



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 09 December 2014

location: council chambers

time: 6:30 p.m.



# mission statement

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

## **How Council Operates**

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

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

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

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

### **Meeting Procedure**

The Mayor is Chairperson of the meeting.

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

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

### **Public Participation**

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

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

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

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

## **Voting**

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

## **Planning Decision**

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

## **Business Papers**

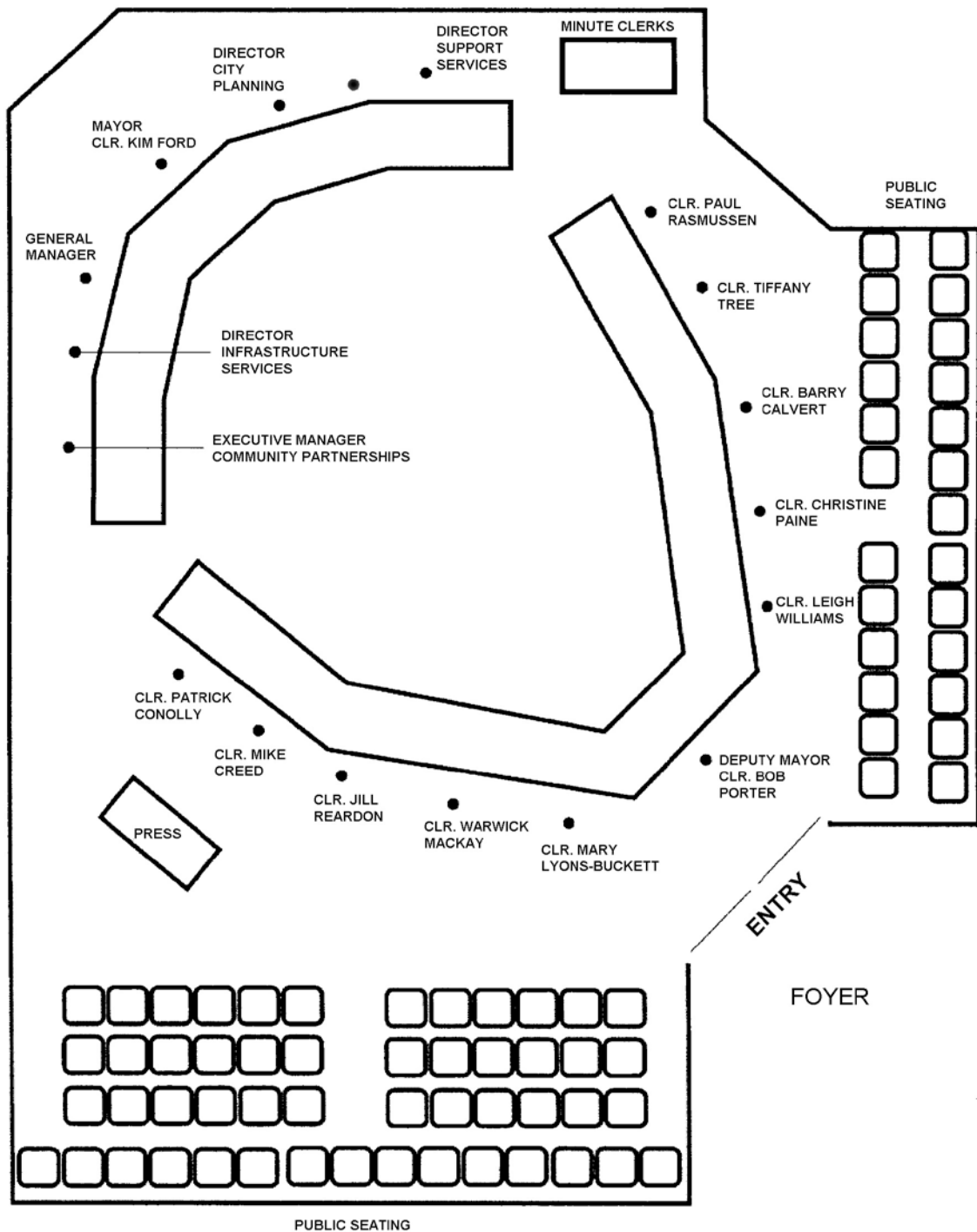
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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

## **Further Information**

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

# Hawkesbury City Council





**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 09 December 2014

**AGENDA**

- **WELCOME**
  - Prayer**
  - Acknowledgement of Indigenous Heritage**
- **APOLOGIES AND LEAVE OF ABSENCE**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**
- **SECTION 2 - Mayoral Minutes**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 3 - Reports for Determination**
  - Planning Decisions**
  - General Manager**
  - City Planning**
  - Infrastructure Services**
  - Support Services**
- **SECTION 4 - Reports of Committees**
- **SECTION 5 - Notices of Motion**
- **QUESTIONS FOR NEXT MEETING**
- **REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION**

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 09 December 2014



**ORDINARY MEETING****Table of Contents****Meeting Date:** 09 December 2014**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>SECTION 1 - Confirmation of Minutes</b>		<b>3</b>
<b>SECTION 3 - Reports for Determination</b>		<b>7</b>
<b>PLANNING DECISIONS</b>		<b>7</b>
Item: 236	CP - Development Application - DA0183/14 - Subdivision - Community Title - 67, 67A, 67B Browns Road, Kurrajong - (95498, 88784, 125590)	7
Item: 237	CP - Development Application - DA0538/14 - Dwelling House and Ancillary Development - 241 Blaxlands Ridge Road, Blaxlands Ridge - (95498, 88148, 88149)	27
Item: 238	CP - Planning Proposal to amend Hawkesbury Local Environmental Plan 2012 - 431 and 431A Greggs Road, Kurrajong - (95498, 124414)	38
Item: 239	CP - Permissibility of Rural "Secondary Dwellings" and "Detached Dual Occupancy" in the Hawkesbury Local Government Area - (95498, 124414)	46
Item: 240	CP - Council's Section 94 Contributions Plan 2008 - Current Review and Preparation of Future Contributions Plan - (95498, 124414)	61
<b>GENERAL MANAGER</b>		<b>68</b>
Item: 241	GM - Australian Mayoral Aviation Council - Council Membership - (79351)	68
Item: 242	GM - 2015 Local Government Managers (LGMA) National Congress & Business Expo (79351, 80532)	72
<b>CITY PLANNING</b>		<b>74</b>
Item: 243	CP - Hawkesbury Horizon Project - Progress and Proposed Future Actions - (124414)	74
Item: 244	CP - Hawkesbury-Nepean Valley Flood Management Review Taskforce - (95498, 86589)	85
<b>INFRASTRUCTURE SERVICES</b>		<b>88</b>
Item: 245	IS - Establishment of a Midnight Basketball Program - (95495, 79354)	88
Item: 246	IS - Road Naming Proposal Redbank Development North Richmond - (95495, 79346)	91
Item: 247	IS - Rural Fire Service Bid and Estimates 2015/2016 - Hawkesbury District - (95495, 79016, 73835)	94

**ORDINARY MEETING****Table of Contents****Meeting Date:** 09 December 2014

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>SUPPORT SERVICES</b>		<b>97</b>
Item: 248	SS - Community Sponsorship Program - 2014/2015 - Round 2 - (95496, 96328)	97
Item: 249	SS - Lobbying Contact Register - (95496)	101
Item: 250	SS - Pecuniary Interest Return - Designated Person - (95496, 96333)	104
Item: 251	SS - Request to Withdraw a Caveat - Lots 7 and 9, DP256516 and Lot 2, DP590789, Lower Colo Road, Lower Portland - (95496, 112106, 21162, 105003)	106
<b>SECTION 4 - Reports of Committees</b>		<b>111</b>
ROC	Human Services Advisory Committee - 6 November 2014 - (123486)	111
ROC	Sustainability Advisory Committee - 17 November 2014 - (126363)	117
ROC	Floodplain Risk Management Advisory Committee - 20 November 2014 - (86589)	121
<b>QUESTIONS FOR NEXT MEETING</b>		<b>129</b>
Councillor Questions from Previous Meeting and Responses - (79351)		129
<b>CONFIDENTIAL REPORTS</b>		<b>131</b>
Item: 252	IS - Tender No. 00946 - Supply of Bulk Materials for Civil Construction - (95495, 79344) CONFIDENTIAL	131
Item: 253	IS - Tender No. 00950 - Rehabilitation of Former East Kurrajong Waste Depot, East Kurrajong - (95495, 79344) CONFIDENTIAL	132
Item: 254	SS - Property Matter - Lease by Council of (Part) Scheyville National Park from The Minister Administering the National Parks and Wildlife Act 1974 - (95496, 112106) CONFIDENTIAL	133
Item: 255	SS - Sale of 8 Yarwood Road, Bligh Park (Lot 9156 in DP843382) - (95496, 112106, 114885) CONFIDENTIAL	134

ordinary

section 1

confirmation of minutes

**ORDINARY MEETING**  
Confirmation of Minutes

**ORDINARY MEETING**  
Confirmation of Minutes

**SECTION 1 - Confirmation of Minutes**

**ORDINARY MEETING**  
Confirmation of Minutes

ordinary

section

3

reports  
for determination

**ORDINARY MEETING**

**Meeting Date:** 09 December 2014



## ORDINARY MEETING

Meeting Date: 09 December 2014

### SECTION 3 - Reports for Determination

#### PLANNING DECISIONS

**Item: 236**                      **CP - Development Application - DA0183/14 - Subdivision - Community Title - 67, 67A, 67B Browns Road, Kurrajong - (95498, 88784, 125590)**

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#### Development Information

**File Number:** DA0183/14  
**Property Address:** 67, 67A, and 67B Browns Road, Kurrajong  
**Applicant:** PGH Environmental Planning  
**Owner:** Croft Manor Farm Pty Limited  
**Proposal Details:** Subdivision - Community Title - Subdivision to create three residential lots and one community title lot  
**Estimated Cost:** \$25,000  
**Zone:** RU4 Primary Production Small Lots  
**Date Received:** 8/04/2014  
**Advertising:** 15/04/2014 - 12/05/2014

**Key Issues:**

- ◆ Lot averaging requirements of Hawkesbury Local Environmental Plan 2012
- ◆ Flora and fauna preservation
- ◆ Concerns raised by other landowners in the vicinity

**Recommendation:** Approval

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#### REPORT:

##### Executive Summary

The application seeks approval for a four lot Community Title Subdivision of Lots 1, 4 and 5 in DP 270798, 67, 67A and 67B Browns Road, Kurrajong.

It is proposed that the lots will be subdivided in accordance with the lot averaging requirements of Hawkesbury Local Environmental Plan 2012.

Nine submissions from four respondents have been received raising objections to the proposal. Three of those are from the same person but raise different issues. Two objectors lodged two submissions each. The second submissions were in response to additional information provided from the applicant.

Following a detailed assessment of the application it is recommended that the proposal be approved as the development complies with Hawkesbury Local Environmental Plan 2012 (LEP 2012) and other relevant legislation.

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

**Description of Proposal**

The application proposes a four lot Community Title Subdivision of Lots 1, 4 and 5 in DP 270798, 67, 67A and 67B Browns Road Kurrajong. It is proposed that Lot 4 DP 270798 would be subdivided to create two lots. Lot 1 DP 270798 would be retained as the vacant neighbourhood land for the conservation of the Endangered Ecological Community (EEC) vegetation and other native vegetation and incorporating the existing common driveway. Existing Lot 5 DP 270798 is retained in its current configuration and is nominated as proposed Lot 2 in the current application. The proposed lots will have the following attributes:

- Proposed Lot 1 will have an area of 11.89 hectares and is to be retained as a community allotment shared by the proposed remaining Lots 2, 3 and 4. The lot will contain the private access way and the native vegetation communities located on the subject site.
- Proposed Lot 2 will have an area of 1.504 hectares and will be vacant.
- Proposed Lot 3 will have an area of 1.1 hectares and will contain two existing sheds and part of a dam.
- Proposed Lot 4 will have an area of 1.567 hectares and will contain an existing residence and part of a dam.

Access to the lots will be via the existing shared driveway from Browns Road.

The existing dam, partly located on proposed Lots 3 and 4, is proposed to be retained and will be formalised within the title documents and "*Community Management Statement*". The dam will be re-vegetated to improve water quality and provide fringing aquatic fauna habitat and as a static water supply in the event of a bushfire.

A detailed Bushland Management Plan (BMP) has been prepared by Eco Logical Australia along with cost estimates to implement this Plan. The BMP proposes to revegetate the lower section of proposed Lots 3 and 4 to increase the extent of the Endangered Ecological Community which was identified within this property. Additionally, the BMP will provide a framework to guide management actions within the Community Title Subdivision.

**Description of the Land and its Surroundings**

The land has a total area of 15.41ha and contains a single storey dwelling, garage, two sheds and a dam.

Approximately 11.8 hectares of the site is occupied by native vegetation which is located at the rear of the property. A number of natural drainage lines run through the property and drain towards Little Wheeney Creek which runs along the western property boundary.

The surrounding area is predominantly occupied by rural residential properties on lots ranging in size from 5000m<sup>2</sup> to 8ha.

**Background**

DA0480/12 for a three Lot Community Title Subdivision of Lot 2 in DP 884356, 67 Browns Road Kurrajong was approved at Council's Ordinary Meeting of 7th March 2013. The lots were subdivided in accordance with the lot averaging requirements of Hawkesbury Local Environmental Plan 2012. Details of the approved 3 lots are as follows:

- A community allotment shared by proposed Lot 2 and 3. The lot would total approximately 11.9 ha in area and contain a private access way and the native vegetation communities located on the subject site.
- Lot 2 has a total area of 2 ha and contains the existing dwelling and dam located on the subject site.
- Lot 3 has a total area of 1.5 ha and contains two existing sheds. This lot was created for further residential development.

## ORDINARY MEETING

Meeting Date: 09 December 2014

A subsequent boundary adjustment between Lots 2 and 3 was carried out to create the current Lots 4 and 5. This boundary adjustment was carried out as 'exempt' development under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

### History of the Application

On 29 May 2014, the applicant was sent correspondence from Council that asked for additional information pertaining to:

1. Provision of the plan that showed the extent of Endangered Ecological Community (EEC) on the subject land.

**Comment:** A plan has been provided.

2. Being able to demonstrate that the proposed subdivision creating one extra averaging lot would result in a better environmental outcome in view of the fact that the previously approved subdivision had already resulted in the creation of a community lot to preserve vegetation.

**Comment:** The applicant responded by providing a Bushland Management Plan and stated in the covering letter:

*"The community lot (Lot 1) is 11.81 hectares in area. The community management statement provides a number of by-laws that include (By-law 7) the community property be 'maintained and actively managed to encourage survival of native flora and fauna and removal of weeds and to provide access and landscaping along the Private Access way for the enjoyment of all owners, or assignees'.*

*At present the consent is silent in respect of the actual maintenance works therefore further investigations have been undertaken and in support of the creation of an additional lot a detailed Bushland Management Plan (BMP) has been prepared by Eco Logical Australia along with cost estimates to implement the BMP.*

*Noticeably the BMP proposes to revegetate the lower section of the existing Lot 4 (proposed lot 3) to increase the extent of an endangered ecological community (EEC) which was identified within this area. Additionally, the BMP will provide a framework to guide management actions within the Community Title Subdivision.*

*The cost estimates over a three year period amount to \$107,262 and it is considered that creation of an additional lot will substantially benefit the survival of native flora and fauna in the community lot (lot 1) by sharing the costs between three rather than two land owners.*

#### Clarification of Vegetation to be removed for Building Envelope on Proposed Lot 3

*The BMP identifies that 'the proposed subdivision of Lot 4 will include the construction of a building envelope, effluent waste area, and Asset Protection Zone (APZ). The building envelope will result in the removal of a small patch of Pinus radiata (Radiata Pines) and a mixed native/exotic grass layer. A mature Eucalyptus punctata (Grey Gum) will be retained.'*

It is considered that the responsibility for the management actions in the BMP should generally be as follows:

# ORDINARY MEETING

Meeting Date: 09 December 2014

Management Action	Developer	Community Management (All Lot Owners)
Waste Removal (Management Zone 1)	Initially - Prior to issue of subdivision certificate	On-going monitoring and management
Ecological Burn (Management Zone 1)		On-going monitoring and management
Tree Protection Fencing	Initially - Prior to issue of subdivision certificate	
Marking Out the BMP Area – delineate boundaries for weed management	Initially - Prior to issue of subdivision certificate	
Erosion and Sediment Control Plan Development	Initially - Prior to issue of subdivision certificate	
Erosion and Sediment Control Plan Implementation		On-going during any construction (individual owners)
Revegetation and Bank Stabilisation Works North of the Dam (Management Zone 3)	Initially - Prior to issue of subdivision certificate provided that the works do not contradict the terms of the 100B bushfire safety authority issued by the NSW Rural Fire Service.	On-going monitoring and management (Management Zones 2 and 3)
Habitat Enhancement	All initial planting - Prior to issue of subdivision certificate provided that the works do not contradict the terms of the 100B bushfire safety authority issued by the NSW Rural Fire Service.	On-going monitoring and management. In the case of Management Zone 3 the individual owners of proposed Lots 3 and 4.
Management of Human Activity		On-going monitoring and management (Management Zones 1 and 2)
Introduced Fauna Control		On-going monitoring and management (All Management Zones)
Asset Protection Zone		Initial works and on-going monitoring and management (individual owners)
Revegetation	All initial planting - Prior to issue of subdivision certificate provided that the works do not contradict the terms of the 100B bushfire safety authority issued by the NSW Rural Fire Service.	On-going monitoring and management (All Management Zones) including replacement planting in Management Zone 3 after 2017
Monitoring and Reporting	Establish photo monitoring points and take initial photos prior to works commencing- Prior to issue of subdivision certificate	On-going monitoring and reporting (All Management Zones)
Plot Based Monitoring	Establish plot based monitoring system using “ <i>BioMetric Methodology</i> ” within all management zones - Prior to issue of subdivision certificate	On-going monitoring and annual reporting (All Management Zones)
Review of BMP		Annually

## ORDINARY MEETING

Meeting Date: 09 December 2014

The developer should amend the "Community Management Statement" where necessary to reflect the management actions required in the BMP.

- 3) Clarification as to whether the existing dam on the land is to be filled in or retained as a water source for fire fighting purposes.

**Comment:** The applicant has advised that the dam would be retained and its placement over two lots will be formalised in the title documents and within the Community Management Scheme. The dam would be revegetated to improve water quality and provide fringing aquatic fauna habitat and as a static water supply in the event of a bushfire.

Council on 18 September 2014, sent a further letter that raised the following issues:

1. Non-compliance with the lot averaging provisions of Clause 4.1C (5) of LEP 2012 so that three rather than four lots could be created on the land.

**Comment:** The Applicant obtained a legal opinion that concludes when considering an averaging subdivision under subclause 4.1C(5) a "lot does not include a lot created for a public purpose or a lot created as neighbourhood property under the Community Land Development Act 1989". The land area is 15.4ha with a minimum lot size of 4ha and based upon the above this allows 3 lots plus 1 community lot, consistent with LEP 2012.

It is agreed that the proposed subdivision complies with the lot density provisions of Clause 4.1C of LEP 2012.

2. It is difficult to ascertain how the creation of a third residential block could result in a better environmental outcome as required by Clause 4.1C (4) (b) of LEP 2012 than had already been achieved under DA0480/12.

**Comment:** The Applicant obtained a legal opinion which stated:

*"Respectfully, the Council is applying an incorrect test by comparing the averaging subdivision proposed under DA 183/14 to the subdivision under DA 480/12 (which also applied averaging subdivision)."*

*The true test under c4.1C(4)(b) is a comparison between the averaging subdivision method and not using the averaging subdivision method. If the averaging subdivision method is not used, then the alternative method of subdivision (to use the phrasing of c4.1C(1) is subdivision pursuant to clause 4.1. The Council fails to compare DA 183/14 with a notional subdivision under clause 4.1 and instead undertakes a comparison with an earlier iteration of the averaging subdivision method.*

*Even if it was a valid approach to compare the proposed subdivision with the earlier iteration of the averaging subdivision method, which for reasons described it is not, then arguably there remains better prospects of the proposed subdivision achieving a better environmental outcome in that all things being equal three individual lots owners (DA183/14) will have better prospects than two individual lots owners (lots 2 and 3) of making the necessary financial contributions to properly look after and manage the neighbourhood community lot containing the EEC."*

*An additional opinion was sought from a firm with expertise in Community Management Statements and that company's correspondence states:*

*"We have perused the Ecological Australia report and would suggest that it quite clearly provides a better environmental outcome than was originally envisaged and ensures the long term survival of the Endangered Ecological Community of Lot 1.*

*Our forte is not in that area but in the preparation of Management Statements and it is our opinion that the document currently registered is almost totally ineffective.*

## ORDINARY MEETING

Meeting Date: 09 December 2014

*By-law 7 does not prescribe an appropriate schedule for maintenance or rehabilitation etc and Council's clauses in Part 5 almost totally avoid the issue.*

*We would submit that the adoption of the Ecological Australia report together with additional conditions would provide a positive environmental outcome immeasurably superior to the current documentation."*

After considering the above advice it is agreed that the proposed subdivision complies with the environmental outcome provisions of Clause 4.1C (4) (b) of LEP 2012.

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

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

This plan applies to land within the Hawkesbury Local Government Area for which development consent is sought having a total land area in excess of 1 hectare. The application does not propose the removal of any vegetation which is considered to be core koala habitat or potential koala habitat. Council is not prevented from granting consent to the proposal under this Plan.

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

An assessment of the proposal against this plan has been undertaken and it is considered that the proposed 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 (LEP 2012)**

The proposal is consistent with the requirements of LEP 2012. The subject property is zoned RU4 Primary Production Small Lots. The Lot Size Map shows a minimum allotment size of 4ha for the land.

The application has been submitted pursuant to Clause 4.1C which provides an exemption to the minimum allotment size requirement within the RU4 Primary Production Small Lots zone where it can be demonstrated that at least 20% of the lot being subdivided is occupied by an endangered ecological community and that an averaging subdivision would result in a better environmental outcome for the development of the land. As a lot averaging subdivision, the lot yield from subdivision remains the same as that from a conventional subdivision, however the minimum lot size can be reduced. The Lot Averaging Map shows that the land is within the area designated "Y" with a minimum 1 hectare lot size.

## ORDINARY MEETING

Meeting Date: 09 December 2014

The application is supported by a flora and fauna assessment report which has identified that the land contains approximately 3.2ha (21%) of endangered ecological communities, being made up of Shale Sandstone Transition Forest and Western Sydney Dry Rainforest. This is the same report that was submitted and accepted with the previously approved three lot subdivision that utilised the lot averaging provisions.

The land has a total area of 15.41ha. Under Clause 4.1 the minimum lot size for any lot created is required to be 4ha. Under that provision three lots could be created on the site. Under Clause 4.1C the minimum lot size can be reduced to 1ha on the subject land for an "averaging subdivision". An "averaging subdivision" is defined under Clause 4.1C (5) as follows:

*"averaging subdivision means the subdivision of land to which this clause applies that will not create more lots than the number resulting from:*

*(a) if the land is in Zone RU1 Primary Production or Zone RU4 Primary Production Small Lots—dividing the area (in hectares) of the original lot for the land being subdivided by the minimum lot size (in hectares) shown on the Lot Size Map in relation to that land...."*

The proposal creates four lots but complies with the definition included in Clause 4.1C (5) because the definition of what constitutes a lot in that clause excludes neighbourhood property under the Community Land Development Act 1989.

*"Original lot for land being subdivided means a lot that includes the land being subdivided:*

*(a) that existed on 24 March 2005 (the day lot averaging provisions commenced under Hawkesbury Local Environmental Plan 1989), and ..."*

The proposed subdivision involves the creation of two lots from existing Lot 4. Existing lots 1, 4 and 5 DP 270798 were derived from Lot 2 in DP 884356 which was in existence on 24 March 2005. Lot 2 in DP 884356, being the 'original lot' had a total area of approximately 15.4 hectares and therefore had a lot yield entitlement of 3 development lots. Only two development lots were created from the subdivision approved by DA0480/12.

Clause 4.1C (4) (b) states that before Council can grant consent to an "averaging subdivision" it must be satisfied:

*"(b) that there will be a better environmental outcome from an averaging subdivision than there would be without such a subdivision and that the long-term survival of the endangered ecological community or regionally significant wetland will be enhanced...."*

The previously approved three lot Community Title subdivision (DA0480/12) created Lot 1 as a community allotment shared by proposed Lot 2 and 3. This lot contains a private access way, as well as the native vegetation located to the rear of the subject land. This lot was created to facilitate the preservation of this existing vegetation, which contains the endangered ecological communities identified on the subject land in accordance with the requirements for lot averaging subdivisions.

With the establishment of this community lot and taking into account the additional measures proposed within the BMP submitted with the current DA, it is considered that the proposed development complies with the provisions of Clause 4.1C (4) (b).

It is also acknowledged that there is proposed to be a revegetation area of 0.7ha comprised of 2,045m<sup>2</sup> of revegetation and 4,782m<sup>2</sup> of assisted revegetation that would attempt to create an additional area of Shale/Sandstone Transitional Forest partly over proposed Lots 3 and 4.

## ORDINARY MEETING

Meeting Date: 09 December 2014

Condition 33 of the consent for DA0480/12 required, prior to the issue of a Subdivision Certificate, that:

*“A Management Statement complying with Schedule III of the Community Land Development Act, 1989 shall be lodged with and approved by Council. This statement is to include a provision that Lot 1 is not to be used for the purpose of erecting a dwelling or any other building.”*

The “Community Management Statement” has been submitted to Council, however will require amendment to incorporate the relevant management actions contained within the BMP.

The proposed building envelope of Lot 2 will be located relatively close to the existing dwelling on site in order to minimise the potential disturbance of any native vegetation for the purposes of the erection of a dwelling, establishment of effluent disposal or bushfire asset protection zones. This arrangement was approved in the previous application.

The proposed building envelope on proposed Lot 3 and associated effluent disposal area is also close to the existing dwelling on proposed Lot 4 for similar reasons although there would be some vegetation removal. A small patch of Radiata Pines and mixed native/exotic grass layer would be removed. A mature grey gum would be retained according to the applicant. Thus the development complies with the Part 5 provisions relating to preservation of trees.

The proposed development would not detrimentally impact upon any heritage items.

Acid sulphate soils, earthworks and flooding are not issues associated with the application. The proposed development assists with the protection and preservation of important native flora and therefore fauna.

**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 (DCP) 2002**

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

*Part A Chapter 2 - General Information*

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

*Part A Chapter 3 - Notification*

The application was notified to adjacent property owners in accordance with DCP 2002. Nine submissions from four respondents raising objections to the proposal have been received in response to the application. The matters raised in the submissions are discussed further in this Report.

*Part D Chapter 2 – Subdivision*

The location of the building envelope and below ground effluent disposal area for proposed Lot 2 is as approved in DA0480/12. Proposed Lot 4 houses the existing dwelling on the land.

A building envelope, below ground effluent disposal area and asset protection zone is shown for proposed Lot 3. The building envelope area is shown as 2000m<sup>2</sup>. It is straddled by a line of trees but these are not considered to be significant vegetation. As stated earlier the building envelope will result in the removal of a small patch of Radiata Pines and a mixed native/exotic grass layer. A mature Grey Gum will be retained.



## ORDINARY MEETING

Meeting Date: 09 December 2014

An “On-site Waste Water Management Report” has been submitted with the application that addresses proposed Lot 3 (the new vacant residential lot) and proposed Lot 4 (the new reconfigured lot housing the existing dwelling). It recommends the retention of the existing Aerated Wastewater Treatment System (AWTS) on proposed Lot 4 with a new subsurface irrigation area of 460m<sup>2</sup>. For proposed Lot 3 it recommends an AWTS and a subsurface drip irrigation area of 460m<sup>2</sup>.

The approved subdivision in DA0480/12 did not strictly comply with the set rules in relation to width to depth ratios and driveway access. In this respect the prescribed width to depth ratio of new allotments is set at 1:5 and the minimum driveway access requirement width is 4.5m.

The applicants requested Council consider a variation to the width to depth ratio rules on the basis that the lots are generally regular in shape and the proposed 1:6 ratio provided does not prevent the land from being used for rural residential purposes. It is also acknowledged that the existing lot is irregular in size and does not comply with the width to depth ratio rules.

