the General Manager by a number of councillors.

The cost to provide a security guard from an external agency would be approximately \$35.00 per hour, excluding GST, with a minimum charge of four hours. Based on recent Council meetings, and as a guard, if utilised, would need to be in attendance for some time before and after a meeting, this would represent a cost of approximately \$150 (minimum) to \$225 per meeting, excluding GST. Based on an average of 22 Council meetings per year this would cost approximately \$3,300 to \$5,000 per year, excluding GST.

With regard to a rope barrier between the public gallery and the councillors table, it is envisaged that, if provided, this would be similar to the type of barrier provided at banks and airports for queuing purposes. Quotations indicate that the cost of this barrier for the Council Chambers would be in the order of \$1,855 to \$2,155, excluding GST, depending upon final distances and configuration.

It should also be noted that improvements to the existing lighting and CCTV coverage of the car parking area adjacent to the Council building are currently being considered as a separate issue to this matter, to improve both pedestrian safety and security in this area.

To assist Council in considering this matter the opportunity has been taken to contact a number of WSROC councils and The Hills Shire Council to ascertain their practices in relation to security guards and barriers for the Council Chambers. Information obtained is shown in the following table:

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Council	Is a security guard regularly provided	Comment	Barrier between councillors and public gallery	Comment
Bankstown City Council	Yes.	Chambers in the civic precinct of the CBD so guards are on in this area normally.	Yes.	Separation by way of a solid barrier which was part of the design of the building.
Blacktown City Council	Yes.	One Community Law Enforcement Officer (uniformed) seated within the Councillor part of the Chamber and often another at the entrance to the Chamber.	Yes.	900mm high wood panelled barrier.
Blue Mountains City Council	Yes.	One to two Rangers at each meeting depending on matters on agenda.	Yes.	Bollards and ropes.
Fairfield City Council	No.	Security guards may be provided and/or police notified if an issue on the agenda may warrant.	Yes.	Retractable straps on posts such as used in banks.
Holroyd City Council	Yes.	Positioned outside the Council Chamber throughout each Council meeting.	Yes.	Glass panel separates the public from the Councillors and Officers.
Liverpool City Council	Yes	One at all meetings with an additional guard if a large crowd is expected and matter warrants it.	Yes.	Retractable straps on posts such as used in banks.
Parramatta City Council	No.	Staff in attendance playing a meeting support role.	Yes.	A 1 metre high solid wall.
Penrith City Council	No.	Security guard already in building so available if necessary. Additional guard provided if considered necessary.	No.	Press table and officers seating exists between the public and councillors.
The Hills Shire Council	No.	-	No.	-

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The above is submitted for Council's information and consideration in connection with this matter.

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.

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

- Make decisions in ways that are transparent, fair, balanced and equitable supported by appropriate resource allocations.

Financial Implications

If Council were to proceed additional costs of between \$3,300 to \$5,000 per year, excluding GST would be incurred for a security guard and approximately \$1,855 to \$2,155, excluding GST for the provision of a barrier. Provision has not been included in the 2013/2014 Adopted Operational Plan for this purpose.

RECOMMENDATION:

That the matter be considered by Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 110 **GM - NSW Independent Local Government Review Panel - Submission to Consultation Paper - Future Directions for NSW Local Government - Twenty Essential Steps - April 2013 - (79351)**

Previous Item: 148 (Ordinary, 28 August 2012)
 41 (Ordinary, 12 March 2013)

REPORT:

Executive Summary

In August 2011 the Division of Local Government (DLG) conducted a "Destination 2036 Workshop (the Workshop) with representatives from all NSW councils and other related industry groups attending.

Subsequently, the Minister for Local Government (the Minister) established a Steering Committee (SC) to progress the work undertaken at the Workshop. The SC then produced an Actions Plan and Outcomes Paper which following their release for comment are now guiding the SC's activities.

In addition, the Minister also appointed the NSW Independent Local Government Review Panel (the Panel). The Panel's Terms of Reference "is to investigate and identify options for governance models, structural arrangements and boundary changes for local government in NSW" taking a number of matters/issues into consideration.

In July 2012 the Panel released a Consultation Paper titled "Strengthening Your Community" and called for submissions on a number of "Key Questions" raised in the Paper. In November 2012 the Panel issued a further Consultation Paper titled "Better, Stronger Local Government – The Case for Sustainable Change". Following the consideration of reports regarding each of these Consultation Papers the Council made a submission on each Paper.

The Panel has now released a further Consultation Paper (the Paper) titled "Future Directions for NSW Local Government - Twenty Essential Steps - April 2013" and is calling for submissions on the Paper with a request that submissions should be made by 28 June 2013. Following discussion at a Councillor Briefing Session, a Draft Submission has been prepared for Council's consideration to enable Council to make a submission on the Paper.

Consultation

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

Background

In August 2011 the DLG conducted a "Destination 2036" Workshop (the Workshop) with representatives from all NSW councils and other related industry groups attending. Council was represented at the Workshop by the Mayor and General Manager with a report concerning the outcomes of the Workshop being submitted to the Council meeting of 13 September 2011 for Council's information.

Subsequently, the Minister established a SC to progress the work undertaken at the Workshop. The SC consists of representatives of the Local Government and Shire Association of NSW (LGSA), Local Government Managers Australia (LGMA) and the DLG. The SC then produced an Action Plan and Outcomes Paper which following their release for comment are now guiding the SC's activities.

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In addition, the Minister also appointed the Panel. The Panel's Terms of Reference are:

"to investigate and identify options for governance models, structural arrangements and boundary changes for local government in NSW", taking into consideration:

1. *Ability to support the current and future needs of local communities*
2. *Ability to deliver services and infrastructure efficiently effectively and in a timely manner*
3. *The financial sustainability of each local government area*
4. *Ability for local representation and decision making*
5. *Barriers and incentives to encourage voluntary boundary changes*

In conducting the review the Panel will:

- *Ensure recommendations meet the different nature and needs of regional, rural and metropolitan communities*
- *Consult widely with the broader community and key stakeholders*
- *Take into account the work completed, and future work to be completed, under the Destination 2036 initiative*
- *Take into account the broader interests of the State including as outlined in the State Plan*
- *Consider the experiences of other jurisdictions in both the nature and implementation of local government reform*
- *Take into account the Liberal-National's 2011 election policy of no forced amalgamations"*

It has been indicated that the Panel intends to undertake its review process in four stages, namely:

Stage 1: Identifying key issues and exploring ideas.

Stage 2: Options for change.

Stage 3: Future directions.

Stage 4: Final report (July - September 2013)

As part of "Stage 1" and "Stage 2" of this process the Panel released Consultation Papers titled "Strengthening Your Community – July 2012" and "Better, Stronger Local Government – The Case for Sustainable Change - November 2012". Council considered reports in relation to each of these Papers and subsequently resolved to make submissions in accordance with the drafts attached to the reports at the time.

In association with "Stage 3" the Panel has released a further Consultation Paper (the Paper) titled "Future Directions for NSW Local Government - Twenty Essential Steps - April 2013" and is calling for submissions on the Paper. A copy of the Paper has previously been provided to all councillors and is also available at:

www.localgovernmentreview.nsw.gov.au/documents/LGR/Future_Directions_Paper.pdf

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The Paper was the subject of a presentation and subsequent discussion at the Councillor Briefing Session on 7 May 2013. The Panel has also conducted numerous consultations sessions, one of which was specifically for Blue Mountains, Hawkesbury and Penrith Councils which was held at Penrith on 14 June 2013. This session was attended by the General Manager, Director Support Services, Director Infrastructure Services, Chief Financial Officer, Human Resources Manager and Human Resources Officer.

It will be noted that as part of the "Preamble" to the Panel's current Paper it is suggested:

"The Panel has tested all its ideas, options and proposals against its goal. Its proposals are far-reaching but far from radical."

In addition, the Paper also suggests:

"Sadly, there is mounting evidence to show that the current system of local government in NSW is simply not up to the task"

and:

"Simply put, there are too many councils chasing too few resources."

The Panel is requesting that submissions be made on the latest Paper by 28 June 2013. A Draft Submission, included as Attachment 1 to this report, has been prepared, based in part upon the discussions at the recent Councillor Briefing Session, for Council's consideration to enable Council to make a submission on the Paper.

However, some matters contained in the submission also warrant specific mention in this report.

Rate-Pegging

With respect to the current system of rate-pegging it is noted that the Panel has indicated:

"The Panel's view is that the system of rate-pegging in NSW has impacted adversely on sound financial management. It creates political difficulties for councils that really should raise rates above the peg, and adds administrative costs. It is not applied in other states. The Panel's preference is for the system to be abandoned, subject to the imposition of the new fiscal responsibility framework outlined in section 4. However, the Panel accepts that rate-pegging has been in effect for over 30 years and is now part of the landscape in NSW. A proposal to abolish it completely may well prove unacceptable at this time. As an alternative, the Panel believes that the rate-pegging arrangements can be simplified and streamlined. The provisions of the Local Government Act can be applied more flexibly with reduced demands on councils for special documentation and additional community consultation."

In light of the above, the Panel's proposals for "Streamlining Rate-Pegging" are:

"The Panel proposes that, within a framework of enhanced fiscal responsibility, councils be allowed to increase rates by up to 3% more than the annual cap set or projected by IPART for the following 4 years, provided documentation certified by the Mayor and General Manager shows that:

- *Appropriate and effective community engagement, tailored to local needs, has been undertaken in reviewing the Community Strategic Plan and preparing the council's 4-year Delivery Program, and details of those engagement processes have been documented in the Special Variation proposal*
- *The Delivery Program meets the criteria set out in Box 4*

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- *The Delivery Program and 'price path' have been endorsed by the council's auditor or another suitable independent party as being soundly based and warranted to ensure the council's long term sustainability*
- *The council is taking other necessary steps to improve asset and financial management.*

In addition, the Panel proposes that:

- *"Section 509 of the Local Government Act be amended to enable the Minister to exempt a council from rate-pegging on the basis of demonstrated high performance in asset and financial management.*
- *Under the Panel's proposals IPART's role would be modified to cover:*
- *Random audits to ensure the criteria are being satisfied*
- *Determining applications for increases greater than 3% above the cap*
- *Advising the Minister when a council warrants exemption from rate-pegging.*

Where an audit shows that a council has failed to meet the new criteria for Delivery Programs and/or Special Variations, the current rate-pegging arrangements would be re-applied."

It is suggested that while the above may not be the most desirable result in relation to the current rate-pegging situation it would be a significant improvement and could be supported by Council.

ROCs V County Councils

The Panel's Paper refers to the possible establishment of some 20 "new look", multi-purpose County Councils and suggests:

"The Panel is NOT proposing a 'fourth tier of government', nor an additional set of large bureaucracies. 'New look' County Councils would replace existing regional organisations. Local councils more or less as we know them today would remain the core of the system: they would 'own' and resource the County Councils in the same way many do now. Some regional functions would be referred to the County Councils which would then work alongside their member councils in performing those tasks."

Whilst the Paper appears to refer to these being established in rural/regional areas it is obvious these could also be applied to the metropolitan area.

When this was discussed at the recent consultation session it was suggested that in respect of the metropolitan area it may be more advantageous to leverage off the already established structures of relatively strong ROCs enhanced by legislative support rather than establish a new "structure". However, it appeared to be suggested that this was not the Panel's preferred course of action and that use of existing legislation regarding County Councils was viewed as being more appropriate.

In Council's previous submissions Council has strongly supported the concept of not adopting a "one size fits all" approach and that, if appropriate, a number of solutions to a situation should be considered. Whilst a County Council approach for regional strategic and related issues in rural/regional NSW may be appropriate it is suggested it would be unfortunate if the strengths of an existing significant ROC structure in the metropolitan area were not considered and enhanced to undertake the wider ranging strategic activities being referred to in this context.

Amalgamations and the Hawkesbury and Possible Boundary Adjustments/Amalgamation

The Panel has indicated that it has taken into account the State Government's policy of "no forced amalgamations" and the current Paper from the Panel incorporates much discussion concerning amalgamations and in respect of the need for amalgamations the Panel suggests:

"Amalgamations and boundary changes are not the panacea for local government's problems. However, the Panel has no doubt that they are an essential element of a wider package of reforms."

"There is simply not enough revenue or sufficient numbers of skilled staff to sustain 152 councils across NSW"

"... the financial and other challenges facing councils can not and should not be resolved simply by increasing grant support Mergers should be pursued where they can make a substantial contribution to addressing financial problems, reducing fragmentation of resources and duplication of effort, and building strategic capacity for the long term."

The Panel's report makes wide ranging suggestions for amalgamations and boundary changes, both for rural/regional NSW and the Sydney metropolitan area but is concerned that there is little likelihood of voluntary amalgamations occurring on the required scale.

In respect of the Hawkesbury, the Panel has suggested:

"No change except

- *Possible boundary adjustment with The Hills and Blacktown to facilitate NW Growth Centre and*
- *Possible long term merger with The Hills"*

Obviously, the Panel's suggestion for boundary adjustments has, if implemented, the potential to decrease this Council's area if a boundary adjustment resulted in the Vineyard Precinct of the NW Growth Centre moving to either The Hills or Blacktown Councils. This, it is suggested, would have significant detrimental effects on this Council in the removal of potential growth for the Council, particularly in the light of the recent announcement concerning the release of the Vineyard Precinct.

In contrast, it is suggested that a more appropriate adjustment would provide for a significant portion of the NW Growth Centre being moved, by way of boundary adjustments, from The Hills and Blacktown Councils to form an expanded area for Hawkesbury City Council. A move as suggested would enhance the sustainability of the Council in the future and would increase the level of its population to a level seen as being more appropriate by the Panel.

In addition, it is suggested that there would be a nexus between the areas to support such a move as it is possible that the existing population of the Hawkesbury will have a reliance on the employment opportunities to be offered by the NW Growth Centre. Conversely, the expanding Growth Centre population will be looking to the Hawkesbury for the facilities and environmental benefits that it would have to offer to that area.

If a boundary adjustment as proposed above were to occur it is suggested that the Hawkesbury would have the potential to become more financially sustainable while at the same time The Hills and Blacktown Councils would still remain as large, significant and financially sustainable local government areas.

With regard to the possible "long term merger with The Hills" it is suggested that this would not necessarily be the best ultimate course of action for the residents of the Hawkesbury or of the potentially enlarged council.

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Much has been said in the past about the size of councils, particularly in the metropolitan context, and the “community of interest” that should generally exist within a council area. If the Hawkesbury, which is already the size, in area, of all of the existing metropolitan area, were to be merged with The Hills the area would be excessively large with travelling distances being over two hours for some extremities.

While this may not appear excessive for some rural areas, as a merged council would be significantly metropolitan in nature it would appear not to be appropriate. Also, it is suggested that the “community of interest” in a merged area would be less likely to exist and the overall area would be excessively diverse.

However, a boundary adjustment to bring a significant portion of the NW Growth Centre into the Hawkesbury would appear to offer a possible improved solution and could see a result with three appropriately sized councils in the area which have the potential to remain financially sustainable and also represent appropriate “communities of interest”.

As a result of the discussion at the Councillor Briefing Session the above views have been incorporated in the Draft Submission to the Panel on the current Paper. If Council considers this approach to be appropriate and wishes to further the approach it is suggested that appropriate discussions be held with The Hills and Blacktown Councils in the first instance and a further report submitted to Council as a result of such discussions.

The Panel report does not refer to any changes proposed for Penrith City Council (PCC), however, the General Manager has been contacted by the General Manager of PCC regarding the contents of PCC’s submission to the Panel which will refer to a number of possible boundary adjustment affecting adjoining councils, including Hawkesbury City Council.

The boundary adjustments being referred to in PCC’s submission, as related to the Hawkesbury are in respect of Yarramundi and Agnes Banks. It is understood that PCC’s submission will make the following comments in this regard:

“Area A – Yarramundi – New subdivisions in this suburb may have a degree of community of interest with the Penrith LGA. However, as the development in the area is still at its early stages, further consultation with Hawkesbury City Council is considered necessary in order to determine which Council is best suited to service the community of Yarramundi.

Area B – Agnes Banks – The current suburb boundary of Agnes Banks is approximately truncated in half laterally, with the southern end of the suburb contained in the Penrith LGA and the northern end contained within Hawkesbury City Council. Although Agnes Banks is currently separated into two different LGAs, observations have shown that the current LGA boundary which truncates the suburb is logical and boundary changes with respect to Agnes Banks have been found to be inconclusive.”

Council will be advised in the event of any further approaches from PCC regarding these areas.

Conformance to Community Strategic Plan

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

- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services
- Maintain its independent identity and voice through strong local government and community institutions.

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

- Improve financial sustainability

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- Broaden the resources and funding available to our community by working with local and regional partners as well as other levels of government.

Financial Implications

No financial implications directly applicable to this report at this stage.

RECOMMENDATION:

That:

1. The Draft Submission attached to the report be endorsed and referred to the NSW Independent Local Government Review Panel in response to the Panel's Consultation Paper "Future Directions for NSW Local Government - Twenty Essential Steps - April 2013".
2. Initially, appropriate discussions be held with The Hills Shire Council and Blacktown City Council regarding suggestions contained within the report concerning possible boundary adjustments that would result in the boundaries of Hawkesbury City Council being adjusted to incorporate a significant portion of the North West Growth Centre and a further report submitted to Council as a result of such discussions.
3. Any further approaches by Penrith City Council regarding that Council's suggestion for boundary adjustments with Hawkesbury City Council be reported to Council for its consideration.

ATTACHMENTS:

- AT - 1** Draft Submission to the NSW Independent Local Government Review Panel's Consultation Paper "*Future Directions for NSW Local Government - Twenty Essential Steps - April 2013*".

AT - 1 Draft Submission to the NSW Independent Local Government Review Panel's Consultation Paper "Future Directions for NSW Local Government - Twenty Essential Steps - April 2013".

Hawkesbury City Council

Draft Submission to the NSW Independent Local Government Review Panel's Consultation Paper "Future Directions for NSW Local Government - Twenty Essential Steps - April 2013"

Hawkesbury City Council has reviewed the Consultation Paper (the Paper) issued by the NSW Independent Local Government Review Panel (the Panel) titled "Future Directions for NSW Local Government - Twenty Essential Steps - April 2013" and is pleased to accept the opportunity to provide feedback and comment upon the Paper.

Introduction

The Council has noted, and appreciates the fact that as part of the "Preamble" to the Panel's current Paper it is suggested:

"The Panel has tested all its ideas, options and proposals against its goal. Its proposals are far-reaching but far from radical."

In addition it is important to note that the Paper also suggests:

"Sadly, there is mounting evidence to show that the current system of local government in NSW is simply not up to the task"

and:

"Simply put, there are too many councils chasing too few resources."

These statements are relevant in the context of the statement made in Council's previous submission in relation to the local government system and challenges faced, namely:

"It must be recognised that improvements can always be made to any system of organisational operation, be it private enterprise or government at all levels, including local government. To continue to operate successfully and develop and evolve as organisations we must strive for continual improvement, refinement and development."

The Council considers that the Panel's Goal to "Create a Sustainable System" is appropriate and also notes approaches to this through developing:

- Strategic capacity:

"the Panel aims to enhance the capacity of councils individually and local government collectively to play a much stronger role in the broader system of government."

- Flexible structures:

"The challenge is to balance the need for increased scale to create strategic capacity, with keeping the 'local' in local government." and The Panel has said from the outset that there can be no 'one-size-fits-all'."

Council has supported and continues to support the concept in the review process that "there can be no 'one-size-fits-all'" and applauds the Panel for maintaining this concept.

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It is not proposed that the Council's submission will refer to all of the issues/aspects raised or referred to within the Paper but will be directed at those issues/aspects which Council considers warrant specific comment and/or are of particular concern to Council.

Financial Sustainability

Quite correctly, the Panel's latest Paper makes significant reference to the financial sustainability of councils with reference to the recent TCorp report regarding the "*Financial Sustainability of the NSW Local Government Sector*".

The TCorp report indicates that Hawkesbury City Council has a "Moderate" Financial Sustainability Ratio with a "Negative" outlook. The "Moderate" rating is considered reasonable in the circumstances and Council acknowledges that the "Negative" outlook means that Council will need to continue its work to improve its financial sustainability to ensure that its rating does not decline.

The TCorp report does highlight the need for fiscal responsibility within local government and agrees with the Panel's suggestion in this regard:

"this does not mean simply keeping rates and expenditure as low as possible and remaining debt free in many cases the more responsible approach is to face up to the need to increase rates and charges in order to achieve an operating surplus and undertake essential asset maintenance;"

In respect of Rate Pegging, which will be further addressed later in this submission, it is interesting to note some Panel comments, namely:

"The Panel's view is that the system of rate-pegging in NSW has impacted adversely on sound financial management. It creates political difficulties for councils that really should raise rates above the peg, and adds administrative costs."

"The Panel's preference is for the system to be abandoned, subject to the imposition of the new fiscal responsibility framework outlined ..."

"As an alternative, the Panel believes that the rate-pegging arrangements can be simplified and streamlined. The provisions of the Local Government Act can be applied more flexibly with reduced demands on councils for special documentation and additional community consultation."

Again, as suggested in a previous Council submission to the Panel:

"The overall financing and revenue raising capacity of local government requires significant review to ensure the continued viability and financial sustainability of local government. This review should be broader reaching than the traditional concept of the rating structure and the effects of rate pegging. In realistic terms the income base and revenue generation potential of councils has not increased significantly over the last few decades, however, the services provided by councils and expected by the community have changed and increased significantly."

Council considers that these comments are still valid in the context of the current Paper.

With regard to the Panel's preferred options for:

"Progressive re-distribution of grant funding to provide greater assistance to those councils with limited rating bases, provided they are taking all possible steps to help themselves"

Council does not support this proposal as any redistribution of grant funding may have an adverse impact on the level of services that are able to be provided by the Council. Also, this does not appear to take account of disadvantage or needs of the western Sydney populations.

Also, with regard to the Panel's preferred option for:

"Pool a proportion of funds from the roads component of federal Financial Assistance Grants and the 'Roads to Recovery' program to establish a Strategic Projects Fund for roads and bridges"

Council does not support this proposal as Council's financial position and asset management strategy is based on receiving these funds as part of our long term financial planning. The proposal to allocate a proportion of these funds is a good idea, but there needs to be another financial package available to offset potential income losses for Councils. Under the proposal the Council would be losing a proportion of funding and this would have a significant impact on financing our roads maintenance renewal programs.

Infrastructure

The current Paper again highlights the importance of taking action to address the infrastructure backlog that seriously affects all local government authorities in NSW and in referring to backlog estimates of over \$7 billion suggests *"there is no doubt that the sheer scale of infrastructure problems threatens to overwhelm a significant number of councils."*

While it is suggested that the LIRS should be maintained it must be acknowledged that while this is a valuable scheme to be of true value a council must initially be in a position to be able to support further debt obligations. As this is not always the case it must be acknowledged that further external assistance will be required in many cases and it will be important for this to be adequately addressed.

Council has previously suggested that *"it is and will be important to identify and develop appropriate responses to the backlog currently in existence with infrastructure maintenance and renewal as this is not able to be adequately addressed within the current financial structure available to local government. Whilst councils can and do continue to work towards productivity improvements these will not resolve the situation and additional funding needs to be made available to local government, either by direct funding from state and federal governments or by additional revenue raising capabilities."*

The Rating System and Rate-Pegging

The Panel's position regarding "The NSW Rating System and Potential Improvements" is generally supported with the exception of dot point 4 of the related Box 5 in respect of moving from Land Value to Capital Improved Value for rating purposes. It is considered that the current use of land values provides the most appropriate nexus for the ability to pay for ratepayers. In addition, other processes are available to councils (varying rates for different areas, minimum and base rates, etc.) to appropriately refine the rating system to suit their areas.

