



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 25 February 2014

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

Ordinary Meetings of Council are generally held on the second Tuesday of each month (except January), and the last Tuesday of each month (except December), meeting dates are listed on Council's website. The meetings start at 6:30pm and are scheduled to conclude by 11pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held, it will usually also be held on a Tuesday and start at 6:30pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

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

Public Participation

Members of the public can register to speak on any items in the business paper other than the Confirmation of Minutes; Mayoral Minutes; Responses to Questions from Previous Meeting; Notices of Motion (including Rescission Motions); Mayoral Elections; Deputy Mayoral Elections; Committee Elections and Annual Committee Reports. To register, you must lodge an application form with Council prior to 3pm on the day of the meeting. The application form is available on Council's website, from the Customer Service Unit or by contacting the Manager - Corporate Services and Governance on (02) 4560 4444 or by email at council@hawkesbury.nsw.gov.au.

The Mayor will invite registered persons to address the Council when the relevant item is being considered. Speakers have a maximum of three minutes to present their views. The Code of Meeting Practice allows for three speakers 'For' a recommendation (i.e. in support), and three speakers 'Against' a recommendation (i.e. in opposition).

Speakers representing an organisation or group must provide written consent from the identified organisation or group (to speak on its behalf) when registering to speak, specifically by way of letter to the General Manager within the registration timeframe.

All speakers must state their name, organisation if applicable (after producing written authorisation from that organisation) and their interest in the matter before speaking.

Voting

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

Planning Decision

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

Business Papers

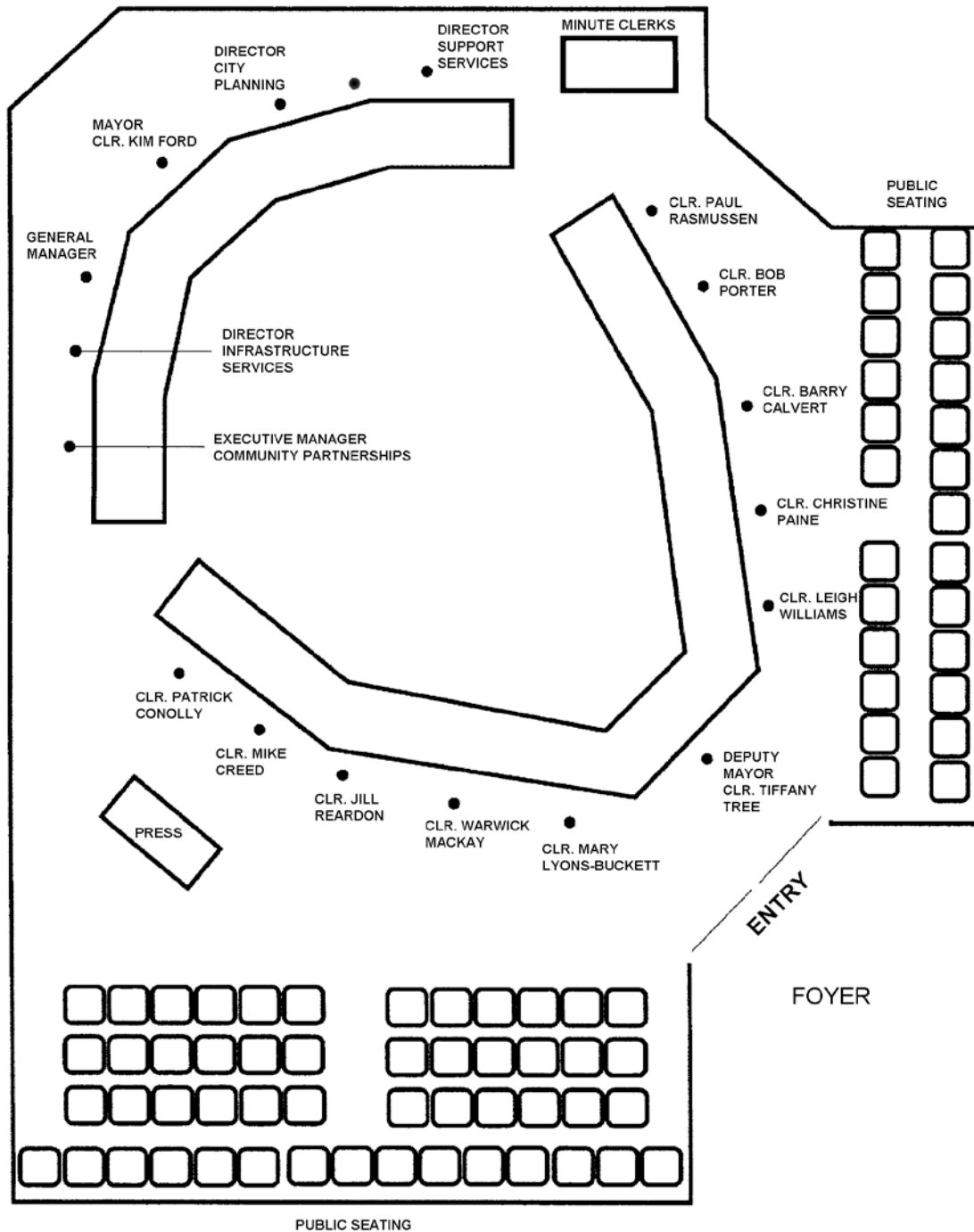
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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

Further Information

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone (02) 4560 4444.

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SECTION 2 - Mayoral Minutes

MM **Report Regarding Possible Establishment of Wards and Reduction in the Number of Councillors for the Hawkesbury Local Government Area - (79353, 120428)**

REPORT:

As Councillors would be aware the issue of the introduction of wards within the Hawkesbury Local Government Area (HLGA) has been discussed within Council on a number of occasions without any subsequent action being taken by Council as a result of these discussions and consultation that took place.

Likewise, the question of the reduction in the number of councillors elected to represent the HLGA has also arisen, particularly in association with opportunities made available by the State Government in the past to consider this without the need for a constitutional referendum. Again, no action was subsequently taken at the time.

I would suggest that it would now be an appropriate time for Council to again consider these two issues with a serious view to introducing wards and reducing the number of councillors for the HLGA.

If Council decided to progress these issues both are required to be submitted to and approved by a constitutional referendum prior to being introduced. In addition, there is a significant consultation process involved with determining proposed ward boundaries which would subsequently be put to a constitutional referendum. As such, I would suggest that it would be appropriate for Council to seek a detailed report on the requirements for and processes involved in each case, including required and possible consultation processes in each case.

If Council were to determine to take action in relation to these matters the earliest they could be put to a constitutional referendum would be in association with the 2016 Local Government Elections unless a specific Poll was held for this purpose which would not be recommended in view of the costs involved.

RECOMMENDATION:

That a report be submitted to Council concerning the requirements for and processes involved with the possible introduction of wards and the reduction of the number of Councillors for the Hawkesbury Local Government Area, including required and possible consultation processes in each case, with a view to these questions possibly being the subject of a constitutional referendum in association with the 2016 Local Government Elections.

ATTACHMENTS:

There are no supporting documents for this report.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 20 **CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - 1026 Grose Vale Road, Kurrajong - (95498)**

REPORT:

Executive Summary

This report discusses a planning proposal which seeks to amend *Hawkesbury Local Environmental Plan 2012* (LEP 2012) in order to permit the subdivision of Lot 2 DP 617404, 1026 Grose Vale Road, Kurrajong into two lots with a minimum lot size of not less than 4ha.

It is recommended that Council support the preparation of the planning proposal.

Consultation

The planning proposal has not yet been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (EP & A Act 1979) and associated Regulations and as specified in the "Gateway" determination.

Planning Proposal

The planning proposal submitted by Falson & Associates Pty Ltd (Falson) seeks an amendment to LEP 2012 in order to permit the subdivision of Lot 2 DP 617404, 1026 Grose Vale Road, Kurrajong into two lots with a minimum lot size of not less than 4ha.

A concept plan for the proposed subdivision is attached to this report.

The effect of the planning proposal would be to:

1. Amend the Land Zoning Map of LEP 2012 to change the current RU1 Primary Production zoning of the land to RU4 Primary Production Small Lots.
2. Amend the Lot Size Map of LEP 2012 to fix the minimum lot size for the land at 4ha.

Subject Site and Surrounds

The subject site is located approximately 1km south-west of the Kurrajong Neighbourhood Centre and in proximity to the intersection of Grose Vale Road and Willow Glen Road. The site has an area of 10.78ha and is an irregular shape with an approximate 130m frontage to Grose Vale Road. The site can also be accessed via Tates Lane.

The site is zoned RU1 Primary Production under LEP 2012. The current minimum lot size for subdivision of this land is 10ha.

The site contains a dwelling, associated outbuildings, and a dam. Towards the rear of the site is a watercourse which runs generally parallel to the southern boundary of the site. The remainder of the site is substantially cleared and undeveloped other than some scattered paddock trees of Acacia species.

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The land generally falls from Grose Vale Road with an elevation of approximately 178 AHD towards the existing dam which is located at a level of approximately 128 AHD and closer to south-eastern corner of the site. According to Council's slope mapping land towards Grose Vale Road, within the middle of the site and along the watercourse has a slope less than 15% with the remainder of the site is generally greater than 15% in slope.

The site falls within the Middle Nepean Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997)*.

The site is shown as being bushfire prone (bushfire vegetation category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map.

The site is shown as being within Acid Sulfate Soil Classification 5. This represents a relatively low chance of acid sulphate soils being present on the site.

The site is shown as being Agriculture Land Classification 3 and 4 on maps prepared by the former NSW Department of Agriculture.

There is an electricity easement at the rear of the site.

Properties immediately to the north, south and west are zoned RU4 and properties immediately to the east are zoned RU1 Primary Production under LEP 2012 and the immediate locality is predominantly zoned RU4 Primary Production Small Lots. The current minimum lot sizes for subdivision of the immediate surrounding properties are generally in the range of 4ha to 10ha in size.

Within close proximity of the site are locally significant heritage items at 941, 1033, 1040 and 1042 Grose Vale Road, Kurrajong.

According to Council's development approval records the site has been approved for a rural shed and subsequent modifications to the shed. The site is currently being used for residential purposes and has been used for grazing and some farming activities.

The site is situated above 1 in 100 year ARI flood level.

Applicant's Justification of Proposal

The applicant has provided the following justification for the planning proposal:

- *The planning proposal will enable economic use of the land for rural residential purpose consistent with the surrounding development.*
- *The land has appropriate physical characteristics to support the proposed two lot subdivision.*
- *The planning proposal will assist in maintaining the viability of the Kurrajong Neighbourhood Centre.*
- *The planning proposal is consistent with the Metro Plan, dNWSS, HRLS and other relevant statutory framework.*
- *There are no adverse environmental and visual impacts arising from this planning proposal.*

Metropolitan Strategy, Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy

The NSW Government's Metropolitan Strategy and Draft North West Subregional Strategy establish the broad planning directions for the Sydney metropolitan area and north-western sector of Sydney respectively. These documents identify a number of strategies, objectives and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance.

These two documents have a high level metropolitan and regional focus and for the most part are not readily applicable to a singular rural-residential planning proposal at Kurrajong. Notwithstanding this the applicant has provided an assessment of the planning proposal against these two documents and concludes that the proposal is consistent with these strategies. Taking into consideration the location of the proposed development i.e. on the western side of Hawkesbury River and on the fringe of Kurrajong Rural Neighbourhood Centre, and the unsuitability of the site to provide for an increased density of housing development beyond what is proposed it is considered that the proposal demonstrates satisfactory compliance with these strategies.

The Hawkesbury Residential Land Strategy (HRLS) is, in part, a response to the above mentioned State strategies and seeks to identify residential investigation areas and sustainable development criteria which are consistent with the NSW Government's strategies.

The proposal can be described as a rural residential development on the fringe of the Kurrajong Neighbourhood Centre.

The HRLS states that the future role of rural residential development is as follows:

Rural residential developments have historically been a popular lifestyle choice within Hawkesbury LGA. However, rural residential development has a number of issues associated with it including:

- *Impacts on road networks;*
- *Servicing and infrastructure;*
- *Access to facilities and services;*
- *Access to transport and services;*
- *Maintaining the rural landscape; and*
- *Impacts on existing agricultural operations.*

Whilst this Strategy acknowledges rural residential dwellings are a part of the Hawkesbury residential fabric, rural residential dwellings will play a lesser role in accommodating the future population. As such, future rural development should be low density and large lot residential dwellings.

For the purposes of this proposal, the relevant criteria for rural residential development are that it be large lot residential dwellings and:

- be able to have onsite sewerage disposal;
- cluster around or on the periphery of villages;
- cluster around villages with services that meeting existing neighbourhood criteria services as a minimum (within a 1km radius);
- address environmental constraints and have minimal impact on the environment;
- within the capacity of the rural village

The ability to dispose of effluent on site is discussed in later sections of this report.

The site is proximate to the Kurrajong Neighbourhood Centre (i.e. from the centre of the Kurrajong commercial area to the centre of the subject site is approximately 1,200m).

Relevant environmental constraints are discussed in later sections of this report.

Council Policy - Rezoning of Land for Residential Purposes - Infrastructure Issues

On 30 August 2011, Council adopted the following Policy:

That as a matter of policy, Council indicates that it will consider applications to rezone land for residential purposes in the Hawkesbury LGA only if the application is consistent with the directions and strategies contained in Council's adopted Community Strategic Plan, has adequately considered the existing infrastructure issues in the locality of the development (and the impacts of the proposed development on that infrastructure) and has made appropriate provision for the required infrastructure for the proposed development in accordance with the sustainability criteria contained in Council's adopted Hawkesbury Residential Land Strategy.

Note 1:

In relation to the term "adequately considered the existing infrastructure" above, this will be determined ultimately by Council resolution following full merit assessments, Council resolution to go to public exhibition and Council resolution to finally adopt the proposal, with or without amendment.

Note 2:

The requirements of the term "appropriate provision for the required infrastructure" are set out in the sustainability matrix and criteria for development/settlement types in chapter six and other relevant sections of the Hawkesbury Residential Land Strategy 2011.

Compliance with the HRLS has been discussed above. Compliance with the Hawkesbury Community Strategic Plan 2013 - 2032 (the CSP) will be discussed later in this report.

Section 117 Directions

Section 117 Directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. A summary of the key Section 117 Directions follows:

Direction 1.2 Rural Zones

Planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

The planning proposal seeks to rezone the land from RU1 Primary Production to RU4 Primary Production Small Lots and both these zones are rural zones. The planning proposal does seek to increase the permissible density of land by reducing the minimum lot size from 10ha to 4ha.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

Requires consultation with NSW Industry and Investment.

Direction 3.4 Integrating Land Use and Transport

Planning proposals must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of Improving Transport Choice - Guidelines for planning and development (DUAP 2001)

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In summary this document seeks to provide guidance on how future development may reduce growth in the number and length of private car journeys and make walking, cycling and public transport more attractive. It contains 10 “Accessible Development” principles which promote concentration within centres, mixed uses in centres, aligning centres with corridors, linking public transport with land use strategies, street connections, pedestrian access, cycle access, management of parking supply, road management, and good urban design.

The document is very much centres based and not readily applicable to consideration of a rural residential planning proposal. The document also provides guidance regarding consultation to be undertaken as part of the planning proposal process and various investigations/plans to be undertaken. It is recommended that if this planning proposal is to proceed Council seek guidance from the DP&I via the “Gateway” process, regarding the applicability of this document.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&I. The subject site is identified as “Class 5” (less constrained) on the Acid Sulphate Soils Planning Maps. The DP&I will consider this as part of their “Gateway” determination and if required can request further information/consideration of this matter.

Direction 4.4 Planning for Bushfire Protection

Requires consultation with the NSW Rural Fire Service, compliance with Planning for Bushfire Protection 2006, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions.

Direction 6.1 Approval and Referral Requirements

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. It is considered that the planning proposal is consistent with this Direction as it does not require the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls.

The planning proposal is consistent with this direction as it does not specify any restrictive provisions for future development on the land other than those already specified in LEP 2012 for the RU4 Primary Production Small Lots zones.

Direction 7.1 Implementation of the Metropolitan Strategy

Requires planning proposals to be consistent with the NSW Government’s Metropolitan Strategy City of Cities, A Plan for Sydney’s Future.

The Section 117 Directions do allow for planning proposals to be inconsistent with the Directions. In general terms a planning proposal may be inconsistent with a Direction only if the DP&I are satisfied that the proposal is:

- a) justified by a strategy which:
 - gives consideration to the objectives of the Direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the DP&I, or

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- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this Direction, or
- c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this Direction, or
- d) is of minor significance.

The HRLS has been prepared with consideration given to the various policies and strategies of the NSW Government and Section 117 Directions of the Minister. In this regard, a planning proposal that is consistent with the Hawkesbury Residential Land Strategy is more likely to be able to justify compliance or support for any such inconsistency.

State Environmental Planning Policies

The State Environmental Planning Policies of most relevance are *State Environmental Planning Policy No. 55 Remediation of Land*, *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)* and *Sydney Regional Environmental Plan No. 20 Hawkesbury - Nepean River (No.2 - 1997)*.

SEPP 55 requires consideration as to whether or not land is contaminated, and if so, is it suitable for future permitted uses in its current state or does it require remediation. The SEPP may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

The applicant advises that:

The land has not been used for an agricultural use for many years. Previous uses were for limited grazing activities of cattle and horses. There is no obvious evidence of surface or groundwater pollution as a result of past uses.

Notwithstanding, it is noted that the Department of Planning Local Plan Making Guidelines states as follows:

In some cases it will be necessary to undertake technical studies or investigations to justify different aspects of a planning proposal. Generally, these studies or investigations should not be carried out in the first instance. Instead, the issues giving rise to the need for these studies or investigations should be identified in the planning proposal. The initial gateway determination will then confirm the studies or investigations required and the process for continuing the assessment of the proposal, including whether it will need to be resubmitted following completion of the studies or investigations.

In terms of this planning proposal, it is considered that no study is warranted in order to progress the draft LEP. Any future development application for subdivision may then require further investigation.

Council's investigations undertaken in February 2010 revealed that the site had been used for the operation of a tilt of concrete panel business with no development approval.

If the planning proposal is to proceed further consideration of potential contamination can be dealt with after DP&I's "Gateway" determination.

The primary aims of SREP No 9 (No.2 -1995) are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposal development restrict the obtaining of deposits of extractive material from such land.

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The aim of SREP No 20 (No. 2 - 1997) is 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. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural residential development and the metropolitan strategy.

Specifically the SREP encourages Council to consider the following:

- rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna);
- develop in accordance with the land capability of the site and do not cause land degradation;
- the impact of the development and the cumulative environmental impact of other development proposals on the catchment;
- quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters;
- consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored;
- consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site;
- minimise or eliminate point source and diffuse source pollution by the use of best management practices;
- site and orientate development appropriately to ensure bank stability;
- protect the habitat of native aquatic plants;
- locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land;
- consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms;
- conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors;
- minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices;
- consider the impact on ecological processes, such as waste assimilation and nutrient cycling;
- consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas;
- consider the need to control access to flora and fauna habitat areas;
- give priority to agricultural production in rural zones;

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- protect agricultural sustainability from the adverse impacts of other forms of proposed development;
- consider the ability of the site to sustain over the long term the development concerned;
- maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development;
- consider any adverse environmental impacts of infrastructure associated with the development concerned.

It is considered that a future rural dwelling on the planned additional lot has the potential to either satisfy the relevant provisions SREP No 20 or be able to appropriately minimise its impacts.

Character of the Area

The area surrounding the site contains a mix of lot sizes and the predominant average lot size in the immediate vicinity is 4ha. A number of relatively small rural residential lots are within the vicinity of the subject site to the northeast. The proposed lots are of similar size to these existing properties.

Topography

The land generally falls from Grose Vale Road with an elevation of approximately 178 AHD towards the existing dam which is located at a level of approximately 128 AHD and closer to south-eastern corner of the site. According to Council's slope mapping land towards Grose Vale Road, within the middle of the site and along the watercourse has a slope less than 15% with the remainder of the site is generally greater than 15% in slope.

The concept plan for the proposed two lot subdivision does not show a building footprint of a future dwelling on the proposed additional lot to demonstrate the environmental capability of the land. Given the proposed lots sizes are more than 4ha it is considered that a suitable building footprint could be accommodated within the land. However, this issue can be taken into consideration at the development application stage.

Public Transport, Accessibility and Traffic Generation

Public transport is limited to the Westbus Route 682 service along Bells Line of Road between Richmond and Kurrajong. The service operates every 30 minutes during peak period. The closest bus stop is located within the Kurrajong village. Given the limited frequency of service and the location of the bus stop it is anticipated that the occupants of the proposed subdivision will most likely to rely upon private vehicles.

The site is currently accessed via Grose Vale Road. The concept plan for the proposed subdivision shows that the proposed Lot 101 containing the existing dwelling house maintains its current access from Grose Vale Road. The proposed Lot 102 which is a battle-axe allotment also gains access from Grose Vale Road and it also can access via Bates Lane.

Given the planning proposal is only to subdivide the land into two lots and allow an additional dwelling on the proposed Lot 102 there will be no significant traffic generation in the locality.

Services

The applicant advises that the land is serviced by power and telecommunication services. A reticulated water supply is not available to the site, hence future occupants will need to rely on tank water.

The site does not have access to a reticulated sewer system and future development of the site will depend on an onsite sewage disposal system. The concept plan shows the proposed two lots (Lot 101 and Lot 102) with areas of 6.19ha and 4.59ha respectively. The existing dwelling on proposed Lot 101 is served by a septic tank and trench system.

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Whilst no preliminary wastewater disposal feasibility study or any other relevant statement/study has been submitted with the planning proposal the applicant claims that given the topography, grass cover and the proposed lot sizes, appropriate on-site sewerage system can be designed for the site and the proposed Lot 102 is large enough to contain a building footprint with associated effluent disposal, bushfire protection zone and ancillary development well away from the intermittent watercourses and dam.

Heritage Significance

The site is not identified as a heritage item/property in Schedule 5 Environmental Heritage of LEP 2012 or located within a conservation area. Four heritage listed properties are located within the immediate vicinity. The likely impact of the future development of the land on these heritage properties can be assessed at development application stage. Appropriate development conditions ensuring no adverse impacts on these heritage items/properties could be imposed in future development approvals for the subject land.

Ecology

The Terrestrial Biodiversity Map of LEP 2012 identifies more than 50% of the site area as 'connectivity between significant vegetation'. Council's vegetation mapping records site as Unclassified vegetation and Turpentine - Ironbank Forest. A recent site investigation reveals that there is limited vegetation on site and this vegetation is dominated by scattered paddock trees of the Acacia species. It is considered that the significance of flora/fauna on the land can be assessed at development application stage.

Towards the rear of the site is a watercourse which runs generally parallel to the southern boundary of the site. The conservation significance referred to in the Council's Biodiversity Protection Map of the LEP 2012 represents a riparian buffer zone of 50m from top of bank for both sides of the watercourse. This should be retained to a minimum of 20m either side (40m in total).

It is considered that the concept subdivision plan shows sufficient land within the generally cleared area that could be available for the erection of buildings, waste water disposal and asset protection zones. Furthermore the planning proposal does not seek to amend *Clause 6.4 Terrestrial biodiversity* of the LEP or the associated map layer hence detailed consideration of any future development of the land can occur at development application stage.

Bushfire Hazard

The site is shown as being bushfire prone (bushfire vegetation category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map.

If the planning proposal is to proceed it will be referred to the NSW Rural Fire Service (RFS), being the responsible authority of bushfire protection, for comment.

Agricultural Land Classification

The site is shown as being Agriculture Land Classification 3 and 4 on maps prepared by the former NSW Department of Agriculture. These lands are described by the classification system as:

3. *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown or other factors, including climate, may limit the capacity for cultivation and soil conservation or drainage works may be required.*
4. *Land suitable for grazing but not for cultivation. Agriculture is based on native pastures or improved pastures established using minimum tillage techniques. Production may be seasonally high but the overall production level is low as a result of major environmental constraints.*

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Given the proximity of the site to surrounding rural residential properties and the size and slope of the site it is considered that it is unlikely the site could be used for a substantial or sustainable agricultural enterprise.

Compliance with DP&I Guidelines for Preparing Planning Proposals

A planning proposal needs to be prepared in accordance with s.55 of the *Environmental Planning and Assessment Act, 1979* (the Act) and having regard to the NSW Department of Planning's (DP&I's) '*A guide to preparing local environmental plans*' October 2012 (the Guidelines). This planning proposal has been prepared in accordance with the previous Guidelines published in July 2009. Should the planning proposal be supported, and in order to ensure consistency with the current Guidelines, the applicant will be required to update the planning proposal prior to the planning proposal being forwarded to the DP&I for a "Gateway" determination.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Plan Directions statement:

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

Conclusion

It is considered that the planning proposal enabling development of the subject land for rural residential purpose is appropriate and feasible and it is recommended that Council support amending LEP 2012 to allow the subject land to be developed for rural residential development.

Financial Implications

The applicant has paid the fees required by Council's fees and charges for the preparation of a local environmental 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.

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RECOMMENDATION:

That:

1. Council support the preparation of a planning proposal for Lot 2 DP 617404, 1026 Grose Vale Road, Kurrajong to allow development of the land for rural residential development with a minimum lot size of 4ha.
2. The planning proposal be forwarded to the Department of Planning and Infrastructure for a "Gateway" determination.
3. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning and Infrastructure and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal.

ATTACHMENTS:

- AT - 1 Locality Plan
- AT - 2 Subject Site
- AT - 3 Aerial Photo of Site
- AT - 4 Concept Plan of Proposed Subdivision
- AT - 5 Slope Map

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Legend

- Playgrounds
- Bus Shelters
- Bushfire Stations
- Caravan Parks
- Childcare Centres, Pre
- Schools
- Halls - Community Centres
- Hospitals
- Public Toilets
- Train Stations
- Schools
- Rail Line
- Parks & Reserves

Scale
0 20 40 60
Metres
1:3050 @ A4

North Arrow

Location Map
The map is intended for reference only. The position of the subject site is indicated by a red dot. The map is not to be used for any other purpose. The map is not to be used for any other purpose. The map is not to be used for any other purpose.

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Lot 2 DP 617404, 1026 Grose Vale Road, Kurrajong – Concept Plan for Proposed Subdivision

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Item: 21 CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - 1059A Grose Vale Road, Kurrajong - (95498)

REPORT:

This report discusses a planning proposal which seeks to amend *Hawkesbury Local Environmental Plan 2012* (LEP 2012) in order to permit the subdivision of 1059A Grose Vale Road, Kurrajong into six to seven lots with a minimum lot size of not less than 4,000m².

It is recommended that Council support the preparation of a planning proposal to allow development of the land for rural residential development.

Consultation

The planning proposal has not yet been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and associated Regulations and as specified in the "Gateway" determination.

Planning Proposal

The planning proposal submitted by Montgomery Planning Solutions (MPS) seeks an amendment to *Hawkesbury Local Environmental Plan 2012* (LEP 2012) in order to permit the subdivision of Lot 2 DP 270237, 1059A Grose Vale Road, Kurrajong into lots with a minimum lot size of not less than 4,000m².

Concept plans of two proposed subdivisions, one with six lots the other with seven lots, are attached to this report. The proponent has requested that Council proceed with the planning proposal on the basis of a minimum lot size of 4,000m² and a maximum lot yield of seven lots for the land.

The effect of the planning proposal would be to either:

- a) amend the Lot Size Map of LEP 2012 and insert an appropriate provision limiting the development to a maximum of seven lots, or
- b) insert an appropriate provision into Schedule 1 Additional Permitted Uses into LEP 2012.

The Department of Planning and Infrastructure (DP&I) will ultimately decide on the type of amendment to LEP 2012. It is understood that at present the DP&I's preference is to limit the use of Schedule 1 and rely on amendments to the minimum lot size map.

Subject Site and Surrounds

The site is located on the edge of Kurrajong village. The subject site has an area of 4ha and is a lot within a seven lot community title subdivision (DP270237). No dwellings are located on the site and it appears the current use of the site is predominantly for low scale grazing of livestock.

The site has frontage to Grose Vale Road and a private road that serves the community title subdivision. A restriction as to user exists over the site prohibiting vehicular access to or from Grose Vale Road. Hawkesbury City Council is the beneficiary of this restriction as to user.

The site contains a small dam towards Grose Vale Road and small water course with associated riparian vegetation towards the north-western boundary. The water course is part of larger water course extending generally in a northerly direction from near Grose Vale Road to Little Wheeny Creek near Kurrajong Road, Kurrajong. The riparian vegetation includes Turpentine Iron Margin Forest which is a component of the endangered ecological community Sydney Turpentine Ironbark Forest. This is a critically endangered ecological community (CEEC). The proposal indicates there will be no significant impact on the community by this development. However, a number of small lots contain a significant proportion of the CEEC.

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Approximately half of this vegetation is subject to a restriction as to user that, amongst other matters, prohibits the grazing of livestock, erection of buildings or structures, and fencing. Hawkesbury City Council is the beneficiary of this restriction as to user. However, changes to the lot yield and layout, road location, etc., may be required to accommodate the retention of this CEEC, particularly in relation to effluent disposal. Much of this can be undertaken at the development application stage.

The land has an elevation of approximately 177m AHD towards Grose Vale Road and then falls westerly for a distance of approximately 270m towards the watercourse to an elevation of approximately 144m. This represents an average slope of 12%; however, in general terms the first third of the site, measured from Grose Vale Road, is in excess of 15%.

The site is zoned RU4 Primary Production Small Lots under LEP 2012. The current minimum lot size for subdivision of this land is 4ha. Properties immediately to the north in Buckett Place and to the east in Grose Vale Road are zoned R2 Low Density Residential.

The site falls within the Colo Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997)*.

The site is shown as being bushfire prone (bushfire vegetation category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map.

The site is shown as being within Acid Sulfate Soil Classification 5. This represents a relatively low chance of acid sulphate soils being present on the site.

The site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture.

Land surrounding the site consists of a varied mix of lots sizes with smaller lots located immediately adjacent in Grose Vale Road and to the north in Buckett Place. Larger lots are generally located to the west and south.

Metropolitan Strategy, Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy

The NSW Government's Metropolitan Strategy and Draft North West Subregional Strategy establish the broad planning directions for the Sydney metropolitan area and north-western sector of Sydney respectively. These documents identify a number of strategies, objectives and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance.

These two documents have a high level metropolitan and regional focus and for the most part are not readily applicable to a singular rural residential planning proposal at Kurrajong. Notwithstanding this the applicant has provided an assessment of the planning proposal against these two documents and concludes that the proposal is consistent with these strategies. Taking into consideration the location of the proposed development, i.e. on the western side of Hawkesbury River and on the fringe of Kurrajong Village, and the unsuitability of the site to provide for an increased density of housing development beyond what is proposed it is considered that the proposal demonstrates satisfactory compliance with these strategies.

The Hawkesbury Residential Land Strategy (HRLS) is, in part, a response to the above mentioned State strategies and seeks to identify residential investigation areas and sustainable development criteria which are consistent with the NSW Government's strategies.

The proposal can be described as a rural residential development on the fringe of the Kurrajong village.

The HRLS states that the future role of rural residential development is as follows:

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Rural residential developments have historically been a popular lifestyle choice within Hawkesbury LGA. However, rural residential development has a number of issues associated with it including:

- *Impacts on road networks;*
- *Servicing and infrastructure;*
- *Access to facilities and services;*
- *Access to transport and services;*
- *Maintaining the rural landscape; and*
- *Impacts on existing agricultural operations.*

Whilst this Strategy acknowledges rural residential dwellings are a part of the Hawkesbury residential fabric, rural residential dwellings will play a lesser role in accommodating the future population. As such, future rural development should be low density and large lot residential dwellings.

For the purposes of this proposal, the relevant criteria for rural residential development are that it be large lot residential dwellings and:

- be able to have onsite sewerage disposal;
- cluster around or on the periphery of villages;
- cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within a 1km radius);
- address environmental constraints and have minimal impact on the environment;
- within the capacity of the rural village

The ability to dispose of effluent on site is discussed in later sections of this report.

The site is on the fringe of the Kurrajong village centre.

Relevant environmental constraints are discussed in later sections of this report.

Council Policy - Rezoning of Land for Residential Purposes - Infrastructure Issues

On 30 August 2011, Council adopted the following Policy:

That as a matter of policy, Council indicates that it will consider applications to rezone land for residential purposes in the Hawkesbury LGA only if the application is consistent with the directions and strategies contained in Council's adopted Community Strategic Plan, has adequately considered the existing infrastructure issues in the locality of the development (and the impacts of the proposed development on that infrastructure) and has made appropriate provision for the required infrastructure for the proposed development in accordance with the sustainability criteria contained in Council's adopted Hawkesbury Residential Land Strategy.

Note 1:

In relation to the term "adequately considered the existing infrastructure" above, this will be determined ultimately by Council resolution following full merit assessments, Council resolution to go to public exhibition and Council resolution to finally adopt the proposal, with or without amendment.

Note 2:

The requirements of the term "appropriate provision for the required infrastructure" are set out in the sustainability matrix and criteria for development/settlement types in chapter six and other relevant sections of the Hawkesbury Residential Land Strategy 2011.

Compliance with the HRLS has been discussed above. Compliance with CSP will be discussed later in this report.

Council Policy - Our City Our Future Rural Rezonings Policy

This Policy was adopted by Council on 16 May 1998 and had its origin in the Our City Our Future study of the early 1990s.

