



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 11 December 2012

location: council chambers

time: 6:30 p.m.



# mission statement

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

## **How Council Operates**

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

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

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

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

### **Meeting Procedure**

The Mayor is Chairperson of the meeting.

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

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

### **Public Participation**

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

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

### **Voting**

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

### **Planning Decision**

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

### **Business Papers**

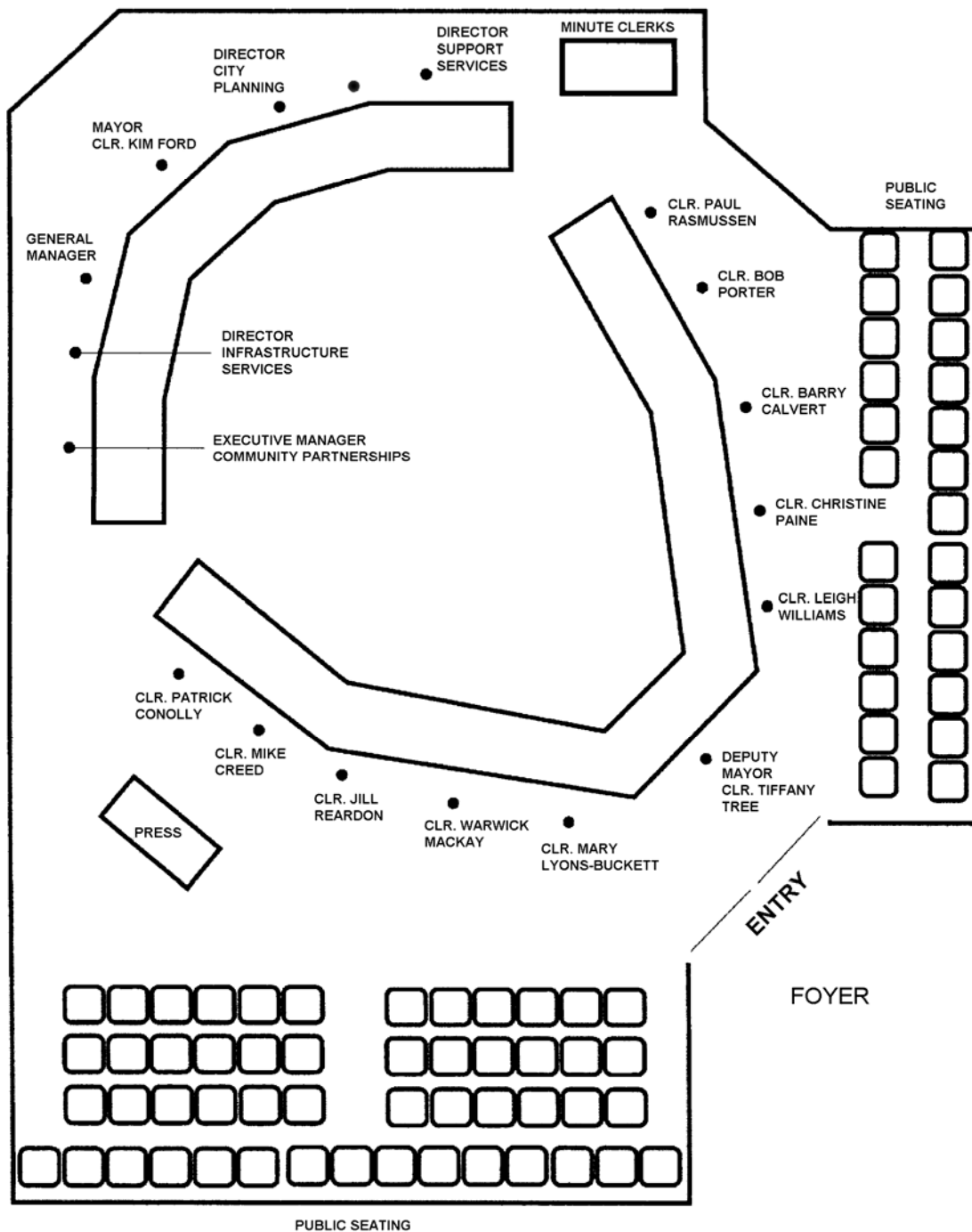
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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

### **Further Information**

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

# Hawkesbury City Council



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**SECTION 1 - Confirmation of Minutes**

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**ORDINARY MEETING**

Notices of Motion

**ORDINARY MEETING**

**Notices of Motion**

**SECTION 3 - Notices of Motion**

**RM1 - Rescission Motion - Human Services Advisory Committee - (94598)**

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**Submitted by:** Mayor, Councillor Kim Ford  
Deputy Mayor, Councillor Tiffany Tree  
Councillor Mike Creed

**RESCISSION MOTION:**

That Council's resolution of 27 November 2012 in respect of that part of Item 216 in relation to the appointment of community representatives to the Human Services Advisory Committee be and is hereby rescinded.

**SUBSTANTIVE MOTION:**

Subject to the above Rescission Motion being carried it is proposed to move:

That Ms Denise Handcock, Mr Matt Randell, Mr Chris McAlpine, Mr Glenn Powers and Mr Nick Sabel be appointed as community representatives on the Human Services Advisory Committee in accordance with the Committee's Constitution.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF RESCISSION MOTION Oooo**

## ORDINARY MEETING

### Notices of Motion

#### **RM2 - Rescission Motion - Floodplain Risk Management Advisory Committee - (94598)**

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**Submitted by:** Mayor, Councillor Kim Ford  
Deputy Mayor, Councillor Tiffany Tree  
Councillor Mike Creed

#### **RESCISSION MOTION:**

That Council's resolution of 27 November 2012 in respect of that part of Item 216 in relation to the appointment of community representatives to the Floodplain Risk Management Advisory Committee be and is hereby rescinded.

#### **SUBSTANTIVE MOTION:**

Subject to the Rescission Motion being carried it is proposed to move:

That:

1. The Constitution for the Floodplain Risk Management Advisory Committee be amended to specify five community members.
2. Mr Les Sheather, Mr Geoffrey Bessell, Mr Damian Moon, Mr Trevor Devine and Mr Henry 'Ted' Books be appointed as community representatives on the Floodplain Risk Management Advisory Committee in accordance with the Committee's Constitution.

#### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF RESCISSION MOTION Oooo**



**ORDINARY MEETING**

**Notices of Motion**

**NM1 -                Report - Hard Surfaced Basketball Court at Hawkesbury Indoor Stadium - (79351, 80104)**

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**Submitted by:**        Councillor C Paine

**NOTICE OF MOTION:**

That a report be prepared for Council's consideration, outlining the feasibility and costing to build an outdoor, hard surfaced basketball court at the Hawkesbury Indoor Stadium.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

**ORDINARY MEETING**

**Notices of Motion**

**NM2 - Policy - Employment of School-Based Trainees and/or Apprentices - (79351, 80093)**

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**Submitted by:** Councillor B Calvert

**NOTICE OF MOTION:**

That from the beginning of 2013 Council adopt a policy of employing up to two school-based trainees and/or apprentices on an ongoing basis.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

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for determination

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**SECTION 4 - Reports for Determination**

**CITY PLANNING**

**Item: 219**                    **CP - Community Sponsorship Program - 2012/2013 - Round 2 - (96328, 95498)**

**Previous Item:**            153, Ordinary (31 July 2012)

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**REPORT:**

**Executive Summary**

This report has been prepared to advise Council of applications for financial assistance to be determined under Round 2 of the 2012/2013 Community Sponsorship Program. The report lists the applications received, the proposed level of financial assistance, and those that will require the execution of Council's standard Sponsorship Agreement.

**Consultation**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Applications for Community Sponsorship can be received by Council at any time and are reported to Council up to four times a year. Information about the Community Sponsorship Program is placed on Council's website.

**Background**

On 13 March 2007 Council resolved to adopt a Sponsorship Policy prepared in accordance with the guidelines issued by the Independent Commission Against Corruption. Criteria and administrative arrangements for the Community Sponsorship Program (CSP) were subsequently developed with implementation commencing in 2007/2008.

The CSP provides the opportunity for community groups and individuals to seek assistance from Council. The CSP currently provides for five categories of assistance:

- Minor assistance (MA) - up to \$500
- Event Sponsorship (ES) - for up to 3 years
- Seeding Grants (SG) - for community based programs
- Access to Community Facilities (ACF) - to subsidise the cost of hire of community facilities
- Improvements to Council Facility (ICF) - reimbursement of DA fees for renovations and additions to Council owned buildings or facilities.

The adopted budget for 2012/2013 includes an allocation of \$66,147 for the CSP. At its Ordinary Meeting 31 July 2012 Council approved Round 1 of the Community Sponsorship 2012/2013 Program.

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## Community Sponsorship Program 2012/2013

Budget for CSP

Total Budget for Financial Year 2012/2013 \$66,147

Expenditure to date:

Allocated to Hawkesbury Eisteddfod \$20,180

Approved under Round 1 (24 applicants) \$31,720

Total \$51,900

Balance remaining \$14,247

## Community Sponsorship Program (2012/2013) - Round 2

In accordance with Council's Community Sponsorship Policy, applications for community sponsorship were called for and closed 30 November 2012 and 15 applications were received. Table 1 summarises the applications received and the proposed level of financial assistance to be provided.

	Applicant	Type	Proposal	Amount requested	Amount proposed
1	Taylor Ellison	MA	Representative trampolining	100	100
2	Windsor Public School	CF	Hire of Windsor Function Centre	335	335
3	Zara Yari	MA	Representative softball	100	100
4	Hobartville Long Day Preschool	ICF	DA Lodgement fees	430	430
5	Richmond Players Inc	SG	Production of "The Mouse Trap"	500	500
6	James Hill	MA	Representative Karate	100	100
7	Ashleigh Hill	MA	Representative Karate	100	100
8	Hawkesbury Cancer Support Network	MA	Christmas function	300	300
9	Hawkesbury High School P&C Association	MA	Bike safety program for students	500	500
10	Norwest Sydney Oztag Association Inc	MA	Representative Junior Oztag	500	500
11	Thomas Moncrieff	MA	Representative Ice Hockey	100	100
12	Megan Bertenshaw	MA	Representative Senior Oztag	100	100
13	Andrew Crumpton	MA	Representative Senior Oztag	100	100
14	Hawkesbury District Health Services	MA	Christmas Tree lights	500	500
15	Bowen Mountain Association	ES	Bowen Mountain Association Community Arts Festival	500	500
16	Heather Winch Art Workshops St Albans	MA	Art workshops for community members	500	500

**TOTAL \$4,765**

MA= Minor Assistance ES = 3 Year Event Sponsorship SG = Program + Activity Seeding Grant CF = Access to Community Facilities

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### **Table 1 – Requests for financial assistance Round 2 of 2012/2013 Community Sponsorship Program**

All the applications were assessed against the applicable criteria outlined in Council's Community Sponsorship program. These reflect the provisions of Council's adopted Community Sponsorship policy and the amounts recommended for approval are consistent with the policy. A more complete summary of the assessment of applications against the CSP is included in Attachment 1 to this report.

There are sufficient funds to cover the total recommended amount of \$4,765 under Round 2 of the 2012/2013 Community Sponsorship Program leaving \$9,482 for allocation in further rounds.

### **Conformance to Community Strategic Plan**

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 strategy in the Community Strategic Plan being:

- Develop and implement a community partnership and participation program

It will also contribute to the Goal within the *Shaping our Future Together* element within the Community Strategic Plan:

- Support community initiatives and volunteers

### **Financial Implications**

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

### **RECOMMENDATION:**

That Council approve:

1. Payments under Section 356 financial assistance to the organisations or individuals listed, and at the level recommended in Table 1 of this report.
2. The execution of Council's standard Sponsorship Agreement for application 15 identified in Table 1 of this report.

### **ATTACHMENTS:**

**AT - 1** Assessment of Applications under Round 2 of Community Sponsorship Program 2012/2013

# ORDINARY MEETING

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## AT - 1 Assessment of Applications under Round 2 of Community Sponsorship Program 2012/2013

Applicant	Sponsorship Type (1)	Description	Assessment Criteria								Amount requested (or previously approved for ES Sponsorship)	Amount recommended	Comments
			Local service	Not-for-profit	Not funded by State/Federal Agency	Co-contribution provided	Reflects agreed community priority	Meets sponsorship criteria	Financially sustainable	Documentation provided			
1. Taylor Ellison	MA	Representative trampolining – National Clubs Championships - Brisbane	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements of Minor Assistance category
2. Windsor Public School	CF	Hire of Windsor Function Centre for Annual Presentation Night	✓	✓	✓	✓	✓	✓	n/a	✓	335	335	Meets requirements of Access to Community Facilities
3. Zara Vari	MA	Representative softball – Sydney West Regional PSSA Tournament - Cronulla	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements of Minor Assistance category
4. Hobartville Long Daycare Preschool	ICF	Recovery of DA costs for erection of shade sail area	✓	✓	✓	✓	✓	✓	✓	✓	430	430	Meets requirements of Improvement to Community Facilities category
5. Richmond Players Inc	SG	Production of 'The Mouse Trap'	✓	✓	✓	✓	✓	✓	✓	✓	500	500	Meets requirements of Activity & Seeding Grant category
6. James Hill	MA	Representative karate – Australian Karate Championships, Victoria	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements of Minor Assistance category
7. Ashleigh Hill	MA	Representative karate – Australian Karate Championships, Victoria	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements of Minor Assistance category
8. Hawkesbury Cancer Support Network	MS	Christmas function for cancer patients, survivors and carers	✓	✓	✓	✓	✓	✓	n/a	✓	300	300	Meets requirements of Minor Assistance category
9. Hawkesbury High School P&C Association	MA	Bicycle safety program for students	✓	✓	✓	✓	✓	✓	n/a	✓	500	500	Meets requirements of Minor Assistance category
10. Norwest Sydney Oztag Association Inc	MA	Representative Oztag – Junior State Cup February 2013	✓	✓	✓	✓	✓	✓	n/a	✓	500	500	Meets requirements of Minor Assistance category
11. Thomas Moncrieff	MA	Representative Ice Hockey – Tournoi International de Hockey Prewee de Quebec, Canada . 12 – 23 February 2012	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements of Minor Assistance category
12. Megan Bertenshaw	MA	Representative Oztag – World Cup Oztag Tiles, Auckland, New Zealand, 5 – 10 December 2012	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements of Minor Assistance category
13. Andrew Crumpton	MA	Representative Oztag – World Cup Oztag Tiles, Auckland, New Zealand, 5 – 10 December 2012	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements of Minor Assistance category
14. Hawkesbury District Health Services	MA	Purchase Christmas lights for community event	✓	✓	✓	✓	✓	✓	n/a	✓	500	500	Meets requirements of Minor Assistance category
15. Bowen Mountain Association	ES	Bowen Mountain Community Arts Festival	✓	✓	✓	✓	✓	✓	✓	✓	500	500	Meets requirements of 3 Year Event Sponsorship category
16. Heather Minch Art Workshops St Albans	MA	Art workshops at St Albans for community members	✓	✓	✓	✓	✓	✓	n/a	✓	500	500	Meets requirements of Minor Assistance category
(1)	MA = Minor Assistance	TOTAL	✓	✓	✓	✓	✓	✓	✓	✓	4785	4785	
ES = 3 Year Event Sponsorship SG = Seeding Grant CF = Access to Community Facilities ICF= Improvement to Community Facilities													

oooO END OF REPORT Oooo



**Item: 220 CP - Delegations and Independent Reviews of Local Environmental Plan-Making Decisions - (95498)**

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**REPORT:**

**Executive Summary**

On 29 October 2012 the Department of Planning and Infrastructure issued a Planning Circular advising councils and the public about new delegations and independent reviews related to plan-making under Part 3 of the *Environmental Planning and Assessment Act 1979*. Subsequently the Minister for Planning and Infrastructure, The Hon Brad Hazzard MP, wrote to all councils requesting that councils advise the Director-General whether the delegations are accepted. Copies of the Circular and letter are attached to this report.

The delegations proposed will enable Council, following the issue of a Gateway Determination, to finalise the planning proposal without the need to refer the matter back to the Department or Director-General. This report briefly outlines the matters that would be delegated and recommends the acceptance of the delegations and the conditional sub-delegation to the General Manager.

**Consultation**

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

**Background**

There are two changes to Part 3 (Plan making) of the *Environmental Planning and Assessment Act 1979* (the Act) which commenced on 2 November 2012. These changes are:

- Delegating the making of some local environmental plans (LEPs) to councils, and
- Allowing for independent reviews of some Council and Departmental decisions in the plan making process.

The Circular (Attachment 1) explains the changes in full. A summary of the delegation changes are as follows:

1. *to make - and determine not to make - an LEP under section 59(2) and (3) of the Act;*
2. *to defer inclusion of certain matters in an LEP under section 59(3), and*
3. *to identify which matters must be considered and which stages of the plan-making process must be carried out again prior to resubmission (section 59(4)) if the Council defers the proposal or is a matter deferred from the LEP.*

These delegations give councils the responsibility for LEPs of local significance and eliminate duplicative steps that are currently in the process. The delegations will operate on draft LEPs when a Written Authorisation to exercise those delegations is issued as part of the Gateway Determination for a Planning Proposal. When submitting the Planning Proposal Council will need to state whether it intends to exercise the delegation. Delegations will be issued routinely for the following types of LEPs:

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- *Mapping alterations;*
- *Section 73A matters (e.g. amending references to documents/agencies, minor errors and anomalies);*
- *reclassifications of land;*
- *heritage LEPs related to specific local heritage items supported by an Office of Environment and Heritage endorsed study;*
- *spot rezonings consistent with an endorsed strategy and/or surrounding zones, and*
- *other matters of local significance as determined by the Gateway.*

The Circular advises that the EP&A Act allows the Minister and the Director-General to delegate functions to a council and/or an officer or employee of a council and the delegation has been made under this section. Should Council accept the delegation it may sub-delegate the function, in accordance with Section 381 of the *Local Government Act 1993*, and the Circular suggests that if this is to be sub-delegated it would usually be to the General Manager or Director of Planning. Under the Act Council is unable to delegate directly to a member of staff, other than the General Manager. The General Manager could then sub-delegate to other staff, such as the Director.

Should the delegations be accepted the Director-General requires that when submitting a planning proposal to the Gateway advice as to whether the council or a sub-delegate (including the position and name of the officer) is to be used. The attached Circular contains more details regarding the operational details of the use of the delegations.

The changes to the Act also include the introduction of independent reviews of the Part 3 plan-making process, including:

- *Pre-gateway reviews. May be requested by a proponent before a planning proposal is submitted to the Gateway for determination. These would be informed by the JRPP or Planning Assessment Commission (PAC),*
- *Gateway reviews. May be requested by a Council or proponent following a Gateway Determination, but before community consultation on the proposal has commenced. These are informed by the PAC.*

These reviews would be undertaken by the Department and not by a council. However, it is worth noting that a review can be requested if a council has not forwarded a planning proposal for a Gateway Determination within 90 days of receipt of the application. The request for review, either by a council or a proponent, can also be when a Gateway Determination is made that:

- *The proposal should not proceed,*
- *the proposal should be resubmitted to the Gateway;*
- *imposes requirements (other than consultation requirements) or makes variations to the proposal that the Council or proponent thinks should be reconsidered.*

There is a fee for the request for review that varies depending on the type and scale of the matter.

### **Conformance to Community Strategic Plan**

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

- Maintain its independent identity and voice through strong local government and community institutions.
- A balanced set of decisions that integrate jobs, housing, infrastructure, heritage, and environment that incorporates sustainability principles.
- Have constructive and productive partnerships with residents, community groups and institutions.

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### Financial Implications

There are no financial implications applicable to this report. The ability for Council to make the final determination of these more straight forward matters has the potential to save staff time and processing times.

### RECOMMENDATION:

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.

### ATTACHMENTS:

- AT - 1** Planning Circular PS 12-006, Delegations and Independent Reviews of Plan-Making Decisions, dated 29 October 2012.
- AT - 2** Correspondence from Minister for Planning and Infrastructure, the Hon Brad Hazzard MP.

**AT - 1 Planning Circular PS 12-006 - Delegations and Independent****Reviews of Plan-Making Decisions, dated 29 October 2012**

Planning &  
Infrastructure

## PLANNING circular

### PLANNING SYSTEM

#### Plan-making reviews

<b>Circular</b>	PS 12-006
<b>Issued</b>	29 October 2012
<b>Related</b>	

# Delegations and independent reviews of plan-making decisions

The purpose of this circular is to advise councils and the public about new delegations and independent reviews related to plan-making under Part 3 of the *Environmental Planning and Assessment Act 1979*.

## Introduction

Two changes have been put in place to improve plan-making processes under Part 3 of the *Environmental Planning and Assessment Act 1979* (the Act). These changes come into effect on 2 November 2012 and will increase transparency, provide greater certainty, and increase councils' roles and responsibilities in plan making, by:

- delegating the making of some local environmental plans (LEPs) to councils, and
- allowing for independent reviews of some council and departmental decisions in the plan making process.

## LEP delegations

The making of some LEPs will now be delegated back to councils, in keeping with the government's commitment to return local planning powers to local councils and their communities.

The Minister has delegated the following plan-making powers to councils:

- to make – and determine not to make – an LEP under section 59(2), and (3) of the EP&A Act
- to defer inclusion of certain matters in an LEP under section 59(3) and
- to identify which matters must be considered and which stages of the plan-making process must be carried out again prior to resubmission (section 59(4)) if the council defers the proposal or if a matter is deferred from the LEP.

The changes will give local councils responsibility for LEPs of local significance and streamline the processing of their LEPs by removing duplicative steps in the making of these LEPs.

The delegations will operate in respect of a draft LEP on receipt by council of a Written Authorisation to Exercise Delegation (the Authorisation). The Authorisation will be issued to councils as part of the Gateway determination.

When submitting a planning proposal, councils will be required to identify whether they wish to exercise the Authorisation for each planning proposal.

Delegation will be routinely issued for particular types of LEPs (see below). However, any other draft LEP that the Gateway determines is of local significance will also be delegated to councils.

## LEPs to be routinely delegated

The following types of draft LEPs will routinely be delegated to councils to prepare and make following a Gateway determination that the planning proposal can proceed:

- mapping alterations
- section 73A matters (e.g. amending references to documents/agencies, minor errors and anomalies)
- reclassifications of land
- heritage LEPs related to specific local heritage items supported by an Office of Environment and Heritage endorsed study
- spot rezoning consistent with an endorsed strategy and/or surrounding zones, and
- other matters of local significance as determined by the Gateway.

## Issue of delegations

Section 23 of the Act allows the Minister and the Director-General to delegate functions to a council and/or an officer or employee of a council. The department has written to all councils advising that

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Department of Planning & Infrastructure – Planning Circular PS 12-006

plan making powers are to be delegated under section 23 of the Act. A council is to formally accept the delegation before the department will issue an Authorisation in respect of any individual draft LEP.

If a council chooses to accept the delegation, it may sub-delegate the function to an officer within council (usually the general manager or planning director) who will exercise the delegation. If a council chooses to sub-delegate the function, the council should advise the department at the same time it accepts the delegation. When submitting a planning proposal to the gateway a council should advise the department whether the council or an officer will be exercising the delegated function.

Section 381 of the *Local Government Act 1993* requires that such functions cannot be delegated to:

- a) the general manager, except with the approval of the council, or
- b) an employee of the council, except with the approval of the council and the general manager.

Councils must comply with the conditions of the Authorisation in exercising their delegation. If a condition of the Authorisation cannot be complied with council must not exercise the delegation and must advise the department immediately.

### Drafting and notifying delegated LEPs

Under section 59(1) of the Act the department currently requests the Office of the Parliamentary Counsel (PCO) to draft the legal instrument that gives effect to a planning proposal. However, when a planning proposal is delegated, the council will now deliver its instructions directly to PCO electronically. The council will concurrently copy the instructions to the department for monitoring and reporting only. The council will then deal directly with PCO to negotiate and agree the final wording of the instrument, prior to making the LEP.

When a plan is made, the department currently requests PCO to 'notify' the plan on the NSW Legislation webpage. The day the plan is notified on that webpage is the day the LEP becomes effective. This process will continue. When a council has made an LEP it will be forwarded to the department. The department will request notification through PCO and will record the dates of making by the council and notification on the NSW Legislation web page.

### Reporting requirements

Councils will be required to report to the department on processing times for delegated LEPs (e.g. exhibition dates, dates of council resolution and/or delegated decisions to proceed with the planning proposal after exhibition, request for drafting, making of plan, and forwarding to department to arrange notification).

A template for the reporting of this information has been prepared and is provided on the department's

website at <http://www.planning.nsw.gov.au/gateway-process>. Councils will be required to submit this completed template with each LEP at the time a request is made to the department to notify the plan. Councils are also required to provide written advice to the relevant regional office of the dates as they occur to ensure that the department's publicly accessible LEP Tracking System remains up to date.