With respect to the current system of rate-pegging it is noted that the Panel has indicated:

"The Panel's view is that the system of rate-pegging in NSW has impacted adversely on sound financial management. It creates political difficulties for councils that really should raise rates above the peg, and adds administrative costs. It is not applied in other states. The Panel's preference is for the system to be abandoned, subject to the imposition of the new fiscal responsibility framework outlined in section 4. However, the Panel accepts that rate-pegging has been in effect for over 30 years and is now part of the landscape in NSW. A proposal to abolish it completely may well prove unacceptable at this time."

As an alternative, the Panel believes that the rate-pegging arrangements can be simplified and streamlined. The provisions of the Local Government Act can be applied more flexibly with reduced demands on councils for special documentation and additional community consultation."

In light of the above, the Panel's proposals for "Streamlining Rate-Pegging" are outlined in Box 6 of its Paper. It is suggested that while the proposals outlined in Box 6 may not be the most desirable result in relation to the current rate-pegging situation, it being noted that Council does not support rate-pegging and considers that it should be abandoned, it would be a significant improvement and, as such, is generally supported by Council.

ROCs V County Councils

The Panel's Paper refers to the possible establishment of some 20 "new look", multi-purpose County Councils and suggests:

"The Panel is NOT proposing a 'fourth tier of government', nor an additional set of large bureaucracies. 'New look' County Councils would replace existing regional organisations. Local councils more or less as we know them today would remain the core of the system: they would 'own' and resource the County Councils in the same way many do now. Some regional functions would be referred to the County Councils which would then work alongside their member councils in performing those tasks."

Whilst the Paper appears to refer to these being established in rural/regional areas it is obvious these could also be applied to the metropolitan area.

When this was discussed at the recent consultation session it was suggested that in respect of the metropolitan area it may be more advantageous to leverage off the already established structures of relatively strong ROCs enhanced by legislative support rather than establish a new "structure". However, it appeared to be suggested that this was not the Panel's preferred course of action and that use of existing legislation regarding County Councils was viewed as being more appropriate.

In Council's previous submissions Council has strongly supported the concept of not adopting a "one size fits all" approach and that, if appropriate, a number of solutions to a situation should be considered. Whilst a County Council approach for strategic activities and related issues in rural/regional NSW may be appropriate it is suggested it would be unfortunate if the strengths of an existing significant ROC structure in the metropolitan area were not considered and enhanced to undertake the wider ranging strategic activities being referred to in this context. The enhancement of the role of ROCs for this purpose in at least the metropolitan area as distinct from establishing separate and additional County Councils would be a preferred option supported by Council.

Possible Boundary Adjustments/Amalgamation

The current Paper from the Panel incorporates much discussion concerning amalgamations and in respect of the need for amalgamations the Panel suggests:

"Amalgamations and boundary changes are not the panacea for local government's problems. However, the Panel has no doubt that they are an essential element of a wider package of reforms."

"There is simply not enough revenue or sufficient numbers of skilled staff to sustain 152 councils across NSW"

"... the financial and other challenges facing councils can not and should not be resolved simply by increasing grant support. Mergers should be pursued where they can make a substantial contribution to addressing financial problems, reducing fragmentation of resources and duplication of effort, and building strategic capacity for the long term."

The Panel's report whilst noting the State Government's policy of "no forced amalgamations" makes wide ranging suggestions for amalgamations and boundary changes but is concerned that there is little likelihood of voluntary amalgamations occurring on the required scale.

In respect of the Hawkesbury the Panel has suggested:

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“No change except

- *Possible boundary adjustment with The Hills and Blacktown to facilitate NW Growth Centre and*
- *Possible long term merger with The Hills”*

The portion of the NW Growth Centre within Hawkesbury City Council's area is known as the Vineyard Precinct.

Obviously, the Panel's suggestion for boundary adjustments has, if implemented, the potential to decrease this Hawkesbury City Council's area if a boundary adjustment resulted in the Vineyard Precinct of the NW Growth Centre moving to either The Hills and/or Blacktown Councils. This, it is suggested, would have significant detrimental effects on this Council in the removal of potential growth for the Council, particularly in the light of the recent announcement concerning the release of the Vineyard Precinct.

In contrast, it is suggested that a more appropriate adjustment would provide for a significant portion of the NW Growth Centre being moved, by way of boundary adjustments, from The Hills and Blacktown Councils to form an expanded area for Hawkesbury City Council. A move as suggested would enhance the sustainability of the Council in the future and would increase the level of its population to a level seen as being more appropriate by the Panel.

In addition, it is suggested that there would be a nexus between the areas to support such a move as it is possible that the existing population of the Hawkesbury will have a reliance on the employment opportunities to be offered by the NW Growth Centre. Conversely, the expanding Growth Centre population will be looking to the Hawkesbury for the facilities and environmental benefits that it would have to offer to that area.

If a boundary adjustment as proposed above were to occur it is suggested that the Hawkesbury would have the potential to become more financially sustainable while at the same time The Hills and Blacktown Councils would still remain as large, significant and financially sustainable local government areas.

With regard to the possible “long term merger with The Hills” it is suggested that this would not necessarily be the best ultimate course of action for the residents of the Hawkesbury or of the potentially enlarged council.

Much has been said in the past about the size of councils, particularly in the metropolitan context, and the “community of interest” that should generally occur within a council area. If the Hawkesbury, which is already the size in area of all of the existing metropolitan area, were to be merged with The Hills the area would be excessively large with travelling distances being over two hours for some extremities.

While this may not appear excessive for some rural areas, as a merged council would be significantly metropolitan in nature it would appear not to be appropriate. Also, it is suggested that the “community of interest” in a merged area would be less likely to exist and the overall area would be excessively diverse.

However, a boundary adjustment to bring a significant portion of the NW Growth Centre into the Hawkesbury would appear to offer a possible improved solution and could see a result with three appropriately sized councils in the area which have the potential to remain financially sustainable and also represent appropriate “communities of interest”.

Political Leadership

The Council notes with interest and some concern the following within the Paper:

- Refers to “issues” with role of Mayor and Councillors – suggests option of mix of ward councillors and councillors elected “at large”.
- Refers to “skills” of councillors and asks *“ongoing professional development should become mandatory.”*

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- Refers to “no such demands on state and federal politicians” and states “The Panel is convinced that mandatory, ongoing professional development is required.”
- Suggests: “The Panel is convinced that mandatory, ongoing professional development is required.”
- Limit councillors/mayors to three terms “to ensure turnover and introduction of ‘fresh faces’ and new ideas. The Panel favours such an approach”

While the provision of professional development for councillors is supported and encouraged it is considered that to suggest that this should be mandatory is not equitable and is a disproportionate response, particularly having regard to the requirements for elected members in other levels of government.

To suggest that other levels are “different” in that they usually assume the role of a Backbencher initially and therefore may “learn by experience” whereas councillor immediately assume decision making roles is not considered valid. Other levels of elected members also immediately assume voting rights and, therefore, decision making roles as soon as elected and there is nothing preventing a newly elected MP being appointed as a Minister without the need for “mandatory training”.

Likewise, there is not presently a limit to the terms of elected members in other levels of government so why should a restriction such as this be placed on local government? The Paper argues that this would “ensure turnover and introduction of ‘fresh faces’ and new ideas”. However, conversely, this could result in the loss of considerable experience in the role of a councillor to the detriment of the community. Once again, if this type of restriction is not applied to other levels of government than there is no valid argument for it to be applied to local government.

The role of the Mayor

It is noted that the Panel has directed appropriate attention to the role of the mayor within a council organisation and Council generally supports the “Suggested Principal Functions of Mayors” as detailed in Box 9 of the Paper. It is also suggested that it is necessary for the level of remuneration paid to the Mayor to be reviewed to more appropriately reflect the importance of the role and time commitments required of any incumbent.

However, in this regard it is concerning that the Panel suggests:

“To fulfil these responsibilities mayors will need additional knowledge and skills. Specialised professional development over and above that required for councillors should be mandatory, and should be undertaken within 3 months of election as mayor.”

As was suggested in comments made under the previous heading regarding “Political Leadership” while the provision of professional development for mayors is supported and encouraged it is again considered that to suggest that this should be mandatory is not equitable with requirements for comparable elected members in other levels of government, such as Ministers.

As with elected members in other levels of government and Ministers (as a comparison to mayors) elected members in local government, including mayors, come from a wide cross section of the community. As such, they are very unlikely to generally have any greater or lesser level of knowledge, experience and skills as their state or federal counterparts. Whilst the acquisition of additional knowledge and skills would benefit elected members at any level of government it should not be made a mandatory requirement for local government unless similar equitable requirements also apply at least at the state level for elected members.

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With regard to the issue of the election of the Mayor by the electorate or councillors it is suggested that it may not be appropriate for the former to be made the norm and that the current arrangements could remain in place, perhaps with a more simplified process for a council to alter the method of election. When the Mayor is elected by the councillors the term should be for a period of two years which would be more appropriate and allow for enhancement of the strategic and policy development processes.

oooO END OF REPORT Oooo

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**Item: 111 GM - DA0111/13 - 3 Hendrens Road, Ebenezer - Lot 263 DP 751665 -
Retrospective Application - Structure Ancillary to a Dwelling - (79351, 85782,
78878, 18452, 2807)**

REPORT:

This development application has been lodged as a result of compliance action commenced by Council and seeks retrospective approval for an unauthorised building (structure ancillary to a dwelling) previously erected on the property that is currently being used as a gymnasium.

Due to circumstances that existed at the time of the compliance action referred to above it was determined that it and any subsequent action would be undertaken under the oversight of the General Manager with a result of this being that the report in relation to the subsequent development application is being processed under the oversight of the General Manager.

The development application is being reported to Council both at the request of Councillor Paine and as the property in question is partly owned by a councillor, namely Councillor Porter.

As indicated, this application is for retrospective approval of a structure ancillary to a dwelling (the structure) with the structure being used as a gymnasium. The applicant contends that the use of the structure as a gymnasium is a "home occupation" and therefore the use does not require Council's consent. This aspect, as well as the actual structure, will be addressed by this report and attachments.

In respect of the contention that the use of the structure is a "home occupation" it is relevant to note that the definition of "home occupation" has changed from what was provided in Hawkesbury LEP 1989 to the definition now provided in the Standard Instrument Local Environmental Plan template which the Hawkesbury LEP 2012 follows. The current provision is detailed in the report included as Attachment 2. This required a thorough analysis of the definition, including obtaining legal advice, before the application could be reported to Council.

Having regard to the above, and the circumstances surrounding the application, it was considered that it would be appropriate for an independent assessment of the application to be undertaken. For this purpose the Acting General Manager of Blacktown City Council was contacted and agreed to a member of that Council's planning staff, under her supervision, reviewing the report and subsequently undertaking an independent assessment of the application.

As a result, included as **Attachment 1** to this report is the independent assessment report undertaken by Blacktown City Council. Effectively, this is an information only report. It will be noted that this report mainly addresses the issue of the permissibility of the gymnasium as a "home occupation". The report concludes that the use of the structure as a gymnasium does not require Council's consent as it is a "home occupation" in the terms of the Hawkesbury LEP 2012. The report also suggests that the application for the structure could be granted consent subject to a separate assessment by Council in relation to whether or not the structure is suitable in the terms of Council's DCP provisions, namely a merit assessment of the shed on the basis that its use does not require consent as it is a "home occupation".

Based upon the conclusion drawn in the independent assessment undertaken by Blacktown City Council that the use as a gymnasium is a "home occupation" Council's staff have undertaken an assessment of the structure based upon the provisions of the Council's DCP and as recommended in the independent assessment. The assessment of the structure is included as **Attachment 2** to this report. This is a planning report for determination.

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Planning Decision

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

RECOMMENDATION:

That:

1. The independent review report contained in Attachment 1 be received.
2. The planning report regarding development application DA0111/13 at Lot 263 DP 751665, 3 Hendrens Road, Ebenezer for a Retrospective Application – Structure Ancillary to a Dwelling contained in Attachment 2 be considered by Council.

ATTACHMENTS:

- AT - 1** Independent Review Report
- AT - 2** DA0111/13 – Development Report
- AT - 3** Location Plan and Aerial Photograph
- AT - 4** Site Plan
- AT- 5** Floor Plan and Elevations
- AT- 6** Internal Floor Layout

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AT - 1 Independent Review Report



Blacktown City Council Independent Report for Hawkesbury City Council

DA No:	DA-0111/13
Proposed Development:	Retrospective Application for a Structure Ancillary to a Dwelling and Use as a Gymnasium
Lodgement Date:	26 February 2013
Land/Address:	Lot 263, DP751655, No.3 Hendrens Road, Ebenezer
Land Zoning:	RU2 – Rural Landscape pursuant to the Hawkesbury Local Environmental Plan 2012
Value Of Development:	\$60,000
Applicant:	Urban City Consulting
Report Author:	Glenn Apps, Team Leader Regulatory Planning
Instructing Officer:	Glennys James, Acting General Manager
Date:	24 May 2013

ASSESSMENT REPORT

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1 Executive Summary

This report has been prepared by Blacktown City Council at the request of the General Manager of Hawkesbury City Council, Mr Peter Jackson, to provide an independent assessment of the subject Development Application (DA).

This report has been prepared by Mr Glenn Apps, Team Leader Regulatory Planning with Blacktown City Council.

Hawkesbury City Council is in receipt of a (DA) from Urban City Consulting for the retrospective approval of a structure ancillary to a dwelling containing a gymnasium at No.3 Hendrens Road, Ebenezer.

The proposed development has a Capital Investment Value of \$60,000.

The proposal comprises a building which contains a range of fitness equipment that is used by the occupants for their own personal use as well as in conjunction with a personal training business.

2 Scope and Limitations of this Report

2.1 The author of this report has had regard to the material submitted with the DA, as well as the Hawkesbury Local Environmental Plan 2012 and the Standard Instrument Local Environmental Plan. The author has not had regard to the application of SEPPs that might apply to the land.

2.2 The author has read and had regard to legal advice from Pikes and Verekers Lawyers dated 8 March 2013 which concludes:

"If Council is satisfied that the use fits within the description of a Home Occupation as defined in the LEP, then the use is permitted without consent without any further enquiry."

2.3 The author has not attended the site for the purposes of a site inspection and relies on information contained in the Statement of Environmental Effects. An overview of the subject land and surrounds was carried out using online mapping tools which was considered sufficient for the purposes of this report.

2.4 This report does not contain basic facts as to the site, such as its location, size and context.

2.5 This report is limited to providing an assessment of the use of the building for the gymnasium purpose. This report does not assess the merits of the building itself. It is considered more appropriate that Hawkesbury City Council carry out a separate merit assessment of the building, having regard to other similar DAs and any variations to size limits previously determined under Council's policies.

3 The Proposal

3.1 Hawkesbury City Council is in receipt of a Development Application (DA) from Urban City Consulting for the retrospective approval of a structure ancillary to a dwelling that was constructed sometime between 2011 and 2012.

3.2 A copy of the plan referred to in the preparation of this report is contained in Section 4 below.

3.3 The building contains a range of fitness equipment that is used by the residents of the subject property for their own fitness and recreational purposes as well as in conjunction with the residents' personal training business.

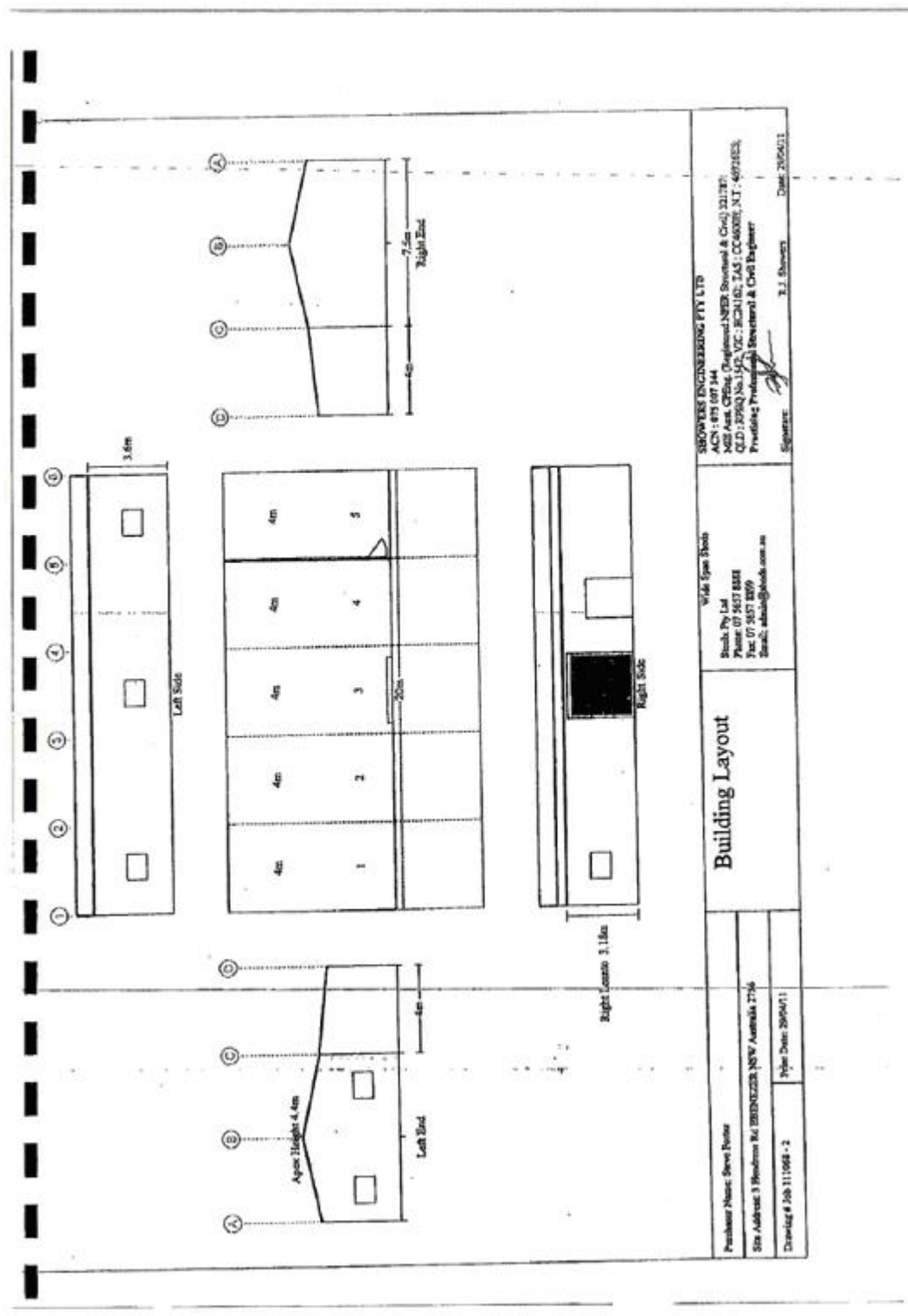
3.4 The building has dimensions of 20m x 7.5m with a 4m wide open awning along the front. The building has an enclosed floor space of 120sqm with an open bay of 30sqm.

3.5 The highest point of the roof of the building is 4.4m above the finished ground level.

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4 Plans



5 Provisions of the Hawkesbury Local Environmental Plan 2012

5.1 The subject land is zoned RU2 – Rural Landscape pursuant to the provisions of the Hawkesbury Local Environmental Plan 2012.

5.2 The zoning table for the RU2 zone is as follows:

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses in the zone and land uses in adjoining zones.
- To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.
- To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.
- To preserve the river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality.
- To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.

2 Permitted without consent

Bed and breakfast accommodation; Environmental protection works; Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Boat sheds; Building identification signs; Business identification signs; Cemeteries; Charter and tourism boating facilities; Crematoria; Dual occupancies (attached); Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Helipads; Home-based child care; Home industries; Jetties; Landscaping material supplies; Moorings; Places of public worship; Plant nurseries; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Water recreation structures; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

5.3 As a first step, it must be noted that there are 2 separate components to the DA, as follows:

- i. The structure ancillary to the existing dwelling on the land; and
- ii. The use of that building for the purposes of personal training.

5.4 A structure ancillary to a dwelling is permissible and is not considered antipathetic to the objectives of the zone, however the author has not had regard to the size or siting of the

building and considers that these matters should be subject to a merit assessment by Hawkesbury City Council.

- 5.5 The carrying out of the gymnasium activity is likewise not considered to be antipathetic to the objectives of the zone, however the issue of permissibility is given further interrogation below.

6 Assessment

- 6.1 There are 2 definitions contained within the Hawkesbury Local Environmental Plan 2012 that could apply to the activity. Those definitions are **recreation facility (indoor)** and **home occupation**, which are defined respectively as follows:

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

home occupation means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

- 6.2 It is understood that the gymnasium equipment is used by residents of the subject land for their own fitness and recreational purposes and is also used by the residents of the subject land in conjunction with their personal training business.
- 6.3 The gymnasium use falls within the definition of a **recreation facility (indoor)** which is a prohibited use, however the use also falls within the definition of a **home occupation** which is permissible without consent.
- 6.4 It is clear that the activity comprises a "building" that is predominantly used for indoor recreation as a gymnasium and as such could be considered as a **recreation facility (indoor)**.
- 6.5 It is also reasonable that the activity falls within the definition of a **home occupation**. The residential use of the land is the dominant use. The operation of the personal training business is ancillary to the residential use of the land.
- 6.6 The author understands that the personal training business employs only residents of the subject land, and by virtue of the nature of the activity would not interfere with the amenity of the surrounding area by way of noise, water or air pollution. It is assumed the activity would not generate traffic out of keeping with the amenity or character of the local area, however this is something that is not detailed in the Statement of Environmental Effects and is

something that Council would need to be convinced of. Notwithstanding, being a personal training business, it is expected that the activity would operate on an appointment basis and visitor movements would be controlled accordingly.

- 6.7 The owner could construct a structure that is ancillary to an existing dwelling and, once built, place a home gym in the building for their personal use. The placement of the gym equipment within the building for their personal enjoyment is not at issue.
- 6.8 Providing that the operation of the activity can meet those tests contained within the definition of a **home occupation**, the activity can reasonably be considered as a **home occupation** and does not need consent.
- 6.9 The principle that must be applied when dealing with activities that fall within 2 definitions is to adopt the definition that is the less onerous. Therefore it does not matter that the activity could fall within the definition of a **recreation facility (indoor)** when that activity also falls within the definition of a **home occupation**, providing of course Council is convinced that the use meets the tests contained within the definition of a **home occupation**.
- 6.10 It must be understood that a business activity can be carried out at different scales. A business that is carried out on a small scale, i.e. by a resident or residents of a dwelling and whose activity generates little or no visitors, could be considered as a **home occupation**. When that activity grows to involve the employment of no more than 2 non-residents, the activity falls within the definition of a **home business**. Should that activity grow beyond that, it would be subject to other definitions such as **commercial premises**.
- 6.11 The tests contained within the definitions of **home occupation** and **home business** must be applied to determine whether an activity reasonably fits those categories and, if it does not, then one applies the next higher definition.
- 6.12 To illustrate this principle, one could carry out an office for the purposes of an accountancy practice as a **home occupation** from a residential or rural property. Ordinarily an accounting practice would be considered as **commercial premises** and would be prohibited within residential or rural zones. However, one could reasonably carry out an accounting practice as a **home occupation** where only residents were employed and the other tests contained in the definition were satisfied.
- 6.13 It must therefore be accepted that there are questions of scale that need to be applied, otherwise the definitions of **home occupation** and **home business** would be redundant.
- 6.14 It is the opinion of the author that the activity is not of a scale that triggers the definition of **recreation facility (indoor)**. Rather, it is considered that the use reasonably falls within the definition of a **home occupation** and is therefore permissible without consent subject to Council being satisfied as to the merit tests contained within the definition.