Since the time of adoption this Policy has essentially been superseded by subsequent amendments to *Hawkesbury Local Environmental Plan 1989*, NSW Draft North West Subregional Strategy, the Hawkesbury Residential Land Strategy, the Hawkesbury Community Strategic Plan, the commencement of LEP 2012, and the DP&I's "Gateway" system for dealing with planning proposals.

The Policy is repeated below with responses provided by the applicant.

- a) Fragmentation of the land is to be minimised.

Applicant response

It is considered that the proposal minimises fragmentation of rural lands by creating mostly 4,000m² residential lots, allowing for an acceptable increase in population, while not fragmenting larger viable agricultural lots.

- b) Consolidation within and on land contiguous with existing towns and villages be preferred over smaller lot subdivision away from existing towns and villages

Applicant response

It is submitted that the proposal is within a location which has access to services and facilities and is contiguous with residential lots associated with Kurrajong village
This policy statement has been adopted by the Hawkesbury Residential Lands Strategy in Section 6.5 – Rural Village Criteria

Cluster around the periphery of villages

Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within 1km radius)

- c) No subdivisions along main road and any subdivision to be effectively screened from minor roads

Applicant response

Grose Vale Road is not a main road. The land falls away from Grose Vale Road, which means that the proposed subdivision will not be readily visible from this road.

- d) No subdivision along ridgelines or escarpments

Applicant response

Grose Vale Road follows a minor ridgeline or saddle. The land which is proposed to be subdivided falls away from Grose Vale Road to the west. The proposal will not be visible against the eastern escarpment and foothills backdrop due to the nature of the topography. It is therefore submitted that the proposal is consistent with this statement.

- e) Where on site effluent disposal is proposed, lots are to have an area of at least 1 (one) hectare unless the effectiveness of a smaller area can be demonstrated by geotechnical investigation.

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Applicant response

This policy statement has been adopted by the Hawkesbury Residential Lands Strategy in Section 6.5 - Rural Village Criteria:

Be able to have onsite sewerage disposal

The size of the proposed lots is 4,000m². A preliminary geotechnical investigation was carried out by Toby Fiander and Associates, which confirms that the land is suitable for on-site effluent disposal. It is submitted that the Planning Proposal is consistent with this policy statement.

- f) The existing proportion of tree coverage on any site is to be retained or enhanced.

Applicant response

The Planning Proposal will have no impact on tree coverage. The subdivision concept has been designed to retain riparian vegetation and to place building envelopes within existing cleared grazing paddocks. Additional plantings as part of subdivision works will enhance the overall tree coverage of the land.

- g) Any rezoning proposals are to require the preparation of Environmental Studies and Section 94 Contributions Plans at the applicant's expense.

Applicant response

It is submitted that an environmental study is not required, as sufficient information is provided with the Planning Proposal in accordance with Department of Planning Local Plan Making Guidelines. Whether or not a Section 94 contributions plan is required for the proposal is a matter for Council consideration.

Staff response

Taking into consideration the scale of the development it is considered that an environmental study is not required. However, this will be a matter for the DP&I to advise Council on as a result of their "Gateway" process.

The need for a Section 94 Contribution Plan or a Voluntary Planning Agreement can be further discussed with the applicant if this planning proposal is to proceed.

- h) Community title be encouraged for rural subdivision as a means of conserving environmental features, maintaining agricultural land and arranging for the maintenance of access roads and other capital improvements.

Applicant response

The form of title of subdivision is more appropriate for discussion in the lead up to a development application, once the Planning Proposal has progressed to the final stage. However, the preliminary subdivision concept provides that all lots will have access to a public road. Private roads are problematic in terms of the current Planning for Bushfire Protection requirements.

Section 117 Directions

Section 117 Directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. A summary of the key Section 117 Directions follows:

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Direction 1.2 Rural Zones

Planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Direction 1.3 Mining, Petroleum Production and Extractive Industries

Requires consultation with NSW Industry and Investment.

Direction 3.4 Integrating Land Use and Transport

Planning proposals must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of Improving Transport Choice - Guidelines for planning and development (DUAP 2001)

In summary this document seeks to provide guidance on how future development may reduce growth in the number and length of private car journeys and make walking, cycling and public transport more attractive. It contains 10 "Accessible Development" principles which promote concentration within centres, mixed uses in centres, aligning centres with corridors, linking public transport with land use strategies, street connections, pedestrian access, cycle access, management of parking supply, road management, and good urban design.

The document is very much centres based and not readily applicable to consideration of a rural residential planning proposal. The document also provides guidance regarding consultation to be undertaken as part of the planning proposal process and various investigations/plans to be undertaken. It is recommended that if this planning proposal is to proceed Council seek guidance from the DP&I via the "Gateway" process, regarding the applicability of this document.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&I. The subject site is identified as "Class 5" (less constrained) on the Acid Sulphate Soils Planning Maps. The DP&I will consider this as part of their "Gateway" determination and if required can request further information/consideration of this matter.

Direction 4.4 Planning for Bushfire Protection

Requires consultation with the NSW Rural Fire Service, compliance with Planning for Bushfire Protection 2006, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions.

Direction 6.1 Approval and Referral Requirements

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. It is considered that the planning proposal is consistent with this Direction as it does not require the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls. The planning proposal proposes a number of options, including site specific provisions, to amend HLEP 2012 in order to enable the proposed subdivision. These options are to be discussed with DP&I.

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Direction 7.1 Implementation of the Metropolitan Strategy

Requires planning proposals to be consistent with the NSW Government's Metropolitan Strategy City of Cities, A Plan for Sydney's Future.

The Section 117 Directions do allow for planning proposals to be inconsistent with the Directions. In general terms a planning proposal may be inconsistent with a Direction only if the DP&I is satisfied that the proposal is:

- a) justified by a strategy which:
 - gives consideration to the objectives of the Direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the DP&I, or
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this Direction, or
- c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this Direction, or
- d) is of minor significance.

The HRLS has been prepared with consideration given to the various policies and strategies of the NSW Government and Section 117 Directions of the Minister. In this regard, a planning proposal that is consistent with the Hawkesbury Residential Land Strategy is more likely to be able to justify compliance or support for any such inconsistency.

State Environmental Planning Policies

The State Environmental Planning Policies of most relevance are *State Environmental Planning Policy No. 55 Remediation of Land*, *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)* and *Sydney Regional Environmental Plan No. 20 Hawkesbury - Nepean River (No.2 - 1997)*.

SEPP 55 requires consideration as to whether or not land is contaminated, and if so, is it suitable for future permitted uses in its current state or does it require remediation. The SEPP may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

The applicant advises that:

The land has been used for agriculture in the form of animal grazing for many years. However, there is no evidence to suggest that any activities have occurred on the land which would give rise to contamination.

Notwithstanding, it is noted that the Department of Planning Local Plan Making Guidelines states as follows:

In some cases it will be necessary to undertake technical studies or investigations to justify different aspects of a planning proposal. Generally, these studies or investigations should not be carried out in the first instance. Instead, the issues giving rise to the need for these studies or investigations should be identified in the planning proposal. The initial gateway determination will then confirm the studies or investigations required and the process for continuing the assessment of the proposal, including whether it will need to be resubmitted following completion of the studies or investigations.

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In terms of this planning proposal, it is considered that no study is warranted in order to progress the draft LEP. Any future development application for subdivision may then require further investigation.

If the planning proposal is to proceed further consideration of potential contamination can be dealt with after DP&I's "Gateway" determination.

The primary aims of SREP No 9 (No.2 -1995) are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposal development restrict the obtaining of deposits of extractive material from such land.

The aim of SREP No 20 (No. 2 - 1997) is 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. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury - Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural residential development and the metropolitan strategy.

Specifically the SREP encourages Council to consider the following:

- rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna);
- develop in accordance with the land capability of the site and do not cause land degradation;
- the impact of the development and the cumulative environmental impact of other development proposals on the catchment;
- quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters;
- consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored;
- consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site;
- when considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of rural land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 20 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan;
- minimise or eliminate point source and diffuse source pollution by the use of best management practices;
- site and orientate development appropriately to ensure bank stability;
- protect the habitat of native aquatic plants;
- locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land;

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- consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms;
- conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors;
- minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices;
- consider the impact on ecological processes, such as waste assimilation and nutrient cycling;
- consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas;
- consider the need to control access to flora and fauna habitat areas;
- give priority to agricultural production in rural zones;
- protect agricultural sustainability from the adverse impacts of other forms of proposed development;
- consider the ability of the site to sustain over the long term the development concerned;
- maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development;
- consider any adverse environmental impacts of infrastructure associated with the development concerned.

It is considered that some form of rural residential development on the subject land has the potential to either satisfy the relevant provisions SREP No 20 or be able to appropriately minimise its impacts.

Character of the Area

The area surrounding the site contains a mix of lot sizes and in particular there are a number of relatively small rural residential lots within the immediate vicinity of the subject site to the east in Grose Vale Road and the north in Buckett Place. The proposed lots are of similar size to these existing properties.

Topography

The land has an elevation of approximately 177m AHD towards Grose Vale Road and then falls westerly for a distance of approximately 270m towards the watercourse to an elevation of approximately 144m. This represents an average slope of 12% however in general terms the first third of the site, measured from Grose Vale Road, is in excess of 15%.

The HRLS recognises slopes greater than 15% act as a constraint to development. Proposed Lot 1 on the six lot plan and proposed Lots 1 and 2 on the proposed seven lot plan contain significant portions of land with a slope greater than 15%. The Strategy slope constraint combined with the impacts these slopes have on effluent disposal, potential impacts on the Critically Endangered Ecological Community and increased impacts on building and site access, it is considered that the proposed development should be limited to six proposed allotments and not seven.

The steeper sloping part of the land will, to varying degrees, act as a constraint for the location and type of dwelling, outbuilding, effluent disposal system, and driveways.

Public Transport and Traffic Generation

Public transport is limited to the Westbus Route 682 service along Bells Line of Road between Richmond and Kurrajong. The service operates every 30 minutes during peak period. The closest bus stop is located within the Kurrajong village. Given the limited frequency of service and the location of the bus stop it is anticipated that the occupants of the proposed subdivision will be private vehicle dependent.

The planning proposal is not supported by a traffic impact statement and the cumulative impact of similar proposals that may occur in the future has not been considered by the planning proposal. It is considered that this is a matter for Council and the RMS to address with the outcome being incorporated into affected planning proposals.

In recent reports to Council dealing with other planning proposals within the vicinity of Kurmond it has been noted that Council has received petitions from residents west of the Hawkesbury River concerned about rezoning of land for residential purposes in the absence of necessary infrastructure upgrades. To address this it has been recommended that Council commence the preparation of a Section 94 Contributions Plan for the land within the vicinity of Kurmond to ensure that all proposed developments in the locality contribute to the required infrastructure, especially road upgrade and provision, in the locality. Alternatively applicants and Council can commence Voluntary Planning Agreement negotiations to address this issue. It is considered this is a fundamental matter to be dealt with by Council prior to the finalisation of any planning proposals in the locality as the cumulative impact of these types of development will be unacceptable if no traffic improvements are made.

With respect to the current prohibition of direct vehicular access to and from Grose Vale Road, the proponent makes the following comments:

Examination of the site constraints revealed that the best location for the road to intersect with Grose Vale Road is along the northern boundary. This location provides a more level platform at the intersection without significant earthworks to change the landform. I would also point out that the intersection is within a posted 50kph speed zone, while the sign for the 40kph village zone is visible from the southern side of the intersection. Therefore traffic on Grose Vale Road in this location will be travelling at a speed of between 40 and 50 kph.

In relation to the 88B instrument on the title restricting access to Grose Vale Road, it is noted that Council is the beneficiary of this restriction and therefore can remove the restriction. The requirement for a public road is found [in Planning for Bushfire Protection 2006] acceptable solution: "access to a development comprising more than three dwellings have formalised access by dedication of a road and not by right of way". Council is formally requested to agree to removal of the existing restriction in the event that the planning proposal proceeds.

Services

The applicant advises that the land is serviced by reticulated water, power and telecommunication services.

A preliminary on site waste water disposal feasibility study has been submitted with the planning proposal. This study provides a preliminary assessment of the site's suitability of on-site effluent disposal. The study considered the soil profile, required separation distance, existing vegetation, slope and it was assumed that an area of 1000m² per lot would be required for irrigation disposal.

Based in the findings of the feasibility study it is considered that on site waste water disposal is achievable on the lots proposed in the six lot and seven lot concept plans.

Whilst the feasibility study states that on site waste water disposal is "achievable", as mentioned previously in this report, due to the reasons of slope and the potential adverse impacts on the CEEC on the site, a limitation of 6 potential allotments is recommended.

Ecology

The site contains a small water course with associated riparian vegetation towards the north-western boundary. This vegetation includes Turpentine Iron Margin Forest which is a component of the endangered ecological community Sydney Turpentine Ironbark Forest. Approximately half of this vegetation is subject to a restriction as to user that, amongst other matters, prohibits the grazing of livestock, erection of buildings or structures, and fencing. Hawkesbury City Council is the beneficiary of this restriction as to user.

The proponent advises:

Ground inspection confirms that the area identified as significant vegetation is concentrated within the riparian corridor. This area will not be affected by the subdivision or subsequent dwellings or asset protection zones.

The area identified as connectivity between significant vegetation is slashed pasture with no trees. There is also no native ground cover or shrub layer, as shown in Figure 22 below.

It is considered that the proposal will have no adverse impact on threatened species populations or ecological communities.

It is considered that the concept subdivision plans show sufficient land outside of the riparian vegetation that could be available for the erection of buildings, waste water disposal and asset protection zones. Furthermore the planning proposal does not seek to amend *Clause 6.4 Terrestrial biodiversity* of the LEP or the associated map layer hence detailed consideration of any future development of the land can occur at development application stage.

Bushfire Hazard

The site is shown as being bushfire prone (bushfire vegetation category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map. The planning proposal is supported by a preliminary bush fire hazard assessment prepared by Control Line Consulting.

The report finds that the establishment of asset protection zones would not require the removal of any standing or woody vegetation within the site, the creation of asset protection zones and ongoing maintenance would be easily achieved by regular mowing of the grasslands.

The report concludes that whilst there would be bushfire related consent conditions applied to the land at both subdivision and construction stages, none of these conditions should be overly restrictive or prohibit development approval by bushfire regulatory provisions.

If the planning proposal is to proceed it will be referred to the NSW Rural Fire Service (RFS), being the responsible authority of bushfire protection, for comment.

Agricultural Land Classification

The site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture. This land is described by the classification system as being:

3. *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic factors or environmental constraints. Erosion hazard, soil structural breakdown or other factors including climate may limit the capacity for cultivation, and soil conservation or drainage works may be required.*

Given the proximity of the site to surrounding rural residential properties and the size and slope of the site it is considered that it is unlikely the site could be used for a substantial or sustainable agricultural enterprise.

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Compliance with DP&I Guidelines for Preparing Planning Proposals

The planning proposal has been prepared based on the DP&I guidelines published in 2009. These guidelines have been superseded by new guidelines issued in October 2012. As a result the planning proposal will require amendment to satisfy the new guidelines prior to forwarding the matter to the DP&I. If the planning proposal is to proceed these amendments can be dealt with by the applicant and Council staff.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Plan Directions statement:

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

Conclusion

It is considered that some form of rural residential development on the subject site is appropriate and feasible and it is recommended that Council support amending LEP 2012 to allow the subject land to be developed for rural residential development.

Whilst the land has potential for the development of rural residential allotments for the reasons of slope constraints, which contribute to increased potential adverse impacts on Critically Endangered Ecological Community from on-site waste water disposal, etc., it is recommended that the proposal be limited to six potential allotments.

It is also recommended that if the DP&I determines that the planning proposal is to proceed, this development, via a Section 94 plan or Voluntary Planning Agreement, contribute to the required infrastructure, especially road upgrade and provision, in the locality.

Financial Implications

The applicant has paid the fees required by Council's fees and charges for the preparation of a local environmental 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.

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RECOMMENDATION:

That:

1. Council support the preparation of a planning proposal for Lot 2 DP 270237, 1059A Grose Vale Road, Kurrajong to allow development of the land for rural residential development with an overall lot yield limited to six allotments.
2. The planning proposal be forwarded to the Department of Planning and Infrastructure for a "Gateway" determination.
3. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning and Infrastructure and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal.

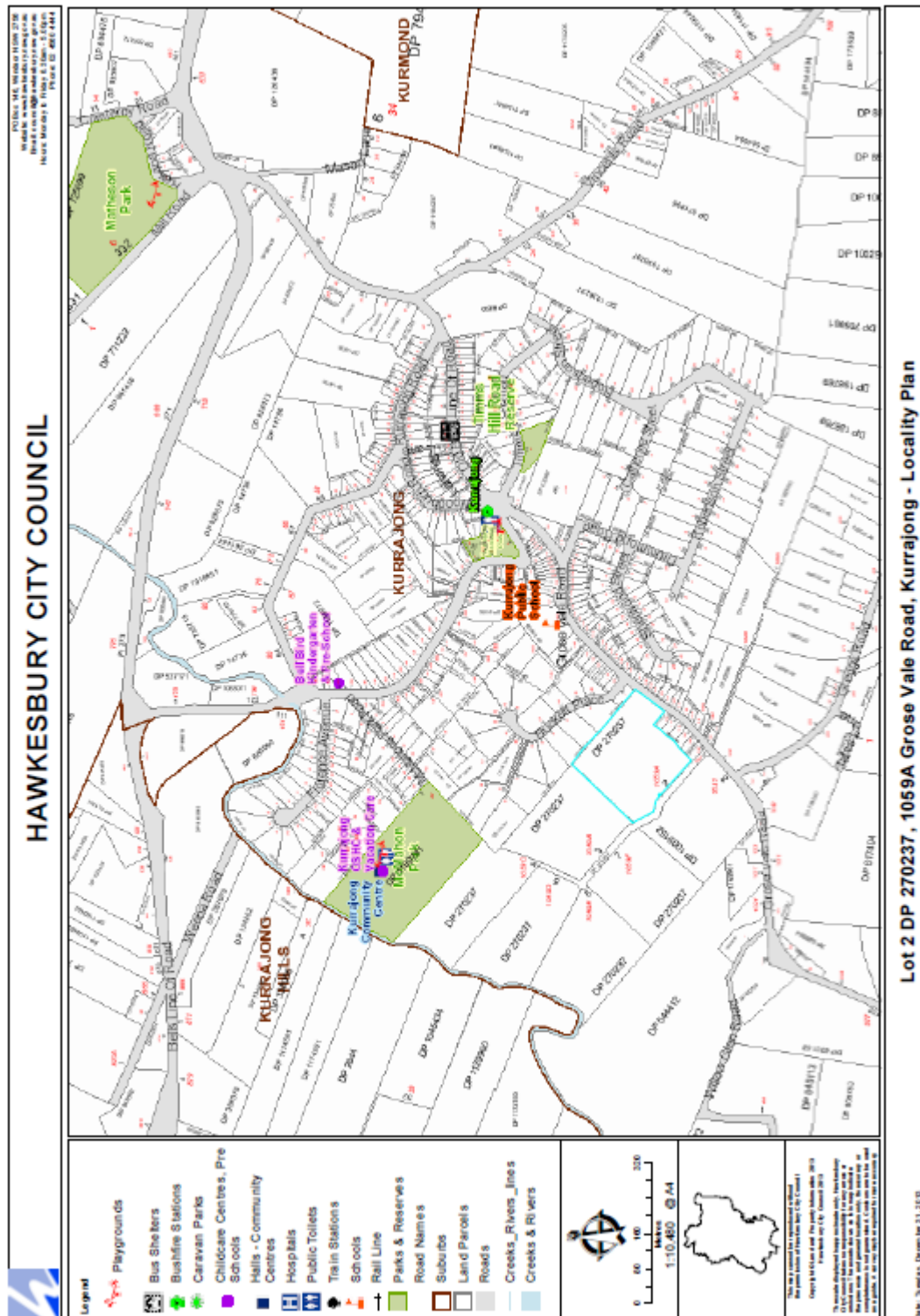
ATTACHMENTS:

- AT - 1 Locality Plan
- AT - 2 Subject Site
- AT - 3 Aerial Photo of Site
- AT - 4 Concept Plans of Proposed Subdivision
- AT - 5 Slope Map

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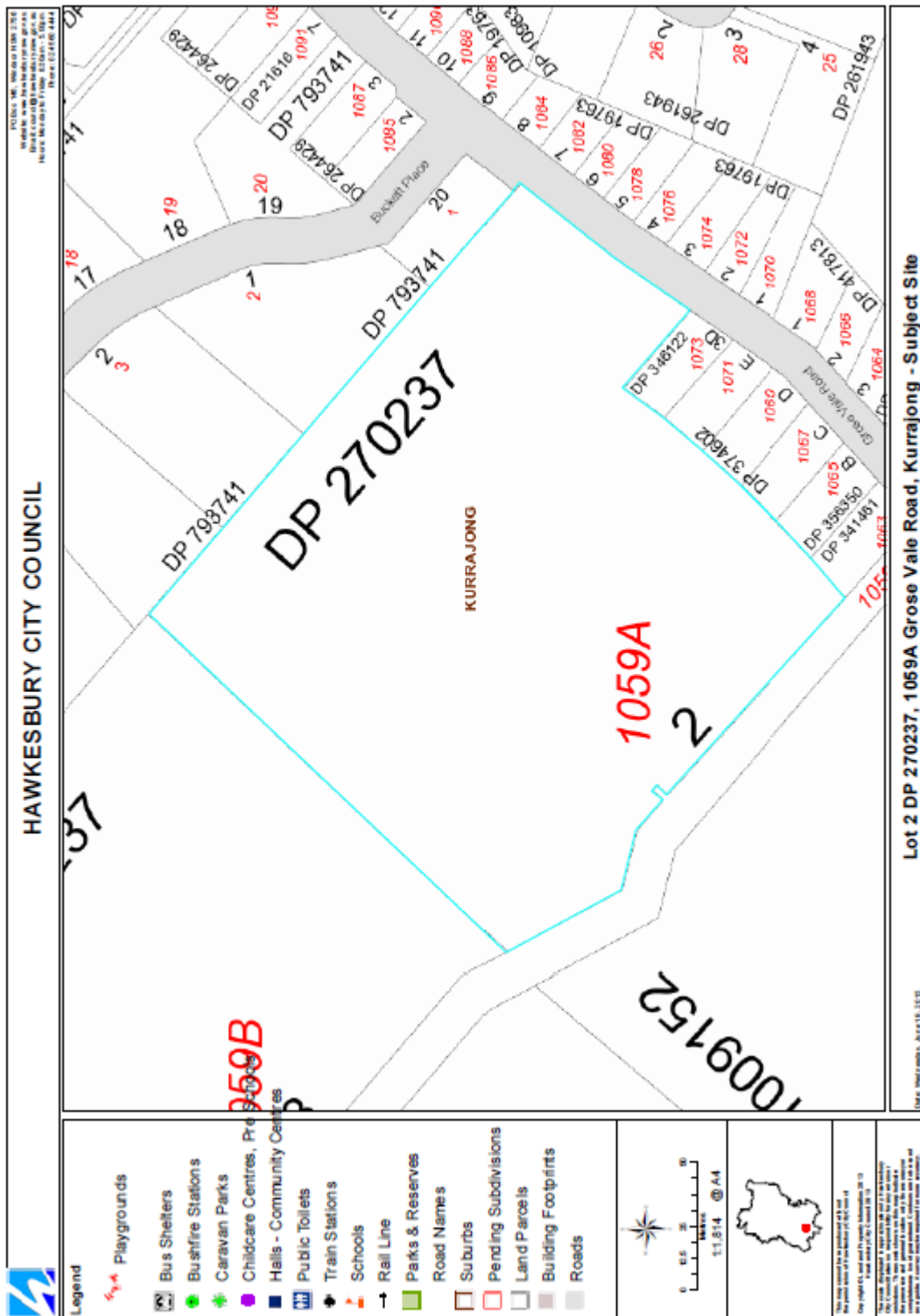
AT - 1 Locality Plan



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AT - 2 Subject Site



Meeting Date: 25 February 2014

Legend

- Road Names
- Pending Subdivisions
- Land Parcels
- Roads

photos2011

RGB

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Scale

0 15 30 60 METRES

1:2,288 @ A4

Map of NSW

City of Hawkesbury is located in the south-western corner of New South Wales. The City of Hawkesbury is bounded by the City of Parramatta to the north, the City of Sydney to the east, the City of Wollongong to the south, and the City of Murrumbidgee to the west.

City of Hawkesbury

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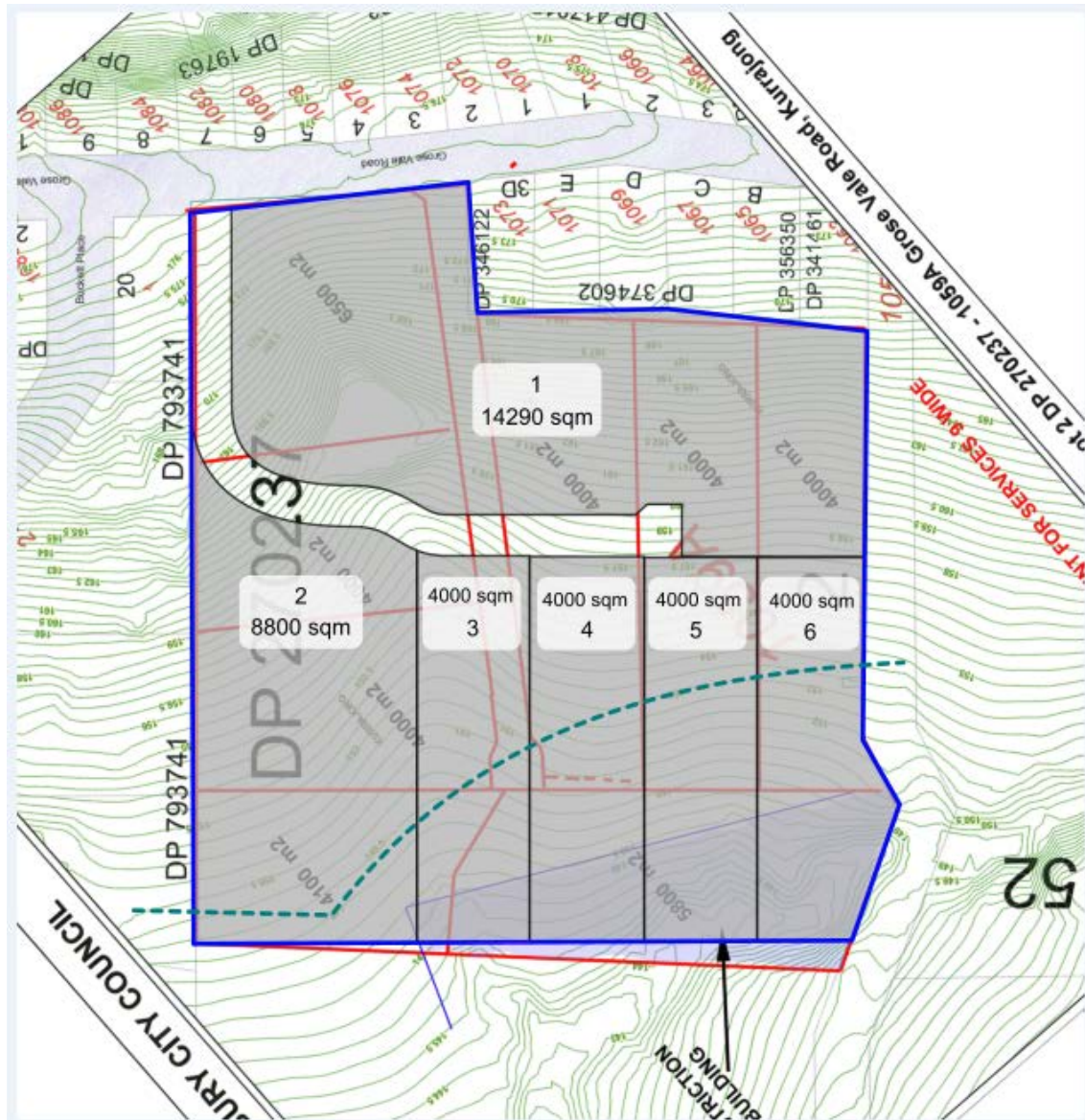
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AT - 4 Concept Plans of Proposed Subdivision



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Legend

- Road Names
- Suburbs
- Pending Subdivisions
- Land Parcels
- Building Footprints
- Roads

South Slope <VALUE>

- 0 - 6%
- 6% - 10%
- 10% - 15%
- 15% - 25%
- 25% +

Scale

0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390 400 410 420 430 440 450 460 470 480 490 500 510 520 530 540 550 560 570 580 590 600 610 620 630 640 650 660 670 680 690 700 710 720 730 740 750 760 770 780 790 800 810 820 830 840 850 860 870 880 890 900 910 920 930 940 950 960 970 980 990 1000 1010 1020 1030 1040 1050 1060 1070 1080 1090 1100 1110 1120 1130 1140 1150 1160 1170 1180 1190 1200 1210 1220 1230 1240 1250 1260 1270 1280 1290 1300 1310 1320 1330 1340 1350 1360 1370 1380 1390 1400 1410 1420 1430 1440 1450 1460 1470 1480 1490 1500 1510 1520 1530 1540 1550 1560 1570 1580 1590 1600 1610 1620 1630 1640 1650 1660 1670 1680 1690 1700 1710 1720 1730 1740 1750 1760 1770 1780 1790 1800 1810 1820 1830 1840 1850 1860 1870 1880 1890 1900 1910 1920 1930 1940 1950 1960 1970 1980 1990 2000 2010 2020 2030 2040 2050 2060 2070 2080 2090 2100 2110 2120 2130 2140 2150 2160 2170 2180 2190 2200 2210 2220 2230 2240 2250 2260 2270 2280 2290 2300 2310 2320 2330 2340 2350 2360 2370 2380 2390 2400 2410 2420 2430 2440 2450 2460 2470 2480 2490 2500 2510 2520 2530 2540 2550 2560 2570 2580 2590 2600 2610 2620 2630 2640 2650 2660 2670 2680 2690 2700 2710 2720 2730 2740 2750 2760 2770 2780 2790 2800 2810 2820 2830 2840 2850 2860 2870 2880 2890 2900 2910 2920 2930 2940 2950 2960 2970 2980 2990 3000 3010 3020 3030 3040 3050 3060 3070 3080 3090 3100 3110 3120 3130 3140 3150 3160 3170 3180 3190 3200 3210 3220 3230 3240 3250 3260 3270 3280 3290 3300 3310 3320 3330 3340 3350 3360 3370 3380 3390 3400 3410 3420 3430 3440 3450 3460 3470 3480 3490 3500 3510 3520 3530 3540 3550 3560 3570 3580 3590 3600 3610 3620 3630 3640 3650 3660 3670 3680 3690 3700 3710 3720 3730 3740 3750 3760 3770 3780 3790 3800 3810 3820 3830 3840 3850 3860 3870 3880 3890 3900 3910 3920 3930 3940 3950 3960 3970 3980 3990 4000 4010 4020 4030 4040 4050 4060 4070 4080 4090 4100 4110 4120 4130 4140 4150 4160 4170 4180 4190 4200 4210 4220 4230 4240 4250 4260 4270 4280 4290 4300 4310 4320 4330 4340 4350 4360 4370 4380 4390 4400 4410 4420 4430 4440 4450 4460 4470 4480 4490 4500 4510 4520 4530 4540 4550 4560 4570 4580 4590 4600 4610 4620 4630 4640 4650 4660 4670 4680 4690 4700 4710 4720 4730 4740 4750 4760 4770 4780 4790 4800 4810 4820 4830 4840 4850 4860 4870 4880 4890 4900 4910 4920 4930 4940 4950 4960 4970 4980 4990 5000 5010 5020 5030 5040 5050 5060 5070 5080 5090 5100 5110 5120 5130 5140 5150 5160 5170 5180 5190 5200 5210 5220 5230 5240 5250 5260 5270 5280 5290 5300 5310 5320 5330 5340 5350 5360 5370 5380 5390 5400 5410 5420 5430 5440 5450 5460 5470 5480 5490 5500 5510 5520 5530 5540 5550 5560 5570 5580 5590 5600 5610 5620 5630 5640 5650 5660 5670 5680 5690 5700 5710 5720 5730 5740 5750 5760 5770 5780 5790 5800 5810 5820 5830 5840 5850 5860 5870 5880 5890 5900 5910 5920 5930 5940 5950 5960 5970 5980 5990 6000 6010 6020 6030 6040 6050 6060 6070 6080 6090 6100 6110 6120 6130 6140 6150 6160 6170 6180 6190 6200 6210 6220 6230 6240 6250 6260 6270 6280 6290 6300 6310 6320 6330 6340 6350 6360 6370 6380 6390 6400 6410 6420 6430 6440 6450 6460 6470 6480 6490 6500 6510 6520 6530 6540 6550 6560 6570 6580 6590 6600 6610 6620 6630 6640 6650 6660 6670 6680 6690 6700 6710 6720 6730 6740 6750 6760 6770 6780 6790 6800 6810 6820 6830 6840 6850 6860 6870 6880 6890 6900 6910 6920 6930 6940 6950 6960 6970 6980 6990 7000 7010 7020 7030 7040 7050 7060 7070 7080 7090 7100 7110 7120 7130 7140 7150 7160 7170 7180 7190 7200 7210 7220 7230 7240 7250 7260 7270 7280 7290 7300 7310 7320 7330 7340 7350 7360 7370 7380 7390 7400 7410 7420 7430 7440 7450 7460 7470 7480 7490 7500 7510 7520 7530 7540 7550 7560 7570 7580 7590 7600 7610 7620 7630 7640 7650 7660 7670 7680 7690 7700 7710 7720 7730

oooO END OF REPORT Oooo

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Item: 22 CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - 136 Longleat Lane, Kurmond - (95498)

REPORT:

Executive Summary

This report discusses a planning proposal which seeks to amend *Hawkesbury Local Environmental Plan 2012* (LEP 2012) in order to permit the subdivision of Lot 8 DP7565, 136 Longleat Lane, Kurmond into four lots.