It was considered that the variations requested in relation to width to depth ratio would be supported as the applicant had been able to demonstrate that noncompliance with the rules would not result in any significant issues in terms of use of the land or traffic generation.

It is thus considered reasonable to apply the previously approved variation to the current application if it were to be approved.

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

There are no planning agreements or draft planning agreements entered into under section 93F of the Environmental Planning and Assessment Act, 1979

**v. *Matters prescribed by the Regulations:***

The Environmental Planning and Assessment Regulation 2000 requires that the proposal be levied against Council’s Section 94A Development Contributions Plan.

As the estimated cost of development is below \$100,000 the development is not required to be levied against Hawkesbury City Council’s Section 94A Development Contributions 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:***

It is considered unlikely that the proposed development would have any significant adverse environmental or social impacts on the locality. The subdivision would aid in preserving existing vegetation communities located on the site and allow for the suitable rural residential development of the land without fragmenting any existing bushland.

The subdivision is not located within close proximity to any listed heritage items and the application is supported by sufficient information to demonstrate that the proposed lots would be able to be appropriately serviced.

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

The land is considered to be suitable for the proposed development because it complies with applicable statutory planning controls and is generally consistent with the intent of the planning policies and provisions included in DCP 2002.

No natural hazards exist that would prevent the proposed subdivision.

## ORDINARY MEETING

Meeting Date: 09 December 2014

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

#### ***NSW Rural Fire Service (RFS)***

The application was referred to the Rural Fire Services as the development requires approval under section 100B of the Rural Fires Act 1997.

On 23 May 2014 the RFS issued a bushfire safety authority under Section 100B.

#### **Public Submissions**

Nine submissions were received from four respondents as a result of the notification of the development. The matters raised in the submissions are discussed below:

#### ***Traffic***

- Increased traffic from new lot (additional dwelling) as driveway would not cope with extra traffic
- Narrow driveway dangerous for fire safety

**Comment:** The proposal intends to utilise an existing battle axe handle used to service the existing dwelling. It is considered that the traffic generation associated with the creation of an additional development lot (proposed lot 3) would be low and not of a nature that would significantly impact the amenity of the surrounding area. As a result of the proposal the driveway would service three residential lots which is an increase of one when compared to the currently approved subdivision on the site.

Council's Subdivision Engineer and the Rural Fire Service have no objections to the access arrangements. It is considered that the access proposed would suitably service the proposed development.

#### ***Amenity of the locality***

- Increased number of dwellings within close proximity to each other.
- The character of the area would change to one of residential living as a consequence of approving irregular shaped lots smaller than 4ha
- Privacy
- Developer's consultant previously stated three lots was the maximum number of lots appropriate to the site

**Comment:** The application has been submitted pursuant to Clause 4.1C of LEP 2012. The very nature of this clause encourages smaller lots to be created in areas which are free of any native vegetation areas and aims to preserve contiguous parcels of bushland. Consequently the lot averaging subdivision rules essentially promote dwellings to be located closer to each other than what would be done if the lots were to be subdivided into 4ha allotments in accordance with the minimum allotment size map. It should be noted that properties surrounding the site have already been subdivided via lot averaging subdivision and it would be unlikely that the support of this subdivision would significantly change the context/character of the locality. The lot sizes and configuration of the proposed lots are consistent with the subdivision pattern of the locality.

All of the lots proposed to be used for residential purposes are greater than 1ha in area and so comply with the lot size provisions of LEP 2012.

A site inspection has revealed that the proposed development lots are of an adequate size and shape to provide for rural residential living appropriately setback from adjoining developments as there is sufficient separation between existing dwellings and the proposed building envelope.

***Flora and fauna and environment***

- Discrepancy between the flora and fauna report submitted and other reports prepared for adjoining properties
- Validity of flora and fauna report
- Dam on property should be retained
- Possible conflicts over water rights to the dam as it would be jointly owned
- Proposed environmental improvement funding needs to be guaranteed and how can Council commit future owners
- Developer should be responsible for environmental improvement works costs
- There are no substantive additional environmental improvements even if the BMP is implemented and there are some retrograde environmental impacts if the BMP is implemented

**Comment:** Whilst the flora and fauna assessment report submitted does not identify the flora and fauna communities described in the flora and fauna assessment reports submitted for the neighbouring properties, it should be acknowledged that those reports did not undertake a specific survey of the subject site.

The flora and fauna report has specifically identified that approximately 3.2ha of the 11.8ha native vegetation located on the site is occupied by endangered ecological communities. The previously approved three lot Community Title subdivision (DA0480/12) created a community lot for the preservation of existing endangered ecological communities identified on the subject land. This lot will remain and will not be altered.

The Applicant has submitted a BMP which includes management details and costings in order to demonstrate a better environmental outcome. Legal advice obtained and submitted by the Applicant confirms that the requirements of Clause 4.1C (4) (b) of LEP 2012 have been met (as outlined earlier in this report). That advice is considered correct.

A table earlier in the report in the "History" section suggests the responsibilities of the developer and the owners in respect of implementing the BMP. It adopts the principle that the developer should be responsible for the cost of the initial environmental improvements works. It is also noted that if the BMP contradicts the terms of the RFS general terms of approval then the RFS requirements take precedence.

Originally the current application showed that the dam on the property would be filled. Subsequently the applicant advised in writing that the dam would be retained. The rights applicable for this dam will be addressed in the revised Community Management Statement.

***Non-compliance with Council's subdivision requirements***

- The application proposes irregular shaped allotments
- Council should stand by previous approval for three lots

**Comment:** As detailed in the assessment report above it is considered that suitable justification had been provided in respect to the previous DA0480/12 in relation to why that proposal did not strictly comply with Council's DCP rules. That precedent could not be ignored in respect of the current application.

Furthermore it is considered that the shape of the proposed allotments in this application is appropriate given that the Applicant has submitted a proposal that has taken into consideration the sites environmental constraints and location of existing buildings. In addition, the lot shapes of the proposed lots are considered to be consistent with existing allotments within the locality.

## ORDINARY MEETING

Meeting Date: 09 December 2014

### Process

- Owner's consent from 67B Browns Road should be provided
- In view of the concerns expressed by residents, especially the accuracy of the information provided by the developer, Council should inspect the site

**Comment:** As the proposal is on land that was part of a previous community title subdivision, the proposed subdivision will have an impact on all existing lots, as an increase in the number of lots may change entitlements/responsibilities in respect to community land. As such owner's consent for all lots within the existing subdivision is required. Owner's consent from 67B Browns Road was provided by letter dated 12th May 2014. It is noted that since lodgement of the application, 67B Browns Road has been sold. The new owners are aware of this application and have provided a submission in respect to the application. The proposed conditions of consent deal with the concerns of these new owners in regard to the costs and responsibilities of the implementation of the Bushland Management Plan.

Council Planning staff inspected the land as part of the process of assessing the DA.

### Effluent disposal

- Effluent disposal area uphill from dwelling envelope on proposed Lot 3
- Concerns with the adequacy of the "On-site Wastewater Management Report"

**Comment:** An "On-site Wastewater Management Report" dated 22 August 2014 prepared by Envirotech Environmental and Engineering Consultancy Services recommends installation of a low-pressure effluent irrigation system designated for effluent application only for proposed Lot 3. It shows the building envelope (about 200m<sup>2</sup>) located approximately 6.4m to the west of the 460m<sup>2</sup> irrigation area. Based on the survey plan this means that the irrigation area would be slightly upslope from the dwelling envelope. The report does not recommend any site modification is needed for the system to work.

Council's Sewerage Management Facility Officer is satisfied with the proposed on-site waste treatment approach.

### Conclusion

It is considered that the matters raised within the submissions, whilst important, do not warrant refusal of the application. The proposed development complies with the statutory planning provisions applicable to the land.

#### e. The Public Interest:

Support of the subdivision is generally consistent with Council's subdivision rules and the general public interest as the proposal would encourage the use of the land for rural residential purposes while allowing for the preservation of existing endangered ecological communities.

### Planning Decision

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

## ORDINARY MEETING

Meeting Date: 09 December 2014

### RECOMMENDATION:

That development application DA0183/14 at Lot 1 DP 270798, Lot 4 DP 270798, Lot 5 DP 270798, 67, 67A and 67B Browns Road, Kurrajong for Subdivision - Community Title - Subdivision to create three residential lots and one community title lot be approved subject to the following conditions:

#### New South Wales Rural Fire Service Conditions

##### Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property of proposed Lot 4 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. At the issue of subdivision certificate for proposed Lots 2 and 3 the areas marked as "APZ" on Sydney Registered Surveyors plan referenced, 1881 Browns, dated 2/4/14 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' until such time further development is undertaken on each Lot.

#### Hawkesbury City Council Conditions

##### General

3. The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing Number	Prepared by	Dated
Detail Survey Over Pt. Lot 1, Lot 2 & Lot 3 in DP 270798 1881 Browns Sheet 1 of 3 Amendment C	Sydney Registered Surveyors	2/04/2014
Detail Survey Over Pt. Lot 1, Lot 2 & Lot 3 in DP 270798 1881 Browns Sheet 2 of 3 Amendment D	Sydney Registered Surveyors	7/04/2014
Detail Survey Over Pt. Lot 1, Lot 2 & Lot 3 in DP 270798 Existing Registered Deposited Plan 1881 Browns Sheet 3 of 3 Amendment D	Sydney Registered Surveyors	7/04/2014
Document	Prepared by	Dated
Bushland Management Plan	Ecological Australia	3/11/2014
On-site Wastewater Management Report	Envirotech	22/08/2014

4. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
5. The existing dam partly located on proposed Lots 3 and 4 is proposed to be retained which is to be formalised within the title documents and "Community Management Statement".
6. The existing dam partly located on proposed Lots 3 and 4 is to be available as a static water supply in the event of a bushfire.

## ORDINARY MEETING

Meeting Date: 09 December 2014

7. An Application to Install a Sewage Management Facility must be lodged and approved for any new dwellings or structures with amenities with Hawkesbury City Council prior to any works being commenced in relation to the sewage management facility.
8. The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).
9. The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
10. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 days of issuing the certificate. A registration fee applies.

### ***Prior to Issue of Construction Certificate***

11. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.  
  
All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
12. Construction of access and drainage are not to commence until three copies of the plans and specifications of the proposed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
13. Payment of a Construction certificate checking fee of \$324.73 and a Compliance Certificate inspection fee of \$659.67 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2015. Fees required if an accredited certifier is used will be provided on request.
14. The Bushland Management Plan is to be reviewed and amended and approved by Council to take into account the Rural Fire Service requirements as outlined in the bushfire safety authority issued under Section 100B and dated 23rd May 2014.
15. The Bushland Management Plan is to be amended to include the responsibility for its implementation as generally included in the following table:

Management Action	Developer	Community Management (All Lot Owners)
Waste Removal (Management Zone 1)	Initially - Prior to issue of subdivision certificate	On-going monitoring and management
Ecological Burn (Management Zone 1)		On-going monitoring and management
Tree Protection Fencing	Initially - Prior to issue of subdivision certificate	
Marking Out the BMP Area – delineate boundaries for weed management	Initially - Prior to issue of subdivision certificate	

## ORDINARY MEETING

**Meeting Date:** 09 December 2014

Management Action	Developer	Community Management (All Lot Owners)
Erosion and Sediment Control Plan Development	Initially - Prior to issue of subdivision certificate	
Erosion and Sediment Control Plan Implementation		On-going during any construction (individual owners)
Revegetation and Bank Stabilisation Works North of the Dam (Management Zone 3)	Initially - Prior to issue of subdivision certificate provided that the works do not contradict the terms of the 100B bushfire safety authority issued by the NSW Rural Fire Service.	On-going monitoring and management (Management Zones 2 and 3)
Habitat Enhancement	All initial planting - Prior to issue of subdivision certificate provided that the works do not contradict the terms of the 100B bushfire safety authority issued by the NSW Rural Fire Service.	On-going monitoring and management. In the case of Management Zone 3 the individual owners of proposed Lots 3 and 4.
Management of Human Activity		On-going monitoring and management (Management Zones 1 and 2)
Introduced Fauna Control		On-going monitoring and management (All Management Zones)
Asset Protection Zone		Initial works and on-going monitoring and management (individual owners)
Revegetation	All initial planting - Prior to issue of subdivision certificate provided that the works do not contradict the terms of the 100B bushfire safety authority issued by the NSW Rural Fire Service.	On-going monitoring and management (All Management Zones) including replacement planting in Management Zone 3 after 2017
Monitoring and Reporting	Establish photo monitoring points and take initial photos prior to works commencing- Prior to issue of subdivision certificate	On-going monitoring and reporting (All Management Zones)
Plot Based Monitoring	Establish plot based monitoring system using " <i>BioMetric Methodology</i> " within all management zones - Prior to issue of subdivision certificate	On-going monitoring and annual reporting (All Management Zones)
Review of BMP		Annually

The amended Bushland Management Plan is to be approved by Council

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

16. 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.

## ORDINARY MEETING

Meeting Date: 09 December 2014

17. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
18. 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.
19. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
20. 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.
21. 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***

22. 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.
23. During the construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request.
24. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
25. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
26. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
27. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.



## ORDINARY MEETING

Meeting Date: 09 December 2014

28. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
29. Extension of the concrete driveway (4m wide) for the full length of the access arm to Proposed Lot 3.
30. The natural vegetation within proposed Lot 1 shall be fenced off to prevent domestic animals and livestock from entering these areas.
31. Works identified as the responsibility of the developer in accordance with the amended approved Bushfire Management Plan are to be undertaken by the developer.
32. It is required that the existing on-site sewage management system be inspected by Council and be issued with a current licence to operate.

Documentation shall be submitted to Council showing that the existing and proposed on-site sewage management systems (tank and disposal area) are located wholly on proposed Lots 3 and 4 and that the existing premises' on-site sewage management system must not burden the proposed new allotment.

### ***Prior to Issue of Subdivision Certificate***

33. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
34. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
35. Written clearance from the electricity provider shall be submitted to the Principal Certifying Authority.
36. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
37. The existing dam partly located on proposed Lots 3 and 4 is to be re-vegetated to improve water quality and provide fringing aquatic fauna habitat in accordance with the approved Bushland Management Plan.
38. Works identified in the amended and approved Bushfire Management Plan to be undertaken prior to the issue of the Subdivision Certificate are to be completed.
39. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted to Council. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
40. All works designated to be carried out 'prior to issue of subdivision certificate' within the approved Bushland Management Plan shall be completed.
41. A revised Management Statement complying with Schedule III of the Community Land Development Act, 1989 shall be lodged with and approved by Council. This statement is to include a provision that Lot 1 is not to be used for the purpose of erecting a dwelling or any other building and is to reflect the relevant construction, management, monitoring and reporting requirements of the implementation of the approved Bushland Management Plan (as amended).
42. Payment of a Subdivision Certificate Release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

## ORDINARY MEETING

Meeting Date: 09 December 2014

43. Creation of a restriction on use of land pursuant to the Conveyancing Act as follows:

- a) Requiring that any future dwelling on proposed Lots 2 and 3 be restricted to the building envelope shown on the Detail Survey Over Pt. Lot 1, Lot 2 & Lot 3 in DP 270798 1881 Browns Sheet 1 of 3 Amendment C prepared by Sydney Registered Surveyors and dated 2-04-14.
- b) Requiring that any future dwelling on Lot 2 be restricted to a maximum cut or fill depth of 2m.
- c) Requiring that all development on the lots be confined to Lots 2, 3 and 4.
- d) Prohibiting clearing of native vegetation located on Lot 1.
- e) Prohibiting domestic animals and stock from entering the native vegetation areas on Lot 1.
- f) Prohibiting the development of a structure, including a dwelling, on Lot 1.

### **Advisory Notes**

\*\*\* The applicant is advised to consult with the relevant:

- a) Water and sewer provider
- b) Electricity provider
- c) Natural gas provider
- d) Telecommunications carrier
- e) Road authority

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

\*\*\* The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

\*\*\* 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.

\*\*\* 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.

### **ATTACHMENTS:**

**AT - 1** Locality Plan and Aerial Photo

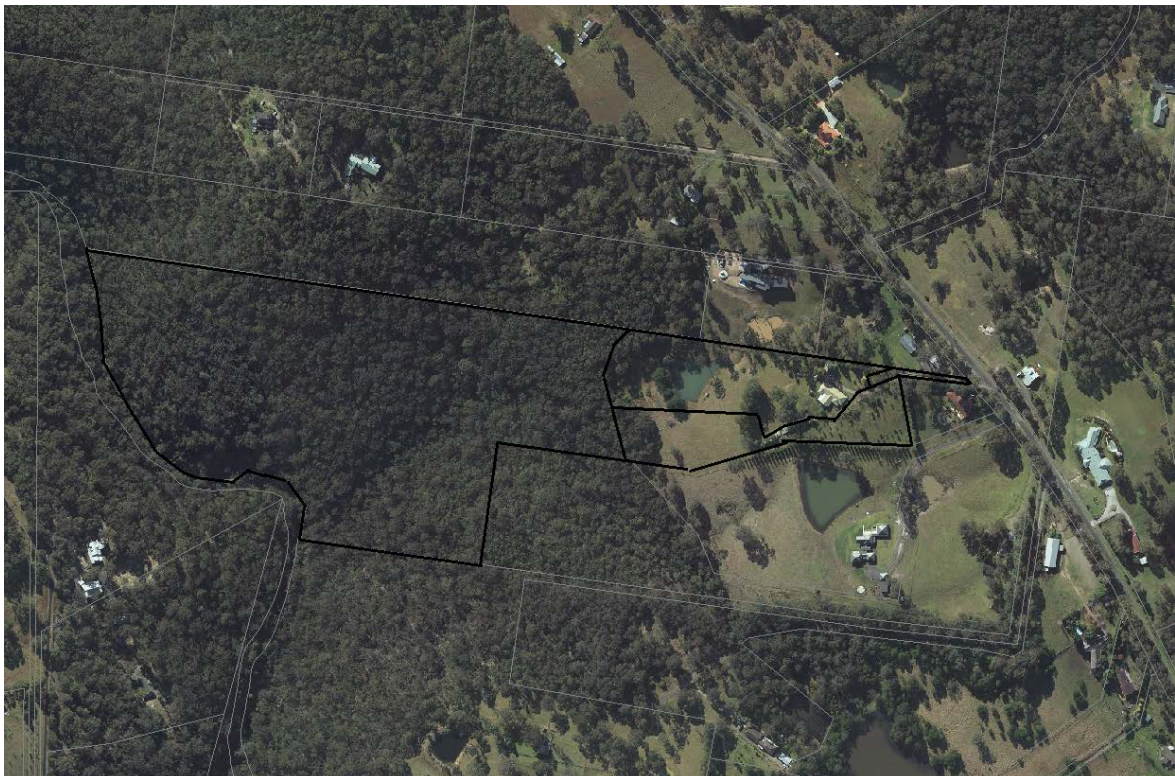
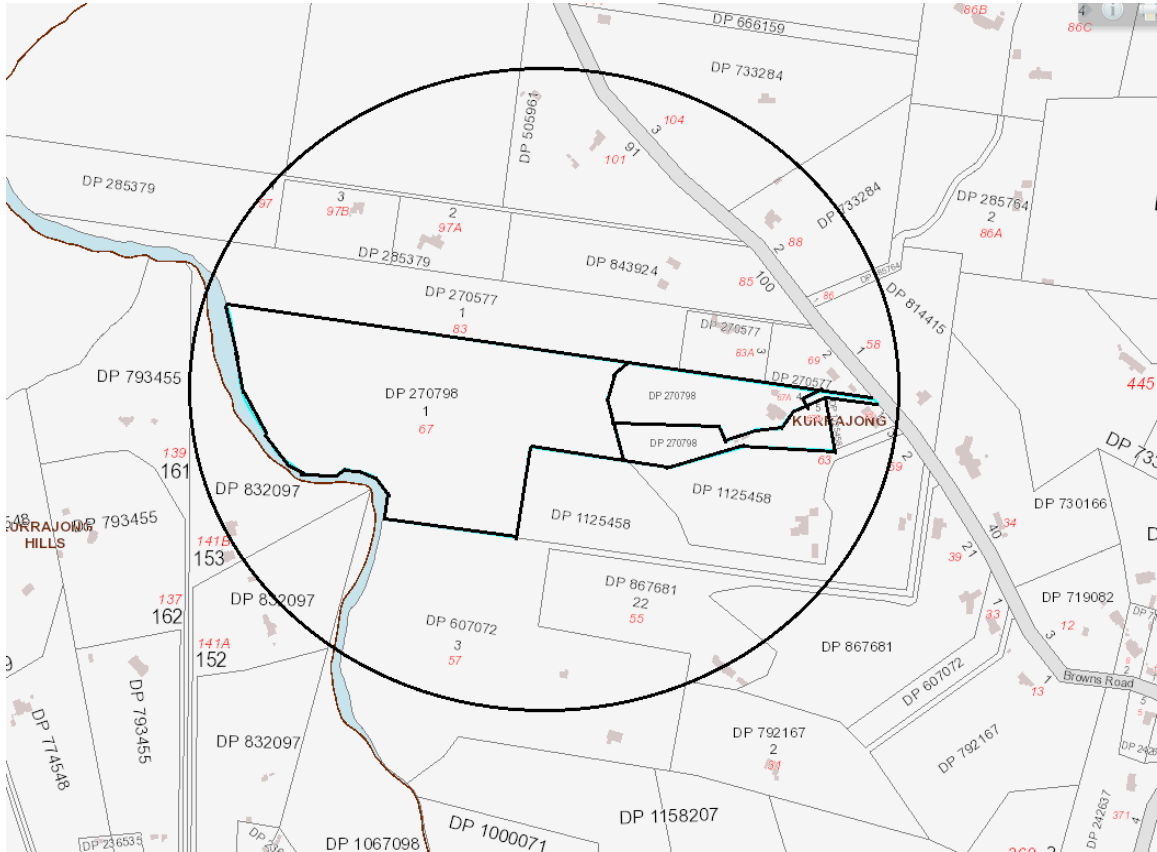
**AT - 2** Subdivision Plan

## ORDINARY MEETING

Meeting Date: 09 December 2014

**Lots 1, 4 and 5 in DP 270798, 67, 67A and 67B Browns Road, Kurrajong.**

### **Locality Plan and Aerial Photo**



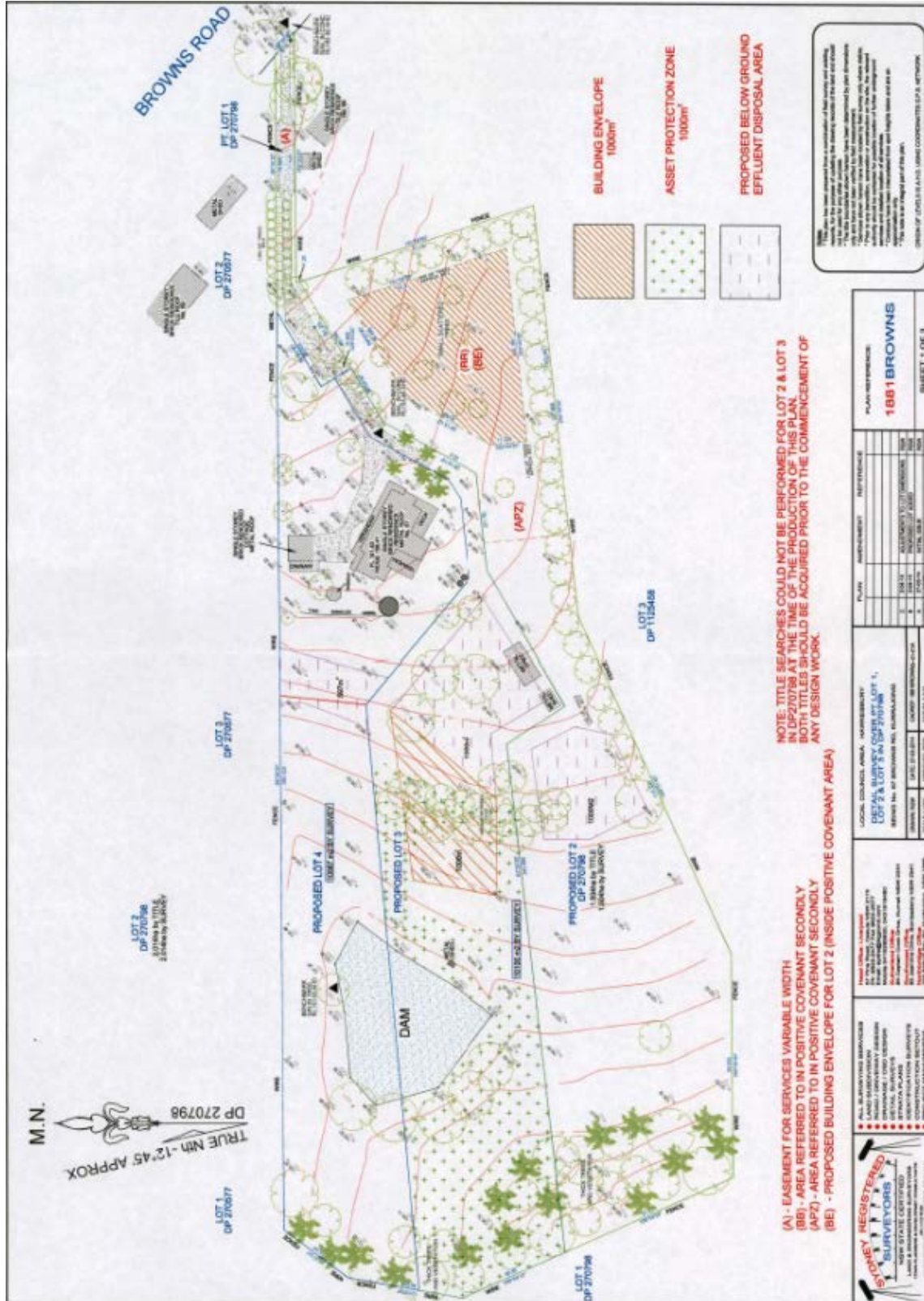


# ORDINARY MEETING

Meeting Date: 09 December 2014

Lots 1, 4 and 5 in DP 270798, 67, 67A and 67B Browns Road, Kurrajong.

## Subdivision Plan



oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 09 December 2014

Item: 237 CP - Development Application - DA0538/14 - Dwelling House and Ancillary Development - 241 Blaxlands Ridge Road, Blaxlands Ridge - (95498, 88148, 88149)

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### Development Information

**File Number:** DA0538/14  
**Property Address:** 241 Blaxlands Ridge Road, Blaxlands Ridge  
**Applicant:** Craig Barry Hewitt  
**Owner:** Mr CB Hewitt and Mrs K Hewitt  
**Proposal Details:** Dwelling House and Ancillary Development - Construction of a dwelling house, attached garage, swimming pool and Ancillary Structure  
**Estimated Cost:** \$676,500  
**Zone:** RU4 Primary Production Small Lots  
**Date Received:** 21 August 2014  
**Advertising:** 8 September 2014 to 22 September 2014

**Key Issues:**

- ◆ Use of the ancillary structure
- ◆ Size and Height of ancillary structure

**Recommendation:** Refusal

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### REPORT:

#### Executive Summary

Council is in receipt of a Development Application seeking approval for a dwelling house and ancillary structures consisting of an in-ground swimming pool and detached metal shed at Lot 31 DP 831094, 241 Blaxlands Ridge Road, Blaxlands Ridge.

The application has been assessed having regard to the heads of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*. The proposed shed is inconsistent with the planning instruments and development controls and is considered to represent an unsatisfactory form of development. In summary, the primary areas of non-compliance are:

#### 1. Use of shed

The proposed use of the shed is for vehicular maintenance and storage of the property owner's racing vehicles and vehicles associated with the maintenance of the land. The scale and facilities of the shed are excessive for a residential ancillary use and is more appropriately defined as '*vehicle body repair workshop*'. A '*vehicle body repair workshop*' is not a permissible use within the zone. It is considered that the proposed use would adversely impact the locality which currently is dominated by agricultural and rural residential land uses. It is considered that approval of the proposed use in the zone would adversely affect the rural amenity of the area create an undesirable precedent.