7 Progressing the Development Application

- 7.1 On the basis that this report concludes that the gymnasium activity comprises a **home occupation** and thus is permissible without development consent, that leaves the merits of the building to be considered.

- 7.2 Providing the Council satisfies itself as to the merits of the structure ancillary to the dwelling, including issues of siting and size, the current DA can be granted consent and the Applicant lodge a Building Certificate Application under Section 149A of the Environmental Planning and Assessment Act 1979 to cover the structural appropriateness of the building itself.
- 7.3 This report recommends that Council endorse that course of action.
- 7.4 If upon carrying out a merit assessment of the building the Council considers that the building is unable to be granted consent as an appropriate structure in the zone based on location and size, Council could seek Orders for the demolition of that building.
- 7.5 In the event that the personal training activity is found to be creating impacts by way of noise, traffic movements or other externalities, the Council may either Order that the use be restrained so that it continues to meet the definition of a **home occupation** or cease on the basis that it no longer meets that definition and would therefore be considered a **recreation facility (indoor)** which is a prohibited use.

8 Section 79C Consideration

- 8.1 Although this report concludes that the gymnasium and personal training business constitutes a **home occupation** and thus does not require consent, an assessment against the Heads of Consideration contained in Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken in order to justify that conclusion. That consideration is summarised below:

Heads of Consideration 79C	Comment	Satisfactory
<p>a. the provisions of:</p> <p>(i) any environmental planning instrument (EPI)</p> <p>(iii) any development control plan</p> <p>(iiia) any planning agreement</p> <p>(iv) the regulations</p>	<p>The author has not carried out an assessment of the DA against any SEPPs that might apply to the property.</p> <p>The building and gymnasium are not considered antipathetic to the objectives of the RU2 – Rural Landscape zone applicable to the subject land.</p> <p>The activity could reasonably be considered as a home occupation which is permissible without consent on land so zoned.</p> <p>The Council would need to carry out an assessment against the provisions of any Development Control Plan that might apply to the rural shed structure and consider any variations accordingly.</p>	Yes
<p>b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</p>	<p>The building and the activities contained within are not considered to be of a scale or nature that would cause any impacts by way of pollution or excessive traffic.</p> <p>It is not considered that the activity will create adverse economic impacts.</p>	Yes

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c. <i>the suitability of the site for the development</i>	<p>The siting of the building on the subject land is considered sufficient to ensure the activities will not cause any adverse impacts on adjoining or nearby land.</p> <p>Notwithstanding, it is considered appropriate that the Council undertake an assessment of those merit issues. In the event that the building fails on merit, Orders can be issued for the demolition of the building.</p>	Yes
d. <i>any submissions made in accordance with this Act or the regulations</i>	The author is advised that no submissions were made in relation to this DA.	Yes
e. <i>the public interest</i>	It is considered that the proposal is in the public interest in that it provides for a small scale start-up business which creates benefits for society in that people are able to work from their home.	Yes

9 Recommendation

It is recommended that the Council endorse the following course of action with respect to DA-0111/13 for the retrospective approval for a structure ancillary to an existing dwelling and its Use as a Gymnasium at Lot 263, DP751665, No.3 Hendrens Road, Ebenezer:

1. DA-0111/13 be granted consent for a structure ancillary to a dwelling subject to conditions as appropriate following the separate assessment by Council that the structure is suitable in terms of the Development Control Plan provisions relating to size and location.
2. A Building Certificate Application pursuant to Section 149A of the Environmental Planning and Assessment Act 1979 be requested for the building on the subject land should the Council issue consent pursuant to 1. above.
3. Council acknowledge the use of the building as a *home occupation* which does not require consent.



GLENN APPS
TEAM LEADER REGULATORY PLANNING

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AT - 2 DA0111/13 – Development Report

Development Information

File Number: DA0111/13
Property Address: 3 Hendrens Road, Ebenezer
Applicant: Urban City Consulting Pty Limited
Owner: Mrs JM Porter, Mr RH Porter, Mr SR Porter
Proposal Details: Retrospective Application – Structure Ancillary to a Dwelling
Estimated Cost: \$60000.00
Zone: RU2 Rural Landscape
Date Received: 26/02/2013
Advertising: 8/03/2013 - 22/03/2013

Key Issues:	♦ Unlawful building work
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Recommendation: Refusal

Introduction

A Development Application has been lodged seeking retrospective consent for a 230 square metre building. The building contains a business (known as “Porters Gym”) that is run by the owner/occupants of the land and is being used as a personal training gymnasium for the occupants as well as members of the public. As noted in the independent review report, the use has been categorised as a “home occupation” and does not require development consent. Hence this application only seeks retrospective development consent for the building as a “structure ancillary to a dwelling”.

The development application is being reported to Council both at the request of Councillor Paine and as the property in question is partly owned by a councillor, namely, Councillor Porter.

REPORT:

Description of Proposal

Council is in receipt of a Development Application (DA) seeking retrospective consent for a building constructed adjoining an existing approved farm shed on the subject land.

The new building is 20 metres long by 11.5 metres wide which is inclusive of a 4 metre wide awning which runs the full length of the building. The new building is 4.4 metres high above ground level and has a total area of 230 square metres (including an 80 square metre awning).

Internal access to the building is gained through a single centrally located roller door and a personal access door. Various windows are also provided to the building.

The form, colours and materials of the new building are consistent with the existing farm shed i.e. “Classic Cream” and “Ironstone”. Stormwater is connected to a water storage tank.

The land contains an existing farm shed and a dwelling house. The existing farm shed is approximately 120 square metres in floor area and 4.4 metres high to the ridge. The dwelling was re-sited on the subject land in 1993. The existing farm shed and dwelling house are both approved developments as shown below.

A small mezzanine level also exists within the building for the purposes of storage of equipment as well as support for various training equipment. A bathroom containing a toilet, shower and hand-wash basin also exists within the building.

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The use of the building as a gymnasium is classified as a “home occupation”. Hence development consent is not required for the use of the building. This application therefore only seeks retrospective development approval for the building itself.

Previous Approvals

- 1992 – DA0347/92 - Approval granted for a tyre land-filling operation.
- 1993 – BA1467/93 - Approval granted for the placement of a re-sited dwelling on the land.
- 2003 – DA1463/03 – Approval granted for a farm shed. The farm shed is being used for the purposes of storage of machinery and equipment.

History

- August/September 2011 - construction of the building commenced without approval
- January/February 2012 - work was completed
- March 2012- the use of the building as a gymnasium commenced
- November 2012 – Council officers inspected the site in response to a complaint
- 10 December 2012 – Council wrote letters to the land owner to remove, or seek approval for the unauthorised building and also for the unauthorised use of the building as a gymnasium.
- 18 December 2012 – The consultant engaged by the land owners (in response to Council's letter dated 10 December 2012) indicated an intention to prepare a development application seeking approval for “...extensions to the existing rural shed...”.
- 18 December 2012 – In a separate letter of the same date (in response to Council's other letter dated 10 December 2012), the consultant disputed the characterisation of the land use.
- 15 January 2013 – The applicant and owner discussed the application with senior officers and the Mayor at a meeting in Council's offices.
- 26 February 2013 – The subject application (DA111/13) was lodged seeking approval for the building only.
- March - April 2013 – legal advice was sought and received on this matter
- May 2013 – an independent review of the application was undertaken

Legislation, Policies, Procedures and Codes to Which the Matter Relates

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Sydney Regional Environmental Plan No 20
Hawkesbury Local Environmental Plan 2012
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:

State Environmental Planning Policy (Exempt and Complying Development Codes)2008

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Division 1 General Exempt Development Code

Subdivision 16 Farm buildings and structures

2.31 Specified development

The construction or installation of a farm building or other structure used for the purpose of an agricultural activity is development specified for this code if it is:

- (a) constructed or installed on land in Zone RU1, RU2, RU3 or RU4, and*
- (b) not constructed or installed on or in a heritage item or a draft heritage item.*

2.32 Development standards

- (1) The standards specified for that development are that the development must:*

- (a) be not higher than 7m above ground level (existing), and*
- (b) not have an area of more than:*

- (i) if it is a stockyard—0.5ha, or*
- (ii) if it is any other building or structure—200m², and*

- (c) be located at least 20m from the primary road frontage of the lot and at least 10m from the other lot boundaries, and*
- (d) not be constructed or installed within 50m of a dwelling on an adjoining property, and*
- (e) be located at least 50m from a waterbody (natural), and*
- (f) to the extent it is comprised of metal components—be designed by, and constructed in accordance with the specifications of, a professional engineer, and*
- (g) to the extent it is a silo—not be fitted with a motorised fan for aeration or drying purposes.*

- (2) If the development is a shipping container, there must not be more than 1 shipping container per lot.*

The applicant has indicated that the building is a 'rural shed'. However, as shown above, Subdivision 16 Farm Buildings of the Exempt and Complying SEPP only relates to a *farm building* that is being used for the purpose of an agricultural activity or ancillary to such an agricultural activity. In this case, an agricultural use of the property is not being undertaken as detailed in the Statement of Environmental Effects and is used for a "Home Occupation – Gymnasium"

Hence the building is being considered as a "Structure Ancillary to a Dwelling" and is permitted subject to development consent as discussed later in this report.

Sydney Regional Environmental Plan No 20

The aim of this Plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring the impacts of future land use are considered in the regional context. General and specific matters for consideration, specific planning policies and recommended strategies and development controls, which are to be considered in the assessment of development applications, are included in the policy.

The proposal is unlikely to result in any significant adverse environmental impacts on any downstream local government areas. It is also unlikely that the proposal will have an impact on the water table or result in the formation of acid sulphate soils.

The proposed works are in an area previously cleared. It is considered that there will be no significant adverse impact on flora and fauna species, populations or habitats.

The proposal is generally consistent with the matters for consideration, specific planning policies and recommended strategies and development controls contained within the Plan.

Hawkesbury Local Environmental Plan 2012 (LEP 2012)

Before Council can consider the merits of a proposal, the Council must first consider the permissibility of a development or activity and the intent of the relevant Statutory Environmental Planning Instrument.

Clause 1.2 - Aims of Plan

The aim of Clause 1.2 (2)(a) of LEP 2012 is *to provide for the management, orderly and economic development and conservation of land in Hawkesbury*. This Clause requires that the orderly development of land is to occur and be managed through the implementation of the remainder of the LEP provisions.

Land Use Table

The subject land is zoned RU2 Rural Landscape.

The objectives of the RU2 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses in the zone and land uses in adjoining zones.
- To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.
- To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.
- To preserve the river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality.
- To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.

Comment:

The activity is a “home occupation” within a building constructed as ancillary to the existing dwelling and is therefore permitted without consent in the zone. Therefore this application is only for consideration of the building itself as a “Structure Ancillary to a Dwelling”.

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The building is considered not to have an adverse effect on the immediate surrounds. The building is not in conflict with the zone objectives and is permitted within the zone with consent.

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

There are no draft Environmental Planning Instruments that affect the land.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (DCP) applies to the land.

The building form is generally consistent with the provisions of the Rural Shed Chapter of Hawkesbury Development Control Plan with some minor exceptions as discussed below.

Clause 8.2.1 Siting

The building is not considered to be visually dominant as the structures on site are grouped together. This is a traditional character of rural development where buildings on large properties were clustered together to not only gain efficiencies in operation but to make the most efficient use of available land for agriculture and grazing.

The siting of the building is not considered to be visually prominent or cause unnecessary disturbance to the natural environment.

The existing approved building and subject building are grouped a considerable distance from Hendrens Road (approx. 280 metres) such that the building being located closer to the road than the dwelling is acceptable.

Clause 8.2.2 Size

The DCP provisions require an applicant to justify the size of any rural building that exceeds 170 square metres in area. The existing approved farm shed has an approximate floor area of 120 square metres and the subject building has a floor area of 230 square metres. The total floor area of buildings (not including the dwelling) is 350 square metres.

The applicant has not provided any justification for the size of the building (under Rule (b) of the DCP) other than it is being used for the purposes of a gymnasium.

It may not be unreasonable to permit a building of the size proposed on this land given the size of the property (10.5 Ha) if the use of the structure is associated with an agricultural use of the land, however that is not the case for this building and its use. The DCP intent is that a justification for a variation for the building size be based upon a rural land-use that requires the additional floor area. In this case, the use of the building has no relationship to an agricultural use of the land and the variation in size is therefore not justified.

Clause 8.2.3 Height

The height of the building is consistent with the height of the existing building (being 4.4 metres to the ridge) and complies with the DCP provision in this regard.

Clause 8.2.4 Form

The form of the building is consistent with the existing development on the site and is not considered to dominate the landscape. The form is considered to comply with the provisions of the DCP in this regard.

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Clause 8.2.5 Colour

The colour of the building is consistent with the existing building being 'Classic Cream' walls and roof and the roller door is 'Ironstone' (dark grey). The colours comply with the provisions of the DCP in this regard as they match existing buildings.

Clause 8.2.7 Landscaping

No landscaping has been proposed. The site is located a considerable distance from adjoining boundaries and there is existing native vegetation on the site which assists with screening and softening the visual impact of the development.

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 is no such Planning Agreement in force.

v. Matters prescribed by the Regulations:

There are no prescribed matters that unduly affect 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 use of the building as a gymnasium and its potential impacts are not considered under this application as the land use is exempt development.

The building's size, location, materials and colour do not have an adverse impact on the environment.

c. Suitability of the site for the development:

The building has been constructed adjacent to an existing building and the area developed is the most appropriate area to position an additional building as it is located on the highest and flattest part of the land. No trees were required to be removed as part of the development.

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

No submissions received.

e. The Public Interest:

The building generally complies with the relevant policies for rural buildings however the overall size of the building is in excess of that permitted by the DCP. Hence it is inconsistent with Council's DCP to support a variation to the maximum building size permitted when the use of the shed is not for an agricultural purpose.

If the development application is not supported, compliance action would be taken to enforce the Council's decision. However should the development application be supported it would be relevant to impose conditions of approval relating to a range of matters including requiring a building certificate to be submitted as the structure has not been certified.

Conclusion:

The proposed size of the additional shed has not been able to be satisfactorily justified based on the use of the land. It is therefore recommended that the building being used as a "structure ancillary to a dwelling" not be supported.

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Developer Contributions

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

Planning Decision

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

RECOMMENDATION:

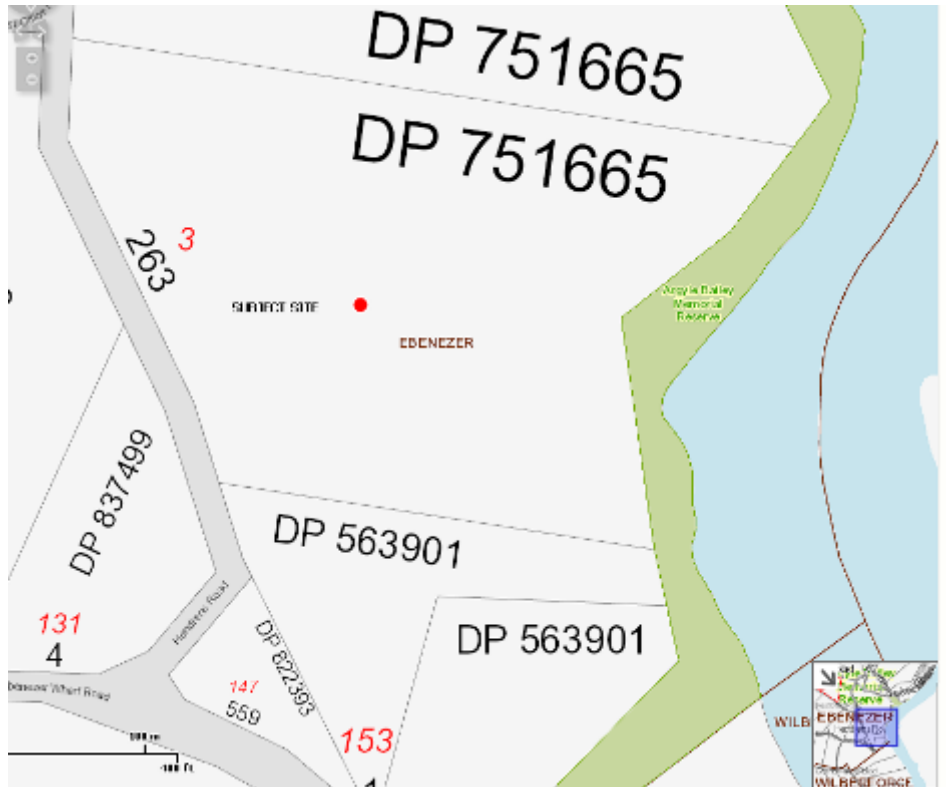
That development application DA0111/13 at Lot 263 DP 751665, 3 Hendrens Road EBENEZER NSW 2756 for Retrospective Application – Structure Ancillary to a Dwelling be refused for the following reasons:

1. The development is inconsistent with the provisions of the Development Control Plan.
2. Approval of the development may create an undesirable precedent which is contrary to the Environmental Planning and Assessment Act 1979 and not in the public interest.

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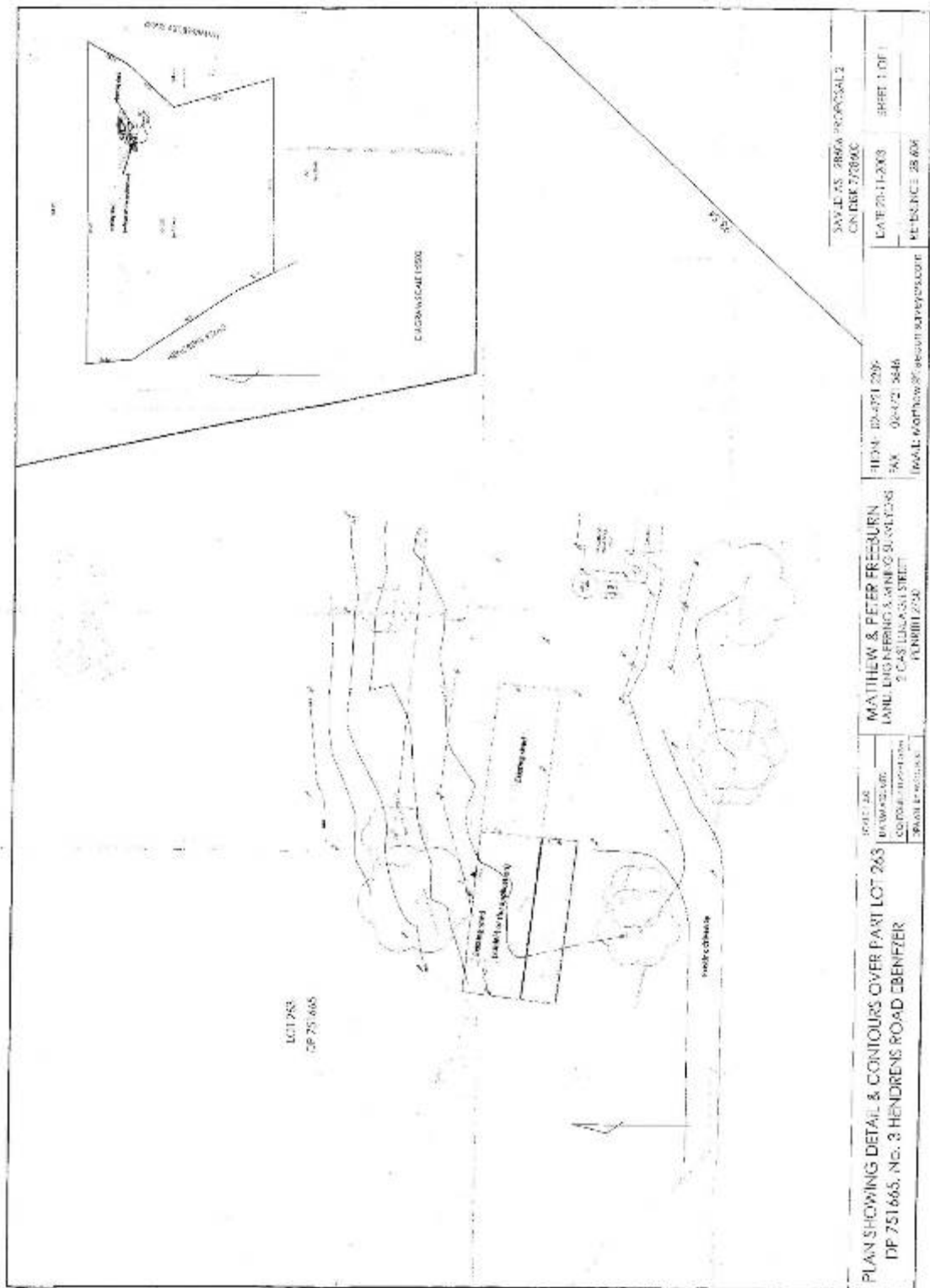
AT - 3 Location Plan and Aerial Photograph



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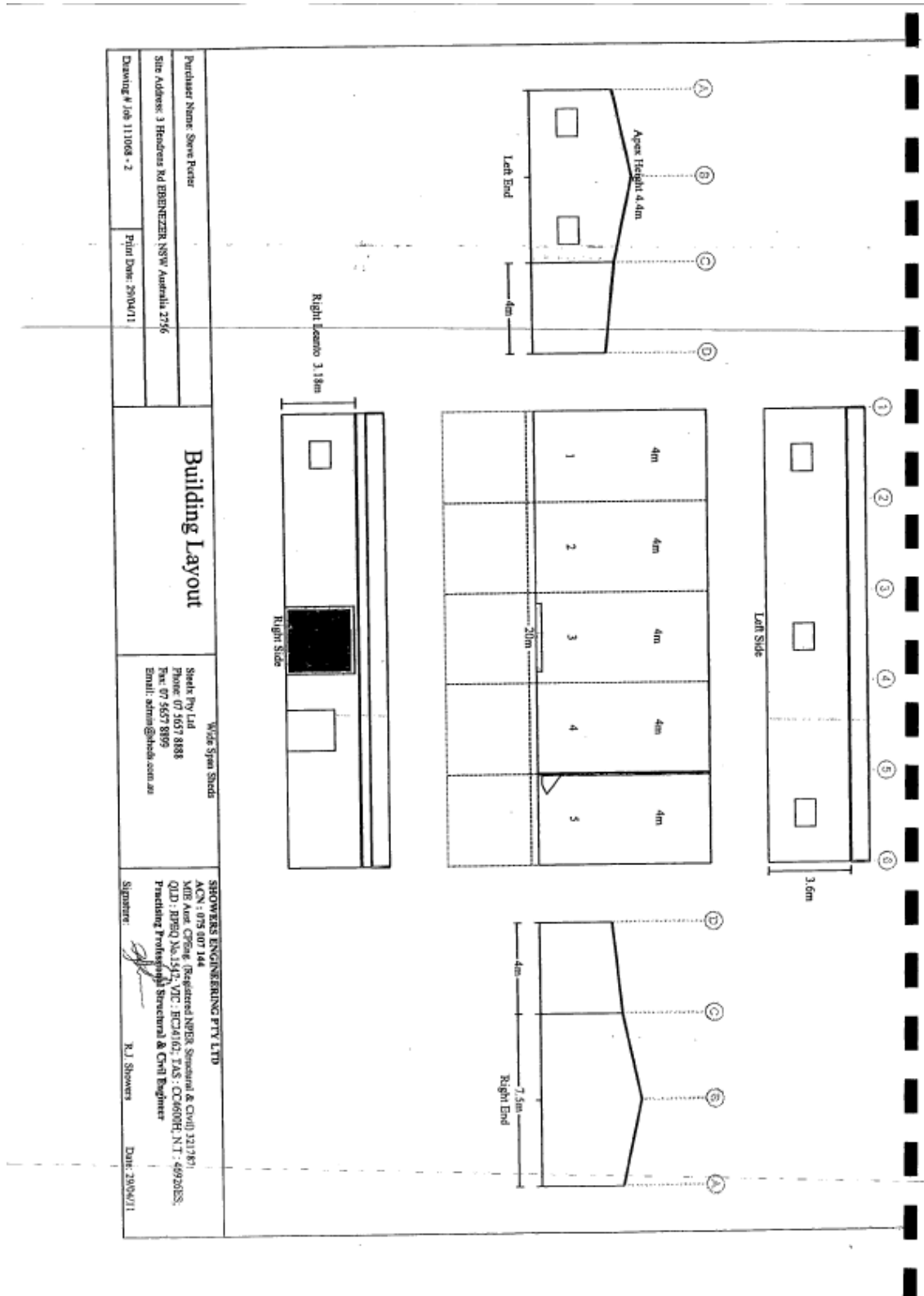
AT - 4 Site Plan



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AT- 5 Floor Plan and Elevations



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CITY PLANNING

Item: 112 **CP - DA0548/12 - 288 Packer Road, Blaxlands Ridge - Lot 185 DP 751656 - Cemetery - (95498, 14876, 85782)**

Development Information

File Number: DA0548/12
Property Address: 288 Packer Road, Blaxlands Ridge
Applicant: Urban City Consulting Pty Ltd
Owner: Mr EF & Mrs CM Stuut
Proposal Details: Cemetery
Estimated Cost: \$690,000
Zone: RU1 Primary Production
Date Received: 14 November 2012
Advertising: 29 November to 12 December 2012

Recommendation: Refusal

REPORT:

A development application was received 14 November 2012 seeking concept approval for a cemetery, as well as stage 1 of the development.