It is recommended that Council support the preparation of the planning proposal.

Consultation

The planning proposal has not yet been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and associated Regulations and as specified in the "Gateway" determination.

Planning Proposal

The planning proposal submitted by Glenn Falson Urban & Regional Planning Consultant (Falson) seeks an amendment to *Hawkesbury Local Environmental Plan 2012* (LEP 2012) in order to permit the subdivision of Lot 8 DP 7565, 136 Longleat Lane, Kurmond into four lots. A concept plan of the proposed subdivision is attached to this report.

The effect of the planning proposal would be to amend the Lot Size Map of LEP 2012 to provide for a minimum lot size of 4,000m² towards the front of the property and a minimum lot size of 1ha for the balance of the property.

Subject Site and Surrounds

The site is located to the south-west of the Kurmond village at the end of Longleat Lane. The site has an area of 3.97ha, with a frontage to Longleat Lane of approximately 128m and an average depth of approximately 330m.

The site contains a dwelling, associated outbuildings and a dam. Towards the rear of the site is a watercourse with surrounding dense vegetation. The watercourse as part of a larger watercourse extending generally in a south-east direction from near Bells Line of Road down to Redbank Creek near Peel Park, North Richmond. The remainder of the site is a mix of open grassland and scattered trees and shrubs. Council's vegetation mapping records the site as containing Shale Sandstone Transition Forest (Low Sandstone), Shale Sandstone Transition Forest (High Sandstone), Transitional Forest, and Unclassified vegetation. Shale Sandstone Transition Forest is a sub-set of Cumberland Plain Woodland which is a critically endangered ecological community under the *Threatened Species Conservation Act 1995*.

The land has an elevation of approximately 99m AHD towards Longleat Lane and then falls, easterly towards the watercourse, to approximately 58m AHD. Approximately the first third of the site from Longleat Lane has a slope less than 15%, the remaining two thirds of the site contains slopes in excess of 15%.

The site is zoned RU4 Primary Production Small Lots under LEP 2012. The current minimum lot size for subdivision of this land is 4ha. Properties immediately to the north, south and west are zoned RU4, properties immediately to the east are zoned RU1 Primary Production.

The site falls within the Middle Nepean Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997)*.

The site is shown as being bushfire prone (bushfire vegetation category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map.

The site is shown as being within Acid Sulfate Soil Classification 5. This represents a relatively low chance of acid sulphate soils being present on the site.

The site is shown as being Agriculture Land Classification 3 and 4 on maps prepared by the former NSW Department of Agriculture.

Surrounding properties are generally in the order of 2ha to 6ha in size.

The above issues are discussed in more detail later in this report.

Metropolitan Strategy, Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy

The NSW Government's Metropolitan Strategy and Draft North West Subregional Strategy establish the broad planning directions for the Sydney metropolitan area and north-western sector of Sydney respectively. These documents identify a number of strategies, objectives and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance.

These two documents have a high level metropolitan and regional focus and for the most part are not readily applicable to a singular rural residential planning proposal at Kurmond. Notwithstanding this the applicant has provided an assessment of the planning proposal against these two documents and concludes that the proposal is consistent with these strategies. Taking into consideration the location of the proposed development, i.e. on the north-western side of the Hawkesbury River and in close proximity to Kurmond Village, and the unsuitability of the site to provide for an increased density of housing development beyond what is proposed it is considered that the proposal demonstrates satisfactory compliance with these strategies.

The Hawkesbury Residential Land Strategy (HRLS) is, in part, a response to the above mentioned State strategies and seeks to identify residential investigation areas and sustainable development criteria which are consistent with the NSW Government's strategies.

The proposal can be described as a rural residential development in proximity to the Kurmond village.

The HRLS states that the future role of rural residential development is as follows:

Rural residential developments have historically been a popular lifestyle choice within Hawkesbury LGA. However, rural residential development has a number of issues associated with it including:

- *Impacts on road networks;*
- *Servicing and infrastructure;*
- *Access to facilities and services;*
- *Access to transport and services;*
- *Maintaining the rural landscape; and*
- *Impacts on existing agricultural operations.*

Whilst this Strategy acknowledges rural residential dwellings are a part of the Hawkesbury residential fabric, rural residential dwellings will play a lesser role in accommodating the future population. As such, future rural development should be low density and large lot residential dwellings.

For the purposes of this proposal, the relevant criteria for rural residential development are that it be large lot residential dwellings and:

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- be able to have onsite sewerage disposal;
- cluster around or on the periphery of villages;
- cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within a 1km radius);
- address environmental constraints and have minimal impact on the environment;
- within the capacity of the rural village

The ability to dispose of effluent on site is discussed in later sections of this report.

The site is proximate to the Kurmond village centre (i.e. from the centre of the Kurmond commercial area to the centre of the subject site is approximately 1,100m).

Relevant environmental constraints are discussed in later sections of this report.

Council Policy - Rezoning of Land for Residential Purposes - Infrastructure Issues

On 30 August 2011, Council adopted the following Policy:

That as a matter of policy, Council indicates that it will consider applications to rezone land for residential purposes in the Hawkesbury LGA only if the application is consistent with the directions and strategies contained in Council's adopted Community Strategic Plan, has adequately considered the existing infrastructure issues in the locality of the development (and the impacts of the proposed development on that infrastructure) and has made appropriate provision for the required infrastructure for the proposed development in accordance with the sustainability criteria contained in Council's adopted Hawkesbury Residential Land Strategy.

Note 1:

In relation to the term "adequately considered the existing infrastructure" above, this will be determined ultimately by Council resolution following full merit assessments, Council resolution to go to public exhibition and Council resolution to finally adopt the proposal, with or without amendment.

Note 2:

The requirements of the term "appropriate provision for the required infrastructure" are set out in the sustainability matrix and criteria for development/settlement types in chapter six and other relevant sections of the Hawkesbury Residential Land Strategy 2011.

Compliance with the HRLS has been discussed above. Compliance with CSP will be discussed later in this report.

Council Policy - Our City Our Future Rural Rezonings Policy

This Policy was adopted by Council on 16 May 1998 and had its origin in the Our City Our Future study of the early 1990s.

Since the time of adoption this Policy has essentially been superseded by subsequent amendments to *Hawkesbury Local Environmental Plan 1989*, NSW Draft North West Subregional Strategy, the *Hawkesbury Residential Land Strategy*, the *Hawkesbury Community Strategic Plan*, the commencement of LEP 2012, and the DP&I's "Gateway" system for dealing with planning proposals.

The Policy is repeated below with responses provided by the applicant.

- a) Fragmentation of the land is to be minimised.

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Applicant response

The land is within an area identified within Council's subsequent Residential Land Strategy as having urban potential. Fragmentation of this land is envisaged by this subsequent strategy.

- b) Consolidation within and on land contiguous with existing towns and villages be preferred over smaller lot subdivision away from existing towns and villages

Applicant response

The proposed is consistent with this principle.

- c) No subdivisions along main road and any subdivision to be effectively screened from minor roads

Applicant response

The site does not front and is not visible from a main road.

- d) No subdivision along ridgelines or escarpments

Applicant response

The site is not on a ridgeline or in an escarpment area.

- e) Where on site effluent disposal is proposed, lots are to have an area of at least 1 (one) hectare unless the effectiveness of a smaller area can be demonstrated by geotechnical investigation.

Applicant response

The lots will vary in size down to a minimum of 4000m². This is the size of allotment that is indicated by Council as normally being the minimum to contain on-site effluent disposal in later studies (e.g. Kurrajong Heights, Wilberforce and within LEP 2012 generally). There has been an effluent disposal assessment which concludes that the size of the lots proposed and other criteria is met such that the lots are suitable for effluent disposal.

- f) The existing proportion of tree coverage on any site is to be retained or enhanced.

Applicant response

The subdivision does not propose removal of vegetation. Some vegetation removal may be required for bushfire asset protection zones however this is considered to be minimal if at all. The majority of vegetation on site will be left in its current state and the percentage that might need to be removed is minimal.

- g) Any rezoning proposals are to require the preparation of Environmental Studies and Section 94 Contributions Plans at the applicant's expense.

Applicant response

The rezoning process has altered since this policy of Council. The Gateway Process will dictate whether further studies are required.

- h) Community title be encouraged for rural subdivision as a means of conserving environmental features, maintaining agricultural land and arranging for the maintenance of access roads and other capital improvements.

Applicant response

The form of title for subdivision of the land has not been determined. Community title can be investigated should the Planning Proposal proceed.

Section 117 Directions

Section 117 Directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. A summary of the key Section 117 Directions follows:

Direction 1.2 Rural Zones

Planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Direction 1.3 Mining, Petroleum Production and Extractive Industries

Requires consultation with NSW Industry and Investment.

Direction 3.4 Integrating Land Use and Transport

Planning proposals must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of Improving Transport Choice - Guidelines for planning and development (DUAP 2001)

In summary this document seeks to provide guidance on how future development may reduce growth in the number and length of private car journeys and make walking, cycling and public transport more attractive. It contains 10 "Accessible Development" principles which promote concentration within centres, mixed uses in centres, aligning centres with corridors, linking public transport with land use strategies, street connections, pedestrian access, cycle access, management of parking supply, road management, and good urban design.

The document is very much centres based and not readily applicable to consideration of a rural-residential planning proposal. The document also provides guidance regarding consultation to be undertaken as part of the planning proposal process and various investigations/plans to be undertaken. It is recommended that if this planning proposal is to proceed Council seek guidance from the DP&I via the "Gateway" process, regarding the applicability of this document.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&I. The subject site is identified as "Class 5" (less constrained) on the Acid Sulphate Soils Planning Maps. The DP&I will consider this as part of their "Gateway" determination and if required can request further information/consideration of this matter.

Direction 4.4 Planning for Bushfire Protection

Requires consultation with the NSW Rural Fire Service, compliance with Planning for Bushfire Protection 2006, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions.

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Direction 6.1 Approval and Referral Requirements

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. It is considered that the planning proposal is consistent with this Direction as it does not require the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls. The planning proposal proposes an amendment to the Lot Size Map. It is considered that the proposed amendment is consistent with this Direction.

Direction 7.1 Implementation of the Metropolitan Strategy

Requires planning proposals to be consistent with the NSW Government's Metropolitan Strategy City of Cities, A Plan for Sydney's Future.

The Section 117 Directions above do allow for planning proposals to be inconsistent with the Directions. In general terms a planning proposal may be inconsistent with a Direction only if the DP&I are satisfied that the proposal is:

- a) justified by a strategy which:
 - gives consideration to the objectives of the Direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the DP&I, or
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this Direction, or
- c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this Direction, or
- d) is of minor significance.

The HRLS has been prepared with consideration given to the various policies and strategies of the NSW Government and Section 117 Directions of the Minister. In this regard, a planning proposal that is consistent with the Hawkesbury Residential Land Strategy is more likely to be able to justify compliance or support for any such inconsistency.

State Environmental Planning Policies

The State Environmental Planning Policies of most relevance are *State Environmental Planning Policy No. 55 Remediation of Land*, *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)* and *Sydney Regional Environmental Plan No. 20 Hawkesbury - Nepean River (No.2 - 1997)*.

SEPP 55 requires consideration as to whether or not land is contaminated, and if so, whether it is suitable for future permitted uses in its current state or does it requires remediation. The SEPP may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

The applicant advises that there is no past use of the land that would require a remediation plan being implemented.

If the planning proposal is to proceed further consideration of potential contamination can be dealt with after DP&I's "Gateway" determination.

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The primary aims of SREP No 9 (No.2 -1995) are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

The aim of SREP No 20 (No. 2 - 1997) is 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. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury - Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural residential development and the metropolitan strategy.

Specifically the SREP encourages Council to consider the following:

- rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna);
- develop in accordance with the land capability of the site and do not cause land degradation;
- the impact of the development and the cumulative environmental impact of other development proposals on the catchment;
- quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters;
- consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored;
- consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site;
- when considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of rural land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 20 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan;
- minimise or eliminate point source and diffuse source pollution by the use of best management practices;
- site and orientate development appropriately to ensure bank stability;
- protect the habitat of native aquatic plants;
- locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land;
- consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms;
- conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors;

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- minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices;
- consider the impact on ecological processes, such as waste assimilation and nutrient cycling;
- consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas;
- consider the need to control access to flora and fauna habitat areas;
- give priority to agricultural production in rural zones;
- protect agricultural sustainability from the adverse impacts of other forms of proposed development;
- consider the ability of the site to sustain over the long term the development concerned;
- maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development;
- consider any adverse environmental impacts of infrastructure associated with the development concerned.

It is considered that some form of rural residential development on the subject land has the potential to either satisfy the relevant provisions SREP No 20 or be able to appropriately minimise its impacts.

Character of the Area

The area surrounding the site contains a mix of lot sizes generally in the order of 2ha to 6ha. The proponent advises that there would not be any substantive change to the landscape of the site or surroundings if the subdivision were to proceed, changing the site from rural to large lot residential is not beyond the capacity of the land to satisfactorily absorb three additional houses which would be hardly distinguishable in the context of the site and its surroundings.

Topography

The land has an elevation of approximately 99m AHD towards Longleat Lane and then falls, easterly towards the watercourse, to approximately 58m AHD. Approximately the first third of the site from, Longleat Lane, has a slope less than 15%, the remaining two thirds of the site (primarily on proposed Lot 404) contains slopes in excess of 15%.

The HRLS recognises slopes greater than 15% act as a constraint to development. It is considered that all lots have sufficient land with a slope less than 15% to accommodate and dwelling, outbuildings and driveways. It would appear that on site waste water disposal systems on proposed Lot 402 and 403 can be accommodated on land less than 15% in slope, a disposal system on proposed Lot 404 may need to be installed partly on land greater than 15%.

Public Transport and Traffic Generation

Public transport is limited to the Westbus Route 682 service along Bells Line of Road between Richmond and Kurrajong. The service operates every 30 minutes during peak period. The closest bus stop is located within the Kurmond village. Given the limited frequency of service and the location of the bus stop it is anticipated that the occupants of the proposed subdivision will be private vehicle dependent.

The planning proposal is not supported by a traffic impact statement and the cumulative impact of similar proposals that may occur in the future has not been considered by the planning proposal. It is considered that this is a matter for Council and the RMS to address with the outcome being incorporated into affected planning proposals.

In recent reports to Council dealing with other planning proposals within the vicinity of Kurmond it has been noted that Council has received petitions from residents west of the Hawkesbury River concerned about rezoning of land for residential purposes in the absence of necessary infrastructure upgrades. To address this it has been recommended that Council commence the preparation of a Section 94 Contributions Plan for the land within the vicinity of Kurmond to ensure that all proposed developments in the locality contribute to the required infrastructure, especially road upgrade and provision, in the locality. Alternatively applicants and Council can commence Voluntary Planning Agreement negotiations to address this issue. It is considered this is a fundamental matter to be dealt with by Council prior to the finalisation of any planning proposals in the locality as the cumulative impact of these types of development will be unacceptable if no traffic improvements are made.

Services

The applicant advises that the land is serviced by power and telecommunication services. A reticulated water supply is not available to the site, hence future occupants will need to rely on tank water. The existing dwelling on proposed Lot 401 is served by a septic tank and trench system and is currently subject to a five year licence to operate issued by Council. The location of this system relative to the boundaries of proposed Lot 401 is unknown, this can be further investigated at Development Application stage.

A preliminary wastewater disposal feasibility study has been submitted with the planning proposal. The study provides a preliminary assessment of the site's suitability for onsite effluent disposal. The study proposes an irrigation area of 453m² with wet weather storage of 65,000 litres. The study has not provided a detailed assessment of the land's capability to absorb nitrogen or phosphorus. It is anticipated that with further investigation of these matters an irrigation area of 1000m² - 1200m² would be required. In light of this it is considered that the proposed lots have sufficient area to cater for the onsite disposal of wastewater.

Ecology

Towards the rear of the site is a watercourse with surrounding dense vegetation. The watercourse forms part of a larger watercourse extending generally in a south-east direction from near Bells Line of Road down to Redbank Creek near Peel Park, North Richmond. The remainder of the site is generally cleared with a mix of open grassland and scattered trees and shrubs. Council's vegetation mapping records site as containing Shale Sandstone Transition Forest (Low Sandstone), Shale Sandstone Transition Forest (High Sandstone), Transitional Forest, and Unclassified vegetation. Shale Sandstone Transition Forest is a sub-set of Cumberland Plain Woodland which is a critically endangered ecological community under the *Threatened Species Conservation Act 1995*.

It is considered that the concept subdivision plans show sufficient land within the generally cleared area that could be available for the erection of buildings, waste water disposal and asset protection zones. Furthermore the planning proposal does not seek to amend *Clause 6.4 Terrestrial biodiversity* of the LEP or the associated map layer hence detailed consideration of any future development of the land can occur at development application stage.

Bushfire Hazard

The site is shown as being bushfire prone (bushfire vegetation category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map.

If the planning proposal is to proceed it will be referred to the NSW Rural Fire Service (RFS), being the responsible authority of bushfire protection, for comment.

Agricultural Land Classification

The site is shown as being Agriculture Land Classification 3 and 4 on maps prepared by the former NSW Department of Agriculture. These lands are described by the classification system as:

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3. *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown or other factors, including climate, may limit the capacity for cultivation and soil conservation or drainage works may be required.*
4. *Land suitable for grazing but not for cultivation. Agriculture is based on native pastures or improved pastures established using minimum tillage techniques. Production may be seasonally high but the overall production level is low as a result of major environmental constraints.*

Given the proximity of the site to surrounding rural residential properties and the size and slope of the site it is considered that it is unlikely the site could be used for a substantial or sustainable agricultural enterprise.

Compliance with DP&I Guidelines for Preparing Planning Proposals

The planning proposal has been prepared generally in accordance with DP&I guidelines published in October 2012. Minor corrections are required to the planning proposal, these can be dealt with by the applicant and Council staff prior to the planning proposal being forwarded to the DP&I for a "Gateway" determination.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Plan Directions statement:

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

Conclusion

It is considered that some form of rural residential development on the subject site is appropriate and feasible and it is recommended that Council support amending LEP 2012 to allow the subject land to be developed for rural residential development.

It is also recommended that if the DP&I determines that the planning proposal is to proceed, this development, via a Section 94 plan or Voluntary Planning Agreement, contribute to the required infrastructure, especially road upgrade and provision, in the locality.

Financial Implications

The applicant has paid the fees required by Council's fees and charges for the preparation of a local environmental 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.

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RECOMMENDATION:

That:

1. Council support the preparation of a planning proposal for Lot 8 DP7565, 136 Longleat Lane, Kurmond to allow development of the land for rural residential development.
2. The planning proposal be forwarded to the Department of Planning and Infrastructure for a "Gateway" determination.
3. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning and Infrastructure and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal.

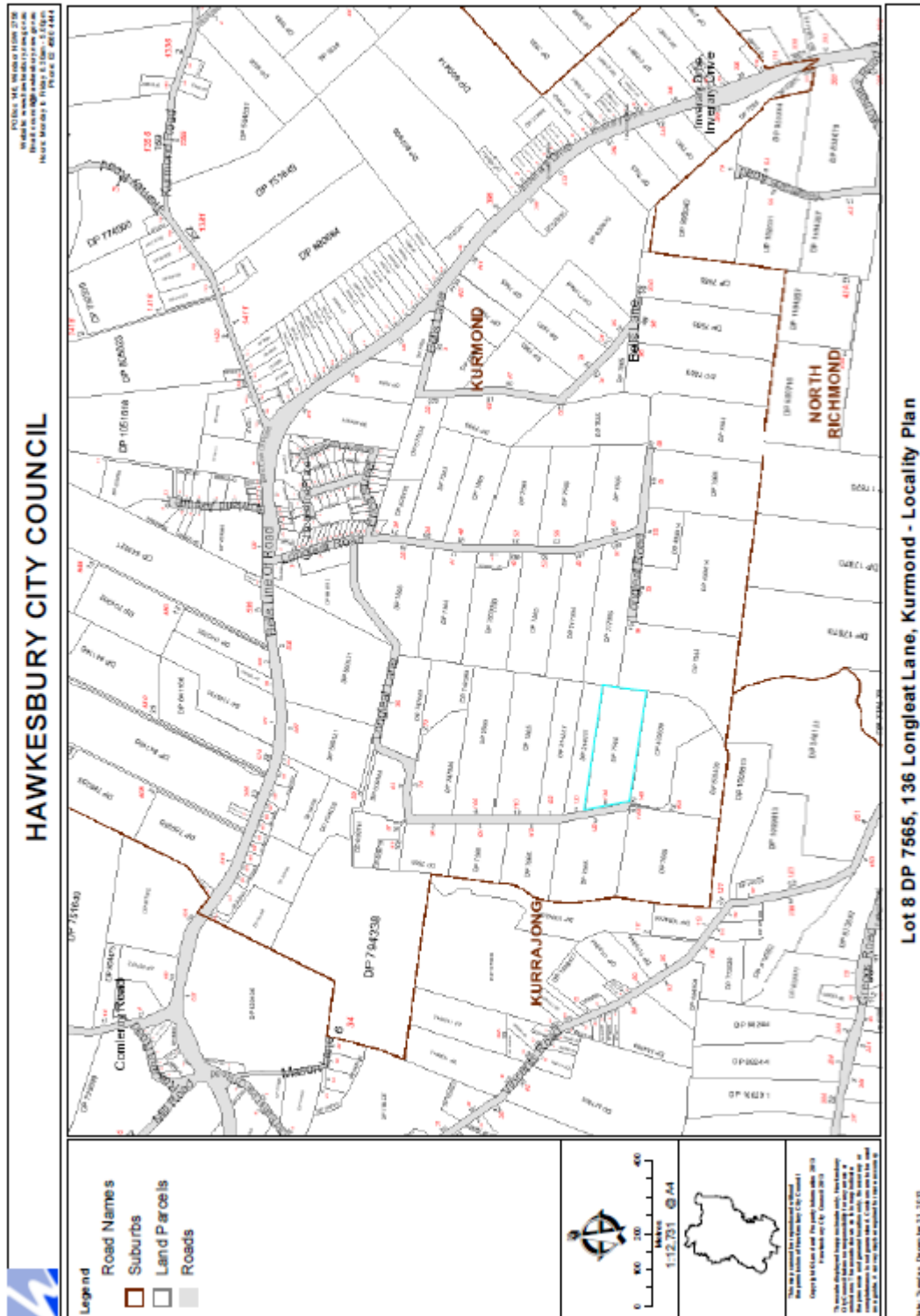
ATTACHMENTS:

- AT - 1 Locality Plan
- AT - 2 Subject Site
- AT - 3 Aerial Photo of Site
- AT - 4 Concept Plan of Proposed Subdivision
- AT - 5 Slope Map

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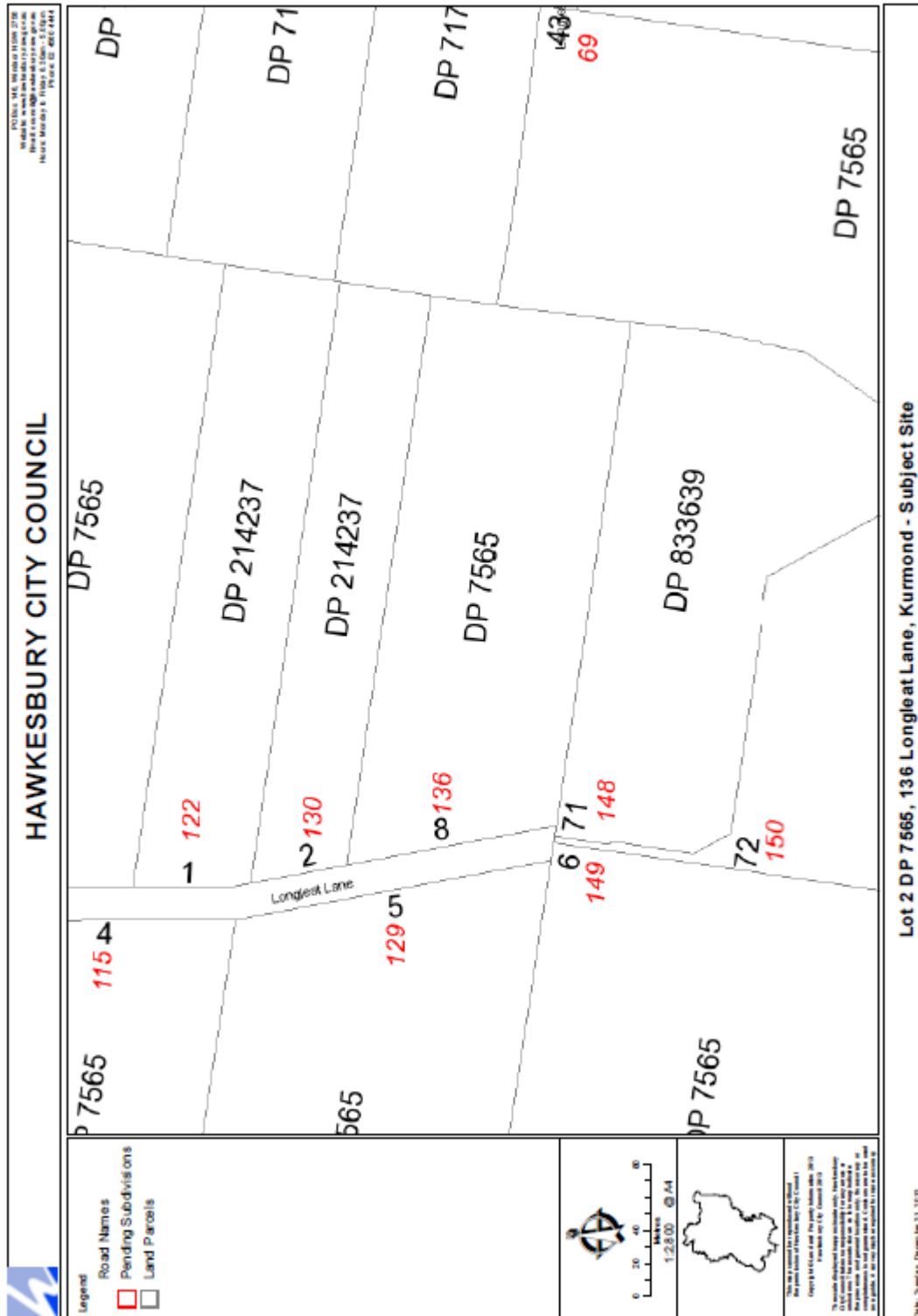
AT - 1 Locality Plan



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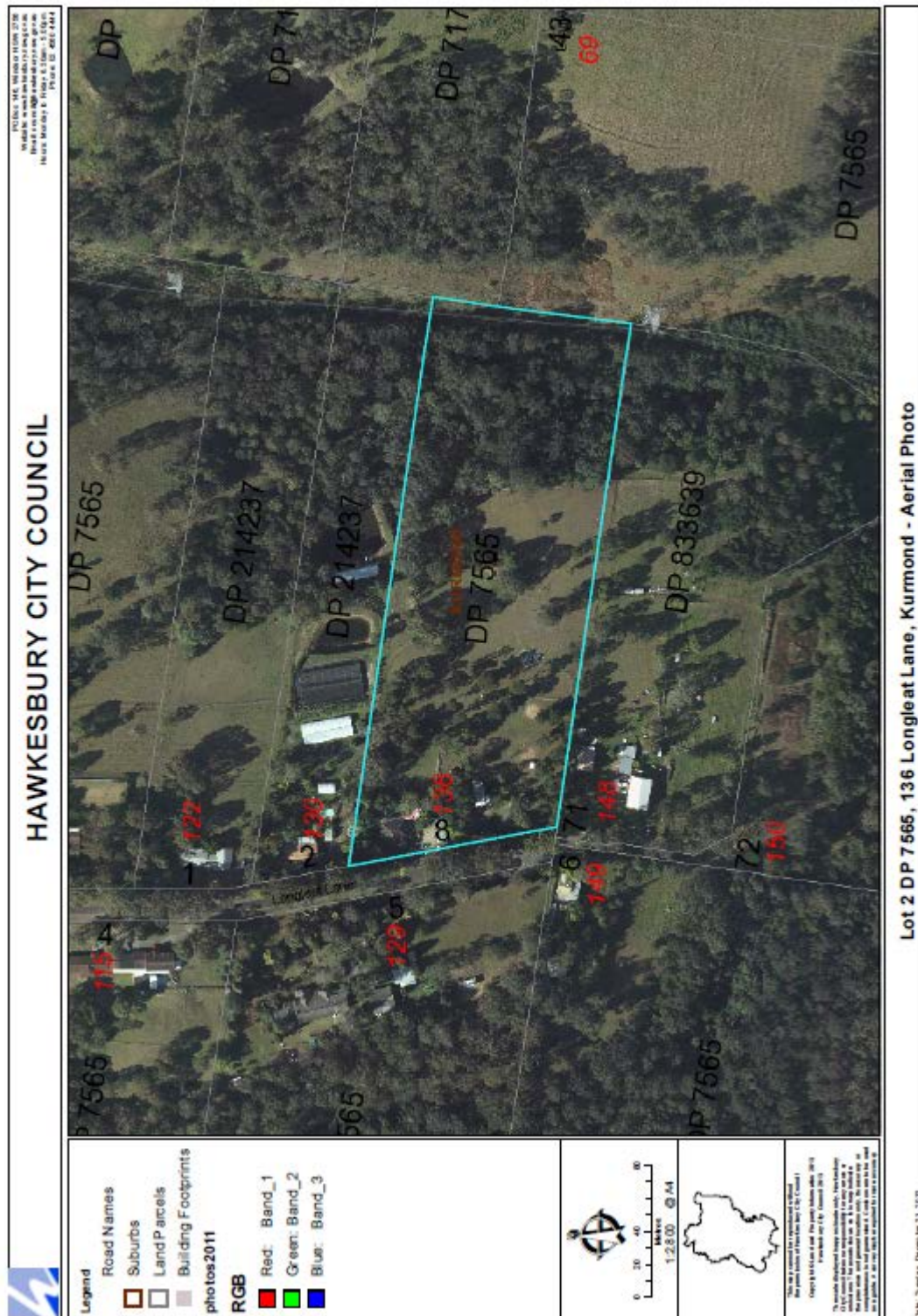
AT - 2 Subject Site



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AT - 3 Aerial Photo of Site



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The site plan shows four sections with the following details:

- Section 401:** Contains an 'EXISTING RESIDENCE' (4,000m²) and a 'SHED'. Dimensions include 90.9, 35.9, 76, 52.2, 4.8, 4.5, and 14. A large 'W' is drawn across the boundary with section 402.
- Section 402:** Mostly empty. Dimensions include 121.7, 308.8, 13.1, 45.5, 116.4, and 141.9.
- Section 403:** Contains a 'DAM'. Dimensions include 116.4, 45.5, 13.1, and 308.8.
- Section 404:** Mostly empty. Dimensions include 141.9, 120.9, and 121.7.

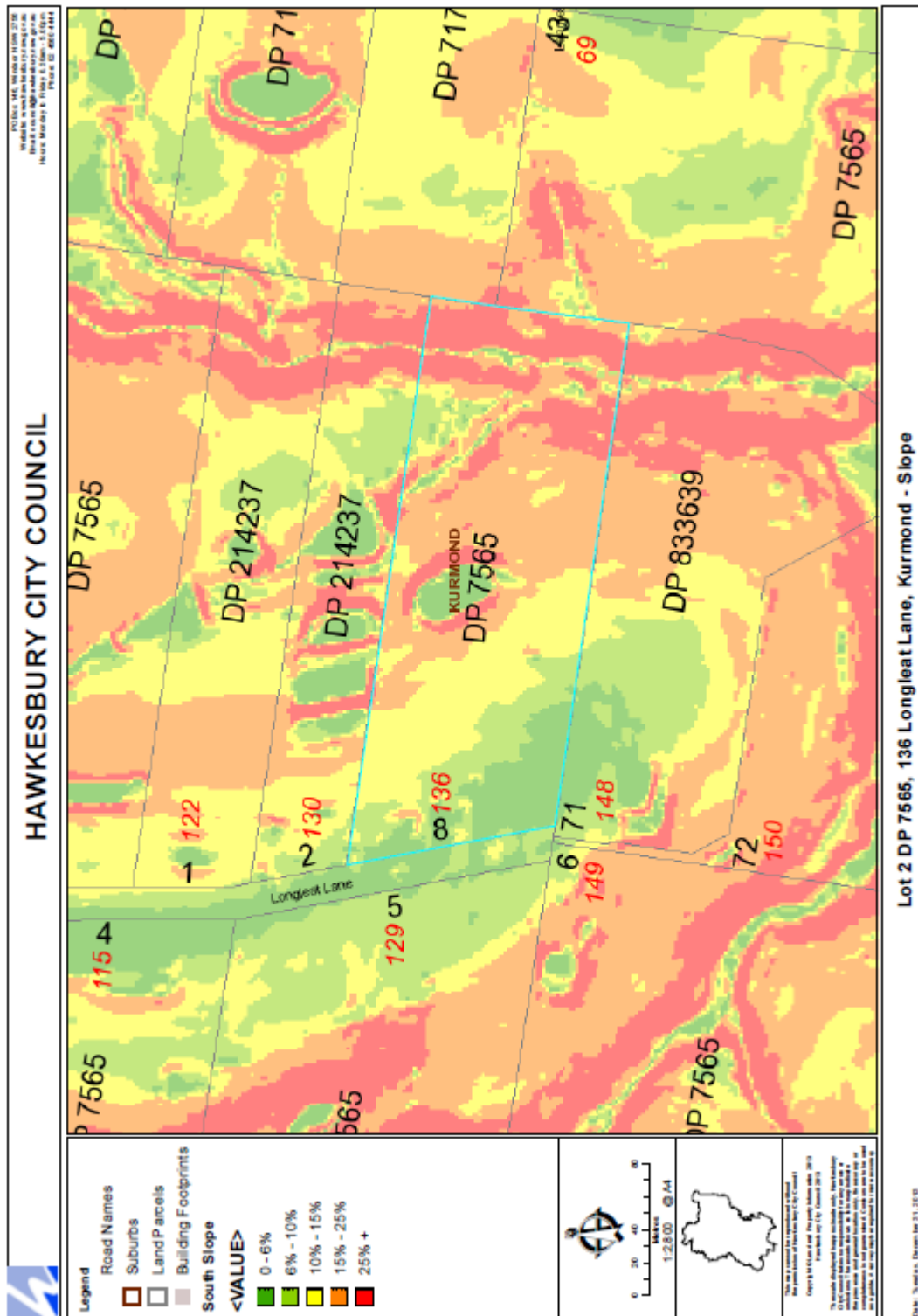
Other features include 'NATURAL' areas, 'DENSE VEGETATION', and 'WATERCOURSE'.