### Independent Reviews

To increase transparency and accountability in the Part 3 plan-making process, the government has formalised two existing administrative review processes:

- **Pre-gateway reviews** – which may be requested by a proponent before a planning proposal has been submitted to the department for a Gateway determination. These reviews are informed by advice from joint regional planning panels (regional panels) or the Planning Assessment Commission (PAC), and
- **Gateway reviews** – which may be requested by a council or proponent following a Gateway determination, but before community consultation on the planning proposal has commenced. These reviews are informed by advice from the PAC.

These reviews will allow councils and proponents to have decisions in relation to proposed amendments to LEPs reconsidered, by providing an opportunity for an independent body to give advice on such proposals.

An amendment to the Environmental Planning and Assessment Regulation 2000 (the Regulation) has been made to require councils to notify proponents of certain matters and to charge proponents fees for reviews.

This circular provides a summary of the review mechanisms. Detailed guidance for councils and proponents is provided within *A guide to preparing local environmental plans*.

### Pre-Gateway reviews

#### When a review may be requested

If a proponent (e.g. developer, landowner) has requested that a council prepare a planning proposal for a proposed instrument, the proponent may ask for a pre-Gateway review if:

- a) the council has notified the proponent that the request to prepare a planning proposal is not supported, or
- b) the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information.

The Regulation requires councils to notify a proponent when the council determines that it will not prepare a planning proposal. The proponent of the proposed instrument then has 40 days to request that the

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relevant regional panel review the proposal. Where a council has not made a determination after 90 days, the proponent may request a review any time after the 90 days has lapsed.

*A guide to preparing local environmental plans* sets out lodgement requirements, including fees and information a proponent must provide to the department in order for a review to be undertaken. It also sets out strategic and site-specific eligibility criteria that must be met in order for a proposal to be eligible for review by the regional panel.

### Review and determination

The relevant regional panel will review all eligible proposals forwarded to it by the department. In the City of Sydney local government area, the PAC will undertake the review.

*A guide to preparing local environmental plans* sets out what matters the regional panel/PAC will take into consideration when reviewing the proposal.

The regional panel/PAC will provide advice on whether it would recommend to the Minister that the proposed instrument should be submitted for a determination under section 56 of the Act (Gateway determination).

The Minister's final decision will be informed by the regional panel's or PAC's advice, and the views of the department, council and proponent.

For proposals that are to proceed, further work may still be required by the proponent before the proposal complies with section 55 of the Act in relation to submitting a planning proposal for Gateway determination.

Further details on these procedures are outlined in *A guide to preparing local environmental plans*.

### Exclusions – Pre-Gateway Reviews

A proponent who has requested council to prepare a planning proposal prior to the date this circular was issued may seek a review if the supporting information accompanying the request is still current (i.e. less than two years old).

A review request accompanied by information that is more than two years old will not normally be considered.

### Gateway reviews

#### When a review may be requested

A council or proponent may request the Minister (or delegate) to alter a Gateway determination, when a Gateway determination is made that:

- the planning proposal should not proceed
- the planning proposal should be resubmitted to the Gateway, or
- imposes requirements (other than consultation requirements) or makes variations to the proposal that the council or proponent thinks should be reconsidered.

If the Gateway determination is either to not proceed or to resubmit the planning proposal, the council or proponent has 40 days from being notified by the department to request a review.

If the Gateway determination is to proceed with the planning proposal but imposes conditions that the council or proponent considers inappropriate, the council or proponent has 14 days from being notified by the department to indicate their intent to request a review. The council or proponent would then have 40 days to formally apply for a Gateway review.

*A guide to preparing local environmental plans* sets out lodgement requirements, including information the council or proponent must provide for a Gateway review to be undertaken.

### Review and determination

The PAC will provide advice on whether the original Gateway determination should be altered, giving consideration to the council or proponent's submission and the reasons given for the original Gateway determination.

The Minister's final decision on whether to alter the Gateway determination will be informed by the PAC's advice, and the views of the council and proponent.

Further details on these procedures are outlined in *A guide to preparing local environmental plans*.

### Further information

#### The Environmental Planning and Assessment

**Regulation 2000** has been amended to require councils to notify proponents of certain plan-making matters and to charge proponents fees for reviews. The regulation is called the Environmental Planning and Assessment Amendment (Reviews) Regulation 2012.

*A guide to preparing local environmental plans* provides advice on the various stages in the plan-making process including details of the stages for pre-Gateway reviews, the review of Gateway determinations and the delegation of plan-making functions to councils. The guide has been updated throughout with the main changes relating to:

- delegation procedures
- guidance on the plan making process
- guidance on the procedures for independent review.

*A guide to preparing planning proposals*, issued under section 55(3) of the Act, provides advice on the preparation and content of planning proposals. The guide has been updated throughout with the main changes relating to:

- guidance on the level of information to be required for planning proposals together with the inclusion of an information checklist for planning proposals
- advice regarding pre-lodgement meetings

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- the introduction of 'part 6 – project timeline' and discussion of requirements and procedures
- guidance on mapping requirements and procedures.

Copies of the Environmental Planning and Assessment Regulation 2000 are available online at <http://www.legislation.nsw.gov.au>.

Copies of *A guide to preparing local environmental plans* and *A guide to preparing planning proposals* are available on the department's website <http://www.planning.nsw.gov.au>.

The department has developed a number of template documents to assist councils preparing delegated LEPs. Councils will be able to access these templates and use them to ensure that the key statutory requirements of the plan-making process have been complied with. These templates are available for download from the department's website at: <http://www.planning.nsw.gov.au/gateway-process>

For further information please contact the Department of Planning & Infrastructure's information centre on 1300 305 695.

Department of Planning & Infrastructure circulars are available from <http://www.planning.nsw.gov.au/circulars>

**Authorised by:**

**Sam Haddad**  
**Director-General**

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**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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**AT - 2 Correspondence from Minister for Planning and Infrastructure,  
the Hon Brad Hazzard MP**



**The Hon Brad Hazzard MP**  
Minister for Planning and Infrastructure  
Minister Assisting the Premier on Infrastructure NSW

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

Hawkesbury City Council

31 OCT 2012

Dear Mr Jackson,

In April 2012 the NSW Government called for public submissions on a draft policy statement to improve the local plan making process by returning local planning decisions to local councils and their communities, and by making the process more accountable. The proposed changes included formalising the existing statutory arrangements for two reviews within the plan making process (at both the pre and post Gateway determination stage) and introducing delegations to local government to make plans in certain circumstances.

Having considered the submissions received by the Department of Planning & Infrastructure, I now propose to introduce the changes. I note that in their reports released last month the Chairs of the Independent Review into the NSW planning system, the Hon Tim Moore and the Hon Ron Dyer, recommended that the reviews be implemented. The changes will commence on 1 September 2012.

To implement the new policy I have delegated to councils all my functions under section 59 of the *Environmental Planning and Assessment Act, 1979* for the making of Local Environmental Plans (LEPs). The delegations will operate in respect of draft LEPs for local matters where council receives an authorisation following the Gateway determination. For the first time councils will be fully empowered to complete the plan making process for these LEPs.

The Director General of the department has issued planning circular PS 12-006 about the two new reviews and the delegations. Delegations will routinely be issued for particular types of draft LEPs and these are specified in the circular. However, other types of draft LEPs will also be delegated to councils if the Gateway determines that the draft LEP is a local matter and that council should make the LEP.

To be able to exercise these delegations, your council must write to the department advising that they are accepted. Councils are also requested in their response to nominate the officers or employee of council who will be granted the proposed delegation. The name and position of the employee is required.

Council is reminded that the provisions of Section 381 of the *Local Government Act, 1993* require that such functions cannot be delegated to:



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- a) The general manager, except with the approval of the council; or
- b) An employee of the council, except with the approval of the council and the general manager.

Further information on the administrative procedures for the various stages of the plan making process for delegated draft LEPs are available on the department's website at: <http://www.planning.nsw.gov.au/lep-practice-notes-and-planning-circulars>

Council is asked to respond to this letter advising if it wishes to accept the delegation and identify the nominated council officers by Friday 30<sup>th</sup> November, 2012.

If you require any further information on this matter, I have arranged for Mr Neil Selmon, Director Planning Operations Coordination to respond. Mr Selmon may be contacted on (02) 9228 6259 or at [Neil.Selmon@planning.nsw.gov.au](mailto:Neil.Selmon@planning.nsw.gov.au).

Yours sincerely



**HON BRAD HAZZARD MP**  
Minister

oooO END OF REPORT Oooo

**Item: 221 CP - Establishment of a Combined Waste and Sustainability Advisory Committee - (95498)**

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**REPORT:**

**Executive Summary**

On 13 November 2012 Council considered a Notice of Motion to establish a Sustainability Advisory Committee. Rather than establish another committee Council called for a report on the possible expansion of the existing Waste Management Advisory Committee to incorporate the proposed Sustainability Advisory Committee principles.

This report considers the existing objectives of the Waste Management Advisory Committee and the principles of a Sustainability Committee and recommends that the existing Waste Management Advisory Committee be amended to incorporate objects of a Sustainability Advisory Committee, that the title of the committee be changed to "Waste and Sustainability Advisory Committee" and that the constitution of some other committees be amended to include a sustainability objective into their existing constitutions.

**Consultation**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. However, should the Council resolve to expand the objectives of the Waste Management Advisory Committee it is recommended that the membership be re-advertised to reflect the expanded function of that committee.

**Background**

On 13 November 2012 Council resolved, following the consideration of the Notice of Motion, the following:

*"That a report be submitted to Council regarding the possible establishment of a Sustainability Advisory Committee or expansion of the Waste Management Advisory Committee, such report to address issues such as appropriate functions and objectives, membership, meeting frequency, etc."*

The background to the Notice of Motion outlined the following:

*"This would be an advisory committee which would work with Council to promote sustainable practices and reduce the ecological footprint of the Hawkesbury LGA."*

*The aim would be to assist Council to integrate environmental sustainability into Council policies, plans and operations and promote sustainable practices in the community and particularly to fulfil the intent contained within strategic documents (e.g. CSP 'Caring for our Environment')."*

*Some of the objectives of the proposed Committee, which could be further addressed in the proposed report, would be;*

- 1) To assist in the achievement of the key environmental goals contained in Council's Community Strategic Plan.*
- 2) To facilitate information-sharing, education and support necessary for informed action on sustainability throughout the community.*
- 3) To maximise resource reduction, reuse and recycling.*
- 4) To establish and maintain natural resource management (NRM) networks.*
- 5) To support and progress an active volunteer network for NRM and sustainable activities.*
- 6) To engage the community in the development and implementation of sustainability initiatives and activities."*

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In June 2011 there was discussion at the Waste Management Advisory Committee (WMAC) meeting, in general discussion, about the diversity of issues discussed by the Committee and suggestions were made that the Committee could be re-named to "Sustainable Living Advisory Committee". Further suggestions included "Waste and Risk Advisory Committee" and "Waste Resource Advisory Committee". However, there were concerns raised by some members that this could distract the Committee from the principle purpose of achieving a target of 66% reduction in waste to landfill. As a result the matter was not considered further and a report on this change was not requested by the committee.

The current WMAC Objectives in the current Constitution are as follows:

- a) *To advise Council about information, research and analysis required to provide future options for waste management for our city.*
- b) *To recommend to Council preferred options for our future waste management strategies, systems and technologies.*
- c) *To liaise with local communities on waste management issues, to ensure that the community's views are included in the decision making processes of Council.*
- d) *To liaise with neighbouring Councils and government agencies, to ensure the best outcomes of any considered strategies, systems and technologies.*
- e) *To advise Council about public awareness strategies and to act on Council's behalf to implement these strategies as required.*

Over the last 12 - 18 months the existing WMAC has discussed or taken various actions that would be consistent with the following proposed objectives from the Notice of Motion as follows:

- 2) *To facilitate information-sharing, education and support necessary for informed action on sustainability throughout the community.*
- 3) *To maximise resource reduction, reuse and recycling.*
- 6) *To engage the community in the development and implementation of sustainability initiatives and activities.*

This has been principally via the Waste Education Officer funded through the Waste & Sustainability Improvement Program (WaSIP). A number of other sustainability education actions undertaken by the education officer are also funded through WaSIP, e.g., the Sustainable Living link and pages on Council's website.

The WMAC constitution could readily be amended to include the above objectives 2), 3) and 6). Similarly objective 1) from the Notice of Motion above could be included into a modified WMAC and, all existing Council Committee constitutions as it would be consistent with the intent of the Community Strategic Plan (CSP). This would be in a similar manner to the re-focusing of the previous Community Planning Advisory Committee to the Human Services Committee over the last 12 months so that the Committee was more aligned to the Directions in the CSP and could assist staff in implementing those directions.

The natural resource management (NRM) objectives (objectives 4 & 5 of the Notice of Motion background) could also be incorporated into the WMAC objectives so that this Committee can assist in the formation of Policy in these areas. However, the implementation of these objectives would also need to be incorporated into operational documents of Council that are not in the traditional area for this Committee.

Similarly the objective "*To support and progress an active volunteer network for NRM and sustainable activities*" may be more appropriate to be included into the constitution of other Council committees as well, such as the Human Services Advisory Committee, as this objective seems to span a number of areas.

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The intention and objectives for a sustainability committee are supported as they are generally consistent with the Directions and Strategies of the CSP. However, there is merit in Council consolidating the number of Committees that are operated as too many committees can result in a significant time constraint for the staff servicing those committees and also there is difficulty ensuring that each of those committees has a full understanding of what the other committees are doing. There are cases where some of the existing committees are unknowingly proposing tasks that double up on existing actions, may get too involved in day to day operational issues or the proposed actions are conflicting with other committees or the Council adopted Delivery and Operational Plans.

### Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together and Caring for Our Environment Directions statements;

- Have transparent, accountable and respected leadership and an engaged community.
- Take active steps to encourage lifestyle choices that minimise our ecological footprint.

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

- Develop and implement waste and recycling strategies.
- Encourage and educate the community to care for their environment.

### Financial Implications

No financial implications are applicable to this report. However, there would be resource savings in the combining of committees rather than the setting up of a separate committee.

### RECOMMENDATION:

That:

1. The Waste Management Advisory Committee be renamed "Waste and Sustainability Advisory Committee.
2. The Constitution objectives of the Waste and Sustainability Advisory Committee be the following:
  - a) *To assist in the strategic application of Council's Sustainability Principles and Objectives and achievement of the key environmental goals contained in Council's Community Strategic Plan.*
  - b) *To facilitate information-sharing, education and support necessary for informed action on sustainability throughout the community.*
  - c) *To strategically advise Council about information, research and analysis required to provide future options for waste and resource management for our city.*
  - d) *To recommend to Council preferred strategic options for our future waste and resource management strategies, systems and technologies so that resource reduction, reuse and recycling is maximised.*
  - e) *To advise Council on strategic actions to engage the community in the development and implementation of sustainability initiatives, activities and waste management issues, with the aim to make the Hawkesbury and its residents live more sustainably.*

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- f) *To advise Council about public awareness strategies.*
- g) *To support and progress an active volunteer network for NRM and sustainable activities.*
- 3. Expressions of Interest for the community membership for the Waste and Sustainability Advisory Committee be re-advertised to reflect the renaming, revised Objectives and expansion of this Committee.
- 4. The Objective "*To assist in the application of Council's Sustainability Principles and Objectives contained in Council's Community Strategic Plan*" be included into the constitutions of the Floodplain Risk Management Advisory Committee, Human Services Advisory Committee and Heritage Advisory Committee.
- 5. The Objective "*To support and progress an active volunteer network for natural resource management and other sustainable activities*" be incorporated into the constitution of the Human Services Advisory Committee.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 11 December 2012

**Item: 222** CP - Planning Proposal to Rezone 77 - 87 Bells Line Of Road, Kurrajong - (95498)

**Previous Item:** 279, Ordinary (13 December 2011)

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### REPORT:

#### Executive Summary

This report was considered at the Council meeting of 27 November 2012 where the Council resolved the following:

*"That the matter be deferred to the next Ordinary Council Meeting on 11 December 2012."*

The following report is the same report that was considered at the 27 November 2012 meeting.

On 13 December 2011 Council resolved as follows:

*"That:*

1. *A Planning Proposal to rezone the subject land at Nos. 77 - 87 Old Bells Line of Road, Kurrajong from Housing to Business General 3(a) under Hawkesbury Local Environmental Plan 1989 be prepared in the correct format and in accordance with this report and forwarded to the Minister for Planning and Infrastructure seeking a Gateway Determination.*
2. *Upon receipt of notification of the Gateway Determination to proceed, Council consult the public authorities and the public on the Planning Proposal in accordance with the requirements of the Gateway Determination and the Environmental Planning and Assessment Act, 1979."*

The purpose of this report is to advise Council of the public authority consultation and public exhibition of the Planning Proposal and recommend that the Planning Proposal be forwarded to the Department of Planning & Infrastructure (DP & I) for the making of the Plan.

#### Background

In December 2011 a planning proposal seeking rezoning of the subject land to Business General 3(a) under the now repealed Hawkesbury Local Environmental Plan 1989 (HLEP 1989) or the equivalent B1 Neighbourhood Centre under the then draft Hawkesbury Local Environmental Plan 2011 (now Hawkesbury Local Environmental Plan 2012) was received from Falson and Associates Pty Ltd.

The submissions received from the public and the relevant public authorities on the Planning Proposal referred to both Business General 3(a) and the equivalent B1 Neighbourhood Centre. As HLEP 1989 is now repealed and Hawkesbury Local Environmental Plan 2012 (the LEP) is now in force, this report refers only to B1 Neighbourhood Centre zone in order to avoid confusion.

#### Consultation

On 20 December 2011 the Planning Proposal was forwarded to DP & I for a "gateway determination" pursuant to Section 56 of the *Environmental Planning Assessment Act, 1979* (the Act). The DP & I subsequently advised Council on 23 February 2012 that Council may proceed with the Planning Proposal subject to the following conditions (see Attachment 1 to this report):-

1. *Council proceed with the Planning Proposal as an amendment to both the Hawkesbury LEP 1989, rezoning the subject land to Business General 3(a) and amendment to Council principal LEP, rezoning the land to B1 Neighbourhood Centre.*

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2. Council must consult the following public authorities under section 56(2)(d) of the Act, and take into account any comments made, prior to public exhibition of the Planning Proposal:

- NSW Rural Fire Service
- Transport for NSW – Roads and Maritime Services

*Each public Authority is to be provided with a copy of the Planning Proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the Planning Proposal.*

3. Community consultation must be undertaken under sections 56 (2)(c) and 57 of the Act, and the Planning Proposal must be made publicly available for 14 days. Council 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 the planning proposal as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

In accordance with the relevant statutory and the “gateway determination” requirements the relevant public authorities and the community were consulted on the Planning Proposal and the outcome of the consultation is explained below.

### **Consultation with Public Authorities**

NSW Rural Fire Service and Transport for NSW - Roads and Maritime Services were consulted and submissions were received from both the authorities. The submissions raised no objection to the Planning Proposal other than certain matters to be considered by Council. These issues are outlined below.

The NSW Rural Fire Service advised that Council should take a strategic approach to bushfire protection by considering zoning of the land to reflect the risk posed to the proposed land use. With respect to this matter Council should ensure appropriate access, water and utility services is available to the lots. The site has access to the required public infrastructure, and Council will require any future development on the subject land to comply with the requirements of Section 79BA of the Act, Section 100B of the *Rural Fires Act 1997*, and the principles of *Planning for Bushfire Protection 2006*.

Roads and Maritime Services (RMS) advised that Council should extend Lenords Lane to provide access to properties at 46 - 62 Old Bells Lines of Road that are currently accessing Old Bells Line of Road. This issue is not directly related to the Planning Proposal and Council would need to consider the matter separately in consultation with the affected property owners and other relevant stakeholders. However, the matter of access to the rear of the subject properties, 77 - 87 Old Bells Line of Road, to improve access and parking in the locality may be appropriate to discuss with the landowners.

The submissions do not warrant any amendments to the Planning Proposal.

### **Community Consultation**

The Planning Proposal and the supporting documentation were placed on the public exhibition at the Council offices, 366 George Street, Windsor for the period Friday 3 August 2012 to Friday 17 August 2012.

Five submissions were received from the public, and all the submissions raising various issues and concerns opposed to the Planning Proposal. Some of the issues such as appeal against Council refusal, rear lane access, legitimacy and the duration of the current land uses on the land and the lack of total compliance with conditions of consent in the past approvals with respect to on-site parking are not directly related to the determination of the Planning Proposal, but rather are development consent matters and are therefore not addressed in this report. Areas of non-compliance with existing development consents will be investigated separately.

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The following section is a summary of the issues raised in the submissions relevant to the Planning Proposal together with assessment comments after each issue:

### 1. Lack of Consultation and Transparency

#### Submission Issues

- *There was no adequate information in the exhibited Planning Proposal.*
- *Council may have supported this proposal at its meeting of 13 December 2011. Why the public was not consulted or invited for the meeting?*
- *Not aware any consultation undertaken with the community to find out their needs and what might be in the interests of Kurrajong by Council.*
- *Although being one of the adjoining owners I was not aware about this proposal until I was advised by Council's letter dated 31 July 2012.*
- *No community-wide consultation was undertaken other than a perfunctory consultation.*

#### Comment

The exhibited Planning Proposal was prepared in accordance with the relevant statutory requirements and the DP & I's 'A guide to preparing planning proposals' (the guidelines). The information contained in the Planning Proposal and other supporting documentation was adequate and consistent with the required information to be exhibited for community consultation.

The purpose of the exhibition of the Planning Proposal was to consult the community on the proposal and consider any submissions received concerning the proposed rezoning prior to its determination by Council. Business owners, property owners and occupiers in the Kurrajong Village Centre who are directly affected and likely to be affected by the planning proposal were notified in writing and a public advertisement inviting the community's comments on the proposal was also placed in the Courier newspaper on 2 August 2012. This approach is totally consistent with Section 57 the *Environmental Planning Assessment Act, 1979* and the public consultation requirements of the guidelines. The public consultation, apart from the Legislation requirements, is also undertaken in this order so that the public consultation is only undertaken after consideration by Council and the DP & I that the proposal is worth pursuing. If the Council and DP & I do not support the proposal in principle then it does not progress further and there is no need for community consultation.

### 2. Inappropriate Zoning and Loss of Character

#### Submission Issues

The submissions have made the following comments:

- *The application states the proposed B1 Neighbourhood Centre zone is the most appropriate zone for the site as this zone is consistent with the existing commercial zoned properties on the opposite side of Bells Line of Road. This statement is unjustifiable because this zone permits animal boarding or training establishments, bulky goods premises, general commercial premises, heliports, multi-unit housing and shop top housing that are excessive, out of character and inappropriate for a village like Kurrajong. This level of commercial zone is appropriate for town centres like North Richmond, Richmond and Windsor.*



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- The application states that tourism related activities in Hawkesbury is generally a higher than the average of the Hawkesbury region, and such activities in Kurrajong is higher than in most of the other areas within Hawkesbury. Rezoning of the land to a commercial zone would recognise and promote these tourism related activities in Kurrajong. Although it is agreed with the statement in principle, the proposed rezoning is unwarranted because it will allow inappropriate development on the land.*
- After 50 years time there might be obvious reasons to rezone the land to a higher level business zone, but in this time there is no justification what-so-ever to rezone the land to B1 Neighbourhood Centre zone.*
- Should the site be rezoned to allow redevelopment of the land for future commercial purposes, all tourism opportunities will be lost and Kurrajong will just be another rural village with no reason for tourists or visitors to visit the village.*

### Comment

The subject properties are somewhat constrained due to their relatively small area, steep topography, limited vehicular access, limited reticulated water and no current provision for reticulated sewage and isolation from the main population, business and transport centres of the Hawkesbury. The proposed B1 Neighbourhood Centre zone is in the same zone that currently applies to the land on the opposite side of Old Bells Line of Road. Whilst the zone may allow a broader range of uses the type of development proposed would be governed by market economic forces and the development assessment process would take the site constraints, scale and design into account. The permissibility of a use in the zone does not guarantee an approval in the development assessment process.

The Draft North West Subregional Strategy (NWSS) identifies 11 business/retail centres within the Hawkesbury LGA and Kurrajong is identified as a Neighbourhood Centre (Rural) as shown in Table 1 below. Given all the business/retail cores of these centres (other than Windsor and Richmond) in the LGA are zoned as B1 Neighbourhood Centre the proposal to rezone of the subject land, which forms part of the existing business/retail core of Kurrajong Neighbourhood Centre, to B1 Neighbourhood Centre to allow a range of small-scale commercial uses on the land and strengthen Kurrajong's position as a rural neighbourhood centre is consistent with the centre typology in draft NWSS.

Table 1: Business/Retail Centres in Hawkesbury LGA.