The proposed cemetery development involves the construction of an administration building, machinery and storage shed, car parking, internal access roads and a total of 9923 burial plots to be developed in 4 stages:

Stage	No. of Burial Plots	Development
1	1460	Administration building, shed, carparking, access road
2	2236	Carparking and access road
3	3037	Carparking and access road
4	3190	Carparking and access road

The Applicant is seeking an approval for a staged development in accordance with Section 83B of the Environmental Planning and Assessment Act, 1979.

Assessment of the proposal highlights the following relevant issues for consideration in the determination of the application:

Potential contamination of water table and watercourses/wetlands
Stormwater & water quality impacts
Flora and fauna impacts
Traffic impacts
Ecologically sustainable development principles

The application is supported by:

- Statement of Environmental Effects prepared by Urban City Consulting, dated September 2012;
- Bushfire Report, Ref 12.04.42, prepared by Control Line Consulting, dated 16 May 2012;
- Flora and Fauna and Assessment of part of Lot 185, DP 1751656, 288 Packer Road, Blaxlands Ridge, New South Wales, prepared by Trevor J. Hawkeswood, dated 8 March 2012;
- Letter prepared by Trevor J. Hawkeswood, received 8 April 2013;

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- On-site Wastewater Management Report, Ref: REF-5612-A, prepared by Envirotech, dated 16 October 2012;
- Preliminary Groundwater Assessment, Ref: REF-81013-A, prepared by Envirotech, dated 1 April 2013;
- Traffic and Parking Assessment Report, Ref 13024, prepared by Varga Traffic Planning P/L, dated 7 March 2013

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

The application was publicly notified from 23 November 2012 to 25 January 2013. 458 submissions were received; 457 objecting to the development and 1 in support. 16 petitions containing a total of 2226 signatures were submitted. A summary of the matters raised in the submissions follows:

- Water Pollution – Impact on wetland, watercourses, groundwater
- Flora and Fauna – Impact on Koala habitat, Wollemi National Park
- Community/Social – Potential for discrimination, separatism, crime
- Traffic – Traffic generation, condition of roads
- Precedent for further ancillary development
- Property values – impact upon surrounding values

Cemeteries are a permissible landuse on this site and the proposal has some merit having regard to the proposed location of the burial plots within previously cleared areas on the site. However the application fails to demonstrate the suitability of the site for a cemetery having regard to soil conditions of the land, the location of nearby watercourses and wetlands, and the depth of the water table.

This report highlights that the application does not provide adequate information to assess the likely impacts of the development in respect to potential contamination of groundwater, watercourses and wetlands, flora and fauna impacts and stormwater management.

As a result it is recommended that the application be refused.

History

14 November 2012 – Development application received.

23 November 2012 – Public exhibition commences. Submission period ends 25 January 2013

13 December 2012 – Council requests additional information (including ground water assessment, flora and fauna, traffic, cultural heritage, cemetery operation and burial methods) and noted the nature of submissions being made.

1 April 2013 – Applicant and client met with Council officers to discuss the application and discuss Council's additional information request

9 April 2013 – Applicant and client met with Council officers to submit and discuss additional information. Council officers advised that the intergenerational management/perpetuity of the cemetery still needed to be addressed.

12 April 2013 - Applicant submits details of the management of the cemetery in perpetuity.

2 May 2013 - Council requests the applicant to clarify the depth of soil and the height of the water table.

10 May 2013 - Additional geotechnical information provided.

Description of Proposal

The application seeks approval for a cemetery to accommodate a maximum of 9923 burial plots and the development is proposed to be carried out in four stages. The Applicant requests a staged approval involving, initially, approval of a Master Plan for the cemetery and approval of Stage 1.

Stage 1

- Construction of an administration building with a floor area of 66m², having dimensions of 11m by 6m, and a total height of approximately 4.4m.

The administration building will include a waiting/reception area, office, kitchenette and a male toilet and a unisex, accessible toilet.

No details have been provided in regard to the construction materials, external finishes or colours of the administration building.

- Construction of a machinery and storage shed with a floor area of 216m², having dimensions of 18m by 12m, and a total height of 6m.

No details have been provided in regard to the construction materials, external finishes or colours of the machinery and storage shed.

- Construction of a car park to accommodate 65 car spaces.
- Construction of internal driveway.
- 1460 burial plots.

It is noted on the submitted plans for Stage 1 that a manager's residence and amenities (toilet) building are proposed in the future and are subject to a separate development application.

Stage 2

- Construction of car parking for 10 cars
- Extension of internal driveway
- 2236 burial plots.

Stage 3

- Construction of car parking for 57 cars
- Extension of internal driveway
- 3037 burial plots

Stage 4

- Construction of car parking for 44 cars
- Extension of internal driveway
- 3190 burial plots

Burial Process

The applicant's information estimates that a burial will occur approximately once per 10 days (36 per year). The Applicant also estimates that on average 30 to 40 people will attend the cemetery for the burial service after the main service is carried out elsewhere (at a Mosque within metropolitan Sydney). The burial service is completed in approximately 1 hour, and it is not a normal practice to have a wake at the cemetery.

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Bodies will be buried within concrete grave boxes (not an encased coffin). These grave boxes are stacked two to a burial plot. There is no base to the boxes and the body is placed on the ground. It is noted that application for exemption to Clause 63 of the Public Health Regulation 2012 needs to be made to NSW Health for burials without a coffin.

The applicant predicts that 10 to 13 vehicles per burial will visit the site, and proposes to provide a total of 176 car spaces for the development as follows:

Stage	No. of Burial Plots	Parking Spaces
1	1460	65 spaces
2	2236	10 spaces
3	3037	57 spaces
4	3190	44 spaces
Total	9923	176 spaces

Description of the Site and Surrounds

The proposed development would be located within previously cleared areas within Lot 185 DP 751656, 288 Packer Road, Blaxlands Ridge, which is 36.12 ha in area. The property is rectangular in shape, with the fall of the land to the rear of the property.

The subject land contains a shed and four dams. The land has been previously used for the purposes of grazing, however is currently vacant.

The Wollemi National Park is located approximately 2.8kms to the west of the property. A number of natural drainage lines exist on the land that drain to Roberts Creeks and Halls Swamp located on adjoining land to the south of the subject property.

Relevant Policies, Procedures and Codes

- State Environmental Planning Policy No. 44 – Koala habitat
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River
- Hawkesbury Local Environmental Plan 2012
- Hawkesbury Development Control Plan 2002
- S94A Development Contribution Plan

Environmental Planning and Assessment Act, 1979

The Applicant is seeking an approval for a staged development in accordance with Section 83B of the Environmental Planning and Assessment Act, 1979:

83B Staged development applications

- 1) *For the purposes of this Act, a "staged development application" is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The application may set out detailed proposals for the first stage of development.*
- 2) *A development application is not to be treated as a staged development application unless the applicant requests it to be treated as a staged development application.*
- 3) *If consent is granted on the determination of a staged development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:*

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- a) *consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
- b) *the staged development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*
- 4) *The terms of a consent granted on the determination of a staged development application are to reflect the operation of subsection (3).*

The applicant has requested that this application be treated as a staged development application in accordance with Section 83B (2) of the Environmental Planning and Assessment Act, 1979. If consent was granted, separate development applications would be required for Stages 2, 3 and 4 of the proposed development, and the requirement for separate applications would need to be included in any such consent.

Section 79C Matters for Consideration

In determining the application, the following matters are relevant:

a. The provisions (where applicable) of any:

i. Environmental Planning Instrument:

The relevant environmental planning instruments are:

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The 'Flora and Fauna Survey and Assessment' Report submitted identifies the site as being 'potential habitat', but not 'core koala habitat' as defined by State Environmental Planning Policy No. 44. However the 'Flora and Fauna Survey and Assessment' Report is not consistent with the Threatened Species Assessment Guidelines (Department of Environment and Climate Change) and therefore cannot be relied upon in regard to being an adequate survey for identifying the presence of koalas. The adequacy of the 'Flora and Fauna Survey and Assessment' Report is discussed later in this report (See Flora and Fauna Section).

State Environmental Planning Policy No. 55 - Remediation of Land

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

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

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

Specifically Clauses 6(1), 6(2), 6(3), 6(4), 6(5), 6(6) and 11(17) of the Plan applies to the proposal and have been considered in the table below:

Specific Planning Policies and Recommended Strategies	Compliance	Comment
Total Catchment Management	No	The information submitted does not demonstrate that the proposed development will not have a significant impact on the local catchment of Roberts Creek in respect to water quality as discussed further in this Report.

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Specific Planning Policies and Recommended Strategies	Compliance	Comment
Environmentally sensitive areas	No	The information submitted does not demonstrate that the proposed development will not have a significant impact on the adjoining Roberts Creek and wetland in respect to water quality as discussed further in this Report.
Water Quality	No	The information submitted does not demonstrate that the proposed development will not have a significant impact in respect to water quality of watercourses, wetlands and groundwater as discussed further in this Report.
Water Quantity	No	The information submitted does not demonstrate that the proposed development will not have a significant impact on the level and quality of the water table as discussed further in this Report.
Cultural heritage	Yes	The Deerubbin Local Aboriginal Land Council advised that they have " <i>no objection to future development of 288 Packer Road, Blaxland Ridge on the grounds of Aboriginal cultural heritage.</i> " The property is not a listed heritage item under HLEP 2012.
Flora and Fauna	No	The information submitted does not demonstrate that the proposed development will not have a significant impact on threatened flora and fauna species, populations or habitats, or endangered ecological communities as discussed further in this Report.
Development Controls	Compliance	Comments
Sewerage systems or works	Yes	The proposed onsite effluent disposal system is considered satisfactory having regard to the specific development controls of this Policy.

Hence the proposal does not demonstrate compliance with requirements of SREP No. 20.

Hawkesbury Local Environmental Plan 2012 (HLEP 2012)

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

Clause 1.2 Aim of Plan

The proposed development is considered to be inconsistent with the following aims of the Plan:

- c) *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,*
- d) *to protect and enhance the natural environment in Hawkesbury and to encourage ecologically sustainable development,*

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The Environmental Planning and Assessment Act, 1979 defines "ecologically sustainable development" to have the same meaning it has in section 6 (2) of the Protection of the Environment Administration Act 1991; being

"Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- a) *the precautionary principle-namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*

In the application of the precautionary principle, public and private decisions should be guided by:

- i. *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - ii. *an assessment of the risk-weighted consequences of various options,*
- b) *inter-generational equity-namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- c) *conservation of biological diversity and ecological integrity-namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- d) *improved valuation, pricing and incentive mechanisms-namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - i. *polluter pays-that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - ii. *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - iii. *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems."*

The application fails to demonstrate that the proposed development will not have adverse impacts on groundwater, the condition of nearby watercourses and wetland, or on threatened species and populations, endangered communities, or their habitats. The lack of information in respect to the potential for contaminated waters entering the water table, watercourses and wetlands in the locality results in uncertainty as to the potential impacts on biological diversity and ecological integrity and thereby the maintenance of the environment for future generations. Contaminated waters have the potential to negatively impact the health of waterways and the habitats they support.

In this respect, the proposed development is not considered to be ecologically sustainable development in that it is inconsistent with the principles of inter-generational equity and conservation of biological diversity and ecological integrity as described above. As a result, the proposal is inconsistent with objectives (c) and (d) of Hawkesbury Local Environmental Plan 2012.

Clause 2.2 Zoning of land to which Plan applies

The subject land is zoned RU1 Primary Production.

Clause 2.3 Zone objectives and Land Use Table

Subclause (2) requires in the determination of a development application that regard is given to the objectives of the zone. The zone objectives of the RU1 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

Comment: Whilst it is recognised that primary industries are the key intent of the zone, cemeteries are a permitted use.

- To encourage diversity in primary industry enterprises and systems appropriate for the area.

Comment: Cemeteries are a permitted landuse.

- To minimise the fragmentation and alienation of resource lands.

Comment: It is considered that the proposed development will not result in the fragmentation or alienation of resource land, as the subject land is predominantly surrounded by Crown Land.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Comment: The proposed development will not create any landuse conflicts in the area as the subject land is isolated as it is predominantly surrounded by undeveloped Crown land. Areas of bushland to be retained around the boundaries of the property will provide adequate buffers to private land to the south.

- To encourage agricultural activities that do not rely on highly fertile land.

Comment: Agricultural use of the land is not proposed.

- To ensure that development occurs in a way that does not have a significant adverse effect on water catchment, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.

Comment: The Applicant has not demonstrated that the use of the land for a cemetery will have no significant adverse impact on surface and groundwater quality, watercourses and wetlands. This is discussed later in this report (See Water Quality Section).

- To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.

Comment: Whilst the proposed development has been located in previously cleared/disturbed areas on the subject site, the applicant has not satisfactorily demonstrated that the proposed development will have no adverse impact on adjoining/nearby bushland, watercourses and wetlands, and thereby threatened species, populations or ecological communities as discussed later in this Report.

- To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.

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Comment: It is considered that the proposed development will have no negative impact on the existing scenic quality of the locality, as the existing agricultural character of the land will be maintained when viewed from Packer Road given the topography of the land, the nature of the cemetery (lawn cemetery) and the design and location of proposed buildings.

- To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.

Comment: The development will have no unreasonable impacts on the provision or extension of public amenities or services. It is considered that the proposed development is not inconsistent with the character of the locality.

Under the provisions of HLEP 2012 'cemetery' is defined to mean "a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services" 'Cemetery' is permissible with development consent in the RU1 Primary Production zone.

Clause 4.3 Height of buildings

This Clause restricts the maximum height of buildings to the height shown on the Height of Buildings Map. In this regard, the maximum height permissible is 10m. The administration building will have a total height of approximately 4.4m and the machinery shed will have a total height of 6m.

6.1 Acid sulphate soils

The subject land is within Class 5 as shown on the Acid Sulfate Soils Map. The proposed cemetery will be within 500m of a wetland shown as being within Class 4 on the Map, and the wetland has a level below 5mAHD. In accordance with this Clause, an acid sulphate soils management plan will be required if the works will lower the watertable below 1m AHD on the adjacent Class 4 land.

The application does not provide any details in respect to the likely impacts of the development on the watertable and hence the adjoining wetland. An acid sulfate soils management plan has not been submitted. As the likely impacts of the development on acid sulfate soils are unknown, the proposed development is considered to be inconsistent with this Clause.

Clause 6.3 Flood planning

A small portion of land located in the south eastern rear corner of the property has a level of land below the 1 in 100 year flood level (of approximately 12.6mAHD). The proposed development will not be located within this area. It is considered that the proposal is consistent with this Clause.

Clause 6.4 Terrestrial biodiversity

The development is located on land that is identified as 'Significant vegetation' and 'Connectivity between significant vegetation' on the Terrestrial Biodiversity Map, and therefore this Clause applies to the proposed development.

The proposed development is inconsistent with the requirements of this Clause in that the likely impacts of the development on the condition, ecological value and significance of flora and fauna on the property or adjoining land has not been satisfactorily demonstrated. This matter is discussed later in this report (See Flora and Fauna Section).

Clause 6.5 Wetlands

A wetland identified on the 'Wetlands Map' is located on properties to the rear of the subject land; in particular properties 1048C, 1048D, 1048E Putty Road, Blaxlands Ridge.

The proposed development is inconsistent with the requirements of this Clause in that the likely impacts of the development on groundwater or the adjoining wetland have not been satisfactorily demonstrated. This matter is discussed later in this report (See Flora and Fauna Section and Water Section).

Clause 6.7 Essential services

Services are available to the subject development and are considered adequate for the development.

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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 subject property or proposed development.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

The Hawkesbury Development Control Plan applies to the proposal. An assessment of the proposal against the relevant provisions of this Plan follows:

Notification Chapter

The application was publicly exhibited and notified in accordance with the requirements of Hawkesbury Development Control Plan. 458 submissions and 16 petitions were received. The matters raised in these submissions are discussed later in this Report.

Car Parking and Access Chapter

All vehicles can enter and exit the site in a forward direction. Access to the proposed development will be via one driveway.

Hawkesbury Development Control Plan does not provide a specific carparking rate for cemeteries. A 'Traffic and Parking Assessment Report' prepared by Varga Traffic Planning P/L and dated 7 March 2013 was submitted in support of the application. The Traffic Report provided has made an assessment of the parking requirement for the proposal based on the operational characteristics of the proposed cemetery.

Parking will be provided as follows:

Stage	No. of Burial Plots	Parking Spaces
1	1460	65 spaces
2	2236	10 spaces
3	3037	57 spaces
4	3190	44 spaces
Total	9923	176 spaces

The Applicant estimates that a burial will occur approximately once per 10 days (36 per year) based on the (current) average age of the Muslim community of the Western Suburbs and Hills District. The Applicant also estimates that on average 30 to 40 people will attend the cemetery for each burial service. With a vehicle occupancy rate of 3 people per car, 10 – 13 vehicles would visit the site per burial. This may be a reasonable rate of carparking provision for the first stages of the development, however it is considered that as the present Muslim Community age the frequency of burials will increase. This increased frequency has not been addressed by the Vagra report. Hence, a traffic assessment would be required for the later stages (3 and 4) of the development. Further information could be provided with the development applications for these stages should the development application be approved.

Carparking spaces will have dimensions of 2.6m by 5.5m, which is consistent with this Chapter of the Development Control Plan.

Landscaping Chapter

A concept landscaping plan for Stage 1 of the development has been submitted and is considered satisfactory, having regard to the location of the plantings. This plan proposes landscaping in the vicinity of the new administration building and car parking areas at the front of the property. Whilst a formal landscape plan has not been submitted in this regard, this can be ensured through conditions of consent by requiring a landscape plan to be submitted for approval prior to the issue of any construction certificate.

Erosion and Sediment Control Chapter

Erosion and sediment control can be enforced through conditions of consent in accordance with the provisions of this Chapter.

Effluent Disposal Chapter

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

In accordance with this Chapter a wastewater feasibility assessment was submitted in support of the application and is considered satisfactory in demonstrating that suitable wastewater disposal from the proposed on-site sewage management facility can be achieved on the site to cater for the proposed development.

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:

Conditions will be imposed relating to compliance with the Building Code of Australia.

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:

Context & Setting

The subject land is surrounded to the north, east and west by bushland owned by the Crown. Properties to the south are used predominantly for rural residential purposes. Given the nature of the surrounding uses, the size of the subject land and the location of the development on site, it is considered that the proposed use is compatible with adjoining landuses.

It is considered that the proposed development will have no unreasonable impacts on adjoining properties in respect to loss of visual and acoustic privacy, loss of views or vistas, or overshadowing.

Access, Transport & Traffic

A 'Traffic and Parking Assessment Report' prepared by Varga Traffic Planning P/L and dated 7 March 2013 was submitted in support of the application. This Report concluded:

"An indication of the traffic generation potential of most development types is provided by reference to the former Roads and Traffic Authority's publication Guide to Traffic Generating Developments, Section 3 – Landuse Traffic Generation (October 2002).

The RTA Guidelines however do not nominate a traffic generation rate for cemeteries. Reference is therefore made to the expected operational characteristics detailed in Chapter 2 of this report.

As noted in the foregoing, discussions with the proposed cemetery operators have identified the following projected operational characteristics:

- *The funeral service takes place at a Mosque in metropolitan Sydney. There will be no funeral services held on site, only burials.*
- *It is anticipated that there may be one burial per 10 days on average, based on the average age of the Sydney Muslim community.*
- *It is expected that 30-40 people will attend a typical burial service, which will generally be completed within one hour of the coffin arriving.*

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- *Vehicle occupancies during funerals are expected to be in the order of 3 persons per car.*
- *After-service wakes are not normal practice in the Muslim faith, and will not be held on site.*
- *Regular visitations to burial sites are also not normal practice in the Muslim faith.*
- *The proposed cemetery will have an on-site manager who will be responsible for maintaining the cemetery grounds and preparing the burial sites.*

Application of the above projected operational characteristics of the proposed cemetery is expected to yield a traffic generation potential of approximately 10 – 13 cars arriving at the cemetery for a burial service, with those cars expected to depart the site approximately 1 hour later.

The majority of that traffic is expected to approach the site via a right-turn movement from Putty Road into Packer Road, and to depart the site via a left-turn from Packer Road into Putty Road an hour later.

It is highly unlikely that the arrival and departure of mourners' vehicles attending a burial service will coincide with the morning and afternoon commuter peak periods.

In any event, it is nevertheless clear that:

- *Existing traffic flows in Putty Road near the Packer Road intersection are very low, and*
- *The additional traffic flows expected to be generated by a burial service are also very low.*

It is therefore reasonable to conclude that the proposed cemetery will not have any unacceptable traffic implications in terms of road network capacity."

Comment:

This application has been reviewed by Council's Development Engineer who advises that Packer Road is an irregular all weather (gravel) two lane rural road extending from Putty Road to West Portland Road. It is considered that the Putty Road will be the main feeder of vehicles travelling to and from the site and this could result in an increase in traffic generated dust along Packer Road. However, and in consideration of traffic counts taken by Council in late 2010, it is concluded that Packer Road would be able to accommodate any increase in traffic flows that are likely to result from the early stages of the development. As previously discussed, a further traffic assessment would be required with any development applications for later stages based on the likelihood of an increase in death rate in the future.

Heritage

In their letter of 9 November 2011, the Deerubbin Local Aboriginal Land Council advised that they have "no objection to future development of 288 Packer Road, Blaxland Ridge on the grounds of Aboriginal cultural heritage."

The property is not a listed heritage item under Hawkesbury Local Environmental Plan 2012.

Water Quality

Groundwater

Rainfall that is not utilised by vegetation, does not evaporate or contribute to surface runoff, infiltrates into the soil. This water percolates down to the water table and moves laterally to eventually discharge where the water table meets the ground surface at locations such as watercourses and wetlands.