Brown "W" shaded area = 4,000m²
Purple "Y" shaded area = 1,0000m²

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AT - 5 Slope Map



oooO END OF REPORT Oooo

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Item: 23 **CP - Planning Proposal to Amend Clause 4.1D(1)(a) of Hawkesbury Local Environmental Plan 2012 - (95498)**

Previous Item: 113, Ordinary (25 June 2013)

REPORT:

Executive Summary

The purpose of this report is to advise Council of the outcome of the public exhibition and public authority consultation relating to a planning proposal affecting clause 4.1D(1)(a) of Hawkesbury Local Environmental Plan 2012 (LEP 2012).

It is recommended that Council proceed with the planning proposal to amend clause 4.1D(1)(a) of LEP 2012 to more clearly identify the timing of the requirement for provision of reticulated sewerage for allotments created in land identified as "Area A" and edged heavy blue on the Lot Size Map of LEP 2012. ("Area A" relates to town or village areas, such as Wilberforce, Kurrajong, Agnes Banks, etc., where urban residential lot sizes can only be created under 4,000m² if a reticulated sewer system is available.)

Background

On 25 June 2013, Council considered a report to amend to clause 4.1D(1)(a) of LEP 2012 to identify the timing of the provision of reticulated sewerage for allotments created in land identified as "Area A" and edged heavy blue on the Lot Size Map of LEP 2012 and resolved as follows:

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 provision 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.*

Council's planning proposal was submitted to the Department of Planning and Infrastructure's (DP&I) Gateway for determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and the Gateway determination was issued on 13 November 2013. The Determination provided that the planning proposal should proceed subject to conditions (see Attachment 1).

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The Gateway determination required that appropriate community consultation be undertaken in accordance with Sections 56(2)(c) and 57 of the EP&A Act. It also required that Council undertake consultation under Section 56(2)(d) of the EP&A Act with Sydney Water.

Delegation to Make the Plan

The Minister for Planning and Infrastructure delegated his plan making powers, in certain circumstances, to Council in October 2012. In response Council on 11 December 2012 resolved as follows:

"That:

1. *Council accept the plan-making delegations as described in Circular PS 12-006, dated 29 October 2012, and the Director-General be advised of this acceptance.*
2. *These delegations be delegated to the General Manager subject to the following conditions:*
 - (a) *Exercise of the delegations can be used without the need for a subsequent report to Council following public exhibition of a planning proposal only if no submissions are received, or,*
 - (b) *Where public submissions are received following public exhibition of the planning proposal, a report addressing the submissions is to be brought to council for determination prior to the use of the delegations."*

The intention of part 2(a) of the above resolution is that only if submissions objecting to a proposed planning proposal were received from members of the public (not Public Authorities) then a further report to Council was required. However, the wording as resolved could be read that if any submission, including those in support or responses from a Public Authority as part of the statutory or other referral process, was received then an additional report was required to Council. It is recommended in this report to clarify part 2(a) of the above to read as follows:

Exercise of the delegations can be used without the need for a subsequent report to Council following public exhibition of a planning proposal only if no submissions of objection are received from members of the public, excluding statutory or other referral responses from Public Authorities, are received, or,

The above proposed change will mean that the General Manager delegations can only be used for a planning proposal if there are no objections received from members of the public. If there are objections from members of the public then the matter will be reported to Council addressing those objections. (It should be noted that if there are objections received from a Public Authority then the delegations will either not apply to Council or the objection is resolved at Departmental level prior to reporting to the Minister for gazettal).

The gateway determination for this current planning proposal has provided an authorisation for Council to exercise delegation to make this plan under Part 3 of the *Environmental Planning and Assessment Act, 1979* (the Act).

The next step in the plan making process is to request the Parliamentary Counsel's Office (PCO) to prepare a draft local environmental plan to give effect to the planning proposal. Following receipt of the advice from the PCO that the plan can be made Council will request the Minister for Planning and Infrastructure to make the plan.

Objectives or Intended Outcomes of the Planning Proposal

The primary objective of the planning proposal is to amend clause 4.1D(1)(a) of LEP 2012 to more clearly identify the timing of the provision of reticulated sewerage for allotments created in land identified as "Area A" and edged heavy blue on the Lot Size Map of LEP 2012. These areas include land within the townships of Wilberforce, Kurmond, Kurrajong, Kurrajong Heights and Agnes Banks.

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Explanation of Proposed LEP Amendments

It is proposed to make an amendment to clause 4.1D(1)(a) of HLEP 2012 to achieve the objectives of the planning proposal as shown in the table below:

Current Clause 4.1D(1)(a)	Proposed Clause 4.1D(1)(a)
(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	(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) <i>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</i>

In accordance with the relevant statutory and the "gateway determination" requirements relevant public authorities and the community were consulted on the planning proposal and the outcome of the consultation is discussed in this report.

Consultation with Public Authorities

The planning proposal was referred to Sydney Water in accordance with the Gateway Determination. In addition, it was also referred to NSW Rural Fire Service and NSW Department of Trade and Investments in accordance with Section 117 Ministerial Directions.

Submissions received from all three agencies raised no objections to the making of the plan.

Sydney Water's submission advises Council that Sydney Water presently has no plans to provide reticulated wastewater services to Kurrajong and Kurmond and there is limited capacity in Sydney Water's wastewater network for growth at Wilberforce.

Community Consultation

The planning proposal and supporting documentation was publically exhibited for the period 17 January - 3 February 2014, and a notice regarding the public exhibition of the planning proposal was placed in the Hawkesbury Courier on 16 January 2014. The planning proposal was available on Council's website and at Council's Main Administration Building.

No submissions were received from the public.

Conclusion

The submissions received from the public authorities do not warrant any changes to the exhibited planning proposal or the abandonment of the proposal and therefore it is recommended that Council proceed with the planning proposal to amend LEP 2012 (as detailed in the above table) to more clearly identify the timing of the provision of reticulated sewerage for allotments created in land identified as "Area A" and edged heavy blue on the Lot Size Map of LEP 2012.

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Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Plan Directions statement:

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

Financial Implications

There are no financial implications arising from this report.

Planning Decision

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

RECOMMENDATION:

That:

A.

1. Council proceed with the planning proposal to amend clause 4.1D(1)(a) of *Hawkesbury Local Environmental Plan 2012* to more clearly identify the timing of the provision of reticulated sewerage for allotments created in land identified as “Area A” and edged heavy blue on the Lot Size Map of LEP 2012.
2. Council request Parliamentary Counsel’s Office to prepare a draft Local Environmental Plan to give effect to the planning proposal.
3. Upon receipt of advice from Parliamentary Counsel’s Office that the plan can be made Council request the Minister for Planning and Infrastructure that the plan be made.

- B. In order to clarify the intent of part 2(a) of Council’s resolution of 11 December 2012, this part be amended as follows:

Exercise of the delegations can be used without the need for a subsequent report to Council following public exhibition of a planning proposal only if no submissions of objection are received from members of the public, excluding statutory or other referral responses from Public Authorities, are received, or,

ATTACHMENTS:

AT - 1 Gateway Determination

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AT - 1 Gateway Determination



Planning &
Infrastructure

Hawkesbury City Council

14 NOV 2013

Contact: Chris Browne
Phone: 9860 1108
Email: chris.browne@planning.nsw.gov.au

Our ref: PP_2013_HAWKE_003_00
Your ref: LEP006/13

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

Attention: Karu Wijayasinghe

Dear Mr Jackson

Gateway determination - Hawkesbury LEP 2012 (Am. No. 9) - Amendment to Clause 4.1D(1)(a)

I am writing in response to your Council's letter dated 25 September 2013 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") for the planning proposal to amend Clause 4.1D(1)(a) of Hawkesbury LEP 2012.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed that the planning proposal is consistent with all relevant section 117 Directions. No further approval is required in relation to these.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has asked to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any enquiries in regard to this matter, please contact Chris Browne of the Sydney West Regional office of the Department on 02 9860 1108.

Yours sincerely

R Cumming

13-11-2013

Rachel Cumming
Acting Regional Director
Sydney West
Planning Operations and Regional Delivery



SCANNED

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website planning.nsw.gov.au

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Gateway Determination

Planning proposal (Department Ref: PP_2013_HAWKE_003_00): to amend Clause 4.1D(1)(a) of Hawkesbury LEP 2012 to clarify the timing of sewerage provision for certain types of subdivision.

I, the Acting Regional Director, Sydney West Region, at the Department of Planning and Infrastructure, as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act, that an amendment to the Hawkesbury Local Environmental Plan (LEP) 2012 to amend Clause 4.1D(1)(a) of Hawkesbury LEP 2012 to clarify the timing of sewerage provision for certain types of subdivision, should proceed subject to the following conditions:

1. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Sydney WaterEach public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 13th day of November 2013.

R Cumming

Rachel Cumming
Acting Regional Director
Sydney West Region
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website planning.nsw.gov.au

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Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Hawkesbury City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979*, that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_HAWKE_003_00	Planning proposal to amend Clause 4.1D(1)(a) of Hawkesbury LEP 2012 to clarify the timing of sewerage provision for certain types of subdivision.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 13th day of November, 2013

R Cumming

Rachel Cumming
Acting Regional Director
Sydney West Region
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 February 2014

Item: 24 CP - Development Report - DA0336/13 - Lot 2 DP710426 - 4 Bensons Lane, Richmond Lowlands - Dual Occupancy Attached - (3990)

Previous Item: N/A

Development Information

File Number: DA0336/13
Property Address: 4 Bensons Lane, Richmond Lowlands
Applicant: Neal John Hall
Owner: Mr NJ Hall
Proposal Details: Dual Occupancy Attached
Estimated Cost: \$140,000
Zone: RU2 Rural Landscape
Date Received: 3/07/2013
Advertising: 10/07/2013-24/07/2013

Key Issues:

- ◆ Compliance with Hawkesbury Local Environmental Plan 2012
- ◆ Noise Exposure from the Richmond RAAF Base
- ◆ Design and appearance of development
- ◆ Current BASIX Certificate

Recommendation: Refusal

REPORT:

Executive summary

The application seeks approval for the construction of a dual occupancy (attached) at 4 Bensons Lane, Richmond Lowlands.

An assessment of the proposal has revealed that the development is inconsistent with Hawkesbury Local Environmental Plan 2012 and the site acceptability criteria identified under Australian Standard No. *AS2021-2000, Acoustics – Aircraft noise intrusion – Building siting and construction*.

It is noted that the information submitted with the application has also not taken into consideration the potential impacts the proposal would have concerning an existing slab barn located on the property and the submission requirements for a BASIX certificate. However, these issues are considered secondary to proposing development within an aircraft noise affected area. It is recommended that the application be refused.

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

Description of the proposal

The application seeks approval for a dual occupancy (attached) at Lot 2 in DP710426, 4 Bensons Lane, Richmond Lowlands.

It is proposed that the second dwelling would be located at the rear of an existing garage/barn and be attached to the existing dwelling via a six metre breezeway.

The new dwelling would consist of two bedrooms, living room, kitchen, laundry and be of brick veneer construction with metal roofing. Colours and materials of the new works have been chosen to match with the existing buildings onsite. The building is proposed to be connected to the reticulated sewer.

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The application is supported by Statement of Environmental Effects, BASIX Certificate, aircraft noise intrusion report (prepared by Day Design Pty Ltd, 11/11/2013) and Waste Management Plan.

Description of the site and its surroundings

The subject site is generally rectangular in shape, totals 10.44ha in area and is traversed by a watercourse (creek). The site contains an existing dwelling, pool, slab barn and garage which are all above the 1 in 100 year flood level of the locality which is at 17.5m above the Australian Height Datum (AHD).

The property is surrounded by various types of developments including residential houses along Francis Street, grazing/agricultural land, Bensons Lane Sporting Complex and the Richmond Club.

History of the application

- | | |
|-------------------|---|
| 14 August 2013 | Council's letter to the applicant advised that the land is affected by aircraft noise to the extent that the land is not considered to be appropriate for the intensification of housing densities under Clause 6.6 (3) of Hawkesbury Local Environmental Plan (LEP) 2012 and Australian Standard No. AS2021-2000, <i>Acoustics – Aircraft noise intrusion – Building siting and construction</i> . |
| 10 September 2013 | The owner's father met with the Mayor and Development Services Manager and submitted information explaining that the additional house is low scale in nature and is required to provide accommodation for him (as an elderly person) to live with his son and family. |
| 10 September 2013 | Council staff responded to the meeting and information by recommending that the property owner look towards modifying the proposal to be one single dwelling on the property as opposed to an additional residence within a noise affected area. |
| 27 November 2013 | The applicant's consultant submitted a response to Council's original letter stating that Council has previously approved additional dwellings within the aircraft noise affected areas of Richmond. An acoustic assessment report was also submitted supporting the proposed new construction. |
| 29 January 2014 | Council's letter to the applicant advised that the submitted information did not satisfactorily address why Council should consider an additional dwelling on land affected by aircraft noise contrary to Australian Standard 2021-2000 and Hawkesbury Local Environmental Plan 2012 - Part 6 Clause 6.6 and that Table 2.1 of AS2021-2000 classifies dwellings as 'unacceptable' development on land within an ANEF Contour of 25 and above. |

Issues Relevant to the Decision

- Compliance with Hawkesbury Local Environmental Plan 2012
- Noise Exposure from the Richmond RAAF Base
- Design and appearance of development
- BASIX certificate

Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 55 - Remediation of Land
- Sydney Regional Environmental Plan No 20 - Hawkesbury Nepean River (SREP 20)
- Hawkesbury Local Environmental Plan (HLEP) 2012
- Hawkesbury Development Control Plan (HDCP) 2002

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

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

a. The provisions of any:

i. Environmental Planning Instrument:

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX Certificate No: A165786, dated 29 June 2013, has been issued for the proposed development. It is noted that the BASIX certificate submitted is for alterations and additions to an existing dwelling. If the proposal was to be supported a BASIX Certificate for a new dwelling would be required to be submitted to Council prior to the issue of any consent. This certificate should also include the mechanical ventilation and window treatment specified in the acoustic assessment report submitted with the application.

State Environmental Planning Policy No. 55 - Remediation of Land

The application is considered to be consistent with the provisions of State Environmental Planning Policy No. 55. The land has been used primarily for residential purposes near the existing house and farming/grazing at the rear of the site. Council records do not indicate that the land has been used for any other purpose. It is considered unlikely that the land would be contaminated to such a degree as to cause harm. The land is considered suitable for the proposed development and a Preliminary Site Investigation is not required.

SREP No. 20 Hawkesbury Nepean River

The proposal is generally consistent with the aims, objectives and recommended strategies of this plan. The site is within a scenic corridor of regional significance and it is considered that the proposal would fit in with the surrounding locality.

Hawkesbury Local Environmental Plan 2012 (HLEP 2012)

The subject site is zoned RU2 Rural Landscape. The proposal is permitted with development consent being identified as dual occupancy (attached).

Clause 6.6 of this plan relates to development in areas subject to aircraft noise. The *Noise Exposure Forecast Contour Map for the RAAF Base Richmond* shows that the land is situated within an ANEF Contour of 30-35 (Refer to appendix 4) and Table 2.1 of AS2021-2000 classifies dwellings as 'unacceptable' development on land within an ANEF Contour of 25 and above. Table 2.1 to AS 2021 also states:

"This standard does not recommend development in unacceptable areas. However, where the relevant planning authority determines that any development may be necessary within existing built-up areas designated as unacceptable, it is recommended that such development should achieve the required ANR determined according to Clause 3.2. For residences, schools, etc., the effect of aircraft noise on outdoor areas associated with the buildings should be considered."

The applicant has requested that the application be supported as the development is low scale in nature; Council has previously approved subdivisions (in isolated cases) within noise sensitive areas and an aircraft noise intrusion report has been submitted demonstrating that the proposal could (on average) conform with the indoor intrusive noise levels of AS 2021—2000.

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It is acknowledged that whilst the proposed dwelling could be constructed to take into consideration aircraft noise intrusion into the building, outdoor areas would still be subject to aircraft noise. The proposed development is not deemed to be infill development as a dwelling has already been constructed on the land and is being used for residential purposes.

In any event, support of the proposal would result in an increase in the number of dwellings and people living within an aircraft noise affected area which is contrary to the overall objectives of Clause 6.6 of this plan. Supporting the proposal could potentially result in setting an undesirable precedent for dual occupancy in this ANEF affected locality. Should the application be amended to incorporate additions only, i.e., additional bedroom/living area and not a separate dwelling on the site, the proposal could be viewed differently as it would then not be increasing the “dwelling” density on the site.

Council has previously considered additional housing in aircraft noise affected areas of Richmond as part of the Hawkesbury Residential Land Strategy. This strategy recommended that:

“Urban development should occur in areas with noise exposure contour less than 20.

The Australian Standard criteria should be adopted as a measure of appropriate noise zones for future development.

Development in areas with noise exposure contour between 20-25 will require special noise assessment and mitigation measures.

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

Prior to adopting the Hawkesbury Residential Land Strategy Council re-zoned a large portion of aircraft noise affected area in Richmond for single dwelling housing under amendment 130 of Hawkesbury Local Environmental Plan 1989 (gazetted on 18/08/2006).

Council's adoption of the Hawkesbury Residential Land Strategy in May 2011 further reinforces Council's existing position with respect to development within the ANEF Contours, and in particular identified that the intensification of residential development in ANEF Contours of 25 and above as inappropriate.

The importance of limiting residential development in aircraft noise affected areas has been previously tested in the Land and Environment Court where Council refused an application for three townhouses at No. 5 Chapel Street, Richmond. **Edwards v Hawkesbury City Council [2004] NSWLEC 647 (30 November 2004).**

The court upheld Council's decision to refuse additional housing in an aircraft noise affected area and noted that significant weight should be given to Australian Standard 2021—2000 when identifying what constitutes acceptable development on land affected by aircraft noise. This view has also previously been enforced by Council due to legal advice.

It is considered that the applicant has not adequately justified, aside from citing personal circumstances, why Council should consider increasing housing densities within an aircraft noise affected area.

It is noted that the majority of previous approvals issued by Council's in aircraft noise affected areas greater than 25 related to a number of dual occupancy and subdivision developments which were approved prior to 2006 (when Amendment 130 was introduced under Hawkesbury Local Environmental Plan 1989). An isolated example is a recent subdivision approved by Council in 2011 was for a 2 into 3 lot subdivision at 49 Faithful Street Richmond (application number DA0184/11).

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Irrespective of the previous approvals it is considered that previous decisions made by Council do not set any precedent under the current LEP 2012 that would justify the support of the current proposal and is therefore recommended that the proposal not be supported under Clause 6.6 of this plan.

The property adjoins a locally listed heritage item 'Bensons House' at 61 Francis Street Richmond and Clause 5.10 of this plan relates to the conservation of heritage. It is considered that the current design would not have an adverse impact on the setting of the adjoining item. However, it would most likely have an impact on the overall appearance of an existing slab barn which has been recognised as a significant structure on the land by a 2010 Slab Barn Study commissioned by Council. (Refer to comments under site suitability section of this report)

Whilst the design of the development could be modified or altered to take into consideration the significance of the existing slab barn located on the site the pre-determinative issue for the assessment of this application relates to the construction of a second dwelling on land that is affected by aircraft noise.

Should the proposal be supported contrary to the AS 2021—2000 it would be considered necessary that the proposal be modified or altered to take into consideration the heritage significance of the slab barn located on the land.

In addition to the above the proposal has been considered as being consistent with the following clauses of Hawkesbury Local Environmental Plan 2012:

Clause 1.2	Aims of Plan
Clause 1.4	Definitions
Clause 4.3	Height of Buildings
Clause 6.1	Acid sulfate soils
Clause 6.3	Flood Planning
Clause 6.7	Essential Services

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

There are no draft environmental planning instruments that directly relate to the land or the specified development.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

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

Part A Chapter 2 - General Information

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

Part A Chapter 3 - Notification

The application was notified to adjacent property owners between 10/07/2013 - 24/07/2013 in accordance with HDCP 2002. No submissions were received as a result of the notification of the application.

Part C: Chapter 4 - Erosion and Sediment

Erosion and sediment control could be enforced via conditions of consent if necessary.

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Part C: Chapter 6 - Energy Efficiency

A BASIX certificate has been issued for the proposed development demonstrating that the proposed design can achieve the minimum energy performance targets. However, should this application be supported, this certificate would need to be re-issued to account for required amendments to the design of the structure as a result of the recommendations contained in the applicant's noise assessment report.

Part C: Chapter 7 - Effluent Disposal

The applicant has stated that they intend to connect all new works to the reticulated sewer.

Part D: Chapter 1 Residential Development

The proposed dual occupancy is consistent with the residential rules of this chapter which relate to height, setbacks, landscaped areas, private open space, vehicle access and parking, visual privacy, acoustic privacy, safety and security, utility and site services, cables, recycling, garbage and mail collection areas and rural dual occupancies.

The proposal, however, is inconsistent with the overall aims and objectives of part 1.13 External Noise and vibration. In this respect the noise attenuation measures suggested in the acoustic assessment report rely on all openings within the building being kept closed and the dwelling is then reliant on mechanical ventilation. It is considered unreasonable to expect the residents to have to have all openings closed in order to prevent noise intrusion.

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

Not applicable.

v. Matters prescribed by the Regulations:

If the proposal was to be supported the development would need to comply with the Environmental Planning and Assessment Regulation 2000, specifically in respect to following:

- The National Construction Code – Building Code of Australia, and
- Council's S94A Development Contributions Plan. In this regard Hawkesbury Council's S94A Development Contributions Plan 2006 applies to the development. Based on a cost estimate of \$140,000.00, the applicant would be subject to a 0.5% levy under Council's contribution plan.

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:

It is considered unlikely that the development would have any adverse impacts on the surrounding locality. The environmental impacts of supporting an additional dwelling within a noise sensitive area would be on the residents living on the land.

It is further noted that support of the proposal could set an undesirable planning precedent (for LEP 2012) in supporting additional dwellings in an area that is affected by ANEF contour greater than 25 and contrary to Australian Standard 2021-2000.

There are also potentially adverse impacts on the slab barn due to the dwelling construction abutting the side walls of the barn.

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c. Suitability of the site for the development:

The property is considered unsuitable for increased residential development given that the land is subject to ANEF contours which are not considered to be suitable for residential dwellings under Australian Standard 2021-2000. This has been discussed in the report previously.

In addition to the above it is noted that the application proposes to construct the new dwelling directly in front of an existing slab barn which has been recognised on the land (see Appendix 5 – site photo). The subject building has been described as a single storey building with loft in the 2010 slab barn study which was commissioned by Council.

The current dwelling design would result in the view of the slab barn being substantially blocked from Bensons Lane. The details submitted with the plans do not accurately show how the new dwelling would be constructed alongside the slab barn without disrupting the fabric of the barn building.

If Council was to support an additional dwelling, the location of the second dwelling and its relationship towards the existing slab barn would need to be re-considered. This may ultimately require modifications to the location and/or appearance of the proposed new dwelling.

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

No submissions were received in respect to the subject application.

e. The Public Interest:

It is considered that the proposed additional dwelling is not in the public interest given that the impacts from aircraft noise will not afford a reasonable level of amenity for future occupants of the second dwelling.

There are potential impacts on the slab barn building and heritage vistas that need further consideration if a second dwelling is to be supported.

Conclusion

An assessment of the proposal reveals that the development is inconsistent with the overall aims and objectives relating to aircraft noise as outlined under Hawkesbury LEP 2012, Hawkesbury DCP 2002 and Australian Standard 2021-2000.

Given the potential impacts of aircraft noise on the amenity of occupants of the new dwelling and inconsistency with the LEP 2012 provisions, it is recommended that the application be refused.

Planning Decision

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

ORDINARY MEETING

Meeting Date: 25 February 2014

RECOMMENDATION:

That Development Application No. DA0336/13 on Lot 2 in DP710426, 4 Bensons Lane, Richmond Lowlands for Dual Occupancy (Attached) be refused for the following reasons:

1. The proposal is inconsistent with the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 in that a BASIX certificate has not been submitted for the proposed new dwelling.
2. The proposed dual occupancy attached is inconsistent with the aims of Hawkesbury Local Environmental Plan 2012 in that it does not provide for the orderly management and development of land that is subject to aircraft noise.
3. The proposal is not considered suitable having regard to the provisions of Part 6 Clause 6.6 of Hawkesbury Local Environmental Plan 2012 in that the subject site is situated on land subject to significant impact from aircraft noise and the proposed use is considered unacceptable development on that land.
4. The proposed development is inconsistent with the aims of the Hawkesbury Development Control Plan, in particular Part D, Residential Development - Chapter No.1.13 External noise and Vibration.
5. The proposal is contrary to the building site acceptability classification based on ANEF Zones contained in Australian Standard AS2021 - Acoustics—Aircraft Noise Intrusion—Building Siting and Construction in that the proposed use is classified as unacceptable in the noise contour of the site.
6. Insufficient information has been submitted with the application to determine whether the proposal would have an adverse impact on the heritage significance of adjoining heritage listed Bensons Lane and the slab barn identified on the property.
7. In the circumstances, approval of the development would not be in the public interest.

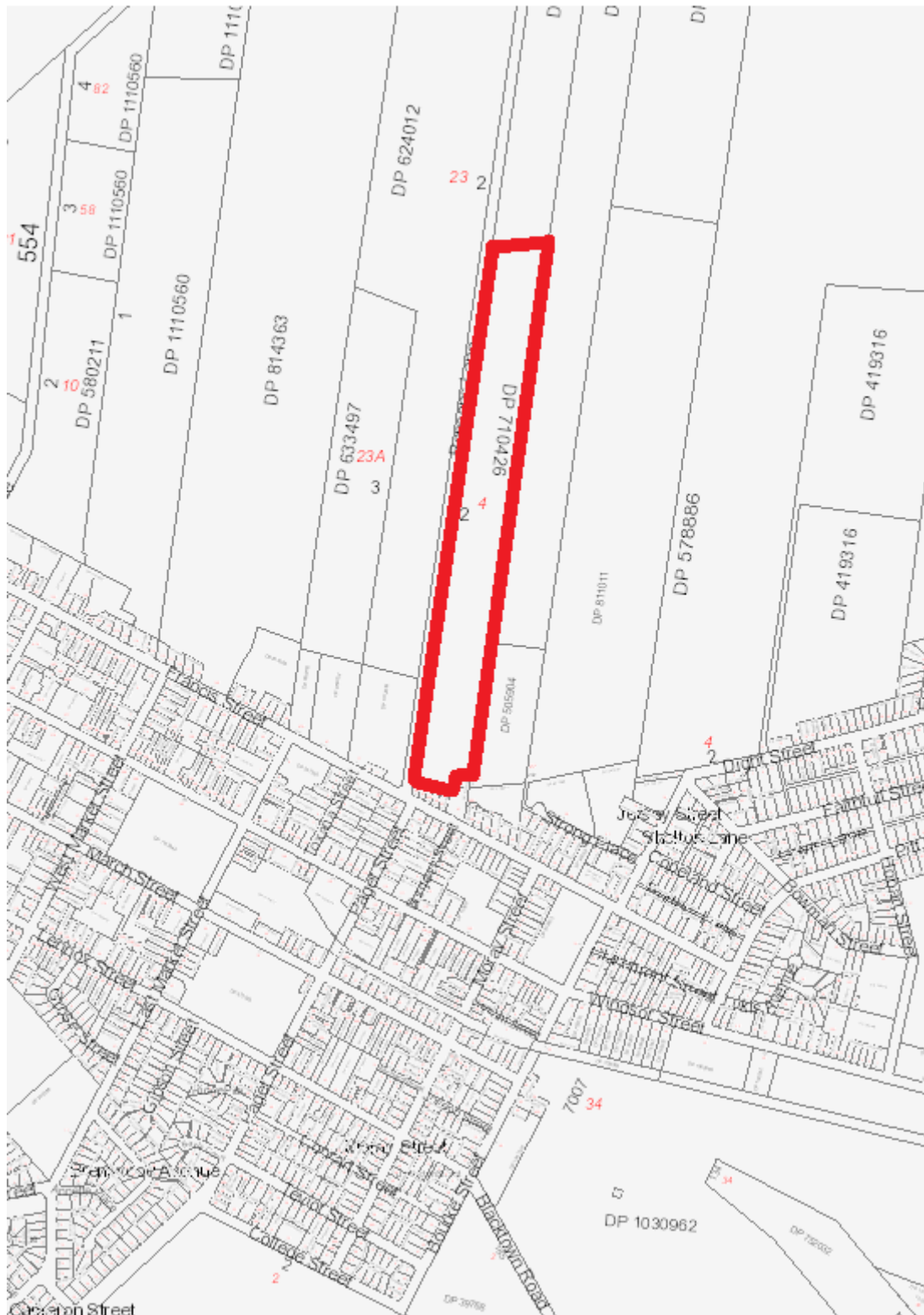
ATTACHMENTS:

- AT - 1 Locality Plan
- AT - 2 Site Plan
- AT - 3 Elevations
- AT - 4 ANEF Contour Plan
- AT - 5 Site Photo: View of development area from Bensons Lane boundary

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At - 1 Locality Plan



Meeting Date: 25 February 2014

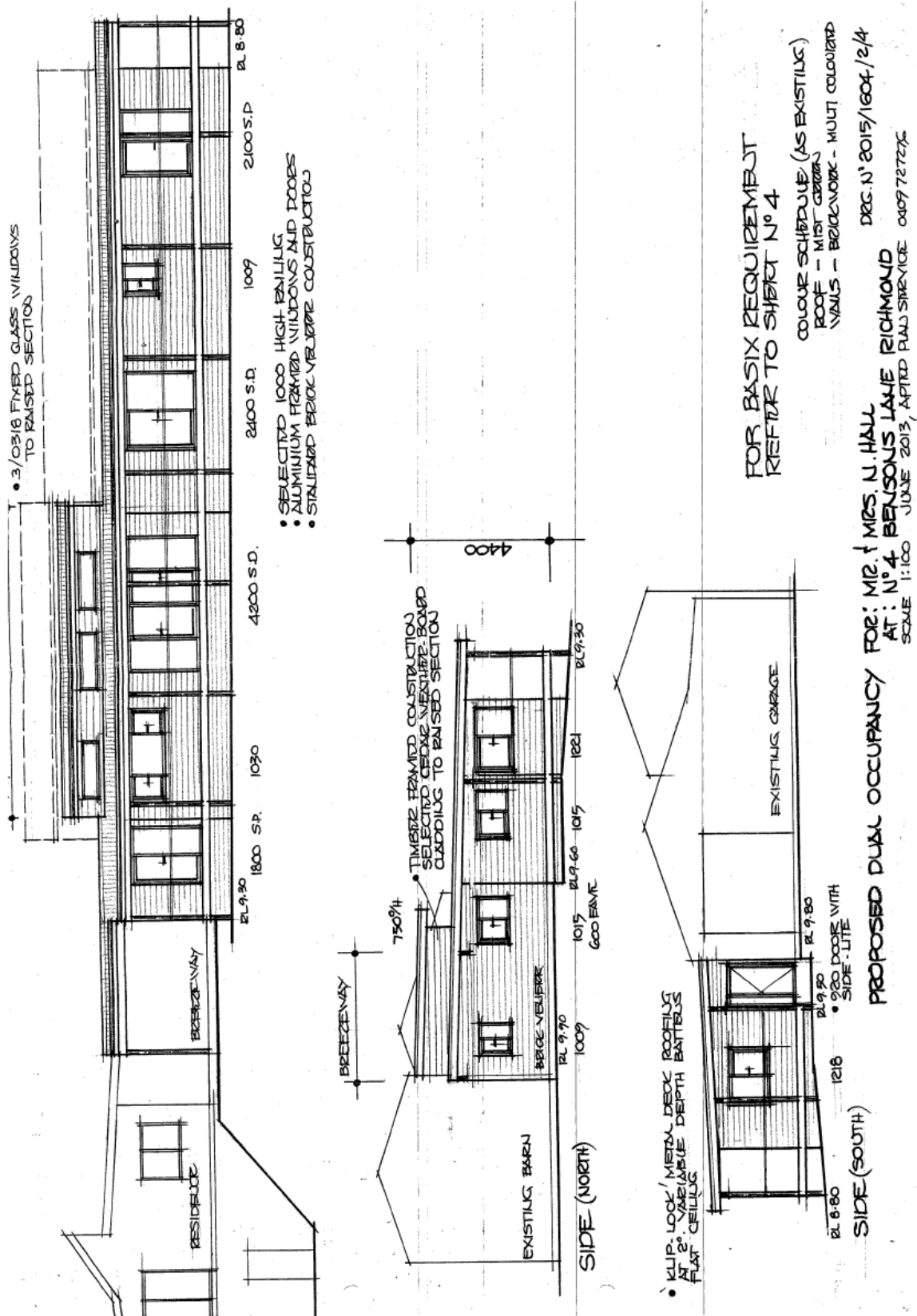
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PROPOSED DUAL OCCUPANCY FOR: MR. & MRS. N. HALL
AT: N°4 BEJONS LANE, RICHMOND
SCALE 1:100, 1:1000 JUNE 2013, ADPTED PLAN SERVICE 0409727276
DEC. N° 2015/1604/3/4

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AT - 3 Elevations



Meeting Date: 25 February 2014

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AT - 5 Site Photo: View of development area from Bensons Lane boundary



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ORDINARY MEETING

Meeting Date: 25 February 2014

Item: 25 CP - Development Report - DA0347/13A - Lot 32 DP211780 - 131 Coromandel Road, Ebenezer - (94598, 126715, 111822)

Previous Item: N/A

Development Information

File Number: DA0347/13A
Property Address: 131 Coromandel Road Ebenezer
Applicant: Mr MA and Mrs EN Steinert
Owner: Mr MA and Mrs EN Steinert
Proposal Details: Structure Ancillary to Dwelling House – Installation of a fence
Estimated Cost: N/A
Zone: RU5 Village under Hawkesbury Local Environmental Plan 2012
Date Received: 21 November 2013
Advertising: 2/12/2013 to 16/12/2013

Key Issues: ♦ Nil

Recommendation: Approval

REPORT:

Description of Proposal

The original development approval involves the construction of a dividing fence. The Section 96 application is for the removal of the notation that the fence is to be constructed within 200mm from the northern boundary. It should be noted that this application does not permit the revisiting or amendment of the original approval for the erection of the fence but only the provision relating to the location of the fence to the property boundary.