#### 2. Shed Size and Height

The proposed shed is 450.0 square metres which is a significant departure from the 170 square metre maximum size provisions under Hawkesbury Development Control Plan (HDCP) 2002. The size variation is justified by the applicant on the basis of the proposed use - which is considered not to be appropriate or permissible within the zone. It is considered that the storage of equipment used for the maintenance of the land can be adequately catered for within the prescribed HDCP 2002 maximum standards. Consequently the proposed variation for shed size and height is not supported.

## ORDINARY MEETING

Meeting Date: 09 December 2014

Should the ancillary structure be excluded from the application or amended to a more appropriate use and size, the application could be recommended for approval.

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

### Description of Proposal

The application is seeking approval for construction of a new two storey dwelling house with attached garage, an in ground swimming pool and a detached metal shed at Lot 31 DP 831094, 241 Blaxlands Ridge Road, Blaxlands Ridge.

The subject site is a 4.05 hectare property containing a reasonable amount of native vegetation. A watercourse traverses the property toward the Northern property boundary. The land is currently vacant.

It is proposed to construct a new brick veneer two storey dwelling house containing five bedrooms, a home office, home theatre, open plan living area, dining room and kitchen, bar room, laundry, covered alfresco area and a front veranda on the first floor and a gym, bathroom, and attached triple garage on the lower floor. A 110,000 Litre water storage tank is also proposed to be located beneath the attached garage. The setback of the dwelling will be 50 metres from Blaxlands Ridge Road. A swimming pool will be located 15 metres behind the dwelling.

The proposed ancillary structure (shed) will have an area of 450.0 square metres with dimensions of 25.0 metres by 18.0 metres and a maximum roof height of 6.985 metres at the roof ridgeline. The structure will be located behind the dwelling and pool, with a setback of approximately 123 metres from Blaxlands Ridge Road and 18.0 metres from the nearest side property boundary. The shed will be a Colorbond construction with four roller doors externally finished in the colour 'Ironstone' with 'Light Grey' trim. It is proposed to use the shed primarily for the storage and maintenance of vehicles associated with the property owner's car racing team as well as the maintenance of the land. Vehicles and equipment to be stored within the shed include a race car, truck and trailer associated with transporting the race car, a tractor, a back hoe, a collector's car. Also proposed on the mezzanine level above are an engine and gearbox room, a bathroom, a work area and break room/study area.

Four trees and two stands of black wattle are proposed to be removed as part of the development application to clear for the proposed shed, pool and dwelling.

### Recommendation

Refusal

### History

The development application was lodged with Council 21 August 2014 for construction of new dwelling with attached triple car garage, detached rural shed, and in-ground swimming pool.

Council reviewed the proposal and raised concerns regarding the use of the rural shed for the maintenance and storage of vehicles associated with the property owner's car racing team, the size and height of the shed and the impact on the locality.

8 September 2014      The proposal was placed on notification for two weeks.

28 October 2014      Site meeting between Council staff and property owner and inspection of the property occurred.

11 November 2014      Council's Development Review Panel considered the application and determined that the proposed shed was not supported on grounds of the proposed use and the excessive size of the structure.

## ORDINARY MEETING

Meeting Date: 09 December 2014

11 November 2014     Applicant was advised that the proposed shed was not supported by Council staff due to the proposed use and excessive size of the structure. The applicant was requested to consider reducing the size of the shed.

### Issues Relevant to the Decision - In Point Form

- Proposed shed use is inconsistent with the HLEP 2012
- Proposed shed is inconsistent with the HDCP 2002 requirements for Shed Size and Height
- Bushfire Prone Land

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

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP No. 20)  
State Environmental Planning Policy No. 44 – Koala Habitat (SEPP No. 44)  
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)  
Hawkesbury Local Environmental Plan 2012 (HLEP 2012)  
Hawkesbury Development Control Plan 2002 (HDCP 2002)

### Section 79C Matters for Consideration

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

**a. The provisions (where applicable) of any:**

**i. Environmental Planning Instrument:**

***State Environmental Planning Policy No. 44 – Koala Habitat***

State Environmental Planning Policy No. 44 – Koala Habitat applies to land within the Hawkesbury Local Government Area to which a development application has been made and has an area of more than 1 hectare.

SEPP 44 applies to the subject site. It is considered that the proposed tree removal would not result in the disruption of core koala habitat given that the majority of vegetation on site will be maintained and that the proposed building envelope does not propose to disrupt any identified vegetation corridors. Consequently, under Clause 8 of SEPP No. 44 Council is not prevented from granting consent to the proposal.

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

A BASIX Certificate has been issued for the proposed dwelling development and supports the application. Should the proposal be supported by Council a condition of consent will ensure that the development meets the necessary performance requirements as set out in the BASIX Certificate, therefore complying with the provisions of the BASIX SEPP.

***Hawkesbury Local Environmental Plan 2012***

The property is zoned RU4 Primary Production Small Lots under this plan. The applicant seeks approval for construction of a dwelling house, an in-ground swimming pool and a detached metal shed as ancillary development to the dwelling.

### *Shed*

The proposed shed is inconsistent with Hawkesbury Local Environmental Plan 2012. The property is zoned RU4 Primary Production Small Lots. A shed is not defined in the HLEP 2012 therefore to be permissible a shed is defined as a structure ancillary to a use. The shed will be a structure ancillary to a dwelling which is permissible on the land with Council consent under this plan.

The objectives of the zone are:

- *To enable sustainable primary industry and other compatible land uses,*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.*

The proposed use of the shed is for the storage and maintenance of vehicles and equipment associated with the property owner's motor vehicle racing team. It is considered that the proposed use as described exceeds reasonable residential use of a shed ancillary to a residential dwelling house, i.e., servicing and maintenance of racing team vehicles. Further, the proposed use is inconsistent with the surrounding land uses in the locality which are primarily rural, residential and agricultural.

The proposed use of the shed is not considered to be ancillary to the proposed residential use and is more appropriately defined as a 'vehicle body repair workshop' which is a prohibited use in the zone. It is noted that the proposed tea room/study and shower room add to, or indicate the scale of, the potential use of the building as a 'vehicle body repair workshop'.

It is considered that the proposed shed is inconsistent with the overall aims and objectives of the HLEP 2012 and the RU4 Primary Production Small Lots zone objectives and provisions.

### *Dwelling and In-ground Swimming Pool*

The proposed dwelling house and pool are consistent with the zone objectives and the relevant clauses of the HLEP 2012 as discussed below.

The property is zoned RU4 Primary Production Small Lots. The construction of a 'dwelling house' is permissible within the RU4 Primary Production Small Lots zone. The proposed in-ground pool constitutes development ancillary to a dwelling which is permissible in the zone with consent. All works are below the 10 metre building height requirements and the property is not subject to flood liability, aircraft noise or heritage conservation.

*Clause 6.1 – Acid Sulfate soils:* The proposal is located on Class 5 – Low impact acid sulfate soil and the works are considered to be unlikely to lower the water table or expose acid sulphate soils.

*Clause 6.4 – Terrestrial Biodiversity:* The land is affected by biodiversity. The development proposes to remove four individual trees and two stands of black wattle. The removal of the trees would support the use of the land for residential purposes and does not involve the removal of any identified significant native vegetation and will have no significant impact on existing flora and fauna.



*Clause 6.7 – Essential Services* – Services for electricity and communications to the site exist. An application to install a Sewage Management Facility must be lodged and approved for the new allotment with Hawkesbury City Council. An 110,000 litre water storage tank is also proposed to service the new dwelling. It is considered that the development will have satisfactorily services available.

**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 planning instruments that apply to the subject 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:

*Part C: Chapter 1 – Landscaping*

The proposal is considered to be generally consistent with the landscaping chapter of the HDCP 2002.

*Part C: Chapter 2 – Car Parking and Access*

The proposal has provision for three covered car spaces in the attached triple garage and has provision for additional covered parking in the proposed shed. Therefore it is considered that the proposal is generally consistent with the car parking and access chapter of the HDCP 2002.

*Part C Chapter 4 - Erosion and Sediment*

Erosion and sediment control can be addressed through conditions of consent if the proposal is supported by Council.

*Part C: Chapter 6 – Energy Efficiency*

A BASIX certificate has been submitted with the application. Appropriate conditions of consent are recommended to ensure the development complies with the BASIX commitments. The proposal is generally consistent with the energy efficiency chapter of the HDCP 2002.

*Part C: Chapter 9 – Preservation of Trees and Vegetation*

The development proposes to remove four trees and two stands of black wattle to clear an area for the new dwelling, pool and shed. Support of the proposal would not result in any significant adverse impact on any native flora and fauna habitats or significantly impact the visual amenity of the locality.

*Part D: Chapter 1 – Residential Development*

The proposed dwelling house generally complies with the requirements of this Chapter. The dwelling is compatible with the surrounding developments in the locality. The size of the rural property permits generous setbacks from the road and the adjoining properties and provides ample space for landscaping and private open space.

Compliance with *1.18 Effluent Disposal* can be facilitated by conditions of consent requiring an application for a Sewage Management Facility be approved by Hawkesbury City Council. The land has sufficient area to dispose of effluent on-site. Subsequent maintenance and inspections will be scheduled recurrently throughout the facility's commission.

*Part D: Chapter 8 – Erection of Rural Sheds*

The proposed shed exceeds the HDCP 2002 Height and Size controls which permit sheds to have a maximum height of 5 metres and maximum area of 170m<sup>2</sup>. The proposed height of the shed is 6.985 metres at the ridgeline and the proposed area is 450 square metres.

**8.2.2 Size**

The application's justification for the HDCP 2002's size variation is to enable the shed to accommodate the storage and maintenance of the property owner's car racing vehicles and vehicles associated with maintenance of the land. This includes a truck and trailer that requires additional ceiling height to open and work on the cabin of the truck. Details of the other items to be stored in the shed include a collector car, a racing car, a tractor and slasher and a back-hoe. There is also a workshop area, two mezzanine level storage areas (including the storage of spare vehicle parts) and an engine/gearbox workshop. A toilet and shower and a "coffee/tea room come study" is also proposed.

Whilst Council's internal Development Review Panel has previously considered variations to the controls for shed sizes, a shed of 450.0 square metres is a significant departure from the 170 square metres requirement within the DCP. The justification provided in support of the variation is not considered to be a valid use consistent with the existing use of the land or of a reasonable scale for a shed ancillary to a dwelling house. It is considered that the storage of equipment used for the maintenance of the land can be adequately catered for within the prescribed maximum standard. Consequently, the variation for shed size is not supported.

**8.2.3 Height**

The HDCP 2002 requires that shed have a maximum height of 5 metres with consideration given to barn-style roof forms that exceeds the height requirement. The proposed height of the shed is 6.985 metres at the ridgeline and the structure has a conventional roof form.

The proposed variation is justified by the applicant as being necessary to accommodate the cab of the truck when opened for maintenance. As discussed above the proposed storage and maintenance of vehicles associated with the property owner's car racing team is not considered a permissible use and is therefore not supported. The variation is not required to accommodate vehicles associated with the maintenance of the land. Consequently the proposed variation for shed height is not supported.

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

There are no planning agreements that apply to the subject development.

**v. Matters prescribed by the Regulations:**

In accordance with the Environmental Planning and Assessment (EP&A) Regulation 2000 the development would be required to comply with the following:

- The National Construction Code – Building Code of Australia (BCA)
- Council's S94A Contributions Plan. Developer contributions are required to be levied. Accordingly, a condition of consent should be included should the application be supported.
- Fulfilment of BASIX commitments – Should the application be supported, appropriate conditions of consent should be included to ensure the development complies with the BASIX commitments
- Fire Upgrade – Not required in class 1 & 10 buildings

## ORDINARY MEETING

Meeting Date: 09 December 2014

**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:**

Whilst the proposed dwelling and in-ground pool are unlikely to adversely impact on the locality the proposed shed is considered to result in an unreasonable adverse impact on the locality.

The proposed shed is inconsistent with a number of controls contained within HLEP 2012 and HDCP 2002. It is considered that supporting a proposal contrary to these controls would set an undesirable planning precedent in supporting development that does not comply with Council's requirements.

Support of the proposed shed would result in an adverse impact on the amenity of the locality in terms of its use, (potential noise from maintenance of racing vehicle and associated truck, and storage of oils, fuels, etc.) and appearance on the existing landscape character.

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

The proposed development is located on bushfire prone land and it is considered that the proposal is able to comply with the requirements of "Planning for Bush Fire Protection" prepared by Planning NSW and AS 3959 - 2009 Construction of Buildings in Bush Fire Prone Areas. Construction to BAL 19 is recommended should Council support the application.

However, as the proposed shed is inconsistent with the HLEP 2012 and HDCP 2002 it is considered that the site is not suitable for the proposed shed.

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

This proposal was exhibited as per the HDCP 2002 for two (2) weeks between 8 September 2014 and 22 September 2014. No submissions were received by Council during the exhibition period.

**e. The Public Interest:**

The proposal (specifically the size and use of the proposed shed) is considered to be contrary to public interest as it is inconsistent with the relevant development controls and environmental planning instruments which relate to the proposal and the use proposed for the shed is considered to be prohibited development in the RU4 zone.

### **Developer Contributions**

Should the proposal be supported, the following development contributions apply to this development - \$6,765.00. Accordingly, a condition of consent is required to be imposed in this regard should the proposal be supported by Council.

### **Conclusion**

The application has been assessed having regard to the heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979. The proposed shed is inconsistent with the planning instruments and development controls and is considered to represent unsatisfactory form of development and consequently contrary to the public interest.

### **Planning Decision**

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

## ORDINARY MEETING

Meeting Date: 09 December 2014

### RECOMMENDATION:

That Development Application No. DA0538/14 at Lot 31 DP 831094, 241 Blaxlands Ridge Road, Blaxlands Ridge for construction of a new dwelling house and attached garage, swimming pool and shed be refused for the following reasons:

#### Reasons for Refusal

1. The proposed use of the ancillary structure (shed) is inconsistent with the residential use of the property and is a prohibited use in the RU4 zone.
2. The development fails to comply with the aims and objectives of Hawkesbury Local Environmental Plan 2012.
3. The development fails to satisfy the objectives of the RU4 Primary Production Small Lots zone of Hawkesbury Local Environmental Plan 2012.
4. The proposed development would have an adverse impact on the amenity of residents in the immediate locality.
5. The proposal is inconsistent with the aims, objectives and rules of Hawkesbury Development Control Plan 2002. In this regard the application proposes a rural shed that does not satisfy the provisions of Part D Chapter 8 – Erection of Rural Sheds, relating to the size and height requirements.
6. Approval of the development may create an undesirable precedent for similar inappropriate development which would not be in the general public interest.

### ATTACHMENTS:

- AT - 1 Locality Plan
- AT - 2 Aerial Photo
- AT - 3 Plans of the Proposal

**Meeting Date:** 09 December 2014

The map displays the Blaxlands Ridge area, featuring several land parcels and key infrastructure. The central focus is a large parcel labeled DP 807274, which is highlighted with a red border. To its left, a green-shaded area represents the Blaxlands Ridge Crown Reserve, containing the Blaxlands Ridge Community Centre and the Blaxlands Ridge Old School. The map also shows Edith Black Road running horizontally across the lower portion, and Kentlethen Road running vertically on the right. Various other parcels are labeled with their respective DP numbers, such as DP 1185629, DP 31340, and DP 216864. The map includes a scale bar indicating distances up to 100 meters and a north arrow in the top right corner.

**ORDINARY MEETING**

**Meeting Date: 09 December 2014**

**AT - 2 Aerial Photo**







Item: 238

**CP - Planning Proposal to amend Hawkesbury Local Environmental Plan 2012  
- 431 and 431A Greggs Road, Kurrajong - (95498, 124414)****REPORT:****Executive Summary**

This report discusses a planning proposal which seeks to amend *Hawkesbury Local Environmental Plan 2012* (the LEP) in order to permit the subdivision of 431 and 431A Greggs Road, Kurrajong into nine lots.

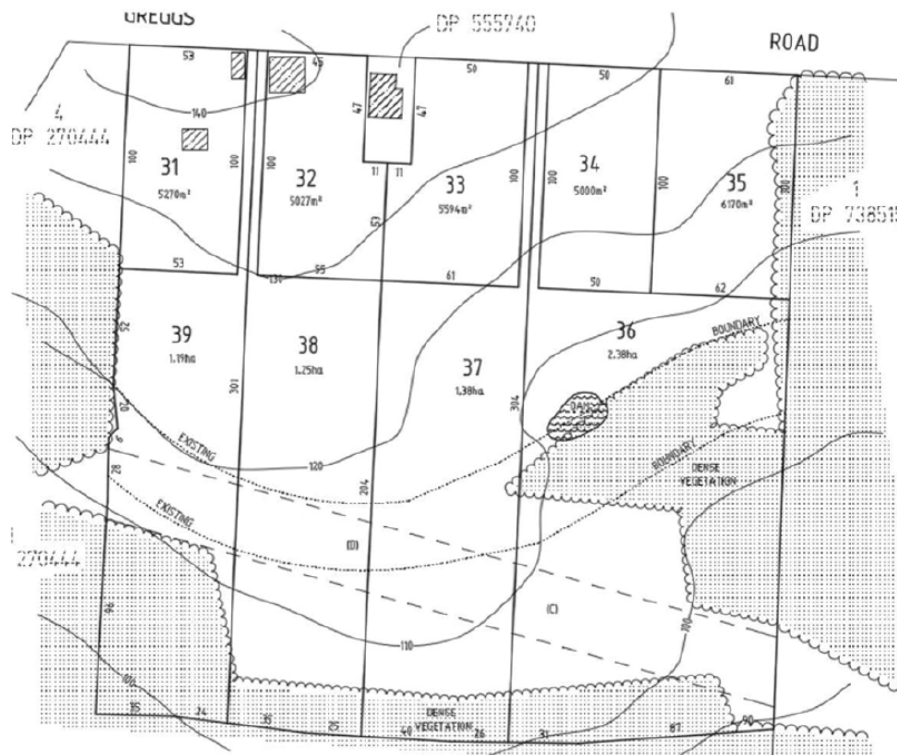
It is recommended that Council not support the planning proposal due to it not demonstrating compliance with the locational criteria of the Hawkesbury Residential Land Strategy (HRLS) and the constraints of the site.

**Consultation**

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

**Planning Proposal**

Montgomery Planning Solutions (the applicant) seeks an amendment to *Hawkesbury Local Environmental Plan 2012* (the LEP) in order to permit the subdivision of 431 and 431A Greggs Road, Kurrajong into nine lots. The concept plan of subdivision submitted with the proposal shows the lots ranging in size from 5,000m<sup>2</sup> to 2.38ha. The concept plan is shown in Figure 1.



**Figure 1: Concept Plan of Subdivision**



The applicant proposes to amend Lot Size Map Sheet LSZ\_008A of the LEP to fix the minimum lot size of lots to 4,000m<sup>2</sup> and include a new clause in the LEP to restrict the maximum number of lots into which the land can be subdivided to 9 lots.

### Subject Site and Surrounds

The site is legally described as Lots 431 and 432 DP 1189536, 431 and 431A Greggs Road, Kurrajong.

The site, in total, has an area of 8.92ha, is approximately 300m wide by 300m deep, and has frontage to Greggs Road (see Figure 2). Note a “key hole” property is surrounded by the site. This property is Lot 1 DP 555740, 425 Greggs Road and does not form part of the planning proposal.

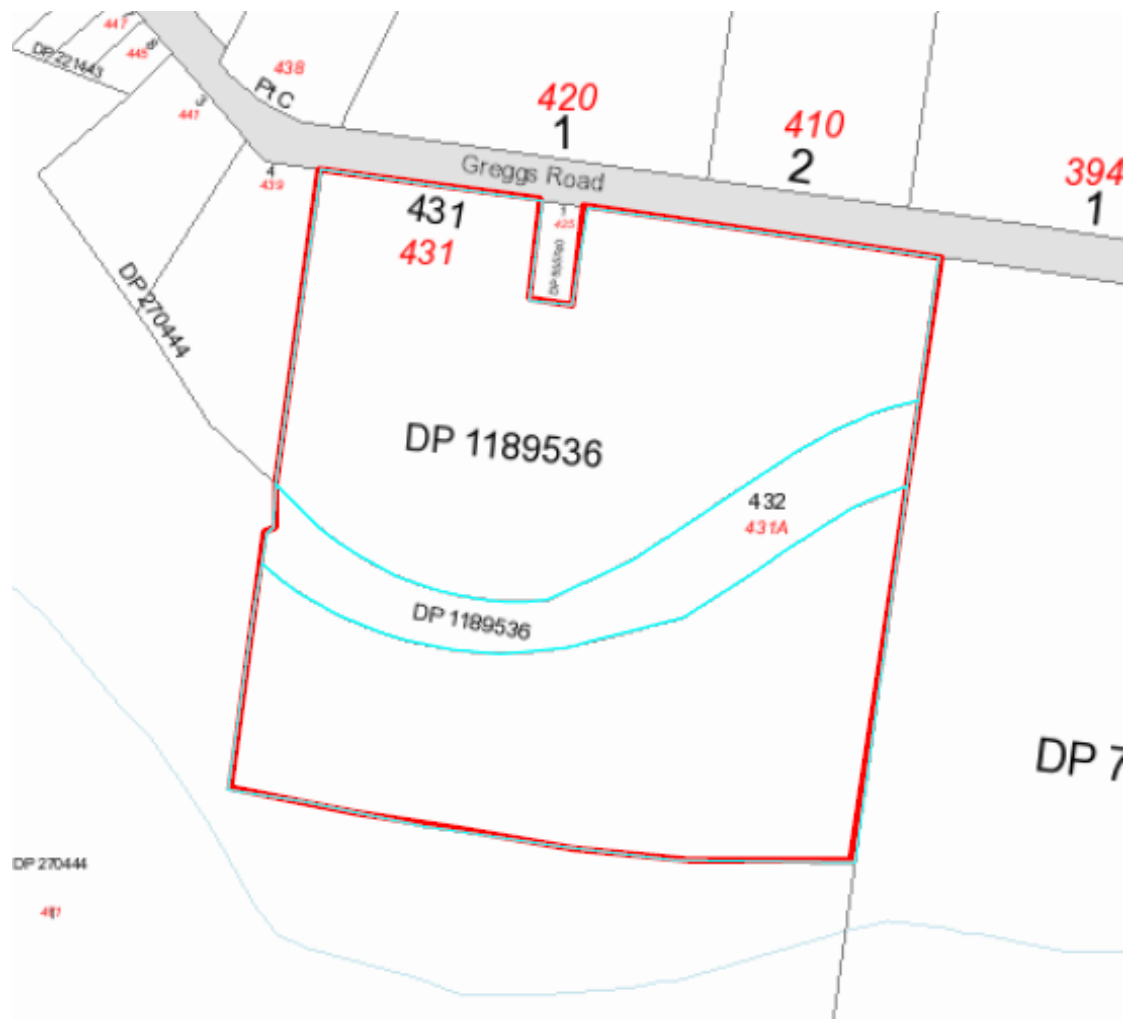


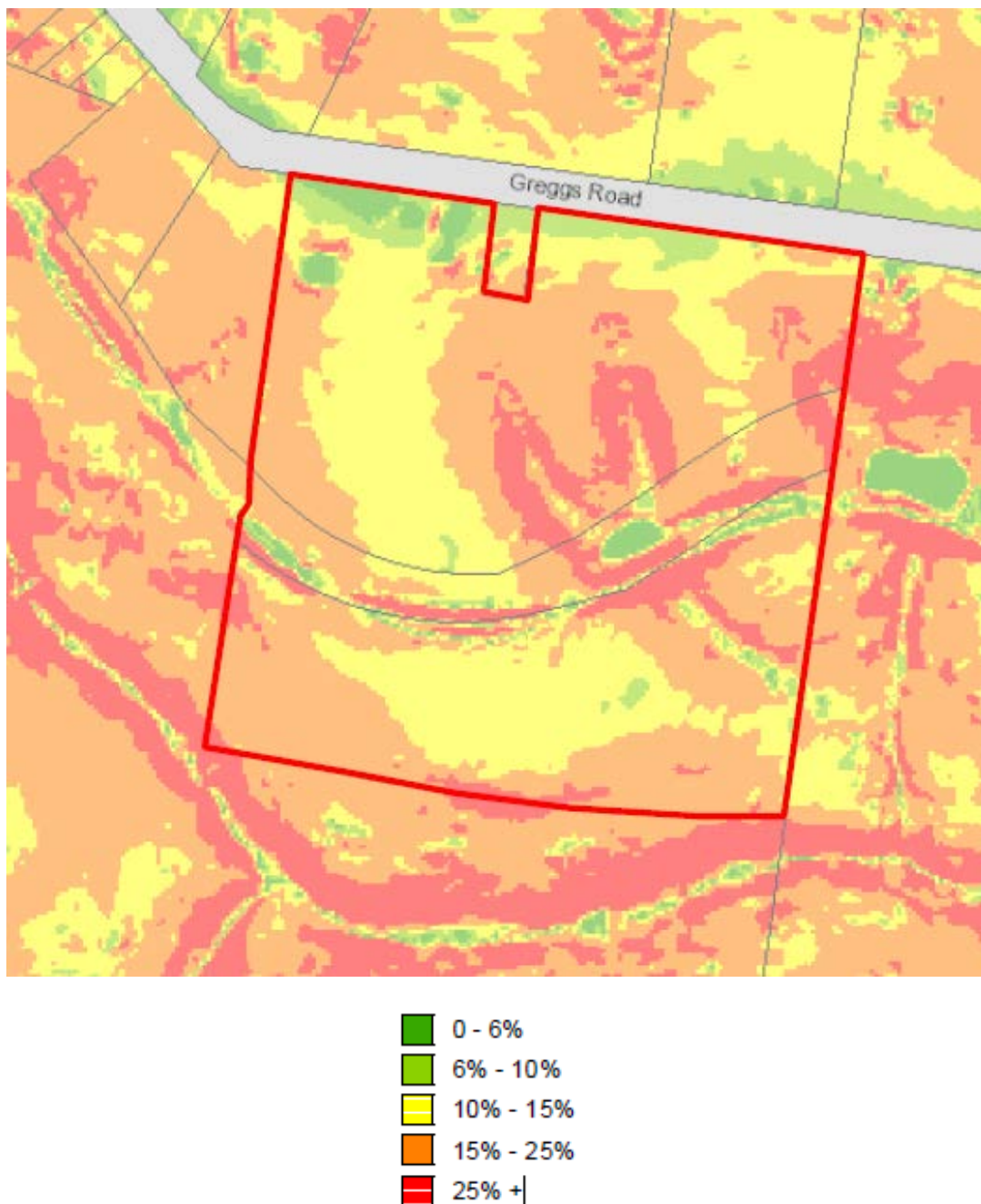
Figure 2: Subject Site

The site contains a dwelling and garage in the north-west corner of the site and one dam in the eastern portion of the site. Much of the site is cleared and consists of management grassland. Native vegetation consisting of trees and shrubs generally exists along the southern (rear) and parts of the eastern and western boundaries of the property. A high voltage transmission line easement and a cutting of the former Kurrajong rail line (the curved shaped Lot 432) cuts through the site in an east-west direction about the middle/rear of the site (see Figure 3).



**Figure 3: Aerial Photograph**

The site has an elevation of approximately 140m AHD at Greggs Road (north-west corner) and falls to approximately 91m AHD at the rear (south-east corner). Slopes of less than 15% are generally confined on land close to Greggs Road and a central band from Greggs Road to the rear of the site. The balance of the site generally contains land in excess of 15% in slope (see Figure 4).



**Figure 4: Slope Map**

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

The site is shown as part *Significant Vegetation* and part *Connectivity Between Significant Vegetation* on the Terrestrial Biodiversity Map of LEP 2012. Council's vegetation mapping suggests this vegetation consists of Shale Sandstone Transition Forest (High Sandstone Influence), Shale Sandstone Transition Forest (Low Sandstone Influence), and Transition Woodland.

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

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

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

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997)* and is not within an area of scenic significance under this SREP.

Land surrounding the site consists of a varied mix of lots sizes with smaller lots generally located to the north-east and larger lots elsewhere. The predominant land use in the vicinity is low density residential and rural residential development.