In the assessment of the impacts of cemeteries, matters relating to the contamination of groundwater from bacteria, viruses, chemicals and metals from decomposing bodies needs to be addressed. The issues to be assessed include:

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- the type of contaminants likely to result from the decomposition of bodies;
- the likely level of contamination;
- the likelihood of contaminated waters entering the water table;
- the likelihood of contaminated groundwater migrating to watercourses/wetlands; and
- the likely impacts of contaminated water on public health and the natural environment.

There are no statutory requirements currently in place for assessing groundwater impacts for cemeteries. Instead, the following key guidelines have been used to assess the adequacy of the information submitted, the likely impacts and possible methods of mitigating environmental impacts:

- NSW Health 'Burials on Private Land – Approval by Local Authority 2006'.
- World Health Organisation (WHO) 'The Impacts of Cemeteries on the Environment and Public Health' 1998.
- Boyd B. Dent 'The Hydrogeological Context of Cemetery Operations and Planning in Australia' 2002.

The following table summarises the recommendations from the above sources and highlights the proposed developments consistency or otherwise with these guidelines:

Source	Recommendation	Comment	Compliance
NSW Health	<i>Submission of a geotechnical report if there is potential for contamination of groundwater and surface water.</i>	A geotechnical report was submitted however does not satisfactorily demonstrate the likely impacts of the development on water quality	No
World Health Organisation	<i>Human or animal remains must not be buried within 250 metres of any well, borehole or spring from which a potable water supply is drawn.</i>	The geotechnical report identifies that Roberts Creek and Halls Swamp is located 250m from the development and that a bore is 600m from the site.	Yes
	<i>The place of internment should be at least 30 metres away from any other spring or watercourse and at least 10 metres from any field drain.</i>	The location of the four watercourses on the property has not been shown on the plans. However, this can be achieved through conditions of consent	Yes
	<i>All burial pits on the site must maintain a minimum of one metre of subsoil below the bottom of the burial pit (i.e. the base of the burial must be at least one metre above solid rock).</i>	The geotechnical report does not satisfactorily demonstrate geology of the site. See discussion below.	No
	<i>The base of all burial pits on the site must maintain a minimum of one metre clearance above the highest natural water table. (Any variability in the water table should be taken into account.)</i>	The geotechnical report does not satisfactorily demonstrate that a 1 metre clearance is possible. See discussion below.	No
	<i>Burial excavations should be backfilled as soon as the remains are interred, providing a minimum of one metre soil cover at the surface.</i>	Can be achieved and ensured through conditions of consent.	Yes

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Source	Recommendation	Comment	Compliance
Boyd D Bent	<i>New sites and extensions should be properly evaluated geoscientifically: floodplains, swamps, cliffines, shallow soils (to some extent), drainage areas to lakes or waterways, some fills – are not suitable areas.”</i>	In this regard the application fails to demonstrate that the site is suitable for the cemetery operations as proposed given that minimal information has been provided as to soil profile/characteristics and drainage to nearby watercourses and wetland.	No
	<i>No burials should lie at the cemetery boundary – buffer zones are needed; 5-10m in clayey soils, 20m or more in sandy soils</i>	Soils are a mixture of clay and sand and therefore a 20m buffer is considered appropriate. Can be achieved and ensured through conditions of consent.	Yes
	<i>The invert of a grave and hence the deepest burial depth, must be at least 1m above any level to which a watertable fluctuates – more in clean coarse sandy or gravelly soils.</i>	The geotechnical report does not satisfactorily demonstrate the depth of the ground water. See discussion below.	No
	<i>The influences of perched and ephemeral watertables and springs need to be taken into account: don't bury near springlines and never in swampland.</i>	No details have been provided.	No
	<i>The best soils for cemeteries in order to favour decomposition and with good decay product attenuation are well drained clayey sands.</i>	The geotechnical report identifies the soils taken from the test bore holes to be loam, sandy loam or sandy clay loam at different depths, however does not discuss the suitability of these soil types for the proposed cemetery.	No
	<i>Drinking water wells should be at least 200m (default) horizontally from any cemetery or 100-day travel days from the boundary after groundwater modelling,</i>	A bore is located 600m from the development	Yes
	<i>Develop cemeteries from the outside-in and around the perimeter first.</i>	Can be achieved and ensured through conditions of consent.	Yes
	<i>Preserve and plant deep-rooting native trees and shrubs – particularly in buffer zones.</i>	Can be achieved and ensured through conditions of consent.	Yes

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The document "Preliminary Groundwater Assessment" dated 1 April 2013 by Envirotech states that 'likely grave inverts are expected to be well above the level of permanent groundwater'. It is unclear how this assumption has been reached. In the soil investigation, three samples were taken between depths of 100-1200mm (ie. up to 1.2m). The consultant advises that the excavation was terminated at 1200mm and the bedrock depth and water table depth are likely to exceed 1200mm. The Applicant identifies that the grave sites will be prepared to 1.6m deep.

The Envirotech report additionally advises that 'Surface elevations close to Roberts Creek is around 10mAHD and the groundwater pressure surface in the Hawkesbury Sandstone is expected to be slightly above this level, ie. several metres below ground surface'. In the Envirotech report section on noise from digging grave sites in sandstone, it advises 'if areas of sandstone are encountered during the digging process the grave site will be adjusted and moved to be clear of the sandstone'.

Based on the above, there is uncertainty as to the depth of the water table and bedrock (as sampling has only been undertaken to 1.2m). Following the WHO guideline, the depth to the base of the grave would need to be a minimum of 1m above solid rock or the water table (ie, 1.6m depth to base of grave - there would need to be 2.6 meters between the ground surface and the water table or rock).

In this regard, the applicant was requested by Council officers to provide additional information to clarify the depth of soil and height of the water table. Envirotech undertook additional testing and results were provided for an additional 10 borehole samples taken to a depth of 2.8m. The Envirotech report dated 10 May 2013 advised:

"1. As expected, no groundwater was encountered in any of the boreholes. As the site is located on a ridge, elevated high above surrounding landform elements, the likelihood of encountering an aquifer at such a relatively shallow depth was going to be very low.

2. All of the boreholes above were excavated to a depth of 2.8m. The abundance of coarse fragments through the soil profile would be classified as 'common' to 'many' in some locations. Several borehole excavations were terminated at shallower depths due to these large coarse fragments, while other excavations (including these in the above results) continued through the coarse fragments."

The consultant's advice suggests that more than 10 sites have been tested, however only results for 10 holes have been provided. No additional information has been provided in regard to the number or location of the terminated boreholes, or the suitability of these areas for burial plots.

In addition the amount of boreholes taken is considered to be inadequate given the extent of the development area. The development site (approximately 9ha) is approximately 25% of the property and only a minimum of 10 hole results were provided; each of these isolated from the rest. This does not provide an accurate picture of the soil characteristics over the development area.

The location of the groundwater can vary over a site. Four watercourses are located on the property and a wetland (Halls Swamp) is located on the adjoining land to the south. Watercourses/wetlands occur where the watertable meets the surface of the ground. In this regard the location (and number) of the test boreholes some distance from these watercourses may not accurately represent the subterranean characteristics of the locality. As a result the height of groundwater throughout the property is unknown.

The WHO guideline identifies that *'the back-fill soil around a coffin is another factor that plays a role on the impact of degradation products of seeping water. The part of the soil between the coffin and the ground surface is less compact. It allows some air to enter. Human corpses aerobically decompose quickly when aeration is provided. However, rainfall can also more easily enter the soil by this route and provide a means for microorganisms within the corpse to escape'*.

The Applicant's document about burial procedures identifies that the concrete vault does not have a base but has 4 sides and a top. The concrete vaults are stacked one on-top of another. Even though the vaults are interlocking, the report does not identify whether there is water infiltration into the gaps of the vault or the base of the vault.

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It is noted that a similar concrete burial system has been installed at Woronora cemetery, where subsurface drainage has been installed as part of the engineering and construction of the burial site to prevent contaminated waters from leaving the site.

The geotechnical report identifies the soils taken from the test bore holes to be loam, sandy loam or sandy clay loam at different depths, however does not discuss the suitability of these soil types for the proposed cemetery. The report also indicates that if rock is hit during excavation of a burial plot, the excavation will be terminated and the site moved. This is not considered practical if rock is constantly encountered. Whilst the WHO guidelines recommend that 1 metre of soil be present above bedrock, alternative solutions can be considered to mitigate any impact of subsurface water migrating through fractures within rock, such as subsurface drainage. These matters have not been addressed in the geotechnical report.

Stormwater

The WHO report states 'In conclusion, aquifer pollution can vary greatly according to the geological strata and cemetery layout and management. Surface drains will intercept most surface runoff water entering a site from outside before any serious contamination takes place. The pollution potential from cemeteries is present, but in a well managed cemetery with suitable soil conditions and drainage arrangements, the risk is probably slight.'

The Statement of Environmental Effects advises "storm water disposal from the roofs of the buildings will be connected to the water tanks and from the access roads and burial area towards the existing dams on the property".

Council's Development Engineer advises that the site drains naturally to four gully systems; three to the southeast and one to the southwest. The submitted plans indicate that small earth impounding structures have been previously placed on three of these flow paths, however additional information is required in relation to online water quality devices, end of line treatments and impact of flows onto the adjoining floodplain, and possible reuse of stormwater. The additional information needs to consider all flows up to and including the 1 in 100 ARI event. Whilst much of this detailed information is not required at the development application stage, concept details should be sufficiently detailed to enable adequate assessment of the impacts of the development.

The application does not provide adequate information in respect to proposed stormwater management of the site to demonstrate that the development will have no adverse impacts on the quality of watercourses in the locality, including Roberts Creek and Halls Swamp. Hence the potential risks from poorly managed stormwater have not been mitigated.

Flora & Fauna

A Report titled 'Flora and Fauna Survey and Assessment of Part of Lot 185, DP 1751656, 288 Packer Road, Blaxlands Ridge, New South Wales', dated 8 March 2012 and prepared by Dr Trevor J. Hawkeswood was submitted in support of the application. This Report concludes: "in my professional scientific opinion, I see no impediments, based on flora/fauna concerns, to the development of the site as proposed."

The assessment identified that remnant Shale Sandstone Transition Forest was present within the development site. Shale Sandstone Transition Forest is identified as a critically endangered ecological community under the Threatened Species Conservation Act, 1995.

Part 5A of the Environmental Planning and Assessment Act, 1979 states:

- 1) For the purposes of this Act and, in particular, in the administration of sections 78A, 79B, 79C, 111 and 112, the following must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats:
 - a) each of the factors listed in subsection (2),
 - b) any assessment guidelines.

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The 'Flora and Fauna Survey and Assessment' Report was not considered to be consistent with the Threatened Species Assessment Guidelines (Department of Environment and Climate Change) and Council requested additional information in this respect. A supplementary letter was submitted by Dr Trevor J. Hawkeswood however it is considered that this assessment still does not meet the Guidelines in that:

- A plan showing the development area, property boundaries and study area, or a rationale for the extent of the study area, has not been provided

The supplementary letter advises that only the cleared areas on the site were investigated. As the proposed development may have an impact on the surrounding native vegetation, nearby watercourses or wetland to the south of the property, these areas should have been included in the study area.

- The likely direct and indirect impacts of the development have not been identified.

The flora and fauna assessment only identifies the impact of the clearing of vegetation. The proposed development may potentially have impacts from the construction of roads and parking, the disturbance of soils and tree roots during excavation of burial plots, leachate moving through soils, entering watercourses or the wetland, noise from machinery, lighting.

- Bionet (Atlas of NSW Wildlife) data provides records of threatened/endangered species of flora and fauna identified within an area. The use of Bionet identifies a number of species in the locality which have not been considered within the flora and fauna assessment.
- The assessment does not consider the likely impacts on the wetland located on land to the south of the subject property, which is an endangered ecological community under the Threatened Species Conservation Act,
- A 'Seven part test' was only provided for the endangered ecological community 'Shale Sandstone Transition Forest', however 'seven part tests' are required to be provided for all threatened species with the potential to occur on or near the development site. This would include species within and utilising bushland areas on the subject land and adjoining land, and the nearby wetland.

The Statement of Environmental Effects advises "The proposed development is restricted to the central cleared area of the site which will result in minimal removal of individual trees." The Flora and Fauna Assessment states that a number of trees will be removed, however the report does not provide any further details as to the number and location of these trees. Likewise the application and the plans accompanying the application do not identify the location of trees to be removed.

It is noted that the Wollemi National Park is located approximately 2.8kms to the west of the property. The subject land drains to Roberts Creek and Halls Swamp which is located to the south. The Halls Swamp wetland is an endangered ecological community.

Given the above, Part 5A of the Environmental Planning and Assessment Act, 1979 has not been satisfied in that it is unknown as to whether or not the proposed development will have a significant impact on threatened species and populations, endangered communities, or their habitats.

Waste

A Report titled 'On-site Wastewater Management Report', Ref: REF-5612-A, prepared by Envirotech, dated 16 October 2012 was submitted in support of the application. This Report satisfactorily demonstrates that the onsite disposal of wastewater from the toilets can be achieved on the site to cater for the proposed development.

Natural Hazards

The land is identified as 'bushfire prone land'. Given the nature of the proposal, it is considered that this affectation is not prohibitive to the proposed development.

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Economic Impact on the Locality

It is considered that the proposed development will have a positive, if minor, impact on the economy of the locality by providing a service, employment and satisfying broader market demand for burial plots within the Sydney Region.

c. Suitability of the site for the development:

It is considered that the site has not been demonstrated to be suitable for the proposed development given that the application does not adequately demonstrate that:

- the soil structure and groundwater conditions of the land are suitable for use as a cemetery, or
- that use of the site for this purposes will have no adverse impacts on threatened species, populations or ecological communities, or their habitat.

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

Public Submissions

The application was publicly notified from 23 November 2012 to 25 January 2013. 458 submissions were received; 457 objecting to the development and 1 in support. 16 petitions containing a total of 2226 signatures were submitted. A summary of the matters raised in the submissions follows:

- Environmental
 - Pollution of nearby wetland, watercourses and groundwater from effluent disposal, stormwater and bodily fluids
 - Flora and fauna impacts
 - Impacts on Koala habitat
 - Impact on Wollemi National Park;
 - Inadequacy of flora and fauna assessment submitted with the application;

Comment: These matters have been previously discussed in this Report.

- Community/Social
 - Discrimination under Section 7, Part 7, 1b of the Anti Discrimination Act, 1977
 - Encourages separatism
 - Benefit to the local community
 - Increased crime

Comment: The Anti Discrimination Act is not relevant to the permissibility of a cemetery on the land. This Act relates to the actions of a person, not types of development under Environmental Planning and Assessment Act, 1979. The matters raised in respect to discrimination and separatism are not planning considerations under the Environmental Planning and Assessment Act, 1979.

The population catchment for this development is not restricted to the Hawkesbury Area, and nor can it be. It is not a planning requirement for this type of development to only be provided on the basis of local population.

It is considered that the proposed development will have no adverse social impacts on the locality.

- Traffic
 - Increased traffic along Packer Road, Putty Road, West Portland Road Windsor Bridge and the Hawkesbury road network in general
 - Packer Road is unsealed and needs to be upgraded

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Comment: These matters have been previously discussed in this Report.

- Precedent for further development;
 - Will allow for ancillary development of similar nature and scale such as a mosque and school
 - Will allow for other large scale development not in keeping with the rural character

Comment: Development consent is required under LEP 2012 for use of the site for a school or place of public worship. Should applications for these developments be lodged in the future, the proposals will be assessed on their merits.

- Loss in surrounding property values

Comment: Apart from making this statement the submissions did not provide evidence that the proposal will affect property values. Cemeteries are a permissible landuse within the RU1 Primary Production zone and it is unlikely that a permitted use in a zone will significantly adversely impact property values.

In summary:

- 72% of submissions raised concern in respect to adverse impacts on the environment
- 66% of submissions raised concern in respect to traffic generation
- 59% of submissions raised concern in respect to social/cultural impacts and
- 42% of submissions raised concern in respect to precedent

All these matters have been discussed previously in this Report. As noted the potential environmental impact and the inadequacy of information provided are matters of public interest.

e. The Public Interest:

It is not considered in the public interest to support the proposed cemetery when its potential impacts on groundwater, watercourses/wetland and native flora and fauna are unknown. This lack of information renders the proposed development inconsistent with the principles of ecologically sustainable development relating to conservation of biological diversity and ecological integrity, and inter-generational equity.

Section 94A Development Contribution Plan

A contribution plan applies to the land under Section 94A of the Environmental Planning and Assessment Act, 1979 and requires a levy of 1% be imposed on this development. In accordance with the above, a \$6,900.00 development contribution applies to Stage 1 of this development if approved. An appropriate condition of consent can be included in any consent.

Conclusion:

As demonstrated within this Report, it is considered that the application does not provide adequate information to assess the likely impacts of the development with respect to water quality of groundwater, watercourses and the nearby wetland. In addition, the flora and fauna assessment does not provide adequate details to demonstrate that the proposal will have no significant adverse impacts on threatened species and populations, endangered communities, or their habitats in accordance with the Environmental Planning and Assessment Act, 1979.

In this regard the proposed development is inconsistent with:

- Part 5 – Object of the Environmental Planning and Assessment Act, 1979.
- Part 5A - Significant effect on threatened species, populations or ecological communities, or their habitats of the Environmental Planning and Assessment Act, 1979.
- The planning considerations, policies and recommended strategies of Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River;
- The proposal is inconsistent with State Environmental Planning Policy No.44 – Koala Habitat;

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- The proposed development is inconsistent with the objectives of Hawkesbury Local Environmental Plan 2012 and the objectives of the RU1 Primary Production zone.
- The proposed development is inconsistent with Clauses 6.1, 6.4 and 6.5 of Hawkesbury Local Environmental Plan 2012 having regard to acid sulphate soils, terrestrial biodiversity and wetlands.

In view of the above, it is recommended that the application not be supported.

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 DA0548/12 at Lot 185 DP 751656, 288 Packer Road, Blaxlands Ridge for a cemetery be refused for the following reasons:

1. The proposed development is inconsistent with the Object of the Environmental Planning and Assessment Act, 1979 in that it is not consistent with the principles of ecologically sustainable development.
2. The proposed development is inconsistent with Part 5A of the Environmental Planning and Assessment Act, 1979 in that adequate information has not been provided to demonstrate that the proposed development will not have a significant impact on threatened species, populations or ecological communities, or their habitats.
3. The proposed development fails to satisfy the requirements of Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River in that adequate information has not been provided to demonstrate that the proposed development will not have a significant impact having regard to total catchment management, environmentally sensitive areas, water quality and quantity and flora and fauna.
4. The proposal fails to satisfy the requirements of State Environmental Planning Policy No.44 – Koala Habitat in that insufficient information has been provided to demonstrate that the proposed development will have no adverse impact on koala habitat.
5. The proposed development is inconsistent with the objectives of Hawkesbury Local Environmental Plan 2012 in that it is not consistent with the principles of ecologically sustainable development.
6. The proposed development is inconsistent with the objectives of the RU1 Primary Production zone contained within Hawkesbury Local Environmental Plan 2012 with respect to water quality and flora and fauna conservation.
7. The proposed development is inconsistent with Clauses 6.1, 6.4 and 6.5 of Hawkesbury Local Environmental Plan 2012 having regard to acid sulphate soils, terrestrial biodiversity and wetlands.
8. The proposed development does not satisfactorily demonstrate that the development will have no adverse impact on the natural environment.
9. In the circumstances, approval of the development would not be in the public interest.

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ATTACHMENTS:

AT 1 – Locality Plan

AT 2 – Aerial Photo

AT 3 – Site Plan – Stage 1

AT 4 – Site Plan – Stage 1, 2 and 3

AT 5 – Site Plan – Stage 4

AT 6 – Elevation Plan – Administration Building

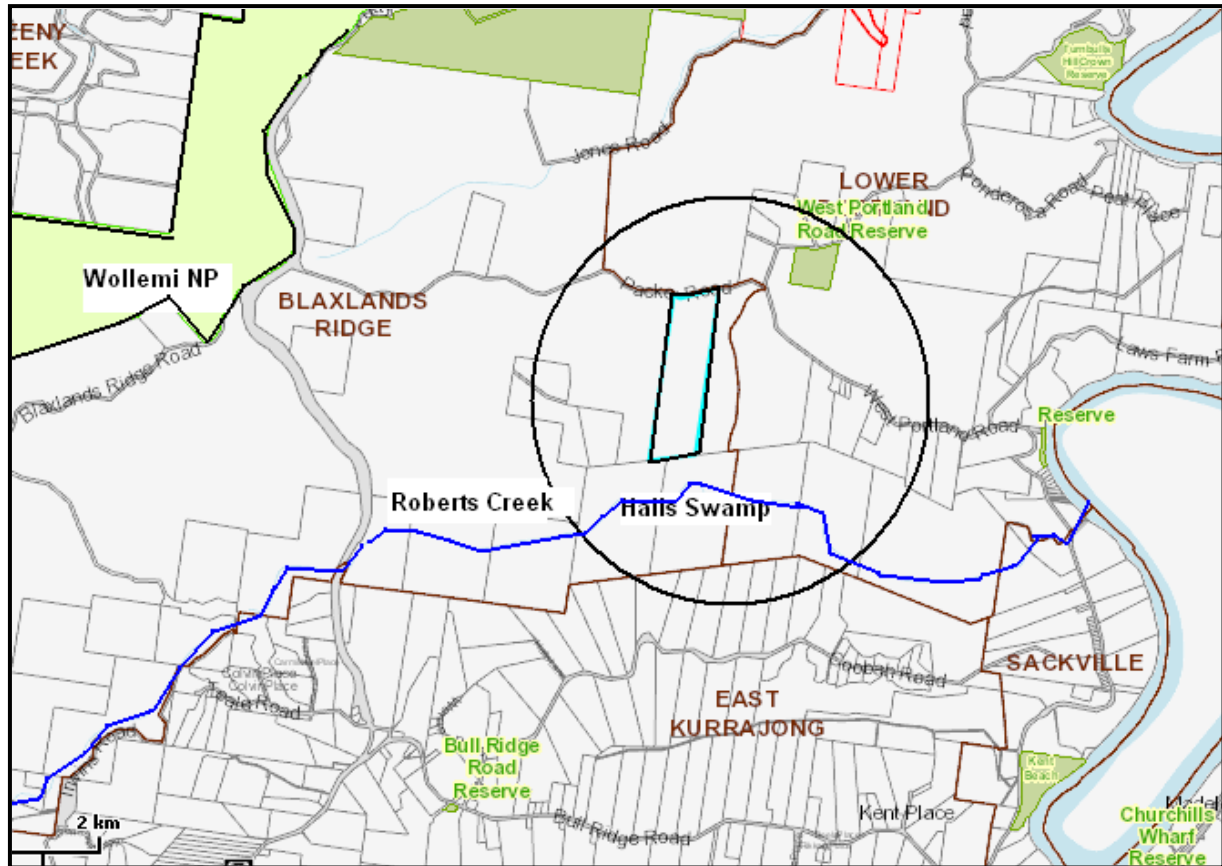
AT 7 – Elevation Plan – Machinery and Storage Shed

AT 8 – Concept Landscaping Plan

ORDINARY MEETING

Meeting Date: 25 June 2013

AT 1 – Locality Plan



ORDINARY MEETING

Meeting Date: 25 June 2013

AT 2 – Aerial Photo



Meeting Date: 25 June 2013

Meeting Date: 25 June 2013

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Meeting Date: 25 June 2013

The figure is a detailed site plan for a proposed cemetery. It shows two main areas: 'STAGE 1 SITE' and 'STAGE 2 SITE'. The 'STAGE 1 SITE' is a large, irregularly shaped area with a hatched pattern, containing several circular features representing graves. The 'STAGE 2 SITE' is a smaller, more rectangular area, also with a hatched pattern. A road, 'ROAD 1', runs along the top of the site. Another road, 'ROAD 2', runs along the bottom. A 'TYPICAL BURIAL SITE CONFORMATION' is shown in the bottom right corner, illustrating a rectangular plot with a central grave and surrounding paths. A 'LEGEND' is located in the bottom right, defining symbols for 'GRAVE', 'PATH', 'ROAD', and 'TYPICAL BURIAL SITE CONFORMATION'. A 'CAUTION' note is in the bottom left, warning of the site's location and the need for proper disposal of waste. A scale bar and north arrow are also present.