NWSS Centre Type	Suburb	LEP 2012 Zoning
Town Centre	Windsor and Richmond	B2 Local Centre
Village	North Richmond	B1 Neighbourhood Centre
Small Village	South Windsor	B1 Neighbourhood Centre
Neighbourhood Centre (urban)	Bligh Park and Hobartville	B1 Neighbourhood Centre
Neighbourhood Centre (rural)	Glossodia, Kurmond, Kurrajong, Pitt Town, Wilberforce	B1 Neighbourhood Centre

The objectives of B1 Neighbourhood Centre zone in the LEP are to provide a range of small-scale retail, business and community uses to meet the needs of people who live or work in the surrounding neighbourhood and promote development and expansion of business activities to meet the optimum employment and social needs of Hawkesbury. Therefore the Planning Proposal is also consistent with these objectives. Also given the site forms part of the existing business/retail core of Kurrajong and has been occupied by a number of business/retail uses for many years and the lack of appropriately and adequately zoned land for the future expansion of the retail core, the proposed B1 Neighbourhood Centre zone allowing continued and improved use of the land for a commercial purpose is considered the most appropriate zone for the site.

Future development of the land with appropriate mix of tourism related land uses permitted in the B1 Neighbourhood Centre zone such as backpackers' accommodation, bed and breakfast accommodation, boarding houses, business premises, food and drink premises, neighbourhood shops, restaurants and cafes, take away food and drink premises and tourist and visitor accommodation would be able to capitalise on the distinctive natural and historic character of Kurrajong to revitalize its image as one of the most popular tourist destinations in the Hawkesbury Region.

### **3. Masterplan for Kurrajong Village**

#### **Submission Issues**

- *There are no formal strategic plans developed for Kurrajong either by Council or the State Government. Development of a suitable masterplan reflecting the best interest of the local community and the village and taking the current deficiencies such as the lack of footpaths, parking, access roads, reticulated water system into the consideration is vital for the improvement of the image of Kurrajong as a tourist destination.*
- *The vacant property with a magnificent scenic view is ideal for redevelopment for a tourist information centre with a refreshment room/restaurant and limited tourist accommodation to encourage tourists to stay in the village longer.*
- *Future development on the land is to be single storey.*

#### **Comment**

It is agreed with the submission author's statement that there is no masterplan in place for guiding future development within the Kurrajong neighbourhood centre. However, Council would be able to utilise key directions, criteria and guidelines specified for neighbourhood centres in the draft NWSS when Council is determining planning proposals within neighbourhood centres in the LGA.

Council also would be able to determine the suitability of future development proposals for the vacant land and how it would help assist to improve the existing services to the local community and the Kurrajong neighbourhood centre's image as a tourist destination whilst retaining existing character consistent with the draft NWSS.

The bulk and scale of future development is a development application matter and, apart from building height, no need to consider when determining the Planning Proposal.

### **4. Loss of Scenic View and Tranquillity**

#### **Submission Issues**

- *The scenic value cannot be underestimated as the site contributes to the spectacular 180 panoramic view over the Hawkesbury/Cumberland Plain stretching to the Coast. The stunning uninterrupted scenic view coupled with tranquillity of the locality attracting many tourists and visitors into Kurrajong would be lost if the properties develop for future commercial purpose. Then there is no reason for visitors or tourists to visit Kurrajong. This will have adverse impacts on many of the current small businesses in the village. Therefore this scenic view and tranquillity needs to be preserved for future generation at all cost.*

#### **Comment**

This is a development application matter and therefore not an issue for consideration under the Planning Proposal. Any future development proposal will need to consider the village character and scenic significance of any site and that would then be assessed as part of the development application assessment.

**5. Loss of Flora and Fauna****Submission Issues**

- The application states that there are no flora and fauna on the site. This statement is incorrect and misleading. Well grown extensive vegetation with a mix of both native and introduced species are on the rear of the subject properties, particularly along the rear boundaries of 81, 83 and 87 Old Bells Line of Road. The proposed zoning will allow developers to remove the existing vegetation without Council consent. The loss of vegetation would not only affect numerous animal species including various bird species, Possums, small Marsupials and reptile species predominantly Blue Tongues, large Skink Lizards and very unusual type of species like Gecko but also adversely affect the rural character of Kurrajong.*

**Comment**

At the time of Council receiving the submission HLEP 1989 was in force. HLEP 1989 was repealed on 21 September 2012 when LEP 2012 commenced.

The preservation of trees and vegetation throughout the LGA is dealt with by Clause 5.9 of LEP 2012 and the Preservation of Trees and Vegetation chapter of the DCP. In terms of the subject site, in certain circumstances the removal of mature vegetation (i.e. any tree with a height greater than 4m, or a branch spread greater than 3m, or a trunk circumference greater than 500mm at 1m above ground level) or native vegetation from the subject lands would require consent from Council regardless of the proposed change in zone.

**6. Loss of Visual and Acoustic Privacy****Submission Issues**

- The Planning Proposal will adversely affect the visual and acoustic privacy of the adjoining residential properties.*

**Comment**

This is a development application matter and it has no influence in the determination of the proposal.

**7. Stormwater Runoff****Submission Issues**

- The application states that stormwater runoff will be directed to existing street drainage. However it is very unlikely all stormwater runoff can be successfully directed to the existing street drainage system.*

**Comment**

The site is sloping away from Old Bells Line of Road and towards the rear of the site and future increased development activities on the land would likely increase the volume of water runoff into the street drainage system. This matter will be adequately and appropriately dealt with when Council assesses future development applications for the site.

**8. Historical Significance****Submission Issues**

- The historical significance of 85 Old Bells Line of Road may be adversely affected by the future redevelopment of the site for commercial purpose.*

**Comment**

Schedule 5 Environmental Heritage of LEP 2012 does not list 85 Old Bells Line of Road as a heritage item. There is no other information available to confirm the historical significance of this property.

**9. Public Infrastructure****Submission Issues**

- *The application indicates that the site has a reasonable access to the required public infrastructure but some local augmentation of supply of these services might be required to redevelop the land for future commercial purposes. This is not totally correct. The current reticulated water supply capacity in the village has been at its peak for many years, and that is the reason all properties on Timms Hill Road have in-ground rainwater tanks as their own source of water, and are not connected to the reticulated system. Further small pipes used in the current water supply system in Kurrajong are incapable of dealing with increased demand in the locality and therefore future development of the site will require a major upgrade to the existing system.*

**Comment**

This is a matter for future development applications whereby applicants would need to demonstrate satisfactory arrangements for services. This is dealt with by Section 6.7 of the LEP 2012 which states the following:

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:*

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable road access.*

The above Clause must be satisfied when assessing any development application.

**10. Need for the Planning Proposal****Submission Issues**

- *The application states that there are no development plans for the subject area. If so why is this planning proposal being submitted? Did Council reject a development application for development of 87 Old Bells Line of Road for a shopping centre in 2010, and is this the reason for proposed rezoning?*
- *If Council proceed with the planning proposal to legitimise current land uses, 87 Old Bells Line of Road be excluded as there is no justification for that vacant land to be legitimised.*
- *Although the application states that it is merely to legitimise present land uses it appears that the owners intend to expand the current uses with a future possible rear access laneway.*
- *One of the justifications for the planning proposal is to legitimise the current land uses. This is unwarranted because the current land uses are operating freely under the current zoning. The main aim of the proposal is to allow development of the vacant property for retail/business uses.*

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- *The application states that the proposal is partly the result of the Hawkesbury Employment Land Strategy but mainly in response to the lack of adequate commercial facilities in Kurrajong to meet the needs of the locals and tourists. This statement is misleading as the current supply exceeds the demand. One of the subject properties is currently vacant for sometime and other two shops in the existing commercial centre are also vacant for more than 12 months. As the current businesses in Kurrajong are struggling they do not need more competition.*
- *The rezoning application acknowledges Kurrajong is a village and is not included in the Sydney Metropolitan Strategy and the North-West Growth Centre. There is no other technical or legal requirement to rezone the subject site to Business General 3(a) or the equivalent B1 Neighbourhood Centre zone. How can this rezoning be justified?*
- *Defer this proposal until there is a demonstrated need for further development. A rezoning proposal in association with a development proposal, for which the merits or otherwise can be properly assessed.*
- *The application indicates that the growth in bed and breakfast accommodation in the locality reflects the increased tourist activities in Kurrajong. This is a vague statement with no factual data. The business premises at 81 Old Bells Line of Road which was previously used as a bed and breakfast accommodation is now vacant and on sale.*

### Comment

As previously mentioned the main aim of the planning proposal is to rezone the land to B1 Neighbourhood Centre to realise the existing commercial uses on the land and enable future increased use of the land including development of the vacant property at 87 Bells Line of Road for commercial purposes. This is to enable improved commercial activities with a number of new and additional business/retail activities within the neighbourhood centre to meet the varying needs of the local community and tourists and promote Kurrajong as one of the popular tourist destinations in the Hawkesbury region. Council has not received any development applications for 87 Old Bells Line of Road other than very preliminary discussions with the owner of the property.

Recent staff investigations reveal that all commercial premises within the Kurrajong neighbourhood centre are currently occupied by various business uses except for 81 Old Bells Line of Road which is vacant and for sale and 77 Old Bells Line of Road is not open for business purposes. Other than these two vacant properties there is no strong and clear evidence to support the submission author's claim that the current supply exceeds the demand in Kurrajong Neighbourhood Centre. Today the retail industry is generally not strong and the retail activities in Kurrajong are no exception.

Kurrajong is identified as a 'Neighbourhood Centre (Rural)' in the draft NWSS. Given the site (except the vacant property at 87 Old Bells Line of Road) has been used for business/retail purposes for many years and forms part of the existing business/retail core of Kurrajong Neighbourhood Centre the Planning Proposal seeking rezoning of the land to legitimise the existing commercial uses on the land and allow future increased use of the land for commercial purposes to meet the varying needs of the local community and tourists and strengthen the centre's image as one of the popular tourist destinations is justifiable.

The Planning Proposal does not involve a major rezoning and the justification for the need of the Planning Proposal is adequate and satisfactory for the determination of the rezoning proposal. Also the 'gateway determination' on the planning proposal has not raised any issues or concerns on this matter.

It is agreed with the submission author, that the statement in the application claiming the growth in bed and breakfast accommodation in the locality reflects the increased tourist activities in Kurrajong needs correct factual data to support that claim.

**11. Ministerial Directions (section 117 Directions)****Submission Issues**

- *The inconsistencies with Ministerial Directions (section 117 Directions) referred to in the proposal need to be addressed appropriately.*

**Comment**

The Planning Proposal is consistent with all the relevant section 117 Directions (other than a minor inconsistency with the Direction 3.1 Residential Zones). This inconsistency has been adequately and appropriately justified in the planning proposal and the 'gateway determination' received from DP & I authorising to proceed with the planning proposal also acknowledged that this as a minor inconsistency and advised no further approval is required in relation to this direction.

**12. Community benefits****Submission Issues**

- *The application indicates that the planning proposal would make a positive social impact by providing additional job opportunities for the local community. This is just an expectation and cannot be realised because the current businesses in Kurrajong are struggling to survive and the future additional commercial outlets will worsen the situation.*
- *The application indicates that future redevelopment of the site would provide various shops closer to the existing residential area and thereby help reduce private vehicle usage. It is very unlikely that future redevelopment of the site will induce residents to do all the shopping activities in Kurrajong unless the construction of a major shopping centre like Westfield in Kurrajong which would completely destroy the existing character, businesses and tourism opportunities in Kurrajong.*
- *The proposal provides no evidence of any community benefits other than some vague and unsubstantiated statements. With no proper details about the future development on the land the increased employment opportunities in Kurrajong referred to in the application are mere speculation.*

**Comment**

The Planning Proposal seeking the increased use of the land including the development of the vacant land at 87 Old Bells Line of Road would enable future additional business/retail area on the land and thereby this would likely create more local business and job opportunities.

Kurrajong is a neighbourhood centre containing a range of small-scale business/retail premises and local services and it expects to serve the day-to-day needs of the local population, visitors and tourists. The future increase of business/retail activities on the land is likely to assist the existing retail/business services, and provide more variety of local retail shops, businesses and services in the neighbourhood centre to meet the varying demands of the local community and visitors. This is then more likely to reduce travel demand and vehicle usage. Major shopping centres like Westfield referred to in the submission serving immediate subregional population will not be developed in a rural neighbourhood centre due to the small population catchment.

The level of information contained in the Planning Proposal with respect to community benefits is considered adequate for a planning proposal not seeking a major rezoning.

**13. Economic Impact****Submission Issues**

- *Possible impacts of additional retail/business area on existing businesses in Kurrajong are not addressed in the application. A statement indicating that there would be no adverse economic impacts on existing businesses and the additional commercial outlets would make Kurrajong more attractive to both tourists and locals is incorrect. There is an oversupply of commercial outlets in Kurrajong, and some of them are underutilised. The existing restaurant at No 85 Bells Line of Road is opened for businesses only in evenings. Other than the Australia Post shop all the other businesses are struggling. Also a significant retail development as previously proposed by Bencorp would adversely affect the long-term viability of existing businesses in Kurrajong.*
- *The application states that the planning proposal seeking formalisation of the zoning of the land is considered to be of minor significance and therefore it does not warrant the preparation of a specific retail study. This statement is illogical. The current business Sassafras CK on 85 Old Bells Line of Road is a relatively new development, and also there was a proposal to develop the vacant block as a major retail development. Therefore the planning proposal should not be considered without a detailed retail study.*
- *The application suggests that the rezoning will lead to improved retail/commercial services in Kurrajong with no explanation on the current gaps of services/facilities and how these might be met.*
- *The application claims the proposed rezoning will ensure the viability of the Kurrajong Neighbourhood Centre. Where is the evidence to support this claim?*
- *The main potential beneficiaries of this proposal are the current owners of the subject properties, and this needs to be taken into consideration when the proposal is determined.*
- *Many of the businesses in the village oppose to this proposal as it has the potential to affect the existing businesses.*

**Comment**

The Planning Proposal is not a major rezoning and the likely yield of additional commercial floor area on the land does not warrant a detailed retail study. The information provided on the current business/retail environment within the neighbourhood is adequate for the determination of the proposal. The 'gateway determination' received with respect to the Planning Proposal from DP & I did not require the submission of a retail study. If required the applicant may be advised to provide an economic impact statement or a retail study for future development applications for business/retail premises on the land.

All the premises within the neighbourhood centre (other than 77 and 81 Old Bells Line of Road) within the Kurrajong Neighbourhood Centre are currently occupied by various business/retail uses and there is no substantial evidence to support the submission author's claim that there is an oversupply of commercial outlets in Kurrajong, or that some of them are underutilised.

A retail study or an investigation would need to be undertaken to determine the viability of a town centre which is depended on a number of factors such as accessibility, diversity of uses (that is amount and location of floor space for different uses), vacancy rate, existing composition of retail uses, attractive trading environment and environmental quality in the centre. In line with the likely increase of diversity of business uses due to future possible additional business/retail floor area on the land, the current low vacancy rate (only two vacant premises within the centre) and pleasing environment in the locality a general statement has been included by the applicant in support of the Planning Proposal. Given these likely circumstances the inclusion of such statement is not considered inappropriate.

It is agreed that the owners of the subject properties will benefit due to the likely increase of values of the subject properties due to the rezoning of the land to B1 Neighbourhood Centre zone.

All the owners/occupiers of the current business/retail premises within the neighbourhood centre were advised of the public exhibition of the Planning Proposal and only two submissions raising objection to the Planning Proposal were received from a business owner within the centre.

#### **14. Environmental Impacts**

##### **Submission Issues**

- *The application does not mention the lack of access to a reticulated sewerage system. How can Council consider any further development in the absence of sewerage?*
- *Given the future development of the land for commercial purpose will require a major upgrade to existing reticulated water system in Kurrajong, an alternative zoning of Rural Village or the equivalent RU5 Village is most appropriate for the site.*

##### **Comment**

The application acknowledges that the Kurrajong Village including the site does not have access to a reticulated sewerage system and relies upon either on-site or pump-out effluent disposal system. Council will not consent to any future development on the land unless arrangements satisfactory to Council have been made for the provision of a suitable sewerage disposal system.

The appropriateness of the proposed B1 Neighbourhood Centre for the site has already been established previously in this report.

#### **15. Hawkesbury Community Strategic Plan**

##### **Submission Issues**

- *The application argues that the increased variety and number of jobs is consistent with the Hawkesbury Community Strategic Plan (2010 - 2030) but it provides no information on how this would be achieved. This won't be achieved through legitimisation of the current uses and it would only be possible with development of the large vacant block and the expansion of the existing businesses.*

##### **Comment**

It is agreed with the submission author's statement that the increased variety and number of jobs would be possible with development of the large vacant block and the expansion of the existing businesses. The future increased usage of the site for commercial purposes will yield additional business/retail floor area on the land. This will allow new business/retail uses or expansion to existing businesses thereby providing increased variety and number of jobs for the community.

#### **16. Appropriate zoning for the Site**

##### **Submission Issues**

- *RU5 Village zone permits a range of tourism related land including entertainment facilities, food and drink premises, neighbourhood shops, recreation facilities, registered clubs, tourist and visitor accommodation that are more appropriate for the site. RU5 zone provides with Council a better control over future development of the land to retain the existing character of Kurrajong and its role as a tourist destination.*
- *Certain land uses including neighbourhood shops permitted in new R2 Low Density Residential zone are more compatible with the surrounding development including development along Timms Hill Road. Therefore the current R2 Low Density Residential zone of the land should be retained.*



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- *The proposed rezoning must be complimentary to the two existing commercial areas in Kurrajong and not be in competition with them.*
- *Retention of the vegetation on the land to ensure the existing character of the village and privacy of neighbouring residential properties is possible if the land is rezoned to RU5 Village.*

### Comment

It is agreed with the submission author that RU5 zone permits a number of tourism related land uses. However, given the subject site forms part of the existing business/retail core of the neighbourhood centre, the main business/retail core is zoned B1 Neighbourhood Centre, there are no other appropriately zoned land for future expansion of the business/retail core in the immediate vicinity. RU5 is not a business zone. B1 zone is considered the most appropriate zone for the land to strengthen existing core and improve its image as one of the popular tourist destination in the Hawkesbury region.

The proposed B1 zone for the site will enable the whole business/retail core to have B1 zoning thereby strengthening its position and formerly recognising the site as part of the business/retail core. This will allow future coordinated design and development of the existing core as a whole to transform the neighbourhood centre into a pleasant place to shop, visit and live.

### Conclusion

The subject site has been operating informally as part of the existing business/retail core of the Kurrajong Neighbourhood Centre for many years. The Planning Proposal seeking rezoning of this land to B1 Neighbourhood Centre to formerly recognise the land as part of the retail core, allow the continued and increased usage of the land for a range of small-scale business/retail uses to meet the varying needs of the local community and visitors, provide some local business and job opportunities and promote the centre as one of the popular tourist destinations in the region is consistent with the State and local strategic framework.

The submissions received from the public and the relevant public authorities do not warrant any changes to the exhibited Planning Proposal or the abandonment of the proposal and therefore it is recommended that the Planning Proposal be forwarded to DP & I for the making of the Plan.

### Conformance to Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Direction 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 local jobs and training opportunities to meet the needs of Hawkesbury residents and to reduce their travel times.

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

- Implement Employment Lands Strategy.

The Planning Proposal will enable increased business, retail opportunities on the land and boost the Hawkesbury LGA's economic activities and employment opportunities. Therefore, it will be an appropriate tool in the implementation of the Directions and Strategies contained in the Community Strategic Plan and the recommendations of the Employment Lands Strategy.

### Financial Implications

There are no financial implications arising from this report.

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### Planning Decision

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

### RECOMMENDATION:

The Planning Proposal seeking rezoning of the subject land to B1 Neighbourhood Centre be forwarded to the Department of Planning and Infrastructure for making of the Plan.

### ATTACHMENTS:

**AT - 1** Gateway Determination

**AT - 2** Exhibited Planning Proposal - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 11 December 2012

### AT - 1 Gateway Determination



Planning &  
Infrastructure



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Department Generated Correspondence (Y)

Contact: Tal Ta  
Phone: (02) 9873 8500  
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Email: Tal.Ta@planning.nsw.gov.au  
Postal: PO Box 5020, Parramatta NSW 2124

Our ref: PP\_2012\_HAWKE\_001\_00 (12/01197)  
Your ref: LEP89001/11

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

Dear Mr Jackson,

**Re: Planning Proposal to rezone 6 lots of land at Kurrajong township to Business General 3(a) to enable development of the land for retail/commercial purposes**

I am writing in response to your Council's letter dated 23 December 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Hawkesbury Local Environmental Plan 1989 to rezone 6 lots of land at Kurrajong township to Business General 3(a) to enable development of the land for retail/commercial purposes.

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.

Given the progress in preparing the Hawkesbury Standard Instrument LEP, the Department recommends the planning proposal proceed as an amendment to both the Hawkesbury LEP 1989, rezoning the subject land to Business General 3(a) and an amendment to Council's principal LEP, rezoning the land to B1 – Neighbourhood Centre.

Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

In accordance with the requirements of S117 Direction 3.4 Integrating Land Use and Transport, Council is to consult with Transport for NSW – Roads and Maritime and take into account any comments made, prior to public exhibition of the planning proposal.

The Director General's delegate has also agreed that the planning proposal's inconsistency with S117 Direction 3.1 Residential Zones is of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 following consultation with the NSW Rural Fire Service and Transport for NSW – Roads and Maritime Services. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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

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Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Tai Ta of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,

  
Sam Haddad  
Director-General

20/2/2012.



### Gateway Determination

*Planning Proposal (Department Ref: PP\_2012\_HAWKE\_001\_00): to rezone 6 lots of land at Kurrajong township to Business General 3(a) to enable development of the land for retail/commercial purposes.*

I, the Deputy Director General, Plan Making & Urban Renewal 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 1989 to rezone 6 lots of land at Kurrajong township to Business General 3(a) to enable development of the land for retail/commercial purposes should proceed subject to the following conditions:

1. It is recommended that Council proceed with the planning proposal as an amendment to both the Hawkesbury LEP 1989, rezoning the subject land to Business General 3(a) and an amendment to Council's principal LEP, rezoning the land to B1 – Neighbourhood Centre.
2. In relation to S117 Direction 3.4 Integrating Land Use and Transport, Council is to consult with Transport for NSW – Roads and Maritime and take into account any comments made, prior to public exhibition of the planning proposal.
3. In relation to S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made.
4. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - NSW Rural Fire Service
  - Transport for NSW – Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
6. 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).

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Planning &  
Infrastructure

7. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Dated 20<sup>th</sup> day of February 2012.

A handwritten signature in black ink, appearing to read "SHaddad".

Sam Haddad  
Director-General  
Delegate of the Minister for Planning and  
Infrastructure

HAWKESBURY PP\_2012\_HAWKE\_001\_00 (12/01197)

oooO END OF REPORT Oooo

**Item: 223 CP - Planning Proposal to Rezone Lot 201 DP 801533, 36 Argyle Street, South Windsor - (95498)**

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## **REPORT:**

### **Executive Summary**

Council has received a planning proposal from Urban City Consulting seeking rezoning of Lot 201 DP 801533, 36 Argyle Street, South Windsor, from RE2 Private Recreation to IN2 Industrial (Light) under Hawkesbury Local Environmental Plan 2012 (HLEP 2012). This will allow future development of part of the subject land, which is surplus to the South Windsor RSL Club needs, for future light industry uses.

This report recommends that Council support the rezoning application and a planning proposal be forwarded to the Department of Planning and Infrastructure for a "Gateway Determination".

### **Consultation**

The Minister for Planning and Infrastructure will advise Council of requirements for consultation with public authorities and the community as part of the Gateway Determination of the Planning Proposal under Section 56 of the *Environmental Planning and Assessment Act, 1979*.

### **Background**

The South Windsor RSL Club occupies a large block of land with an area of approximately 2.33ha at the corner of Argyle Street and Mileham Street, South Windsor. The club premises and associated parking occupies only approximately 20% of the site area and the remainder of the area, with no significant vegetation or structures, is mainly undeveloped. According to the Planning Proposal the club management has decided to undertake some alterations and additions to the existing club premises to provide an improved facility for its members. The improved facility will occupy approximately 1.23ha of the land and the remaining 1.1ha is surplus to the club's needs (see Attachment 1 - Planning Proposal, page 23).

The club seeks to sell this surplus land to finance the future improvements to the club facility. However, the development potential of this surplus land is limited under the current RE2 Private Recreation zoning due to the limited land uses permitted in the zone. In this regard it may not be able to capitalise the existing opportunities to develop the land to its full potential.

### **Site and Surrounds**

The site is legally described as Lot 201 DP 801533, 36 Argyle Street, South Windsor and has an area of approximately 2.33ha. The site is located on the north eastern corner of Argyle and Mileham Streets and is in close proximity to the South Windsor Small Village Centre. The site is bounded by Argyle Street to the south-west, Mileham Street to the north-west and the South Windsor industrial area to the north-east and south-east (see Attachment 2 to this report). The land is relatively flat in sections and generally slopes towards the south eastern corner of the site.

The club premises and associated parking occupies the western corner of the site and the remainder of the land is free of any structures and significant vegetation other than a few scattered trees and a small cluster of vegetation close to the south-eastern corner of the site.