### **Applicant's Justification of Proposal**

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

1. *The land has the appropriate physical characteristics to support large lot residential development as proposed.*
2. *The proposed rezoning will make use of existing infrastructure, therefore no additional infrastructure is required.*
3. *There will be no adverse environmental or visual impact as a consequence of development of the land.*
4. *The proposal represents a suitable expansion of the existing Kurrajong Village.*
5. *The proposal is consistent with all relevant State, Regional and Local Strategies, including the Hawkesbury Residential Land Strategy.*

### **Hawkesbury Residential Land Strategy**

The Hawkesbury Residential Land Strategy (HRLS) seeks to identify residential investigation areas and sustainable development criteria which are consistent with the NSW Government's strategies.

The importance of maintaining the viability of existing rural villages is recognised in the HRLS and as such it recommends that future residential development in rural villages should be low density and large lot residential, which focus on proximity to centres and services and facilities.

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

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

- *Impacts on road networks;*
- *servicing and infrastructure;*
- *access to facilities and services;*
- *access to transport and services;*
- *maintaining the rural landscape; and*
- *impacts on existing agricultural operations.*

## ORDINARY MEETING

Meeting Date: 09 December 2014

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

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

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

Of particular relevance to this planning proposal are the 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> dot points of the above criteria.

### ***Onsite Sewerage disposal***

The applicant has provided an on-site waste water management report that concludes the site is suitable for the on-site treatment and disposal of wastewater.

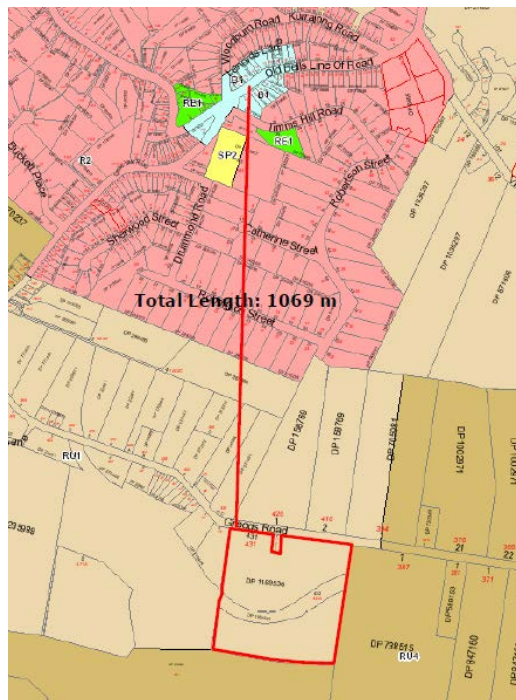
Given the findings of the report and the size of the proposed lots it is considered that the site is suitable for the on-site treatment and disposal of wastewater.

### ***Proximity of Site to Services***

The third criterion sets a threshold for large lot residential / rural-residential development of 1km radius from services within a village. The HRLS defines these services as being those that meet convenience shopping needs e.g. a convenience store, milk bar, petrol station, takeaway.

The subject site is approximately 1069m from the centre of the Kurrajong shopping village (see Figure 5) hence it is outside of the area that the HRLS recommends for possible large lot residential / rural-residential development. This distance is measured 'as the crow flies' i.e., from the closest boundary of the site directly to the centre of Kurrajong, and not along a road or pedestrian route. Should a road or pedestrian route be followed it would then far exceed the 1km criteria. The distance from services is a critical planning consideration for future development in areas that have limited public transport. The topography of the land for walking to facilities is also important and the 1 km line shown is only to the front of the site whilst the distance to future lots at the rear of the site would be at least another 100 - 200 metres across mostly steep terrain.





**Figure 5: Distance of Site from Kurrajong Shopping Village**

### ***Environmental Constraints***

The HRLS recognises land slopes greater than 15% act as a constraint to development.

As can be seen in Figure 4 a substantial portion of the site is greater than 15% in slope. Based on this information it is considered that the proposed subdivision does not allow for reasonable sized building envelopes to be accommodated on land with slope less than 15% that would not result in significant cut or fill.

### **Conformance to the Hawkesbury Community Strategic Plan**

The following provisions of the HCSP are of most relevance for large lot residential / rural-residential development planning proposals.

### ***Looking After People and Place***

#### ***Directions***

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes
- Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury
- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury
- Have development on both sides of the river supported by appropriate physical and community infrastructure
- Have future residential and commercial development designed and planned to minimise impacts on local transport systems, allowing easy access to main metropolitan gateways

## ORDINARY MEETING

Meeting Date: 09 December 2014

### Financial Implications

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

### Conclusion

It is recommended that Council not support the preparation of this planning proposal to allow development of the land for large lot residential / rural residential development due to the proposal not adequately satisfying the relevant criteria of the HRLS.

### Planning Decision

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

### RECOMMENDATION:

That Council not support the planning proposal to allow development of Lots 431 and 432 DP 1189536, 431 and 431A Greggs Road, Kurrajong for the purposes of large lot residential / rural residential development as it is not adequately consistent with the relevant criteria of the Hawkesbury Residential Land Strategy.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 239

**CP - Permissibility of Rural "Secondary Dwellings" and "Detached Dual Occupancy" in the Hawkesbury Local Government Area - (95498, 124414)**

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**REPORT:**

**Executive Summary**

The purpose of this report is to discuss options for making "secondary dwellings" and detached dual occupancy (DDO) development types permitted within the rural zones of the Hawkesbury area under the Hawkesbury Local Environmental Plan (LEP 2012). The current provisions of the Hawkesbury's Local Environmental Plan 2012 (LEP 2012) prohibit both "secondary dwellings" and "detached dual occupancy" development in rural and environmental zones. The previous Plan, LEP 1989, also had the same prohibitions in place. This report responds to various requests relating to this matter from councillors.

Based on previous council reports, briefings, and resolutions, the options discussed in this report are as follows:

1. Locational criteria for permitted "secondary dwellings".
2. Citywide permissibility of "secondary dwellings" in all rural and environmental zones.
3. Locational criteria for permitting "detached dual occupancy".
4. Citywide permissibility of "detached dual occupancy" in all rural and environmental zones.

The report recommends that both Option 1 and Option 3 be pursued that involves a planning proposal being prepared that seeks to amend Clause 2.5 of Local Environmental Plan 2012 to permit 'secondary dwellings' and "detached dual occupancy" within certain rural areas and zones.

The report also recommends that accompanying development controls (via a new DCP chapter) and a contributions plan (a new Section 94 Plan) be prepared.

Further, the report suggests that an amendment to Council's enforcement policy include a 12 month moratorium on orders after the gazettal of a planning amendment. This will assist with the regulation of unauthorised development and to encourage the submission of development applications for converting existing unauthorised land uses or buildings to either "secondary dwellings" or "dual occupancy" development.

**Background**

There have been a variety of discussions at Council meetings relating to dual occupancy and these include:

On 26 June 2012, Council considered a Notice of Motion and then a subsequent report and briefing on the following:

*"That a report be submitted to Council regarding the possible amendment of the Hawkesbury Local Environmental Plan to incorporate provisions, similar to those utilised by The Hills and Penrith City Councils, allowing second dwellings on appropriately sized lots and the possible implementation of an associated infrastructure levy where a second dwelling is approved to contribute to the cost of upgrading infrastructure, including roads, affected by such approvals."*

On 24 June 2014, a report on the "Progress and Review of Hawkesbury Residential Land Strategy" was considered and Council resolved:



## ORDINARY MEETING

Meeting Date: 09 December 2014

*"That:*

1. *The areas identified in the Hawkesbury Residential Land Strategy for large lot residential investigation be mapped to align with cadastral boundaries and form an addendum to that Strategy.*
2. *The investigation area for Kurmond identified by Council on 5 February 2013 be reviewed and be the first area to have a development/structure plan (as described in the report) prepared.*
3. *A report be brought back to Council in September 2014 identifying priority areas for the preparation of structure plans and Section 94 Plans.*
4. *Future planning proposals for residential development must be consistent with any structure plan and/or Section 94 Plan prepared for the locality. If no such plan is in place the applicant is to work with Council to prepare same as part of the planning proposal. Existing planning proposals currently submitted to Council will continue to be processed.*
5. *A Voluntary Planning Agreement Policy, which includes a template agreement and Clauses, be drafted and reported to Council for consideration.*
6. *Existing Council Policies in relation to development be reviewed to be consistent with the Hawkesbury Residential Land Strategy.*
7. *The suggested action for the introduction of Second dwellings on rural properties as outlined in this report be commenced and reported back to Council in the fourth quarter of 2014.*
8. *Once the addendum mentioned in part 1 of the resolution has been added, that the Hawkesbury Residential Land Strategy be placed on public exhibition to allow the Community to comment.*
9. *The review of the Hawkesbury Residential Land Strategy be referred to a Councillor Briefing Session."*

In response to the resolution above, on 7 October 2014 a Councillor Briefing Session was held about the Residential Land Strategy Review.

At the Ordinary Meeting of 28 October 2014, Council considered a Notice of Motion from Councillor Porter as follows:

*"Council amend the Hawkesbury LEP 2012 in the following manner to permit detached dual occupancies in certain rural and environmental zones with an area of two hectares or greater:*

1. *Dual Occupancy (detached) as currently defined in the LEP be permitted with consent in the following zones:*
  - *RU1 Primary Production*
  - *RU2 Rural Landscape*
  - *RU4 Primary production small lots*
  - *E3 Environmental Management*
  - *E4 Environmental Living.*
2. *Insert the following additional clause:*

*Dual Occupancies (detached) in certain rural and environmental zones.*

## ORDINARY MEETING

Meeting Date: 09 December 2014

- a) *The objective of this clause is to ensure that effluent generated by dual occupancies is managed on-site to protect waterways and the amenity of the adjoining lots.*
- b) *This clause applies to land in the following zones:*
  - *RU1 Primary Production*
  - *RU2 Rural Landscape*
  - *RU4 Primary production small lots*
  - *E3 Environmental Management*
  - *E4 Environmental Living.*
- c) *Development consent must not be granted for a dual occupancy detached on a lot to which this clause applies unless the lot has an area of at least two hectares.*
- d) *Development consent must not be granted for the erection of more than two dwellings on a lot to which this clause applies.*
- e) *Development consent must not be granted for the subdivision of a dual occupancy on a lot to which this clause applies into a strata, company or community title."*

In relation to this Motion Council resolved the following:

*"That this Notice of Motion be included in the report on detached dual occupancies on certain rural properties to be brought to Council in December 2014."*

This report seeks to consider that option as well as detail alternative approaches for consideration.

At the Human Services Advisory Committee meeting of 6 November 2014, the Committee resolved:

*"That staff prepare a report to the Committee on the provision of affordable rental housing and that report be subsequently reported to Council."*

Whilst this matter did not arise from the discussion about dual occupancy development at the Committee level, both affordable housing and housing affordability have been raised by Council during debates and briefings on dual occupancy.

It should be noted that affordable housing and housing affordability are not issues that would drive the permissibility of dual occupancy in rural areas as they are very separate issues that need careful consideration. For that reason this issue will not be addressed in this report. The abovementioned report is expected to be submitted to the Committee in the first half of 2015.

### Consultation

The issues raised in this report do not trigger the community consultation requirements of Council's Policy. However, should Council resolve to proceed to prepare a planning proposal and accompanying changes to the Residential Land Strategy, the DCP, a draft development (S94) Contributions Plan and an amendment to Council's enforcement policy, there will be a separate report to Council proposing a community engagement strategy for those processes.

### What is the Difference Between a "Secondary Dwelling" and "Dual Occupancy?"

Both secondary dwellings and dual occupancy involves two separate, self-contained permanent dwellings for permanent residents and each has their own kitchen, bathroom and laundry. However the size and scale of these dwellings are quite different as defined in LEP 2012.

## ORDINARY MEETING

Meeting Date: 09 December 2014

A “secondary dwelling” only has a maximum floor space of a 60 square metres or no more than 10% of the total floor area of the principal dwelling whichever is greater (e.g. a one bedroom granny flat). Currently “secondary dwellings” are only permitted within residential areas under State Environmental Planning Policy (Affordable Rental Housing) 2009 and LEP 2012.

Secondary dwellings are designed to complement the design of the principal dwelling and be subservient to the principal dwelling in terms of visual bulk and scale (e.g. siting, height, setbacks, materials, roof pitch). A secondary dwelling can be attached or detached as shown below.

A secondary dwelling shares the same water meter and sewer connection as the principal dwelling and is rated as one land holding so no additional garbage service is provided or charged. Subdivision of “secondary dwellings” on residential land is prohibited by the SEPP.

A “dual occupancy” involves two separate dwellings, has no maximum floor space and both dwellings can be of any floor space and any number of bedrooms. In dual occupancy development where an original cottage is retained, the second (new) dwelling is often substantially larger in floor space, number of occupants and number of bedrooms, bathrooms and living areas.

Currently only attached “dual occupancy” (i.e. dwellings that are joined or closely connected) are permitted in the rural and environmental zones under LEP 2012. The Development Control Plan (DCP) requires the appearance of one dwelling to be achieved with an integrated design of the two buildings. In residential zones both attached and detached “dual occupancy” is permitted with no floor space limits under LEP 2012.

Any rural “dual occupancy” is required to have individual water tanks and onsite systems for each dwelling but the development would be rated as one land holding. An additional garbage service is provided if requested and charged accordingly. Subdivision of an attached dual occupancy is prohibited.

### What is not a “secondary dwelling” or “detached dual occupancy”?

- An “attached dual occupancy” - two dwellings joined by a common wall (or floor) or by a connection no more than six metres apart
- The approved temporary use of a “farm building” whilst building a “dwelling” that is converted back to a “farm building” later on (this is a staged development approval to ensure there is only one “dwelling” on the land at any time)
- Dwelling “alterations and additions” to create more living areas or bedrooms but does not include second kitchen, laundry and separate entry.
- An approved “rural workers dwelling”; “rural tourist facility” or “bed and breakfast”.
- A structure that is currently being used for residential purposes but has not obtained approval.

### Existing Statutory Situation - “Secondary Dwellings”

Currently, the construction of a second dwelling, even of small scale (e.g. one bedroom) on a rural or environmental zone would be categorised as an “attached dual occupancy”. Hence it would be subject to the full requirements applicable to a dual occupancy development including S94A payments and bushfire requirements etc.

### Options for Permitting “Secondary Dwellings” within LEP 2012

- **Option 1** - Amend the Land Use Table of LEP 2012 to permit “secondary dwellings” with consent within all rural zones and the E3 and E4 environmental zones.
- **Option 2** - Amend “*Clause 2.5 - Additional permitted uses for particular land*” of LEP 2012 to allow “secondary dwellings” as an additional permitted use in certain areas and circumstances (using locational criteria).

## ORDINARY MEETING

Meeting Date: 09 December 2014

Option 1 - Secondary dwellings permitted in all rural and environmental zones	Option 2 - Secondary dwellings permitted in certain areas and circumstances
The Hills, Penrith and some other councils use this option.	This is a new approach subject to consultation with the Department of Planning and Environment.
Proliferation of detached dual occupancy throughout the rural and environmental zones in an ad-hoc fashion.	Proliferation is controlled with the identification of selected land within a certain distance of rural village/neighbourhood centres, transport and facilities.
May adversely affect the rural character and rural resource lands.	Does not affect the rural character.
There may be an unreasonable demand for additional services and facilities.	There may not be a large demand.
Conflicts with the Residential Land Strategy which aims to concentrate rural residential development within and around existing rural villages and neighbourhood centres. i.e., requires an amendment to the Strategy as resolved on 24 June 2014.	Generally consistent with the Residential Land Strategy, but may still require an amendment to the Strategy as resolved on 24 June 2014.
Requires an amendment to the existing Land Use Table and land use definitions.	Requires an amendment to Schedule 1 and inclusion of an additional LEP map layer to identify land suitable for 'detached dual occupancy'.

*Table 1 - Implications for Permitting "Secondary Dwellings" within Rural and Environmental Zones*

### Recommendation for "Secondary Dwellings" in Rural Areas

It is recommended that:

- a) "Clause 2.5 of LEP 2012 be amended with an accompanying map layer to permit "secondary dwellings" within the RU1, RU2, RU4, RU5 and E3 and E4 zones on a minimum lot size of 2 hectares subject to development consent.
- b) Add the words "secondary dwelling" into the RU1, RU2, RU4, E3 and E4 zones of LEP 2012 as required to make that land use permitted with development consent. The definition is already included in LEP 2012.

### Options for Permitting Detached Dual Occupancy within Rural and Environmental Zones

**Option 3** - Amend "Clause 2.5 - Additional permitted uses for particular land" of LEP 2012 to allow "detached dual occupancy" as an additional permitted use in certain areas and circumstances (using locational criteria).

**Option 4** - Amend the Land Use Table of LEP 2012 to permit "detached dual occupancy" with consent within all rural zones and the E3 and E4 environmental zones.

### Option 3 - Location criteria for Detached Dual Occupancy

In Council's report of 24 June 2014 regarding the Residential Land Strategy (RLS), the following information was included:

## ORDINARY MEETING

Meeting Date: 09 December 2014

*"...It is suggested that investigation be undertaken into permitting detached dual occupancy dwellings in a variety of locations that are defined by certain criteria that is set in the RLS. In this regard the criteria used for the consideration of large lot residential proposals, i.e. Section 3.3.8 Role of Rural Residential Development, should be used to consider the permissibility of detached dual occupancy. The suggested criteria proposed is the same as in the above mentioned Section 3.3.8 with changes shown in italics (NOTE: the following criteria is a suggestion only and is subject to further consultation):*

*All future detached dual occupancy residential development in rural locations must:*

- *Be able to have separate onsite sewerage disposal systems*
- *Cluster around or on the periphery of villages*
- *Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within 1.5 – 2.0 km radius)*
- *Address environmental constraints and with minimal environmental impacts and*
- *Be within the servicing capacity of the rural village*
- *Have a minimum allotment size of 2.0ha.*

*If outside the above criteria and is located on a heritage listed property, detached dual occupancy permitted where attachment to the main dwelling would be detrimental to the significance of the heritage item.*

### **Suggested Action**

*That when mapping the location for rural residential development proposals as an addendum to the RLS an additional map, accompanied by defined criteria as mentioned above, be prepared to indicate the locations where detached dual occupancies can be considered for rezoning.*

*Detached Dual Occupancy development should only be permitted once an appropriate infrastructure contribution plan (Section 94 Plan) is in place. Additionally, whilst Council has existing Policies to address retrospective development, there is a need for Policy/procedure clarification to guide how existing illegal dual occupancy dwellings, if found, will be addressed in relation to building controls (BCA matters), compliance action and contribution payments by these developments..."*

Council resolved at that time that the suggested action for the introduction of second dwellings (detached dual occupancies) on rural properties as outlined in that report be commenced and reported back to Council in the fourth quarter of 2014. This report now discusses these matters in more detail below.

### **Comment:**

#### *Separate Onsite Sewerage Disposal Systems*

The increase from a single dwelling to a dual occupancy increases the number of occupants on a site and therefore the demand on a disposal system. Typically original on-site wastewater systems are not designed to accommodate significantly larger dwellings and a doubling of occupants. For a dual occupancy (particularly larger dwellings with more bedrooms) new separate systems would need to be required to be installed to ensure that potentially adverse environmental impacts in sensitive rural areas are avoided or at least the risk is minimised.

#### *Cluster around or on the Periphery of Villages*

This is consistent with the identified areas for growth around existing centres nominated in the Residential Land Strategy. To change this approach will require a change to the Residential Land Strategy and also Council would need to justify in its planning proposal to the Department of Planning and Environment a strategic rationale for increasing housing in rural areas (away from rural villages) that would be isolated from services, facilities and would also need to meet bushfire, flooding and rural access requirements. This is because housing targets and housing diversity options for the Hawkesbury are already planned for within the Residential Lands Strategy and by already permitting attached dual occupancy.

## ORDINARY MEETING

Meeting Date: 09 December 2014

*Cluster around Villages with Services that Meet Existing Neighbourhood Criteria Services as a Minimum (within 1.5 - 2.0 km radius)*

The distance from services is a critical planning consideration for future development in areas that have limited public transport. Housing affordability and affordable housing are intrinsically linked to these criteria. In this regard, should a detached dual occupancy be developed on a rural property it is not likely to have access to public transport, will be required to have a private vehicle and is likely to have medium to high rental costs (due to the amenity of the 2 hectare property) as Council does not have any control over the rents charged for these developments. It is clear that the suggestion of "1.5km -2.0km radius" can be amended. However the proximity of services is the most important factor in locational criteria.

The location criteria is also an important consideration in relation to future growth options. The permissibility of dual occupancy development in an ad-hoc fashion will also limit medium to long term growth options. In this regard, uncontrolled development will limit future growth patterns or may "sterilise" land in the longer term for future development options.

*Address Environmental Constraints and with Minimal Environmental Impacts and be within the Servicing Capacity of the Rural Village*

This is consistent with the identified areas for growth around existing centres nominated in the Residential Land Strategy.

*Have a Minimum Allotment Size of 2.0ha.*

Presumably the minimum lot size of 2 hectares was selected as being of sufficient size to cater for most onsite wastewater systems, however it is suggested that the additional subclauses be added to address other potentially significant environmental matters that need to be considered. A proposed wording is:

*"The objective of this clause is to ensure that:*

- a) effluent generated by dual occupancies is managed on-site to protect waterways and the amenity of the adjoining lots; and*
- b) sufficient evacuation for major bushfire events and 1:100 flood events is provided; and*
- c) legal access to a public road is provided; and*
- d) vegetation removal to accommodate the curtilage of a dwelling/s and outbuildings is minimised; and*
- e) additional demand on emergency services is minimised."*

**Option 4 - Amend the land use table in LEP 2012 to permit "Detached Dual Occupancy" in all rural zones subject to a minimum lot size of 2 hectares**

<b>Option 3 - Detached dual occupancy permitted in all rural and environmental zones</b>	<b>Option 4 - Detached dual occupancy permitted in certain areas and circumstances</b>
The Hills and Penrith permit detached dual occupancy. However Blacktown and Camden only permit attached dual occupancy in the same fashion as Hawkesbury.	This is a new approach subject to consultation with the Department of Planning and Environment.
Proliferation of detached dual occupancy throughout the rural and environmental zones in an ad-hoc fashion.	Proliferation is controlled with the identification of selected land within a certain distance of rural village/neighbourhood centres.
May adversely affect the rural character and rural resource lands.	Does not affect the rural character.
There may be an unreasonable demand for additional services and facilities.	There may not be a large demand.

# ORDINARY MEETING

Meeting Date: 09 December 2014

Option 3 - Detached dual occupancy permitted in all rural and environmental zones	Option 4 - Detached dual occupancy permitted in certain areas and circumstances
Conflicts with the Residential Land Strategy which aims to concentrate rural residential development within and around existing rural villages and neighbourhood centres, i.e., requires an amendment to the Strategy as resolved on 24 June 2014.	Generally consistent with the Residential Land Strategy, but may require a minor amendment.
Requires an amendment to the existing Land Use Table and land use definitions.	Requires an amendment to Schedule 1 and inclusion of an additional LEP map layer to identify land suitable for 'detached dual occupancy'.

Table 2 - Implications for Permitting "Detached Dual Occupancy" within rural and environmental zones

## Aligning Detached Dual Occupancy with Minimum Lot Sizes for Subdivision

The current minimum lot sizes for the Hawkesbury are shown in Table 3. For comparison with other councils see Appendix 1. The Hills Council approach aligns the lot size for "detached dual occupancy" with the zoning. There is no specified minimum lot size for "secondary dwellings" as they are considered under the minimum lot size provisions for dwellings under Clause 4.1A. Whereas Camden Council's approach is similar to Hawkesbury in prohibiting "detached dual occupancy" and "secondary dwellings in rural areas."

The previous planning provisions that applied in Penrith (under Penrith LEP 201 (Rural Lands) required a minimum lot size of 2ha for the construction of a dwelling. The amended planning provisions for Penrith's new standard template LEP maintain this requirement and extend the 2 hectare minimum lot size to the construction of a "dual occupancy" or "secondary dwelling".

To simply transfer the 2 hectare minimum to the Hawkesbury area for every rural and environmental zone would actually be inconsistent with the Penrith approach as the 2 hectare minimum is currently the only size applicable. However, the only 2 hectare minimum lot size in the Hawkesbury is in E3 Environmental Management zone (see Table 3).

RU1 Primary Production	RU2 Rural Landscape	RU4 Primary production small lots	E3 Environmental Management	E4 Environmental Living
AB3 <b>40 hectares</b> including Bilpin, Putty, St Albans, Upper McDonald, Lower McDonald, Upper and Lower Colo, part of Wiseman's Ferry, part of Leets Vale, Kurrajong Heights, part of Yarramundi,	AB1 <b>10 hectares</b> including Lower Portland, East Kurrajong, Kurmond, Tennyson, Glossodia (rural areas), part of Agnes Banks, Richmond Lowlands, Cornwallis, Ebenezer	Z2 <b>4 hectares</b> including Blaxland's Ridge, Grose Vale, Grose Wold	Z1 <b>2 hectares</b> Including Kurrajong Hills, Bowen Mountain, part of Agnes Banks, part of Lower McDonald, part of Leets Vale, Cattai, Maraylya, Wilberforce (rural areas)	AF <b>400 hectares</b> Including Kurrajong Hills (The Islands)

Table 3 - Current Minimum Lot sizes for Subdivision in Hawkesbury LEP 2012

**Recommendation for “Detached Dual Occupancy” in Rural Areas**

As discussed above, a 2 hectare minimum does not correlate with the minimum lot sizes already chosen as being appropriate for the Hawkesbury area for dwellings. Hence, this approach is not appropriate. Instead it is proposed that the location criteria and Hawkesbury minimum lot sizes be used and that:

- a) *“Detached dual occupancy” only be permitted consistent with the minimum lot size for a dwelling in that zone.*
- b) *“Attached dual occupancy” continue to be permitted in all zones.*
- c) *Add the words “dual occupancy (detached)” into the RU1, RU2, RU4, E3 and E4 zones of LEP 2012 as required to make that land use permitted with development consent. The definition is already in LEP 2012.*

**Development Controls for “Secondary Dwellings” and “Detached Dual Occupancy”**

Permissibility is, however, only one step in the process of securing development consent. All development applications must meet the zone objectives and be assessed against the detailed development controls contained in Hawkesbury Development Control Plan and the matters identified by Section 79C of the *Environmental Planning and Assessment Act 1979*.

*Example - Penrith City Council - Design & Siting of Rural Detached Dual Occupancy*

Section D1 Rural Land Use within the Penrith DCP requires design and siting of rural detached dual occupancies to be:

1. *In close proximity to and associated with the existing dwelling on the site*
2. *Be behind the existing dwelling house*
3. *similar or sympathetic design to the existing dwelling on the site*
4. *detached with a minimum separate of 10m*
5. *the second dwelling must be significantly smaller than the existing dwelling (by approximately 50% in area)*
6. *similar external finishes*
7. *access is limited to one driveway only with shared access*
8. *one electricity line and meter serving both properties*
9. *minimum site area of 2 hectares*
10. *existing vegetation is retained*

**Comment:**

Development controls of a similar nature could be considered for Hawkesbury, however, currently attached dual occupancy is not subject to these types of restrictions.

The controls should be developed so that there are consistent controls for attached and detached dual occupancy development. In a review of a number of other Councils use of Local Provisions in their LEPs it is noted that they have added a clause to specifically facilitate dual occupancy development in rural areas.

**Recommendation**

That Council staff develop an additional local provisions clause for LEP 2012 to permit dual occupancy development in rural areas. This clause would then be used in the discussions with the Department of Planning and Environment. The clause will need to be specific to the Hawkesbury and would include the following:

- Planning considerations for local conditions relevant to the Hawkesbury such as infrastructure (including emergency services), flooding, bushfire, access, vegetation removal, on-site wastewater and heritage, and



## ORDINARY MEETING

Meeting Date: 09 December 2014

- Introduce location specific controls into the LEP via a map for “Lot sizes for dual occupancy development map”,
- Subject to discussion with the Department, there may be a need to introduce provisions for development to be limited to an “Existing Holding” (A holding as defined at a certain date, as this is contained in some other Council dual occupancy provisions). Should that be required the details would be reported back to Council prior to formalising.