NO.	REVISION	DATE	BY	CHKD.	APP'D.	REVISION	DATE	BY	CHKD.	APP'D.	REVISION	DATE	BY	CHKD.	APP'D.
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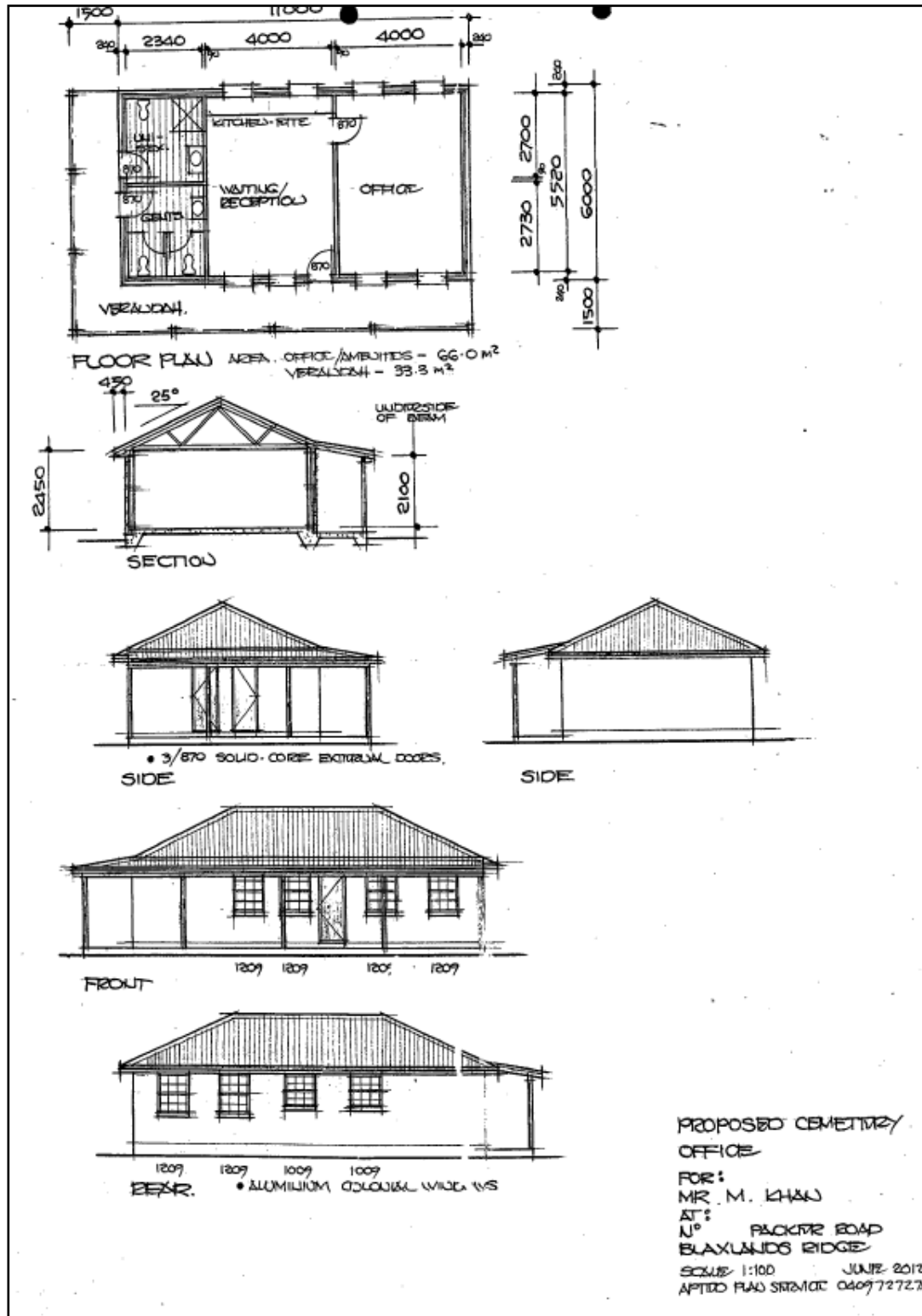
McKINLAY MORGAN & ASSOCIATES Pty Ltd.
 CONSULTING ENGINEERS - PROJECT MANAGERS
 100/100 MORGAN RD
 MORGAN VIC 3709
 Tel: 03 537 1100
 Fax: 03 537 1101
 www.mckinlaymorgan.com.au

PLAN OF PROPOSED CEMETERY ON
 LOT 185 DP 751658 POKER ROAD, BLANCKENBURG
 SHEET NO. 2
 OF 2 SHEETS

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AT 6 – Elevation Plan – Administration Building



Architectural drawings of a Proposed Machinery Shed for a Cemetery. The drawings include a Front elevation, a Rear elevation, and two Side elevations. The Front elevation shows a building with three large rectangular openings and a smaller one on the right. The Rear elevation shows a building with a dashed line indicating a recessed area. The Side elevations show the profile of the building with a dashed line indicating a recessed area. Dimensions are provided for all elevations. A 'Proposed retaining wall' is indicated on the right side of the Side elevations. A legend indicates that a dashed line represents the 'Existing ground level'. The title is 'Proposed Machinery Shed for Cemetery' and the address is '288 Packer Rd Blandlands Ridge'. The scale is 'Scale 1:100'.

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STAGE 1 1448 SITES

BS DP 750656

McKINLAY MORGAN & ASSOCIATES Pty Ltd.
CONSULTING ARCHITECTS - PROJECT MANAGERS
100/101 STATION STREET, SUITE 101
MELBOURNE VIC 3000
Phone: 03 9347 4100
www.mckinlaymorgan.com.au

CAUTION
This plan is a conceptual landscape plan and is not a final landscape plan. It is intended to provide a general indication of the proposed landscape treatment and is not to be used for construction purposes. The plan is subject to change without notice and is not to be relied upon for any purpose other than as a guide.

TYPICAL BURIAL SITE CONFIGURATION
TABLE CHAIRY VIEW TO WEST
TABLE CHAIRY VIEW TO EAST
TABLE CHAIRY VIEW TO SOUTH
TABLE CHAIRY VIEW TO NORTH

LEGEND
○ BURIAL SITE (1000mm x 1000mm)
○ BURIAL SITE (1000mm x 1000mm)
○ BURIAL SITE (1000mm x 1000mm)

Scale: 1:1000
North Arrow: [Symbol]

oooO END OF REPORT Oooo

Item: 113 CP - Planning Proposal to Amend Wording of Clause 4.1D (1) (a) of Hawkesbury LEP to Clarify Reticulated Sewer System Provision - (95498)

REPORT:**Executive Summary**

The purpose of this report is to propose that Council prepare a Planning Proposal to amend Clause 4.1D of the Hawkesbury Local Environmental Plan 2012 (LEP) to clarify the timing for reticulated sewer system provision to new development in areas where there is currently no reticulated sewer system.

Consultation

The issues raised in this report concern matters which will require community consultation under the provisions of the Environmental Planning and Assessment Act 1979. In this regard should the proposal obtain a "Gateway Determination" that determination will specify the consultation period required.

Background

Council currently has a number of areas in the Local Government Area (LGA) that are zoned for urban or small lot residential development that are not currently serviced with reticulated sewer systems. These areas include, but are not limited to, Kurrajong, Kurmond and Wilberforce. In these areas the minimum allotment size can be 450m² which is not large enough for on-site effluent disposal and the creation of residential allotments that rely on pump-out sullage services is not permitted. In these cases the land is identified by blue edging on the Lot Size Map in the LEP where the following Clause applies:

4.1D Exceptions to minimum subdivision lot size for certain land

- (1) Despite clauses 4.1, 4.1AA and 4.1A, development consent must not be granted for the subdivision of land that is identified as "Area A" and edged heavy blue on the Lot Size Map if:
 - (a) the land is not serviced by reticulated sewerage, and
 - (b) the area of any lot created by the subdivision that contains or is to contain a dwelling house is less than 4,000 square metres.
- (2) Despite subclause (1) and subject to subclause (3), development consent may be granted for the subdivision of land in the following zones into separate lots for the purpose of dual occupancies, multi dwelling housing, residential flat buildings or shop top housing, if the development for that purpose has been previously approved:
 - (a) Zone R1 General Residential,
 - (b) Zone R2 Low Density Residential,
 - (c) Zone R3 Medium Density Residential.
- (3) Subclause (2)(b) does not apply to land in Glossodia

The original intent of the above subclause (1) was that if there was no reticulated sewer system available in the area, and it could not be extended to service that development, then any proposed allotment size must be a minimum of 4,000m² to cater for on-site effluent disposal. The general interpretation of subclause (1) was that if unsewered land was proposed for development into allotments smaller than 4,000m² then sewer would need to be provided at the same time as the development, i.e., under the provisions of the same development consent.

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However, an issue has arisen recently in relation to the interpretation of subclause (1) in the above clause. The recent interpretation has been that the wording of subclause (1) means that the sewer must be connected to a development site before Council can grant development consent for the subdivision of the site, i.e., a separate approval would be required to extend the reticulated sewer system to the site before a development application could be considered for the site.

Subclause (1) in the above LEP clause was introduced a number of years ago and has been carried over from LEP 1989 to LEP 2012. At the time of creating that clause the only sewer providers in the locality were Sydney Water or Council. In this regard the subclause did not contemplate any other type of licensed water authority that could provide reticulated sewer system.

The introduction of the Water Industry Competition Act 2006 (WICA) provided the opportunity for private companies/entities to apply for a licence under this Act and become a Water Authority that can either treat effluent only or treat effluent and provide recycled water to individuals. This is essentially the same operations that Council or Sydney Water can provide under their respective licenses. To date this is relatively uncommon but is becoming more popular over time. In the Hawkesbury LGA such an operation currently successfully operates in Pitt Town with other private water authorities proposed in the future.

A private water authority must comply with a strict licensing regime under WICA that is administered by IPART. This regime includes a strict design, construction, testing and financial feasibility evidence phase as well as commercial arrangements with a developer/development to ensure guaranteed supply. In this regard there needs to be an existing development in place or an existing development consent for future connection to the private facility.

In light of the recent interpretation of clause 4.1D(1) of the LEP and to improve sewer servicing of many areas in the Hawkesbury, it is prudent to update Council's planning provisions to streamline the WICA implementation. In this regard it is proposed to amend clause 4.1D of the LEP, shown in bold, as follows:

4.1D Exceptions to minimum subdivision lot size for certain land

- (1) Despite clauses 4.1, 4.1AA and 4.1A, development consent must not be granted for the subdivision of land that is identified as "Area A" and edged heavy blue on the Lot Size Map if:
 - (a) **arrangements satisfactory to the consent authority are not in place at the time of determining the application to ensure that each of the lots to be created by the subdivision will be serviced by a reticulated sewerage system from the date of being created, and**
 - (b) the area of any lot created by the subdivision that contains or is to contain a dwelling house is less than 4,000 square metres.
- (2) Despite subclause (1) and subject to subclause (3), development consent may be granted for the subdivision of land in the following zones into separate lots for the purpose of dual occupancies, multi dwelling housing, residential flat buildings or shop top housing, if the development for that purpose has been previously approved:
 - (c) Zone R1 General Residential,
 - (d) Zone R2 Low Density Residential,
 - (e) Zone R3 Medium Density Residential.
- (3) Subclause (2) (b) does not apply to land in Glossodia

The above amendment, shown in bold lettering, will still retain the intent of the clause, i.e., only permit allotments large enough for on-site effluent disposal in unsewered areas, but will also make it clear that if there is a proposal for the provision of a reticulated sewer system to be provided for the development the development application can assess the sewer system proposal at the same time and then require that system to be in place prior to creation of the allotments.

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As this is a relatively minor matter that does not involve mapping changes and only a clause clarification, it is suggested that the Minister be requested to deal with this matter under the provisions of Section 73A - – Expedited Amendments of Environmental Planning Instruments of the Environmental Planning and Assessment Act. This section deals primarily with typing and grammatical errors in Instruments, but as this amendment is a clarification of an existing clause it is considered appropriate to make that request.

If that request is not supported a request for a Gateway Determination would be made to amend clause 4.1D(1)(a) as shown above. If that is the case it is recommended that Council request the use of its delegations in this matter following the Gateway Determination. It is also recommended that the matter be pursued separately so this administrative change can be finalised in a timely manner.

Conformance to Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Directions statement;

- Take active steps to encourage lifestyle choices that minimise our ecological footprint

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

- Manage growth with ecologically sustainable principles

Financial Implications

No financial implications applicable to this report.

Planning Decision

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

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RECOMMENDATION:

That:

1. A Planning Proposal be prepared to amend Clause 4.1D(1)(a) of the Hawkesbury Local Environmental Plan 2012 to the following:
 - a. arrangements satisfactory to the consent authority are not in place at the time of determining the application to ensure that each of the lots to be created by the subdivision will be serviced by a reticulated sewerage system from the date of being created, and
2. The Minister for Planning and Infrastructure be requested to deal with this matter under the provisions of Section 73A – Expedited Amendments of Environmental Planning Instruments, of the Environmental Planning and Assessment Act 1979,
3. If the matter cannot be dealt with under the provisions of Section 73A, the Planning Proposal be forwarded to the Minister for Planning and Infrastructure for a “gateway” determination,
4. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan,
5. This matter be pursued separately to any other Planning Proposal or combined with another matter only if that would expedite the matter.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 114 CP - Submission to the White Paper - A New Planning System for NSW - (95498)

REPORT:**Executive Summary**

The purpose of this report is to propose a submission from Council as part of the public exhibition period of the White Paper "A New Planning System for NSW".

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. However, following Council's resolution in February to consult with the community following the release of the White Paper two community information sessions were held. The first was in North Richmond on Wednesday, 5 June and the second was in Windsor on Wednesday, 12 June. At these sessions a brief overview of the White Paper changes was presented where the community attendees could ask questions and make comment. Those questions and comments were noted and have, where relevant, been included in the submission attached to the report.

Background

The White Paper "A New Planning System for NSW" was released by the Minister in April 2013 and will be on public exhibition until 28 June 2013. Council staff attended briefings from the Department of Planning and Infrastructure on the draft document and a briefing was also held with Councillors on 7 May 2013.

The White Paper "A New Planning System for NSW" is a proposal to replace the Environmental Planning and Assessment Act 1979 with a new Act that is focused more on economic growth with a more positive, rather than a controlling, approach to development following legislated community participation into strategic and infrastructure planning. The White Paper is set around five fundamental reforms:

- Delivery culture
- Community Participation
- Strategic Planning
- Development assessment
- Infrastructure planning integrated with land use planning

The submission is supportive of many of the changes, particularly in relation to the inclusion of community participation, strategic planning and infrastructure planning in the Act. However, the submission also attempts to outline some of the concerns in relation to potentially conflicting aims of the changes as well as some of the significant resourcing issues that the implementation of the proposed changes will have.

Conformance to Community Strategic Plan

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

- Maintain its independent identity and voice through strong local government and community institutions

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

- Make decisions in ways that are transparent, fair, balanced and equitable supported by appropriate resource allocations

ORDINARY MEETING

Meeting Date: 25 June 2013

Financial Implications

No financial implications are applicable to this report.

RECOMMENDATION:

That the submission attached to this report be forwarded to the Department of Planning and Infrastructure, in response to the public exhibition of the White Paper “A New Planning System for NSW”, before the closing period for submissions being 28 June 2013.

ATTACHMENTS:

AT - 1 Hawkesbury City Council Submission to the White Paper “A New Planning System for NSW”

**AT - 1 Hawkesbury City Council Submission to the White Paper
"A New Planning System for NSW"**

**Hawkesbury City Council
Submission to White Paper
A New Planning System for NSW**

Reference is made to the White Paper, A New Planning System for NSW consultation document that is on public exhibition until 28 June 2013. Hawkesbury City Council appreciates the opportunity to make the following submission to this consultation draft as the changes to the Planning System will have a significant impact on all users of the system which includes the Council and the general community.

The following submission is generally structured around the five transformative changes proposed to the system.

Delivery Culture

It is generally agreed that there is a need to move away from the controlling and adversarial approach that dominates the current planning system. It is noted that the White Paper lists key changes proposed for delivery culture, including:

- establishment of a culture change action group,
- training sessions for practitioners and stakeholders,
- Departmental restructure,
- senior executive to enhance relationships,
- monitoring and reporting.

It is also noted that the efforts to date of the Planning Institute of Australia (PIA) are endorsed to assist this cultural change.

However, the White Paper seems to focus disproportionately on the planning *"profession's effort being centred on development control. This has resulted in a skill shortfall in strategic planning and vision making"*. Whilst it is agreed that a result of the current system has resulted in a focus on development "control", a shortfall in strategic planning and an adversarial approach to the implementation of the system, it is felt that the cause and need for a refocus of efforts should be cast more broadly. In this regard the culture change should consider the following:

Community attitudes and expectations of the planning system

It is an acquired skill to plan and think strategically. In the current system the lack of focus on strategic planning in the planning legislation has resulted in the focus (due to that lack of statutory rigour) being on development control activities that are more easily understood by the general community. This has encouraged the community desire and expectation for a development control approach to planning to provide perceived certainty and maintain, in many cases, the Status Quo.

Political environment in which the planning system has developed and is implemented

The current planning system is implemented in a political environment that is driven and reflective of the community it represents. In this regard the current Policy and Codes that the planning profession enforce are decided by, and set by, the community representatives (elected Council). This environment has resulted in a system that is unevenly conservative or overly flexible depending on the community representation at the time.

General Industry (Planning Professionals, Developers, Community applicants)

Many applicants using the current system approach the process, and Local Government planners, with an adversarial bias due to either past experience, local rumours or a general mistrust of the system. This can often, not always, result in proposals that are non-transparent in relation to the ultimate goal of the proposal or, sometimes due to lack of strategic planning skill of the proponent, a poorly conceived proposal. In some of these cases the delays or additional costs involved in rectifying those shortfalls are then blamed on the Council planners.

Litigation

The community and industry are, at times, quick to litigate against delays or decisions made. Due to the costs and time involved in these matters this has resulted in a conservative approach to many proposals that can cause delays. Whilst this should be improved with the legislation for strategic planning there is also a conflicting proposal in the White Paper for the system to make it easier to appeal decisions. Whilst the rights of stakeholders to have appeal rights are supported, the two proposals in the White Paper seem to be conflicting.

Performance monitoring

The concept of performance monitoring is supported and should be encouraged. However, the system of monitoring and reporting should be focused on the true outcomes of the system rather than the current system of focusing on numbers of applications and processing times. This does not result in a true indication of the system functionality and does not monitor the standard of applications, community benefit of the proposal or the economic impact (such as employment or other economic indicators).

General comments

Whilst the White Paper comments on the matter of delivery culture, the “Exposure Planning Bill” makes no reference to delivery culture. It is agreed that direct legislation for delivery culture is difficult; however, it is unclear how the legislation itself will contribute to improvement of delivery of the new planning system.

The White Paper’s reference to actions to improve delivery culture is generally supported. However, as listed above, there are a variety of issues to be considered in the delivery of a planning system that cannot be attributed to State and Local Government only. It should be remembered that the planning system is a tool to deliver economic, environmental and amenity benefits to all parts of the community and not just proponents of development. In this regard the proposed improvements to the delivery of the new planning system should broaden its focus to include all proponents and stakeholders as well as those that implement the system, as a total system is only as good as the sum of all its parts.

Community Participation

The concept and principle of including community participation in the legislation is laudable and fully supported. The community participation components in the current legislation are becoming inadequate and outdated and do not cater for the current expectations of the community.

The inclusion of the Community Participation Charter in the legislation and then the requirement for the preparation of Community Participation Plans by each planning authority under the legislation allows the flexibility for those plans to be tailored to suit the needs of the target community.

The White Paper has stated that the Department of Planning and Infrastructure will be preparing Community Participation Guidelines to assist planning authorities to prepare their Community Participation Plans. This action is supported as, in the absence of such guidelines, there would be a multitude of different approaches resulting in a situation similar to the current practice where some actions are best practice and some not. However, there is concern that the guidelines may be too prescriptive in their approach which could result in the Department “dictating” how Councils and other planning authorities should consult with their communities. The process should, whilst requiring minimum standards of achieving community participation, allow enough flexibility to prepare Plans that can be tailored to the target community to achieve the best outcomes.

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The preparation and implementation of Community Participation Plans will require significant resourcing to achieve results. In this regard, Council will require additional skills to prepare the Plans so that best practice is achieved and the most appropriate Plan for each situation is prepared. The resourcing required to implement those Plans will also be significant including; staff time for set up, running sessions and considering submissions received, venue costs, advertising costs, equipment, etc. Similarly there will be resourcing impacts on the participants for these sessions, i.e., the community and industry representation, time attending sessions and follow up as necessary.

Departmental briefings during the exhibition of the White Paper have hinted at resourcing assistance being made available, however, this assistance will need to be carefully targeted to provide the greatest benefit. A flat rate of assistance to all councils should be considered as well as more targeted additional assistance being given to those smaller or less resourced councils. This would enable all communities, regardless of where they live, to be given the opportunity to participate in the planning for their area.

A focus on ePlanning initiatives is supported. However, the approach to this must be on a consistent platform across the State (and potentially nationally) for it to be effective and taken up in a timely manner. Financial assistance for many councils will be required in order to upgrade, or purchase, appropriate systems. Similarly there would be a need for industry uptake of these systems, particularly smaller operators, as they would be the proponents of this system. Other stakeholders that do not regularly submit or participate in the planning system ("mum and dad applicants") should be carefully considered. This is particularly relevant as the White Paper has stated that the majority of applications that are the target of the 80% complying or code assessable applications will not meet that target if these applications cannot access the ePlanning platform, i.e., cannot meet the necessary file formats to submit documentation.

There is also a need for resources to be directed into education of the participants of this consultation. As mentioned previously, not all participants will have the necessary skills to think and act strategically and if this is the case then their participation in the preparation of the strategies will be ineffective. Education as to the expectation of the community participation must also be considered as the White Paper talks of "partnerships" in plan preparation and the expectation from this term is that the final decision is at the community level.

Council has held some community briefings on the White Paper and found that there is significant scepticism in relation to the implementation of the Community Participation Plans and the implementation of the results of that participation. In this regard some questions on this process included:

- There does not seem to be any guarantee that the issues and concerns discussed in this participation work will be taken into account in the decision making.
- Will the State Government follow the same process with the Regional on subregional planning, i.e., how can the community have meaningful participation in these plans.

These issues and concerns have only been addressed superficially in the draft Exposure Bill and the White Paper but are fundamental to the successful implementation of a new planning system.

Strategic Planning

The inclusion of strategic planning frameworks into the legislation is strongly supported. So too is the need for this strategic planning to be evidenced based. It is clear that the most appropriate way to provide certainty for the community and applicants as to the outcomes of the planning system, servicing, infrastructure requirements and timeframes, is to have that evidenced based strategic planning in place and the implementation of that strategy is to be consistent. However, there are a number of matters that need to be clarified in relation to the strategic planning and the implementation of those plans as follows:

Are the strategic planning and the plans produced from that work (Regional Growth Plans, Subregional Delivery Plans and Local Plans) appealable?