The surrounding land to the south and west is currently zoned IN1 General Industrial, land to the east is zoned IN2 Light Industrial and land to the north is zoned R3 Medium Density Residential under HLEP 2012 (see Attachment 3 to this report). The immediate surroundings are predominantly characterised by industrial development.

**Applicant's Justification of the Proposal**

The applicant has provided the following justification in support of the Planning Proposal.

1. *The main objective and intended outcome of the Planning Proposal is to rezone the property from a private recreation zone to an industrial zone to allow the club to sell off the surplus land that is not needed for any future development of the club that could be used for a range of uses and development that are not possible under the current zone.*
2. *The Planning Proposal will give the opportunity for a better future development to occur on the surplus land that currently has good access to services and infrastructure needed for future industrial development and uses.*
3. *The club has developed a plan for the future development of the existing club and associated car parking and as a result of this plan there is a significant amount of surplus land that is not needed by the club now and in the future this land could be made available for future industrial development.*
4. *The current zoning being private recreation has a limited range of uses that are permitted and can be developed on the property.*
5. *The IN2 zone provides the flexibility for the club to continue to develop and expand in the future as well as allowing the ability for the surplus land that has good access to services and infrastructure to be developed in a more economically way than is currently possible under the current private recreation zone.*
6. *The increase in land value with the rezoning to IN2 would also assist in facilitating the future expansions and development of the existing club to provide an increased services and facilities to the local community as a secondary outcome of the Planning Proposal.*
7. *The Planning Proposal as discussed above enables a better planning outcome as it would provide an area of 1.1ha of serviced industrial employment land that is adjoins an existing Windsor/South Windsor industrial area which will strengthen the image and economic activities of the industrial area.*
8. *The Planning Proposal is consistent with the State Government and Council's plans, policies and strategies being the draft North-West Subregional Strategy, Metropolitan Plan for Sydney 2036 and the Hawkesbury Employment Land Strategy.*
9. *The proposed industrial zone is the best solution to achieve the main outcome and is consistent with the adjoining industrial zoned land that surrounds the site to the north, south and east and the various state and local planning strategies.*

**Assessment****Metropolitan Plan for Sydney 2036**

The aim of *Metropolitan Plan for Sydney 2036* (the Metro Plan) is to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036. A number of objectives and actions have been identified in the *Metropolitan Plan for Sydney 2036* and the following objectives and actions are relevant to the Planning Proposal:

*Objective E.1 To ensure adequate land supply for economic activity, investment and jobs in the right locations.*

According to the Metro Plan Sydney will require 760,000 additional jobs to support the anticipated population growth by 2036. This plan aims for half of these jobs to be in Western Sydney, to match expected population growth. The Department of Planning and Infrastructure (DP & I) estimates Sydney may need:



- 10,000,000 m<sup>2</sup> additional commercial floor space
- 5,000,000 m<sup>2</sup> of additional retail floor space, and
- 8,500 hectares of employment lands

The Planning Proposal will enable 1.1ha of employment land to support improved economic activities, investment and jobs within a walking distance to the South Windsor Small Village Centre and surrounding residential development. The land has easy access to Windsor Road which in turn provides access to regional transport network via the M7 and M2 Motorways. The Planning Proposal will also assist in achieving Sydney's employment land target.

*Objective E.3 To provide employment lands to support the economy's freight and industry needs*

Employment lands accommodate traditional industrial activities such as heavy industry and light industry, repair and service businesses and utilities as well as freight terminals and support services.

The proposal seeking to rezone the subject land to IN2 Light Industrial to provide additional industrial employment land to support the local economy and industry is consistent with this objective.

*Objective E.5 To increase and diversify the jobs and skill base of Western Sydney.*

The Metro Plan acknowledges Western Sydney has capacity for growth and renewal; consequently, much of the growth in employment, skills and the economy will be focused in this region. New job targets aim for 1,105,000 jobs in Western Sydney by 2036, representing half of Sydney's total job growth and Western Sydney's forecast population growth, suggests its subregions need significant employment growth over the next 25 years.

The Planning Proposal will enable the increased and diversified job opportunities within South Windsor. This would help achieve Western Sydney's employment target by 2036.

The Planning Proposal is also consistent with the following actions recommended in the Metro Plan.

*Action E3.2 Identify and retain strategically important employment lands.*

Most employment land areas currently identified are in Western Sydney where most of Sydney's future employment land is expected to be accommodated in line with long term planning for the Western Sydney Freight Corridor. The location of the subject land is strategically important as it adjoins the South Windsor industrial area which is the largest within the Hawkesbury Local Government Area (LGA) and has relatively easy access to the regional road transport network.

It is therefore considered that the Planning Proposal is generally consistent with the aims, objectives and directions of the Metro Plan.

### ***Draft North West Subregional Strategy***

The Planning Proposal is consistent with the following actions contained in the draft North West Subregional Strategy (NWSS).

*A.1.1.2 To provide suitable commercial sites and employment lands in strategic areas.*

This key action requires North West councils to prepare Principal LEPs which provide sufficient zoned and serviced commercial and employment land to meet the employment capacity targets. The Metro Plan has established a revised target of 145,000 new jobs within the planned North West Subregion over the next 25 years and the NWSS contain a 3,000 new jobs target for Hawkesbury LGA. Accordingly, Council is required to plan for sufficient land and infrastructure to achieve this target.

The Planning Proposal will set aside 1.1ha of the subject land which is surplus to the club's needs as industrial employment land adjoining strategically located South Windsor (manufacturing - light industrial, manufacturing - heavy and urban services) industrial precinct which is the largest among the five industrial precincts within the LGA identified in the draft NWSS with relatively easy access to both regional road and rail transport network. Therefore the Planning Proposal is consistent with this action of NWSS.

### ***Hawkesbury Employment Lands Strategy 2008***

In December 2008 Council adopted the Hawkesbury Employment Lands Strategy (HELS). The purpose of the strategy is to provide a planning framework for employment precincts (industrial, commercial, retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury region.

One of the recommendations in the HELS is to investigate additional industrial land supply to address future employment growth in South Windsor (i.e. the areas east of Fairey Road). As the areas recommended for investigation are in close proximity to the subject site the Planning Proposal seeking rezoning of the land to IN2 Light Industrial is generally consistent with the HELS.

### ***Hawkesbury Local Environmental Plan 2012***

The land is currently zoned RE2 Private Recreation under Hawkesbury Local Environmental Plan 2012. A limited number of land uses are permitted in this zone and industrial uses are not a permitted use in the zone. Therefore the Planning Proposal is seeking to rezone the subject land to IN2 Light Industrial to facilitate industrial development on the land.

Given the site's location adjacent to the South Windsor industrial area, good access to Windsor Road which in turn provides access to regional transport network via the M7 and M2 Motorways and infrastructure (e.g. water and electricity) and close proximity to the Windsor Railway Station, South Windsor Small Village Centre, and the surrounding residential population, the Planning Proposal is considered appropriate (see Attachment 4 to this report).

## **Section 117 Directions (Ministerial Directions)**

### Direction 1.1 Business and Industrial Zones

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres.

The Planning Proposal seeks to rezone the subject land adjoining the existing South Windsor light industrial area to IN2 Light Industry. This will enable the expansion of the established industrial area and economical development of the surplus land for a range of light industrial - light manufacturing, ancillary retail services, repair and service businesses in close proximity to the South Windsor Small Village Centre and the surrounding residential population to boost economic, business and employment activities in the locality and help improve the viability of the small village centre. It is therefore considered that the planning proposal is consistent with this direction.

### Direction 3.4 Integrated Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

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- (a) improving access to housing, jobs and services by walking, cycling and public transport,
- (b) increasing the choice of available transport and reducing dependence on cars,
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car,
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

The DP & I's guidelines 'Integrated Landuse and Transport' seeks to improve the integration of land use and transport planning. The Planning Proposal will enable approximately 1.1ha of serviced industrial employment land with good access to both rail and road transport networks and improved local business/retail activities and employment opportunities within a reasonable walking distance from the South Windsor small village centre and surrounding residential development thereby minimising likely travel demand and distance for shopping and employment activities. It is therefore considered that the proposed planning proposal is generally consistent with this Direction.

### Direction 4.1 Acid Sulphate Soils

The objective of this direction is to:

- (a) *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 Sulphate 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 Map held by Council. The DP&I will consider this as part of their "Gateway Determination" and if required can request further information/consideration of this matter.

### 4.3 Flood Prone Land

Planning proposals must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). A planning proposal must not rezone land within the flood planning areas from special use, special purpose, recreation, rural or environmental protection zones to a residential, business, industrial, special use or special purpose zone.

The Planning Proposal seeking rezoning of the land from RE2 Private Recreation to IN2 Light Industrial is not consistent with this direction. This minor inconsistency is justified with the following reasons:

- The land is not a public recreation zoned land.
- A large area of surplus land (approximately 1.1 ha) to the club's requirements with good access to services and public infrastructure will remained underutilised and undeveloped if the land is not rezoned.
- An excellent opportunity to provide additional industrial employment land adjacent to the established South Windsor industrial area to strengthen the role of the industrial area in the LGA and provide increased job opportunities within a walking distance to the surrounding residential population consistent with both State and Local Government strategic frameworks.

### 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.

This 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 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 the LEP for the IN2 Light Industrial Zone.

### Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

As mentioned previously in this report it is considered the Planning Proposal is consistent with the NSW Government's *Metropolitan Plan for Sydney 2036*.

### **State Environmental Planning Policies**

Relevant State Environmental Planning Policies (SEPPs) are SEPP No. 55 - Remediation of Land, SEPP No. 64 - Advertising and Signage, SEPP (Exempt and Complying Development Codes) 2008, and SREP No. 20 Hawkesbury - Nepean River (No.2 - 1997).

The Planning Proposal does not include or propose provisions that contradict or hinder the application of SEPP 64 and SEPP (Exempt and Complying Development Codes) 2008 and therefore the Planning Proposal is consistent with these SEPPs.

In relation to SEPP 55, according to Council's records there are no records of previous approvals or use of the land for activities that may cause contamination referred to in Table 1 - 'Some Activities that may Cause Contamination' of the Managing Land Contamination: Planning Guidelines. It is proposed that where required, contamination investigations can be undertaken in accordance with the provisions of SEPP 55 prior to any future development application being submitted. It is therefore considered that the proposal is consistent with SEPP55.

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 impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as environmentally sensitive areas, water quality, water quantity, cultural heritage, flora and fauna, agriculture, rural-residential development and metropolitan strategy. It is considered that the Planning Proposal achieves satisfactory compliance with the provisions of SREP No 20 (No. 2 - 1997).

### **Traffic and Access**

The site has two street frontages and currently the site is accessed via Argyle Street. The site has good access to Windsor Road which in turn provides access to regional transport network via the M7 and M2 Motorways. If the land is rezoned to IN2 Light industrial and subsequently subdivided the surplus allotment would only be accessed from Mileham Street. However given the size and the location of the site it would be able to provide easy vehicular access, safe and convenient vehicular movements, vehicles could enter and leave the site in forward direction, and provide required parking could be provided on site.

The applicant's planning proposal does not include a traffic study, a traffic impact statement or information on how, and to what extent, the surplus land may be developed for future industrial purposes other than the following general statement based on the likely future development of the surplus land for light industry uses:

*"The future development of the site may have a potential impact on the adjoining residents in terms of additional traffic generation in terms of vehicle numbers and increase in noise from the vehicles."*

However, there may be some impacts of the future development of the surplus land for industrial purposes on the local and regional road network and the amenity of the area. These impacts can only be assessed when Council receives future development applications for the land.

***Vegetation***

According to the Biodiversity Protection Map of the HLEP 2012 the site does not contain any areas of remnant vegetation. The site contains a few scattered trees and a small cluster of vegetation on the land mainly at the south-eastern corner of the site. Any future development on the land will require consideration of the likely impacts of the development on the existing vegetation.

***Flooding***

The subject land is predominantly below the 1 in 100 year flood level and is therefore subject to Clause 6.3 Flood Planning of the LEP 2012 and Council's Development of Flood Liable Land policy dated 31 July 2012. It is considered that the land to be rezoned could, subject to appropriate design and construction, be redeveloped in accordance with the LEP and Policy.

***Public Infrastructure and Services***

The site is serviced by water, electricity, telecommunication and a reticulated sewerage system. The applicant indicates that the site currently has access to utility services that are adequate for any future development of the land for light industry uses. The site also has good access to both regional road transport system and Sydney Metropolitan Rail Network. Given the site has reasonable access to the required services it is not likely to place a significant demand on the existing services.

***Site Contamination***

Clause 6 of State Environmental Planning Policy No 55 - Remediation of Land requires consideration of contamination issues when assessing Planning proposals. According to Council's records there are no records of previous approvals or use of the land for activities that may cause contamination referred to in Table 1 - 'Some Activities that may Cause Contamination' of the Managing Land Contamination: Planning Guidelines.

There are no records of any previous investigations, remediation plans/actions or land use restrictions on the subject land relating to possible contamination.

According to Council records a few development applications relating to alterations, additions and refurbishment of the existing club premises have been approved in the past. However given there was no detailed information or evidence on the use of the subject site prior to early 2000s there may be a potential that the site may be contaminated. However, at present this has not been investigated by the proponent or by Council.

It is considered that a detailed contamination assessment can be undertaken at development application stage in order for Council to be assured that the land is suitable for any proposed future use.

***Conclusion***

The assessment of the Planning Proposal to rezone the land to IN2 Light Industrial with regard to the matters considered in this report reveals that the Planning Proposal has merit and it is worthy of support.

It is therefore recommended that a Planning Proposal be prepared in the correct format and submitted to the Department of Planning and infrastructure (DP&I) for a Gateway Determination.

***Conformance to Community Strategic Plan***

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

- Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.

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- Offer an increased choice and number of local jobs and training opportunities to meet the needs of Hawkesbury residents and to reduce their travel times.

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

- Implement Employment Lands Strategy.

The Planning Proposal will enable increased business and ancillary retail opportunities on the land and boost the Hawkesbury LGA's economic activities and employment opportunities. Therefore, it will be an appropriate tool in the implementation of the Directions and Strategies contained in the Community Strategic Plan and the recommendations of the Employment Lands Strategy.

### Financial Implications

The applicant has paid the planning application 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.

### RECOMMENDATION:

That:

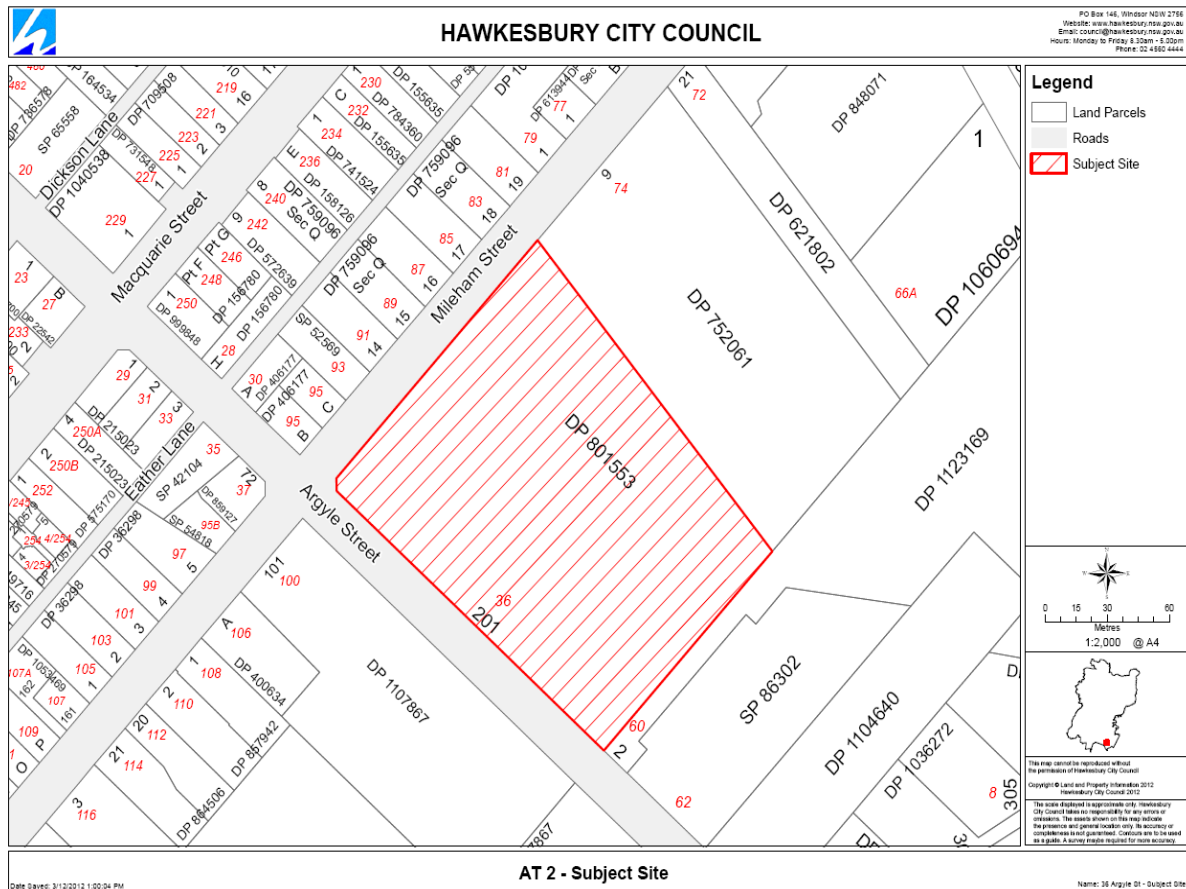
1. A Planning Proposal to rezone Lot 201 DP 801553, 36 Argyle Street, South Windsor from RE2 Private Recreation to IN2 Light Industrial under Hawkesbury Local Environmental Plan 2012 be prepared and forwarded to the Minister for Planning and Infrastructure for a Gateway Determination.
2. Upon receipt of notification of the Gateway Determination to proceed, Council consult the public authorities and the public on the Planning Proposal in accordance with the requirements of the Gateway Determination and the *Environmental Planning and Assessment Act, 1979*.

### ATTACHMENTS:

- AT - 1 Applicant's Planning Proposal - (*Distributed Under Separate Cover*)
- AT - 2 Subject Site
- AT - 3 Existing Zoning- Subject Site and Surround
- AT - 4 Proposed Zoning Map

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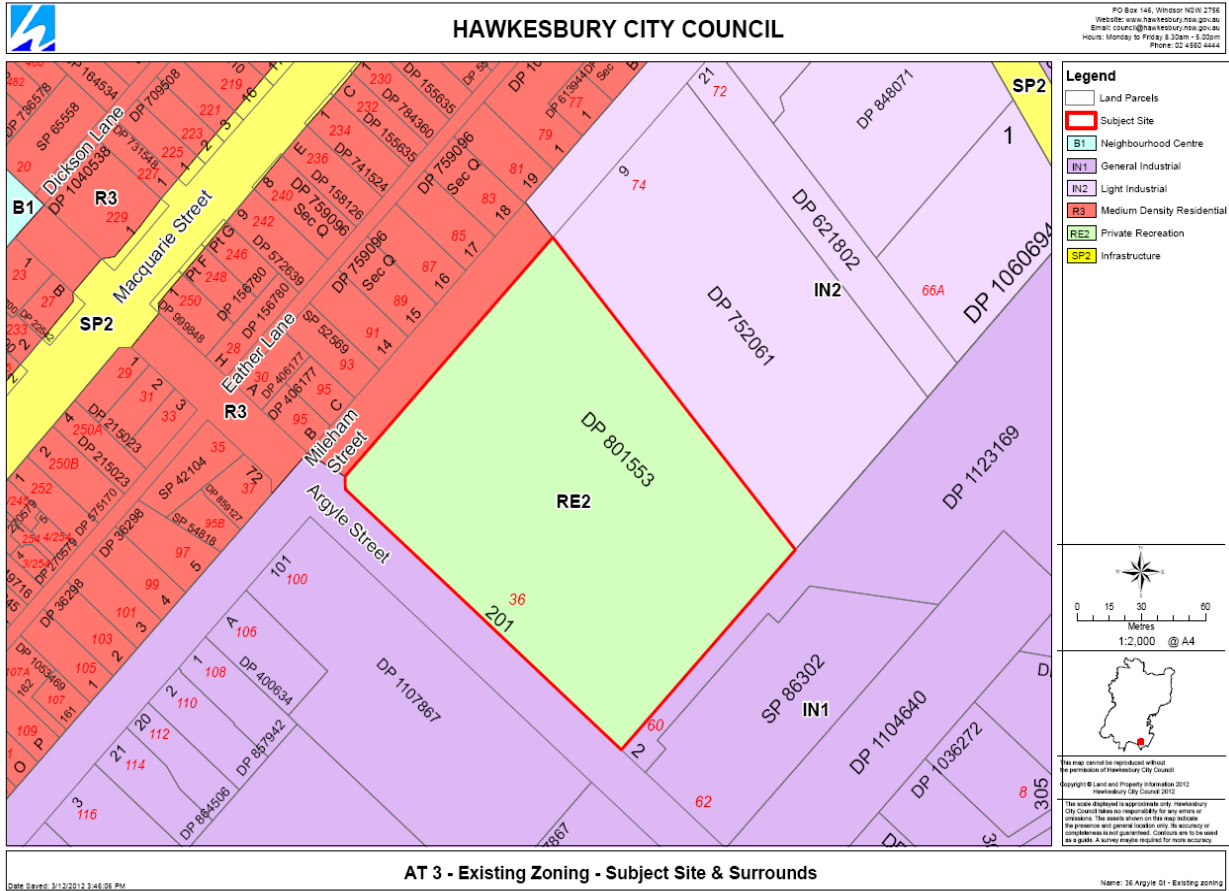
**AT - 2 Subject Site**



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## AT - 3 Existing Zoning- Subject Site and Surround





**Meeting Date:** 11 December 2012

**HAWKESBURY CITY COUNCIL**

PO Box 166, Windsor NSW 2756  
Website: www.hawkesburyregion.nsw.gov.au  
Email: council@hawkesburyregion.nsw.gov.au  
Hours: Monday to Friday 9.30am - 5.00pm  
Phone: 02 4550 4500

**Legend**

- Land Parcels
- Subject Site
- B1 Neighbourhood Centre
- IN1 General Industrial
- IN2 Light Industrial
- R3 Medium Density Residential
- SP2 Infrastructure

**AT 4 - Proposed Zoning**

Date Saved: 30/03/2012 2:40:28 PM

Name: 36 Argyle St - Proposed zoning

oooO END OF REPORT Oooo

**Item: 224 CP - Post Exhibition of Draft Hawkesbury Flood Risk Management Study and Plan - (95498, 86589)**

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**REPORT:**

**Executive Summary**

The purpose of this report is to advise Council of submissions received as a result of the public exhibition of the draft Hawkesbury Floodplain Risk Management Study and Plan (draft Study and Plan).

The submissions received by Council do not give rise to amending or abandoning the draft Study and Plan. It is recommended that, subject to minor editing and correction, the draft Study and Plan be adopted by Council.

**Consultation**

The draft Study and Plan has already been the subject of public exhibition and comment as set out in the following paragraphs. As such, no additional public exhibition or comment is recommended.

The draft Study and Plan was placed on public exhibition for the period 13 September 2012 - 16 November 2012 with advertisements placed in the Hawkesbury Courier on 13 September 2012 and 1 November 2012. The draft Study and Plan was available on Council's website and at Council's Main Administration Building, Hawkesbury Central Library and the Richmond Branch Library during this period. The draft Study and Plan was also available on Council's website for a number of weeks prior to the commencement of the formal exhibition period.

A public information display attended by Council's consultant and staff members was held on Saturday 13 October 2012 at Riverview Shopping Centre, George Street, Windsor. A dedicated email address, [floodplan@hawkesbury.nsw.gov.au](mailto:floodplan@hawkesbury.nsw.gov.au), was also set up for lodgement of submissions and queries.

**Background**

On 31 July 2012 Council resolved:

*"That:*

- 1. The draft Hawkesbury Floodplain Risk Management Study and Plan be placed on public exhibition for a minimum period of 60 days.*
- 2. Following the exhibition period the submissions received and the proposed amendments, if required, are to be reported to Council for adoption."*

A copy of the report to Council dated 31 July 2012 which contains further background information is attached to this report.

Importantly, as highlighted in the previous report, the draft Study and Plan **is/does not:**

- Is not a flood study. The draft Study and Plan utilises the same flood information and levels that have been used by Council and other Authorities for the past 10 or more years.
- Does not change the design flood levels for the locality, i.e., the 1 in 100 year flood level at Windsor of 17.3m AHD and the relevant level in other localities remains the same.

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- Does not, in itself, change Council's planning controls. However, it does contain recommendations that should be considered as part of a separate statutory process that involves separate public consultation. The recommendation of this report is that this separate process be reinforced and, given the recent changes to the planning legislation, be reviewed.
- Does not prevent development of land that can currently be developed.