### Funding for Infrastructure

Infrastructure includes drainage, roads, bridges, intersections, footpaths, roundabouts, community and cultural facilities such as neighbourhood centres and libraries and open space such as parks and playground equipment. New development (and the new residents) contributes to the demand on existing infrastructure in an incremental but cumulative way.

Typically councils provide for new infrastructure via the collection of a development contribution (a cash levy) on each additional dwelling or new lot. Currently in the Hawkesbury Local Government Area this is only done when the value of the new dwelling exceeds \$150,000. This has implications for the consideration of allowing existing buildings to be converted to dual occupancy and also for small scale dwellings to be used as a detached dual occupancy dwelling. Essentially under the current contributions plan virtually no additional funds could be collected for infrastructure as most conversions and small “granny flat” dwellings would fall below this threshold.

In this regard, the appropriate contributions for new, additional dwellings, including the conversion of existing structures whether legal or unauthorised, would need to be developed to ensure that these additional dwellings, and residents, make appropriate contributions to the provision of infrastructure.

### Development Contributions Plans under Section 94 and Section 94A of the *Environmental Planning and Assessment Act 1979*

The purpose of development contributions (under either section) is, amongst other things, to ensure adequate public facilities are provided for additional development and prevent the existing community being financially burdened by having to provide extra public amenities and services required as a result of additional development.

The S94A levies do not apply in addition to S94 levies. The S94 Plans apply instead of S94A plans unless the contribution required to be paid under the S94 Plans is less than 1% of the value of the works in the Development Application (in which case the S94A Plan applies). If the plans are contradictory on how they relate to each other, the most recently adopted plan shall take precedence.

It is not possible to charge both S94 and S94A levies to the same development or property.

If a contribution has already been paid under a S94 Plan, then no contribution is payable on that portion of the land already levied and paid.

### Hawkesbury City Council

#### ***Section 94 Contributions Plan 2008 (not currently applied to new development LGA wide)***

This Plan was a citywide plan (now only applies to Pitt Town and some minor other areas) applying to forms of development and had categories for:

- Community facilities
- Recreation facilities
- Park improvements
- Car parking
- Intersection improvements
- Road maintenance

The Plan identified different rates for different 'catchment' areas across the LGA and applied different rates according to the nature of capital works required. It was prepared in conjunction with a comprehensive capital works program for which the levies contribute in a cumulative fashion over time.

**Comment:**

This type of Plan is useful for collection in relation to distinct catchment areas. In this regard, should detached dual occupancies be permitted more broadly, a S94 Plan would be the more appropriate contributions plan to apply.

**Section 94A Plans**

Section 94A Development Contributions Plan 2006 is a citywide plan that is applied based on the costs of construction works for new development. S94A levies paid to council are applied towards meeting the costs of provision or augmentation of new public facilities. A schedule of proposed facilities is included in the plan and includes toilets, community buildings, parks structures and landscaping.

- The existing plan does not provide for traffic related works such as upgrades intersections, road widening, traffic lights or roundabouts.
- The plan does not apply to dwellings or works with a value of less than \$150,000.

**Comment:**

This type of plan is useful for low to no growth areas and when the value of works exceeds the threshold amount. If the development falls below the threshold it may still have an impact on resources but no levy can be made.

*Voluntary Planning Agreements*

Under Section 93F of the *Environmental Planning and Assessment Act 1979*, Hawkesbury has agreed to Voluntary Planning Agreements (VPAs) for specific urban release areas (e.g. North Richmond and Glossodia).

**Comment:**

VPAs are not relevant to small, incremental developments as they cannot individually provide a valuable item of sufficient public benefit (e.g. bridge, road works) to warrant an agreement.

**Other Development Contribution Options - Comparison with Penrith Council**

Penrith Council has 4 development contributions plans that are citywide as well as more than 10 other contributions plans related to distinct locations for release areas for housing business and industrial release areas as well as separate plans for both Penrith CBD and St Marys CBD.

The citywide contribution plans are applied to all dual occupancy in both residential and rural areas (outside the new housing release areas) for the following categories:

1. Open space
2. Cultural facilities
3. Footpaths

To calculate the contribution the plan applies a rate of 3.1 persons for each additional dwelling. A credit is given for an existing dwelling hence the contribution is only payable on the new dwelling (regardless of size/number of bedrooms).

### *Voluntary Planning Agreements*

Under Section 93F of the *Environmental Planning and Assessment Act 1979*, Penrith City Council has multiple Voluntary Planning Agreements (VPAs) for specific urban release areas and large developments.

### *Works-in-Kind*

Works in kind (WIK) means the developer doing work or providing something in lieu of a cash contribution that is levied in a S94 Plan. This is typically only used for larger development and major housing release areas and is not relevant to individual sites for “secondary dwellings” or “dual occupancy”.

### **Conformance to the Hawkesbury Community Strategic Plan**

The proposal is consistent with the Looking After People and Places Direction Statement:

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

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

- Encourage affordable, diverse and quality housing solutions in serviced areas

### **Financial Implications**

The preparation of a planning proposal could be accommodated within existing staff resources. However, the preparation of a developer contributions plan would require additional funds to provide resources for the plan and the supporting capital works program to be developed (as discussed in a separate report in the business paper on this matter). Ongoing specialist resources (staff, auditors, electronic systems) would be required to monitor the contributions plan, contributions register and allocation of funds.

Additional development assessment staff resources would be required to handle enquiries and processing of development applications and building upgrade requirements for both new detached dual occupancy applications and conversion of existing buildings.

In addition, after the 12 month moratorium there would need to be temporary additional regulatory staff resources for enforcement of unauthorised dual occupancy development.

### **Conclusion**

In preparing standard template LEPs, the NSW Department of Planning and Environment (DPE) has indicated that if a council proposes to allow new dwellings within rural zones that early discussion with the relevant State Government officers should occur well before a planning proposal proceeds to the gateway.

The position that is discussed in this report in regards to the development of secondary dwellings and dual occupancies in the Hawkesbury signals a significant policy change. It is important that council is sure that the provisions of the LEP will result in the intended outcome, and is aware of, and accepts any potential outcomes that cannot be managed through the LEP/DCP and development contributions (S94) provisions.

## ORDINARY MEETING

Meeting Date: 09 December 2014

In addition, particularly in the process to authorise the apparent unauthorised development in rural areas, conditions of development consent may be applicable in relation to development contributions (S94) and may require upgrades to existing buildings to current Building Code of Australia (BCA), BASIX and other requirements.

### Planning Decision

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

### RECOMMENDATION:

That:

1. The report regarding the options for amending Hawkesbury Local Environmental Plan 2012 to permit “secondary dwellings” and “detached dual occupancy” be received and noted.
2. Council officers prepare a concept planning proposal for discussion with the Department of Planning in February 2015 based on the recommendations in this report for both Option 1 and Option 3 to amend Local Environmental Plan 2012 to permit ‘secondary dwellings’ and “detached dual occupancy” within certain rural zones.
3. Should the Department of Planning and Environment support the preliminary discussions about the concept planning proposal, a planning proposal be prepared and be referred to the Department for a gateway determination.
4. Council also amend the Residential Land Strategy to address the Policy change to permit Secondary Dwellings and Detached Dual Occupancy as described in this report.
5. A further report be presented to Council in the first quarter of 2015 providing an update on the status of the planning proposal, Development Contributions (Section 94) Plan, DCP chapter and Enforcement Policy chapter preparation.

### ATTACHMENTS:

**AT - 1** Permissibility of Rural “Secondary Dwellings” and “Dual Occupancy”

# ORDINARY MEETING

Meeting Date: 09 December 2014

## AT - 1 Permissibility of Rural “Secondary Dwellings” and “Dual Occupancy”

### Hawkesbury City Council

#### CURRENT

Hawkesbury LEP (EXISTING)	RU1 Primary Production	RU2 Rural Landscape	RU4 Primary production small lots	E3 Environmental Management	E4 Environmental Living
Secondary Dwellings	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
ADO	Permitted	Permitted	Permitted	Permitted	Permitted
DDO	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Minimum Lot Size of DDO	40 hectares	10 hectares	4 hectares	40 hectares	400 hectares* (The Islands)

#### PROPOSED

Hawkesbury LEP (Option 1&3)	RU1 Primary Production	RU2 Rural Landscape	RU4 Primary production small lots	E3 Environmental Management	E4 Environmental Living
Secondary Dwellings	Permitted	Permitted	Permitted	Permitted	Permitted
ADO	Permitted	Permitted	Permitted	Permitted	Permitted
DDO	Permitted	Permitted	Permitted	Permitted	Permitted
Minimum Lot Size	40 hectares	10 hectares	4 hectares	40 hectares	400 hectares* (The Islands)

### Comparison with other Councils

Penrith LEP 2010 (*cl 6.8)	RU1 Primary Production	RU2 Rural Landscape	RU4 Primary production small lots	E3 Environmental Management	E4 Environmental Living
Secondary Dwelling	Permitted*	Permitted*	Permitted*	Permitted*	Permitted*
ADO	Permitted*	Permitted*	Permitted*	Permitted*	Permitted*
DDO	Permitted*	Permitted*	Permitted*	Permitted*	Permitted*
Minimum Lot Size SD, ADO or DDO*	2 hectares	2 hectares	2 hectares	2 hectares	2 hectares

\* “Clause 6.8 Dual occupancies and secondary dwellings in certain rural and environmental zones

- (1) The objective of this clause is to ensure that effluent generated by dual occupancies or secondary dwellings is managed on site to protect waterways and the amenity of adjoining lots.
- (2) This clause applies to land in the following zones:
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU4 Primary Production Small Lots,

# ORDINARY MEETING

Meeting Date: 09 December 2014

- (d) E3 Environmental Management,  
(e) E4 Environmental Living.
- (3) Development consent must not be granted for a dual occupancy on a lot to which this clause applies unless the lot has an area of at least 2 hectares.
- (4) Development consent must not be granted for a secondary dwelling on a lot to which this clause applies unless the lot has an area of at least 2 hectares or it can be demonstrated that the existing on-site effluent disposal system has sufficient capacity for the secondary dwelling.
- (5) Development consent must not be granted for the erection of more than 2 dwellings on a lot to which this clause applies.
- (6) Development consent must not be granted for the subdivision of a dual occupancy on a lot to which this clause applies into a strata, company or community title.”

Hills LEP 2012	RU1 Primary Production	RU2 Rural Landscape	RU6 Transition	E4 Environmental Living
Secondary Dwellings	Permitted	Permitted	Permitted	Permitted
ADO	Permitted	Permitted	Permitted	Permitted
DDO	Prohibited	Prohibited	Prohibited	Prohibited
Minimum Lot size for DDO	10 hectares	10 hectares	2 hectares	2000 square metres

Camden LEP 2010	RU1 Primary Production	RU2 Rural Landscape	RU4 Primary production small lots	E4 Environmental Living
Secondary Dwellings	Permitted	Permitted	Permitted	Prohibited
ADO	Permitted	Permitted	Permitted	Permitted
DDO	Prohibited	Prohibited	Prohibited	Prohibited
Minimum Lot size for DDO	N/A	N/A	N/A	N/A

oooO END OF REPORT Oooo

Item: 240

**CP - Council's Section 94 Contributions Plan 2008 - Current Review and Preparation of Future Contributions Plan - (95498, 124414)**

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**REPORT:**

**Executive Summary**

The purpose of this report is to advise Council of proposed amendments to Council's existing Section 94 Contributions Plan 2008 as well as discuss basic concepts and resourcing requirements associated with the preparation and implementation of contributions plans.

**Consultation**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Any subsequent amendments to Council's Section 94 Contributions Plan 2008 or proposals for a new contributions plan will require public notification in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979*.

**Introduction**

Council's Section 94 Contributions Plan 2008 (the S94 Plan) came into effect on 10 December 2008. The S94 Plan was made by the then Minister for Planning as a result of a "Part 3A approval" for the Pitt Town Residential Precinct (PTRP).

The S94 Plan allows for collection of contributions toward items such as community facilities, recreation facilities, park improvements, road works, land acquisition, car parking, and state and regional infrastructure. The S94 Plan divides the LGA into 5 catchments however, due to its relationship with Council's Section 94A Development Contributions Plan 2006 (the S94A Plan), the primary application of the plan is in relation to development within the PTRP i.e. Catchment 5.

Since the S94 Plan came into effect and the progression of development within the PTRP a number of matters have arisen which result in the need for the S94 Plan to be amended. In response, Council staff, with assistance from planning consultant GLN Planning Pty Ltd, are in the process of preparing an amendment to the S94 Plan. The first part of this report seeks to inform Council of the nature of these proposed amendments.

The second part of this report deals with a resolution of Council on 11 November 2014 following a discussion regarding future rural-residential development within the LGA. The resolution of Council was as follows:

*"That a report be submitted to Council at the meeting on 9 December 2014, regarding the preparation of an appropriate Section 94 Contributions Plan, with such report to also address the issue of resources required to enable a Plan to be prepared as soon as practicable."*

**Proposed Amendments to the S94 Plan**

The proposed amendments to the S94 Plan can be grouped in two parts. Firstly, those amendments associated with the PTRP and the secondly amendments to LGA wide items for which contributions have been collected.

***Pitt Town Residential Precinct amendments***

The forecast amendments relating to the PTRP generally consist of the following:

- Updated contributions for preliminary investigations/plan, land acquisition, community facilities, recreation facilities, park improvements, and road works. This is primarily required due to changes in the value of land to be acquired (previously reported to Council on 25 November 2014), change in the scope of works, and the general increase in development/construction costs since the adoption of the S94 Plan. The anticipated change in the scope of works mainly relate to road works being completed, added to the schedule, or amended as a result of utility adjustments, improvements to pavement condition/structure, drainage requirement, and changes to the anticipated park improvements and recreation facilities. Many of these changes have been identified when more detailed design work has identified the need for the change.
- Removal of State and Regional Transport Infrastructure contributions. This is as a result of a direction dated 23 September 2013 from the then Minister for Planning that no such contributions can be levied on development in the PTRP.
- Administrative type amendments dealing with matter such as references to Council's Local Environmental Plan (LEP), mapping amendments, property descriptions, deferral of payments, review/indexing of contributions rates, pooling of contributions.

Council will be aware of the Confidential Report to Council on 25 November 2014 that discussed the change in values for land to be acquired as a result of the development within the PTRP. At the time of preparing this report Council had four undetermined development applications for subdivision within the PTRP that could, if approved, result in the creation of approximately 80 lots. If these applications are determined in the absence of the above mentioned amendments Council could potentially face a significant shortfall in contributions required for land acquisition.

It is therefore recommended that the above mentioned amendments to the S94 Plan be dealt with as a matter of priority and Council staff work towards exhibiting the amendments as soon as possible. At present the actual amendments are being finalised and it is hoped that exhibition of the proposed amendments will be able to occur towards the end of 2014 or early 2015. This timeframe would enable Council to consider the amendments and any submissions made in February/March 2015.

***Other amendments to the S94 Plan***

Other forecast amendments to the S94 Plan relate to areas outside of the PTRP and generally consist of revision of population projections; revision of contributions and works programs for community facilities, recreation facilities and park improvements, car parking, intersection improvements, and road maintenance. The major part of this review is the preparation of a works program for Catchments 1 - 4 in order to expend monies within existing S94 contribution reserves.

The above mentioned development applications, in Pitt Town, have no bearing on these amendments and therefore are of a lesser priority than the proposed PTRP related amendments. If staff resources permit these amendments can be included in the forthcoming exhibition of the amended S94 Plan, if this cannot be achieved they can be dealt with by way of a further amendment to the S94 Plan.



**Council Resolution of 11 November 2014 - Preparation of a Future Contributions Plan****Background**

Before addressing the resolution directly the following background information in relation to Council's existing contributions plans and Department of Planning and Environment (DP&E) guidelines is provided. This discussion is provided to set the context of a contributions system and is not intended to be an obstacle to the process, but is rather background to a recommendation to proceed with the appropriate process.

Council has two contributions plans under the *Environmental Planning and Assessment Act 1979* (the Act), these are the S94 Plan and the S94A Plan.

The S94 Plan's application and type of contributions has been discussed above. The S94 Plan is substantially based on projections for population growth which is translated into forecast demand for public facilities/infrastructure, a costed works program that relates specifically to the needs of the new development and ultimately development contributions. Council has had a S94 Plan since the early 1990s and historically growth predictions have not been met resulting in amendment to and delay in achieving the works program.

The DP&E guidelines for S94 Plans describe these plans as "traditional" plans and recommend their application:

- where growth is faster and higher levels of contributions are able to offset the considerable administration costs, financial risks and inefficiencies managing money amongst and within the funds
- in areas with multiple owners who are unable to co-ordinate in offering dedication or works-in-kind

S94 contributions are typically calculated on a "per person", "per lot", or "square metre" basis and the contribution must be "reasonable". Reasonable is defined with respect to *nexus* and *apportionment*.

*Nexus* - being the relationship between the expected types of development in the area and the demand for additional public facilities/infrastructure to meet the demand. The central question to be addressed is whether a public facility/infrastructure is required to offset the impacts of development and when and where the facility/infrastructure can be provided.

*Apportionment* - being that the contribution only ever reflects the demands of development and not other demands i.e. the contributing population only pays for its share of the total demand. Or put another way, new development cannot be required to contribute toward any existing shortfall in public facilities/infrastructure for the existing population.

Contributions can only be applied to capital funding (including land acquisition) not for on-going operational and maintenance costs (although recurrent funding may be allowed for road maintenance).

Council's S94A Plan collects contributions for commercial facilities infrastructure, communications infrastructure, public amenity infrastructure, transportation infrastructure, community buildings, recreation facilities, park improvements. It is based on a levy of 1% of the cost of development with some exemptions within the S94A Plan and then later addition exemptions imposed by the then Minister of Planning. The S94A Plan has been in effect since May 2006 and the subsequent Ministerial exemptions and general downturn in development have significantly reduced the expected contributions collected under this plan. In response to this Council staff are also currently preparing amendments to the S94A Plan.

The DP&E guidelines for S94A development contributions plans described these plans as a "flat rate levy" plan and recommend their application:

## ORDINARY MEETING

Meeting Date: 09 December 2014

- where there is little growth and slow accrual of funds in established urban areas or rural areas, or where provision of facilities benefits a dispersed set of contributors
- in areas with multiple ownership with little scope for land dedications or work-in-kind
- costs of needed infrastructure are relatively low and spread over time

Contributions must be expended towards capital costs associated with the provision, extension or augmentation of public facilities/infrastructure (or towards recouping the cost of their provision, extension or augmentation) and nexus need not be demonstrated.

A S94A levy cannot be imposed on the same DA or CDC if a S94 contribution is also required. Also, other than in the case of further subdivision, a S94A levy cannot be imposed on a DA or CDC if a S94 contribution has previously been paid on the land.

In comparing the two types of plans it can be said that in general S94 Plans have a higher degree of uncertainty and risk in population and income projections and costs of works than there is with S94A Plans. In general, whilst a S94 Plan might collect more money, it can be inefficient, inflexible and slow. Whereas a S94A plan might collect less money but it can be efficient, flexible and faster, particularly in areas experiencing relatively slow or low growth.

Some key matters for consideration in preparing any contributions plan are as follows:

- Where is development going to occur, what type of development, when, how much, how fast?
- What new public facilities/infrastructure are needed to serve the new population, where, when, how much is it going to cost, how can it be funded, when can it be provided?
- What effect will the plan have on other council programs, commitments and budgets?
- If supplementary grants or subsidies are to fund part of the facility/infrastructure, can the grants or subsidies be relied on?
- To what extent can the provision of facilities/infrastructure be made by private and non-council providers?
- How accurately can these matters be forecast? What is the capital risk, development risk, strategic direction change risk, interest rate risk, recoupment risk, recurrent expenditure risk, regulatory and environmental risk?

DP&E guidelines state that council should consider each of these issues and be satisfied that on balance it is worth entering into the development contributions system. Council should also consider the management and maintenance of the proposed public facilities/infrastructure. Therefore, the long-term obligations of council to the operation of the public facilities/infrastructure must also be considered as this does not form part of the contributions scheme.

In preparing a contributions plan a fundamental starting point is determining the criteria or assumptions upon which the plan is to be based, in particular what type of development will attract a contribution and in what locations. It is from these criteria and assumptions that required public facilities/infrastructure can be identified, a work program developed and contributions derived.

Finally, the successful implementation of a S94 or S94A Plan will substantially be governed by whether or not there are predictable rates and types of development and therefore a predictable income stream via the payment of contributions.

***Hawkesbury Residential Land Strategy, Planning Proposals for Large Lot Residential / Rural Residential and Detached Dual Occupancies***

Since the adoption of the Hawkesbury Residential Land Strategy (HRLS) in May 2011 nine planning proposals for large lot residential / rural residential development have been reported to Council. These planning proposals have been in the suburbs of Kurmond (six), Kurrajong (two) and Kurrajong Heights (one). The planning proposals for Redbank at North Richmond and Jacaranda ponds at Glossodia have not been included in this discussion as those proposals will have Voluntary Planning Agreements dealing with contributions and S94 Plans will not apply to those developments.

The planning proposal at Kurrajong Heights and one of the planning proposals at Kurrajong were rejected by Council. Of the seven supported by Council, only one has progressed to the stage where it is ready for DP&E final approval, i.e. gazettal. The planning proposal nearing gazettal is for 1411 Kurmond Road, Kurmond which seeks to allow subdivision of the land into five lots. The other planning proposal are either waiting on a "Gateway" determination from DP&E or additional information from applicants. At present no large lot residential / rural - residential lots the subject of these planning proposal have been given development consent.

A typical condition of Council's approval of these planning proposals has been that support for the proposal is subject to satisfactory progress, either completion of a Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, being made towards resolving infrastructure provision for the respective planning proposal.

On 24 June 2014 Council considered a report regarding various aspects of the HRLS. The report recommended, inter alia, that areas identified in the HRLS for large lot residential investigation be mapped and that the Kurmond area be given priority. The report also suggested identifying areas where detached dual occupancies may be made permissible by way of a future amendment to the LEP.

If both of these exercises were undertaken then it is envisaged that either a standalone S94 Plan could be prepared or a new section could be included in Council's current S94 Plan to enable the collection of contributions towards public facilities/infrastructure required by such resultant development. This could be done independently of the proposed S94 Plan amendments (primarily Pitt Town related) mentioned earlier in this report.

On 28 October 2014 Council considered a Notion of Motion to permit detached dual occupancies in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, E3 Environmental Management and E4 Environmental Living zones subject to a minimum land area of two hectares. A report dealing with this matter is the subject of another item contained within the Business Paper for this meeting.

If Council supports detached dual occupancy on a broad scale, this has implications for how much money would be collected under a contributions plan. Contributions collected under the S94A Plan, as currently formulated are likely to be negligible whereas a S94 Plan approach would yield a substantially better result.

In order to prepare a suitable contributions plan, Council's direction is sought about the HRLS. Expanding the permitted uses in the LEP needs to be coupled with potential to collect contributions as a secondary consideration, i.e. there must be development to enable the S94 contribution collection.

***Resources required to prepare a Contributions Plan***

The resolution of Council dated 11 November 2014 also called for a discussion on the resources required to enable a Plan to be prepared as soon as practicable.

Council will need to support the Plan preparation with dedicated, specialist resources, across multiple functional areas including Finance, Planning and Infrastructure and undertake implementation, administration and management of the Plan, in addition to the initial preparation of a Plan.

## ORDINARY MEETING

Meeting Date: 09 December 2014

In other councils the employment of staff dedicated solely for some or all of these tasks is common practice. Council does not have specialist contribution plan staff. Inadequate resourcing of this administration results in the collection based on out of date costing or works or land valuations, inefficient collection systems, etc., that will ultimately result in any shortfall of funds, for those required facilities or infrastructure, being covered by Council's general fund, i.e., at the expense of other programs.

### Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place directions:

- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury
- Have development on both sides of the river supported by appropriate physical and community infrastructure

The proposal is consistent with the Linking the Hawkesbury direction:

- Plan for, maintain and renew our physical infrastructure and community services, facilities and communication connections for the benefit of residents, visitors and businesses

The proposal is consistent with the Shaping Our Future Together direction

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

### Financial Implications

The cost associated with the review of Council's Section 94 Plan is covered in Council's existing budget.

The cost of the preparation of a new S94 Plan is yet to be costed as this will depend on the type of plan, i.e., small catchment base or LGA wide. These costs will include significant staff time, as previously mentioned in this report, and may require the assistance of an external contractor to formulate the overall plan. This would be the subject of a separate report to Council depending on the direction provided as to the type of Plan required.

### Planning Decision

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

## ORDINARY MEETING

Meeting Date: 09 December 2014

### RECOMMENDATION:

That:

1. Council staff prepare amendments the Council's existing Section 94 Contributions Plan 2008 as generally described in this report (particularly in relation to Pitt Town) and publically exhibit the proposed amendments as a matter of priority.
2. Following public exhibition of the amended Section 94 Plan as resolved in Part 1 above, the Plan and all issues raised in public submissions during the public exhibition period, be reported back to Council no later than March 2015.
3. Council prepare a Section 94 Contributions Plan that will apply to growth development in the areas identified in the Hawkesbury Residential Land Strategy. In this regard, the Plan will apply to the areas identified on the growth maps in the adopted Strategy and also the areas permitted for large lot residential development.
4. The Section 94 Contributions Plan proposed in Part 3 of this resolution is to be extended, if required, to address the development of Detached Dual Occupancy as determined by Council.
5. The resourcing and timing of the preparation of the Section 94 Contributions Plan is to be reported to Council upon Council's final decision on the scope of that Plan, but no later than the second Council meeting of February 2015.

### ATTACHMENTS:

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 09 December 2014

### GENERAL MANAGER

**Item: 241                      GM - Australian Mayoral Aviation Council - Council Membership - (79351)**

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#### **REPORT:**

##### **Executive Summary**

The Mayor recently received correspondence from the Australian Mayoral Aviation Council (the AMAC) again inviting Council to become a member of the organisation.

The AMAC was established in 1982 with a central intent to represent the interests of communities impacted by airport and aircraft operations and currently has 23 members.

With the announcement of a commitment to the development of Badgerys Creek airport and discussions between the Commonwealth Government and Sydney Airports Corporation entering the consultation phase AMAC is inviting Council to consider becoming a member of the organisation.

In view of the announcement in respect of Badgerys Creek and the level of uncertainty that still exists regarding the RAAF Base Richmond and following discussions with the Mayor it is proposed to recommend that Council accept the invitation to join the AMAC.

##### **Consultation**

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

##### **Background**

The Mayor recently received correspondence from the AMAC again inviting Council to become a member of the organisation. Whilst Council has been approached in the past to join the organisation it has not done so to date.

The AMAC was established in 1982 with a central intent to represent the interests of communities impacted by airport and aircraft operations. Membership of AMAC is currently comprised of the following 23 councils:

- Bankstown City Council NSW
- City of Bayswater WA
- City of Belmont WA
- Blacktown City Council NSW
- City of Botany Bay NSW
- Shire of Broome WA
- Canada Bay City Council NSW
- Canterbury City Council NSW
- City of Clarence TAS
- City of Cockburn WA
- Fraser Coast Regional Council QLD
- City of Hume VIC
- Ipswich City Council QLD
- Shire of Kalamunda WA
- City of Kingston VIC
- Moonee Valley City Council VIC
- Northern Midlands Council TAS
- Randwick City Council NSW

## ORDINARY MEETING

Meeting Date: 09 December 2014

- Rockdale City Council NSW
- Sutherland Shire Council NSW
- City of Swan WA
- Waverley City Council NSW
- City of West Torrens SA

The following information has been provided by AMAC regarding "What Is It And What Does It Do?".