It is assumed from the White Paper and the draft exposure Bill that as the Minister will be making these Plans that there will be no appeal rights. If it is intended to make these Plans appealable then this would be contrary to the overall intent of the White Paper to streamline development assessment and stimulate the economy. Opening these Plans to appeals and challenge by community or development proponents based on interpretation issues or simply disagreeing with the Plans would result in uncertainty and lack of faith and trust in the planning system. Clarification of this matter should be considered.

What is the test for “evidence based” strategic planning?

Evidence based planning is generally well accepted in the majority of cases. However, in the current planning system that evidence base can be challenged, usually by a proponent of a larger development that is outside the adopted strategic plans of Council. In these cases, there is a review process to the State Government that varies the local strategy, which was based on evidence, and can be approved on the basis of separate evidence that was not originally used. Whilst these cases are uncommon, there is a community concern that this will happen in the new planning system.

Whilst there is a need for flexibility in the strategic planning, the legislation needs to clearly articulate how the evidence base is to be tested and to what extent flexibility is permitted in the strategic planning.

Resource implications

Whilst the strategic planning required in the new system will be welcomed and will be a challenge to implement, there will be significant resources required from Council, the community and industry to achieve the desired outcomes and certainty. As mentioned earlier in this submission there is a particular skill set required to think strategically and although many can grasp the concepts of that forward thinking, it is difficult to gain consensus in regards to the predicted outcomes. There is a real need for the State Government to assist with the additional resources required by the State agencies and at local government level.

Failure to provide or access the appropriate assistance to undertake the strategic planning in an adequate manner will result in inadequate strategic plans and will result in uncertainty and delays due to differing interpretations of the required provisions. In this regard, whilst there is a need for the timeframe for the implementation of the new planning system to be set, that timeframe must allow for all stakeholders to be given adequate time and resources to properly implement the changes.

Hierarchy of plans

The hierarchy and cascading of the strategic plans in the proposed new system is similar to the system of Integrated Planning and Reporting that is used by Local Government. This system is logical and has the potential, subject to the above comments, to provide greater certainty in the planning system. However, the system seems to be very “top heavy” with much of the planning regarding targets and major infrastructure being set at the higher State level with little opportunity for local level input.

There is community concern that the “top down” approach gives little opportunity for the community to have meaningful input into the Regional Growth Plans and Subregional Delivery Plans. The recent exhibition of the Draft Metropolitan Strategy for Sydney to 2031 is an example of this concern. This is a document that is set out in a manner consistent with the White Paper changes but the opportunity for community input is limited to making superficial comments on the prepared document and little input into the major directions of the strategy.

Development Assessment

The proposed streams for development assessment seem to be a logical extension of the existing system with changes consistent with improved practices in other jurisdictions. The intent to move away from the current adversarial “battle DA by DA” approach that currently occurs to a more strategic planning approach is theoretically sound and supported. However, after thirty years of having these debates at DA stage it will take significant education of the community, industry and decision makers to move away from that system. Some of the lack of take up of existing Complying Development is due to poor understanding of the process by the community and industry applicants.

Whilst it is understood that the strategic planning, with community involvement, will set the necessary Codes for the proposed development streams, there is community concern that many of the applications will not be notified and there will be no opportunity to make comment on the individual applications. Given the inherent danger in setting Codes for Code Assessable Development that can result in an element of “sameness” and “cookie cutter” development, there is some merit in this concern.

The current system of development assessment has evolved into a focus on numerical development standards and it is understood that the intent of the White Paper changes is to focus more on the performance and outcomes of the process. This approach is supported. The White Paper has mentioned the need for the additional training of assessment professions to assist in this transition from prescriptive to performance based assessment. This is also supported.

However, there will also be a need to educate and train other stakeholders in this process. This includes the expectations of the community, expectations of the development industry professionals and decision makers. There is more to performance based assessment than simply considering whether a single development is suitable or “a good idea”. That development needs to be consistent with the strategic direction for the locality, be considerate of the amenity of adjoining development, be of suitable design and also meet economic and social performance measures. Performance assessment must balance the outcomes from a development whilst dealing with the expectations of all stakeholders, which can cover a broad range of views. The balancing of expectations of the different stakeholders is the principle issue that has not been adequately addressed in the White Paper reforms. There is a heavy reliance on the technical aspects (i.e., strategic planning and setting of relevant codes, etc) with little consideration of the changes required in the expectations of the users of the system.

If the new planning system does not adequately deal with the expectations of the end users of the system there is the potential for creating significant delays in the processing of applications. This is due to differing interpretations of provisions, misunderstanding of the process, appeals to decisions and the ultimate call for a return of numeric provisions to provide perceived “certainty” to the outcomes.

There is also community concern about the proposed assessment streams and the intent of the White Paper changes in relation to being too development focused. Apart from the “prohibited” stream mentioned in the White Paper, the discussion regarding the remainder of the streams, particularly Code assessable and variable Complying Development, seems to be biased towards varying those Codes to permit development. Whilst it is understood that it is near impossible to develop Codes to cater for all situations, there is community concern that this approach does not provide certainty for residents and the general community. In this regard the certainty is provided to the development industry in that whilst there are Codes specified these can be varied to permit almost anything.

It is correct to review the planning system to enable development and economic growth but, as the community sees it, it should not be economic development at any cost.

Infrastructure

It is pleasing that the White Paper has incorporated infrastructure into the Legislation so that land use Policies and Actions can be supported by infrastructure planning and vice versa. Whilst it is understood that the White Paper changes are promoting a “can do” attitude to enable economic growth, the infrastructure planning should not be solely focused on planning for that growth. There is a real need to take into account the requirement for infrastructure planning that will deal with the current significant lack of infrastructure in some existing developed areas. As the White Paper reforms seem to be focused on growth, the issue of dealing with the existing shortfall in State and local infrastructure has not been adequately addressed.

The White Paper outlines the preparation of Growth Infrastructure Plans which will include the coordination of infrastructure providers to cater for growth. This approach is supported as this integration is lacking in the existing system which has resulted in poor infrastructure provision in relation to new development. Council and the community, whilst supporting the theory for this integration, are concerned that this integration will be set at a high strategic level, regional and subregional plans, where the local infrastructure requirements for existing development and growth may be overlooked.

The subregional boundaries proposed in the draft *Metropolitan Strategy for Sydney to 2031* have grouped Hawkesbury, Penrith and Blue Mountains Councils in the West subregion. Council's previous submission to that draft strategy has covered some of the concerns regarding that grouping. It is likely that the Growth Infrastructure Plans for this region will focus on the areas of larger growth, being the regional centre of Penrith. Similarly these Growth Infrastructure Plans may set minimum development sizes before infrastructure requirements are triggered; thus, not considering cumulative impacts of multiple smaller developments. Council and the community are concerned that this focus will overlook the infrastructure requirements for areas of comparatively lower growth. This will result in these other areas of growth either being delayed due to lack of infrastructure or this will be funded by the developer or local community which will make that growth more expensive and hence slow that growth.

An example of this is in relation to development in the Hawkesbury LGA where there are limited growth opportunities east and south of the Hawkesbury River due to severe flooding constraints. There are opportunities for controlled growth on the northern and western side of the River, however, due to the lack of State infrastructure (both existing capacity and no new infrastructure proposed) in the form of river crossings, that controlled growth is severely constrained. In this regard the growth is either slowed or stopped or affordability is adversely affected by the high development costs.

General Comments

A review of the draft Exposure Bill on exhibition with the White Paper indicates that the proposed new Act is, in many ways, similar to the current Act. However, the inclusion of strategic planning and community participation are important additions to the Act that are supported.

It is noted that the draft Exposure Bill contains section 1.3 "Object of Act" rather than the current Environmental Planning and Assessment Act 1979 which contains "Objects". The change to this term and the rewording of the "object of the Act" is understood but has raised a number of concerns to Council and the community as follows:

- The Object of the draft Act is very much focused on growth with the concepts of environmental protection, heritage and sustainability taking a subservient position to that growth focus. This impression may be due to the different format and wording of the 'object', but this interpretation is relatively widespread. It is considered that there needs to be some wording amendments to improve the interpretation of the 'object' so that there is a clearer understanding that growth, environmental and heritage protection, etc, have an equal status in the Act and growth does not over-ride all other matters.
- There is concern that throughout the White Paper and confirmed in the draft Exposure Bill that the new system is very much a "top down" focus. Most of the overall planning framework is set at the State level (Regional and subregional level) with the Local Plan being charged with the implementation (rather than developing) of the overall targets for growth. In this regard there should be more opportunity for local planning targets to be set at the local level rather than being imposed on a community from higher level plans.
- The resourcing requirements, for both the local council and the community, for the Community Participation and Strategic Planning to implement this new system will be significant. Whilst the initiatives are supported there is a very real need for assistance to be given to councils and the community to undertake this work in an appropriate, rather than a tokenistic, manner.
- The White Paper has made some comments regarding timeframes for the implementation of the new system but the draft Exposure Bill does not contain any savings provisions or timeframes for the implementation of the new system. Given that there is significant work and resources required by the State and Local Government as well as the community and industry, it is imperative that the implementation timeframe is set in a realistic way.

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The resourcing requirements for this work will require a large quantity of suitably skilled personnel at State and Local level as well as industry personnel. This has been confirmed by comments in the White Paper in regards to the change of the delivery culture. There does not seem to be any analysis in the White Paper that has considered the impacts of the requirements to implement this new system nor the impacts of maintaining current operations whilst undertaking that implementation.

When setting the timeframe for implementation of the new system a realistic consideration of the resourcing, availability of suitably skilled professional to undertake the implementation whilst maintaining current operations and the ability of the community to understand and accept, the significant changes to the system.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 June 2013

INFRASTRUCTURE SERVICES

Item: 115 IS - Exclusive Use of Governor Phillip Reserve - Ski Racing NSW Inc. - (92138)

REPORT:

Executive Summary

Ski Racing NSW Inc. are seeking exclusive use of Governor Phillip Reserve for the 2013 Hawkesbury 120 Water Ski Classic to be held on Saturday 24 and Sunday 25 August 2013. Non-Exclusive Use will also be required on Friday, 23 August 2013.

There are four regular exclusive use boating events held annually at Governor Phillip Reserve.

Due to the significant flow-on benefits to the community and business, it is recommended that exclusive use be given.

Consultation

The event conforms to Council's 'Governor Philip Reserve – Noise Policy'. Community notification will be undertaken by the applicants as part of the conditions of consent.

Background

Ski Racing NSW Inc. have requested exclusive use of Governor Phillip Reserve on Saturday 24 and Sunday, 25 August 2013 to conduct the annual Hawkesbury 120 Water Ski Classic.

Event organisers are also requesting exclusive use for the evenings prior to the events, from 6.00pm till 7.00am the following morning, to assist with set up, cleaning of grounds and to provide security in accordance with the Governor Phillip Exclusive Use Policy.

This event is a regular fixture at Governor Phillip Reserve. This event is well coordinated and receives good attendance, and is considered to provide significant flow on benefit to both the community and local businesses.

The event will be required to obtain approval for traffic management, which is to be undertaken as part of the Special Event Application.

Due to the significant flow-on benefits to the business community it is recommended that exclusive use be granted to this event.

It should be noted investigations are being undertaken regarding the Exclusive Use Policy for Governor Phillip Reserve examining the potential for amendments to enable better management of the area during events and allow for growth of the events. Contact will be made with these and other event organisers to discuss suitable arrangements.

Conformance to Community Strategic Plan

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

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

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

- Differentiate, brand and promote the Hawkesbury as a tourism destination

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Financial Implications

Income will be generated through user charges for use of the Reserve.

RECOMMENDATION:

That:

1. Approval be granted to the Ski Racing NSW Inc. for "Exclusive Use" of Governor Phillip Reserve for the Hawkesbury 120 Water Ski Classic on Saturday 24 and Sunday, 25 August 2013.
2. The approval be subject to the following conditions/documents:
 - a) Council's general park conditions.
 - b) Council's Fees and Charges.
 - c) The Windsor Foreshore Plan of Management.
 - d) The Governor Phillip Exclusive Use Policy.
 - e) Governor Phillip Noise Policy.
 - f) A Traffic Management Plan which has been approved as part of the Special Event Application.
3. As the applicant has not advised alternative date in the event of inclement weather, the General Manager be given delegated authority to negotiate exclusive use on an alternate date, if required by the applicant.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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SUPPORT SERVICES**Item: 116 SS - Monthly Investments Report - May 2013 - (96332, 95496)****REPORT:****Executive Summary**

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

This report indicates that Council held \$41.96 million in investments at 31 May 2013.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$41.96 million in investments as at 31 May 2013. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
ANZ	A1+	AA-	31-May-13		4.25%	4,050,000	9.65%	
CBA	A1+	AA-	31-May-13		3.05%	400,000	0.96%	
Total On-call Investments								4,450,000
Term Investments								
ANZ	A1+	AA-	24-Oct-12	23-Oct-13	4.62%	1,000,000	2.38%	
ANZ	A1+	AA-	05-Dec-12	04-Jun-13	4.65%	1,000,000	2.38%	
ANZ	A1+	AA-	08-Apr-13	24-Jul-13	4.50%	3,260,000	7.77%	
ANZ	A1+	AA-	17-Apr-13	07-Aug-13	4.45%	1,000,000	2.38%	
ANZ	A1+	AA-	24-Apr-13	06-Nov-13	4.40%	1,000,000	2.38%	
ANZ	A1+	AA-	08-May-13	06-Nov-13	4.30%	2,000,000	4.77%	
CUA	A-2	BBB	06-Feb-13	15-Jan-14	4.40%	250,000	0.60%	
NAB	A1+	AA-	25-Jul-12	24-Jul-13	4.92%	1,000,000	2.38%	

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Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
NAB	A1+	AA-	05-Dec-12	04-Jun-13	4.64%	2,500,000	5.96%	
NAB	A1+	AA-	30-Jan-13	19-Dec-13	4.42%	1,500,000	3.57%	
NAB	A1+	AA-	16-Jan-13	15-Jan-14	4.43%	1,000,000	2.38%	
NAB	A1+	AA-	30-Jan-13	29-Jan-14	4.42%	2,000,000	4.77%	
NAB	A1+	AA-	06-Feb-13	05-Feb-14	4.35%	2,000,000	4.77%	
NAB	A1+	AA-	04-Mar-13	03-Jul-13	4.23%	2,000,000	4.77%	
St George	A1+	AA-	15-Aug-12	21-Aug-13	5.15%	2,000,000	4.77%	
St George	A1+	AA-	22-Aug-12	18-Sept-13	5.16%	2,000,000	4.77%	
St George	A1+	AA-	22-Aug-12	16-Oct-13	5.16%	1,500,000	3.57%	
Westpac	A1+	AA-	20-Feb-13	19-Feb-14	4.30%	1,500,000	3.57%	
Westpac	A1+	AA-	20-Mar-13	19-Mar-14	4.35%	1,000,000	2.38%	
Westpac	A1+	AA-	20-Mar-13	19-Mar-14	4.35%	2,000,000	4.77%	
Westpac	A1+	AA-	08-Apr-13	08-Apr-14	4.60%	1,000,000	2.38%	
Westpac	A1+	AA-	08-Apr-13	08-Apr-14	4.60%	2,000,000	4.77%	
Westpac	A1+	AA-	15-May-13	15-May-14	4.15%	1,000,000	2.38%	
Westpac	A1+	AA-	22-May-13	28-May-14	4.20%	2,000,000	4.77%	
Total Term Investments								37,510,000
TOTAL INVESTMENT AS AT 31 MAY 2013								41,960,000

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	4,450,000	4.14%	Reserve Bank Cash Reference Rate	2.75%	1.39%
Term Deposit	37,510,000	4.54%	UBS 90 Day Bank Bill Rate	2.82%	1.72%
Total	41,960,000	4.50%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	8,735,003
External Restrictions - Other	2,889,829
Internal Restrictions	14,364,458
Unrestricted	15,970,710
Total	41,960,000

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

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

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

Investment Commentary

The investment portfolio increased by \$1.05 million for the month of May 2013. During May 2013, income was received totalling \$7.05 million, including rate payments amounting to \$4.15 million, while payments to suppliers and staff costs amounted to \$5.82 million.

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

As at 31 May 2013, Council has invested \$5.5 million with second tier financial institutions, that are wholly owned subsidiaries of major trading banks, and \$0.25 million invested with a second tier institution that is not a wholly owned subsidiary of a major Australian trading bank, with the remaining funds being invested with first tier institutions. Council's adopted Investment Policy allows Council to invest funds with second tier Authorised Deposit-taking Institutions that are wholly owned subsidiaries of major Australian trading banks, subject to conditions stipulated in the Policy. Investments in second tier financial institutions, that are not wholly owned subsidiaries of major trading banks, are limited to the amount guaranteed under the Financial Claims Scheme (FCS) for Authorised Deposit-taking Institutions (ADIs), in line with Council's Investment Policy.

The FCS protects depositors by guaranteeing deposits (up to the cap) held in ADIs incorporated in Australia, and allows quick access to deposits if an ADI becomes insolvent. A permanent guarantee cap, per account holder, per ADI, of \$250,000, has been in place since 1 February 2012.

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

Council's investment portfolio complies with Council's Investment Policy, adopted on 26 June 2012.

Investment Certification

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

Conformance to Community Strategic Plan

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

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

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

- Improve financial sustainability

Financial Implications

Funds have been invested with the aim of achieving budgeted income in 2012/2013.

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RECOMMENDATION:

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

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 117**SS - Pecuniary Interest Returns - Designated Persons - (95496, 79337)**

REPORT:**Executive Summary**

The Local Government Act, 1993 details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Councillors and Designated Persons. This report provides information regarding Returns recently lodged with the General Manager by three Designated Persons. It is recommended that Council note, that the Disclosure of Pecuniary Interests and Other Matters Returns, lodged with the General Manager, have been tabled.

Consultation

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

Background

Section 450A of the Local Government Act, 1993 relates to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 450A of the Act is as follows:

- "1. *The General Manager must keep a register of returns required to be lodged with the General Manager under section 449.*
2. *Returns required to be lodged with the General Manager under section 449 must be tabled at a meeting of the council, being:*
 - (a) *In the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or*
 - (b) *In the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or*
 - (c) *In the case of a return otherwise lodged with the general manager—the first meeting after lodgement."*

With regard to Section 450A(1), a register of all Returns lodged by Councillors and Designated Persons, in accordance with Section 449 of the Act, is currently kept by Council as required by this part of the Act.

With regard to Section 450A(2), all Returns lodged by Councillors and Designated Persons, under Section 449 of the Act, must be tabled at a Council Meeting as outlined in subsections (a), (b) and (c).

With regard to Section 450(2) (a), the following Section 449(1) Returns have been lodged:

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Position	Return Date	Date Lodged
Community Programs Coordinator	04/03/2013	14/05/2013
Museum and Gallery Director	01/12/2012	13/06/2013
Senior Strategic Environmental Planner	04/03/2013	10/06/2013

The above details are now tabled, and the abovementioned Returns are available for inspection if requested.

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;
- and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:
- Have ongoing engagement and communication with our community, governments and industries.

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

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Item: 118

SS - 2013/2014 Remuneration for Councillors and Mayor - (95496, 96332)

REPORT:

Executive Summary

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

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

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

Consultation

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

Background

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

Each year the Tribunal, pursuant to Section 241 of the Act, is required, to determine the minimum and maximum fees for mayors and councillors, as well as chairpersons and members of county councils. The Tribunal did not call for general submissions from individual councils as part of its 2013 review in the context of the significant work currently being undertaken by the NSW Government and local councils to deliver local government reform. The Tribunal has recently determined to increase these annual fees payable by 2.5%, effective from 1 July 2013.

Accordingly, the annual fees to be paid to mayors and councillors for the period 1 July 2013 to 30 June 2014 for a Regional Rural Council (which includes Hawkesbury City Council), are as follows:

	Councillor Annual Fee		Mayor Additional Fee	
	<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>
Regional Rural	\$7,930.00	\$17,490.00	\$16,890.00	\$38,160.00

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

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	Councillors Fees		Mayor / Deputy Mayor *		Maximum Total	
	Maximum - Annual	Maximum - Monthly	Maximum - Annual	Maximum - Monthly	Annual	Monthly
Councillors	\$17,490.00	\$1,457.50			\$17,490.00	\$1,457.50
Mayor	\$17,490.00	\$1,457.50	\$38,160.00 less \$5,724.00 = \$32,436.00	\$2,703.00	\$49,926.00	\$4,160.50
Deputy Mayor	\$17,490.00	\$1,457.50	\$5,724.00	\$477.00	\$23,214.00	\$1,934.50

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

The current fees for councillors and the Mayor are \$17,060.00 and \$37,230.00 respectively, with an additional fee of \$5,584.50 being paid to the Deputy Mayor, and deducted from the Mayor's fees.

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

Conformance to Strategic Plan

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

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

Funding

Councillor and Mayoral fees have been provided for in Service Account 169 - Elected Members of the 2013/2014 Operational Plan.

RECOMMENDATION:

That:

1. The annual fee for Councillors for 2013/2014 be set at \$17,490.00.
2. The additional annual fee for the Mayor be set at \$38,160.00, and the Deputy Mayor's additional annual fee be set at \$5,724.00 to be deducted from the Mayor's annual fee.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 June 2013

Item: 119

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

REPORT:

Executive Summary

Council has reviewed outstanding sundry debtors for 2012/2013 which have been unable to be recovered.

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

Council's Writing Off of Rates and Charges and Other Receivables Policy allows for any debts under the amount of \$500.00 to be written off by the General Manager or the Responsible Accounting Officer under delegated authority. Any debts over the amount of \$500.00 may only be written off by resolution of Council.

It is recommended that Council write off three bad debts for 2012/2013 that are over the amount of \$500.00.

Consultation

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

Background

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

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

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

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

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

The bad debts over \$500.00, which cannot be dealt with under Clause 213(3) of the Regulation by order in writing of Council's General Manager under delegated authority, are as follows:

Debtor Account No.	Amount	Details
7304302	\$851.30	Food Premises Inspections
7302981	\$528.50	Food Premises Inspections
7301918	\$2,217.85	Commercial Sullage and Food Premises Inspections

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

ORDINARY MEETING

Meeting Date: 25 June 2013

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

Conformance to Community Strategic Plan

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

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

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

- Improve financial sustainability.

Financial Implications

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

RECOMMENDATION:

That:

1. Council write off the amount of \$851.30 from Debtor Account No. 7304302.
2. Council write off the amount of \$528.50 from Debtor Account No. 7302981.
3. Council write off the amount of \$2,217.85 from Debtor Account No. 7301918

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 120 SS - Gifts and Benefits Policy - (95496)

REPORT:**Executive Summary**

Council adopted its current Gifts and Benefits Policy on 29 September 2009. The Gifts and Benefits Policy is in place to supplement and enhance Council's Code of Conduct, and to provide guidelines for Councillors and staff when dealing with situations where they may be offered a gift or benefit in the course of performing their public duties.

In accordance with Council practice, the Gifts and Benefits Policy must be reviewed within 12 months of an Ordinary Local Government Election. Accordingly, the current Policy has been reviewed and a Policy with minor amendments has been prepared for adoption by Council.

Consultation

The report recommends only minor amendments to the current Gifts and Benefits Policy, and therefore, it is considered that public consultation is not required.

Background

Council adopted its current Gifts and Benefits Policy on 29 September 2009. The Gifts and Benefits Policy is in place to supplement and enhance Council's Code of Conduct, and to provide guidelines for Councillors and staff when dealing with situations where they may be offered a gift or benefit in the course of performing their public duties.

In accordance with Council practice, the Gifts and Benefits Policy must be reviewed within 12 months of an Ordinary Local Government Election. Accordingly, the current Policy has been reviewed and a Policy with minor amendments is attached to this report as Attachment 1.