The draft Study and Plan **does**:

- Provide valuable data and mapping of flood risks in the study area that can be utilised in future development and infrastructure planning. This information is also vital for the efficient operation of the new flood Clause provisions that are contained in the recently gazetted Hawkesbury Local Environmental Plan 2012.
- Contain recommendations for improving community flood education and awareness.
- Contain recommendations for improving and enhancing emergency management.
- Contain recommendations for further investigation of local mitigation projects.
- Contain recommendations for further investigation into the flood data for tributaries and very small events, such as those that occurred in early 2012.

### Consideration of Submissions

In early August 2012, prior to exhibition of the draft Study and Plan, Council received two enquiries by email. These enquiries raised concerns related to matters such as habitable floor levels, reduction in property values, change in flood risk classification and home and contents insurance. Responses were provided to the authors, both in writing and via telephone discussions with staff, and no subsequent submissions were received from those authors.

During the public information display at the Riverview shopping centre on Saturday 13 October, residents had the opportunity to discuss their concerns with Council's consultant and with the staff in attendance (Director City Planning, Senior Strategic Planner) and also fill in a "feedback form" with any concerns or comments and place into a "feedback box". During the 13 October session two (2) forms were completed and submitted. Both these submissions supported the draft Study and Plan with comments such as *"This has my full support. It is sensible, doable and will help prepare for future flood events. Ultimately lives will be saved and panic minimised."* And *"1(h) (Install flood icons/markers at key locations) good ideas"*. One of these submissions contained other comments regarding development at Pitt Town that were not directly related to the draft Study and Plan.

The feedback forms, feedback box and copies of the draft Study and Plan were also available in Council's administration building foyer during the length of the exhibition period. During this time no additional feedback forms were received.

Council received one formal submission during the exhibition period as a result of the public exhibition of the draft Study and Plan. The issues raised in the submission are summarised below.

#### Building Height Levels

##### *Submission*

- Single level homes built at 18.7 metres AHD (i.e., the 1 in 200 year flood event level at Windsor) will devalue homes already built below that level.
- 18.7 metre level is incongruous with neighbouring Councils that allow the same single level dwellings to be built at 17.3m AHD (i.e. the 1 in 100 year flood event level).

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- Inadequate consideration given to the cost and insurance implications where an existing home built at 17.3 metres (or below) is destroyed by fire and will need to be replaced with a 2 storey home to bring the habitable floor area above 18.7 metres. "Concessional Development" provisions of development control plan do not adequately deal with this circumstance.
- Proposed restriction on title pursuant to S88B of the *Conveyancing Act* prohibiting enclosure of undercroft area has the potential to devalue properties and also denies the property owner the opportunity of creating secure storage space.

### Response

Whilst the draft Study and Plan does contain draft flood risk management provisions for inclusion in the Hawkesbury Development Control Plan (DCP), adoption by Council of the draft Study and Plan would not result in an automatic amendment to the DCP.

The process for amending DCPs is outlined in the *Environmental Planning and Assessment Act 1979* and associated Regulation 2000. This includes a separate notification process and consideration of submissions by Council prior to adoption of the amendments.

The primary importance of the draft Study and Plan, with respect to development controls, is for Council to agree to amend the DCP. The actual amendment to the DCP, as outlined above, will then have its own process.

The comments raised in the submission can be further considered by Council in the preparation of the draft DCP chapter and may necessitate amendment of the provisions relating to concessional development as the current suggested provisions, whilst clear in intent, may require clarification to ensure that they are not misinterpreted. However, by way of background, Council is advised that the draft development controls are based, in part, on three documents (*Reducing Vulnerability of Building to Flood Damage, Guidance On Building In Flood Prone Area; Managing Flood Risk Through Planning Opportunities, Guidance On Land Use Planning in Flood Prone Areas; Designing Safer Subdivisions, Guidance On Subdivision Design in Flood Prone Areas*) prepared for the Hawkesbury - Nepean Floodplain Management Steering Committee. The documents were specifically produced by the Steering Committee to assist councils in the management of flood risk within their respective area.

The Steering Committee oversaw the implementation of the Hawkesbury - Nepean Floodplain Management Strategy (HNFMS). The Strategy was a regional investigation of the Hawkesbury - Nepean valley to enable all levels of government and the wider community to recognise more fully and respond more appropriately to the range of risks associated with flood in the valley. Council areas involved were Penrith, Blacktown, The Hills, Hawkesbury, Hornsby and Gosford. Of these six Council areas Hawkesbury is the first to prepare and exhibit a floodplain risk management study and plan for the Hawkesbury River.

Hence, if and when the other relevant councils prepare their flood risk management studies and plans, it is highly likely that they too will give consideration to the development controls contained within the above mentioned documents and may well adopt similar provisions.

It is considered that, in terms of flooding, the value of existing properties is a function of the likelihood of the property being flooded, the associated depth and velocity of flood waters, the location, type and method of construction of buildings on the subject land and the potential of property damage due to flood waters. Adopting a higher building level for new dwellings is a separate matter to, and will not change, existing flood height levels. Hence, adopting a higher building level for new dwellings will not change the existing likelihood, depth or velocity of flood waters.

### Increase in Insurance Premiums

#### Submission

- During recent times insurance premiums have been on the rise, particularly in the area of flood insurance.

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- Concerned that if Hawkesbury adopt building height standard different from other Councils then it will have the effect of driving up insurance premiums to a point where few people will be able to afford flood insurance.
- The financial cost to the community will be exacerbated by a lack of flood insurance and the recovery time will be lengthened.

### *Response*

Based on information provided by the Floodplain Management Association (of which Council is a member) it appears that at present the primary determinant of insurance premiums, in terms of flood affectation, is the probability of the land being flooded not Council's flood related development control or the actual location or height of a building on a particular property.

As the draft Study and Plan does not change the existing heights or extents of flood waters it is considered that adopting the draft Study and Plan would not affect insurance premiums.

With further discussion with the insurance industry it is considered the draft Study and Plan has the potential, via the draft development controls, to actually reduce premiums for new development by requiring the construction of more flood compatible and structurally sound buildings thus reducing the flood damage risk to these buildings.

Examples of flood premiums rising significantly have also been mentioned in a number of forums and there have been inferences made that these increases were due to the draft Study and Plan being released. It should be noted that the flood affectation information used in the draft Study and Plan has been the same information that has been publically available for a number of years. Similarly, the insurance premiums referred to were issued prior to the public exhibition of the draft Study and Plan. In this regard the insurance premium changes would seem to be more related to the flood events in Brisbane and not related to the draft Study and Plan.

### Exceptional Circumstance Application

#### *Submission*

- Concerned that should the exceptional circumstance application be refused then suggested Land Use Guidelines will be adopted that will further exacerbate the burden the draft Study and Plan already places on the community
- The people of the Hawkesbury should not be required to wholly bear the devastating impacts of this insular study and plan.
- The draft Study and Plan should take into account all regional issues and solutions should involve all people of the Sydney metropolitan area bearing the cost, not just the people of the Hawkesbury.
- The NSW Government should proceed to ensure that the Warragamba Dam can contain a PMF flood event. In the meantime flood mitigation measures such as releasing water from the dam, prior to a forecast flood, the dredging of the river to allow more flood water to be retained in the river during a flood and the removal of the top of Sackville gorge to create a spillway should be implemented immediately.

### *Response*

In short, the exceptional circumstances application is an application to the NSW Government to allow Council to apply flood related development controls to types of development affected by events greater than the 1 in 100 year flood event. The draft Study and Plan recommends Council make such an application to enable the Local Environmental Plan (LEP) and DCP to be amended.

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The Land Use Guidelines mentioned by the respondent are the three documents of the Hawkesbury - Nepean Floodplain Management Steering Committee mentioned previously in this report. These documents are not mandatory and are provided to councils for guidance purposes only.

The purpose of the draft Study and Plan was to advance local floodplain management initiatives such as improved planning measures to reduce vulnerability to flood damage and local road improvements and subdivision development practice to overcome constraints to effective flood evacuation. Specifically the brief for the project stated that regional flood modification measures were not to be considered. The reason for this was because considerable investment had already been made by the NSW Government in floodplain management in the Hawkesbury - Nepean valley through the HNFMS. As a precursor to the HNFMS, large scale regional flood mitigation works such as flood mitigation dams, river dredging and flow diversions were investigated by the community based Hawkesbury Nepean Flood Management Advisory Committee. These options were rejected at the time of the investigations on the grounds of adverse environmental impacts and low cost-benefit.

Under the HNFMS a floodplain risk strategy was developed and implemented at a regional scale. Regional works and measures resulting from the Strategy included:

- Regional flood evacuation routes upgrades (including the Jim Anderson Bridge at Windsor);
- guidance on land use planning in flood prone areas including a methodology to identify and manage flood risk to property;
- guidance on subdivision design in flood prone areas;
- guidance on building in flood prone areas;
- a flood hazard definition tool compatible with Council's GIS, which utilises WaterRide;
- concepts for a regional public awareness program;
- briefing plans to assist utility providers help design flood compatible utilities and to prepare appropriate recovery plans;
- improved flood forecasting and flood warning.

Separate to the draft Study and Plan Council resolved on 13 December 2011:

*"That:*

1. *Council adopt a Policy on regional flood mitigation with the following wording:*

*"Hawkesbury City Council supports and encourages the need for regional flood mitigation measures in the Hawkesbury-Nepean Valley to be investigated and implemented by the Commonwealth and NSW State Governments and other relevant Authorities to ensure that the flood risks experienced by existing and future residents in the valley are reduced. These regional measures are too great a burden for one Council to carry and there is a need for a committed regional approach, by all relevant Authorities, to address these existing risks".*

2. *The Premier of New South Wales be requested to instigate an immediate review of the following previous Environmental Impact Statements (EIS) prepared for Sydney Water by ERM Mitchell McCotter:*

- *July 1995 "Proposed Warragamba Flood Mitigation Dam Environmental Impact Statement (3 Volumes) and;*

## ORDINARY MEETING

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- November 1996 Proposed Warragamba Dam and Auxiliary Spillway Environmental Impact Statement (4 Volumes)

*to identify and work towards the most economically viable, large - scale flood mitigation works and measures to reduce the height of major floods in the Hawkesbury - Nepean Valley and reduce the need for an enormous evacuation of downstream residents and damage to their property and community infrastructure costing millions of dollars resulting from major flood events."*

Furthermore in response to the abovementioned policy Council resolved on 27 March 2012:

*"That Council acknowledges the lobbying work undertaken by Council's Floodplain Risk Management Advisory Committee, Councillors and Council staff in conjunction with Council's three local State Members of Parliament to bring to the attention of the State Government issues relating to regional flood mitigation in the Hawkesbury-Nepean Valley and to successfully instigate a review of the issues with the Sydney Catchment Authority to undertake flood mitigation activities as well as water storage."*

It should also be noted that council has also resolved to investigate river dredging as a separate matter to the draft Study and Plan. In this regard many of the issues raised in the submission and the suggestion that the draft Study and Plan should include, are already being pursued by Council separately. These issues are being pursued separately as the local planning is the responsibility of the local Authority but to pursue regional matters in a local Study and Plan would result in an unnecessary burden on the Hawkesbury ratepayers.

Additionally, part of the work undertaken during the preparation of the draft Study and Plan Council's flood hazard definition tool, WaterRide, was updated (The update in this case related to the laser contours that Council commissioned in recent years to more accurately define topography in this model. The update did not utilise any new information that Council has not already adopted). This updated tool was utilised by the SES during the minor event in March 2012 and Council also received a request to release the WaterRide information for work being undertaken for Infrastructure NSW as an input into part of their modelling and investigations into the impacts of flooding in the Hawkesbury Valley. In this regard the improved flood information being gathered by Council will assist the residents of the Hawkesbury as well as improve regional flood planning by inputting detailed local information.

### **Role of Floodplain Risk Management Advisory Committee**

The draft Study and Plan has been prepared by Bewsher Consulting Pty Ltd (Bewshers) on behalf of Council's Floodplain Risk Management Advisory Committee (FRMAC) and in accordance with the project brief that was prepared by the Committee and adopted by Council. The Committee reviewed the first draft of the Study and Plan over a period of twelve months and the necessary amendments were made to the draft Study and Plan prior to reporting to Council for public exhibition.

It is considered that the submissions received by Council do not warrant amendment to the draft Study and Plan, and given that the Council resolution of 31 July 2012 stated that the draft Study and Plan be reported to Council following public exhibition, the matter does not require reporting to the FRMAC and is being reported directly to Council for adoption.

The FRMAC will have a continuing role in the implementation of the adopted Plan.

### **Post Exhibition Editing of Study and Plan**

The draft Study and Plan requires minor editing/updating to reflect the exhibition of the draft Study and Plan and the correction of minor errors that will not change the intent or meaning of the Study and Plan. It is recommended that this be undertaken by Council staff with Bewshers and the final document be published and made available on Council's website as soon as practicable.

## ORDINARY MEETING

Meeting Date: 11 December 2012

### Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure

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

- Develop disaster response and community safety plans

The proposed implementation timeframe for this matter, as specified in the CSP Milestones is 2009-2011.

### Financial Implications

The project is jointly funded by Council and by the Office of Environment and Heritage under the NSW Government's Floodplain Management Program. Council's contribution to this work, one third of the total cost, has been, and is currently being, provided for in the approved budget for this project.

### RECOMMENDATION:

That:

1. Subject to any necessary minor editing and layout amendments the draft Hawkesbury Floodplain Risk Management Study and Plan, as exhibited, be adopted.
2. The adopted Hawkesbury Floodplain Risk Management Study and Plan be published on Council's website.
3. Council notes that the adoption of the Hawkesbury Floodplain Risk Management Study and Plan does not adopt the changes to Council's Planning Instruments. In this regard the review of the Planning Instruments will be via a separate statutory process that will further consider the recommendations in Volume two of the Plan, the recent changes to the planning Legislation and additional public consultation.

### ATTACHMENTS:

**AT - 1** Council report of 31 July 2012

**AT - 2** Copy of the Floodplain Risk Management Study and Plan - *(Distributed Under Separate Cover)*



**AT - 1 Council Report of 31 July 2012**

ITEM: CP - Public Exhibition of Draft Hawkesbury Flood Risk Management Study and Plan - (95498, 86589)

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**REPORT:**

**Executive Summary**

The purpose of this report is to seek Council's resolution to publically exhibit the draft Hawkesbury Floodplain Risk Management Study and Plan (draft Study and Plan). The draft Study and Plan deals with flood risks and does not change flood levels that have been used by Council for the last ten or more years.

The draft Study and Plan has been prepared by Bewsher Consulting Pty Ltd (Bewshers) on behalf of Council's Floodplain Risk Management Advisory Committee (FRMAC).

On 23 July 2012 the FRMAC resolved, inter alia, to recommend to Council that the draft Study and Plan be placed on public exhibition.

Accordingly the draft Study and Plan is being reported to Council with a recommendation that the draft be placed on public exhibition for a period of not less than 30 days.

**Consultation**

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. It is proposed that Council undertake the following community engagement process in compliance with Council's Policy:

- Consultation - by placing the draft Study and Plan on public exhibition for a period of at least 30 days.
- Involve - the draft Study and Plan to be further considered by Council's Floodplain Risk Management Advisory Committee after the consultation period.

It is proposed that the exact method and extent of the consultation be determined by Council staff in association with Bewshers and relevant staff from the Office of Environment and Heritage to enable the maximum opportunity for as many people to make comment on and have input into the draft documents. At this stage it is envisaged that the consultation would consist of at least:

- Notice in local newspaper.
- Draft Study and Plan being made available at Council's Main Administration Building, libraries and on Council's website.
- Summary information and Frequently Asked Questions to be prepared and placed on Council's website, customer service counter and be available at all exhibition locations.
- One weekend public display.

Other possible exhibition measures may also include a dedicated email address for submissions and contact information for relevant specialised staff to answer queries.

**Background**

## ORDINARY MEETING

Meeting Date: 11 December 2012

On 13 April 2010 Council resolved to engage Bewsher Consulting Pty Ltd (Bewshers) to undertake a Floodplain Risk Management Study and Plan for the Hawkesbury River.

Over the past two years Bewshers has worked with Council's FRMAC, Council staff and representatives from various government agencies to prepare a draft Study and Plan. The draft Study and Plan has been prepared in light of, and consistent with, the provisions of the NSW Government's *Floodplain Development Manual, the management of flood liable land*, April 2005.

The draft Study and Plan has been considered by the FRMAC on a number of occasions throughout 2011 and 2012 and on 23 July 2012 the FRMAC resolved, inter alia, to recommend to Council that the draft Study and Plan be placed on public exhibition.

The draft Study and Plan is in three volumes, being:

Volume 1 – Main Report

Volume 2 – Planning Issues

Volume 3 – Flood Maps and Annotated Bibliography

A brief outline of the three volumes is provided below.

**Volume 1** – Introduction to the study area and NSW Government's floodplain management process; review of existing data; explanation of flood mapping; risk to property; risk to life; options to mitigate existing flood risks; introduction to town planning issues; community consultation; draft floodplain risk management plan; frequently asked questions.

**Volume 2** – Explanation of NSW flood risk management framework; explanation of *Environmental Planning and Assessment Act 1979* (the Act) flood risk management framework and guidelines; review of flood related development controls applying to the Hawkesbury; analysis of existing and projected population and development; discussion of planning issues and options; summary and conclusion; recommended amendments to Council's Local Environmental Plan (LEP) and Development Control Plan (DCP).

Note whilst Volume 2 does contain recommended amendments to Council's flood related development controls in the LEP and DCP and the exhibition of the draft Study and Plan will provide the community with an opportunity to comment on these recommendations, subsequent adoption of the draft Study and Plan will not in itself amend Council current development controls. If Council is to pursue amendments to the LEP and DCP this would require a separate process under the relevant provisions of the Act and associated Regulations, including an additional public exhibition process.

The inclusion of recommended planning control changes are a standard inclusion in the preparation of Floodplain Risk Management Studies and Plans. In this regard the recommendations provide context for the Plan; and also provide the required advice to enable Council to "Act in good faith" in relation to the flood liable land liability provisions contained in Section 733 of the Local Government Act 1993.

**Volume 3** – Flood extent, flood level and flood hazard categorisation maps for various flood events from the 1 in 5 year flood up to the Probable Maximum Flood; flood risk precinct map; annotated bibliography of the broad range of reports, studies and publications that the consultants have relied upon.

The above is a very brief summary of the volumes as a full explanation of the content could not adequately be summarised in this report. However, the following points are a very brief indication of what the draft Study and Plan does and does not do.

The draft Study and Plan **is/does not**;

- Is not a flood study. The draft Study and Plan utilises the same flood information and levels that have been used by Council and other Authorities for the past 10 or more years,
- Does Not change the design flood levels for the locality, i.e., the 1 in 100 year flood level at Windsor of 17.3m AHD and the relevant level in other localities remains the same,

## ORDINARY MEETING

Meeting Date: 11 December 2012

- Does not, in itself, change Council's planning controls. However, it does contain recommendations that should be considered as part of a separate statutory process that involves separate public consultation,
- Does not prevent development of land that can currently be developed,

The draft Study and Plan **does**;

- Provide valuable data and mapping of flood risks in the study area that can be utilised in future development and infrastructure planning,
- Contain recommendations for improving community flood education and awareness,
- Contain recommendations for improving and enhancing emergency management
- Contain recommendations for further investigation of local mitigation projects,
- Contain recommendations for further investigation into the flood data for tributaries and very small events, such as those that occurred in early 2012,

Undertaking community consultation is the next step in the process of finalising the draft Study and Plan. It is recommended that the draft Study and Plan be exhibited for a minimum period of 30 days. After the exhibition period the submissions received will be considered by the FRMAC with, where appropriate, amendments being made to the draft Study and Plan. Following this process the Study and Plan will be reported to Council for adoption and implementation.

### Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure

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

- Develop disaster response and community safety plans

The proposed implementation timeframe for this matter, as specified in the CSP Milestones is 2009-2011.

### Financial Implications

The project is jointly funded by Council and by the Office of Environment and Heritage under the NSW Government's Floodplain Management Program. Council's contribution to this work has been, and is currently being, provided for in the approved budget for this project.

### RECOMMENDATION:

That:

1. The draft Hawkesbury Floodplain Risk Management Study and Plan be placed on public exhibition for a minimum period of 30 days.
2. Following the exhibition period the submissions received and the proposed amendments, if required, are to be reported to Council for adoption.

### ATTACHMENTS:

- AT - 1** Draft Hawkesbury Floodplain Risk Management Study and Plan - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

**Item: 225**                    **CP - Review of Hawkesbury Community Strategic Plan 2010 - 2030 - (95498)**

**Previous Item:**            Item 188, Ordinary (9 October 2012)

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**REPORT:**

**Executive Summary**

At the meeting of 9 October 2012 Council resolved to commence a process for the review of the Hawkesbury Community Strategic Plan 2010 - 2030 (HCSP). In accordance with that adopted process the review has progressed to a stage where the reviewed document text is ready for public exhibition. This report recommends that the reviewed text be placed on public exhibition using the public engagement process as agreed to by Council as a result of the last report.

**Consultation**

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. As a result of the resolution of 9 October 2012, Council adopted the following community engagement process in compliance with Council's Policy:

***Consultation Period***

*A consultation period of 8 weeks (mid January to mid March 2013).*

***Actual printed plan***

*Copies of the draft reviewed HCSP be printed in full colour for distribution.*

***Media***

*Media Releases be issued:*

- 1. At the release of the document.*
- 2. Midway through the consultation period to advise the public of the submission process.*
- 3. In the final week to encourage last minute submissions prior to the close of the consultation period.*

*The weekly and monthly Mayoral Columns in local publications to be utilised to emphasise the importance of community input into the process.*

*A Media Briefing be given to journalists of the local area regarding the review of the HCSP and the various ways Council is seeking input.*

***Advertising***

*At least two advertisements be placed in the Council Notices advertisement in the Hawkesbury Courier and two display advertisements be placed in local publications.*

***FAQ Fact Sheet***

*A Frequently Asked Questions Fact Sheet which outlines the process of consultation and the integration with other plans be prepared.*

***Website***

*The Council's website will provide access to the document, FAQ fact sheet, submission sheet and relevant reports to Council as well as links to the results of the community survey.*

**Messages on hold**

*A short message directing people to more information be placed on Council's message on hold system.*

**Feedback form**

*A standard feedback form be developed to provide a framework for community members to provide their thoughts and feelings on the draft HCSP.*

**Enquiries Phone Number**

*Staffed by the Strategic Planning team this number will directly assist people to find out more information or to access a submission sheet to provide their feedback on the draft HCSP.*

**Telephone Answering machine service**

*A phone number with a dedicated answering machine be provided so that people, who find it difficult to articulate their thoughts in the written form, can leave messages about their thoughts of the plan verbally.*

**Dedicated email address**

*To ensure relevant documentation is appropriately captured from the public, Council create a dedicated email addresses for feedback purposes. This gives the public the confidence that their thoughts will be specifically directed to this consultation process.*

**Unmanned Physical Displays**

*Several large laminated displays of the draft HCSP be created to be placed on display boards in Council and community facilities.*

**Staffed Roadshow**

*Manned displays to be featured at several large Shopping Centres - i.e. Richmond, Windsor and North Richmond Shopping Centres. It is acknowledged that although many residents do their local shopping within their own neighbourhood precincts, many residents in the outer-lying districts travel to these central locations for major shopping outings.*

**Radio**

*Hawkesbury Radio be approached to feature information about this important consultation process.*

**Community Participation Forum**

*It is important in this process to engage a widely represented portion of the Hawkesbury Community. It is proposed that instead of the traditional public meeting where a large portion of attendees remain unheard, that a different format of public participatory forum be utilised. This would involve the public being invited to a presentation of the draft HCSP with the opportunity to ask questions followed by an interactive process where people actually write their submissions and pin them to enlarged sections of the plan.*

*Alternatively staff would be available to assist members of the community who felt they had trouble putting into words their thoughts or feelings by scribing.*

**Agenda Item in Business Paper Council Committees**

*An agenda item will be included in the business paper of Council Committees that will meet during the consultation period. This will target those individuals that are already involved and interested in Council's planning processes and will effectively utilise the structure of Council's consultation process already established*

**Mayoral Speeches**

*The Mayor often speaks at numerous functions and events and the opportunity will be taken to refer to the review of the HCSP, and how people can be actively involved in the process.*

## ORDINARY MEETING

Meeting Date: 11 December 2012

### Background

At the meeting of 9 October 2012 Council resolved the following:

*"That as required under the Local Government Act 1993 Council commence the process to review the Hawkesbury Community Strategic Plan 2010-2030 on the basis of the process, timeframe and Community Engagement Strategy outlined in the report in this regard."*

A copy of the 9 October 2012 report is attached for information.

Council engaged an independent facilitator to assist with the review process and a workshop with Councillors and senior staff was held on the weekend of 3 and 4 November 2012.

The outcome of these workshops was that there was general agreement to retain the current five Themes of the CSP as well as the retention (unchanged) of the Vision statements and Direction statements in the current CSP.