The amendment to the original consent is minor and the development is substantially the same.

The application has been reported to Council at the request of Councillor Lyons-Buckett.

Background

The application was approved by Council's Development Review Panel following a number of submissions.

The fence is in the course of construction. The initial approval was for the fence to be constructed 200mm within the northern boundary adjoining number 133 Coromandel Road.

The fence appears to be 100mm within the northern boundary and the applicant has lodged a Section 96 Application to modify the original approval regarding this setback.

The application was placed on neighbour notification and one submission was received from the adjoining property owner. The concerns relate to matters associated with the Dividing Fences Act. Council has no jurisdiction regarding the Dividing fences Act. The original development consent was conditioned with an advisory note that the applicant complies with the Dividing Fences Act. This is a civil matter where the applicant and/or objector may make application to the Local Court.

ORDINARY MEETING**Meeting Date:** 25 February 2014**Council Policies, Procedures and Codes to Which the Matter Relates**

Hawkesbury Local Environmental Plan 2012 (HLEP 2012)

State Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)

Hawkesbury Development Control Plan 2002 (HDCP 2002)

Section 79C Matters for Consideration

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

Issue	Comments (in point form)
Any Environmental Planning Instrument (EPI)	<ul style="list-style-type: none">• The development is consistent with the provisions of applicable environmental planning instruments, including the HLEP 2012 and SREP No. 20.• The fence is ancillary to the existing dwelling house and is therefore permissible within the RU5 Village zone.• The current application is for an amendment of the location of the fence by up to 200mm which does not affect the permissibility of the fence.
Any draft EPI that has been placed on public exhibition	<ul style="list-style-type: none">• There are no draft environmental planning instruments.
Any DCP in force	<ul style="list-style-type: none">• The modified proposal is consistent with the HDCP 2002.
Any matters prescribed by the Regulations	<ul style="list-style-type: none">• There are no matters prescribed by the regulations.
Likely impacts, including environmental, on both natural and built environments and the social and economic impacts of the locality	<ul style="list-style-type: none">• There is no foreseen adverse impact on the built or natural environment in relation to the amendment of the fence location by up to 200mm.
The suitability of the site	<ul style="list-style-type: none">• The site is suitable for the development.
Any submissions (see attached scheduled for details)	<ul style="list-style-type: none">• One submission was received and has been discussed previously in this report.
The public interest	<ul style="list-style-type: none">• Approval of the amendment will not be contrary to the public interest.

ORDINARY MEETING

Meeting Date: 25 February 2014

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 the Section 96 application DA0347/13A to amend the location of a Structure Ancillary to Dwelling House – Boundary fence be approved by replacing condition one with the following:

1. The development shall take place in accordance with the stamped plans as amended by Council on 25 February 2014, specifications and accompanying documentation submitted with the application except as modified by these further conditions or in red on the plans.

ATTACHMENTS:

AT - 1 Amended site plan showing fence to be constructed within property boundary.

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ORDINARY MEETING

Meeting Date: 25 February 2014

Item: 26 **CP - Development Report - DA0453/13 - Lot 263 DP751665 - 3 Hendrens Road, Ebenezer - Earthworks - Restoration and Rehabilitation - (95498, 78878, 2807, 18452)**

Previous Item: NIL

Development Information

File Number: DA0453/13
Property Address: 3 Hendrens Road, Ebenezer
Applicant: Urban City Consulting Pty Limited
Owner: Mrs JM Porter, Mr RH Porter, Mr SR Porter
Proposal Details: Earthworks - restoration and rehabilitation
Estimated Cost: \$10,000
Zone: RU2 Rural Landscape
Date Received: 27/08/2013
Advertising: 2/09/2013 - 19/09/2013

Key Issues: ♦ Earthworks
 ♦ Integrated Development

Recommendation: Approval

REPORT:

Executive Summary

Following a directive from Council in relation to the rehabilitation of a previously approved tyre landfill site, an application has been lodged seeking retrospective approval for partially completed earthworks.

The proposed earthworks specifically involve the addition of a clay/shale capping layer to the existing partially completed rehabilitated tyre landfill. The assessment of this application is confined to a rehabilitation proposal because the original tyre landfill was approved and operated under development consent DA0347/92 as amended.

Although the works are minor in depth, a development application is necessary as the works extend beyond the area of rehabilitation works previously approved by Council. The application has been referred to Council for determination as one of the landowners is a Councillor. The application is recommended for approval subject to conditions.

Description of Proposal

Previous Approvals

- DA0347/92 - Approval granted for a tyre land-filling operation.
- BA1467/93 - Approval granted for the placement of a re-sited dwelling on the land.
- DA0347/92A - Approval granted for a modification of consent to the existing tyre land-filling operation.
- DA1463/03 – Approval granted for a farm shed. The farm shed is being used for the purposes of storage of machinery and equipment.
- DA0111/13 – Approval granted for use of existing building as a gymnasium.

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History

- 1993 - DA 0347/92 approved for a tyre landfill at the subject property.
- 1994 – DA0347/92A modified the original consent to permit a further 5 years to complete the tyre landfill.
- May 2000 – the activity of tyre land filling ceased
- July 2000 – Order issued by Council to the owner to restore the land
- October 2002- owner requested consent to carry out rehabilitation work and import fill material to a depth of 150mm over an area of 400m x 300m during a six month period.
- March 2003 – Council approved limited fill 150mm over dimensions of 185mx 65m (i.e. a total area of 12,000sqm)
- November 2012 – Following a complaint, Council officers undertook an inspection of the subject property. An inspection revealed that filling was taking place and an open cell was observed.
- December 2012 – Council officers directed the landowner to cease the importation of any further fill.
- February 2013 – Council received two documents from a consultant on behalf of the landowner in relation to the rehabilitation activities at the subject property.
- April 2013 – A consultant responded on behalf of the landowner indicating that no further land fill is anticipated to be imported and that the further earthworks involve fill material already on site.
- August 2013 –Development application lodged by consultant on behalf of the landowner.

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

- State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP No. 44)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

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:

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.

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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.

It is therefore considered that the proposal satisfies the objectives and relevant provisions of SREP No. 20.

State Environmental Planning Policy No.44 – Koala Habitat Protection

No indigenous vegetation is to be removed to accommodate the filling works. Having regards to the requirements of SEPP No. 44 it is considered that the proposal will not remove vegetation or disturb any natural habitats which may be considered as 'core koala habitat'.

State Environmental Planning Policy No. 55 – Remediation of Land

The use of part of the land for tyre land fill was previously approved. The proposed use of the rehabilitated land fill area was previously indicated as being for pastoral use. The documentation submitted with the application indicates that the fill material will comprise 450 cubic metres of imported excavated natural material (ENM) for the capping base and 450 cubic metres of material from the site for the top layer as a growing medium to provide a total of 900 cubic metres of material for filling. Should the application be approved a condition is recommended to ensure this is the case.

Hawkesbury Local Environmental Plan 2012 (LEP 2012)

The proposed earthworks are permitted within the RU2 Rural Landscape zone. Section 6.2 of the HLEP 2012 allows earthworks to be undertaken with the consent of Council on all land and allows minor earth works ancillary without consent.

The proposal is seen to be consistent with the objectives of the RU2 Rural Landscape zone in that:

- Although the works are minor in depth, a development application is necessary as the works extend beyond the area of rehabilitation works previously approved by Council.
- The application has addressed the drainage requirements, intended future use of the land and provided details of the proposed fill.
- The location of the works are sufficiently distant from adjoining land and riverine environments to be of negligible impact
- The recommended conditions of consent will regulate the use of excavated or imported material

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 proposed earthworks are generally consistent with the provisions of Chapter 7 - Landfill in the Hawkesbury Development Control Plan as discussed below. The DCP permits the placement of clean fill with Council's consent.

ORDINARY MEETING**Meeting Date:** 25 February 2014**DCP Principles**

DCP Principles	Comment
1. Allow alteration of land where it enhances the development and/or use of land	The proposal is to provide suitable surface for the use of the land for grazing.
2. Ensure that no adverse impact results on local drainage or floodway characteristics in a catchment from landfill works	The land is not within a floodway. The proposal extends beyond the area previously approved however provides a minor depth of fill and is therefore likely to have a negligible impact on local drainage.
3. Ensure that fill material is satisfactory in terms of compaction, type and characteristics in order to mitigate against potential problems such as landslip, soil erodibility, sedimentation or siltation of natural watercourses or drainage lines;	Conditions of approval are recommended requiring the compaction to a standard suitable for the intended land use.
4. Ensure that appropriate environmental measures are applied to landfill/earthwork sites in order to conserve the landscape and protect the surrounding environment;	Conditions of approval are recommended to provide appropriate protection measures to local waterways. No vegetation or tree removal is proposed.
5. Establish, maintain and promote appropriate site rehabilitation or revegetation techniques for landfill works in order to ensure properties are not sterilised for future land uses and protect the surrounding environment;	The proposed rehabilitation and vegetation techniques proposed are consistent with the intended land use. NOTE: To leave the site in its current state would be inconsistent with this provision.
6. Maintain and enhance the visual and scenic quality of locality by controlling form, bulk and scale to complement the environment and have minimum environmental impact;	The proposed minor filling is consistent with the visual setting and final landforms of other rehabilitated areas on the land.
7. Ensure no adverse effects on adjoining properties (drainage, structure, stability, fences);	The works are contained wholly within the boundary of the site and hence do not influence adjoining land in this manner.
8. Protect, restore and maintain the local non-urban character of areas and ensure viable agricultural land is sustained;	The intended land use for pasture is the same as the land use prior to the tyre landfill operation commencing.
9. Protect the health and safety of human residents;	The proposal seeks to rectify the uneven surface of the land for pasture use. The land is not suitable for building and a restriction on the title is proposed as a recommended condition of consent.
10. Maintain water quality within the Hawkesbury Catchment area;	The proposed minor filling is unlikely to adversely influence the water quality of the catchment.
11. Ensure that degradation of the environment does not recur from acid sulphate soils, sodic soil or saline soils.	The proposed land filling is not expected to increase salinity as the extent of the works are relatively minor and will not raise the watertable.

ORDINARY MEETING**Meeting Date:** 25 February 2014**DCP Objectives**

DCP Objectives	Comment
1. The final land reclamation or finished contour surface levels (after backfilling of trenches) of shredded tyre landfill operations or works must be a satisfactory minimum height above the enclosed tyre particles to help assist in retention and compaction.	The applicant has indicated that previous fill materials used for backfilling (i.e. sandy soils) were ineffective in providing a suitable finished surface. The proposal is to change the backfill material to a clay/shale mix which has (based on more recent works already partially undertaken) provided a more suitable material for the purpose of land reclamation.
2. The placement of shredded tyres in excavated trenches must not generally exceed the existing natural contour/ground level	Not applicable - This application is for rehabilitation only. The tyre landfill was approved under a separate DA.
3. The development of a detention basin and/or associated diversion channels will be required to direct upstream runoff from disturbed areas.	No addition diversion works are required for this as the fill level is minor.
4. The placement of a bund wall around the site may be required to help direct runoff from the disturbed excavation/landfill areas.	No bund is required for this as the fill level is minor.

DCP Rules

DCP Rules	Comment
1. The top 300 millimetres of fill must be topsoil in order to ensure site revegetation.	The proposal meets this requirement.
2. The minimum finished surface grade for tyre landfill developments must be 2% in order to allow satisfactory surface runoff and overcome potential ponding or water logging above finished trenches/cells.	The proposal meets this requirement.
3. The individual shredded tyre landfill trenches or cells should include a lateral drain to allow sub-surface drainage	Not applicable - This application is for rehabilitation only. The tyre landfill was approved under a separate DA.
4. The provision of sedimentation traps and/or sedimentation detention basins will be required for shredded tyre landfill works in order to trap sediments associated with runoff from disturbed areas.	Not applicable - This application is for rehabilitation only. The tyre landfill was approved under a separate DA.
5. Containment and treatment of leachate must be monitored after completion of works by the owner for a period of 5 years, with copies of all tests lodged with Council every 6 months.	Not applicable - This application is for rehabilitation only. The tyre landfill was approved under a separate DA.

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DCP Rules	Comment
6. The finished surface level will be subject to appropriate site regeneration/revegetation. The site regeneration works must include the spreading of topsoil and a combination of tube stock and seeding to help establish vegetation cover. The interim site revegetation program should include quick growing ground cover, particularly Japanese millet (in Spring/Summer) and Ryecorn (in Autumn/Winter).	The proposal meets this requirement.
7. Shredded tyre land filling operations will not generally be approved on bushfire prone lands due to the stockpiling of shredded tyres being an unacceptable high fire hazard.	Not applicable - This application is for rehabilitation only. The tyre landfill was approved under a separate DA.

DCP General Landfill Requirements

DCP General Landfill Requirements	Comment
1. Section 7.3.1 – Council consent Development consent may not be required for land filling when it is ancillary to another development that is the subject of consent already issued under the Act. Any land filling in these circumstances still requires compliance with provisions of this DCP to prevent environmental degradation. A further exception if turfing and/or top dressing works to a depth less than 150 millimetres.	Although the works are minor in depth, a development application is necessary as the works extend beyond the area of rehabilitation works previously approved by Council.
2. Section 7.3.2 Riverbank/Foreshore Reshaping, Regrading and Stabilisation	The location of the proposed fill does not trigger the riverbank requirements.
3. Section 7.3.3 Temporary Stockpiles	No stockpiles are proposed in this application.
4. Section 7.3.4 Maintenance	This application is seeking to continue works as part of the rehabilitation process.
5. Section 7.3.5 Removal/Reinstatement or Removal/Rehabilitation	The application does not propose removal of the landfill.
6. 7.3.6 Aboriginal/Archaeological Sites	The land has not been identified as a site.
7. Limited Consent	Conditions are recommended to provide a two year time limit for the filling with periodic monitoring requirements and defined maintenance measures to ensure a long term outcome is achieved.

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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:

Schedule 3 Clause 32 of the EP&A Regulation 2000 outlines that the disposal of solid waste may be classified as 'designated development'. However, the proposed land filling is related to the rehabilitation of land back to an agricultural use of the property; it is accepted that the primary purpose of this development is not the disposal of solid waste. As such the designated development provisions of the EP&A Regulation do not apply in this instance

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 proposed earthworks specifically involve the addition of a clay/shale capping layer to the existing partially completed rehabilitated tyre landfill. The assessment of this application is confined to a rehabilitation proposal because the original tyre landfill was approved and operated under development consent DA0347/92 as amended.

The proposal extends beyond the area previously approved however provides a minor depth of fill and is therefore likely to have a negligible impact on local drainage.

The proposed works are intended to make the land suitable for pasture use and ensure that the ground surface is not uneven. The filling and compaction works are consistent with the DCP requirements for a landfill of this type.

Conditions are recommended to provide a two (2) year time limit for the filling with periodic monitoring requirements and defined maintenance measures to ensure a long term outcome is achieved.

c. Suitability of the site for the development:

The development is considered suitable within the context of the locality.

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

No submissions received.

e. The Public Interest:

The capping of the tyres with a suitable material is in the public interest rather than leaving the tyres exposed and therefore at risk of ignition. The applicant has also indicated the current uneven surface results in a risk to use of the land by stock and site users.

There is a public interest involved in ensuring that the land will be rehabilitated as required by the recommended conditions of consent. This will be achieved by the requirements for monitoring as proposed.

Developer Contributions

The proposal, due to the value of works, the proposal is exempt from contributions under Section 94E of the Environmental Planning and Assessment Act 1979 or Council's Section 94A Contributions Plan.

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Referrals

External

NSW Office of Water – The proposal is defined as ‘integrated development’ and consequently a referral to the Office of Water was undertaken. Having reviewed the proposal the Office of Water have issued their General Terms of Approval. The requirements of the Office of Water may be imposed as conditions of consent.

The obtainment of a controlled activity approval from the Office of Water will be required.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act, with all the matters specified under section 79C(1) having been taken into consideration. In summary:

- The proposal will allow for the continuation of an approved rehabilitation activity
- The partially re-activated agricultural activity of grazing is of a rural character
- The proposal will not have a significant adverse impact on any endangered ecological communities, the habitat of threatened species or populations
- The proposal will not have a significant adverse impact on water catchments, land surface conditions or important ecosystems such as streams and wetlands
- Within the context of the site, the proposed filling is not seen to be excessive. Minor regrading and filling is proposed for the majority of landfill area
- The modified levels are generally consistent with the intended rehabilitation proposals previously endorsed by Council. As such the visual impact of the proposal is expected to be minor

As such the proposal is recommended for conditional approval.

Planning Decision

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

RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0453/13 for earthworks - restoration and rehabilitation for on Lot 263 in DP 751665, known as 3 Hendrens Road, Ebenezer, subject to the following conditions:

General Terms of Approval – Office of Water

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 2013/453 [NSW Office of Water Reference] and provided by Council:

- a) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

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2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3. The consent holder must prepare or commission the preparation of:
 - a) Vegetation Management Plan
 - b) Erosion and Sediment Control Plan
 - c) Soil and Water Management Plan
4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx
 - a) Vegetation Management Plans
 - b) Riparian Corridors
 - c) In-stream works
 - d) Outlet structures
5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
6. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
7. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of accessway in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
8. The consent holder must ensure that no materials of cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damages to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
9. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water, and (ii) do not obstruct the flow of water other than in accordance with the a plan approved by the NSW Office of Water.
10. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
11. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
12. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
13. The consent holder must establish a five metre riparian corridor from the top of each bank along the creek in accordance with a plan approved by the NSW Office of Water.

Hawkesbury City Council Conditions

General Conditions

14. The development shall take place in accordance with:
 - Plan Number 92283/1 dated 6 June 2013 drawn by McKinlay Morgan
 - Specifications and accompanying documentation submitted with the application except as modified by these further conditions.
15. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Design Compliance Certificate (Civil Works).
16. The proposed filling works are to be substantially completed within two years of the date of this consent. Inspections of the site are to be undertaken by the Principle Certifying Authority at regular intervals of approximately three months during this time to monitor the works. The applicant is to ensure that suitable vegetation for pasture is planted and maintained during this period. Council may, upon written request by the applicant including a detailed justification for the failure to complete works, permit a further filling period of no more than 12 months.
17. Following completion of the filling works, a maintenance period for three years shall apply. A maintenance report is to be submitted on an annual basis at the conclusion of the filling phase to Council demonstrating that:
 - a) recommendations identified in the management plan have been completed;
 - b) that any subsidence has been rectified in the filled areas
 - c) vegetation cover has been maintained in accordance with the Environmental Management Plan and Rehabilitation Plan.

If the maintenance works are not completed at the end of three years the consent will lapse.
18. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.

Prior to Issue of Design Compliance Certificate (Civil Works)

The Design Compliance Certificate (Civil Works) will not be issued over any part of the site requiring a controlled activity approval until a copy of that approval (from Office of Water) has been provided to Council.

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any *Design Compliance Certificate (Civil Works)* relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the *Design Compliance Certificate (Civil Works)*. The *Design Compliance Certificate (Civil Works)* shall be obtained prior to the commencement of any earth works or building works.

19. The filling is not to commence until three copies of the plans and specifications of the works are submitted to and approved by an Accredited Certifier.
20. Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details are to include quantities, borrow sites or disposal sites.
21. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person (such as an environmental professional with specialist expertise in the preparation of Environmental Management Plans and in soil rehabilitation). The Plan shall address (without being limited to) earthworks, erosion control, site rehabilitation and landscaping.

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The fill material shall comprise 450 cubic metres of imported excavated natural material (ENM) for the capping base and 450 cubic metres of from the site for the top layer as growing medium to provide a total of 900 cubic metres of material for filling.

The appropriately qualified person is to determine if the existing fill currently at the property is suitable for the capping layer. If the fill is not suitable the appropriately qualified person is to specify the requirements for fill being brought on to the property. The replacement fill is to meet the requirements for ENM and not to exceed the quantity already permitted. A plan of management shall be prepared for the re-use of any residual fill including any stockpiles on the site.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

Prior to Commencement of Works

22. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.
23. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
24. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.
25. Erosion and sediment control devices are to be installed and maintained at all times during site works.
26. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of the work. Such facilities shall be located wholly within the property boundary.

During Construction

27. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.
28. Site works (including the delivery of material to the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
29. The site shall be secured to prevent the depositing of any unauthorised material.
30. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan 2002 – Part C Chapter 4 – Soil Erosion and Sediment Control.
31. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
32. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.

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33. A ticketing system is to accompany any material being brought to the site. A register is to be kept onsite to cross reference against the source records. An EPA accredited site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the use and free of contamination.
34. Filling shall comprise of excavated natural material (ENM) only. Soil validation certificates for all source material shall be provided to the Principal Certifying Authority (PCA) (and the Council if it is not acting as the PCA) for all fill material imported to the site.
35. The filling shall be completed in stages to minimise the area exposed at any one time. Each cell is to be stabilised by grassing/landscaping immediately prior to moving onto the next cell.
36. All fill, including existing fill, shall be compacted to 95% standard compaction in accordance with AS1289 and verified by the submission of test results over the rehabilitated area by track rolling or similar in layers not exceeding 300mm. Details are to be provided to the Principal Certifying Authority that the compaction has been tested at the completion of filling of each cell to meet this requirement.
37. The cut or fill shall be battered at a slope not exceeding one vertical to three horizontal, with a height not exceeding one metre.
38. All constructed batters are to be topsoiled and turfed.
39. The fill batter toe is to be located a minimum of one metre from the property boundary.
40. All natural and subsurface waterflow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
41. No excavated material, including soil, shall be removed from the site.

Prior to Issue of the Compliance Certificate

42. A works as executed plan and contour depth of fill plan prepared by a registered surveyor or the design engineer shall be submitted prior to the release of the compliance certificate.
43. Landscaping works are to be completed in accordance with the approved Environmental Management and Rehabilitation Plan.
44. Registration on the title of a restriction on the use of the land shall be created with the following wording: "No building shall be erected or be permitted to be erected on any rehabilitated area of Lot 263 DP 751665 as approved under DA0347/92 (as amended) and DA0453/13."

The reasons for the imposition of these conditions are those matters in 79(c)(1) of the Environmental Planning and Assessment Act 1979 as are relevant to the subject development.

Advisory Notes

- This consent operates from the consent date shown on the top of this notice and will lapse unless the development is commenced within five years from this date.
- The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

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- Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing on Council's Application Form (refer to Council's website or customer service centre) within six months after receipt of this Notice of Determination, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request.

NOTE: This clause does not relate to Designated, Integrated, Crown or applications determined by the Joint Regional Planning Panel or applications previously considered under Section 82A of the Environmental Planning and Assessment Act 1979.

- If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.
- Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- Should any Aboriginal site or relic or European relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service or the Heritage Office (European relic) consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 and Heritage Act.

ATTACHMENTS:

- AT - 1 Locality Map
- AT - 2 Aerial Photograph
- AT - 3 Site Plan

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AT - 2 Aerial Photograph



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GENERAL MANAGER

Item: 27 **GM - Establishment of an Economic Working Group to Support the Development of the Hawkesbury Economic Development Strategy - (79351)**

Previous Item: 237, Ordinary (26 November 2013)
 NM1 Ordinary (13 November 2012)

REPORT:

Executive Summary

Council at its meeting on 26 November 2013 considered a report in relation to the possible process for the establishment of an Economic Development Advisory Committee or Forum which would provide a strategic process for addressing the theme Supporting Business and Local Jobs, being one of the five themes that guide the Hawkesbury Community Strategic Plan 2013-2032 (CSP), and decided in part to establish an Economic Working Group (EWG) to support the development of an Economic Development Strategy (EDS) process that is to be considered in the 2014/2015 Draft Operational Plan.

With this in mind, it is proposed that Council now set up the EWG so that it can start meeting and undertake activities in readiness for the possible funding of the EDS in the 2014/2015 Draft Operational Plan and this report addresses actions to facilitate this.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. However, if the EWG as proposed proceeds, it should undertake any community consultation in line with the Policy.

Background

Supporting Business and Local Jobs is one of the five themes that guide the CSP. The success of the theme is linked to 'economic development', which is about improving and developing the sustainability of an area's economy and distributing that wealth through the community via increased expenditure, employment and activation of key places.

Following the earlier consideration of a Notice of Motion at its meeting held on 26 November 2013 a report was considered in relation to the possible process for the establishment of an Economic Development Advisory Committee or Forum Council. A copy of the previous report is included as Attachment 1 to this report.

Subsequently, Council resolved:

"That:

- 1. The information be received and noted.*
- 2. Funding for the development of a Hawkesbury Economic Development Strategy be considered in the 2014/2015 Draft Budget.*
- 3. An Economic Working Group be established to specifically inform and support the development of the Hawkesbury Economic Development Strategy with a further report to be submitted regarding the membership and activities of the Group.*

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4. *The manner in which Council undertakes economic development activities and engages the community in this regard be further considered following the establishment of the Economic Working Group and development of the Hawkesbury Economic Development Strategy as referred to above."*

With regard to part 2 of the resolution, funding for the development of an EDS will be included in the 2014/2015 Draft Operational Plan for Council's consideration. It should be noted that if Council does not fund the development of an EDS in the 2014/2015 Draft Budget, then the EWG's (if established) tenure and term should be reviewed.

It is also suggested that the EWG, in its currently proposed form, should have a limited lifespan of a suggested two years, noting part 4 of the resolution. It is also quite likely that the EDS will in its-self suggest a format for an ongoing body following its adoption which would require further consideration and possible refining of the EWG by Council at the time.

In regard to part 3 of the resolution, the details below outline the suggested structure and scope of the EWG:

- | | | |
|----|------------|--|
| a) | Purpose | To inform and support the development of the Hawkesbury Economic Development Strategy (EDS). |
| b) | Lifespan | Two years, within which time the EDS should be completed and adopted and the operation of the EWG will be reviewed having regard to the recommendations of the EDS. |
| c) | Objectives | <p>To assist Council to engage with the community to seek views and feedback on matters to help inform the EDS brief.</p> <p>To assist Council and the selected EDS consultant to engage with the community during the EDS process.</p> <p>To assist Council review the economic policy framework articulated by the three levels of government to understand the implications for the local context to inform the EDS process.</p> <p>To assist Council to review local economic development models to identify the best case/ approach for the local economy for use in the EDS process. [Latest models focus on creating local economies and creating active local places for business, residents and visitors.]</p> <p>To review macro and micro economic and market trends and behaviours to gather background information and data for use in the EDS process.</p> |
| d) | Membership | <p>That membership of the EWG initially be:</p> <ul style="list-style-type: none">• Two councillors to be nominated by Council.• Up to 10 community and business representatives.• Council staff from relevant program areas as considered appropriate by the General Manager. <p>Community and business representatives should have demonstrated skills in economic development, business or program leadership and/or be place making practitioners. All nominees should have a commitment to progressing and supporting the local economy, show leadership and strategic decision making and are passionate about living and/or working in the area.</p> |

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The Hawkesbury City Chamber of Commerce, Windsor Business Group, Kurrajong Community Forum, Heart of Hawkesbury and Hawkesbury City Alliance be requested to nominate a person for the EWG with Expressions of Interest being invited for the remaining positions by way of appropriate advertisements.

- e) Meeting cycle Once a month in the lead-up phase, prior to the commencement of the development of the EDS. Meetings during the EDS process to be determined in consultation with Council and the consultant.

Should Council endorse the above suggested structure and scope of the EWG it would be proposed that the nominated business/community groups would be requested to nominate a person and Expressions of Interest (EOI) would be invited for the remaining positions on the EWG. Once the nominations were received and the EOI process finalised a report would be submitted to Council to enable it to endorse the final membership of the EWG and nominate the two councillor representatives.

In terms of operating procedures, an appropriate guide for the EWG will be established based on Council's standard documents and submitted for endorsement in association with the abovementioned report.

It is intended that the EWG would operate to assist Council in development of the brief for engagement of a consultant for development of the EDS and assist Council and the consultant throughout the process of actually developing the EDS. Council would be kept informed of the group's activities during its operational term and in conjunction with the EDS.

Conformance to Community Strategic Plan

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

- Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.
- Offer an increased choice and number of jobs and training opportunities to meet the needs of Hawkesbury residents and reduce their travel times.
- Help create thriving towns centres, each with its own character that attracts residents, visitors and business.

and is also consistent with the nominated goals in the Community Strategic Plan, being;

- Have expanded, sustainable and growing industry base
- Stronger broader range of sustainable businesses
- Skills development and training opportunities are available locally

Financial Implications

There are no funding implications associated directly with this report at this stage. The EWG can be set up within existing budget allocations in the current financial year. A small provision for the group's activities is proposed to be included in the 2014/2015 Draft Operational Plan in conjunction with funds for the EDS.

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RECOMMENDATION:

That Council establish an Economic Working Group on the basis outlined in the report in this regard to inform and support the development of the Hawkesbury Economic Development Strategy with a further report being submitted to Council when nominations and expressions of interest for community and business representatives for the Group have closed.

ATTACHMENTS:

AT 1 – Report submitted to Council meeting on 26 November 2013.

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AT 1 – Report submitted to Council meeting on 26 November 2013.

Item: 237 GM - Possible Process for Establishment of Economic Development Advisory Committee or Forum - (79351)

Previous Item: NM1 Ordinary (13 November, 2012)

REPORT:

Executive Summary

Supporting Business and Local Jobs is one of the five themes that guide the Hawkesbury Community Strategic Plan 2013-2032 (CSP). The success of the theme is linked to 'economic development', which is about improving and developing the sustainability of an area's economy and distributing that wealth through the community via increased expenditure, employment and activation of key places.

Strategic planning is about understanding the decisions that need to be made for the future. For local economic development, it's about understanding the issues in the local economy (strengths, weakness, opportunities and threats) and making decisions to help grow the economy.

Council in the past had an Economic Development Committee; and it has decided to look at establishing a new body to help it make decisions about the economy and even possibly assist the Council undertake projects. Economic development has evolved since Council's last committee; and the local economy's performance has perhaps weakened and local business sentiment appears to be low.

If Council wishes to undertake a more active role in the local economy, it should give direction to this program area and involve the community in the process. An economic development advisory committee could be an appropriate forum. The CSP identifies that an Economic Development Strategy (EDS) be developed to support the local economy.

If Council is of the view to establishing a mechanism for meeting with the community about local economic development, it is proposed that it set up a working group as a first step to help inform the development of an EDS; and once completed, re-look at a committee as a second step. This will allow the strategy process to consider the best way in which to work with the community and the role, activities, funding and outcomes of a committee of similar meeting mechanism.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Business groups have been consulted as required by Council's resolution. If Council decides to establish a committee or similar meeting mechanism, the broader community and businesses operators should be consulted under the policy.

Background

Council at its meeting held on 13 November, 2012, considered a Notice of Motion in relation to the possible establishment of a Business Economic Forum or Working Group and resolved:

"That:

- 1. A Report be submitted to Council regarding models available to have community economic engagement including the feasibility of establishing either a Business Economic Forum or a Business Development Working Party. Council consult with groups such as Chambers of Commerce, Business Groups and Hawkesbury City Alliance.*

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2. *The Report to also address related issues such as costs involved, funding sources, community membership, constitution and operating procedures, and any other related issues including a brief summary of the Council and the community's previous such models."*

This report addresses the above resolution and provides other information to help inform Council about its role in economic development.