The Independent Commission Against Corruption (ICAC) is currently reviewing its guidelines and publications related to gifts and benefits, with amended information expected to be available by the end of the year. Given the requirement for Council's Policy to be amended within 12 months of the Ordinary Local Government Election, specific titles or references have been removed and instead generic publications referred to.

No issues have been identified in the review which would warrant changes being made to the intent of the current Policy. However, minor grammatical corrections have been made, and some clauses enhanced to ensure the Policy provides the clearest possible guidelines for Councillors and staff. All proposed deletions have a strike through, and all proposed additions to the Policy are made in bold print (with the exception of the decision table at Annexure One within the Policy).

The Policy aims to provide transparent and accountable framework for managing the offer or receipt of a gift or benefit in a way that will prevent the perception or possibility of corrupt conduct by Councillors and staff. Council's Code of Conduct refers to its Gifts and Benefits Policy for additional guidance.

Compliance with the Policy ensures that Councillors and Council staff can conduct their public duties with confidence that their actions will not give rise to unwarranted perception that an offer of acceptance of a gift or benefit has influenced the Council Officer in the performance of their duties.

The Policy provides for three levels of gifts based on the value and appropriate action to be taken for each level. Council's Policy attracted 44 declarations in the 2011/2012 financial year and 31 declarations in the 2012/2013 financial year as at the time of preparing this report.

ORDINARY MEETING

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Conformance to Community Strategic Plan

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

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

Financial Implications

The Gifts and Benefits Policy will not have any financial implications for the 2012/2013 or the 2013/2014 Adopted Operational Plan.

RECOMMENDATION:

That the Gifts and Benefits Policy attached as Attachment 1 to the report be adopted.

ATTACHMENTS:

AT - 1 Gifts and Benefits Policy – *(Distributed under separate cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 June 2013

Item: 121 **SS - Review of Council's Draft Investment Policy and Appointment of Investment Advisor - (96332, 95496)**

Previous Item: 105, Ordinary (26 June 2012)

REPORT:

Executive Summary

Council's current Investment Policy was adopted by Council at the meeting of 26 June 2012. The Investment Policy is to be reviewed at least once a year or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of the Policy. Any amendment to the Investment Policy must be by way of Council resolution.

The Investment Policy, adopted on 26 June 2012, has been reviewed to ensure applicable legislative changes are taken into account and addressed if necessary. There are no amendments recommended to the current Investment Policy.

This report is being submitted to satisfy the requirements of the Division of Local Government (DLG) Guidelines, issued in May 2010, with regard to the annual review of Council's Investment Policy. Also, in line with the DLG Guidelines, Council's approval is sought to appoint Council's Independent Investment Advisor.

This report recommends that the Investment Policy be adopted and that Spectra Pari Passu Pty Ltd be appointed as Council's Independent Investment Advisor.

Consultation

The Policy which is the subject of this report is being reported to Council in accordance with legislative requirements. The report recommends no changes to the Investment Policy adopted on 26 June 2012. Under these circumstances it is considered that public consultation is not required.

Background

On 25 May 2010, the Division of Local Government (DLG) issued Investment Policy Guidelines to assist councils with the preparation of an Investment Policy and the prudent and appropriate management of Council's surplus funds. The Guidelines, issued under Section 23A of the Local Government Act 1993 (the Act), apply to all general purpose and special purpose councils in New South Wales. On 17 February 2011, Circular No.11-01 was issued by the DLG, advising that a revised Investment Order pursuant to Section 625 of the Local Government Act 1993 had been issued.

Council's current Investment Policy, adopted 26 June 2012, is in line with the Guidelines and the subsequent legislative changes referred to above. As at the time of preparing this report, there were no relevant legislative changes since the adoption of the current Investment Policy in June 2012.

The proposed Policy is in line with the legislative requirements above.

Investment Policy

The purpose of the Investment Policy is to establish the guidelines that Council adopts in investing its surplus funds. The objectives of this Policy are:

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1. To comply with the legislative requirements and regulations relevant to the management of Council's investments;
2. To maximise returns to Council consistent with all requirements of the Policy;
3. To preserve the capital of the investment portfolio. Investments are to be placed in a manner that seeks to ensure the security and safeguarding of the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters;
4. To ensure the investment portfolio has sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment;
5. To establish a framework for monitoring the investments. The investment portfolio is expected to achieve a predetermined market average rate of return that takes into account Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles; and
6. To confirm delegations and other relevant governance matters in relation to Council's investments.

Under Council's Investment Policy all investments are made in accordance with:

- The Local Government Act 1993 - Section 625
- The Local Government (General) Regulation 2005 – Clause 212
- The Local Government Act 1993 - Order (of the Minister) dated 12 January 2011 and gazetted 11 February 2011
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2)
- The Local Government Code of Accounting Practice and Financial Reporting
- Division of Local Government Circulars
- Australian Accounting Standards
- Council resolutions

A permanent guarantee cap, per account holder, per Authorised Deposit Taking Institution (ADI), of \$250,000, has been in place since 1 February 2012. The Financial Claims Scheme (FCS) protects depositors by guaranteeing deposits (up to the cap) held in ADIs incorporated in Australia, and allows quick access to deposits if an ADI becomes insolvent. Council's current Investment Policy, Clause 7, stipulates what constitutes approved investments. This Clause also specifies the limits applicable to investments with ADIs which are not major trading Australian Banks or a wholly owned subsidiary thereof. The current Policy allows investments with ADIs falling within this category up to the limit covered by the FCS. It is proposed that the Policy remains unchanged with regards to this matter.

The Draft Investment Policy is attached as Attachment 1 to this report.

The attached Investment Policy provides a framework within which investment decisions are made. Permitted investments, risk management, diversification, term, and liquidity considerations are addressed within the attached Policy. The requirements regarding measurement, benchmarking, reporting and reviewing of Council's Investments are also addressed.

Council's Independent Investment Advisor, Spectra Financial Services, has reviewed and endorsed the attached Investment Policy. Written confirmation dated 11 June 2013, has been received and is, in part, as follows:

"I have reviewed the draft Investment Policy that is proposed to be adopted by Council at its June meeting and confirm that it accords with current Department of Local Government Guidelines and that it is an appropriate policy for Council's use."

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In our view, the policy is consistent with the conservative approach required for the stewardship of the restricted and unrestricted reserve monies council is responsible for."

Appointment of Investment Advisor

Council appointed its current Investment Advisor, Spectra Financial Services Pty Ltd at its meeting on 26 June 2012.

Spectra Financial Services representatives meet with Council senior staff on a regular basis to review and discuss Council's investment portfolio, as well as provide advice on the strategy for future investments. Spectra Financial Services have been of great assistance to Council's staff in ensuring that Council's investments are compliant with relevant legislation and policy at all times, whilst achieving an appropriate balance between risk and return when placing investments.

As from 1 July 2013, Spectra Financial Services Pty Ltd will change its name to Spectra Pari Passu Pty Ltd as a result of a change in company holding. The change reflects additional experienced professionals joining the company. Council will be able to retain the current advisor whilst also having access to other professionals, if required.

Council has been provided with the relevant documentation with regard to the Advisor's licensing requirements and independence requirements.

Spectra Financial Services Pty Ltd was granted the Australian Financial Services Licence (AFS Licence) on 10 March 2004 by ASIC. The licence is current as of June 2013, and will be the licence Council's advisor will be operating under.

In June 2013, Spectra Financial Services Pty Ltd also provided Council with a written confirmation stating that they remain totally independent of any product provider and financial institution or any other party or arrangement that could potentially lead to a loss of its independency. Council has confirmation in writing that the independence status will continue to apply following the company name and holding change as from 1 July 2013.

It is recommended that for the financial year ending 30 June 2014, Spectra Pari Passu Pty Ltd is appointed as Council's Investment Advisor.

Conformance to Community Strategic Plan

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

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

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

- Improve financial sustainability
- Make decisions in ways that are transparent, fair, balanced and equitable supported by appropriate resource allocations.

Financial Implications

The appointment of an Independent Investment Advisor for the financial year ending 30 June 2014 would be funded from the Financial Services Budget currently in the adopted 2013/2014 Operational Plan.

ORDINARY MEETING

Meeting Date: 25 June 2013

RECOMMENDATION:

That Council:

1. Adopt the Investment Policy attached as Attachment 1 to the report.
2. Appoint Spectra Pari Passu Pty Ltd. as its Independent Investment Advisor for the financial year ending 30 June 2014.

ATTACHMENTS:

AT - 1 Draft Investment Policy - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 June 2013

Item: 122 SS - Local Government NSW - Request for Contribution to Legal Costs - Mid-Western Regional Council - (112608, 78149, 95496)

REPORT:

Executive Summary

Correspondence was received from Local Government NSW dated 18 April 2013 and 14 May 2013 requesting financial assistance towards estimated legal costs, to be incurred by Mid-Western Regional Council, in a matter before the Land and Environment Court.

This report recommends that Council contribute the amount of \$5,028.67 towards the estimated legal costs that will be incurred by Mid-Western Regional Council in regard to this matter.

Consultation

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

Background

The following letter dated 18 April 2013 has been received from Local Government NSW requesting financial assistance towards estimated legal costs to be incurred by Mid-Western Regional Council, in a matter before the Land and Environment Court, challenging Council's categorisation of land for ratings purposes, in particular land used for mining purposes:

"At its meeting of 4 April 2013, the Board of Local Government New South Wales approved an application for legal assistance by Mid-Western Regional Council.

Mid-Western Regional Council currently have a matter before the Land and Environment Court challenging Council's categorisation of land for ratings purposes when Council have determined land which is used for mining purposes to be appropriately categorised, notwithstanding that the land is not located within the boundaries of the mining lease.

The relevant land is owned by a mining company and may be used for such purposes as a passive buffer for the attenuation of noise, for the disposal of excess mine water, for environmental offset and other purposes relating to the mining of coal.

Council argue that if they are able to defend their categorisation in Court that it will have major benefits for all councils.

Although the matter does not strictly fall within the Legal Assistance Policy and Guidelines, in that it is not a matter before the New South Wales Court of Appeal or the High Court of Australia, the Board concluded that the matter was of importance to all councils in that mining, including coal seam gas mining, was a major issue for local government and the application should therefore be supported.

A letter seeking your support by way of voluntary contribution will be forwarded to you in the near future."

Subsequently, a further letter dated 14 May 2013 has been received from Local Government NSW in regard to this matter. The letter is as follows:

"The Association recently wrote to your Council outlining the successful application for legal assistance by Mid-Western Regional Council.

ORDINARY MEETING

Meeting Date: 25 June 2013

As set out in that letter, Mid-Western Regional Council currently has a matter before the Land and Environment Court challenging Council's categorisation of land as mining for ratings purposes.

The Association's Board considered that this matter is of importance to all local government especially taking into consideration the recent Coal Seam Gas issues that have occurred throughout the State.

Your financial contribution is now sought in this matter. Please find attached an invoice with your contribution amount of \$5,028.67.

You are reminded that there is no obligation for a council to provide assistance."

It is noted that the Board of Local Government NSW has approved the application to assist Mid-Western Regional Council and have apportioned the amount of \$5,028.67 to Hawkesbury City Council. Although the matter does not strictly fall within the Legal Assistance Policy and Guidelines, in that it is not a matter before the NSW Court and Appeal or the High Court of Australia, the Board concluded that the matter was of importance to all councils in that mining, including coal seam gas mining, was a major issue for local government and the application should therefore be supported.

It is a longstanding convention for Council to assist other councils with contributions to legal costs where Local Government NSW recommends such assistance. In this way, councils support other councils, and the awareness of legal precedent is available for the benefit of all councils.

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

Financial Implications

Funding is available in Service Account 142 - Legal Services in the 2012/2013 Adopted Operational Plan for a contribution of \$5,028.67.

RECOMMENDATION:

That Council contribute the amount of \$5,028.67, as outlined in the correspondence dated 18 April 2013 and 14 May 2013 from Local Government NSW, towards estimated legal costs to be incurred by Mid-Western Regional Council, in a matter before the Land and Environment Court challenging Council's categorisation of land for ratings purposes, in particular land used for mining purposes.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 June 2013

CONFIDENTIAL REPORTS

Item: 123 CP - Proposal No. 00921 - Provision of Containerised Garden Organics Collection and Processing Service - (95498, 96330) **CONFIDENTIAL**

Previous Item: 63, (Ordinary 9 April 2013)

Reason for Confidentiality

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

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

In accordance with the provisions of Section 11(2) & (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

Meeting Date: 25 June 2013

Item: 124 **IS - Tender No. 00922 - Mowing and Trimming of Active Recreation Areas, Sports Fields and Ovals - (95495, 73611) 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 tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (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

Meeting Date: 25 June 2013

Item: 125 SS - Supply of Debt Recovery Services - (95496, 96332) **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)(d) of the Act as it relates to provision of debt recovery services and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING

Meeting Date: 25 June 2013

Item: 126 SS - Property Matter - Lease to Jeanette James and Ferne Thompson - Shop 9
Glossodia Shopping Centre - (112106, 96596, 38869, 95739) **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

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Heritage Advisory Committee Minutes - 9 May 2013 - (80242)

The meeting commenced at 5.13pm in Council Chambers.

Present: Professor Ian Jack - Chair
Mr Jonathan Auld - Deputy Chair
Ms Michelle Nichols
Mr John Miller
Ms Janice Hart
Ms Judith Newland
Ms Carol Roberts

Apologies: Mr Glenn Falson
Councillor Patrick Conolly

In Attendance: Mr Matthew Owens
Mrs Shari Hussein
Ms Robyn Kozjak
Mr Neville Dehn - Observer

REPORT:

RESOLVED on the motion of Mr John Miller and seconded by Ms Janice Hart that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr John Miller and seconded by Ms Janice Hart that the Minutes of the Heritage Advisory Committee held on the 21 February 2013, be confirmed.

CHANGE TO STANDING ORDER OF BUSINESS

It was resolved Item 2 be brought forward to the front of the business paper.

ORDINARY MEETING

Reports of Committees

Attendance Register of Heritage Advisory Committee

Member	21.02.13	09.05.13			
Councillor Patrick Conolly	✓	A			
Mr Glenn Falson	✓	A			
Ms Janice Hart	✓	✓			
Mr John Miller	✓	✓			
Professor Ian Jack	A	✓			
Ms Carol Roberts	✓	✓			
Mr Jonathan Auld	✓	✓			
Ms Michelle Nichols	✓	✓			
Ms Judith Newland	✓	✓			

Key: A = Formal Apology ✓ = Present X = Absent - no apology

SECTION 3 - Reports for Determination

ITEM: 2 Memorial in Honour of George William Evans and William Cox

DISCUSSION:

- Mr John Miller raised concern the word "farmer" was not included in the proposed wording for the memorial plaque and asked for its inclusion in acknowledgement of the important role Evans and Cox played as farmers in the Hawkesbury. Mr Owens responded grant funding for the plaque was limited to \$2,500 which meant there were financial restrictions on the amount of wording. Ms Nichols reported the word 'farmer' was included in the original draft wording, however, other references to Evans and Cox skills (eg surveyor, explorer, artist, roadmaker, magistrate, military officer) took precedence.
- Ms Newland asked if two sets of signage was to be erected at the Visitor Information Centre as she was aware the Historical Society had liaised with the Mayor regarding plans to erect similar signage. Mr Owens responded the plaque was being created in response to a resolution of Council and grant funding was provided for one sign only. Mr Owens suggested in order to avoid duplications and misunderstandings, it would be appropriate for the Society to submit future (similar) requests through the Committee.
- Mr Miller's motion regarding extra wording on the plaque was rejected by a show of hands.
- Mr Miller referred to Proposal 3 regarding a plaque at the site of William Cox's house in Dight Street and sought clarification for the reasons the proposal was rejected.

RECOMMENDATION TO COMMITTEE:

That:

1. The draft content of the sign / plaque be considered by the Heritage Advisory Committee.
2. The content be reduced if the size of the sign / plaque does not allow for the wording to be produced at the required size and style which is suitable for people with a print disability.
3. One sign / plaque be located in the vicinity of the Hawkesbury Visitor Information Centre.
4. Signs / plaques are not located at the proposed Dight Street locations.
5. The materials, construction and installation methods of the sign / plaque are appropriate to the site and consistent with Council's Asset Management Policy.

MOTION:

RESOLVED on the motion of Mr John Miller, seconded by Mr Jonathan Auld

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

1. The content be reduced if the size of the sign / plaque does not allow for the wording to be produced at the required size and style which is suitable for people with a print disability.

ORDINARY MEETING
Reports of Committees

2. Signs / plaques are not located at the proposed Dight Street locations.
3. That a bronze plaque be erected on a one metre sandstone plinth located on the pathway to the public toilets at Ham Common next to Hawkesbury Visitor Information Centre, such plaque to be consistent with Council's Asset Management Policy.

ITEM: 1 Heritage Advisory Committee - Priority Actions for 2013

DISCUSSION:

- Mr Miller referred to Priority C in the report wherein an action to develop audio material for self-guided walks of heritage areas was included. Mr Miller submitted to Ms Hussein a CD he acquired from Bathurst Regional Council as an example of what other Councils are doing to promote tourism in their area.

RECOMMENDATION TO COMMITTEE:

That the priority actions for 2013 be undertaken in the order as agreed by the Heritage Committee.

MOTION:

RESOLVED on the motion of Ms Michelle Nichols and seconded by Ms Judy Newland

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the priority actions for 2013 as listed in the report be undertaken.

SECTION 4 - Reports for Information

ITEM: 3 Draft Heritage of the Hawkesbury Education and Awareness Strategy

DISCUSSION:

- Ms Hussein provided background information (directed to new members) on the draft Heritage Education Awareness Strategy for the Hawkesbury, adding it was remiss of her to omit cemeteries from the report. Ms Hussein added the promotion and awareness of cemeteries was, however, included in the draft 3 Year Strategy (under Recommendation 1). Ms Hussein suggested members absorb the information in the report and provide comments via email, to be brought back to the next meeting for final endorsement.
- Ms Hussein asked for member's comments to be provided by 8 July 2013 to allow sufficient time for their inclusion in the business paper for the next meeting on 8 August 2013.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

ORDINARY MEETING
Reports of Committees

RESOLVED on the motion of Mr Jonathan Auld, seconded by Ms Judy Newland

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

ITEM: 4 Heritage Advisory Committee Annual Report - 2012/13

DISCUSSION:

- Ms Hussein reported as part of the funding commitment for heritage grants Council must provide an Annual Report to the Department and have a Heritage Strategy in place. Ms Hussein gave an overview of the proposed key actions as previously agreed by the Committee.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Ms Janice Hart, seconded by Ms Michelle Nichols

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

ITEM: 5 Exhibition of Draft Heritage Conservation Chapter of Hawkesbury Development Control Plan 2002

DISCUSSION:

- Mr Owens reported the Exhibition of the Draft Heritage Conservation Chapter of the Hawkesbury Development Control Plan closed Monday 13 May 2013 and advised submissions from members should be received by that date.

6.10pm - Professor Jack arrived at the meeting

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Ms Judy Newland, seconded by Ms Janice Hart.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

SECTION 5 - General Business

- Mr Auld asked if there had been a response regarding the proposed heritage listing for town plans. Mr Owens advised to date there had been no response, despite approaches to the Department relaying the Committee's disappointment re the lack of response. Ms Hussein added in the Annual Report and Three Year Strategy the Committee's disappointment was noted.
- Professor Jack noted the Adelaide Park Lands and City Layout had received heritage honour by being included on the National Heritage List and also reported Canberra was currently under consideration as a potential National Heritage listing.
- Mr Auld asked of the progress of entering LEP items into the database. Mr Owens responded this had not yet commenced and was on a 'to do' list. Mr Owens and Ms Hussein conferred with each other and advised as they understood it, officers would be provided with access to data sheets online (held by the Heritage Office) where entries would be added. Ms Nichols added for the benefit of the new members, the previous Committee suggested forming a working party to assist staff by checking listing sheets as some of sheets were incomplete and out of date and required additional information etc. This would not involve the actual data entry (this task would fall to Council officers). Ms Hussein advised she would speak with the Council's Strategic Co-Ordinator to discuss the possibility of progressing the listing sheets.
- Mr Miller tabled images of Evans and Cox, advising they are the images to be transposed on top of wording on the plinth (as discussed in Item 2 of the business paper).
- Discussion arose regarding the preferred method of receipt of agendas and it was generally agreed future business papers be posted to members.

The meeting closed at 6.25pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

REPORT:

Questions – 28 May 2013

#	Councillor	Question	Response
1	Rasmussen	Advised that large potholes near the T-intersection of Yarramundi and Inalls Lanes require repair.	The Director Infrastructure Services advised that instructions have been issued to undertake pothole maintenance including edge failures.
2	Rasmussen	Asked what the current position was regarding the development at 69 Blacktown Road, Yarramundi.	The Director City Planning advised that there are current outstanding Orders that are being investigated for operations on the site and the principle complainant has been kept informed of that investigation. Another development application for the operations on the site has recently been submitted to Council and processing will commence shortly. This application will be reported to Council upon finalisation of assessment.
3	Porter	Asked if it was Council's policy to issue fines in respect of retrospective approvals.	The Director City Planning advised that the issue of fines for retrospective development or any other matter is assessed in accordance with the Council's Enforcement Policy as adopted in December 2006.
4	Paine	Asked if Council was aware of any premises that the 'Men's Shed' in Richmond could move into.	The Director Support Services and Director City Planning advised that there are no commercial or community facilities within Richmond which are vacant or not in use. Council staff will contact the 'Men's Shed' representatives to discuss and explore possible options.

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
5	Paine	Asked what could be done about the vehicles travelling up Macquarie Street, turning right onto Bridge Street, left into Court Street and then first left to the round-a-bout in Thompson Square bypassing the traffic lights at the intersection of Macquarie Street and Bridge Street.	The Director Infrastructure Services advised that the RMS plans to implement a timed left turn ban prohibiting motorists from turning left from Bridge Street southbound into Court Street, Windsor, during the afternoon peak period, 4pm to 6pm, Monday to Friday. The RMS has advised that the restriction will be effective 28 June 2013, weather permitting. The RMS has distributed information to affected householders and business operators, and will install advisory signage to warn motorists of the no left turn restriction.
6	Mackay	Asked if Mr Brian Keegan could have his road bond refunded.	The Director City Planning advised that the bond is being held subject to compliance with certain conditions of the development consent for the site. One of the conditions relating to a Works as Executed plan is still outstanding and upon completion and lodgement with Council the application for bond refund will be processed in accordance with the development consent.
7	Reardon	Advised she had previously requested at the 9 April meeting to have the Jacaranda tree covering the end of School zone sign on Grose Vale Road trimmed however the works have not been completed and asked if Council staff could undertake the works.	The Director Infrastructure Services advised that the works have now been undertaken.
8	Reardon	Asked if a pedestrian crossing could be placed in Kurrajong Village.	The Director Infrastructure Services advised that the pedestrian and vehicle volumes will not satisfy the requirements/standards for a marked pedestrian crossing, however a review of the existing 40km/h high pedestrian zone signage will be carried out to determine if any pedestrian improvements are possible.
9	Creed	Advised that traffic control was set up during peak travel times on Grose Vale Road and asked if Council have a Policy on works being undertaken on Council roads during peak travel times.	The Director Infrastructure Services advised there is no specific policy due to the wide variation in works and traffic conditions, however each road project is planned, taking into account traffic management requirements to minimise delays where possible.

ORDINARY MEETING
Questions for Next Meeting

#	Councillor	Question	Response
10	Conolly	Asked for an update on the meeting/forum regarding homeless service providers.	The Director City Planning advised that a Homelessness workshop has been scheduled for 26 June, 2013.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Questions for Next Meeting



ordinary
meeting

end of
business
paper

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