In this regard, the Strategies, Goals and Measures of the CSP have been reviewed as a result of the above workshops and an editing group, assisted by the independent facilitator has retained the issues and intent of the workshop review whilst refining the wording of the strategies and goals for use in this high level strategic document. An additional workshop was also held with the facilitator and staff of Council to develop the wording for the measures stated in the draft CSP.

In accordance with the agreed process from the Council report of 9 October 2012, the reviewed CSP is recommended for public exhibition. It is proposed to commence the public exhibition in mid January 2013.

Attached to this report is the revised text of the CSP. Following Council adoption of this text for public exhibition, the document will be formatted in a similar manner to the current CSP, ie, graphic format with colour, photographs and the attached text included.

As advised at the Briefing Session on 4 December 2012, the goals and measures in the HCSP have a timeframe of 20 years. Goals and measures, consistent with the HCSP, are currently being developed for the Delivery Program (four years) and Operational Plan (one year) as part of the Integrated Planning and Reporting Documents (including the Budget) for the 2013/2014 financial year.

### Conformance to Community Strategic Plan

The current project is the review of the Community Strategic Plan 2010 - 2030 as required by legislation following a Council election. The CSP is the highest level strategic document that Council will prepare and as such will guide the direction and operations of Council for the projected period. The next review of the CSP will be scheduled following the next Local Government Elections in 2016.

### Financial Implications

Funding to enable the review of the HCSP as required by legislation has been included with the 2012/2013 Budget.

### RECOMMENDATION:

That:

1. Subject to the graphical formatting of the document being completed, the Draft Community Strategic Plan as attached to the report be adopted for public exhibition purposes based on the public consultation process adopted by Council on 9 October 2012.
2. A further report be submitted to Council at the conclusion of the public exhibition period.

**ORDINARY MEETING**

**Meeting Date:** 11 December 2012

**ATTACHMENTS:**

**AT - 1** Copy of Council Report dated 9 October 2012.

**AT - 2** Revised text of draft Hawkesbury Community Strategic Plan 2010 - 2030 (*Distributed Under Separate Cover*)

## ORDINARY MEETING

Meeting Date: 11 December 2012

### **AT - 1 Copy of Council Report dated 9 October 2012**

**ITEM:** GM - Review of Hawkesbury Community Strategic Plan 2010 - 2030 - (95498)

**Previous Item:** 280, Ordinary (11 December 2007)  
76, Ordinary (29 April 2008)  
56, Ordinary (31 March 2009)  
220, Ordinary (13 October 2009)  
255, Ordinary (24 November 2009)

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#### **REPORT:**

##### **Executive Summary**

Council's current Hawkesbury Community Strategic Plan 2010-2030 (HCSP) was adopted by Council on 13 October 2009 following an extensive process that was commenced by Council in 2008 in anticipation of the introduction of an integrated planning and reporting framework for local councils in NSW being proposed by the State Government at the time.

The subsequent legislation to introduce the Integrated Planning and Reporting Framework was introduced into the Parliament in mid 2009 and commenced in October 2009. The Framework requires NSW councils to produce a Community Strategic Plan (CSP) with a minimum timeframe of 10 years, supported by a Resourcing Strategy (RS) together with a Delivery Program (DP) with a timeframe of 4 years (term of the council), an annual Operational Plan (OP) and an Annual Report (AR).

The relevant legislation requires each newly elected council to review its CSP and develop a new DP by 30 June in the year following the local government elections. The review of the CSP also needs to be supported by a Community Engagement Strategy (CES). As the CSP informs the development of the DP and subsequent OP and annual budget it is essential for Council to commence its review of the CSP as soon as possible to enable it to inform these subsequent documents and meet the required timeframes.

The purpose of this report is to outline requirements in this regard and suggest a program to enable Council to review the CSP and develop a new DP, OP and budget to all be finalised by 30 June 2013.

##### **Consultation**

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. Legislation requires Council to prepare a Community Engagement Strategy for use when developing/reviewing its Community Strategic Plan and a proposed strategy, to be implemented in conjunction with Council's Community Engagement Policy, for this purpose is outlined in this report.

##### **Background**

Council's current HCSP was adopted by Council on 13 October 2009 following a process that was commenced by Council in 2008 in anticipation of the introduction of an integrated planning and reporting framework for local councils in NSW being proposed by the State Government at the time.

The subsequent legislation to introduce the Integrated Planning and Reporting Framework was introduced into the Parliament in mid 2009 and commenced in October 2009. Councils are required to address all essential elements of the legislation in their plans and prepare a compliance report in accordance with the Local Government Act (the Act). Guidelines and a Manual to assist councils in this process have been prepared and issued by the Division of Local Government (DLG).



The following diagram, sourced from the DLG Planning and Reporting Manual, shows the basic structure and interrelated nature of the integrated planning and reporting framework:



### Local Government Planning and Reporting framework

In summary, all councils are now required to have in place the following planning processes:

- a CES that sets out how each council will engage its community when developing or reviewing its CSP,
- a CSP (minimum timeframe of 10 years),
- a RS that includes a long term financial plan, a workforce management strategy and an asset management policy, strategy and plans,
- a DP (four years),
- an OP, including a statement of revenue policy, and a detailed annual budget.

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

- an AR outlining achievements against the DP,
- a State of the Environment Report (SOER) as part of the AR, which outlines achievements in relation to the environmental objectives in the CSP,
- audited financial statements as part of the AR,
- an end of term report by each outgoing council outlining the achievements in implementing the CSP presented to the final meeting of that council (In respect of Hawkesbury City Council this effectively commences with this term of Council).

## ORDINARY MEETING

Meeting Date: 11 December 2012

The CSP must contain:

- A community vision statement,
- Strategic objectives addressing social, economic and civic leadership, and
- Strategies for achieving each objective.

The CSP is considered to be the highest level plan the Council will prepare and needs to be considered at a high level as other plans will address more detailed aspects flowing from the CSP. All corporate planning documents and reporting needs to be consistent with the CSP and demonstrate strong, consistent links between the hierarchy of plans. Council's current HCSP, DP, OP, RS and other related documents and reports have been prepared on this basis.

The relevant legislation requires each newly elected council to review its CSP by 30 June in the year following the local government elections and in doing so it can either endorse the existing plan, review and amend the existing plan or develop a new plan. Prior to adoption the reviewed plan must be placed on public exhibition for at least 28 days and any submissions considered by Council before endorsement. On this occasion it is proposed that Council review the existing HCSP. The review of the CSP also needs to be supported by a Community Engagement Strategy (CES) which is addressed in a subsequent section of this report.

A new DP is also required to be developed by the Council by 30 June in the year following the local government elections. As the CSP informs the development of the DP and subsequent OP and annual budget it is essential for Council to commence its review of the CSP as soon as possible to enable the development of this document to inform these subsequent documents and meet the required timeframes.

### Proposed Review Process

Accordingly, a suggested process to facilitate the review of the HCSP is as follows:

- Report to this meeting to commence review process.
- Overview of review process proposed for subsequent Workshop provided at Councillors Briefing Session on 23 October 2012 currently scheduled for Induction Session 3 regarding Code of Conduct.
- Councillor workshop to be held on weekend of 3 and 4 November 2012:
  - Workshop to be attended by councillors and other appropriate senior staff and assisted by other directional documents prepared by Council and results of last Community Survey.
  - Workshop to be guided by an independent facilitator. It is proposed to utilise Mr J Allen of Allen Management Solutions who is experienced in this field and facilitated the original development of Council's current HCSP and has also assisted Council in other related areas.
  - Workshop to be held off-site.
- Draft of reviewed CSP prepared and developed following workshop.
- Draft document presented and discussed at Councillor Briefing Session on 4 December 2012.
- Draft document presented to Council meeting of 11 December 2012 for endorsement to be placed on public exhibition.
- December 2012 – mid January 2012 draft document prepared for public exhibition.
- Mid January – mid March 2013 draft document placed on public exhibition. (see subsequent section of report re Community Engagement Strategy)
- Mid March – early April 2013 submissions on draft document considered and report to Council prepared.
- Report on results of public exhibition of CSP submitted to Council meeting of 9 April 2013 with a view to its adoption.

From approximately November 2012 Council staff will commence the preparation of the DP, OP and RS, including the 2013/2014 draft budget. However, it is important that this work and documents are able to be informed by the draft of the reviewed CSP which highlights the importance of the review process and the timetable suggested above.

**Community Engagement Strategy**

As indicated previously in this report, as part of the integrated planning and reporting process councils are required to develop a CES that sets out how each council will engage its community when developing or reviewing its CSP. When Council developed the current HCSP the CES that was utilised at the time was a structured consultation process that was implemented in conjunction with Council's Community Engagement Policy (CEP). It is proposed that a similar process be utilised on this occasion.

Under Council's CEP the review of the HCSP would represent a Level 1 trigger for community engagement. In order to meet the recommend level of community engagement under the CEP for a Level 1 trigger event it is proposed that the methods of communication and engagement include:

**Consultation Period**

*A consultation period of 8 weeks (mid January to mid March 2013 as referred to previously).*

**Actual printed plan**

*Copies of the draft reviewed HCSP be printed in full colour for distribution.*

**Media**

*Media Releases be issued:*

- 4. At the release of the document*
- 5. Midway through the consultation period to advise the public of the submission process*
- 6. In the final week to encourage last minute submissions prior to the close of the consultation period.*

*The weekly and monthly Mayoral Columns in local publications to be utilised to emphasise the importance of community input into the process.*

*A Media Briefing be given to journalists of the local area regarding the review of the HCSP, the various ways Council is seeking input..*

**Advertising**

*At least two advertisements be placed in the Council Notices advertisement in the Hawkesbury Courier and two display advertisements be placed in local publications..*

**FAQ Fact Sheet**

*A Frequently Asked Questions Fact Sheet which outlines the process of consultation and the integration with other plans be prepared.*

**Website**

*The Council's website will provide access to the document, FAQ fact sheet, submission sheet and relevant reports to Council as well as links to the results of the community survey.*

**Messages on hold**

*A short message directing people to more information be placed on Council's message on hold system.*

**Feedback form**

*A standard feedback form be developed to provide a framework for community members to provide their thoughts and feelings on the draft HCSP.*

**Enquiries Phone Number**

*Staffed by the Strategic Planning team this number will directly assist people to find out more information or to access a submission sheet to provide their feedback on the draft HCSP.*

**Telephone Answering machine service**

## ORDINARY MEETING

Meeting Date: 11 December 2012

*A phone number with a dedicated answering machine be provided so that people who find it difficult to articulate their thoughts in the written form, can leave messages about their thoughts of the plan verbally.*

### **Dedicated email address**

*To ensure relevant documentation is appropriately captured from the public, Council create a dedicated email addresses for feedback purposes. This gives the public the confidence that their thoughts will be specifically directed to this consultation process.*

### **Unmanned Physical Displays**

*Several large laminated displays of the draft HCSP be created to be placed on display boards in Council and community facilities.. \*

### **Staffed Roadshow**

*Manned displays to be featured at several large Shopping Centres – ie. Richmond, Windsor and North Richmond Shopping Centres. It is acknowledged that although many residents do their local shopping within their own neighbourhood precincts, many residents in the outer-lying districts travel to these central locations for major shopping outings.*

### **Radio**

*Hawkesbury Radio be approached to feature information about this important consultation process.*

### **Community Participation Forum**

*It is important in this process to engage a widely represented portion of the Hawkesbury Community. It is proposed that instead of the traditional public meeting where a large portion of attendees remain unheard, that a different format of public participatory forum be utilised. This would involve the public being invited to a presentation of the draft HCSP with the opportunity to ask questions followed by an interactive process where people actually write their submissions and pin them to enlarged sections of the plan.*

*Alternatively staff would be available to assist members of the community who felt they had trouble putting into words their thoughts or feelings by scribing.*

### **Agenda item in Business Paper council committees**

*An agenda item will be included in the business paper of Council Committees that will meet during the consultation period. This will target those individuals that are already involved and interested in Council's planning processes and will effectively utilise the structure of Council's consultation process already established*

### **Mayoral Speeches**

*The Mayor often speaks at numerous functions and events and the opportunity will be taken to refer to the review of the HCSP, and how people can be actively involved in the process.*

The Act requires that a councils CSP is based, amongst other criteria, on social justice principles of equity, access, participation and rights and that the CES for engagement with the local community when developing/reviewing the CSP is also based upon these principles. As such, both the review of the HCSP and the implementation of the CES will have regard to these principles.

### **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.

## **ORDINARY MEETING**

**Meeting Date:** 11 December 2012

### **Financial Implications**

Funding to enable the review of the HCSP as required by legislation has been included with the 2012/2013 budget.

### **RECOMMENDATION:**

That as required under the Local Government Act 1993 Council commence the process to review the Hawkesbury Community Strategic Plan 2010-2030 on the basis of the process, timeframe and Community Engagement Strategy outlined in the report in this regard.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 11 December 2012

**Item: 226**      **CP - Development Report - DA0419/12 - Lot 216 DP 751649 - 268 Carters Road, Grose Vale - Clearing Native Vegetation - (94598, 24706)**

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### Development Information

**File Number:** DA0419/12  
**Property Address:** 268 Carters Road, Grose Vale  
**Applicant:** Richard Wing Hong Gee  
**Owner:** Dr RWH Gee  
**Proposal Details:** Clearing native vegetation for an access trail  
**Estimated Cost:** \$2000  
**Zone:** RU4 Primary Production Small Lots  
**Date Received:** 5 September 2012  
**Advertising:** 13 to 27 September 2012

**Recommendation:** Approval

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### REPORT:

#### Executive Summary

The application seeks approval for the removal of native vegetation for the purposes of providing a clear access track to a water pump which is intended to provide a water supply to the lots approved as part of Development Consent No. DA0607/08.

An assessment of the proposal has revealed that the proposed vegetation removal would be able to be undertaken without having any significant impacts on the locality.

The application is being reported to Council for determination at the request of Councillor Reardon.

#### Description of Proposal

The application proposes the removal of native vegetation along an access trail that is intended to provide access to a water supply for the lots approved under Development Approval No. DA0607/08.

Currently the existing access trail is overgrown and it is proposed that a number of small trees and shrubs would be required to be cleared to provide a 3 meters wide access trail to a water supply easement approved as part of the subdivision of the property. It is intended that trees greater than 1m in diameter would be retained.

The application is supported by a flora and fauna assessment report which has been undertaken by Dr Trevor Hawkeswood, dated 22 August 2012.

At the time of writing this report the subdivision of the subject site is in its final stages of registration with the Department of Land and Property Information.

#### Issues Relevant to the Decision

- Removal of native vegetation
- Visual impacts

## ORDINARY MEETING

Meeting Date: 11 December 2012

### Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy No. 44 - Koala Habitat Protection
- Sydney Regional Environmental Plan 20. (No.2 - 1997) - Hawkesbury Nepean River
- Hawkesbury Local Environmental Plan 2012
- Hawkesbury Local Environmental Plan 1989
- Hawkesbury Development Control Plan 2002

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

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

a. The provisions of any:

i Environmental Planning Instrument:

#### **State Environmental Planning Policy No. 44 - Koala Habitat Protection**

An assessment into the proposed flora and fauna removal has been undertaken identifying the species of trees proposed to be removed. In this respect, only a small portion of vegetation onsite consists of koala feed species identified under this plan. It is considered that support of the proposal would not result in the significant disturbance to koala feed species and it would be unlikely that the development would impact "Potential Koala Habitat".

It is considered that the applicant has satisfactorily demonstrated that the proposed development would not involve the disturbance of 'core koala' habitat as identified by this plan. Council is not prevented from granting consent to the proposal under this plan. It is therefore considered that the development is consistent with the overall aims and objectives of this plan.

#### **Sydney Regional Environmental Plan No 20 (SREP No. 20) - Hawkesbury - Nepean River (No 2—1997)**

An assessment of the proposal against this plan has been undertaken and it is considered that the development is consistent with the general and specific matters for consideration, specific planning policies and recommended strategies and development controls of this plan.

#### **Hawkesbury Local Environmental Plan 2012 (HLEP 2012)**

The subject land is zoned RU4 Rural Small Holdings under this plan. The proposed development is ancillary to the normal domestic use of the land and is permissible with development consent. Nevertheless the application was lodged prior to the gazettal of this plan and Clause 1.8A - Savings provision relating to development applications states:

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

As a result of Clause 1.8A the application has been assessed against Hawkesbury Local Environmental Plan 1989 in the report below.

#### **Hawkesbury Local Environmental Plan 1989 (HLEP 1989)**

The subject property is zoned rural living and the proposal would enable the lots approved under DA0607/08 to have suitable access to a proposed water supply which connects to Bellbird Creek. The clearing of native vegetation is permitted with development consent under this plan.

The proposal is consistent with the overall objectives of the zone which are to provide for rural residential development and ensure that the development would not have a significant adverse impact on water catchments or important ecosystems.

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Furthermore the works involved with the proposal would not result in any adverse conflicts with adjoining land uses as the proposal is associated with the proposed rural residential use of the lots approved under DA0607/08.

The following clauses of Hawkesbury Local Environmental Plan 1989 were taken into consideration as part of the assessment of the application:

- Clause 2 - Aims, objectives etc
- Clause 5 - Definitions
- Clause 9 - Carrying out of development
- Clause 18 - Provision of water, sewerage services, etc
- Clause 36 - Clearing of land in certain environmental and other zones
- Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map

Based on the above assessment the proposal is considered to be consistent with the requirements of Hawkesbury Local Environmental Plan 1989.

**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 2002**

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

**General Information Chapter**

The application provides adequate information for the assessment of the proposal and is therefore consistent with the requirements of this chapter.

**Notification Chapter**

The application was notified to adjacent property owners in accordance with HDCP 2002 and one submission was received as a result of the notification of the development. The issues raised in the submission have been discussed under the submissions section of this report.

**Car Parking and Access Chapter**

The application proposes that the access trail would be used occasionally to install and maintain a water supply pipeline proposed as part of the subdivision of the land. Given the infrequent use of the access trail it is considered unnecessary that the access be constructed to the same standard as what would be required for dwelling access.

**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:**

Developer contribution fees are not applicable to the development under the Environmental Planning and Assessment Regulation 2000 as the estimated cost of development is not greater than the minimum levy threshold of \$100,000 set by Hawkesbury City Council Section 94A Development Contribution Plan 2006.

**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:**



An assessment into the key issues relating to the proposal has been undertaken below.

**Context**

The surrounding locality is used for a combination of rural residential and agricultural purposes. The proposal is compatible with surrounding developments and would unlikely significantly change the nature of development within the locality. The application proposes to retain significant vegetation within the existing access trail which would provide access to the proposed water supply.

**Flora and Fauna**

A flora and fauna assessment undertaken by Dr Trevor J Hawkeswood, dated 22 August 2012, supports the application.

The assessment details that a survey of the development area has found that the vegetation community located on the site consists of Sydney Sandstone Ridgetop Woodland and Sandstone Gully Forest. These vegetation communities do not form part of any identified endangered ecological communities under the Threatened Species Conservation Act.

After a review of the flora fauna assessment and a site inspection it is considered that the proposed vegetation removal would not result in any significant impact on any flora or fauna communities.

**Traffic**

As discussed under the HDCP assessment section of this report the proposal to utilise an existing overgrown access trail is satisfactory for its intended use.

**Cumulative Impacts**

It is unlikely that there would be any adverse cumulative impacts associated with supporting the proposal as the works are associated with the rural residential use of the land and subdivision of the property approved under Development Consent No. DA0607/08.

**c. Suitability of the site for the development:**

A summary of the suitability of the site for the development has been undertaken and it is considered that the proposal is consistent with the planning controls which relate to the land.

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

The application was publicly notified from 13 to 27 September 2012. One submission was received in response to the proposal raising the following concerns:

- Removal of native vegetation on the site
- Visual impact the proposal would have from adjoining properties
- Potential use of the access trail by the public

The submission also provided four alternatives in regards to how access could be provided to the proposed water supply pump.

An assessment into the issues raised above has been undertaken and it is considered that the proposal would not result in any significant impacts that would prohibit the development.

Whilst a number of alternative access trails have been provided in the submission the proposal is consistent with the subdivision approved under Development Consent No. DA0607/08 and the location of an existing access trail. It is further noted that the construction of an access trail elsewhere on the land would require earthworks to be undertaken over a heavily vegetated gully.

Given that the application involves the removal of a number of trees it is recommended that replacement trees be provided along property boundaries to provide a vegetation buffer between the proposed access trail and the northern property boundary. Suitable conditions have been included as part of the recommendations of this report.

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It is considered that the matters raised in the submission received does not warrant refusal of the application.

### **e. The Public Interest:**

It is considered that the support of the application is not contrary to public interest as the proposal is directly associated with the rural residential use of the land and Development Approval No. DA0607/08.

### **Planning Decision**

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

### **RECOMMENDATION:**

That Development Application DA0419/12 at Lot 216 DP 751649, 268 Carters Road, Grose Vale for Clearing Native Vegetation for an access trail be approved subject to the following conditions:

#### **General Conditions**

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application as amended in red and as modified by these further conditions.
2. This consent is limited to the removal of vegetation only along the access trail shown on the stamped plans and does not cover the construction of a driveway.

#### **Prior to Commencement of Works**

3. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
4. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
5. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority.

#### **During Construction**

6. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
7. No material, including soil, shall be imported or removed from the site.
8. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.

## ORDINARY MEETING

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9. Trees greater than 1m in diameter must be retained.
10. The waste material from the vegetation removal is to be mulched and re-used as proposed in the documents submitted as part of this application.

**Note:** The material is not to be burnt in the open.

11. Two replacement trees shall be planted along the northern property boundary property for each tree removed from the access trail. Replacement trees shall:
  1. Consist of endemic species the same as those removed from the site;
  2. Have a minimum height at maturity of not less than 10 meters;
  3. Be planted no later than three months after tree removal has taken place; and,
  4. Be protected and maintained by the developer/landowner so as to ensure that they reach maturity.

Photographic evidence of the replacement trees shall be provided to Council no later than one month after the replacement tree planting occurs.

12. No bush rock shall be removed from the site. Any bush rock to be moved shall be placed in the native vegetation areas to be retained on the site.

### Use of the land

13. The development shall be limited to the area shown on the submitted plans.
14. Care is to be taken at all times not to interfere or damage the root structure of the trees to be retained.

### Advisory Notes

- Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- 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.
- The applicant is advised to make detailed inquiries as to whether approval by the Australian Government Minister for the Environment and Heritage is necessary under the Environment Protection and Biodiversity Conservation Act

### ATTACHMENTS:

**AT - 1** Locality Plan

**AT - 2** Aerial Photograph

**AT - 3** Plans

**Meeting Date:** 11 December 2012

**ORDINARY MEETING**

**Meeting Date: 11 December 2012**

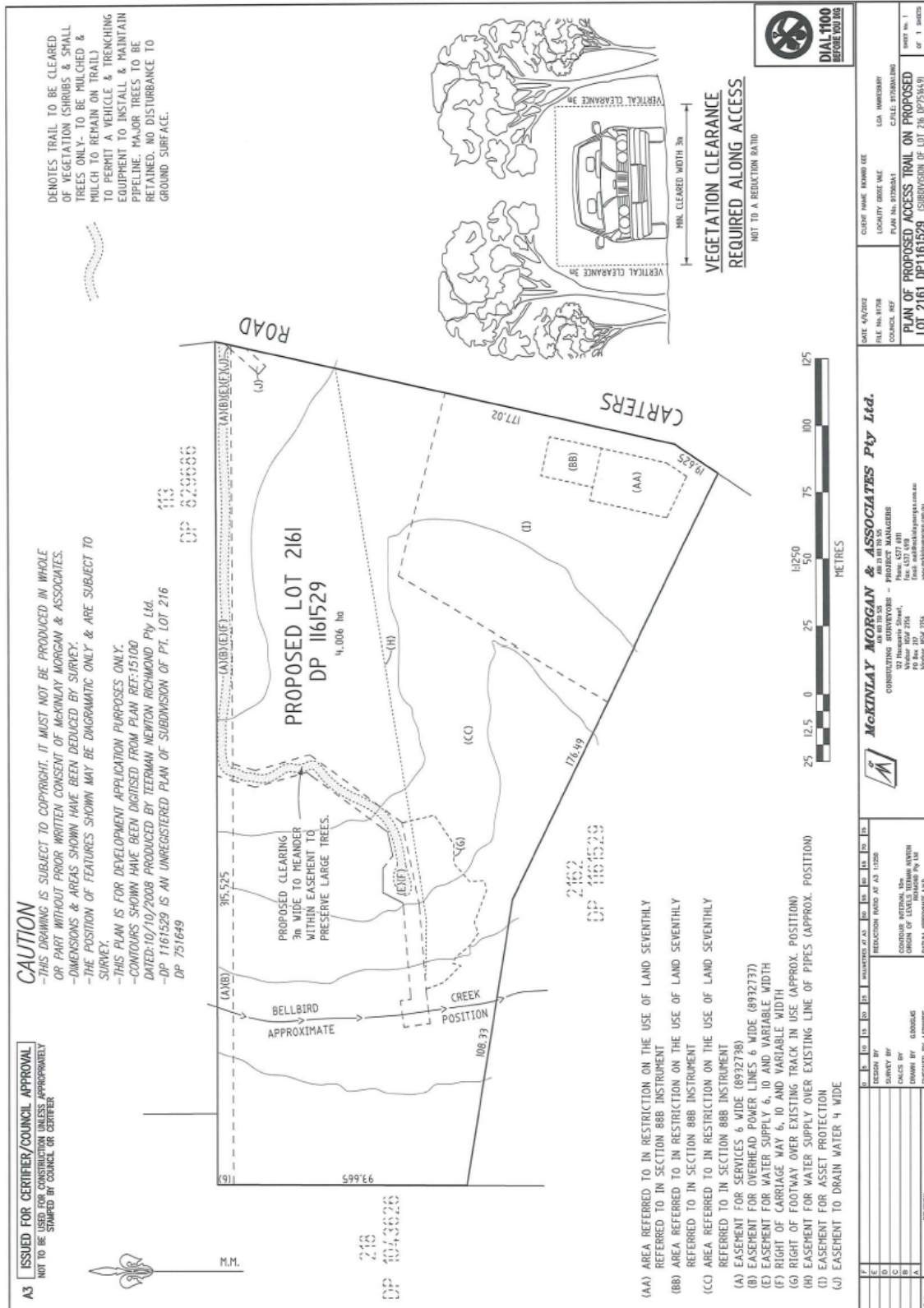
**AT - 2 Aerial Photograph**





**Meeting Date:** 11 December 2012

## Proposed Access Plan





**INFRASTRUCTURE SERVICES**

**Item: 227                      IS - Appointment of Chairperson of Local Emergency Management Committee - (79899)**

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**REPORT:**

**Executive Summary**

Under the State Emergency and Rescue Management (SERM) Act 1989, Council was previously required to appoint a senior officer of Council as Chairperson of the Local Emergency Management Committee (LEMC), with such person to have the authority to coordinate the use of Council's resources in emergencies. Currently that role is fulfilled by the Director Infrastructure Services.