### ***"What is the Australian Mayoral Aviation Council?"***

*AMAC is a grouping of local authorities from throughout Australia, which are, or have the potential to be, adversely affected by airport activity and/or aircraft operations over their communities.*

### ***Who can participate in AMAC activities?***

*Membership is open to Australian local government councils.*

### ***What are the objectives of AMAC?***

*The prime objectives are to assist Councils in developing their understanding and knowledge of aviation to assist them in better representing the interests of their community with regard to aviation issues and ensuring all reasonable measures are taken by the relevant authorities to minimise adverse effects of aircraft and airport activities on citizens and their communities.*

### ***How is AMAC organised?***

*Membership is organised on a regional basis; each State or Territory elects a representative to an Executive Committee of AMAC. The Committee members then elect a President and Vice-President from among their numbers. The Executive Committee is presently made up of:*

President	Mayor Ben Keneally, City of Botany Bay NSW;
Vice President	Deputy Mayor Jock Campbell, City of Clarence TAS;
	Mayor Phil Marks, City of Belmont WA;
	Mayor John Trainer, City of West Torrens SA;
	Mayor Adem Atmaca, City of Hume VIC
	Councillor Paul Tully, Ipswich City Council QLD

### ***What are AMAC's achievements?***

*The principal achievement gains are the degree of recognition by the Federal Government and its instrumentalities, particularly the Civil Aviation Safety Authority, Airservices and the Federal Department of Infrastructure & Transport.*

*Specific achievements include meaningful involvement in airport strategies, associated land use planning, payment of ex-gratia rates by the Airports and, very importantly, input on development of aviation policy. AMAC also provides the opportunity for improved cooperation between State Divisions and up skilling of members through regular meetings, conferences, newsletters and networking.*

### ***Is AMAC recognized at commercial operator level?***

*YES. AMAC has been involved in dialogue with all major operators at various committee levels and is recognised as the voice of Local Government on aviation matters.*

### ***What are the challenges yet to be faced?***

*Obviously, contemporary issues of importance will continue to emerge but of current interest are questions relating to the privatisation of principal airports, air-traffic-generated funding for noise management projects, non-airport development within airport boundaries, safety and emergency issues associated with airport management, noise and flight path monitoring and the relationship between air traffic growth and urban expansion.*

## ORDINARY MEETING

Meeting Date: 09 December 2014

### **Can AMAC assist organizations other than Local Councils?**

*Certainly, by conveying representations to appropriate organisations and/or governments.*

### **How does AMAC communicate with members?**

*By means of annual conferences, quarterly Executive meetings, newsletters, distribution of common interest material and personal networking.*

### **Does AMAC act for members in aviation related matters?**

*At all times. This was the basic rationale behind the establishment of AMAC in 1982 and is still its most important function.*

### **How is AMAC Funded**

*Member Councils pay an annual membership on a tiered basis. The level of contribution is based on the size of the Council together with the level of impact on the community by airport and/or aircraft operations."*

With the announcement of a commitment to the development of Badgerys Creek as Sydney's second airport and discussions between the Commonwealth Government and Sydney Airports Corporation entering the consultation phase the AMAC is again inviting Council to consider becoming a member of the organisation.

Over the years of its operations the AMAC has been effective in representing the interests of its members as suggested in the above material. In view of the Federal Government's announcement in respect of Badgerys Creek and the level of uncertainty that still exists regarding the RAAF Base Richmond and its future use and operations it could be advantageous for Council to become a member of this organisation.

Following discussions with the Mayor in respect of this issue it is proposed to recommend that Council accept the invitation to join the AMAC.

The AMAC have advised that if Council were to join the organisation prior to the end of the 2014/2015 financial year its membership fee would be \$1,250 + GST which is half of the full year fee.

### **Conformance to the Hawkesbury Community Strategic Plan**

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

- Maintain its independent identity and voice through strong local government and community institutions
- Have constructive and productive partnerships with residents, community groups and institutions

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

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

### **Financial Implications**

In the event that Council determines to join AMAC funding for the membership fee of \$1,250 + GST for the remainder of the 2014/2015 financial year would be available from within the Strategic Activities component of the 2014/2015 Operational Plan. Provision for the 2015/2016 membership fee would be incorporated into the draft 2015/2016 Operational Plan.



**ORDINARY MEETING**

**Meeting Date:** 09 December 2014

**RECOMMENDATION:**

That Council accept the invitation from the Australian Mayoral Aviation Council and become a member of that organisation.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 09 December 2014

Item: 242

### **GM - 2015 Local Government Managers (LGMA) National Congress & Business Expo (79351, 80532)**

#### **REPORT:**

##### **Executive Summary**

The 2015 Local Government Managers Australia (LGMA) National Congress & Business Expo will be held from 29 April to 1 May 2015 in Darwin, Northern Territory. Due to its relevance to Council's business, it is recommended that the 2015 LGMA National Congress & Business Expo be attended by Councillors and appropriate staff.

##### **Consultation**

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

##### **Background**

The 2015 Local Government Managers Australia (LGMA) National Congress & Business Expo will be held from 29 April to 1 May 2015 in Darwin, Northern Territory. The theme of for the 2015 Congress is 'Local Government: The Value Proposition'. The Congress program has been designed to map out the steps Councils need to go through, to understand their value proposition.

Council has been represented at the National Congress & Business Expo by councillors and staff in the past. The conferences are generally very relevant to Council's activities as they cover a wide range of current issues that are topical to the local government environment and relevant to the operations of councils. This event is widely accepted as one of the main events for local government, has many high calibre presenters and attracts representation from across Australia.

Cost of attendance at the 2015 LGMA National Congress & Business Expo will be approximately \$4,000 per delegate.

Budget for Delegate Expenses - Payments made:

Total Budget for Financial Year 2014/2015	\$46,500
Expenditure to date	\$16,006
Budget balance as at 1 December 2014	\$30,494

##### **Conformance to the Hawkesbury Community Strategic Plan**

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

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

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

- Improve financial sustainability

##### **Financial Implications**

Funding for the cost of attendance at this conference will be provided from the Delegates Expenses within the 2014/2015 Operational Plan.

## **ORDINARY MEETING**

**Meeting Date:** 09 December 2014

### **RECOMMENDATION:**

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2015 Local Government Managers Australia National Congress & Business Expo at an approximate cost of \$4,000 per delegate be approved.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**CITY PLANNING**

**Item: 243 CP - Hawkesbury Horizon Project - Progress and Proposed Future Actions - (124414)**

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**REPORT:**

**Executive Summary**

The purpose of this report is to inform Council about the progress of the Hawkesbury Horizon project which seeks to undertake revitalisation of the three towns of Windsor, Richmond and North Richmond.

The report discusses the positive progress to date. It is recommended that Council endorse the steps involved to drive this project forward to work towards the preparation of a revitalisation action plan.

**Consultation**

The issues raised in this report concern matters which have already involved some engagement processes as outlined in this report and will require additional community consultation under Council's Community Engagement Policy should Council determine to undertake further work on this project.

**Background**

***Phase 1 - Initial Engagement***

*Workshop Series*

A series of workshops have been held over the last nine months in the Hawkesbury Region's three key towns, Richmond, Windsor and North Richmond to discuss their revitalisation. The workshops were facilitated by Robert Prestipino, Director of Vital Places.

The first workshop was attended by 10 Councillors on 1 February 2014. The Councillors agreed to support advancing the revitalisation of the town of Richmond.

The second workshop was held in Richmond on 1 March 2014 and was attended by 25 people from the business and community sector. The outcome from the Richmond workshop shifted the focus of the project from an individual town approach to a 'three' town approach where revitalisation of each town, as a part of the greater Hawkesbury region, would be the goal.

The third workshop was held in Windsor on 14 June 2014 and was attended by a core group of people from the business and community who were passionate about revitalising Windsor as a destination as part of the greater Hawkesbury Region.

A fourth workshop was held in North Richmond on 23 July 2014. The workshop had a mixture of participants from business, community and also local resident representatives. There was mixed feedback from the workshop as some attendees appreciated the regional approach while others were focused on specific issues about the beautification of the town.

The invitees for the workshops in Richmond, Windsor and North Richmond were predominately targeted community members and experts from the health, business, lifestyle and education sectors. All of the workshops followed a similar format. All attendees were asked to identify the best things about living in the Hawkesbury, the vision for the Hawkesbury in the next five to ten years and the challenges of achieving this vision. It was notable that the outcomes from each of the workshops were very similar with regard to what people valued and their vision for the area. The responses from the workshops could be broadly summarised as follows:

## ORDINARY MEETING

**Meeting Date:** 09 December 2014

Best Thing about Living in the Hawkesbury	The Vision for the next 5-10 years	The Challenge to achieving this Vision
<ul style="list-style-type: none"> <li>• The sense of the community</li> </ul>	<ul style="list-style-type: none"> <li>• Sustainable growth in the centres</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of infrastructure</li> </ul>
<ul style="list-style-type: none"> <li>• Country town identity</li> </ul>	<ul style="list-style-type: none"> <li>• Well cared for and safe place</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of funding</li> </ul>
<ul style="list-style-type: none"> <li>• Heritage</li> </ul>	<ul style="list-style-type: none"> <li>• Strong identity</li> </ul>	<ul style="list-style-type: none"> <li>• Community consensus</li> </ul>
<ul style="list-style-type: none"> <li>• Access to Sydney/Proximity to Sydney</li> </ul>	<ul style="list-style-type: none"> <li>• Vibrant and busy</li> </ul>	<ul style="list-style-type: none"> <li>• Ability of effective leadership</li> </ul>
<ul style="list-style-type: none"> <li>• Great place to bring up a family</li> </ul>	<ul style="list-style-type: none"> <li>• Sense of community, place to gather</li> </ul>	<ul style="list-style-type: none"> <li>• Absentee landlords</li> </ul>
<ul style="list-style-type: none"> <li>• Educational features</li> </ul>	<ul style="list-style-type: none"> <li>• Updated main streets</li> </ul>	<ul style="list-style-type: none"> <li>• Location on the edge</li> </ul>
<ul style="list-style-type: none"> <li>• River/beautiful setting</li> </ul>	<ul style="list-style-type: none"> <li>• Identify strengths of the area e.g. Polo</li> </ul>	<ul style="list-style-type: none"> <li>• Developing and accepting Vision</li> </ul>
<ul style="list-style-type: none"> <li>• Unique identity and experience</li> </ul>	<ul style="list-style-type: none"> <li>• Better parking and accessibility</li> </ul>	<ul style="list-style-type: none"> <li>• Apathy</li> </ul>
<ul style="list-style-type: none"> <li>• Semi-rural lifestyle</li> </ul>	<ul style="list-style-type: none"> <li>• Future of young/youth</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of identity for the region</li> </ul>

Other interesting findings common to all workshops included:

- Recognition that regional areas generally have an ageing population.
- Families are the future for towns; they spend the most money and help to make a place vital.
- Jobs where people earn between \$80K-\$100K a year need to be available.
- Entrepreneurial jobs with a mobile workforce are the future for employment.
- There is a significant rise in 'enterprise mums' seeking a work life balance.
- There is a challenge being located on Sydney's fringe.

The workshops discussed the need for a 'catalyst project' in each town or one regional 'catalyst project' that would help to deliver the long term revitalisation of the Hawkesbury. Phase 2 will discuss how Council can work to identify this catalyst project.

### *Hawkesbury Show*

The Hawkesbury Show was held over three days in May 2014. At the Show, Council had an information tent and there was an opportunity for the wider community to be involved in the Hawkesbury Horizon project. Council officers asked people from both within and outside the Region to complete a survey about what they thought about the Hawkesbury. Almost 180 people completed the survey and it is interesting to note that people's views in the wider community were similar to the small snap shots received from the three town workshops.

People who completed the survey believed:

- There should be more events and festivals in the area.
- The Hawkesbury is a great place to live, visit and relax.
- The region is not tired or declining.
- There is great community spirit.
- The area is scenic; there are good schools, lots of history and character.

## ORDINARY MEETING

Meeting Date: 09 December 2014

- The area is reasonably well regarded for shopping, sporting facilities, health services, culture and tourism.
- There was a desire for more business opportunities and more support for small businesses.
- There should be improved roads, public transport and bike and walking paths.
- More youth facilities, festivals and events and there could also be more health and education services.
- Overwhelmingly people wanted the Hawkesbury to be known as a great place to raise a family.

### *Hawkesbury Horizon Newsletter & Horizon Journey*

A Horizon Newsletter was prepared in October and discussed the outcomes of the four workshops as well as feedback from the Hawkesbury Show and outlined 'Where to from here' for the project. A second publication called 'Hawkesbury Horizon Journey' was prepared to document the progress of the project to date. Both documents were emailed to all workshop participants. Copies of these two documents are attached to this report.

### **Next Steps**

#### ***Phase 2 – Pre-feasibility Phase***

##### *Beta Group Seminars*

After the final workshop, Council officers participated in a series of webinars provided by the Vital Places and Regional Solutions together with some other councils with similar regional revitalisation challenges. The webinars assisted in developing a framework to fast track and seek funding for catalyst projects in regional areas. Seven webinars were held over five months between July and November and expert advice given by the facilitators and other participants.

The output from the webinars was shared with research students from Southern Cross University who are undertaking a national best practice research project to identify a cluster of National Best Practice Catalyst Projects which promote regional innovation. This alignment with the university may provide some additional standing to assist with a potential project funding application in the future.

##### *Big Ideas Workshop*

The webinars helped to clarify how the project should continue to evolve. The consultants recommended that a 'big ideas' workshop be held to create opportunities for the region to identify catalyst project opportunities. This workshop would also build on the three previous town workshops to identify a whole of region approach and the role each town could play in retaining and enhancing local lifestyle and sustainable regional growth.

The Big Ideas Workshop is a structured way to conduct a discussion with regional participants, remove the risk from some of the proposed ideas and establish the foundations to develop an investible business case for Local, State and Federal governments that maximises the opportunity for potential private sector investment partners.

It is proposed that a 'Big Ideas Workshop' be held in mid February 2015 with details of the session venue, time and dates to be determined closer to that time but in the near future. Invited attendees for the workshops will include Government decision makers from the health and education sectors; significant business owners and the main community organisations from each of the three key towns.

## ORDINARY MEETING

Meeting Date: 09 December 2014

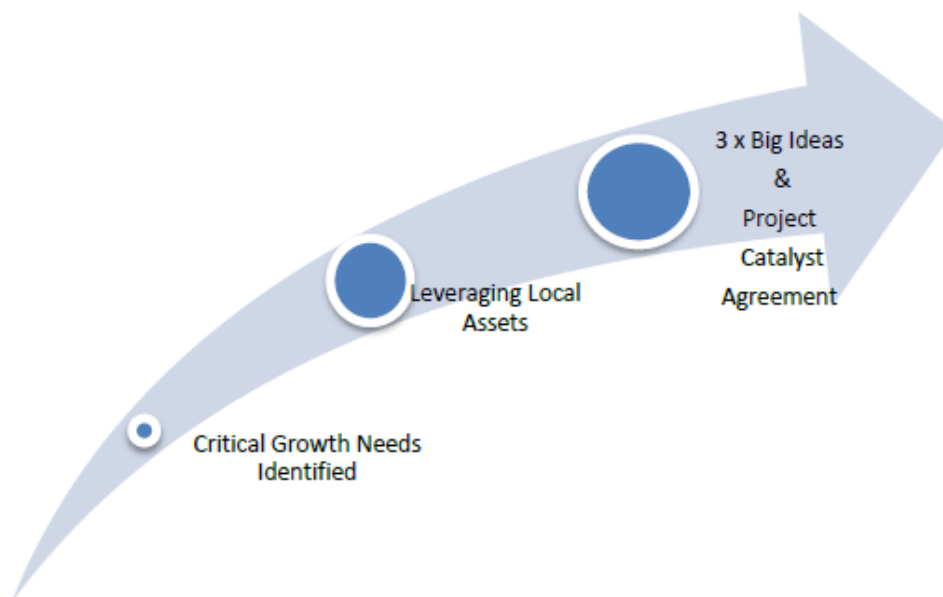
A draft agenda for the Big Ideas Workshop is set out below:

### Day 1

- *Session 1* - Reminder of the core regional values, aspirations and challenges of the participants and the wider community sourced from the previous four workshops. A discussion of the critical growth needs of the Hawkesbury region to achieve their lifestyle aspirations.
- *Session 2* - Group work where town groups apply their local knowledge to the challenge of identifying the best way to leverage/grow local assets as part of a vibrant connected Hawkesbury.

### Day 2

- *Session 1* - The town groups pitch back to the full group to help people understand how each town sees its role in the future of the region and allows for further integration of ideas across the three town network.
- *Session 2* - The remainder of the Big Ideas Workshop would be combined group work to identifying the best ideas worthy of taking into a future pre-feasibility stage. The outcome from this session may be three town based ideas or there maybe consensus on one major regional idea or combinations of both. An important outcome from the workshop may not necessarily be the identified ideas but that there is an agreed framework for the group to have meaningful discussions/critique of ideas. The discussion would attempt to identify the more conceptually feasibly ideas and achieve agreement on the priority of those ideas. The next phase, the pre-feasibility phase, will use these broad directions as a starting point to build ideas into projects that are consistent with group values as well as having the potential to be developed into viable business cases for future funding and investment.



**Figure 1: Outcomes from the Big Ideas Workshop**

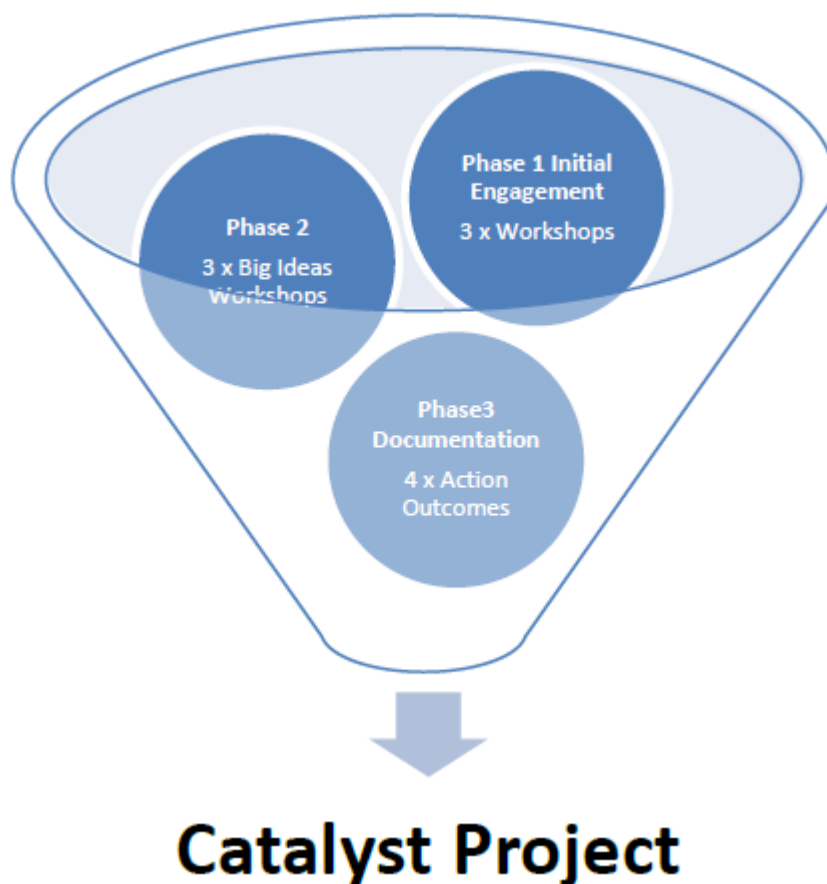
*What is a catalyst project?*

One of the outcomes of the Big Ideas Workshop will be to identify one or a range of catalyst projects. Catalyst projects are:

- A special project/s that will revitalise, or facilitate the revitalisation of the region.

- Strategic investments in the future of the local community that will lead to the prosperity of the region.
- A catalyst for a self-sustaining local economy where there are increased jobs and ongoing economic growth.
- Successful business, education, health and lifestyle project that most communities aspire too. If the project can catalyse these values the more purposeful the project will be and the more community support it will generate.
- A catalyst project can be contributing to the development of new infrastructure or the maintenance and expansion of existing infrastructure. A catalyst project works across highways, hospitals, high schools, housing and hubs.
- Examples of a catalyst project might include a medical facility, an education facility, an equine centre, a bike and walking path or a hub with workspaces and WiFi.

### **Phase 3 - Documentation**



**Figure 2 – Hawkesbury Horizon Project Phases**

The documentation will be prepared by Council officers and be derived from the feedback and direction from the Big Ideas Workshops. As shown below, the documentation will involve four key parts.

1. *Pre-feasibility Action Plan* - A Pre-feasibility Action Plan will be prepared at the conclusion of the Big Ideas Workshop. The Action Plan will identify the type of projects that there has been consensus on, a timeline and budget estimate for those projects. This information will be used as a basis for the next phase, a Pre-feasibility Study, where the preferred projects can be further explored.



## ORDINARY MEETING

Meeting Date: 09 December 2014

2. *Revitalisation Action Plan* - The information from the Big Ideas Workshop will also be able to help in the preparation of a Hawkesbury region revitalisation action plan that will provide strong future direction for the region/towns including guidelines for public and private projects as well as physical, functional, commercial, cultural and environmental principles.
3. *Economic Strategy* - An Economic Strategy will be prepared in 2015. An Economic Working Group is currently meeting to discuss the preparation of the Economic Study Brief. The *information* from the Economic Strategy will provide information for this revitalisation project and the two strategic approaches will therefore complement one another, particularly with the data from the Economic Strategy informing the revitalisation action plan and vice versa.
4. *Beautification Planning* - The consultation with the community and key stakeholders has identified heritage and streetscape issues as being of significant importance for the towns. However, the beautification of the streetscapes of Windsor, Richmond and North Richmond alone will not achieve the economic revitalisation that is required to drive sustained investment. Hence it will be important to identify projects in Council's ongoing services and project planning. This might be achieved for example via the operational planning for each budget year that may be able to contribute to streetscape improvements in a targeted and strategic way and align Council's resources to focus on the key towns as priority works. The beautification planning will also need to investigate other ideas which could be explored via potential funding grants such as Renew Australia programs, popups, streetscape incentives for property owners, heritage, landscape and urban design works.

It should also be noted that progressing this pre-feasibility work will assist Council and community applications for grant funding in that most funding applications require this work to be completed and for projects to be "shovel ready" prior to making those applications.

### Conformance to the Hawkesbury Community Strategic Plan

The Hawkesbury Horizon revitalisation project is consistent with a large number of the Hawkesbury Community Strategic Plan (HCSP) , Directions and Strategies:

#### *Looking After People and Place Direction statements:*

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.
- Have friendly neighbourhoods, connected communities and supported households and families.

and is also consistent with the nominated strategy in this Theme being:

- Revitalise and enhance town centres and villages.

#### *Supporting Business and Local Jobs Direction statements:*

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

## ORDINARY MEETING

Meeting Date: 09 December 2014

and is also consistent with the nominated strategies in this Theme being:

- Differentiate, brand and promote the Hawkesbury as a tourism destination.
- Increase the focus on high end jobs and innovation to build on our strengths and achieve a diverse industry base.

*Shaping Our Future Together Direction statements:*

- 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.

and is also consistent with the nominated strategy in this Theme being:

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

The HCSP is Council's key planning document. The ongoing revitalisation would reflect the Themes, Directions and Strategies within the HCSP. The documentation prepared would be a significant planning tool which would guide the future of the Hawkesbury.

### **Financial Implications**

There is funding already set aside for Hawkesbury Horizon workshops in the adopted 2014/2015 Operational Plan however any big ideas for catalyst projects would need to be considered in future budget years and be subject to investment and grant funding sources.

### **RECOMMENDATION:**

That:

1. The information on the progress of the Hawkesbury Horizon Project be received and the participants be thanked for their contributions to date.
2. Phase 2 of the Hawkesbury Horizon Project as outlined in this report be supported and implemented.
3. A further progress report be presented to Council after the completion of Phase 2 of the Hawkesbury Horizon Project.

### **ATTACHMENTS:**

**AT - 1** Hawkesbury Horizon Stakeholder Newsletter Issue 1 October 2014

**AT - 2** Hawkesbury Horizon Journey

**AT - 1 Hawkesbury Horizon Stakeholder Newsletter Issue 1 October 2014**



# Stakeholder Newsletter

The Revitalisation of the towns of Windsor, Richmond and North Richmond

**Issue 1    October 2014**

*Thank you for your participation*

The purpose of this newsletter is to provide attendees of the Hawkesbury Horizon town centre revitalisation workshops held in Windsor, Richmond and North Richmond with updates about the project. You are receiving this newsletter as a participant in the stakeholder workshops. Please let us know if you do not wish to receive this newsletter.

Many participants indicated that they would like to be kept up to date with the project and relevant news. Council are working to identify the best platform for engagement – so we would like to hear your ideas. In the interim we will be issuing this newsletter every eight weeks.

### About the Workshops

A series of workshops have been held over the last seven months in the Hawkesbury region's three key towns, Richmond, Windsor and North Richmond. The workshops have been facilitated by Robert Prestipino Director of Vital Places who has worked on a number of similar projects in regional areas across NSW and Queensland.

The first workshop was attended by Councillors on 1 February. The Councillors agreed to support advancing the revitalisation of the town of Richmond.



Workshop 2 - Richmond Workshop

The second workshop was held in **Richmond** and discussed the revitalisation of the town. It was well attended by 25 keen and interested stakeholders. At the end of the day it was clear that to be eligible for any funding for the revitalisation work in Richmond, or any other centre there would need to be a broader approach to revitalisation and that would mean a shift from the revitalisation of a single town to the Hawkesbury Region. The idea of the Hawkesbury Horizon was born.

The third workshop was held in **Windsor**. It was attended by a core group of interested people who were keen to see the town revitalised. They recognised the potential of Windsor as a destination.



Workshop 3 - Windsor Workshop

The fourth workshop was held in **North Richmond**. The format was a little different from the earlier workshops. Originally it was proposed that the workshop would be held on a Saturday like the other workshops but as a significant proportion of the attendees were from the business community it was decided to change the time to a shorter workshop held in the evening. There was some mixed feedback about the workshop, some people appreciating the regional approach while others were keen to be very focused on specific issues around North Richmond town and its beautification.



Workshop 4 - North Richmond Workshop

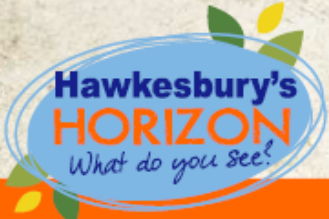
Even though the project has evolved over the past seven months the key information presented at the workshops has remained constant.

At each of the workshops we discussed

- The best thing about living in the Hawkesbury
- The Hawkesbury in the next 5-10 years
- The challenge of achieving this vision

We invited people to the workshops who represented a specific area of interest, generally from a health, education, business or lifestyle perspective. There were also a number of community members and people who represented specific interest groups.





**Hawkesbury's  
HORIZON**  
*What do you see?*

# Stakeholder Newsletter

**Issue 1    October 2014**

### Outcome of the Workshops

It was interesting the way the outcomes from each of the four workshops were very similar with regard to what people valued and their vision for the area. The responses from the three workshops could be broadly summarised:


Best Thing about Living in the Hawkesbury	The Vision for the next 5-10 years	The Challenge to achieving the Vision
The sense of community	Sustainable growth in the centres	Lack of infrastructure
Country town identity	Well cared for and safe place	Lack of funding
Heritage	Strong identity	Community consensus
Access to Sydney/ Proximity to Sydney	Vibrant and busy	Availability of effective leadership
Great place to bring up a family	Sense of community, place to gather	Absentee landlords
Educational features	Updated main streets	Location on the edge
River/beautiful setting	Identify strengths of the area eg Polo	Developing and accepting Vision
Unique identity and experience	Better parking and accessibility	Apathy
Semi rural lifestyle	Future for young/youth	Lack of identity for the region

### Hawkesbury Show

The Hawkesbury Show was held over three days in May. At the Council tent there was an opportunity for the wider community to also be involved in the Hawkesbury Horizon project. We were asking people from both within and outside the Region to complete a survey about what they thought about the Hawkesbury. Almost 180 people completed the survey and we found it very interesting that people's views in the wider community were similar to the small snap shots we received from the workshops.

People who completed the survey believed:

- There should be more events and festivals in the area
- The Hawkesbury is a great place to live, visit and relax
- The region isn't tired or declining
- There is great community spirit
- The area is scenic, there are good schools, lots of history and character
- The area is reasonably well regarded for shopping, sporting facilities, health services, culture and tourism.
- There was a desire for more business opportunities and more support for small businesses
- There should be improved roads, public transport and bike and walking paths
- More youth facilities, festivals and events and there could also be more health and education services
- Overwhelmingly people wanted the Hawkesbury to be known as a great place to raise a family.