(a) What is Local Economic Development?

Local or community economic development takes place in a 'location' and involves improving and developing the sustainability (i.e. size, income, diversity, skills, jobs) of an area's economy and distributing that wealth through the community via increased expenditure, employment and use of key places. It involves people, place and activities - business, trade, events and activities – to activate local places. Other ways of looking at economic development are:

- The sustained actions of authorities and communities that progress the economic health and well being of the community and its people.
- A local approach to addressing and dealing with economic issues.
- Economic development differs from economic growth. It is intervention in the market with the aim of improving the economic and social well-being of people. Economic growth is about market productivity (and GDP) and is an aspect of the process of economic development. Actions can include development of human capital (e.g. skills, training, literacy), infrastructure supply and improvement, regional competitiveness, environmental sustainability, social inclusion, health, safety, innovation and industry development and shifts.
- For industry-based and technology-based economies, the local approach to responding to market conditions and dynamics – globalism, regional/ national economies, interventions (e.g. land use planning, laws), demographics, consumer behaviour, changing industries processes, the suburbia, infrastructure, regional strengths and technology changes.

The approach to economic development has evolved from just economic growth to encompass local economies.

(b) The Role of Local Government and Economic Development

Responsibility for the economy has been the jurisdiction of the Australian and NSW Governments. Their economic policies are generally geared towards the macro economy and are issue-based. The NSW Government's documents for economic development include:

- NSW 2021 State Plan - Rebuild the Economy Strategy (6 goals).
- Platform for Growth: NSW Economic Development Framework.
- Industry Actions Plans.
- Business Sector Growth Plan
- Western Sydney and Blue Mountains Regional Actions Plan.

In the last 20 years, local government involvement in economic development has increased with the level of activity varying with the state of the economy. However, most councils recognise that:

- macro economic policies and land use planning policies of higher level governments have a significant affect on local communities, small business and the survival of areas;
- they can, within their legislative constraints, help improve the opportunities and prosperity of their areas by encouraging investment and job growth, enhancing liveability and town centre attractiveness, improving environmental attributes and facilitating business performance, making representation to higher levels of government;

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- they are responding more to local economic and business issues from macro economic impacts and poor services delivery of infrastructure by higher level governments - telecommunications, roads, services, taxes, red tape.

The Local Government Act 1993 (the Act) provides that councils are to undertake economic development in community strategic and integrated planning and states:

“(3) The council must ensure that the community strategic plan:

- (a) addresses civic leadership, social, environmental and economic issues in an integrated manner, and*
- (b) ...*
- (c) is adequately informed by relevant information relating to civic leadership, social, environmental and economic issues, and*
- (d) is developed having due regard to the State government’s State Plan and other relevant State and regional plans of the State government.”*

Achieving the objectives of the community strategic plan can involve other partners like State government agencies, non-government organisations and other community groups and individuals.

(c) Council and Local Economic Development

The CSP addresses economic development directly through the Supporting Business and Local Jobs theme. Indirectly, economic development is addressed through the other four themes of the community strategic plan, which supports the functioning of the community and the local economy. The Supporting Business and Local Jobs scope is shown in the Conformance to Community Strategic Plan section of the report. Council can support and encourage opportunities in the local economy by providing an environment in which business can be productive.

It is noted that Council has previously undertaken some business development activities and this will be summarised later in the report. It is also noted that a number of these activities have been continued in the budget today.

The CSP provides for a local EDS to be prepared, and that process would consider the need for an economic development committee or similar meeting mechanism to engage and involve the community in sustaining the local economy.

To progress the establishment of an economic development committee, Council could consider funding the EDS as part of the 2014/2015 Draft Budget. An EDS is a framework required to guide decision making and community engagement around the local economy. In the meantime, an economic development working group could be established to assist with developing the EDS brief with Council staff.

(d) Models for Local Economic Development

In regard to part (a) of Council’s resolution, the Act guides Council on the models for economic engagement. Section 355 provides,

“A function of a council may, subject to this Chapter, be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or*
- (b) by a committee of the council, or*
- (c) partly or jointly by the council and another person or persons, or*

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(d) ...

(e) *by a delegate of the council (which may, for example, be a Voluntary Regional Organisation of Councils of which the council is a member)."*

With the above in mind, the options considered available to Council to pursue economic engagement with community engagement are:

- Within the organisational structure of Council, by staff or by staff with the support of a working group, business forum, or committee.
- By a formal committee of Council, supported by the organisational structure of Council

Examples of a delegation of function are the Hawkesbury Sports Council and the Hawkesbury Sister City Association. Council has delegated specific and well defined operational functions to the two groups. Economic development is broad and Council is yet to develop its EDS. The delegation of that function to a model for economic engagement may not be appropriate until the EDS is developed.

Within the two options above, Council can pursue community economic engagement by developing a program of business engagement activities like a business forum or business development working party. A business forum or series of forums could be developed to provide the community with the opportunity to meet with Council and business leaders to discuss topics of interest, economic issues, the state of the local economy and how the business community and Council might work together in the future. Likewise a working group could be established along a similar line and provide more structured input into Council, a committee or the EDS as suggested above.

Council needs to consider how active it wishes to be in community economic engagement and decide on a model of engagement – business forum, working group or committee. It also needs to consider how the results of engagement would be used in Council's decision making processes to address valid and priority local economic development matters.

Council has run a successful Small Business Week in the last two years focused on training and networking for business. A business forum or working group activities could be integrated into the week.

In regard to part 1 of Council's resolution, the following business groups have been consulted to obtain their views on models for community economic engagement:

Kurrajong Community Forum Incorporated

As a result of a meeting with representatives of Kurrajong Community Forum Incorporated, it was indicated that:

- Kurrajong village is made up of smaller businesses and the nature of shopping is changing,
- Smaller business has limited capacity to grow the area and leadership needs to come from larger business. Need to attract bigger businesses that employ, including government employers; and bigger business that see value in the area e.g. vet businesses close to their markets,
- Town centres and villages need to be attractive to residents and customers, as a way to compete with larger towns and shopping centres. Need to address rundown buildings and towns need to be well designed. Need to build on the heritage of the area, to complement the presentation of the towns,
- Need to understand economic issues better, attract a range of jobs (including growth areas like health), promote the community benefit of working local, have good transport and roads so the area is accessible, have events and activities to bring people to the area,

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- A committee is supported and needs representation from Council, the community, small business, big business, business groups; and the right people with demonstrated skills in business and economic development,
- A committee needs to be funded by Council (and set up), and if business gets a direct benefit from activities of a committee then they should contribute funds too,
- Support the development of an EDS to inform the strategic direction for economic development so Council activities are coordinated and integrated with other strategic plans. A steering committee for the strategy is ideal.

Hawkesbury City Alliance Incorporated/Hawkesbury City Chamber of Commerce

As a result of a meeting with representatives of Hawkesbury City Alliance Incorporated (HCA) and the Hawkesbury City Chamber of Commerce, it was indicated that:

- The HCA was set up to work with individuals and groups to improve economic and social aspects of the area, by bringing these people and businesses together to work on projects around tourism, economic viability and sustainability,
- HCA's mission is: To create and facilitate guidance for economic stimulus and sustainability for the Hawkesbury community,
- HCA uses a facilitator for economic engagement model, whereby HCA will act as a facilitator for projects which could include guidance on the types of Council approvals that might be required for a project (e.g. events), seeking funds from Council to undertake projects, seeking funds/ grants for other sources to undertake projects; and approving projects. HCA will not undertake project,
- Project areas indicated are: tourism, business development, events, planning, sponsorship, forums, conferences and marketing. HCA sees its potential as an action arm of Council in program areas it has limited resources in which to operate,
- HCA structure includes trustees, committees, coordinators and members (individual and groups)
- HCA funding model is from members, grants and funding directly from Council, businesses and groups. Discussions revealed funding from Council is a foundation objective of the model, which proposes Council apply a special levy to all rateable lands to raise new funds for economic engagement activities via the HCA model. This approach is suggested in light of Councils financial position and that something needs to start happening now to stimulate the local economy. Reference was made to other councils that have raised funds through levies to undertake their economic development engagement e.g. Bega, Parramatta and Penrith.
- If HCA does not achieve funding from Council, it will grow membership fees and seek funding from grants and other businesses and groups to undertake its activities and grow its presence in the community.

Comment

The HCA funding model is partly based on Council raising funds and transferring them to HCA for use and distribution to business and community projects and is likened to the Hawkesbury Sports Council Incorporated (HSC) arrangement by HCA. The HSC is delegated the functions, with funding assistance, for a specific and well defined program area of Council. Further comment regarding the concept of a levy is provided later in this report.

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Some councils do use special levies by way of a higher rates for the business categories to raise and dedicate funds for town centres and economic development. In most cases, these apply to business rated lands, though some councils have extended charges to residential lands for town improvement type activities. Councils that have economic development charges include Parramatta, Penrith and Liverpool Councils. They are primarily cities/ towns in the urban system and have stronger business locations to perhaps support extra charges. However, liaising with Penrith Council highlighted mixed views about any special levies for economic development in the community and use of funds to also underwrite the Penrith Business Alliance. Most councils allocated funds from within their budgets for economic development activities undertaken by council staff working with the community, businesses groups and individual businesses.

Heart of Hawkesbury Incorporated

As a result of a meeting with representatives of Heart of Hawkesbury Incorporated, it was indicated that:

- A formal committee of Council should be established to progress local economic development, and Council needs to be committed to it,
- A committee should operate at a senior management level and involve the General Manager and key council staff,
- A committee should be chaired by a Councillor and have about nine community and business leaders (with demonstrated skills),
- A committee once established, to have oversight of projects (including capital expenditure) that are funded in budgets,
- The committee scope to include full range of economic development activities to address integrated decision making required of Council,

Activities might include events, assisting new business arrivals with site finding, promotion of projects and area, applying for grants and funding from sources other than Council, provision of economic impact comment for development applications, industry development e.g. RAAF Base and aviation, forums with the business community, investigate new industries opportunities and innovation.

- A new economic development unit should be established and support a committee.

Windsor Business Group Incorporated

As a result of a meeting with representatives of Windsor Business Group Incorporated, it was indicated that:

- It supports HCA models and approach to local economic engagement,
- The HCA model has the ability to unite the various groups in the area and addresses resourcing matters,
- There needs to be money spent on economic development in the area now to stimulate the economy.

(e) Other issues for local economic development by Council

In regard to part 2 of Council's resolution the following comments are provided:

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- Costs involved. It is suggested that the best approach to economic engagement would be to complete the EDS and formalise a meeting mechanism with the community, like a committee to progress and prioritise economic development activities in collaboration. The cost of developing the EDS is estimated to be approximately \$60,000, including possible costs of associate Working Group activities. It is proposed that these funds be considered in the 2014/2015 Draft Budget. The EDS will be an important strategic document and its value is in setting a framework for future actions.

The cost of establishing a business forum or other appropriate meeting mechanism suggested in the EDS depends on the scope of activities. If similar to past forums focusing on networking and meeting opportunities funds in the vicinity of \$10,000 per annum might be appropriate in the budget. This is assuming the forum is a project within Council. If the forum is to be a group (i.e. financial assistance, joint arrangement or a delegation of function), there would be additional set up costs for the operational structure, insurances and potential staff, rooms, infrastructure and equipment costs. This could potentially add a minimum of \$20,000 per annum to costs.

The cost of establishing a business working group depends on the scope of activities of the working groups. If similar to past working groups for a program area or special project, cost would be minimal and could be absorbed within the budget. Meetings could be held at Council, and no additional operational structures are required. This would be the same for a committee, but if the committee role was beyond advisory and include projects they would have to be costed in the budget annually and/or grant funding sought.

- Funding sources. Council could fund an economic engagement model from the budget or via a special levy on business rated properties. In current circumstances it is suggested that a special levy may not be appropriate, as if Council were to pursue a special rate variation it should do so to address the infrastructure backlog as a priority, rather than for new projects. The Budget would be the most appropriate source of funds and would require some re-allocation of funding towards the economic development program area, if Council wishes to increase this activity.
- Membership. Membership of a committee or similar meeting mechanism needs to draw on Councillors, community and business leaders who are champions for the area, economic development and or place making practitioners to set up the best possible committee to make the difference. It is suggested that the committee should be no more than 10 individuals to keep the committee to a manageable size.
- Constituting and operating procedures. Terms of reference for a business development working group and a constitution for an economic development committee would be based on Council's standard documents, with aims and objectives being tailored. It is suggested that once the EDS defines an appropriate model for economic engagement that draft documents for this purpose be developed and presented to Council.
- Council's previous economic engagement models. In 1994 Council formed the Hawkesbury Economic Development Board and it operated until about June 2000. In August, 2000 it became the Hawkesbury Economic Development Advisory Committee and operated until March 2004.

The objective of the Board/Committee was to encourage the sustainable economic and employment growth of the area. It had Councillors, key industry and business group representatives (i.e. tourism and hospitality, RAAF, agriculture and horticulture, large business, Hawkesbury Chamber, small business). Its focus was growing the economy by:

- Increasing employment opportunities and economic activity,
- Pressuring for infrastructure issues impacting on local the economy. i.e. capacity of Windsor Road and access to water licences for farmers,
- Furthering the growing area.

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A range of activities were undertaken by the Board/Committee, including:

- Business forums for the community to express views on economic development to the Board/Committee to pursue. Topics included: employment schemes, small business marketing and promotion, industry clusters, group training, Olympic Games opportunities, infrastructure improvements, threats to the economy,
- Funding to projects including the Hawkesbury Eat Street proposal that became Hawkesbury Harvest; the Great River Walk Inc committee etc,
- Promoting the area, via a business profile, video and press releases,
- Sponsoring the local Business Advisory Centres/ Business Enterprise Centre and expos,
- Overseeing the Mainstreet funding to the Hawkesbury Chamber of Commerce,
- RAAF Base future, including responses to EISs, Aerospace and Defence Industry Cluster Project, RAAF and Civil Airport Terminal Feasibility Study,
- Home base business database project with the Hawkesbury City Chamber of Commerce,
- Agriculture future, instigating the Hawkesbury Agriculture Retention through Diversification and Clustering project (HARtDAC).

In August 2004 Council formed the e-Commerce Advisory Committee and it operated until February 2007. Its focus was:

- progressing e-commerce and ICT technology as ways to lead innovation in the local economy,
 - instigating a more commercial approach around financial assistance to groups eg. Hawkesbury Chamber, Windsor Business Group,
 - supporting the business community to take more responsibility for its own destination, through business lead initiatives like customer service and marketing workshops.
- The communities previous economic engagement models. Council staff are not aware of any previous 'economic development' models lead by the community. There have been a number of community or business lead initiatives to help support aspects of the local economy like:
 - The former Mainstreet Program lead by the Hawkesbury City Chamber of Commerce with financial assistance from Council,
 - Hawkesbury Harvest, which aims to retain food production in the area by making better links to customers by undertaking events and activities. Financial assistance was provided by Council in the group's start up period,
 - Events to attract people to the area, including the former Food and Wine Affair, The Scarecrow Festival, Windsor Blues and Roots Festival and the International Sand Sculpture Completion.
 - Best case economic development models and approaches. Economic development and place making are emerging disciplines focused on local economies and creating active local places for business, residents and visitors. Best case models and approaches can be found in USA, Europe, UK and New Zealand and are lead by professional groups, community advocacy groups, business advocacy groups (e.g. UK Association of Town Centre Management, USA People for Public Places) and or various levels of government.

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The Transport Commissioner of New York City has lead a place making exercise to make over the streets of New York, Time Square and other unfriendly parking lots and precincts which has helped transformed the City into an active, safe and attract space for residents, business and visitors to enjoy much more. Rents around Time Square are now in the Top 10 in the World.

The British Government under Prime Minister Cameron, through its Communities and Local Government Department, lead a review of High Streets as the Heart of Communities (Mary Portas Review), which lead to direct funding to local communities to address high streets economies and create Business Improvement Districts (BIDs). This occurred after the riots in 2011, which highlighted the need to invest in high streets which had deteriorated, lacked direction and were alienating environments. BIDs involve business groups, individual business, residents and council representation and have clear objectives and measures to do make over town centres for business, residents and visitors.

Lessons learnt from best case models and experiences can be applied here within an EDS supported by other strategic documents like the Masterplans for town centres, the tourism strategy, the open space strategy and the resourcing strategy.

Conformance to Community Strategic Plan

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

- Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region,
- Offer an increased choice and number of jobs and training opportunities to meet the needs of Hawkesbury residents and reduce their travel times
- Help create thriving towns centres, each with its own character that attracts residents, visitors and business.

and is also consistent with the nominated goals in the Community Strategic Plan, being;

- Increase level of GDP from tourism
- Have expanded, sustainable and growing industry base
- Stronger broader range of sustainable businesses
- Skills development and training opportunities are available locally

Financial Implications

There are no funding implications associated directly with this report at this stage.

RECOMMENDATION:

That:

1. The information be received and noted.
2. Funding for the development of a Hawkesbury Economic Development Strategy be considered in the 2014/2015 Draft Budget.
3. An Economic Working Group be established to specifically inform and support the development of the Hawkesbury Economic Development Strategy with a further report to be submitted regarding the membership and activities of the Group.

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4. The manner in which Council undertakes economic development activities and engages the community in this regard be further considered following the establishment of the Economic Working Group and development of the Hawkesbury Economic Development Strategy as referred to above.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 February 2014

Item: 28 **GM - Urban Development Institute of Australia National Congress 2014 - (79351)**

REPORT:

Executive Summary

The Urban Development Institute of Australia National Congress 2014 will be held from 26 - 28 March, 2014 in Brisbane. In the past Council has expressed an interest in attending this Conference and therefore it is submitted for Council's consideration at the request of Councillor M Creed.

Consultation

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

Background

The Urban Development Institute of Australia National Congress 2014 will be held from 26 - 28 March, 2014 in Brisbane. The Theme of the 2014 Congress is "Rise Up! It's Time to Take Charge of the Future". The Congress program has incorporated innovative and topical sessions and speakers and recognises the current challenges facing regulators and developers.

Cost of attendance at the Urban Development Institute of Australia National Congress 2014 will be approximately \$4,700 per delegate.

Budget for Delegate Expenses - Payments made:

- | | |
|---|----------|
| • Total Budget for Financial Year 2013/2014 | \$45,500 |
| • Expenditure to date | \$21,533 |
| • Budget balance as at 28/1/2014 | \$23,967 |

It should be noted that outstanding commitments of approximately \$19,500 in relation to the 2014 LGMA National Congress and Business Expo to be held in April and the 2014 LGNSW Tourism Conference to be held in March 2014 are not reflected in the balance indicated.

Conformance to Community Strategic Plan

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

- Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Have development on both sides of the river supported by appropriate physical and community infrastructure.
- Have future residential and commercial development designed and planned to minimise impacts on local transport systems, allowing easy access to main metropolitan gateways.

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

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

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Meeting Date: 25 February 2014

Financial Implications

Funding for attendance at this conference will be provided from the Delegates Expenses within the 2013/2014 Budget.

RECOMMENDATION:

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Urban Development Institute of Australia National Congress 2014 at an approximate cost of \$4,700 per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 February 2014

Item: 29 GM - Waste 2014 Conference - (79351)

REPORT:

Executive Summary

The Waste 2014 Conference will be held from 6 - 8 May 2014 in Coffs Harbour. Due to its relevance to Council's business, it is recommended that the Waste 2014 Conference be attended by Councillors and appropriate staff.

Consultation

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

Background

The Waste 2014 Conference will be held from 6 - 8 May, 2014 in Coffs Harbour. The two day Conference will include over 60 presentations, 40 exhibitions and three networking events. Concurrent sessions will cover a variety of topics including infrastructure; organics; education; recycling; landfill; problem and hazardous waste; energy from waste and strategy and policy.

Cost of attendance at the Waste 2014 Conference will be approximately \$2,400 per delegate.

Budget for Delegate Expenses - Payments made:

• Total Budget for Financial Year 2013/2014	\$45,500
• Expenditure to date	\$21,533
• Budget balance as at 28/1/2014	\$23,967

It should be noted that outstanding commitments of approximately \$19,500 in relation to the 2014 LGMA National Congress and Business Expo to be held in April and the 2014 LGNSW Tourism Conference to be held in March, 2014 are not reflected in the balance indicated.

Conformance to Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Direction Statement

- Take active steps to encourage lifestyle choices that minimise our ecological foot print.
- Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment.

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

- Reduce our environmental footprint through resources and waste management.
- Engage with the community and work together to care for our environment.

Financial Implications

Funding for attendance at this conference will be provided from the Delegates Expenses within the 2013/2014 Budget.

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Meeting Date: 25 February 2014

RECOMMENDATION:

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Waste 2014 Conference at an approximate cost of \$2,400 per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 30 CP - Delivery Program 2013 - 2017 - Progress Report - 1 July - 31 December 2013 - (95498)

REPORT:

Executive Summary

The purpose of this report is to inform Council of progress in implementing Council's Delivery Program 2013 - 2017 for the period 1 July to 31 December 2013.

Consultation

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

Background

Council's Delivery Program 2013 - 2017 details the principal activities to be undertaken by Council over a four year period to implement the strategies of the Hawkesbury Community Strategic Plan 2013 - 2032.

Section 404 of the *Local Government Act 1993* requires that "regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months". The Delivery Program states that the projects, programs and activities of the relevant Operational Plan will be used as the basis of this report.

The Delivery Program 2013 - 2017 and the Operational Plan 2013 - 2014 commenced on 1 July 2013. The table attached to this report shows the progress in achieving the Delivery Program activities for the period 1 July - 31 December 2013.

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 the nominated strategy in the Community Strategic Plan being:

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

Financial Implications

There are no funding implications from the preparation of this report.

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RECOMMENDATION:

That the information be received

ATTACHMENTS:

AT - 1 Delivery Program 2013 – 2017 Progress Report: 1 July – 31 December 2013 - (Distributed under separate cover)

oooO END OF REPORT Oooo

Item: 31**CP - Results of the Hawkesbury Community Survey 2013 - (95498)**

REPORT:**Executive Summary**

This report presents Council with the results of the Hawkesbury Community Survey 2013.

The Hawkesbury Community Survey 2013 is a sample survey of 400 Hawkesbury residents and is conducted by an independent research company (Micromex Research). This sample survey is conducted every two years and measures residents satisfaction and importance for around 50 Hawkesbury services and facilities. This is the fourth Hawkesbury Community Survey. The full results of the surveys can be found on Council's website at <http://www.hawkesbury.nsw.gov.au/community/about-the-hawkesbury/community-surveys>.

This report also details actions already in place to enhance community engagement.

Survey Purpose and Use

The Community Survey (the survey) produces a research report that provides statistics for a range of measures. The findings of previous surveys have been used to assist in the preparation of the current, and previous, Hawkesbury Community Strategic Plan (HCSP) and development of Council's annual budget priorities and Operational Plans. The structure of the survey is based on the Directions and Strategies contained in the HCSP and as the HCSP changes and evolves so to will the types of services and facilities the survey measures.

The Community Survey report is not intended to be an action report but rather is a tool to measure, statistically, satisfaction levels for a range of services and activities of Council and these results are used as an indicator to the areas requiring additional attention by Council's operations.

Survey Results

The research report (overall) found a 'moderate' result for Council, with 33 services/facilities being of 'moderate satisfaction' to 'very high satisfaction'. Residents also expressed a 'moderate' level of satisfaction with the overall performance of Council, with 77% of respondents giving a rating of 'somewhat satisfied' to 'very satisfied'.

On a more detailed level, the research found that Council's mean rating had fallen from 3.31 (in 2011) to 3.09 (2013). The report stated that Council had also "underperformed compared to LGA satisfaction benchmarks" with 12 comparable measures falling below the benchmark, so that "Council needs to identify how this can be corrected".

There was also a decline in residents' level of satisfaction for seven services/facilities/criteria of Council compared to the 2011 Community Survey. These were:

- Engaging the community in making decisions;
- Gallery/Museum;
- Garbage services;
- Improving services and infrastructure;
- Lobbying State and Federal government for improved service levels;
- Providing transparent, accountable and respected leadership; and
- Valuing and protecting the Hawkesbury's heritage areas.

The results for both community satisfaction and community importance were further investigated using three stages of specialised analysis: Performance Gap Ranking; Quadrant Analysis; and Value Regression.

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This identified the key drivers of community satisfaction in the Hawkesbury area. The identification of these key drivers indicates areas that can be focused on for improvement that would have the greatest impact on overall satisfaction. These areas were identified as:

- Providing transparent, accountable and respected leadership;
- Improving services & infrastructure (generally);
- Engaging the community in making decisions;
- Road safety;
- Healthy and sustainable Hawkesbury River and waterways;
- Road Maintenance;
- Disabled ramps and access.

Sample residents were also asked which revenue options they would support Council exploring in order to address its funding requirements and the increasing difficulties maintaining required levels of service. In response, 87% of the community supported Council exploring 'streamlining Council organisational efficiencies'. 83% also supported 'redirecting funds to highest priority assets' and 55% supported 'selling off surplus community assets' as a method to address Council's future funding requirements.

Recommendations

The research report makes suggestions for areas that Council should target to improve the statistical results of the research. Those suggestions are:

1. Examine the options of streamlining Council organisational efficiencies and redirecting funding to highest priority assets as methods to address future funding requirements, or at least amplifying communications that address this issue.
2. Clarify community expectations with regard to providing transparent, accountable and respected leadership and improving services and infrastructure.
3. Reassess Council's current communication/consultation and engagement strategies. Seek to utilise a variety of methods and mediums that could better inform/engage/involve the community.
4. Understand community requirements with regard to improving services and infrastructure.
5. Explore expectations and issues regarding the condition and maintenance of the local road network.

It was also recommended that some of these issues could be explored via qualitative community focus groups/workshops

Proposed Action

Engaging with the community and providing transparent, accountable and respected leadership are measured in the survey as they are current Directions in the HCSP. Given the results in the survey and the suggestions made in the report by the consultant undertaking the survey, management have commenced investigations into a web based tool to assist in providing additional community engagement for a range of issues.

The acquisition of a web based consultation program known as "Engagement HQ" provided by Bang the Table is currently being considered. This package is used by over 80 local government authorities across Australia as well as the Commonwealth and State Governments and corporate and community sectors. The product enables a broader range of community input into defined topics and issues and is similar to a Social Media site in that it enables community and individual input and discussion. However, there is also the ability to undertake more formal surveys or focused discussion groups that would complement (not replace) the current survey methods.

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The package includes, third party, 24 hour moderation of the discussions by keeping submitters on topic and also moderates/removes inappropriate language or comments from the site and is structured to ensure balanced input into issues being addressed. The personal information collected by the package is kept confidential and it also enables statistical reporting and summary reporting of any discussion and survey information. This information can then be used by Council in operational activities to complement the current input it receives. Councillors will be provided with further information on this process as the matter is progressed.

Consultation

This research report presents the findings of consultation with a representative sample of Hawkesbury residents.

Conformance to Community Strategic Plan 2013 - 2032

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

- Have constructive and productive partnerships with residents, community groups and institutions

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

- Work with the community to determine affordable levels of service and facilities

Financial Implications

The procurement of the community input software package referred to in this report can be undertaken within the current budget allocations.

RECOMMENDATION:

That Council:

1. Receive and note the Community Survey results and subsequent report recommendations.
2. Note that the current Operational Plan provides for activities, via qualitative community focus groups/workshops, to;
 - *Understand community requirements with regard to improving services and infrastructure.*
 - *Explore expectations and issues regarding the condition and maintenance of the local road network.*
3. Note that action regarding web based facilities, as described in this report, that will assist to *“reassess Council’s current communication/consultation and engagement strategies and seek to utilise a variety of methods and mediums that could better inform/engage/involve the community”* are currently in progress.

ATTACHMENTS:

AT - 1 Hawkesbury Community Survey 2013 - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 February 2014

Item: 32 **CP - Request to Release Redundant Positive Covenant - Lots 300 and 301 DP1184237 Vincent Road, Kurrajong - (95498)**

REPORT:

Executive Summary

A request has been received for the placement of Council's Seal on a document to permit the removal of redundant positive covenants in Council's favour. The covenant is over current Lots 300 and 301 DP1184237.

The request is related to the relocation of a previously designed effluent disposal system, which is no longer needed.

It is recommended that Council support the release of the covenant as requested.

Consultation

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

Background

The applicant has submitted the following information as support for the request:

"The deposited plan for the current lots (300 & 301 DP1184237) carries forward positive covenants from DP1167912 and DP844786. These covenants identify parts of the lots which are to be used for on-site effluent disposal, dwelling siting and bushfire protection as required by previous approvals. However, the current subdivision plan and effluent disposal system (which is now completed) for the seniors living development on the land render those covenants redundant.

The restrictions conflict with the current final plan of subdivision for stage 1 of the seniors living development. It is clear that those restrictions will not be required upon registration of the current plan. It is noted that the current plan provides for a much better environmental outcome than would be achieved under the previous approvals and restrictions.

The following table summarises the covenants which the Council is requested to release.

Table 1 – Covenants subject to request

Current Lot (DP1184237)	Identification on DP	DP which created covenant	Nature of Covenant
301	(BB)	DP11679121	Location for on-site effluent disposal and installation in accordance with 2008 Fiander report. Formerly Lot 10 (previous DP)
301	(E)	DP844786	Aerated sullage treatment system to be installed as per 1993 Fiander report.

ORDINARY MEETING**Meeting Date:** 25 February 2014

Current Lot (DP1184237)	Identification on DP	DP which created covenant	Nature of Covenant
			Formerly Lot 3 (previous DP)

The applicant is requesting release of the covenant to facilitate the sale of aged care dwellings as part of the development which is occurring in stages.

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

No financial implications applicable to this report.

RECOMMENDATION:

That Council agree to the variation to the positive covenant at Lots 300 and 301, DP1184237 Vincent Road, Kurrajong and agree to the affixing of the Seal of Council to the variation.

ATTACHMENTS:

AT – 1 Extracts from Relevant Deposited Plans and 88B Restrictions

Meeting Date: 25 February 2014

PLANFORM 2 (A2)

PLANFORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

DP1184237

PLAN OF SUBDIVISION OF LOTS 9 & 10 DP 16792 AND EASEMENTS OVER LOTS 11 & 13 DP 1076297 AND LOT 10 DP 104593		HAMESBURY KURAJONG		20.11.2013	DP1184237
Surveyor: TIMOTHY J. SCALLY MCKINLAY MORGAN & ASSOC P/L PO BOX 211 WINDSOR 2120 Surveyor's Reference: 886574929		Location: 13023		Restrictions on the use of land (DP 16792)	
Zone 9A		Restrictions on the use of land (DP 1076297)		Restrictions on the use of land (DP 104593)	
Zone 9A		Restrictions on the use of land (DP 16792)		Restrictions on the use of land (DP 1076297)	
Zone 9A		Restrictions on the use of land (DP 1076297)		Restrictions on the use of land (DP 104593)	
Zone 9A		Restrictions on the use of land (DP 16792)		Restrictions on the use of land (DP 1076297)	
Zone 9A		Restrictions on the use of land (DP 1076297)		Restrictions on the use of land (DP 104593)	
Zone 9A		Restrictions on the use of land (DP 16792)		Restrictions on the use of land (DP 1076297)	
Zone 9A		Restrictions on the use of land (DP 1076297)		Restrictions on the use of land (DP 104593)	
Zone 9A		Restrictions on the use of land (DP 16792)		Restrictions on the use of land (DP 1076297)	
Zone 9A		Restrictions on the use of land (DP 1076297)		Restrictions on the use of land (DP 104593)	
Zone 9A		Restrictions on the use of land (DP 16792)		Restrictions on the use of land (DP 1076297)	
Zone 9A		Restrictions on the use of land (DP 1076297)		Restrictions on the use of land (DP 104593)	
Zone 9A		Restrictions on the use of land (DP 16792)		Restrictions on the use of land (DP 1076297)	
Zone 9A		Restrictions on the use of land (DP 1076297)		Restrictions on the use of land (DP 104593)	
Zone 9A		Restrictions on the use of land (DP 16792)		Restrictions on the use of land (DP 1076297)	
Zone 9A		Restrictions on the use of land (DP 1076297)		Restrictions on the use of land (DP 104593)	
Zone 9A		Restrictions on the use of land (DP 16792)		Restrictions on the use of land (DP 1076297)	
Zone 9A		Restrictions on the use of land (DP 1076297)		Restrictions on the use of land (DP 104593)	
Zone 9A		Restrictions on the use of land (DP 16792)		Restrictions on the use of land (DP 1076297)	
Zone 9A		Restrictions on the use of land (DP 1076297)		Restrictions on the use of land (DP 104593)	
Zone 9A		Restrictions on the use of land (DP 16792)		Restrictions on the use of land (DP 1076297)	
Zone 9A		Restrictions on the use of land (DP 1076297)		Restrictions on the use of land (DP 104593)	
Zone 9A		Restrictions on the use of land (DP 16792)		Restrictions on the use of land (DP 1076297)	
Zone 9A		Restrictions on the use of land (DP 1076297)		Restrictions on the use of land (DP 104593)	
Zone 9A		Restrictions on the use of land (DP 16792)		Restrictions on the use of land (DP 1076297)	
Zone 9A		Restrictions on the use of land (DP 1076297)		Restrictions on the use of land (DP 104593)	
Zone 9A		Restrictions on the use of land (DP 16792)		Restrictions on the use of land (DP 1076297)	
Zone 9A		Restrictions on the use of land (DP 1076297)		Restrictions on the use of land (DP 104593)	
Zone 9A		Restrictions on the use of land (DP 16792)		Restrictions on the use of land (DP 1076297)	

Figure 1: Current plan- DP184237 – showing areas of covenants as ‘E’ and ‘BB’

ORDINARY MEETING

Meeting Date: 25 February 2014

Box:e-DeX /Doc:DP 1167912 B /Rev:30-Aug-2011 /Sta:SC.OK /Prt:31-Aug-2011 01:35 /Pgs:ALL /Seq:5 of 6
WARNING : Electronic Document Supplied by LPI NSW for Your internal Use Only.

INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON THE USE OF
LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION
88B OF THE CONVEYANCING ACT 1919

(Lengths are in metres)

(Sheet 5 of 6 sheets)

PLAN

DP1167912

Subdivision of Lots 4 & 5 DP844786 &
Lot 19 DP874188
Covered by Council Subdivision Certificate
No. 09043 Dated: 22nd June 2011

PART 2 (continued)

TERMS OF POSITIVE COVENANT THIRDLY REFERRED TO IN THE ABOVEMENTIONED
PLAN

1. Any dwelling to be erected on the lot herein burdened is to be wholly contained within the area labelled (AA) on the abovementioned plan.
2. Any onsite effluent disposal system to be installed on the lot herein burdened is to be installed in accordance with the report by HJ Fiander & Associates dated 1 July 2008 reference TFA 2775/04 (a copy of which is held on council file DA0154/08) with the disposal area contained within the area labelled (BB) on the abovementioned plan.
3. In perpetuity the area around any habitable dwelling erected on the lot herein burdened to a distance of ten metres is to be managed as an Inner Protection Area as outlined within Planning for Bushfire Protection 2006 and the Service's document Standards for Asset Protection Zones.

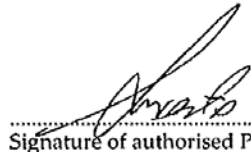
TERMS OF POSITIVE COVENANT FOURTHLY REFERRED TO IN THE ABOVEMENTIONED
PLAN

Any onsite effluent disposal system to be installed on the lot herein burdened is to be installed in accordance with the report by HJ Fiander & Associates dated 1 July 2008 reference TFA 2775/04 (a copy of which is held on council file DA0154/08) with the disposal area contained within the area labelled (BB) on the abovementioned plan.

NAME OF PERSON OR AUTHORITY EMPOWERED TO RELEASE VARY OR MODIFY THE
TERMS OF EASEMENT FIRSTLY REFERRED TO IN THE ABOVEMENTIONED PLAN

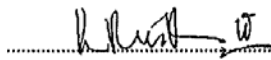
Sydney Water

Endorsed by Hawkesbury City Council


Signature of authorised Person

ALAN HASTIE
Name of authorised person

SUBDIVISION DEVELOPMENT ENGINEER
Position held


Signature of Kenneth Raymond Macmillan Bennett

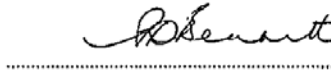

Signature of Pamela Denise Bennett

Figure 4: Previous plan – DP1167912 - excerpt from 88B showing terms of covenant proposed to be released (fourthly referred to).

Meeting Date: 25 February 2014

Figure 5: Previous plan – DP844786

ORDINARY MEETING

Meeting Date: 25 February 2014

Req:R690047 /Doc:DP 0844786 B /Rev:07-Dec-1994 /Sts:OK.OK /Prt:31-Aug-2011 09:51 /Pgs:ALL /Seq:2 of 6
Ref:lg:hawk-tjohnson tjohnson /Src:W

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND
RESTRICTIONS OF THE USE OF LAND INTENDED TO BE CREATED
PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919

(Sheet 2 of 6 sheets)

PLAN: DP 844786

Subdivision of Lot 1 Deposited Plan 554590, Lots A and B in Deposited Plan 331606; Lot 1 in Deposited Plan 177084 and Part Portion 102, Parish of Kurrajong. Covered by Council Clerk's Certificate Number SA40/93 dated 20 September 1994

- | | |
|---|--------------------------------|
| 4. <u>Identity of Easement</u>
<u>Fourthly referred to in</u>
<u>the abovementioned plan:</u> | Restriction on the Use of Land |
|---|--------------------------------|

SCHEDULE OF LOTS AFFECTED

<u>Lots burdened</u>	<u>Lots, Name of Road or Authority benefited</u>
1 to 8 inclusive	Every other Lot

PART 2

1. TERMS OF EASEMENT FOR DRAINAGE 4.0 WIDE FIRSTLY REFERRED TO IN THE ABOVE MENTIONED PLAN.

Easement to drain water as set out in Part III of Schedule IVA of the Conveyancing Act 1919-1964 with the following addition:-

AND the registered proprietors hereby covenant with the Council that the registered proprietors will not:

- (a) do not permit or suffer any act deed matter or thing whereby the said drain shall or shall be likely to become injured or damaged or whereby the Council shall be prevented from or hampered in constructing maintaining mending repairing or cleansing the said drain or any part or parts thereof.
- (b) Interfere with the free flow and passage of soil or water through the same AND THAT if the registered proprietors shall do permit or suffer anything which shall injure or damage the said drain or any part thereof or shall interfere with the free flow and passage of soil and water through the same the registered proprietors shall forthwith at their own expense properly and substantially repair and make good all such injury or damage and restore the free flow and passage of soil or water through the said drain and do all things necessary or expedient for the purposes aforesaid or nay of the AND WILL not erect or permit to be erected any building or other erection of any kind or description over the said strip of land without the Council's permission in writing being first obtained.

2. TERMS OF POSITIVE COVENANT SECONDLY REFERRED TO IN THE ABOVEMENTIONED PLAN

An aerated sullage treatment system, substantially in accordance with the contained in the Report dated 14th August 1993 of Toby Fiander and Associates is to be installed in conjunction with the erection with the dwelling on the Lot burdened hereby.



Figure 6: Previous - DP844786 - Extract from 88B restriction relating to showing terms of covenant proposed to be released on lot 3 on this plan (secondly referred to).

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 February 2014

SUPPORT SERVICES

Item: 33

SS - Monthly Investments Report - January 2014 - (96332, 95496)**REPORT:****Executive Summary**

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

This report indicates that Council held \$42.90 million in investments as at 31 January 2014.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$42.90 million in investments as at 31 January 2014. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
ANZ	A1+	AA-	31-Jan-14		3.65%	2,800,000	6.53%	
CBA	A1+	AA-	31-Jan-14		2.40%	100,000	0.24%	
Total On-call Investments								2,900,000
Term Investments								
ANZ	A1+	AA-	20-Nov-13	11-Jun-14	3.80%	1,500,000	3.50%	
ANZ	A1+	AA-	27-Nov-13	23-Jul-14	3.80%	1,500,000	3.50%	
ANZ	A1+	AA-	20-Nov-13	19-Nov-14	3.85%	2,000,000	4.66%	
ANZ	A1+	AA-	27-Nov-13	26-Nov-14	3.85%	1,000,000	2.33%	
NAB	A1+	AA-	06-Feb-13	05-Feb-14	4.35%	2,000,000	4.66%	
NAB	A1+	AA-	21-Aug-13	20-Aug-14	3.94%	2,000,000	4.66%	
NAB	A1+	AA-	21-Aug-13	19-Aug-15	4.25%	1,000,000	2.33%	
NAB	A1+	AA-	03-Sep-13	03-Sep-14	3.90%	2,000,000	4.66%	
NAB	A1+	AA-	03-Sep-13	02-Sep-15	4.10%	2,000,000	4.66%	
NAB	A1+	AA-	29-Oct-13	18-Jun-14	3.80%	1,500,000	3.50%	
NAB	A1+	AA-	06-Nov-13	25-Jun-14	3.79%	1,000,000	2.33%	
NAB	A1+	AA-	06-Nov-13	04-Jul-14	3.79%	1,000,000	2.33%	

ORDINARY MEETING

Meeting Date: 25 February 2014

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
NAB	A1+	AA-	19-Dec-13	15-Oct-14	3.81%	500,000	1.17%	
NAB	A1+	AA-	19-Dec-13	17-Dec-14	3.83%	1,500,000	3.50%	
NAB	A1+	AA-	15-Jan-14	17-Dec-14	3.82%	1,000,000	2.33%	
NAB	A1+	AA-	29-Jan-14	29-Oct-14	3.75%	2,000,000	4.66%	
Westpac	A1+	AA-	20-Feb-13	19-Feb-14	4.30%	1,500,000	3.50%	
Westpac	A1+	AA-	20-Mar-13	19-Mar-14	4.35%	1,000,000	2.33%	
Westpac	A1+	AA-	20-Mar-13	19-Mar-14	4.35%	2,000,000	4.66%	
Westpac	A1+	AA-	08-Apr-13	08-Apr-14	4.60%	1,000,000	2.33%	
Westpac	A1+	AA-	08-Apr-13	08-Apr-14	4.60%	2,000,000	4.66%	
Westpac	A1+	AA-	15-May-13	15-May-14	4.15%	1,000,000	2.33%	
Westpac	A1+	AA-	22-May-13	28-May-14	4.20%	2,000,000	4.66%	
Westpac	A1+	AA-	07-Aug-13	06-Aug-14	4.10%	1,000,000	2.33%	
Westpac	A1+	AA-	18-Sep-13	05-Mar-14	4.10%	1,000,000	2.33%	
Westpac	A1+	AA-	19-Dec-13	23-Apr-14	3.80%	1,000,000	2.33%	
Westpac	A1+	AA-	15-Jan-14	15-Jan-15	3.80%	2,000,000	4.66%	
Westpac	A1+	AA-	29-Jan-14	29-Jan-15	3.65%	1,000,000	2.33%	
Total Term Investments								40,000,000
TOTAL INVESTMENT AS AT 31 JANUARY 2014								42,900,000

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	2,900,000	3.61%	Reserve Bank Cash Reference Rate	2.50%	1.11%
Term Deposit	40,000,000	4.03%	UBS 90 Day Bank Bill Rate	2.63%	1.40%
Total	42,900,000	4.00%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	9,995,211
External Restrictions - Other	1,369,647
Internal Restrictions	18,025,688
Unrestricted	13,509,454
Total	42,900,000

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.

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.

ORDINARY MEETING

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

Investment Commentary

The investment portfolio decreased by \$3.76 million for the month of January 2014. During January 2014, income was received totalling \$2.73 million, including rate payments amounting to \$0.99 million, while payments to suppliers and staff costs amounted to \$6.45 million.

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

Council has a loan agreement for an amount of \$5.26 million under the Local Government Infrastructure Renewal Scheme (LIRS). The full amount was drawn down upon signing the agreement in March 2013, with funds gradually being expended over a period of approximately two years. The loan funds have been placed in term deposits, with interest earned on unexpended invested loan funds being restricted to be used for works relating to the LIRS Program projects.

As at 31 January 2014, Council's investment portfolio is all invested with major Australian trading banks and in line with Council's Investment Policy.

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

Council's investment portfolio complies with Council's Investment Policy, adopted on 25 June 2013.

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;

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

Financial Implications

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

ORDINARY MEETING

Meeting Date: 25 February 2014

RECOMMENDATION:

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

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 February 2014

Item: 34 **SS - December 2013 Quarterly Budget Review Statement - (95496, 96332)**

Previous Item: 108, Extraordinary (18 June 2013)

REPORT:

Executive Summary

Within two months of the end of each quarter, Council is required to review its progress in achieving the financial objectives set out in its Operational Plan. This report and the relevant attachment provide information on Council's financial performance and financial position for the second quarter of the 2013/2014 financial year, and the resulting financial position including the Budget variations proposed.

The Quarterly Budget Review Statement - December 2013 (QBRS) recommends a number of variations that result in a balanced budgeted position being maintained.

The report and attachment provide details on the major Budget variations proposed in this QBRS and provide a list of variations requested.

The QBRS has been prepared in accordance with the Division of Local Government Circular 10/32 dated 10 December 2010.

Consultation

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

Background

Council adopted its Operational Plan for 2013/2014.

Clause 203 of the Local Government (General) Regulation 2005 stipulates that the Responsible Accounting Officer of a council must prepare and submit to the Council a Budget Review Statement within two months after the end of each quarter (except the June quarter).

The QBRS has been prepared in accordance with the Division of Local Government Circular 10/32 dated 10 December 2010 and is attached as Attachment 1 to this report.

Financial Position

Clause 203 of the Local Government (General) Regulation 2005 requires a revised estimate of income and expenditure for the year to be prepared by reference to the estimate of income and expenditure set out in the Statement of the Council's Revenue Policy included in the Operational Plan for the year.

The QBRS recommends Budget adjustments that result in a balanced adjustment for the quarter, and in the opinion of the Responsible Accounting Officer, maintains a satisfactory short term financial position for Council. The Responsible Accounting Officer Statement is included in the attachment to this report.

The more significant items of the December 2013 review include:

Favourable Adjustments

- **Sundry Income – Net Favourable Variance \$121K**
(Adopted Operational Plan –Part 2 – CP Pg. 5; GM Pg. 35, Pg. 37; SS Pg. 121)

A favourable adjustment of \$121K for sundry income has been included in this QBRS due to the receipt of un-forecasted income. Unbudgeted income of \$78K resulted from a capital distribution by Council's

ORDINARY MEETING

Meeting Date: 25 February 2014

insurance (United Independent Pools). Income from applications for variations to the Local Environment Plan were greater than anticipated, with a favourable variance of \$24K as at the end of December 2013. Also included, were unbudgeted reimbursements for trainee education expenses of \$11K and \$8K of bonds that were released as a result of a reconciliation of returned bonds.

- ***Plant and Leaseback Vehicles – Net Favourable Variance \$103K***
(Adopted Operational Plan –Part 2 – CP Pg. 20; IS Pg. 45, Pg. 62, Pg. 62, Pg. 79; SS Pg. 129)

Adjustments have been made to reflect forecasted full year actuals in line with the trends observed for purchase, sale and running costs relating to plant and leaseback vehicles.

- ***SES Operating Expenses – Net Favourable Variance \$48K***
(Adopted Operational Plan –Part 2 – IS Pg. 69)

In accordance with correspondence from the NSW State Emergency Service (SES) dated 29 August 2013, operating expenses associated with the provision of this service can now be recouped from the NSW SES on a quarterly basis. A net favourable variance of \$48K included in this QBRS reflects the implications of this agreement.

- ***Subdivision Fee Income – Favourable Variance \$42K***
(Adopted Operational Plan –Part 2 – CP Pg. 27)

In line with the observed trend, a favourable variance of \$42K has been included in this QBRS in respect of subdivision fee income. As at the end of December 2013, income in relation to development engineering related inspections was \$124K against a Full Year Budget of \$120K, with further income expected to be received by the end of the financial year.

Unfavourable Adjustments

- ***Risk Management – Net Unfavourable Variance \$78K***
(Adopted Operational Plan –Part 2 – GM Pg. 121)

A net unfavourable variance of \$78K has been included in this QBRS in relation to additional consultancy required as part of the preparation for the Work Cover Audit to be conducted in August 2014 (\$50K). The remaining \$28K is required to cover any further Public Liability Claims in line with actuals observed as at the December 2013, which amounted to \$37.4K of a Full Year Budget of \$50K.

- ***Swimming Pool Inspections & Fire Safety Statements – Net Unfavourable Variance \$42K***
(Adopted Operational Plan –Part 2 – CP Pg. 26, Pg. 27)

A net unfavourable variance of \$42K has been included in this QBRS in relation to income not achieved as a result of the ongoing Senior Building Surveyor vacancy. Budgeted income in relation to Fire Safety Statements and Swimming Pool Inspections has been reduced by \$40K respectively. These variances are offset by a reduction in the employee costs associated with this vacancy, with a favourable variance of \$38K also included in this QBRS. It is to be noted that should this vacancy continue, further adjustments will be required in future QBRs.

- ***Rental Income – Net Unfavourable Variance \$38K***
(Adopted Operational Plan –Part 2 – SS Pg. 107)

Included in this QBRS is a net unfavourable variance of \$38K for Rental Income. A variance of \$32K relates to rental income for the Old Hospital Building, while \$6K relates to Dight Street Offices (Former Library Building) due to a different lease agreement being applicable to the property.

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- **Data Centre Upgrade – Unfavourable Variance \$32K**
(Adopted Operational Plan –Part 2 – IS Pg. 46)

Included in this QBRS is a net unfavourable variance of \$32K to fund a variation to the contract for Council's Data Centre upgrade. This variation relates to the utilisation of more efficient air conditioning units, which will result in ongoing lower running costs, allows for a faster changeover and minimises the potential for power disruption during construction.

- **Sewer Connections Project – Unfavourable Variance \$26K**
(Adopted Operational Plan –Part 2 – IS Pg. 46)

In line with the total projected costs associated with connecting properties to the Sydney Water sewer system in Wilberforce, an unfavourable variance of \$26K is included in this QBRS, in line with contracted works.

- **Emergency Fire Services – Net Unfavourable Variance \$17K**
(Adopted Operational Plan –Part 2 – IS Pg. 71)

A net unfavourable variance of \$17K is included in this QBRS, in accordance with the Annual Assessment Notice from the Ministry of Police & Emergency Services.

- **Donation to Bushfire Fund – Unfavourable Variance \$5K**
(Adopted Operational Plan –Part 2 – GM Pg. 31)

As per the Council Resolution dated 29 October 2013, a unfavourable variance of \$5K was included in this QBRS for a donation to the Salvation Army October 2013 Bushfire Appeal in support of those affected by the bushfires.

Other Adjustments

- **Wages, Wages Oncosts and Plant Oncosts**
(Adopted Operational Plan -Part 2 - Various)

Council has previously budgeted its wages, wages oncosts an plant oncosts under various contracts and materials accounts. In order to better appreciate what drives the costs of Council's activities, these costs are now separately accounted for. Reallocations between employee costs, applicable oncosts, materials and contracts and other expenses have been included in this QBRS.

- **Cycleways Construction**
(Adopted Operational Plan - Part 2 - IS Pg. 50)

As per advice given by the Roads and Maritime Services, the grant funding towards Cycleways Construction has not been awarded to Council for the 2013/2014 financial year. Included in this QBRS is the removal of the budget for both the grant (\$50K) and Council's matching contribution of \$41K, which was funded from the S94A Contributions Reserve.

Grants

A number of adjustments relating to grant funding successfully secured by Council, are included in this QBRS. These adjustments have a nil effect on the budget position. The major adjustments relating to grant funding are outlined below:

- *Local Government Energy Efficiency Program* – Council has received grant funding for the installation of energy efficient heat pump hot water systems from the Department of Resources, Energy and Tourism for the total of \$30K.
- *Metro Greenspace McQuade Park Plan of Management* – Council has accepted an offer of a grant for \$30K from the Department of Planning and Infrastructure for the development of the McQuade Park Plan of Management and Masterplan.

ORDINARY MEETING

Meeting Date: 25 February 2014

- *Metro Greenspace Howe Park River Walk* – Adjustments totalling \$100K have been included in this QBRS for a grant for the Howe Park River Walk approved from the Department of Planning and Infrastructure.

Reserve Funded Adjustments

The following adjustments are within internally or externally restricted funds, and consequently have no net impact on Council's overall position:

- *Section 94 Reserve* – In line with actuals received, an increase in Section 94 contributions of \$1M has been included in this QBRS.
- *Section 94A Reserve* – In line with actuals received, an increase in Section 94A contributions of \$103K has been included in this QBRS.
- *Local Infrastructure and Renewal Scheme (LIRS) Loan Reserve* – Council has reviewed the delivery timeframes of the Bridge Replacement Program, funded by the LIRS Loan. An increase of \$656K in expenditure has been included in this QBRS in line with this review. Additionally, an increase of \$59K has been included for interest earned on investments funded by the unspent LIRS Loan, in line with applicable interest to date.
- *Contingency Reserve* – In line with the Council Resolution dated 5 February 2013, Council has overhauled the replacement Lower Portland Ferry vessel, funded by the Contingency Reserve. Due to the additional weight and size of the replacement ferry, works were required to the slipway to facilitate ferry operations. An additional \$26K is proposed to be funded from the Contingency Reserve.

In line with the Council Resolution dated 29 October 2013, the costs incurred in relocating staff to the rear section of the former Library Building in the amount of \$64K, which has been included in this QBRS, to be funded from the Contingency Reserve.

- *Domestic Waste Management Program* – Included in this QBRS is an adjustment reflecting additional pensioner subsidy received of \$23K. Income levied for the Garden Organics Waste Service of \$618K is included in this QBRS, as are corresponding budgeted contractor charges.
- *Hawkesbury Waste Management Facility* – In line with observed trends, a reduction of \$81K in Disposal Fees (Gate Takings), an increase in Domestic Waste Disposal Income of \$158K and an increase in Works Expenditure of \$20K were included in this QBRS. Also included is the replacement of plant for the net cost of \$27K, which was forecasted to be replaced in 2014/2015, brought forward to this financial year due to increased mileage.
- *Sewerage Reserve (Operating)* – An income budget adjustment of \$75K is included in this QBRS to bring the budgeted internal plant hire income in line with the trends observed. An additional \$142K is included for Sewer Treatment Plant expenses in line with actual expenditure at the end of December 2013.
- *Sewerage Reserve (Capital)* – Included in this QBRS is a favourable adjustment of \$55K to reflect unbudgeted revenue from sale of plant. Additional funding is required from this Reserve in relation to the purchase of plant (\$30K), and sewer connections projects funded from this Reserve (\$18K). In line with forecasted actuals for 2013/2014, interest income was reduced by \$55K.
- *Unspent Contributions Reserve* – Included in this QBRS are adjustments of \$1.6M to reflect the total of invoices to be raised this financial year relating unspent Natural Disaster contributions granted to Council for storm events last year.

ORDINARY MEETING

Meeting Date: 25 February 2014

- *Information Technology Reserve* – A Reserve funding adjustment of \$30K to supplement available funding for costs associated with replacement of Council's telephony system with a unified communications system is included in this QBRs.
- *Bligh Park Reserve* – A timing adjustment of \$36K relating to funding from the Bligh Park Reserve is proposed in this QBRs for the Reconstruction of Laneways in Bligh Park to be used as flood evacuation pathways.

The QBRs includes a number of minor adjustments and reallocation of funds that have not been detailed above. Further details can be found in the attachment to this report.

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.

Funding

Funding and budget impacts have been specified within this report and attachment.

RECOMMENDATION:

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – December 2013, be adopted.

ATTACHMENTS:

AT - 1 The Quarterly Budget Review Statement – December 2013 - (*Distributed under separate cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 February 2014

ordinary

section 4

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 4 - Reports of Committees

ROC Audit Committee Minutes - 10 October 2013 - (95496, 91369)

The meeting commenced at 4:05pm

Present: Harry Khouri
Ellen Hegarty
Nisha Maheshwari (Chair)
Councillor Patrick Conolly
Councillor Bob Porter

Apologies: Councillor Paul Rasmussen

In Attendance: Peter Jackson - General Manager
Laurie Mifsud - Director Support Services
Steven Kelly - Internal Auditor
Emma Galea - Chief Financial Officer
Dennis Banicevic - Council's External Auditor
Jan Readford - Minute Secretary

REPORT:

Attendance Register of Audit Committee

Member	20.2.2013	8.05.2013	14.8.2013	10.10.2013
Councillor Patrick Conolly				✓
Councillor Paul Rasmussen	✓	A	✓	A
Councillor Bob Porter (Alternate)	✓	✓	A	✓
Ms Ellen Hegarty	✓	✓	A	✓
Mr Harry Khouri	✓	✓	✓	✓
Ms Nisha Maheshwari (Chair)	✓	✓	✓	✓

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

RESOLVED on the motion of Councillor Bob Porter and seconded by Mr Harry Khouri that the apology be accepted.

Ms Maheshwari welcomed Mr Banicevic and his colleagues from PricewaterhouseCoopers, Mr Bookhall and Mr Pillay.

Ms Hegarty arrived at 4:10pm.
Councillor Conolly arrived at 4:20pm.

SECTION 3 - Reports for Determination

Item 1: AC - Unaudited Annual Financial Statements for the Year Ended 30 June 2013 - (95496, 91369, 79351)

DISCUSSION:

- Mr Banicevic advised a clearance meeting was held at Council yesterday. The audit identified a number of adjustments to be made, some of which to be processed in these statements and others to be dealt with for the financial year ending 30 June 2014.
- Mr Banicevic advised Council's operating result had improved resulting in a deficit of \$3.1 million in 2012/2013, compared to \$8.9 million in 2011/2012. Council's cash position has increased to \$44 million in respect of externally and internally restricted cash, compared to \$40 million in 2011/2012. Council's net current assets have increased from \$33 million to \$36 million, and taking into consideration external and internal restrictions, including current liabilities, Council's working capital was \$5.5 million.
- Mr Banicevic indicated that the financial reports include a number of indicators including a decrease in the Unrestricted Current Ratio to 458% from 486% which remains above the industry standard of 100%; the Debt Service Ratio increased to .82% from .71% resulting in an overall debt rise from \$3.2 million to \$8.1 million; the Rate Coverage Ratio increased from 50% to 53% due to the drop in capital grants and contributions; the Rates Outstanding Ratio increased to 6.3% of collectibles, and is higher than the accepted industry standard of 5%; and the Asset Renewals Ratio indicates that infrastructure assets are being renewed at 86% of the rate at which they are depreciating.
- Mr Banicevic indicated that Council's financial position is sound and that most indicators remain better than industry standard.
- Mr Banecivic indicated that Council's asset management needs improvement. Mr Jackson advised that Council is taking the necessary steps and expects improvements in the next 12 months.
- Ms Galea advised the audit identified an adjustment in the way loan money is reported. In relation to the LIRS loan, the unexpended portion of the loan is now shown as externally restricted.
- Mr Banicevic explained the amortisation of discount on interest free loans indicating that the loan is initially recognised at fair value and carried at amortised cost. The unwinding of the discount is at the initial interest rate used to calculate the discount.
- Ms Galea advised that Council reviews the budget every quarter and puts through any identified adjustments. Effectively this means that by June, all necessary adjustments have already been done.
- Ms Maheshwari requested an explanation of the audit process. Ms Galea advised that at the last meeting of Council, the financials were referred to the Audit Committee. The Audit Committee findings will now be presented to the next Council meeting on 12 November 2013.

PricewaterhouseCoopers will give a presentation to the Council meeting. By 7 November 2013, the accounts will be sent to the Division of Local Government. The audited accounts will then be advertised.

- Mr Banecivic advised that a report on the conduct of the audit can be presented at the next Audit Committee meeting.

ORDINARY MEETING
Reports of Committees

RECOMMENDATION TO COMMITTEE:

That the information concerning the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2013 be received.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Councillor Bob Porter.

That the information concerning the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2013 be received.

SECTION 4 - General Business

There were no matters raised at this meeting.

The meeting terminated at 4:50pm

Submitted to and confirmed at the meeting of the Audit Committee held on 20 November 2013.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC Audit Committee Minutes - 20 November 2013 - (95496, 91369)

The meeting commenced at 4.10pm

Present: Ellen Hegarty
Harry Khouri
Nisha Maheshwari (Chair)
Councillor Patrick Conolly

Apologies: Councillor Paul Rasmussen

In Attendance: Peter Jackson - General Manager
Laurie Mifsud - Director Support Services
Emma Galea - Chief Financial Officer
Steven Kelly - Internal Auditor
Dennis Banicevic - Council's External Auditor
Jan Readford - Minute Secretary

REPORT:

Attendance Register of Audit Committee

Member	20.2.2013	8.05.2013	14.8.2013	10.10.2013	20.11.2013
Councillor Patrick Conolly					✓
Councillor Paul Rasmussen	✓	A	✓	A	A
Councillor Bob Porter (Alternate)	✓	✓	A	✓	N/A
Ms Ellen Hegarty	✓	✓	A	✓	✓
Mr Harry Khouri	✓	✓	✓	✓	✓
Ms Nisha Maheshwari (Chair)	✓	✓	✓	✓	✓

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

RESOLVED on the motion of Councillor Patrick Conolly and seconded by Mr Harry Khouri that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Patrick Conolly and seconded by Mr Harry Khouri that the Minutes of the Audit Committee held on the 14 August 2013, be confirmed.

SECTION 3 - Reports for Determination

Item 1: AC - Status Report - Management Responses to Audit Recommendations - October 2013 - (91369, 79351, 121470)

DISCUSSION:

- Mr Mifsud advised that the response under Governance Health Check, due December 2013, has not been updated as the Manager Corporate Services and Governance is currently on maternity leave. Mr Jackson advised that the status will be re-assessed at the next meeting.
- Ms Galea referred to Procurement and advised that the tendering procedures detailed in Council's Tendering OMS, and the Purchase Card OMS, will be finalised by June 2014. The review of Council's Tendering Checklists remains ongoing, and advised the status should be reviewed.
- Mr Jackson advised that Council is considering the acquisition of an asset software package to standardise the evaluation process of tenders.
- Ms Galea advised there are currently 99 other councils already using the software, and that Council is networking with a group of these councils. Ms Galea noted that whilst Council's processes are similar to those councils, the software can be tailored to suit Council's requirements. The software is equipped with its own controls; it manages different types of tenders for which templates will be developed; and produces reports.
- Ms Maheshwari enquired if the software will provide an audit trail. Ms Galea confirmed that security controls are in place from when the tender is lodged through to assessment. Access to the tender is secure, and changes in clearance can only be carried out by the Administrator. Reports regarding lodgement can be generated, including the detection of any changes made, and by whom. The software is a stand-alone system, independent of the financial system.
- Ms Galea advised that fees for using the software apply and are on a fee per tender basis. The software will initially be used for tenders including major projects and quotations, and will applications will expand in the future as staff increase regular use.

RECOMMENDATION TO COMMITTEE:

That the attached Status Report on Management Responses regarding Audit recommendations be noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Conolly, seconded by Mr Khouri.

That the attached Status Report on Management Responses regarding Audit recommendations be noted.

Item 2: AC - Status Report - Management Responses to Development Applications Audit Recommendations - July 2013 - (91369, 121470, 79351)

DISCUSSION:

- Mr Kelly advised that the remaining three procedures will be completed by the end of 2013.
- Ms Maheshwari enquired if any major issues had come to light during the audit process.

ORDINARY MEETING
Reports of Committees

- Mr Kelly advised there were no major issues, however significant changes to legislation that come into effect on 1 October 2013, warranted the employment of a new staff member to specifically deal with the volume. This was a major commitment for the team to implement by the deadline.
- Mr Jackson praised the efforts of City Planning staff, given the reduced resources in City Planning.

RECOMMENDATION TO COMMITTEE:

That the attached Status Report on Management Responses regarding the Development Applications Audit recommendations be noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion Councillor Patrick Conolly, seconded by Ms Ellen Hegarty.

That the attached Status Report on Management Responses regarding the Development Applications Audit recommendations be noted.

Item 3: AC - Financial Statement 2013 - (91369, 79351, 121470)

DISCUSSION:

- Mr Banicevic advised that many of the issues identified during the audit process were addressed with the finance team and finalised. They will be reported fully at the end of the financial year.
- Mr Khouri enquired if there was any liability for Council. Mr Banicevic advised that issues relating to the determination of Section 94 contributions were raised at the clearance meeting. Mr Jackson advised this relates to land to be cleared by Council at Pitt Town. The issue relates to the valuation of the land vs what the developers want to pay for the land, and their interpretation of what can be done on the land. The Section 94 contribution is part of the developer's application. If not resolved, may end up in Court.
- Mr Jackson referred to Item 2 in PricewaterhouseCoopers' email dated 9 October 2013 and requested an explanation regarding the amortisation of discount on Council's interest free loan. Mr Banicevic provided an explanation advising the importance of estimating the fair value of a loan, before applying the prevailing market interest rate to the fair value, and then unwinding the discount component over the term of the loan. Mr Banicevic advised that if the loan were to be paid in the short term, the interest value would be payable on the full amount of the loan.
- Mr Banicevic advised that Council is considered to be in a sound and stable financial position.

RECOMMENDATION TO COMMITTEE:

That the report from PricewaterhouseCoopers and the management responses from Council be noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Harry Khouri, seconded by Councillor Patrick Conolly.

That the report from PricewaterhouseCoopers and the management responses from Council be noted.

ORDINARY MEETING
Reports of Committees

Item 4: AC - Waste Management Facility - (91369, 79351, 121470)

DISCUSSION:

- Mr Kelly advised that a review of the Waste Management Facility and its procedures was conducted in September 2013 to be sure that the procedures put in place are still working. The procedures for cash handling and the management of the facility have improved. We are more than satisfied that the procedures are working well. There are no issues with cash management.
- Ms Maheshwari referred to the report provided in August 2012 and acknowledged that following this review, there remains no outstanding issues at the Waste Management Facility.
- Mr Khouri noted that the major issue relating to cash handling has been resolved.

RECOMMENDATION:

That the Internal Audit Report – Waste Management Facility be received and noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Ms Ellen Hegarty.

That the Internal Audit Report – Waste Management Facility be received and noted.