The SERM Act has recently been amended by the Emergency Legislation Amendment Bill 2012 and now specifies that the General Manager is to be the Chairperson.

The effect of this, when read in conjunction with the Local Government Act, 1993 is that the function is conferred on to Council and Council is required to formally delegate this function to the General Manager (who may then delegate the function).

The intent of the change is to ensure that the issue of emergency management is given formal recognition and higher level accountability in local councils due to their key role in emergency response and coordination.

This report recommends that under Section 378 and Section 381 of the Local Government Act, 1993 Council delegate the function of Chairperson of the LEMC to the General Manager.

**Consultation**

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

**Background**

The SERM Act 1989 recognises that the involvement of local government in all stages of an emergency is critical (i.e. in prevention, preparedness, response and recovery). Emergency management structures are based, at a local level, on Local Government Areas and require the formation and operation of an LEMC for each Council area.

The SERM Act previously required Council to appoint an officer of council to act as Chairperson of the LEMC, with such person having the authority to coordinate the use of Council resources in an emergency and this role is currently fulfilled by the Director Infrastructure Services.

However, the Emergency Legislation Amendment Bill 2012, amongst a number of changes, now appoints the General Manager to this position. Under the provision of Section 381 of the Local Government Act, 1993 appointments such as this automatically confer that appointment on the Council, which is then able to formally delegate that function. Accordingly, this report recommends that Council delegate the function of Chairperson of the LEMC to the General Manager.

It should be noted that the General Manager may then delegate this function in accordance with Section 378 and Section 381 of the Local Government Act, 1993.



## **ORDINARY MEETING**

**Meeting Date:** 11 December 2012

Whilst such a procedural change may appear cosmetic, it is intended to have the effect of achieving greater accountabilities in emergency management by councils.

### **Conformance to Community Strategic Plan**

The proposal is consistent with the Looking After People and Place Directions statement;

- Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure.

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

- Develop disaster response and community safety plans

### **Financial Implications**

No financial implications resulting from this report.

### **RECOMMENDATION:**

That Council in accordance with the provisions of Section 378 and Section 381 of the Local Government Act 1993, delegate the function of Chairperson of the Local Emergency Management Committee to the General Manager.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 11 December 2012

**Item: 228**      **IS - World Championships Powerboat Racing Event - 17-19 May 2013 - (95495, 79354)**

**Previous Item:**      Item 10, Ordinary (1 February 2011)  
Item 59, Ordinary (30 March 2010)

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### REPORT:

#### Executive Summary

An application has been received from Fastwater Promotions to host a 'World Championships' Powerboat Racing Event at Governor Phillip Reserve between 17 to 19 May 2013.

These dates were previously allocated to the Australian Barefoot Racers Club Inc, who have agreed to vacate their approved event time, in support of the application by Fastwater Promotions.

The event organisers are requesting exclusive use for the 18 and 19 May 2013 as well as an increase in noise limits for their events for 2 hours per day of the event.

Due to this being a new event, and in accordance with Council's Policy, the organisers have written to residents adjoining the Park outlining the event and have allowed two weeks for residents to provide feedback. The organisers have however requested conditional approval prior to the closure of the consultation period due to the lead in time required to attract international boats.

The noise limits that the organisers are seeking are similar to the Bridge to Bridge and other large boating events that currently occur on the river, which have not attracted any significant level of complaint.

The event does not meet Council's 'Governor Phillip Reserve - Exclusive Use Policy' in that it is not one of the four regular events approved. This event however did not exist at the time of the Policy being written and the Policy is due for review. As part of the review a number of issues such as additional events, and the operational needs of major events will be addressed. The Policy will be reported back to Council early in the new year.

Pending the review and in order to facilitate this event, it is recommended that exclusive use be granted for this event and approval for a variation to the noise restriction be given, subject to no significant concerns being raised.

#### Consultation

The Organisers are undertaking a community consultation process in accordance with Council's Community Engagement Policy.

#### Background

The Hawkesbury River is used for a number of ski and boating activities, for both recreational and competition events.

In order to manage and balance the needs of users and the broader community, noise limits are imposed on recreational and racing vessels by the Roads and Maritime Service (RMS).

For significant, national or international events, approval to exceed the standard noise limits may be given subject to Council providing a written approval.

In response to this, and given a number of regular events, Council adopted a policy (Governor Phillip Reserve Noise Policy) to cover both these and other events which may be proposed.

## ORDINARY MEETING

Meeting Date: 11 December 2012

An application has been received from Fastwater Promotions seeking to host a World Championship Powerboat Racing Event at Governor Phillip Reserve on 17 to 19 May 2013.

The event organisers are requesting an increase in noise limits for this event up to 115 dB(a) for 2 hours per day of the event.

Due to this being a new event, the organisers have been requested in accordance with Council's Policy to consult with the community prior to a report being put to Council. Whilst the organisers have written to residents adjoining the Park outlining the event and have allowed two weeks for residents to provide feedback, they have requested conditional approval prior to the closure of the consultation period due to the lead in time required to attract international boats.

The noise limits that the organisers are seeking are similar to the Bridge to Bridge and other large boating events that currently occur on the river.

It is recommended that the event be approved with increased noise limits, subject to no significant issues being raised from the community consultation.

The organisers are also seeking exclusive use for the two days of the event. The event does not meet Council's 'Governor Phillip Reserve - Exclusive Use Policy' in that it is not one of the four regular events approved, as the event was not established, and therefore not considered, at the time the Policy was developed. The Policy, however, is due for review, and is expected to be brought to Council in the new year, with issues such as this request and operational needs for major events being addressed.

It should be noted that due to the significance of the event, the Australian Barefoot Racers Club Inc have agreed to cancel their current booking at Governor Phillip Reserve on 18 and 19 May 2013, to allow the World Championships to host their event on this weekend.

It is anticipated that the event will have significant flow-on benefits to the business community and it is recommended that exclusive use be granted over consecutive days (17 to 19 May 2013) for the 'World Championships' Powerboat Racing Event.

It is therefore recommended that approval for exclusive use be given for this event.

Approval for Traffic Management is to be undertaken as part of the Special Event Application.

### **Conformance to Community Strategic Plan**

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

- Help create thriving towns centres, each with its own character that attract residents, visitors and businesses.

### **Financial Implications**

Fees will be charged in accordance with Council's adopted Fees and Charges Schedule.

### **RECOMMENDATION:**

That:

1. Approval be granted to Fastwater Promotions for "Exclusive Use" of Governor Phillip Reserve for the World Championships Power Boat Racing Event on 18 and 19 May 2013.
2. The request for amendment to the noise limits for this event, as outlined within the report, be approved subject to no significant issues being raised from the community consultation.

## ORDINARY MEETING

Meeting Date: 11 December 2012

3. The approval be subject to the following conditions/documents:
  - (a) Council's general park conditions.
  - (b) Council's Fees and Charges.
  - (c) The Windsor Foreshore Plan of Management.
  - (d) The Governor Phillip Reserve Exclusive Use Policy.
  - (e) Governor Phillip Reserve Noise Policy.
  - (f) A Traffic Management Plan being approved as part of the Special Event Application.
4. As the applicants have not advised alternative dates in the event of inclement weather, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicants.

### ATTACHMENTS:

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 11 December 2012

### SUPPORT SERVICES

Item: 229      SS - Pecuniary Interest Returns - (95496, 96333)

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#### REPORT:

##### Executive Summary

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

##### Consultation

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

##### Background

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

*"450A Register and tabling of returns:*

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

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

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

With regard to Section 450A(2)(a), the following Section 449(1) Return has been lodged:

Position	Return Date	Date Lodged
Property Officer (Maternity Relief)	20/9/2012	20/9/2012

## **ORDINARY MEETING**

**Meeting Date:** 11 December 2012

The Return has been lodged prior to the due date for the receipt of the Return, being three months after the return date. The above details are now tabled in accordance with Section 450A(2)(a) of the Act and the Return is available for inspection if requested.

### **Conformance to Community Strategic Plan**

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

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

### **Financial Implications**

No financial implications applicable to this report.

### **RECOMMENDATION:**

That the information be received and noted.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 11 December 2012

**Item: 230**                    **SS - Possible Rating Strategy for the 2013/2014 Financial Year - (95496, 96332)**

**Previous Item:**            Item 37, Ordinary (13 March 2012)

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### REPORT:

#### Executive Summary

At the Council Meeting held on 9 October 2012 consideration was given to a Notice of Motion regarding a possible rating structure that could be implemented for the 2013/2014 rating year and resolved that a report be submitted to Council following a Councillor Briefing Session.

Subsequently, a Councillor Briefing Session was held on 4 December 2012 at which a rating structure for 2013/2014 based on the resolution was presented.

The purpose of this report is to provide an overview of the financial modelling undertaken in line with the Council resolution of 9 October 2012.

The report recommends that the information regarding the possible rating structure that could be implemented for the 2013/2014 rating year 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. However, the 2013/2014 rating strategy will be included within the Revenue Pricing Policy as part of the 2013/2014 Operational Plan public consultation process.

#### Background

At the Council Meeting held on 9 October 2012 consideration was given to a Notice of Motion regarding a possible rating structure that could be implemented for the 2013/2014 rating year.

At this meeting Council resolved:

*"That a report be submitted to Council, following a presentation at a Councillor Briefing Session, reviewing Council's rating structure for possible implementation in the 2013/2014 rating year on the following basis:*

1. *Each of the Rating Categories / Sub-Categories raising the following approximate proportion of the Notional Yield:*

<b>Rating Category / Sub-Category</b>	<b>Notional Yield</b>
<i>Residential</i>	<i>65%</i>
<i>Residential – Rural Residential</i>	<i>20%</i>
<i>Business</i>	<i>10%</i>
<i>Farmland</i>	<i>5%</i>

2. *The establishment of three appropriate Sub-Categories within the Business Category*

3. *A Base Rate of 50% to be applied across all Rate Categories / Sub-Categories"*

Subsequently, the Councillor Briefing Session was held on 4 December 2012. The purpose of the Councillor Briefing Session was to give an outline of the impact on properties within the Hawkesbury Local

## ORDINARY MEETING

Meeting Date: 11 December 2012

Government Area (LGA) should Council proceed to implement the rating structure suggested in the resolution.

During the Councillor Briefing Session, an overview was given of Council's current rating method and structure, and the impact on properties within the LGA of changing the current proportion of the Notional Yield payable by each Category and Sub-Category respectively and the introduction of a Base Rate of approximately 50% across all Categories and Sub-Categories. With regard to Part 2 of the resolution, possible options regarding the establishment of Sub-Categories within the Business Category were also presented.

The information presented at the Councillor Briefing Session has been summarised in this report.

### 1. Rating Options

Section 497 of the Local Government Act 1993 (the Act) stipulates the allowed rating methods. In summary, a council may have any, or a combination of the following, for any Category or Sub - Category:

- Ad Valorem only (land value multiplied by a rate in the dollar)
- Ad Valorem with Minimum Rate ( same as above but with a minimum amount payable)
- Base Rate with Ad Valorem (all ratepayers within a specific category to pay an equivalent amount as part of their rates, the base rate, with the balance of their rates made up via an ad valorem amount). It is noted that base amounts are restricted to a maximum 50% of total revenue for any particular category or sub-category.
- Combination (Council may resolve to levy rates using different methods for separate categories or sub-categories)

The total general income permitted to be derived through the levying of General Rates through the application of any of the rating methods outlined above, referred to as the Notional Yield, is based on the latest Valuer General (VG) Land Valuations and may be increased from one year to the next up to the rate-pegging limit set by the Independent Pricing and Regulatory Tribunal (IPART).

The Act provides for all rateable properties to be categorised into one of four categories:

- Residential
- Farmland
- Business
- Mining

Each of these categories can be divided into sub-categories determined on the basis of identified criteria for each category.

### 2. Current Rating Methods

There are currently 24,752 rateable properties in the Hawkesbury LGA:

Residential Category	18,338 properties
Rural Residential Sub-Category	4,275 properties
Business Category	1,515 properties
Farmland Category	624 properties



**ORDINARY MEETING****Meeting Date: 11 December 2012**

Council's current rating method is a combination of Ad Valorem with a Minimum Rate approach and a Base Rate approach across the Categories and Sub-Categories in Council's rating structure. An Ad Valorem rate with a Minimum Rate of \$485.00 is applied across the Residential and Farmland Categories, with the Farmland Ad Valorem rate being approximately 80% of the Residential Rate. Rates for the Rural-Residential Sub-Category and the Business Category are levied through a combination of a Base Amount and an Ad Valorem amount. For 2012/2013, the Base Amount for Rural Residential properties is \$190.00, and for Business properties is \$210.82.

### 3. Notional Yield Distribution and Base Amount

In line with the Council resolution, an analysis of the impact of a change in the rating structure and method comprising variations relating to the Notional Yield applicable to each Category and Sub-Category in the LGA, and the introduction of a Base Amount across all Categories and Sub-Categories thereof, was undertaken. Possible Sub-Categories that could be established within the Business Category have also been identified and presented.

Variation of the proportion of the Notional Yield between Categories and Sub-Categories has no impact on the overall Notional Yield, but does impact on properties within each Category and Sub-Category as more or less is collected from the respective Categories. In line with Council's resolution, modelling has been done on changing the Notional Yield proportion from the existing mix as part of the suggested rating structure.

All amounts shown below in this report are based on the current 2012/2013 rates which take into account the land valuations determinations by the VG in 2011.

Table 1 gives a high level snapshot of which Categories would pay more or less based on the potential mix suggested in the resolution.

**Table 1**

Category / Sub-Category	No of properties	Land Value 2011 Valuations	% Total 2011 Valuations	% and \$ Notional Yield (Current)	% Notional Yield (Possible)	Change in Yield from Category \$
<b>Residential</b>	18,338	\$4,610,595,160	56.49%	57.01% \$15,440,802	65%	+\$2,164,041
<b>Rural Residential</b>	4,275	\$2,298,831,000	28.17%	28.08% \$7,605,292	20%	- 2,188,417
<b>Business</b>	1,515	\$715,846,891	8.77%	9.78% \$2,648,852	10%	+\$59,585
<b>Farmland</b>	624	\$536,381,700	6.57%	5.13% \$1,389,428	5%	-\$35,209
<b>TOTAL</b>	<b>24,752</b>	<b>\$8,161,654,751</b>	<b>100%</b>	<b>100%</b> <b>\$27,084,374</b>	<b>100%</b>	<b>Nil</b>

As shown in Table 1, the current Notional Yield distribution is closely aligned to the distribution of land values within the LGA. The Notional Yield distribution suggested in the resolution results in a re-distribution of rates as shown in the last column. The suggested Notional Yield distribution results in properties in the Residential Category and the Business Category overall contributing an additional \$2.2M, with a corresponding reduced combined contribution from properties in the Rural Residential Sub-Category and Farmland Category.

Based on the suggested Notional Yield mix, further modelling was then undertaken to apply a Base Amount of approximately 50% to each Category and Sub-Category. This effectively redistributes the rates burden within each Category and Sub-Category.

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Section 536 of the Act specifies the criteria that a council must have regard to in determining a Base Amount, one of which relates to where the use of the Ad Valorem rate would result in uneven distribution of the rate burden. If Council were to proceed with applying a 50% Base Amount to each Category and Sub-Category in 2013/2014, details regarding the relevant criteria will be included in the Draft 2013/2014 Operational Plan that will be considered in April 2013.

**Table 2**

<b>Category / Sub-Category</b>	<b>% Notional Yield Proposed</b>	<b>Current Minimum Rate / Base Amount</b>	<b>Base Amount</b>	<b>Ad Valorem Rate in \$</b>
Residential	65%	\$485.00	\$475.00	0.192909
Rural Residential	20%	\$190.00	\$630.00	0.118478
Business	10%	\$210.82	\$890.00	0.189996
Farmland	5%	\$485.00	\$1,075.00	0.127412

As shown in Table 2, this approach would result in each property within the respective Category and Sub-Category paying the amount shown as Base Amount, in addition to the amount resulting when applying the Ad Valorem rate (rate in the dollar) shown for the Category or Sub-Category to the land value of the property.

In terms of the average impact on individual properties within each Category or Sub-Category, the suggested change in Notional Yield and the introduction of a 50% Base Rate across all Categories and Sub-Categories, results in movements in the average rates applicable to each property within the respective Category and Sub-Category as shown in Table 3 below:

**Table 3**

<b>Category / Sub-Category</b>	<b>Average Rate Movement per Property</b>
Residential	+ \$118.01
Rural Residential	-\$511.91
Business	+\$39.33
Farmland	-\$56.42

It is noted that the amounts and movements shown in Table 3 are averages and therefore each individual property may experience more or less extreme increases or decreases than those shown.

#### **4. Impact on Suburbs**

To assess the impact of the suggested changes in more detail, the average movement per property within suburbs with the highest number of properties in each Category and Sub-Category was calculated and are shown below in Tables 4 to 7. A list of the average movement per property within all suburbs in each Category of Sub-Category is outlined in Attachment 1 to this report.

**ORDINARY MEETING**

**Meeting Date: 11 December 2012**

**Table 4 – Residential Category**

<b>Suburb</b>	<b>No. of Properties</b>	<b>Average Rate</b>	<b>Average Rate \$ Inc. / Dec</b>
Bligh Park	2240	\$826.06	+\$204.58
South Windsor	2216	\$854.00	+\$184.34
Richmond	2114	\$838.51	+\$154.22
North Richmond	1596	\$939.73	+\$124.41
Hobartville	1078	\$894.48	+\$185.27
McGraths Hill	875	\$907.03	+\$174.79
Glossodia	825	\$993.33	+\$121.22
Wilberforce	782	\$1,077.40	+\$63.20
Windsor	702	\$963.12	+\$123.27

As shown in Table 4, in the Residential Category, properties in the selected suburbs, would, on average, experience an increase in rates payable.

**Table 5 –Rural Residential Category**

<b>Suburb</b>	<b>No. of Properties</b>	<b>Average Rate</b>	<b>Average Rate \$ Inc. / Dec</b>
Oakville	500	\$1,348.67	-\$638.05
East Kurrajong	447	\$1,180.88	-\$386.36
Kurrajong	402	\$1,231.17	-\$461.79
Maraylya	221	\$1,287.53	-\$546.33
Grose Vale	210	\$1,261.66	-\$507.52
Pitt Town	202	\$1,422.64	-\$749.01
Wilberforce	168	\$1,390.54	-\$700.86

Conversely, in the Rural Residential Sub-Category, the selected suburbs, being those with the highest number of properties, would experience, on average, a decrease.

**Table 6 –Farmland Category**

<b>Suburb</b>	<b>No. of Properties</b>	<b>Average Rate</b>	<b>Average Rate \$ Inc. / Dec</b>
Freemans Reach	95	\$1,988.37	+\$130.26
Wilberforce	57	\$2,044.25	+\$72.69
Pitt Town Bottoms	41	\$1,597.73	+\$526.27
Oakville	37	\$1,873.29	+\$249.83
Bilpin	33	\$1,793.80	+\$332.00
North Richmond	28	\$5,144.18	-\$3,131.22
Agnes Banks	26	\$1,987.22	+\$117.89

With regard to the Farmland Category, as shown in Table 6 above, the majority of the selected suburbs would experience, on average, an increase, with the exception of properties in North Richmond, which, on average experience a decrease in rates payable.

**ORDINARY MEETING****Meeting Date: 11 December 2012****Table 7 – Business Category**

<b>Suburb</b>	<b>No. of Properties</b>	<b>Average Rate</b>	<b>Average Rate \$ Inc. / Dec</b>
South Windsor	300	\$1,819.39	+\$21.82
Richmond	284	\$1,581.32	+\$190.20
Windsor	245	\$1,642.08	+\$147.23
Mulgrave	226	\$1,990.31	-\$99.07
North Richmond	93	\$1,703.99	+\$103.44
Vineyard	72	\$2,265.15	-\$293.47
Wilberforce	60	\$1,539.68	+\$219.66

As shown in Table 7 above, selected suburbs within the Business Category, would experience, on average, an increase in rates payable, with the exception of properties in Mulgrave and Vineyard, who will, on average, benefit from a decrease.

### **5. Business Sub-Categories**

Council's resolution on 9 October 2012 also referred to the possible establishment of three appropriate Sub-Categories within the Business Category. The Business Category is defined as rateable parcels of land that cannot be classified as farmland, residential or mining.

Sub-Categories may be established within the Business Category in accordance with criteria stipulated in the Act. Section 529 of the Act defines the criteria to be considered when establishing a Sub-Category. The Act stipulates that for the Business Category, a Sub-Category can be established according to a "centre of activity". A "centre of activity" might comprise a business centre, an industrial estate or some other concentration of like activities.

Based on these criteria, potential areas that could be placed in different Sub-Categories within the Business Category have been identified as "centres of activity" as follows:

- Business Area 1 (755 properties):  
Business Rated Properties in - Richmond, Windsor, Vineyard, Mulgrave
- Business Area 2 (324 properties):  
Business Rated Properties in - North Richmond, South Windsor
- Business Area Other (436 properties)  
All Other Business Rated Properties

These areas could be established as Sub-Categories within the Business Category. Different rating methods and / or ad valorem rates may be applied to each respective Sub-Category should Council resolve to do so.

### **Summary**

In summary, the report provides an overview of the current rating structure used to levy general rates in the Hawkesbury LGA and demonstrates the impact of the implementation of a possible rating structure in 2013/2014 as suggested in the resolution of 9 October 2012.

The above details are provided for information.

## **ORDINARY MEETING**

**Meeting Date:** 11 December 2012

### **Conformance to Community Strategic Plan**

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

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

### **Financial Implications**

There are no funding implications arising from this report.

### **RECOMMENDATION:**

That the information concerning the possible rating structure that could be implemented for the 2013/2014 rating year be received and noted.