Peter Fahey from the Richmond workshop who wanted to see a, "Vibrant, sustainable, diverse, and modern community, a unique mix of urban development and history with sense of community, purposes and identity".

Other interesting findings that were discussed at all of the workshops were:

- Regional areas generally have an aging population
- Families are the future for towns, they spend the most money and help to make a place vital
- Jobs where people earn between \$80K-\$100K a year need to be available
- Entrepreneurial jobs with a mobile workforce are the future for employment
- There is a significant rise in 'enterprise mums' seeking a work life balance
- There is a challenge being located on Sydney's fringe

The workshops discussed the need for a catalysts project in each town or one regional project that would help to deliver the long term revitalisation of the Hawkesbury. The next step is to identify what that project could be.

### Where to from Here?

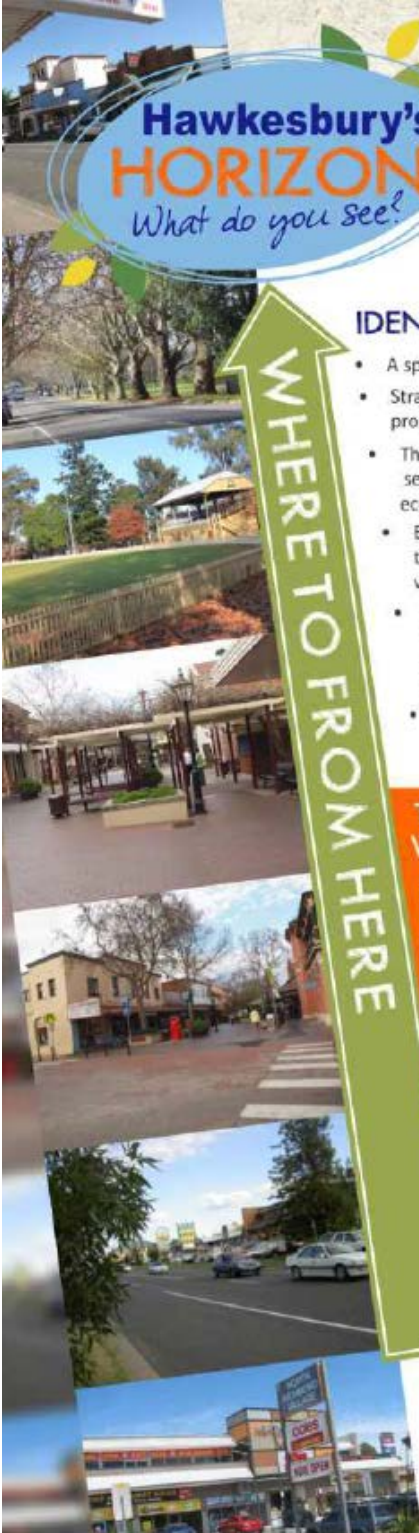
What we will do from here is yet to be finalised. We are working through some options but it is expected that there will be three Focus Groups set up which will have representatives from each of the three towns. The people in the Focus Groups will be responsible for identifying some key projects that they think will help lead to the revitalisation of the Hawkesbury Region. They will be exploring projects that can contribute to job growth and economic development across the health, lifestyle, business and education sectors. The Groups will meet six times, once a month for six months. They will develop their project and present to the groups from the other town. The best project/s will be shortlisted and will need the support of the other focus groups.

We will also be reporting back to Council about the outcomes of the workshops and taking their feedback on the way we progress the project.



AT - 2 Hawkesbury Horizon Journey





**Hawkesbury's HORIZON**  
*What do you see?*

# WHERE TO FROM HERE?

## IDENTIFY A CATALYST PROJECT?

- A special project/s that will revitalise the region.
- Strategic investment in the future of the local community that will lead to the prosperity of the region.
- The catalyst project is not the outcome but a means to an end. The end is a self-sustaining local economy where there are increased jobs and ongoing economic growth.
- Business, education, health and lifestyle are what most communities aspire too. If the project can catalyse these values the more purposeful the project will be and the more community support it will generate.
- A catalyst project can be contributing to the development of new infrastructure or the maintenance and expansion of existing infrastructure. How can a catalyst project work across highways, hospitals, high schools, housing and hubs.
- Examples of a catalyst project might include a medical facility, an education facility, an equine centre, a bike and walking path a hub with workspaces and WIFI.

### TOWN FOCUS GROUPS

**Who:** Members representing health, education, business and lifestyle

**Role:** Work together to identify a catalyst project for the town or one regionally significant project

**When:** Meet once a month for 6 months. Present to other Focus Groups after 6 months and decide on the project/projects

**Where:** Sebel?

**Councillors:** Report back. Seek their endorsement

### PROJECT CONTROL GROUP

- Regional group.
- Key people in the region, Councillors, Mayor.
- Take the project to government to seek funding.
- Business people with \$

### WHAT DOES HAWKESBURY HAVE TO OFFER?

- Education - schools, UWS, TAFE
- Hospital
- River and natural environment
- RAAF
- Equine and Canine Industry
- Available land
- Flooding constraints
- Distance from Sydney
- Heritage
- Waste Management Facility
- Events, Hawkesbury Show
- River and Recreation
- Agriculture

oooO END OF REPORT Oooo



Item: 244 CP - Hawkesbury-Nepean Valley Flood Management Review Taskforce - (95498, 86589)

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**REPORT:**

**Executive Summary**

At the meeting of the Floodplain Risk Management Advisory Committee (the Committee) on Thursday, 20 November 2014, the Committee resolved to recommend to Council that a letter be sent to the Hawkesbury-Nepean Valley Flood Management Review Taskforce (the Taskforce) to request that the Committee be represented on the Stakeholder Reference Panel.

The Committee also resolved to recommend to Council that a letter be sent to the State Government requesting assistance with Council obtaining a licence to dredge the Hawkesbury River.

This report recommends that the letters be sent.

**Consultation**

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

**Background**

At the Committee meeting of 20 November 2014, the Committee discussed the work of the Taskforce and the representation from Council on the stakeholder reference panel. The Committee also discussed the matter of river dredging and suggested the action of writing to the State Government to assist in Council obtaining a licence to dredge the Hawkesbury River at the previously identified seven locations.

In relation to the work of the Taskforce the Committee expressed concern as to the representation from Council at the Stakeholder Reference Panel. The Committee resolution was as follows:

*"That correspondence be sent to Infrastructure NSW on behalf of the Floodplain Risk Management Advisory Committee seeking representation from the Committee on the reference panel."*

Stage one of the Hawkesbury-Nepean Valley Flood Management Review was completed early 2014 and Council received a report on stage one of the review on 13 May 2014 resolving, in part, the following:

*"That Council:*

- 1. Note the progress of the Hawkesbury-Nepean Valley Flood Management Review and continue to work with the relevant State Agencies to progress that Review.*
- 2. Continue work on dredging investigations as previously resolved and not pursue additional regional mitigation works until the completion of the Review and the recommendations from that Review are finalised."*

## ORDINARY MEETING

Meeting Date: 09 December 2014

A Taskforce was set up by Infrastructure NSW to undertake Stage two of the Review and report to the State Government by June 2015. The purpose of Stage Two of the Review, as stated in the Stage One Report, is to “undertake a more detailed cost benefit analysis of specific flood mitigation and road infrastructure options” that were identified in the Stage One Report. To assist in the information requirements for this analysis the Taskforce set up a Stakeholder Reference Panel, consisting of officer representatives from Hawkesbury, Penrith, Blacktown and The Hills Councils to assist with the provision of information for this work. All four of the Councils have representatives at officer level with Hawkesbury Council represented by the General Manager and the Director City Planning.

The Committee has expressed concern that the consultation process for the Taskforce work is limited and would be assisted by a representative from the Committee to be at the Stakeholder Reference Panel. In this regard, it is recommended that this concern and a request for representation be sent to the Taskforce in the form of a letter signed by the Chair of the Committee, being the Mayor.

In relation to the matter of river dredging the Committee made the following resolution:

*“That the Floodplain Risk Management Advisory Committee recommend that Council seek the urgent support of the State Government (Minister and local State Members) to assist Council in obtaining a license for the dredging of the Hawkesbury River at the following points:*

- a) Sackville Ferry
- b) Sackville Gorge
- c) Ebenezer Church
- d) Pitt Town Bottoms
- e) Sandy Point
- f) Cattai Creek
- g) Bens Point.”

As Council is aware, preparation of a business case for the abovementioned dredging has been commissioned on behalf of Council and the report from that work is expected to be completed by February 2015. When that report is received the matter will be reported to Council.

It is clear that Council would need assistance to undertake any dredging works and the Committee has recommended that Council write to the Minister for Roads and Freight and the Minister for Natural Resources, Land and Water, seeking assistance with this matter. The Committee also recommended that the local State Members be contacted to assist.

### **Conformance to the Hawkesbury Community Strategic Plan**

The proposal is consistent with the Looking After People and Place Theme

- 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 Hawkesbury Community Strategic Plan being:

- Upgrade the necessary physical infrastructure and human services to meet contemporary needs and expectations

### **Financial Implications**

No financial implications applicable to this report.



## ORDINARY MEETING

Meeting Date: 09 December 2014

### RECOMMENDATION:

That, as recommended by the Floodplain Risk Management Advisory Committee, Council write to:

1. Infrastructure NSW, specifically the chair of the Hawkesbury-Nepean Valley Flood Management Review Taskforce, seeking a representative from the Hawkesbury Floodplain Risk Management Advisory Committee be included on the Stakeholder Reference Panel.
2. The Minister for Roads and Freight and the Minister for Natural Resources, Land and Water and the State Local Members, seeking their urgent support to assist Council in obtaining a license for the dredging of the Hawkesbury River at the following points:
  - a) Sackville Ferry
  - b) Sackville Gorge
  - c) Ebenezer Church
  - d) Pitt Town Bottoms
  - e) Sandy Point
  - f) Cattai Creek
  - g) Bens Point

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 09 December 2014

### INFRASTRUCTURE SERVICES

**Item: 245**                      **IS - Establishment of a Midnight Basketball Program - (95495, 79354)**

**Previous Item:**            NM1, Ordinary (30 July 2013)

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#### **REPORT:**

##### **Executive Summary**

This report outlines issues related to the provision of a "Midnight Basketball" program at the Hawkesbury Indoor Stadium at South Windsor, and recommends that discussions be held with suitable community based agencies to determine viability of a partnership to run such a program.

##### **Consultation**

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

##### **Background**

Council previously resolved that:

*"In consultation with the YMCA and the Basketball Association, a report be submitted to a future meeting of the Council regarding the possible establishment of a Midnight Basketball Program at Council's South Windsor Indoor Sports Stadium."*

Midnight Basketball Australia is a national Harm Prevention Charity that runs a free program for both male and female participants aged 12 to 18 based around a basketball tournament. Each tournament runs for eight weeks on Fridays or Saturdays from 7:30pm until midnight.

In addition to the tournament the program includes a workshop for the teams which focuses on essential life skills. Each evening includes at least three matches per night with qualified association referees, and then the players are driven home to their front door.

An official grading night is held at the start of each tournament mixing players by gender, age, wide ranging basketball skills, height, culture, peer groups and many more factors, to form six evenly matched teams of around 10 players.

Council has had ongoing discussions with Midnight Basketball Australia, to determine both their requirements and the suitability of this area for such a program.

##### **Investigation**

In order to run the program a number of criteria must be met as well as provision of funding and other resourcing and investigations have been undertaken to pursue these requirements.

Discussions have been held with YMCA, who manage and operate the Hawkesbury Indoor Stadium on behalf of Council. The YMCA have also discussed the program with the Hawkesbury Basketball Association. Arising from those initial discussions Council sought further information from Midnight Basketball Australia directly and received the advice that neither Council nor the YMCA could directly run the program by themselves. Their requirement is to have a Midnight Basketball Community Committee established made up of a range of stakeholders. The stakeholders should be made up of a diverse community of interests including Local/State/Federal government, community, sporting groups, business, police, schools, etc.

## ORDINARY MEETING

Meeting Date: 09 December 2014

It should be noted that there is set criteria that needs to be met to ensure the success of any program. These include:

- An established need for the Midnight Basketball program, including socioeconomic indicators of the local community.
- A demonstrated commitment and capacity of the community to deliver the program effectively and achieve its objectives.
- Indoor basketball facilities (two courts minimum), including a separate, quiet (enclosed) workshop area.
- An ability to recruit volunteers and support from diverse stakeholder groups.
- The capacity to commit to the program for a minimum of two years with two, eight week tournaments to be held per year (a total of four tournaments).
- An approved organisation to auspice the program.

If a program is approved, the committee would be expected to maintain the operation and structure outlined by Midnight Basketball. This includes:

- **Program Participant** - An organisation, auspices the program and signs a contract bi-annually, to comply with the Program Format and manages local funding.
- **Community Committee** - Nine volunteers representing a range of diverse community stakeholder groups in pre-defined, structured roles oversees the program.
- **Tournament Night Volunteers** - A minimum of 15 local volunteers is required each night including team managers/assistants, scorers and catering/workshop/bus assistants.
- **Tournament Night Professional Roles** - Provided in kind, otherwise paid contractors including tournament manager, youth worker, security, catering, workshop facilitators, referees, bus drivers.
- **Youth Participants** - Six graded basketball teams of approx. 60 male and female 12-18 years 'at risk' youth

### Constraints

There are a number of constraints to the establishment of a Midnight Basketball Program. These are:

- Neither Hawkesbury City Council nor the YMCA can directly run the program themselves; a Midnight Basketball Community Committee needs to be established with key stakeholders. At this stage the level of community support has not been established.
- Whilst the Hawkesbury Indoor Stadium is generally open from 9am – 10pm Monday to Friday and 8am – 6pm on Saturday and Sunday, the venue is only licenced from 7am to 11pm. To extend this time until midnight the Development Application would need to be amended though a Section 96 application. It must be noted that in the past there were many complaints from adjoining residents regarding noise from the centres. Extending the hours may cause further complaint even for short periods.
- The Hawkesbury Indoor Stadium does not have the infrastructure to cook/heat dinners for approximately 50 people. The food would have to be brought in to the site and then taken away which would come at additional cost.
- Recruitment of the required number of volunteers.

## ORDINARY MEETING

Meeting Date: 09 December 2014

- Due to the large size of the Hawkesbury, it may not be possible to include all areas as Midnight Basketball Australia prefers the travel to be limited to 20 minutes from the venue.

Due to the constraints above, Council nor YMCA are not currently in a position to run a Midnight Basketball program at the Hawkesbury Indoor Stadium. Should Council seek to further explore the process it is recommended that Council make further contact with suitable agencies that meet Midnight Basketball's requirements. Should these agencies express interest, whilst noting the current limitations of the Indoor Stadium, a further report could be brought to Council.

### **Conformance to the Hawkesbury Community Strategic Plan**

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

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

### **Financial Implications**

Whilst Midnight Basketball provides a \$10,000 contribution towards each eight week tournament, it is likely that significant costs would be incurred, beyond the Midnight Basketball contribution, dependent on the level of volunteers/in kind contribution.

### **RECOMMENDATION:**

That Council explore opportunities to partner with a suitable community service agency to auspice a Midnight Basketball Program.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 09 December 2014

**Item: 246**                      **IS - Road Naming Proposal Redbank Development North Richmond - (95495, 79346)**

**Previous Item:**              197, Ordinary (14 October 2014)

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### REPORT:

#### Executive Summary

Council, at its meeting held on the 14 October 2014, resolved that a list of road names for the Redbank development at North Richmond be publically advertised, seeking comments and submissions, with the matter to be reported back to Council following the public exhibition process.

The road names have been publically advertised and at the close of the public exhibition no comments or submissions were received.

The report therefore recommends that the attached list of roads names be adopted and made available for future use in the Redbank Development.

#### Consultation

Consultation has been undertaken in accordance with the relevant requirements through a publically advertised exhibition.

#### Background

Council at its meeting held on the 14 October 2014, resolved the following:

*"That:*

- 1. In accordance with the requirements of the Roads Act, 1993, the list of road names attached as Attachment 1 to the report, be publically advertised for a period of 28 days, seeking comment and submissions.*
- 2. The matter be reported back to Council following the public exhibition process, with a view to adopting an approved listing of street names for future use."*

As per the resolution the road names have been publically advertised. This was sought by way of an advertisement in the local press, a notice on Council's web page under Community Consultation and a notice to the prescribed organisations under the New South Wales Road Act 1993. The public exhibition closed on 26 November 2014 and no comments or submissions were received.

As the road names conform to the guidelines and principles of the New South Wales Road Naming Policy and have been publically advertised with no objections made, it is recommended that these names be made available for use within the Redbank development at North Richmond.

#### Conformance to the Hawkesbury Community Strategic Plan

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

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes

## ORDINARY MEETING

Meeting Date: 09 December 2014

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

- Recognise, protect and promote the values of indigenous, natural and built heritage through conservation and active use.

### **Financial Implications**

The current fee of \$727.25 per street as listed in Council's Operational Plan will be applied for each road created, which covers Council's administration and advertising costs.

### **RECOMMENDATION:**

That Council, as the road naming authority for local roads in accordance with the Roads Act 1993, adopt and make the list of road names attached as Attachment 1 to the report, available for use within the Redbank development at North Richmond.

### **ATTACHMENTS:**

**AT - 1** List of Road Names - Redbank Development North Richmond

# ORDINARY MEETING

Meeting Date: 09 December 2014

## AT 1 – List of Road Names – Redbank Development North Richmond

<b>PRECINCT: Mountain View</b>	<b>PRECINCT: Ploughmans</b>	<b>PRECINCT: Yobarnie Rise</b>
Summit	Pansy	Nagle
Peak	Flannery	Jamison
Plateau	Platypus	Tench
Highland	Plains	Southwell
Elevation	Yabby	Collins
Mantle	Riparian	Hoddle
Gorge	Blady	Stapylton
Altitude	Harrington	Felton
Range	Dalton	
Pinnacle		
<b>PRECINCT: The Promenade</b>	<b>PRECINCT: Central Park</b>	<b>PRECINCT: Ridgetops</b>
Bursaria	Cascade	Climbers
Myrtle	Terrain	Saddle
Native	Fairway	Bail
Peppermint	Basin	Belay
Bracken	Sprinkler	Ascend
Mallows	Reservoir	Explorer
<b>PRECINCT: Southern Heights</b>	<b>PRECINCT: Cumberland Place</b>	<b>PRECINCT: Belmont/ Promontory/ Hidden Valley</b>
Kookaburra	Indigo	Scenic
Lorikeet	Botany	Whisper
Rosella	Trunk	Observation
Pelican	Lumber	Serenity
Pardalote	Shrub	Majestic
Cormorant	Evergreen	
<b>PRECINCT: Keyline Ridge</b>	<b>PRECINCT: Yeomans Rise</b>	<b>PRECINCT: Sandstone Arch</b>
Contour	Harvest	Middle
Swale	Pasture	Central
Gravity	Grazier	Village
Flow	Dairy	Township
<b>Names for main streets traversing the precincts</b>		
Yobarnie	Promontory	
Keyline	Ploughmans	
Irrigator		

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 09 December 2014

**Item: 247**                      **IS - Rural Fire Service Bid and Estimates 2015/2016 - Hawkesbury District - (95495, 79016, 73835)**

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### **REPORT:**

#### **Executive Summary**

Council provides funding contributions to the NSW Rural Fire Service (RFS) through both a statutory charge and additional discretionary funding to support the operation of the district service and facilities.

Hawkesbury RFS seeks Council endorsement of its budget submissions for the next financial year at this time of year in order to align with the State Budget process. Council's contribution to the funding of the RFS has grown significantly in recent years, reflecting increased resourcing provided State wide to address bushfire management. Whilst Council's statutory share of the cost is 11.7% of the total, this increase does create budgetary pressures on Council. The 2015/2016 bid represents an additional cost to Council of approximately \$158,000 over the current year's original estimates. The total Council contribution sought is \$797,754. This cost is however subject to the actual allocations approved by the NSW RFS.

This report recommends the endorsement of the proposed budget.

#### **Consultation**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy, however will be subject to public advertisement as part of the 2015/2016 Operational Plan.

#### **Background**

Under the provisions of the Rural Fires Act 1997, Local Government provides a statutory contribution to the cost of the NSW RFS. Additional statutory contributions are also made to NSW Fire and Rescue as well as the State Emergency Service.

Hawkesbury RFS has submitted its estimates for the 2015/2016 financial year for Council's consideration. The attached estimates consist of two components, the Rural Fire Fighting Fund (RFFF) bid, which is submitted to the NSW RFS, and a 'Council Bid' which is presented to Council for consideration. Council is statutorily required to contribute 11.7% of the RFFF budget. The "Council Bid" component is discretionary and it is for Council to determine the appropriate funding commitment. There is also an amount identified as "Provided by Council" which is the cost identified directly related to the Service Level Agreement between Council and the RFS which includes insurance of stations (\$10,000) and Council rates (\$12,500), totalling \$22,500.

The 2015/2016 RFFF estimates include a bid for a major program of tanker replacement at a cost of \$1.832M. Additionally the bid for funds for station improvements has increased from \$400,000 in the previous year to \$1,024,000 for next year. These are the major contributing items to an increased bid (excluding salaries and state programme charges) of \$3.957M, up from \$2.497M in 2014/2015.

Additional to this component of the RFFF bid is the contribution to State wide programs and insurances and this has been estimated at an amount of \$2M. Reimbursement of Council's 11.7% contribution to these program charges for the previous year is sought as part of the budget process and this has been included within the documentation.

The submission also seeks to increase the additional Council funding component for a range of programs to \$235,000. Although this figure is \$20,000 higher than that provided in 2014/2015 the amount has been higher in previous years (2013/2014 - \$246,500).



## ORDINARY MEETING

Meeting Date: 09 December 2014

Overall the total Council contribution sought is \$797,754. It should be noted that the estimated Council contribution is dependent on the success of the bid for this level of RFFF funding.

Council has recently been advised of the approved funding for Hawkesbury RFS for the current 2014/2015 year. The approved allocation is \$5.305M which, after allowing for prior year reimbursements results in a total council contribution of \$708,042. This represents an increase, over the original budget estimates for Council's contribution, of approximately \$69,000. This is principally due to higher State program charges and salaries. This increased cost will be reflected in the December quarter budget review.

In summary, the net additional cost to Council of its contribution for 2015/2016, compared to the original 2014/2015 estimates (should the RFFF bid be approved in whole by NSW RFS) is \$158,006. Confirmation of this amount will be undertaken as part of Council's budget process.

### **Conformance to the Hawkesbury 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 also be consistent with the nominated strategy in the Hawkesbury Community Strategic Plan being:

- Upgrade the necessary physical infrastructure and human services to meet contemporary needs and expectations.

### **Financial Implications**

Consideration of funding will be required as part of the 2015/2016 budget preparation. Should the bid be accepted / approved in its entirety, the total cost to Council is estimated at \$797,754 which is an increase of \$158,006 over the current approved budget based on original estimates.

An adjustment (increase) in the current budget in an amount of \$69,000 will be made in the next budget review to reflect actual costs, in relation to the 2014/2015 program.

Council's costs are subject to external decisions made by the NSW RFS and actual costs are only known when the approved allocations are made by the NSW RFS.

### **RECOMMENDATION:**

That the 2015/2016 Rural Fire Fighting Fund estimates as submitted by the Hawkesbury Rural Fire Service be endorsed in principle to enable submission to the NSW RFS for consideration.

### **ATTACHMENTS:**

**AT - 1** Rural Fire Service Estimates 2015/2016

# ORDINARY MEETING

Meeting Date: 09 December 2014

## AT - 1 Rural Fire Service Estimates 2015/2016

HAWKESBURY RURAL FIRE DISTRICT BID & ESTIMATES 2015-2016			
ACTION	RFS BID	COUNCIL BID	PROVIDED BY COUNCIL
Mtce & Repairs - Stations/Equipment Sheds (Station maintenance & repair)	\$35,000.00		
Mtce & Repairs - Radio (Radio repairs)	\$20,000.00		
Mtce & Repairs - Petrol/Oil (Fuel)	\$80,000.00		
Mtce & Repairs - Vehicles (Vehicle maint & repair)	\$100,000.00	\$25,000.00	
Telephone Charges - Telephone Fixed	\$22,000.00		
Telephone Charges - Telephone Mobile	\$3,000		
Electrical Tagging & Fire Extinguisher Maint		\$5,000.00	
Part Time Wages - Cleaning		\$25,000.00	
Wages - Casual		\$55,000.00	
Printing & Stationery		\$20,000.00	
Equipment (Council General)		\$5,000.00	
Catering		\$15,000.00	
Group Officer vehicle replacement (2)		\$50,000.00	
Field Day		\$15,000.00	
Training		\$18,000.00	
Mitigation works		\$2,000.00	
Council rates			\$12,500.00
Insurance stations			\$10,000.00
GRN radio access fees	\$145,795.00		
Insurance Red Fleet	\$69,032.00		
Radio Base Station Site Fees	\$16,000.00		
Brigade Stations	\$800,000.00		
Brigade Stations - refurbishment	\$100,000.00		
Brigade Stations - refurbishment	\$124,000.00		
Electricity & Water - stations	\$65,000.00		
Electricity & Water - Fire Control / WOOSH / Wilberforce Station / Stores			
Staff vehicle changeovers (1)	\$14,500.00		
Personnel Carrier	\$116,000.00		
Computer replacements	\$11,000.00		
Travel expenses	\$3,000.00		
Vehicle running costs	\$40,300.00		
Staff Phones	\$6,000.00		
Network Provision (Communications Platform)	\$3,248.00		
PPE	\$100,000.00		
Tanker Replacement Programme (inc. trade-ins)	\$1,832,205.00		
Other Firefighting Equipment	\$100,000.00		
Community Safety	\$2,000.00		
Information Services & GIS Contribution	\$86,362.00		
Recertification of AED	\$2,343.00		
Yellow Shirts	\$30,000.00		
CABA Equipment & PPE	\$30,000.00		
<b>TOTALS</b>	<b>\$3,956,785.00</b>	<b>\$235,000.00</b>	<b>\$22,500.00</b>
Plus RFS Staff Wages	\$837,438.00		
<b>TOTAL</b>	<b>\$4,794,223.00</b>		
Plus RFS Programme Charges (EST)	\$2,000,000.00		
<b>TOTAL</b>	<b>\$6,794,223.00</b>		
Reimbursement of Council 11.7% Programme Charges [14/15]	\$288,414.00		
<b>TOTAL BID to RFS (EST)</b>	<b>\$7,082,637.00</b>		
Councils Statutory Contribution 11.7% (EST) [15/16]		\$828,668.53	
<b>COUNCIL CONTRIBUTION (EST)</b>		<b>\$1,086,168.53</b>	
Less Reimbursement of 11.7% [14/15] Programme Charges(EST)		\$288,414.00	
<b>TOTAL COUNCIL CONTRIBUTION (EST)</b>		<b>\$797,754.53</b>	

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 09 December 2014

### SUPPORT SERVICES

**Item: 248**                      **SS - Community Sponsorship Program - 2014/2015 - Round 2 - (95496, 96328)**

**Previous Item:**            133, Ordinary (29 July 2014)

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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 2014/2015 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.

##### **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 financial assistance from Council. The CSP currently provides six categories of assistance:

- Minor Assistance (MA) (up to \$500).
- Event Sponsorship (ES) (for up to three years).
- Seeding Grants (SG) (for community based programs).
- Access to Council Facilities (CF) (to subsidise the cost of hire of community facilities).
- Improvements to Council Facility (ICF) (reimbursement of Development Application fees for renovations or additions to Council owned buildings or facilities).
- Accessibility Improvements (AI).

The adopted Operational Plan for 2014/2015 includes an allocation of \$70,039 for the CSP. At its Ordinary Meeting on 29 July 2014, Council approved Round 1 of the 2014/2015 Community Sponsorship Program.

##### ***Community Sponsorship Program 2014/2015***

Allocation for Financial Year 2014/2015	\$70,039
Round 1 - 2014/2015	\$46,237
Balance remaining	\$23,802

##### ***Community Sponsorship Program (2014/2015) – Round 2***

In accordance with Council's Community Sponsorship Policy, applications for community sponsorship were called for and closed on 28 November 2014. Eight applications were received. Table 1 summarises the applications received and the proposed level of financial assistance to be provided.