Item 5: AC - Business Continuity Management - (91369, 79351, 121470)

DISCUSSION:

- Mr Kelly advised that since the development of the Business Continuity Management Plan in 2009, and a major test of the Plan in 2010, the Plan has now been updated to include procedures for dealing with specific types of disasters, and noted that the IT Disaster Recovery Plan is updated on any relevant change occurring in the IT area.
- Mr Kelly advised that the General Manager, the Director Support Services, and other key staff, have the Plan. The Plan is also kept off site.
- Mr Kelly indicated that the Business Continuity Plan has not been tested regularly, and that further training across the organisation is required. A training program including regular testing of the Plan, will be established in 2014. Mr Mifsud advised that when the Business Continuity Plan was first introduced, there was extensive training provided to key and other staff at the same time, with the crisis team enacting and resolving potential scenarios.
- Ms Maheshwari indicated that the irregular testing of the Business Continuity Plan was acceptable, however enquired about the extent of any regular testing of the IT Disaster Recovery Plan. Mr Kelly advised that IT have procedures in place and are well managed. Ms Maheshwari indicated that more procedures regarding the testing of back-ups were required.
- Mr Mifsud indicated that the Business Continuity Plan is updated every quarter with staff numbers and names, and are reviewed annually. There are approximately 17 copies of the Plan within the crises team.
- Mr Mifsud advised in terms of IT, that all Council's software and specifications are securely stored away from the Administration Building at both the Deerubbin Centre and the Depot, and that Council's system is backed up every day.

ORDINARY MEETING
Reports of Committees

- Ms Hegarty enquired, with the change of drop boxes to the Cloud, what impacts are there on Council. Mr Jackson advised that Council's data does not go to the Cloud. Mr Mifsud advised that Council's backs-up every day, and due to system failures already, the back-ups have also been tested on more than one occasion for a restart..
- Ms Hegarty enquired what happens with the paper based records. Mr Kelly advised that most of Council's aged files are held off-site at the Government Records Repository at Kingswood. Council pays a fee to retrieve records on receipt of any GIPA requests.
- Councillor Conolly enquired if this is a cost effective way to access files. Mr Mifsud advised that Council is pursuing the digitisation of the records, but with 100 years of records, this will take time.
- Ms Maheshwari indicated that if the back-up of data every night encompasses all software, is there a circumstance that any data is not backed-up. Mr Jackson advised that the entire system is backed-up; however anything on individual C:\ drives is not picked up.

RECOMMENDATION TO COMMITTEE:

That the Internal Audit Report – Business Continuity Management be received and noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Mr Harry Khouri.

That the Internal Audit Report – Business Continuity Management be received and noted.

Item 6: AC - Records Management - (91369, 79351, 121470)

DISCUSSION:

- Mr Kelly advised that in the past Council's Records staff were not overly qualified in Records Management. However, following the appointment of a Records Coordinator, concerns were raised regarding Council's legal risks and compliance with the requirements of the State Records Act. Council's Records Coordinator has used the Records Management Assessment Tool developed by State Records NSW to conduct a self-assessment of Council's records competency, and the results were provided to the Internal Auditor. A Strategic Records Management Plan has subsequently been prepared and has been endorsed by MANEX.
- Mr Kelly advised the Records Coordinator is currently giving presentations to Council staff regarding records management practices. Critical issues have been identified for action.
- Mr Jackson advised there has been significant progress in the records management area in the last two years. These results may appear negative, however, have improved compared to Council's records management practices two years ago. Council has been taking action to address this issue.
- Mr Kelly advised that procedures are being developed and staff will be requested to take responsibility for compliance in accordance with the State Records Act.
- Ms Maheshwari enquired if there is a need to review our resources in the Records Management area. Mr Jackson indicated there are a number of areas to be reviewed, however, there are no funds available for additional resources.

ORDINARY MEETING
Reports of Committees

- Ms Maheshwari enquired how Council is managing emails. Mr Kelly advised that some staff receive up to 100 emails a week, but register significantly less into the file management system. Mr Jackson indicated there is some uncertainty as to what emails need to get into the system. Mr Khouri advised there needs to be consistency.
- Mr Mifsud indicated that Council has a new and proactive Records Coordinator, who has conducted the self-assessment of Council's system, developed a Strategic Plan subsequently endorsed by MANEX, and will work through the recommendations. A Steering Committee will be established and will be up and running in the next few weeks.

Mr Mifsud advised that in the last 18 months there have been a number of changes in the system, including the appointment of an Archivist.
- Councillor Conolly enquired if the assessment would be conducted in another 12 to 18 months. Mr Jackson advised the next audit would be in three years in accordance with the Strategic Plan. Mr Mifsud noted that some of the goals are due for completion in the first six months.
- Mr Khouri enquired if one of the 17 performance criteria out of the 138 was identified as disaster recovery. Mr Kelly advised that Council has a disaster recovery in place which includes the storage of archival documentation off-site.

RECOMMENDATION TO COMMITTEE:

That the Internal Audit Report – Records Management be received and noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Mr Harry Khouri.

That the Internal Audit Report – Records Management be received and noted.

Item 7: AC - Meeting Dates for 2014 - (91369, 79351, 121470)

DISCUSSION:

- Mr Jackson advised that a date for the additional meeting required for the review of Council's Financial Statements for 2014 will be scheduled next year.
- Mr Khouri advised he will be an apology for the meeting of 27 August 2014 as he will be overseas from mid-August 2014 to the end of September 2014.

RECOMMENDATION TO COMMITTEE:

That the Audit Committee meeting dates for 2014, as outlined in the report, be approved.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Mr Harry Khouri.

That the Audit Committee meeting dates for 2014, as outlined in the report, be approved.

ORDINARY MEETING
Reports of Committees

SECTION 4 - General Business

There no matters discussed under General Business.

The meeting terminated at 5:05pm.

Submitted to and confirmed at the meeting of the Audit Committee held on 26 February 2014.

oooO END OF REPORT Oooo

<p style="text-align: center;">ORDINARY MEETING</p> <p style="text-align: center;">Reports of Committees</p>
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Hawkesbury Civic and Citizenship Committee - 11 December 2013 - (96972)

In Attendance: Jillian Bentham – Events Coordinator
Sonia Porter – Corporate Communication Manager

SECTION 1 - Minutes

That the minutes of Hawkesbury Civic and Citizenship Committee Meeting held on the Wednesday, 10 July 2013 be accepted.

Item: 2.1 Selection of Australia Day Award Recipients

Refer to RESOLUTION

COMMITTEE RESOLUTION:

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

That Leanne Keevers be awarded 2014 Young Citizen of the Year Award.

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

Refer to RESOLUTION

COMMITTEE RESOLUTION:

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

That Sally Hatcher be awarded the 2014 Sport Person of the Year Award.

RESOLVED on the motion of David Bertenshaw and seconded by Ted Brill.

Refer to RESOLUTION

COMMITTEE RESOLUTION:

RESOLVED on the motion of David Bertenshaw and seconded by Ted Brill.

That the "Friends of the Wilberforce Cemetery" be awarded the 2014 Cultural Heritage Award.

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

Refer to RESOLUTION

COMMITTEE RESOLUTION:

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

That:

1. Hawkesbury Community Arts Workshop be awarded the 2014 Community Arts Award.
2. Council's Corporate Communication Manager write to Katherine Kennedy's nominator, on behalf of the Civic and Citizenship Committee, to encourage them to nominate Katherine for a Citizen of the Season or Young Citizen of the Season award.

RESOLVED on the motion of Councillor Kim Ford and seconded by Barry Adams.

Refer to RESOLUTION

COMMITTEE RESOLUTION:

RESOLVED on the motion of Councillor Kim Ford and seconded by Barry Adams.

That Ethelbert Ambrook Southee be awarded the 2014 Commemorative Plaque Award.

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

Refer to RESOLUTION

COMMITTEE RESOLUTION:

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

That Hawkesbury Rural Fire Service receive the Community Organisation of the Year Award for 2014 for their work during the 2013 October bush fire event.

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

Refer to RESOLUTION

COMMITTEE RESOLUTION:

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

That Mary Aveyard be nominated and awarded the 2014 Special Achievement Award for her 20 years' service to the Hawkesbury District Agricultural Society and Hawkesbury Show.

Item: 2.2 NSW Local Citizens of the Year Award Nominations

RESOLVED on the motion of Councillor Kim Ford and seconded by Barry Adams.

Refer to RESOLUTION

COMMITTEE RESOLUTION:

RESOLVED on the motion of Councillor Kim Ford and seconded by Barry Adams.

That the nominators for Australian of the Year Awards for citizens of the Hawkesbury (two in total) be contacted and advised of the Citizen of the Season program and encouraged to nominate these worthy citizens for Awards during 2014.

ORDINARY MEETING
Reports of Committees

Item: 2.3 Review of criteria for Hawkesbury Sports Award and proposed review of all award programs

RESOLVED on the motion of Councillor Warwick Mackay OAM and seconded by Councillor Kim Ford.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Councillor Warwick Mackay OAM and seconded by Councillor Kim Ford.

That the Committee receive the reviewed criteria for the Hawkesbury Sports Award Program and support the review of all award programs.

SECTION 3 - Reports for Information

Item 3.1: Annual Report Hawkesbury Civics and Citizenship Committee

RESOLVED on the motion of Councillor Kim Ford and seconded by Councillor Warwick Mackay OAM.

Refer to RESOLUTION

COMMITTEE RESOLUTION:

RESOLVED on the motion of Councillor Kim Ford and seconded by Councillor Warwick Mackay OAM.

That the Annual Report of the Hawkesbury Civics and Citizenship Committee 2012-2013 as reported to Council at its Special Meeting held 17 September 2013 be noted.

Next Meeting date is to be advised.

The meeting closed at 7:29pm.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC Local Traffic Committee - 10 February 2014 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on **10 February 2014**, commencing at 3pm.

ATTENDANCE

Present: Councillor Kim Ford (Chairman)
 Mr Richard McHenery, Road and Maritime Services
 Snr Constable Debbie Byrnes, NSW Police Force
 Mr Steve Grady, Busways

Apologies: Mr Bart Bassett, MP (Londonderry)
 Mr Ray Williams, MP (Hawkesbury)
 Mr Kevin Conolly, MP (Riverstone)
 Ms Jill Lewis, NSW Taxi Council

In Attendance: Mr Chris Amit, Manager, Design and Mapping
 Ms Judy Wong, Community safety Coordinator
 Ms Jillian Bentham, Special Events Co-ordinator

The Chairman tendered an apology on behalf of Mr Kevin Conolly (Riverstone), advising that Mr Kevin Conolly (Riverstone), concurred with the recommendations as contained in the formal agenda and had granted proxy to himself to cast vote(s) on his behalf

SECTION 1 – Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the Motion of, Snr Constable Debbie Brynes, seconded by Councillor Kim Ford, that the minutes from the previous meeting held 13 January 2014 be confirmed.

Item 1.2 Business Arising

The Committee resolved on the motion of Snr Constable Debbie Brynes, seconded by Councillor Kim Ford, that the minutes from the previous meeting held 13 January 2014 be confirmed

SECTION 2 - Reports for Determination

Item 2.1 LTC - 10 February 2014 - Item 2.1 - Bridge to Bridge 2014 - Power Boat Time Trial Event from Brooklyn to Windsor (Hawkesbury, Londonderry & Riverstone) - (80245, 73829)

REPORT:

Introduction

An application has been received from the Upper Hawkesbury Power Boat Club, seeking approval (in traffic management terms) to conduct the Bridge to Bridge 2014 - Power Boat Time Trial from Brooklyn to Windsor on Sunday, 04 May 2014.

ORDINARY MEETING
Reports of Committees

The event organiser has advised;

- This is an annual power boat time trial event along the Hawkesbury River between Brooklyn Bridge and Windsor Bridge;
- The event will be conducted between 8am and 6pm;
- This is an annual event which has been held for over eighty years;
- Entrants will launch their boats from Parsley Bay, Brooklyn;
- The suspension of ferry services, controlled by the Roads and Maritime Services - RMS (formerly RTA) and Council, is required on Sunday, 4 May 2014 as listed below;
 - Wisemans Ferry (RMS): 9am – 12pm
 - Webbs Creek Ferry (RMS): 9am – 12pm
 - Lower Portland Ferry (HCC): 9:15am – 12:15pm
 - Sackville Ferry (RMS): 9:15am – 12:15pm
- The suspension of the ferry services is required for safety reasons. The ferries will operate in the event of an emergency and competitors will be stopped to ensure the safety of all;
- On occasion, weather conditions cause the race to have a delayed start and accordingly the ferry closure times will be adjusted;
- The Club is expecting approximately 120 participants/boats to compete in the event;
- There will be 50 groups consisting of variable numbers of participant. The groups will mainly consist of small numbers with a maximum of five participants per group;
- The club is expecting approximately 2000 spectators on the day of the event, at Governor Phillip Park;
- Parking will be at Governor Phillip Park with additional parking available off street utilising vacant land adjacent to Governor Phillip Park;
- Road closures are not required other than the closure of the approach roads to the 4 ferries along the Hawkesbury River.

Discussion

The event organiser is seeking Council and Roads and Maritime Services - RMS (formerly RTA) approval for the suspension of the following Ferry Services on Sunday, 4 May 2014:

- Wisemans Ferry (RMS): 9am – 12pm
- Webbs Creek Ferry (RMS): 9am – 12pm
- Lower Portland Ferry (HCC): 9:15am – 12:15pm
- Sackville Ferry (RMS): 9:15am – 12:15pm

The total suspension of the ferries will enable a free flow of competitors across the ferry crossings and is also required for safety reasons. The four ferries will be suspended generally between 9.00am to 12.15pm. The ferries will operate in the event of an emergency and competitors will be stopped to ensure the safety of all.

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Lower Portland Ferry Service is under the care and control of Hawkesbury City Council. The Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services are under the care and control of the Roads and Maritime Services - RMS (formerly RTA) and hence, RMS approval is to be sought directly by the event organiser for any alterations to the operation of ferry services maintained by them.

The event will be held principally along the Hawkesbury River with the event organiser requesting exclusive use of the River from the Roads and Maritime Services - RMS (formerly NSW Maritime). The spectators travelling to the event, and in particular to Governor Phillip Park, may impact heavily on the state road network along Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street as well as the local roads such as George Street and Court Street. Furthermore the suspension of the Ferry services and subsequent road closures leading to the ferries (three RMS Ferries and one HCC Ferry) will have an impact on the adjacent road network in the vicinity of the ferries. Suspension of the RMS ferries is effectively closing three State roads. It would be appropriate to classify the event as a **"Class 1"** special event under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).

The event organiser has submitted the following items in relation to the event: Attachment 1 (ECM Document No: 4673122):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval - Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),

The event organiser will be required to liaise with Maximum Adventure Pty Ltd (contact number 0423 735 779) who is the event organiser of the Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2014 - St Albans event, which is being held on 3 May 2014, within the St Albans area.

The event organiser has made application under separate cover to Council's Parks and Recreation section for the exclusive use of Governor Phillip Park.

COMMITTEE RECOMMENDATION:

RESOLVED on a motion of Snr Constable Debbie Byrnes, seconded by Mr Richard McHenery.

Support for Recommendation: - Unanimous

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/organising-an-event>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.

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2. The Bridge to Bridge 2014 - Power Boat Time Trial event from Brooklyn to Windsor planned for Sunday, 4 May 2014 be classified as a “**Class 1**” special event, in terms of traffic management, under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc. during the event including setting up and clean up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation’s web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC as this is a “**Class 1**” event; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the Transport Management Centre (TMC)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$20,000,000 noting Council, the Transport Management Centre (TMC) and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4g. As the event involves the closure of public roads due to the suspension of Ferry services, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with the associated fee, to occupy and close the road;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council;**

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- 4i. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of Governor Phillip Park;
- 4j. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council;**
- 4k. the event organiser is to advise all adjoining Councils such as Gosford, The Hills and Hornsby of the event and in particular the ferry closures and obtain any necessary approvals from these Councils; **a copy of this approval to be submitted to Council;**
- 4l. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4m. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4n. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4o. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4p. the event organiser is to liaise with Maximum Adventure Pty Ltd (contact number 0423 735 779) who is the event organiser of the Convict 100 (formerly Dirt Works 100) endurance Mountain Bike Ride 2014 - St Albans event, which is being held on 3 May 2014, within the St Albans area;
- 4q. the event organiser is to **submit** the completed " Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" **to Council;**

During the event:

- 4r. access is to be maintained for businesses, residents and their visitors;
- 4s. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4t. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4u. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route (including the road closure points for the Ferry closures), during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);

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- 4v. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4w. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity,

Ferry Services

- 5. The applicant is to seek approval relating to the RMS ferries from the Transport Management Centre (TMC), for the suspension of the Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services, due to the event being classified as a **Class 1** event. There is no objection to the suspension of the Lower Portland Ferry Service on Sunday, 4 May 2014, between 9:15am and 12:15pm.

Suspension of the ferry services on Sunday, 4 May 2014 as listed below:

- Wisemans Ferry (RMS): 9am – 12pm
- Webbs Creek Ferry (RMS): 9am – 12pm
- Lower Portland Ferry (HCC): 9:15am – 12:15pm
- Sackville Ferry (RMS): 9:15am – 12:15pm

is subject to the applicant complying with the following conditions, as well as any conditions imposed by the Transport Management Centre (TMC):

- 5a. the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council
- 5b. Advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to :
 - traffic impact and delays,
 - exclusive use of Governor Phillip Park,
 - timings of suspension/operation of ferry services,

such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;

- 5c. signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 5d. safety precautions are to be outlined in the TMP and are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA and NSW Maritime) and Hawkesbury City Council; and,
- 5e. the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA) and Council be authorised to alter ferry suspension/operation times if necessary.

ATTACHMENTS:

AT - 1 Special Event Application - (ECM Document No: 4673122) – *Distributed to Committee Members.*

oooO END OF REPORT Oooo

ordinary

section 5

notices of motion

ORDINARY MEETING

Notices of Motion

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Notices of Motion

SECTION 5 - Notices of Motion

NM1 **Engagement of Consultant - (79351, 105109, 111627)**

Submitted by: Councillor Tree

NOTICE OF MOTION:

That Council employ the services of a high level consultant who would be able to steer our Council in relation to best use our Heritage, Natural Environs and whilst appreciating the need to enable sustainable growth for our future. They would need to consider all aspects of Council and what assets we should sell, maintain or better utilise.

BACKGROUND:

Blacktown is currently using a consultant who works at Sydney University, Professor Ed Blakely, who has done extensive urban renewal after 911 and the big storm and floods in the US.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM2

Establishment of the Hawkesbury LGA as a "Refugee Welcome Zone" - (80104, 105109)

Submitted by: Councillor Paine

NOTICE OF MOTION:

That:

1. Hawkesbury City Council become a Refugee Welcome Zone as promoted by the Refugee Council of Australia.
2. The Mayor be authorised to sign the Refugee Welcome Zone Declaration indicating Council's "commitment in Spirit to welcoming refugees into our community, upholding the human rights of refugees, demonstrating compassion for refugees and enhancing cultural and religious diversity in our community"
3. An appropriate "signing ceremony" for the Refugee Welcome Zone Declaration be conducted in consultation with the Refugee Council of Australia.

BACKGROUND:

At present there are 87 councils across Australia that have become "Refugee Welcome Zones" which is an initiative of the Refugee Council of Australia.

Both Penrith and the Blue Mountains City Councils have already made this Declaration and there is currently support, being led by Nepean Migrant Access Inc., for Hawkesbury City Council to also make a Declaration.

In connection with this Declaration the Refugee Council of Australia indicates:

"The Refugee Welcome Zone Declaration does not confer any formal obligations and Refugee Welcome Zones are not required to uphold any statutory responsibilities or financial commitments. The signing of the Declaration is simply a way of demonstrating broad support for the principles it contains. Any actions or activities undertaken by Refugee Welcome Zones to implement the Declaration are voluntary."

However, while signatories to the Refugee Welcome Zone Declaration are not required to undertake any specific activities, any initiatives which help to create a welcoming atmosphere and assist the settlement of refugees and their communities are welcomed and encouraged."

With regard to the process involved in making a Declaration material from the Refugee Council of Australia indicates:

"The process for becoming a Refugee Welcome Zone is very straightforward. It simply involves the Council signing the Refugee Welcome Zone Declaration, which is "a commitment in Spirit to welcoming refugees into our community, upholding the human rights of refugees, demonstrating compassion for refugees and enhancing cultural and religious diversity in our community".

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To mark the occasion of becoming a Refugee Welcome Zone, many Councils choose to hold public signing ceremonies. These provide an opportunity to highlight the initiative and acknowledge the work of local groups and individuals that support refugees and asylum seekers. If possible, a representative from the Refugee Council of Australia will attend the ceremony to present a Certificate of Appreciation."

An information brochure provided by the Refugee Council of Australia for the community is attached and a similar broacher is also available for councils.

As the adoption of this Declaration by Council would not place any obligations upon Council but recognises Council's support for refugees in our community I suggest that it would be appropriate for to Council make this declaration and become a "Refugee Welcome Zone".

ATTACHMENTS:

AT - 1 Refugee Council of Australia - Brochure for members of the community

AT - 1 Refugee Council of Australia - Brochure for members of the community

REFUGEE WELCOME ZONES

An initiative of the Refugee Council of Australia

Who is the Refugee Council of Australia?

The Refugee Council of Australia (RCOA) is the national peak body for refugees and the organisations and individuals who support them. RCOA promotes the adoption of flexible, humane and constructive policies towards refugees and asylum seekers through conducting policy analysis, research, advocacy and public education on refugee issues.

What is a Refugee Welcome Zone?

A Refugee Welcome Zone is a Local Government Area which has made a commitment in spirit to welcoming refugees into the community, upholding the human rights of refugees, demonstrating compassion for refugees and enhancing cultural and religious diversity in the community.

This public commitment is also an acknowledgment of the tremendous contributions refugees have made to Australian society in the fields of medicine, science, engineering, sport, education and the arts. By making this Declaration it is hoped that local government will be encouraged in their continuing efforts to support the men, women and children who make the difficult journey to Australia to seek our protection.

The Refugee Welcome Zone initiative began in June 2002 as part of Refugee Week celebrations. At the time, 15 local Councils in Victoria, New South Wales and South Australia were declared Refugee Welcome Zones. Today, with almost 90 Local Government Areas having declaring themselves Refugee Welcome Zones, the initiative has proven to be a great success in connecting local governments with the issues facing refugees and asylum seekers.

What is the process for becoming a Refugee Welcome Zone?

The majority of Refugee Welcome Zones have been declared after an initial proposal by a community or church-based organisation that is subsequently supported by an approach from RCOA. If you would like your local Council to become a Refugee Welcome Zone, here are some suggested steps:

- Write a letter of proposal to your Mayor and Councillors. It is important to highlight the level of community support for refugees and asylum seekers, the benefits of becoming a Refugee Welcome Zone and opportunities to work with local groups and organisations and support groups. You should also enclose a copy of the Refugee Welcome Zone information sheet for Councils.
- If you work for a local organisation or are part of a community support group which provides assistance to refugees invite your Mayor and Councillors to visit you. This provides a great opportunity to showcase the work you do.
- Request an opportunity to present the proposal at a Council meeting.
- Contact RCOA to let us know about your proposal. We can provide further information and advice and approach your Council to support the proposal.

The process for becoming a Refugee Welcome Zone is very straightforward. It simply involves

the Council signing the Refugee Welcome Zone Declaration, which is "a commitment in Spirit to welcoming refugees into our community, upholding the human rights of refugees, demonstrating compassion for refugees and enhancing cultural and religious diversity in our community". However, the decision to become a Refugee Welcome Zone often takes some time and is voted upon according to Council policy and procedure which can vary from Council to Council.

To mark the occasion of becoming a Refugee Welcome Zone, many Councils choose to hold public signing ceremonies. These provide an opportunity to highlight the initiative and acknowledge the work of local groups and individuals that support refugees and asylum seekers. If possible, a representative from the Refugee Council of Australia will attend the ceremony to present a Certificate of Appreciation.

Why become a Refugee Welcome Zone?

Local Government has historically played an important role in assisting refugee settlement and promoting community harmony. Since Federation in 1901, Australia has become home to over 800,000 refugees and we have a proud history of settling refugees from all over the world who have gone on to make an enormous contribution to our economic, social and cultural life. Becoming a Refugee Welcome Zone is a way to continue this proud tradition of supporting the settlement of refugees.

Signing the Declaration can also promote harmony, social cohesion and respect for human rights in your local community. It is a great way to demonstrate support for refugees and take a strong stand against racism and discrimination. It can help to raise awareness about the issues affecting refugees, foster a culture of mutual respect and promote an appreciation of cultural diversity.

Becoming a Refugee Welcome Zone can also encourage the development of a more coordinated approach to supporting refugee settlement. It can motivate Local Government and local organisations and support groups to work together more effectively so as to improve settlement outcomes for refugees.

What are the obligations and responsibilities of Refugee Welcome Zones?

The Refugee Welcome Zone Declaration does not confer any formal obligations and Refugee Welcome Zones are not required to uphold any statutory responsibilities or financial commitments. The signing of the Declaration is simply a way of demonstrating broad support for the principles it contains. Any actions or activities undertaken by Refugee Welcome Zones to implement the Declaration are voluntary.

However, while signatories to the Refugee Welcome Zone Declaration are not required to undertake any specific activities, any initiatives which help to create a welcoming atmosphere and assist the settlement of refugees and their communities are welcomed and encouraged.

How can Refugee Welcome Zones support refugees?

There are many simple things that your Local Government Area can do to welcome refugees to your community:

- Develop a Local Government policy relating to refugees and asylum seekers or review existing policies.
- Offer funding for community-based projects which support the settlement of refugees.

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- Hold community picnics and gatherings to encourage families from different backgrounds and community organisations to meet.
- Build partnerships and work collaboratively with local community groups and service providers to enhance support for refugees settling in your area.
- Organise an event during Refugee Week, such as a street fair or festival.
- Host a community meeting with newly arrived refugees and guest speakers from refugee support organisations to find out how your Council can best support refugees in your community.
- Hold a multicultural film festival.
- Coordinate with local libraries in the area to develop an English tutoring program for newly arrived refugees.
- Liaise with the Red Cross to run information sessions for newly arrived refugees who have been separated from family members and relatives.
- Hold a public forum to enable guest speakers from refugee backgrounds to share their stories.

*How has your organisation, community or council welcomed refugees?
Send in your past and upcoming events and initiatives to media@refugeecouncil.org
We'd like to hear about program or event, big or small!*

Current Refugee Welcome Zones

There are currently 89 Refugee Welcome Zones in Australia.

New South Wales: Armidale Dumaresq Council, Ashfield Council, Auburn City Council, Bankstown City Council, Bathurst Regional Council, Bega Valley Shire Council, Blacktown City Council, Blue Mountains City Council, Burwood Council, Campbelltown City Council, City of Canterbury, Coffs Harbour City Council, Dubbo City Council, Fairfield City Council, Gosford City Council, Griffith City Council, Hornsby Shire Council, Kogarah City Council, Ku-ring-gai Council, City of Lake Macquarie, Leichhardt Council, Lismore City Council, Liverpool City Council, Manly Council, Marrickville Council, Moree Plains Shire Council, Mosman Council, North Sydney Council, Penrith City Council, Port Macquarie-Hastings Council, Randwick City Council, Rockdale City Council, City of Ryde, Sutherland Shire Council, City of Sydney, Wagga Wagga City Council, Warringah Council, Waverley Council, Willoughby City Council, Wollongong City Council

Northern Territory: City of Palmerston

Victoria: City of Ballarat, Bass Coast Shire Council, Brimbank City Council, Shire of Campaspe, City of Casey, City of Darebin, City of Greater Bendigo, City of Greater Dandenong, Greater City of Greater Geelong, Hepburn Shire Council, Horsham Rural City Council, Hume City Council, Maribyrnong City Council, Maroondah City Council, City of Melbourne, Mildura Rural City Council, City of Monash, City of Moonee Valley, Moreland City Council, Mornington Peninsula Shire, Mount Alexander Shire Council, City of Port Phillip, Greater Shepparton City Council, Surf Coast Shire, Swan Hill Rural City Council, City of Whittlesea, Wyndham City, City of Yarra, Yarra Ranges Council

South Australia: Campbelltown City Council, Town of Gawler, City of Marion, City of Mitcham, Rural City of Murray Bridge, City of Norwood, Payneham and St Peters, City of Port Adelaide Enfield, City of Prospect, City of West Torrens

Queensland: Brisbane City Council, Toowoomba Regional Council, Townsville City Council

Tasmania: Derwent Valley Council, Hobart City Council, Launceston City Council, West Tamar Council

Western Australia: City of Fremantle, City of Subiaco, City of Vincent

Map of Refugee Welcome Zones in Australia



The Refugee Welcome Zone Declaration

(Council crest/logo)

The _____ Council,

Declares the Council of _____ a

Refugee Welcome Zone

This Declaration is a Commitment in Spirit to

Welcoming refugees into our community,

*Upholding the **Human Rights** of refugees,*

*Demonstrating **Compassion** for refugees and*

*Enhancing cultural and religious **Diversity** in our community.*

[name and title of signatory]

Date: _____

This Declaration is proudly supported and endorsed by the



**Refugee Council
of Australia**

The Refugee Council of Australia is a national umbrella organisation representing over 900 organisational and individual members. The aim of the Refugee Council is to promote the adoption of flexible, humane and constructive policies toward refugees and asylum seekers by the Australian and other Governments and their communities.

To obtain an editable copy of the Declaration for signing by your Council, please contact us on (02) 9211 9333 or info@refugeecouncil.org.au

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM3 **Street Light on corner of Baker Street and George Street Windsor - (80104)**

Submitted by: Councillor Paine

NOTICE OF MOTION:

That Council make further approaches to Endeavour Energy to make the necessary arrangements to fix the street light on the corner of Baker Street and George Street, Windsor as soon as possible.

BACKGROUND:

This light pole has carried the signs to the Toilets and Museum. It was knocked over by a truck more than 12 months ago and despite requests by Council it has not been repaired by Endeavour Energy to date.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

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Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meeting and Responses - (79351)

REPORT:

Questions - 4 February 2014

#	Councillor	Question	Response
1	Paine	Requested that Council write to the Minister for Planning and Infrastructure asking for the date of the approval of the Windsor Bridge and why the approval was given so close to Christmas 2013.	At the meeting, the Mayor advised that this request would require a Notice of Motion to be submitted.
2	Paine	Requested details of the works that are listed in the 2013/2014 Delivery Program that are yet to commence.	The Director Infrastructure Services advised that this information will be provided to all Councillors.
3	Paine	Requested a progress report of the repairs to the barbeque in Howe Park, Windsor.	The Director Infrastructure Services advised that the barbeque is now operational.
4	Paine	Requested a progress report of the repairs to the rail that runs from James Ruse Close to Howe Park.	The Director Infrastructure Services advised that repairs had been completed.
5	Paine	Requested that the disposal of waste water at the hairdresser operating from 49 Wattle Crescent, Glossodia be investigated.	The Director City Planning advised that the on-site waste water system for this site is being inspected and the appropriate action will be taken depending on the outcome of that inspection.
6	Paine	Requested to be advised if Council has received a copy of a song that has been recorded by the Woodfords regarding a two lane bridge.	The Director Support Services advised that Council has not received a copy of a song by The Woodfords regarding a two lane bridge at Windsor. However, the song is available at http://www.youtube.com/watch?v=IHutGPaOCFo
7	Mackay	Referred to the level of fees and charges for the use of McQuade Park for a proposed wedding and asked what was being charged to current occupants of Thompson Square.	The Director Infrastructure Services advised that no formal Council or regulatory approval had been issued for usage of Thompson Square and no fees were being charged.
8	Reardon	Requested zoning details of the Wesleyan section and the established sections of Wilberforce Cemetery.	The Director City Planning advised that the entire Wilberforce Cemetery is zoned SP1 Special Activities "Cemetery".

ORDINARY MEETING
Questions for Next Meeting

#	Councillor	Question	Response
9	Reardon	Requested advice on issues associated with road surface problems in hot weather.	The Director Infrastructure Services advised that there had been an issue with Grose Vale Road at Kurrajong and that this was being addressed by the contractor at no cost to Council.
10	Reardon	Requested advice regarding the possibility of collecting vocal histories of elderly residents as they have a wealth of local knowledge.	<p>The Director Support Services advised that the Hawkesbury Library Service conducted an oral history project in the late 1980's and early 1990's, with approximately 250 interviews being recorded. The interviews, which were recorded on tape, have since been digitised and will soon be available in the Library's Local Studies Section.</p> <p>The Hawkesbury Library Service is currently coordinating another oral history project involving older residents of the Hawkesbury who have a wealth of local knowledge. The project has involved coordinating the training of volunteers in conducting oral history interviews, the purchase of recording equipment, and developing a list of potential interviewees. Potential interviewees have been contacted and interviews commenced.</p>
11	Creed	Requested that Council investigate pavement failure on Grose Vale Road, near the school crossing.	The Director Infrastructure Services advised that a leaking water main was causing an ongoing pavement failure at this location and Council was pursuing Sydney Water to undertake repairs.
12	Creed	Requested that Council contact the RMS to determine if the traffic lights at the intersection of Bells Line of Road and Grose Vale Road are timed appropriately to maintain adequate traffic flow.	The Director Infrastructure Services advised that RMS had been requested to review the signal operation.
13	Creed	Requested that the pot holes on Grose Vale Road near the North Richmond proposed development be investigated.	The Director Infrastructure Services advised that instructions had been issued for repairs.
14	Conolly	Requested that the sign on the corner of Groves Avenue and Windsor Road be rejuvenated.	The Director Infrastructure Services advised that the matter will be investigated, with a view to providing improvements to the "directory" signage to the industrial area.

oooO END OF REPORT Oooo

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 35 **IS -Tender No. 00937 - Memorial Park, Kurrajong Landscape Works (95495, 79354)**

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

end of
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