### **ATTACHMENTS:**

**AT - 1** Possible Rating Structure - Impact by Suburb

**ORDINARY MEETING**

Meeting Date: 11 December 2012

**AT - 1 Possible Rating Structure - Impact by Suburb****Residential - Base Amount \$475.00**

Suburb	No Of Properties	Average Land Value	Average Rate 2012/2013	Average Rate 2013/2014 with 50% Base	Average \$ Increase/ Decrease
AGNES BANKS	123	\$249,894	\$815.20	\$957.07	\$141.87
BERAMBING	20	\$235,050	\$773.89	\$928.43	\$154.54
BILPIN	127	\$229,906	\$761.60	\$918.51	\$156.91
BLAXLANDS RIDGE	76	\$361,408	\$1,178.08	\$1,172.19	-\$5.89
BLIGH PARK	2240	\$181,981	\$621.47	\$826.06	\$204.58
BOWEN MOUNTAIN	562	\$214,463	\$695.98	\$888.72	\$192.73
CATTAI	23	\$431,348	\$1,399.21	\$1,307.11	-\$92.10
CENTRAL COLO	11	\$303,091	\$1,044.81	\$1,059.69	\$14.88
CENTRAL MACDONALD	10	\$358,350	\$1,205.09	\$1,166.29	-\$38.80
CLARENDON	23	\$263,648	\$871.39	\$983.60	\$112.21
COLO	19	\$219,082	\$759.66	\$897.63	\$137.97
COLO HEIGHTS	32	\$361,622	\$1,209.70	\$1,172.60	-\$37.10
CORNWALLIS	15	\$766,267	\$2,509.63	\$1,953.20	-\$556.44
CUMBERLAND REACH	67	\$193,403	\$644.60	\$848.09	\$203.49
EAST KURRAJONG	198	\$367,227	\$1,194.44	\$1,183.41	-\$11.02
EBENEZER	202	\$365,975	\$1,189.84	\$1,181.00	-\$8.84
FERNANCES	15	\$140,039	\$572.46	\$745.15	\$172.69
FREEMANS REACH	523	\$290,618	\$946.60	\$1,035.63	\$89.03
GLOSSODIA	825	\$268,691	\$872.11	\$993.33	\$121.22
GROSE VALE	194	\$387,186	\$1,263.11	\$1,221.92	-\$41.20
GROSE WOLD	97	\$427,794	\$1,387.68	\$1,300.25	-\$87.43
HIGHER MACDONALD	13	\$293,585	\$993.87	\$1,041.35	\$47.48
HOBARTVILLE	1078	\$217,448	\$709.21	\$894.48	\$185.27
KURMOND	189	\$320,370	\$1,039.22	\$1,093.02	\$53.80
KURRAJONG	659	\$359,991	\$1,168.83	\$1,169.46	\$0.63
KURRAJONG HEIGHTS	457	\$254,031	\$825.78	\$965.05	\$139.27
KURRAJONG HILLS	147	\$446,082	\$1,447.00	\$1,335.53	-\$111.47
LEETS VALE	25	\$330,320	\$1,071.50	\$1,112.22	\$40.72
LOWER MACDONALD	220	\$177,285	\$664.69	\$817.00	\$152.30
LOWER PORTLAND	81	\$333,642	\$1,094.53	\$1,118.63	\$24.10
MARAYLYA	20	\$581,750	\$1,887.09	\$1,597.25	-\$289.84
MCGRATHS HILL	875	\$223,954	\$732.24	\$907.03	\$174.79
MELLONG	8	\$496,125	\$1,609.34	\$1,432.07	-\$177.27
MOGO CREEK	6	\$144,167	\$534.44	\$753.11	\$218.67
MOUNTAIN LAGOON	14	\$269,929	\$875.60	\$995.72	\$120.12
MULGRAVE	15	\$404,067	\$1,310.71	\$1,254.48	-\$56.23
NORTH RICHMOND	1596	\$240,906	\$815.32	\$939.73	\$124.41
OAKVILLE	41	\$503,951	\$1,646.40	\$1,447.17	-\$199.23
PERRYS CROSSING	5	\$250,000	\$810.95	\$957.27	\$146.32
PITT TOWN	508	\$442,031	\$1,435.54	\$1,327.72	-\$107.82
PITT TOWN BOTTOMS	22	\$407,964	\$1,333.87	\$1,262.00	-\$71.87

**ORDINARY MEETING****Meeting Date: 11 December 2012****Residential - Base Amount \$475.00**

<b>Suburb</b>	<b>No Of Properties</b>	<b>Average Land Value</b>	<b>Average Rate 2012/2013</b>	<b>Average Rate 2013/2014 with 50% Base</b>	<b>Average \$ Increase/ Decrease</b>
<b>PUTTY</b>	7	\$330,429	\$1,071.85	\$1,112.43	\$40.58
<b>RICHMOND</b>	2114	\$188,434	\$684.29	\$838.51	\$154.22
<b>RICHMOND LOWLANDS</b>	14	\$878,436	\$2,878.07	\$2,169.58	-\$708.49
<b>SACKVILLE</b>	57	\$202,296	\$663.52	\$865.25	\$201.73
<b>SOUTH WINDSOR</b>	2216	\$196,468	\$669.67	\$854.00	\$184.34
<b>ST ALBANS</b>	83	\$165,629	\$628.51	\$794.51	\$166.00
<b>TENNYSON</b>	44	\$401,386	\$1,302.02	\$1,249.31	-\$52.71
<b>THE SLOPES</b>	71	\$409,056	\$1,326.90	\$1,264.11	-\$62.79
<b>UPPER COLO</b>	25	\$320,360	\$1,054.05	\$1,093.00	\$38.95
<b>UPPER MACDONALD</b>	16	\$228,194	\$778.93	\$915.21	\$136.27
<b>VINEYARD</b>	221	\$228,312	\$955.39	\$915.44	-\$39.96
<b>WEBBS CREEK</b>	29	\$249,055	\$846.43	\$955.45	\$109.02
<b>WHEENY CREEK</b>	12	\$266,250	\$863.66	\$988.62	\$124.96
<b>WILBERFORCE</b>	782	\$312,272	\$1,014.20	\$1,077.40	\$63.20
<b>WINDSOR</b>	702	\$253,031	\$839.85	\$963.12	\$123.27
<b>WINDSOR DOWNS</b>	334	\$427,781	\$1,387.64	\$1,300.23	-\$87.41
<b>WISEMANS FERRY</b>	36	\$170,167	\$611.81	\$803.27	\$191.46
<b>WRIGHTS CREEK</b>	8	\$374,575	\$1,244.62	\$1,197.59	-\$47.03
<b>YARRAMUNDI</b>	186	\$353,355	\$1,147.18	\$1,156.65	\$9.47

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**ORDINARY MEETING**

**Meeting Date: 11 December 2012**

**Rural Residential - Base Amount \$630.00**

Suburb	No Of Properties	Average Land Value	Average Rate 2012/2013	Average Rate 2013/2014 with 50% Base	Average \$ Increase/ Decrease
AGNES BANKS	11	\$585,909	\$1,925.47	\$1,324.17	-\$601.30
BERAMBING	18	\$386,167	\$1,333.83	\$1,087.52	-\$246.31
BILPIN	142	\$427,254	\$1,455.53	\$1,136.20	-\$319.33
BLAXLANDS RIDGE	119	\$397,403	\$1,367.12	\$1,100.84	-\$266.28
BOWEN MOUNTAIN	20	\$445,300	\$1,508.99	\$1,157.58	-\$351.40
CATTAI	132	\$569,455	\$1,876.74	\$1,304.68	-\$572.06
CENTRAL COLO	10	\$321,600	\$1,142.59	\$1,011.03	-\$131.56
CENTRAL MACDONALD	21	\$337,000	\$1,188.20	\$1,029.27	-\$158.93
CLARENDON	18	\$752,778	\$2,419.74	\$1,521.88	-\$897.87
COLO	16	\$300,875	\$1,081.20	\$986.47	-\$94.73
COLO HEIGHTS	82	\$293,756	\$1,060.11	\$978.04	-\$82.08
CORNWALLIS	1	\$834,000	\$2,660.32	\$1,618.11	-\$1,042.22
CUMBERLAND REACH	8	\$672,875	\$2,183.07	\$1,427.21	-\$755.86
EAST KURRAJONG	447	\$464,966	\$1,567.24	\$1,180.88	-\$386.36
EBENEZER	124	\$565,306	\$1,864.45	\$1,299.76	-\$564.69
FERNANCES	3	\$146,900	\$625.12	\$804.04	\$178.92
FREEMANS REACH	110	\$578,736	\$1,904.23	\$1,315.68	-\$588.55
GLOSSODIA	123	\$561,211	\$1,852.32	\$1,294.91	-\$557.41
GROSE VALE	210	\$533,143	\$1,769.18	\$1,261.66	-\$507.52
GROSE WOLD	97	\$569,670	\$1,877.37	\$1,304.93	-\$572.44
HIGHER MACDONALD	4	\$121,150	\$548.85	\$773.54	\$224.69
KURMOND	103	\$576,068	\$1,896.32	\$1,312.51	-\$583.81
KURRAJONG	402	\$507,410	\$1,692.96	\$1,231.17	-\$461.79
KURRAJONG HEIGHTS	62	\$496,323	\$1,660.12	\$1,218.03	-\$442.08
KURRAJONG HILLS	94	\$530,553	\$1,761.51	\$1,258.59	-\$502.92
LEETS VALE	5	\$593,200	\$1,947.07	\$1,332.81	-\$614.26
LOWER MACDONALD	16	\$332,938	\$1,176.17	\$1,024.46	-\$151.71
LOWER PORTLAND	74	\$441,919	\$1,498.97	\$1,153.58	-\$345.40
MARAYLYA	221	\$554,977	\$1,833.85	\$1,287.53	-\$546.33
MCGRATHS HILL	17	\$629,118	\$2,053.46	\$1,375.37	-\$678.09
MOGO CREEK	3	\$137,000	\$595.80	\$792.31	\$196.52
MOUNTAIN LAGOON	29	\$463,621	\$1,563.25	\$1,179.29	-\$383.97
MULGRAVE	9	\$600,778	\$1,969.52	\$1,341.79	-\$627.73
NORTH RICHMOND	120	\$606,200	\$1,985.58	\$1,348.21	-\$637.36
OAKVILLE	500	\$606,588	\$1,986.73	\$1,348.67	-\$638.05
PERRYS CROSSING	2	\$174,500	\$706.87	\$836.74	\$129.87
PITT TOWN	202	\$669,020	\$2,171.65	\$1,422.64	-\$749.01
PITT TOWN BOTTOMS	4	\$554,000	\$1,830.96	\$1,286.37	-\$544.59
RICHMOND	7	\$858,429	\$2,732.68	\$1,647.05	-\$1,085.63
RICHMOND LOWLANDS	7	\$1,386,000	\$4,295.36	\$2,272.11	-\$2,023.25
SACKVILLE	27	\$572,407	\$1,885.48	\$1,308.18	-\$577.31



**ORDINARY MEETING**

Meeting Date: 11 December 2012

**Rural Residential - Base Amount \$630.00**

Suburb	No Of Properties	Average Land Value	Average Rate 2012/2013	Average Rate 2013/2014 with 50% Base	Average \$ Increase/ Decrease
SCHEYVILLE	1	\$625,000	\$2,041.26	\$1,370.49	-\$670.78
SOUTH WINDSOR	46	\$618,391	\$2,021.69	\$1,362.66	-\$659.03
ST ALBANS	35	\$288,649	\$1,044.98	\$971.99	-\$73.00
TENNYSON	86	\$649,733	\$2,114.52	\$1,399.79	-\$714.73
THE SLOPES	27	\$540,407	\$1,790.70	\$1,270.26	-\$520.43
UPPER COLO	12	\$360,750	\$1,258.55	\$1,057.41	-\$201.14
UPPER MACDONALD	23	\$273,087	\$998.89	\$953.55	-\$45.34
VINEYARD	134	\$591,896	\$1,943.21	\$1,331.27	-\$611.94
WEBBS CREEK	13	\$245,923	\$918.43	\$921.36	\$2.94
WHEENY CREEK	12	\$336,417	\$1,186.47	\$1,028.58	-\$157.89
WILBERFORCE	168	\$641,929	\$2,091.41	\$1,390.54	-\$700.86
WINDSOR	6	\$637,000	\$2,076.81	\$1,384.70	-\$692.10
WINDSOR DOWNS	25	\$586,280	\$1,926.57	\$1,324.61	-\$601.96
WISEMANS FERRY	7	\$285,571	\$1,035.87	\$968.34	-\$67.53
WRIGHTS CREEK	7	\$331,571	\$1,172.12	\$1,022.84	-\$149.28
YARRAMUNDI	53	\$603,623	\$1,977.94	\$1,345.16	-\$632.78

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**ORDINARY MEETING**

**Meeting Date: 11 December 2012**

**Business - Base Amount \$890.00**

Suburb	No Of Properties	Average Land Value	Average Rate 2012/2013	Average Rate 2013/2014 with 50% Base	Average \$ Increase/ Decrease
AGNES BANKS	3	\$398,333	\$1,502.94	\$1,646.82	\$143.88
BERAMBING	1	\$536,000	\$1,949.50	\$1,908.38	-\$41.12
BILPIN	8	\$199,625	\$858.37	\$1,269.28	\$410.91
BLAXLANDS RIDGE	2	\$360,000	\$1,378.59	\$1,573.99	\$195.39
BLIGH PARK	7	\$477,414	\$1,759.46	\$1,797.07	\$37.61
BOWEN MOUNTAIN	4	\$284,500	\$1,133.68	\$1,430.54	\$296.85
CATTAI	2	\$609,000	\$2,186.30	\$2,047.08	-\$139.22
CLARENDON	15	\$515,153	\$1,881.88	\$1,868.77	-\$13.11
COLO	3	\$570,000	\$2,059.79	\$1,972.98	-\$86.81
COLO HEIGHTS	7	\$134,400	\$646.79	\$1,145.35	\$498.57
CORNWALLIS	1	\$1,140,000	\$3,908.76	\$3,055.95	-\$852.81
EAST KURRAJONG	3	\$508,333	\$1,859.76	\$1,855.81	-\$3.94
EBENEZER	10	\$531,806	\$1,935.90	\$1,900.41	-\$35.49
FREEMANS REACH	11	\$450,182	\$1,671.12	\$1,745.33	\$74.20
GLOSSODIA	7	\$803,714	\$2,817.92	\$2,417.02	-\$400.89
GROSE VALE	7	\$694,857	\$2,464.80	\$2,210.20	-\$254.60
GROSE WOLD	6	\$2,440,000	\$8,125.72	\$5,525.90	-\$2,599.81
HOBARTVILLE	4	\$281,750	\$1,124.76	\$1,425.31	\$300.55
KURMOND	11	\$427,455	\$1,597.40	\$1,702.15	\$104.75
KURRAJONG	28	\$569,714	\$2,058.86	\$1,972.43	-\$86.43
KURRAJONG HEIGHTS	23	\$407,957	\$1,534.15	\$1,665.10	\$130.95
KURRAJONG HILLS	4	\$442,500	\$1,646.21	\$1,730.73	\$84.53
LOWER PORTLAND	5	\$726,400	\$2,567.12	\$2,270.13	-\$296.99
MARAYLYA	6	\$295,167	\$1,168.28	\$1,450.80	\$282.52
MCGRATHS HILL	11	\$602,182	\$2,164.18	\$2,034.12	-\$130.06
MELLONG	1	\$567,000	\$2,050.06	\$1,967.28	-\$82.78
MOGO CREEK	1	\$960	\$213.93	\$891.82	\$677.89
MULGRAVE	226	\$579,121	\$2,089.38	\$1,990.31	-\$99.07
NORTH RICHMOND	93	\$428,424	\$1,600.55	\$1,703.99	\$103.44
OAKVILLE	8	\$538,750	\$1,958.42	\$1,913.60	-\$44.82
PITT TOWN	12	\$447,917	\$1,663.78	\$1,741.02	\$77.25
PITT TOWN BOTTOMS	1	\$574,000	\$2,072.77	\$1,980.58	-\$92.19
RICHMOND	284	\$363,862	\$1,391.12	\$1,581.32	\$190.20
RICHMOND LOWLANDS	3	\$624,333	\$2,236.04	\$2,076.21	-\$159.83
SACKVILLE	2	\$545,000	\$1,978.70	\$1,925.48	-\$53.22
SOUTH WINDSOR	300	\$489,161	\$1,797.57	\$1,819.39	\$21.82
ST ALBANS	9	\$204,533	\$874.29	\$1,278.61	\$404.32
UPPER COLO	1	\$540,000	\$1,962.48	\$1,915.98	-\$46.50
VINEYARD	72	\$723,778	\$2,558.62	\$2,265.15	-\$293.47
WEBBS CREEK	4	\$1,096,750	\$3,768.47	\$2,973.78	-\$794.69
WHEENY CREEK	1	\$9,000	\$240.01	\$907.10	\$667.09
WILBERFORCE	60	\$341,942	\$1,320.01	\$1,539.68	\$219.66
WINDSOR	245	\$395,839	\$1,494.85	\$1,642.08	\$147.23

**ORDINARY MEETING****Meeting Date: 11 December 2012****Business - Base Amount \$890.00**

Suburb	No Of Properties	Average Land Value	Average Rate 2012/2013	Average Rate 2013/2014 with 50% Base	Average \$ Increase/ Decrease
WISEMANS FERRY	1	\$540,000	\$1,962.48	\$1,915.98	-\$46.50
YARRAMUNDI	2	\$585,500	\$2,110.07	\$2,002.43	-\$107.64

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**ORDINARY MEETING**

**Meeting Date: 11 December 2012**

**Farmland - Base Amount \$1075.00**

Suburb	No Of Properties	Average Land Value	Average Rate 2012/2013	Average Rate 2013/2014 with 50% Base	Average \$ Increase/ Decrease
AGNES BANKS	26	\$715,962	\$1,869.33	\$1,987.22	\$117.89
BERAMBING	3	\$485,667	\$1,258.44	\$1,693.80	\$435.36
BILPIN	33	\$564,152	\$1,461.80	\$1,793.80	\$332.00
BLAXLANDS RIDGE	5	\$1,015,600	\$2,631.58	\$2,369.00	-\$262.58
CATTAI	1	\$670,000	\$1,736.07	\$1,928.66	\$192.59
CENTRAL MACDONALD	2	\$431,000	\$1,116.79	\$1,624.15	\$507.36
CLARENDON	3	\$1,239,000	\$3,210.43	\$2,653.63	-\$556.80
COLO HEIGHTS	1	\$441,000	\$1,142.70	\$1,636.89	\$494.19
CORNWALLIS	21	\$922,286	\$2,389.78	\$2,250.10	-\$139.68
CUMBERLAND REACH	3	\$791,333	\$2,050.46	\$2,083.25	\$32.79
EAST KURRAJONG	14	\$990,571	\$2,566.72	\$2,337.11	-\$229.61
EBENEZER	16	\$749,188	\$1,941.26	\$2,029.55	\$88.30
FERNANCES	1	\$144,000	\$485.00	\$1,258.47	\$773.47
FREEMANS REACH	95	\$716,863	\$1,858.10	\$1,988.37	\$130.26
GLOSSODIA	16	\$776,375	\$2,011.70	\$2,064.19	\$52.49
GROSE VALE	13	\$708,923	\$1,836.93	\$1,978.25	\$141.33
GROSE WOLD	7	\$703,714	\$1,823.43	\$1,971.62	\$148.19
HIGHER MACDONALD	10	\$256,500	\$699.79	\$1,401.81	\$702.02
KURMOND	9	\$830,556	\$2,152.10	\$2,133.23	-\$18.87
KURRAJONG	11	\$734,364	\$1,902.85	\$2,010.67	\$107.82
KURRAJONG HEIGHTS	7	\$856,571	\$2,219.50	\$2,166.37	-\$53.13
KURRAJONG HILLS	8	\$867,125	\$2,246.85	\$2,179.82	-\$67.03
LOWER MACDONALD	4	\$519,000	\$1,344.81	\$1,736.27	\$391.46
LOWER PORTLAND	6	\$820,000	\$2,124.74	\$2,119.78	-\$4.96
MARAYLYA	6	\$1,016,333	\$2,633.47	\$2,369.93	-\$263.54
MCGRATHS HILL	4	\$1,318,750	\$3,417.08	\$2,755.25	-\$661.83
MOUNTAIN LAGOON	4	\$509,500	\$1,320.19	\$1,724.16	\$403.97
MULGRAVE	5	\$1,117,200	\$2,894.83	\$2,498.45	-\$396.39
NORTH RICHMOND	28	\$3,193,714	\$8,275.39	\$5,144.18	-\$3,131.22
OAKVILLE	37	\$626,541	\$1,623.46	\$1,873.29	\$249.83
PITT TOWN	11	\$1,239,455	\$3,211.61	\$2,654.21	-\$557.40
PITT TOWN BOTTOMS	41	\$410,268	\$1,071.46	\$1,597.73	\$526.27
RICHMOND	17	\$1,450,588	\$3,758.69	\$2,923.22	-\$835.47
RICHMOND LOWLANDS	5	\$1,299,000	\$3,365.90	\$2,730.08	-\$635.82
SACKVILLE	7	\$892,857	\$2,313.53	\$2,212.61	-\$100.92
ST ALBANS	10	\$552,300	\$1,431.09	\$1,778.70	\$347.60
TENNYSON	11	\$980,000	\$2,539.33	\$2,323.64	-\$215.69
THE SLOPES	2	\$2,216,500	\$5,743.29	\$3,899.09	-\$1,844.20
UPPER COLO	7	\$654,429	\$1,695.72	\$1,908.82	\$213.10
UPPER MACDONALD	9	\$339,300	\$916.22	\$1,507.31	\$591.09
VINEYARD	25	\$835,080	\$2,163.82	\$2,138.99	-\$24.83

**ORDINARY MEETING****Meeting Date: 11 December 2012****Farmland - Base Amount \$1075.00**

<b>Suburb</b>	<b>No Of Properties</b>	<b>Average Land Value</b>	<b>Average Rate 2012/2013</b>	<b>Average Rate 2013/2014 with 50% Base</b>	<b>Average \$ Increase/ Decrease</b>
<b>WEBBS CREEK</b>	6	\$433,833	\$1,127.23	\$1,627.76	\$500.53
<b>WILBERFORCE</b>	57	\$760,719	\$1,971.55	\$2,044.25	\$72.69
<b>WINDSOR</b>	7	\$634,000	\$1,642.79	\$1,882.79	\$240.00
<b>WINDSOR DOWNS</b>	1	\$793,000	\$2,054.78	\$2,085.38	\$30.60
<b>WISEMANS FERRY</b>	1	\$1,050,000	\$2,720.71	\$2,412.83	-\$307.88
<b>WRIGHTS CREEK</b>	3	\$599,667	\$1,553.83	\$1,839.05	\$285.22
<b>YARRAMUNDI</b>	5	\$743,200	\$1,925.74	\$2,021.93	\$96.18

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**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

**Councillors Questions from Previous Meetings and Responses**

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**REPORT:**

**Questions – 27 November 2012**

#	Councillor	Question	Response
1	Rasmussen	Asked if Council was aware of the review into urban water regulations, which reviews the Water Competition Act and the Local Government Act, 1993 and if Council would be making a submission and if attending the workshops.	The Director Infrastructure Services advised that the document is currently being reviewed. Relevant staff will be attending the workshops and submissions made as appropriate.
2	Paine	Asked if approval had been given for fill going in at a property near Post Office Road, Ebenezer.	The Director City Planning advised that this matter is currently being investigated.
3	Reardon	Requested Council to investigate extending the one hour parking limit in front of St Matthews Anglican Church and St Matthews Catholic Church, Moses Street, Windsor to two hours.	The Director Infrastructure Services advised that the matter will be investigated.
4	Reardon	Asked if Council was involved in the Committee formed in relation to the Bicentennial of the crossing of the Blue Mountains, as people who did the work originated from the Hawkesbury district.	The Director City Planning advised that staff are currently monitoring this Committee and involvement in this Committee can be the subject of discussion at the first Heritage Advisory Committee meeting with the date yet to be set.

**ORDINARY MEETING****Questions for Next Meeting**

#	Councillor	Question	Response
5	Creed	Asked Council staff could remove the noxious weeds from Redbank Creek which a encroaching on properties along William Street.	<p>The Director Infrastructure Services advised that Hawkesbury River County Council (HRCC) is the local control authority for noxious weeds in the Hawkesbury LGA. Council staff regularly liaise with HRCC in relation to noxious weed management in the region.</p> <p>HRCC has been involved with noxious weed control on Redbank Creek in recent times, in particular targeting Senegal Tea.</p> <p>Staff are also aware of a number of environmental weeds along Redbank Creek and have contractors working on site to control these weeds. Contractors are currently working along the boundary of Peel Park, with the aim to progress downstream and expand the control area as funding becomes available.</p>
6	Creed	Asked Council staff to contact the owners of political posters still remaining from the September Local Government Elections requesting that they be removed.	The Director City Planning advised that the location of remaining posters will be investigated and the appropriate persons will be contacted requesting their removal.
7	Conolly	Requested Council staff to mow the road verges along the northern side of Windsor Road, between Macquarie Street and Pitt Town Road.	The Director Infrastructure Services advised that maintenance of this area will be carried out.

**ORDINARY MEETING**  
Questions for Next Meeting

#	Councillor	Question	Response
8	Conolly	Asked for an update regarding the vacant land next to Tiningi Community Centre, Bligh Park and requested if maintenance could be undertaken on the block.	<p>The Director Support Services advised that Council has previously tendered for the sale at the vacant land adjacent to Tiningi Community Centre (known as 139 Colonial Drive, Bligh Park) without success, mainly due to environmental issues and a site specific Development Control Plan (DCP) that affects the property. Negotiations are continuing with interested parties. Council, at its meeting on 8 May, 2012, considered a report providing an update on the proposed sale of the property and resolved to review the site specific DCP that currently applies to the property. The status of the site specific DCP is currently being investigated.</p> <p>The Director Infrastructure Services advised that the site has been inspected and that appropriate maintenance works will be undertaken, noting the presence of Cumberland Plain Woodland on this site.</p>

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**





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meeting

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