**ORDINARY MEETING****Meeting Date:** 09 December 2014

	<b>Applicant</b>	<b>Type (1)</b>	<b>Proposal</b>	<b>Amount Requested \$</b>	<b>Amount Proposed \$</b>
1.	McMahons Park Management Committee	SG	Purchase of a defibrillator	3,000	3,000
2.	Ashleigh Hill	MA	Representative karate	100	100
3.	James Hill	MA	Representative karate	100	100
4.	Lions Club of Hawkesbury Bells Line Inc.	MA	Australia Day Breakfast	500	500
5.	Hawkesbury Skills Inc.	SG	New guttering to the centre	3,000	3,000
6.	Kurrajong North Public School P&C	SG	Shade structure over play equipment	3,000	3,000
7.	Greenhills Child Care Centre	SG	Vegetable garden and equipment	3,000	3,000
8.	Glossodia Out of School Hours	SG	Sandpit and equipment	800	800
9.	Hawkesbury District Health Service	MA	Christmas lighting of a tree	500	500
<b>TOTAL</b>				<b>14,000</b>	<b>14,000</b>

(1): MA = Minor Assistance; ES = 3 Year Event Sponsorship; SG = Seeding Grant; CF = Access to Community Facilities; ICF = Improvements to Council owned Community Facilities; AI = Accessibility Improvements

Table 1: Requests for financial assistance Round 2 of 2014/2015 Community Sponsorship Program

All applications were assessed against the applicable criteria outlined in Council's CSP. These reflected 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 appended to the report.

There are sufficient funds to cover the total recommended amount of \$14,000 under Round 2 of the 2014/2015 CSP, leaving a balance of \$9,802 for allocation in further rounds.

### **Conformance to the Hawkesbury Community Strategic Plan**

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

- Have constructive and productive partnerships with residents, community groups and institutions;
- and is also consistent with the nominated strategy in the Hawkesbury Community Strategic Plan being:
- Broaden the resources and funding available to our community by working with local and regional partners as well as other levels of government.

### **Financial Implications**

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

## **ORDINARY MEETING**

**Meeting Date:** 09 December 2014

### **RECOMMENDATION:**

That Council:

1. Approve payments of Section 356 Financial Assistance to the organisations and individuals listed, and at the level recommended in Table 1 of the report.
2. Approve the execution of Council's standard Sponsorship Agreement for the applications 1, 5, 6, 7 and 8, identified in Table 1 of the report.

### **ATTACHMENTS:**

**AT - 1** Assessment of Applications under Round 2 of the Community Sponsorship Program 2014/2015

# ORDINARY MEETING

Meeting Date: 09 December 2014

## Attachment 1: Assessment of Applications under Round 2 of the Community Sponsorship Program 2014/2015

### Assessment of Applications under Round 2 Community Sponsorship Program 2014/2015

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. McMahon's Park Management Committee	SG	Purchase a defibrillator	✓	✓	✓	✓	✓	✓	✓	✓	3,000	3,000	Meets requirements of the Program & Seeding Grant category
2. Asleigh Hill	MA	Representative karate	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements of the Minor Assistance category
3. James Hill	MA	Representative karate	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements of the Minor Assistance category
4. Lions Club of Hawkesbury Bells Line Inc	MA	Australia Day Breakfast	✓	✓	✓	✓	✓	✓	n/a	n/a	500	500	Meets requirements of the Minor Assistance category
5. Hawkesbury Skills Inc	SG	Guttering for the centre	✓	✓	✓	✓	✓	✓	✓	✓	3,000	3,000	Meets requirements of the Program & Seeding Grant category
6. Kurrajong North Public School P&C	SG	Shade structure over play equipment	✓	✓	✓	✓	✓	✓	✓	✓	3,000	3,000	Meets requirements of the Program & Seeding Grant category
7. Greenhills Child Care Centre	SG	Vegetable garden and equipment	✓	✓	✓	✓	✓	✓	✓	✓	3,000	3,000	Meets requirements of the Program & Seeding Grant category
8. Gossodia Out of School Hours Care	SG	Sandpit and equipment	✓	✓	✓	✓	✓	✓	✓	✓	800	800	Meets requirements of the Program & Seeding Grant category
9. Hawkesbury District Health Service	MA	Lighting of Christmas tree	✓	✓	✓	✓	✓	✓	n/a	✓	500	500	Meets requirements of the Minor Assistance category
TOTAL											14,000	14,000	

(1) MA = Minor Assistance, ES=3 Year Event Sponsorship, SG = Seeding Grant, CF = Access to Community Facilities, ICF = Improvements to Council owned Community Facilities, AI = Accessibility Improvements

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 09 December 2014

**Item: 249**                      **SS - Lobbying Contact Register - (95496)**

**Previous Item:**              NM1, Ordinary (9 September 2014)

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### REPORT:

#### Executive Summary

Council, at its meeting on 9 September 2014, resolved that a report be prepared on the most effective system for monitoring and recording meetings/contact between developers and Councillors and Council staff.

This report outlines existing Lobbying Contact Register models used by State Government and Local Government and current practices at Council. The report recommends that the information regarding this matter be received and noted.

#### Consultation

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

#### Background

Council, at its meeting on 9 September 2014, considered a Notice of Motion regarding a possible introduction of a Lobbying Contact Register at Council. At that meeting, Council resolved as follows:

*"That Council staff prepare a report on the most effective system for monitoring and recording meetings/contact between developers and Councillors and Council staff. The system recommended is to be transparent, easily understood and freely available to the public. Many government departments e.g. the Department of Planning and Environment have a Lobbying Contact Register and perhaps it would be possible to copy one of these existing models."*

Council staff have regular contact, on a daily basis, with various developers, including owners of properties, town planning consultants and architects, regarding development, building and rezoning matters. This contact can be through correspondence including emails, telephone, counter and formal meetings. This contact can also be related or unrelated to a development proposal and also may be before or after lodgement of a development application.

This report outlines examples of Lobbyist Contact Registers used by the Department of Planning and Environment and North Sydney Council, and also outlines the current practices at Council in regard to contact with developers.

#### **NSW Department of Planning and Environment**

The Department of Planning and Environment has a Lobbyist Contact Register which lists contacts between the Department's staff and registered lobbyists, in relation to specific planning proposals and/or development matters. Registered lobbyists are those listed on the Department of Premier and Cabinet Lobbyist Register.

The Department of Planning and Environment's Register records the project number, the project/issue/location, date, the name of the registered lobbyist and business entity, the organisation/individual represented, the subject matter, the primary outcome and the contact type (such as a meeting). The Register is published on the Department's website.

The Register only records registered lobbyists.

### ***Other Councils***

A check of a number of other metropolitan councils could only locate one council with some sort of Lobbyist Register, being North Sydney Council.

North Sydney Council's Lobbyist Register records all contact between professional lobbyists and Council. Lobbyists include any person, association or business that is engaged to represent the interest of a third party, but does not include charitable, religious or non-profit organisations, industry or professional associations, trade unions and professionals such as accountants, architects, lawyers and town planners, who contact Council as part of their work for their client.

The Lobbyist Register records the lobbyist, the subject matter, the individual or organisation that has employed the lobbyist, and the date of registration. Since the commencement of the Register in early 2013, only one lobbyist is recorded on the Register. The Register is published on the Council's website.

### ***Current Practices at Council***

Council staff speak with, and meet with, a very wide variety of people as part of the development services and strategic planning branches of Council. This includes, but not limited to, charitable, religious or non-profit organisation representatives, industry or professional associations (not limited to development industry), trade union representatives and professionals (individuals and company representatives) such as accountants, architects, lawyers, town planners, engineers, surveyors, etc, as well as residents and community organisations. These meetings can range from telephone or email enquiries, formal and informal letters, counter enquiries, formal appointments for face to face meetings, etc.

In the case of informal meetings, there are not usually notes or minutes taken of the discussion as these relate to general matters or enquiries. If those informal meetings result in the person wanting a formal response from Council, it is requested that the request be made in writing and then the response from Council is in writing.

In the case of over the counter enquiries with the Duty Officer, Council does keep records of telephone messages and, generally, notes on the more substantial conversations. However, again with counter enquiries, these are designed to be of a more general nature, and if the customer requires a more formal response, then they are requested to make that request in writing, or to make a formal meeting with the relevant staff member, if it relates to a development application or the like.

Formal meetings with an applicant or other related consultants are made with relevant staff via Council's electronic diary (Outlook) system. In those cases, there is a record of the meeting in that person's diary. These meetings are usually requested by an applicant for the following reasons:

1. Pre-lodgement – Meeting to discuss submission requirements for an application. A formal written response is given by Council in these cases.
2. To discuss requests for additional information – These can be requested by the applicant or Council staff to discuss the submitted application and the information, or lack thereof, and the additional information that is required. In these cases, there are generally informal notes taken by staff (and the applicant), and requests for additional information from an applicant is made by Council in writing.

Other meetings may be requested by applicants in response to the time taken to process an application or other queries regarding the processing of the application. In these cases, the applicant may wish to speak to a Manager. Informal notes are generally taken at these meetings for the purpose of the individual staff member to enable the matters to be followed up.

The above overview is provided to give a context to the range of meetings that involve Council staff.



## ORDINARY MEETING

Meeting Date: 09 December 2014

It should be noted that verbal advice or comments made in any meeting by staff does not form the position of Council. This advice is made clear to all persons in any of these meetings, and there is also signage displayed in Council's counter area that clearly states, that should a person wish to rely on any information, given that they must not rely on verbal advice, and the only advice that they should rely on from Council must be in writing.

In summary, it is considered that a Lobbying Contact Register, similar to the Department of Planning and Environment's Register, and North Sydney Council's Register, would not be appropriate to Council due to the small amount, if any, of lobbyists that may contact Council. It is also considered that the current practices at Council, in regard to contact with developers, are satisfactory.

### **Conformance to the Hawkesbury Community Strategic Plan**

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

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

### **Financial Implications**

No financial implications applicable to this report.

### **RECOMMENDATION:**

That the information be received and noted.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 09 December 2014

Item: 250

SS - Pecuniary Interest Return - Designated Person - (95496, 96333)

### 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 a 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.

#### Consultation

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

#### Background

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

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

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

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

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

Position	Return Date	Date Lodged
Manager Development Services	08/09/2014	02/12/2014

The above Designated Person has lodged their Section 449(1) Return prior to the due date (being three months after the Return Date), as required by the Act for the receipt of the Return.

## **ORDINARY MEETING**

**Meeting Date:** 09 December 2014

The above details are now tabled in accordance with Section 450A(2)(a) of the Act, and the abovementioned Return is available for inspection if requested.

### **Conformance to the Hawkesbury Community Strategic Plan**

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

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

### **Financial Implications**

No financial implications applicable to this report.

### **RECOMMENDATION:**

That the information be received and noted.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 09 December 2014

Item: 251

**SS - Request to Withdraw a Caveat - Lots 7 and 9, DP256516 and Lot 2, DP590789, Lower Colo Road, Lower Portland - (95496, 112106, 21162, 105003)**

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### REPORT:

#### Executive Summary

Council has received a request for the placement of the Seal of Council on a document to permit the withdrawal of a caveat, Forbidding Recording of Dealing, in Council's favour. The covenant is over current Lots 7 and 9, DP256516 and Lot 2, DP590789, Lower Colo Road, Lower Portland.

The request is related to a covenant affecting the relocation of transmission lines in the vicinity of a Council roadway, traversing the subject property, which is no longer needed.

It is recommended that Council support the withdrawal of the caveat as requested.

#### Consultation

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

#### Background

The owner of Lots 7 and 9, DP256516 and Lot 2, DP590789, Lower Colo Road, Lower Portland. has submitted, via Confident Conveyancing, a request for the caveat over the property to be withdrawn.

A review of Council's records indicates that the caveat was lodged, with the consent of the owner, on 16 December 1978, and pertains to the relocation of transmission lines in the vicinity of a Council roadway, traversing the subject property. When the owner acquired the property, transmission lines were located in a position which impeded the view of the Hawkesbury River and restricted the enjoyment of the property. As such, the owner and the (then) neighbour (being the owner of Lot 1, DP590789) made a formal request to both Colo Shire Council and Prospect County Council for the relocation of the transmission lines. The proposed relocation, which was agreed to, subject to all costs being borne by the owner and the neighbour, was thought to impact on the location of the Council roadway, traversing the subject property. As such, the caveat was formalised to protect Council's interest in the properties containing the road whilst the works were being undertaken.

In 1983, Prospect County Council finalised the installation of their transmission lines without affecting the formation of the roadway and, as such, the caveat is no longer required and hasn't been for more than 30 years. In 1991, the caveat was withdrawn from the neighbouring property but not from the subject property. The owner has now entered into a Contract for Sale for the subject property and the existence of the caveat prevents the owner from being able to complete the sale. As such, Confident Conveyancing (acting on behalf of the owner) has prepared a Withdrawal of Caveat document which requires execution by Council's Mayor and General Manager under the Seal of Council.

If supported, the withdrawal of the caveat would incur no cost to Council, with the relevant legal and professional costs, associated with the withdrawal of the caveat affecting the subject property to be borne by the affected landowner.

#### Conformance to the Hawkesbury 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: 09 December 2014

### Financial Implications

This proposal, if approved, has no financial implications on Council as all costs will be borne by the affected landowner.

### RECOMMENDATION:

That:

1. Council agree to the withdrawal of the caveat affecting Lots 7 and 9, DP256516 and Lot 2, DP590789, Lower Colo Road, Lower Portland.
2. The Seal of Council be affixed to all relevant documentation.
3. Details of Council's resolution be conveyed to the affected landowner, or his conveyancer; together with advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been executed by all relevant parties.

### ATTACHMENTS:

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date:** 09 December 2014

ordinary

section 4

reports  
of committees

**ORDINARY MEETING**  
**Reports of Committees**



**ORDINARY MEETING**  
**Reports of Committees**

**SECTION 4 - Reports of Committees**

**ROC                      Human Services Advisory Committee - 6 November 2014 - (123486)**

The meeting commenced at 9:35am in Council Chambers.

- Present:** Ms Vickie Shackley, Chairperson  
Councillor Barry Calvert, Deputy Chairperson  
Councillor Mary Lyons-Buckett, Hawkesbury City Council  
Mr Douglas Carbery, Community Representative  
Ms Denise Handcock, Community Representative  
Mr Glenn Powers, Community Representative  
Mr Nick Sabel, Wentworth Community Housing  
Ms Birgit Walter, Community Representative
- Apologies:** Mr Matthew Owens, Hawkesbury City Council
- In Attendance:** Mr Joseph Litwin, Hawkesbury City Council  
Mr Michael Laing, Hawkesbury City Council  
Mrs Shari Hussein, Hawkesbury City Council  
Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council

**REPORT:**

**RESOLVED** on the motion of Ms Shackley and seconded by Ms Handcock that the apology be accepted.

**Attendance Register of Human Services Advisory Committee**

Member	06.11.14				
Councillor Barry Calvert	✓				
Councillor Mary Lyons Buckett	✓				
Ms Vickie Shackley	✓				
Ms Denise Handcock	✓				
Mr Douglas Carbery	✓				
Mr Nick Sabel	✓				
Mr Glenn Powers	✓				
Ms Jacquie Menzies	X was not aware of meeting due to communication devices offline				
Ms Birgit Walter	✓				

Key: A = Formal Apology

✓ = Present

X = Absent - no apology

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Ms Shackley and seconded by Ms Handcock that the Minutes of the Human Services Advisory Committee held on the 8 May 2014, be confirmed.

**SECTION 3 - Reports for Determination**

**Item 1: Election of Chairperson and Deputy Chairperson**

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**DISCUSSION:**

Councillor Calvert declared he had held the position of Chairperson for this Committee for three years and therefore, in line with the Committee's Constitution, he was not eligible to be nominated for the position of Chairperson for the 2014/2015 term of the Committee. Councillor Calvert thanked the Committee for its support throughout the previous terms.

Mrs Hussein subsequently called for nominations for the position of Chairperson, one nomination was received, being:

Ms Shackley	Nominated by Councillor Calvert
	Seconded by Councillor Lyons-Buckett

**MOTION:**

RESOLVED on the motion of Councillor Calvert, seconded by Councillor Lyons-Buckett

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That an election for the position of Chairperson of the Hawkesbury Human Services Advisory Committee for the 2014/2015 term of the Committee be carried out.

Mrs Hussein declared Ms Shackley elected as the Chairperson of the Human Services Advisory Committee for the 2014/2015 term of the Committee.

Mrs Hussein called for nominations for the position of Deputy Chairperson, one nomination was received, being:

Councillor Calvert	Nominated by Ms Handcock
	Seconded by Mr Powers

**MOTION:**

RESOLVED on the motion of Ms Handcock, seconded by Mr Powers

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That an election for the position of Deputy Chairperson of the Human Services Advisory Committee for the 2014/2015 term of the Committee be carried out.

Mrs Hussein declared Councillor Calvert the Deputy Chairperson of the Human Services Advisory Committee for the 2014/2015 term of the Committee.

*Mrs Hussein handed the meeting over to the Chair.*

**ORDINARY MEETING**  
**Reports of Committees**

**Item 2:           Non Provision of Funded Allied Health Services to Hawkesbury Residents**

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**DISCUSSION:**

- Mr Litwin reported the Committee had resolved by way of a circular e-mail resolution, to request that Council make representations in relation to this matter. Mr Litwin advised the matter was subsequently reported to Council on 26 August 2014 and Council agreed to make representations regarding provision of allied health services to Hawkesbury residents.
- Mr Carbery raised concern he was not informed of any action taken in that regard and asked why the Committee was not informed of the decision by email.
- Mr Laing responded he would check his records to ascertain if he had inadvertently responded to individuals instead of to all members of the Committee.
- Mr Carbery suggested investigations be undertaken into a system or procedure to ensure decisions or resolutions made outside of scheduled meetings were relayed to all members, as, in this case, some members were not aware action had been taken.
- Mrs Hussein responded that may be beneficial to all Committees of Council and advised she would pursue that suggestion.

**RECOMMENDATION TO COMMITTEE:**

That the Committee request Council to make representations as outlined in this report.

**MOTION:**

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Calvert

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

The Committee notes that representations have been made in accordance with the provisions outlined in this report and awaits further advice from Hawkesbury District Health Services.

**SECTION 4 - Reports for Information**

**Item 3:           Homelessness Update - New Going Home Staying Home Services**

**Previous Item:**   May 2014 Update: Affordable Housing & Homelessness

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- Mr Sabel reported he believed the Going Home Staying Home reforms would improve the level of homelessness services in the Hawkesbury, in partnership with Platform Youth Services (lead provider).

**ORDINARY MEETING**  
**Reports of Committees**

- Mr Sabel advised Wentworth Community Housing aimed to support chronically homeless people into long term housing and also preventative services to prevent people from moving into homelessness. Mr Sabel added a key project of Wentworth was a tenancy support service to assist people to maintain their tenancies or ensure they are rapid housed into accommodation.
- Councillor Calvert enquired if there was provision of funding for housing supply.
- Mr Sabel responded under the Going Home Staying Home reform, funding for housing supply was not available, however, housing supply was advocated through other initiatives.
- Councillor Calvert raised concern the new scheme may not have captured The Turning Point clients (youth).
- Ms Shackley suggested information be sought from Platform Youth Services in relation to ascertaining how much input The Turning Point actually had in relation to the reforms.
- Mr Laing responded representatives of the new services would be participating in a round table discussion at the launch of Hawkesbury Homelessness Action Plan (on 18 November 2014). Mr Laing added it would be a good opportunity to raise questions directly to that panel in relation to specific services.

**RECOMMENDATION TO COMMITTEE:**

That the information be received for the discussion of the committee.

**MOTION:**

RESOLVED on the motion of Councillor Calvert, seconded by Councillor Lyons-Buckett

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the information be received for the discussion of the committee.

**Item 4:                    Execution of Voluntary Planning Agreement for Redbank**

**Previous Item:**        1, (11 July 2013)  
                              General Business (31 October 2013)  
                              3, (20 February 2014)

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**DISCUSSION:**

- Discussion arose regarding possible options for the provision of affordable rental housing in the Redbank development.

**ORDINARY MEETING**  
**Reports of Committees**

- Mr Litwin responded 180m<sup>2</sup> was the minimum lot size in the development for medium density affordable rental housing. Mr Litwin advised preliminary discussion with the developer indicated if the development yield was increased by 1%, additional lots would be generated which could be used for medium density housing. Mr Litwin added that this medium density housing would be an agreement outside of the VPA.
- Mrs Hussein reminded the Committee the current zoning was restricted and the proposal Mr Litwin was suggesting was not possible at present, under the current arrangement, however, should that proposal be supported by a third party (State Government), Council could seek to amend the plans. Mrs Hussein added such a process would be quite protracted.
- Mr Litwin advised he would prepare a report to Council in relation to affordable rental housing and other possibilities in regards to Council land. Mr Litwin added he would prepare a draft report to this Committee in the first instance.
- Mrs Hussein reported the Redbank VPA was now registered on title.

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

RESOLVED on the motion of Mr Carbery, seconded by Ms Handcock.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. The information be received.
2. Staff prepare a report to the Committee on the provision of affordable rental housing and that report be subsequently reported to Council.

**Item 5:                      Hawkesbury Homelessness Action Plan (HHAP) - Official Launch 2014**

**Previous Item:**        1, HSAC (20 February 2014)

- 
- Reference was made to the pending launch of the HHAP on 18 November 2014 of which members of the Committee were invited.
  - Mr Laing advised it was anticipated presentations would be delivered from a variety of new services/stakeholders involved in the delivery of the Plan which would provide the Committee the opportunity to ask how those services would address various elements of the Plan.

**ORDINARY MEETING**  
**Reports of Committees**

**RECOMMENDATION TO COMMITTEE:**

That:

1. This information be received.
2. The invitation to HSAC members to attend the Official Launch of the HHAP on 18/11/14 be noted.

**MOTION:**

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Mr Sabel.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. This information be received.
2. The invitation to HSAC members to attend the Official Launch of the HHAP on 18/11/14 be noted.

**SECTION 5 - General Business**

Nil

The meeting closed at 10:21am.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**Reports of Committees**

**ROC Sustainability Advisory Committee - 17 November 2014 - (126363)**

The meeting commenced at 5:10pm in Council Chambers.

<b>Present:</b>	Ms Mary Lyons-Buckett, Chairperson Mr John Street, Deputy Chairperson Ms Jean Downie, Community Member Ms Jen Dollin, Community Member
<b>Apologies:</b>	Mr Leigh Williams, Hawkesbury City Council Ms Janice Bagot, Community Member Ms Vickii Lett, Community Member
<b>In Attendance:</b>	Mr Matthew Owens, Hawkesbury City Council Mrs Shari Hussein, Hawkesbury City Council Ms Suzanne Stuart, Hawkesbury City Council Mr Phil Pleffer, Hawkesbury City Council Mr Robyn Kozjak - Minute Taker, Hawkesbury City Council

**REPORT:**

**Attendance Register of Sustainability Advisory Committee**

Member	17.11.14				
Councillor Mary Lyons-Buckett	✓				
Councillor Leigh Williams	A				
Ms Jean Downie	✓				
Ms Jen Dollin	✓				
Ms Vickii Lett	A				
Mr John Street	✓				
Ms Janice Bagot	A (belated apology due to heavy traffic conditions)				

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

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Mr Street and seconded by Ms Dollin that the Minutes of the Sustainability Advisory Committee held on the 24 March 2014, be confirmed.

**SECTION 3 - Reports for Determination**

**Election of Chairperson and Deputy Chairperson**

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Mrs Hussein called for nominations for the position of Chairperson, one nomination was received, being:

Councillor Lyons-Buckett	Nominated by Mr Street
	Seconded by Ms Dollin

**MOTION:**

RESOLVED on the motion of Mr Street, seconded by Ms Dollin

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That an election for the position of Chairperson of the Hawkesbury Sustainability Advisory Committee for the 2014/2015 term of the Committee be carried out.

Mrs Hussein declared Councillor Lyons-Buckett elected as the Chairperson of the Hawkesbury Sustainability Advisory Committee for the 2014/2015 term of the Committee.

Mrs Hussein called for nominations for the position of Deputy Chairperson, two nominations were received, being:

Mr Street	Nominated by Councillor Lyons-Buckett
	Seconded by Ms Dollin

Ms Dollin	Nominated by Mr Street
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*Ms Dollin declined the nomination*

**MOTION:**

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Ms Dollin

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That an election for the position of Deputy Chairperson of the Hawkesbury Sustainability Advisory Committee for the 2014/2015 term of the Committee be carried out.

Ms Hussein declared Mr Street elected as the Deputy Chairperson of the Hawkesbury Sustainability Advisory Committee for the 2014/2015 term of the Committee.

*Mrs Hussein handed the meeting over to the Chair, Councillor Lyons-Buckett.*



**SECTION 5 - General Business**

**Ongoing discussion - Community Indicators**

- Mr Street referred to an informal meeting held on 4 September 2014 where Council officers presented a comprehensive list of community indicators to reflect the adopted strategies of the Community Strategic Plan. Mr Street invited comments regarding those community indicators.
- Ms Dollin suggested if Council required assistance in conducting data analyses there may be scope to utilise post graduates from the UWS to undertake that work at no cost to Council. Ms Dollin added she would clarify details for the Committee as to students' availability and placement conditions to undertake projects at Council.
- Ms Dollin raised concern she believed the indicator involving measuring E.coli annually was not workable, as E.coli was a 'living' indicator evolving at different areas of the river at different times. Ms Dollin suggested the Committee visit the HaRWEST (Hawkesbury-Nepean River Watch Education and Sustainability Tools) website, which showed data collected over a 12-18 month period by UWS. Ms Dollin suggested there may be a way to utilise information on that website as a way to keep the community informed of the river health.
- Ms Stuart advised the Office of Water had the responsibility of informing the public on levels of algae in the river and that type of information would be posted on Council's website. Ms Stuart suggested it may be feasible for visitors to Council's website to be directed to the HaRWEST website.
- Mr Street advised there were many positive steps being done to improve the river health and suggested they be reported in Council's quarterly newsletter for the community's information.

**MOTION:**

RESOLVED on the motion of Mr Street, seconded by Ms Dollin

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That Council's quarterly newsletter be utilised as a means to notify the community regarding sustainable achievements relating to river health.

- Mr Street referred to indicator COE9 relating to council's use of recycled materials and raised concern unless there was a finite list of supply items, the indicator would be difficult to measure.
- Mr Owens responded there was not a list of items as yet, however, materials or items utilised by Council would be measured on a percentage basis (eg percentage of recycled paper utilised or percentage of reuse materials in road construction).
- Mrs Hussein added information relating to the purchase of environmental friendly office and stationery supplies could be sought from Council's purchasing officer and Mr Owens reported he would report back to the next meeting with a list of (defined) items.

## ORDINARY MEETING

### Reports of Committees

- Mr Street reported HEN had been successful in securing two federally funded Green Army projects to undertake conservation works in the Hawkesbury region. Mr Street advised there were many benefits, both social and environmental, for young people undertaking practical and conservation work on various sites, some of which were Council managed. Mr Street advised he had communicated with Mr Organ (Director Infrastructure Services) in regard to the projects.

#### MOTION:

RESOLVED on the motion of Mr Street, seconded by Ms Dollin

#### *Refer to COMMITTEE RECOMMENDATION*

#### COMMITTEE RECOMMENDATION:

That this Committee recommends Council support in principle, the Green Army Project initiative which is to be undertaken in the Hawkesbury region.

- Councillor Lyons-Buckett referred to a Notice of Motion put to Council's Ordinary Meeting on 11 November seeking investigation into innovative ways to increase sustainability in the Hawkesbury LGA. Councillor Lyons-Buckett referred to large scale projects other Councils had undertaken utilising renewable technology, citing some Victorian councils had undertaken programs where solar power systems were bulk purchased and residents offered a deferred payment scheme through Council's rates system as an incentive to participate in the schemes.
- Mrs Hussein reported she would provide a report for the next meeting outlining sustainability projects Council had commenced as a result of previous funding (under waSIP), and added she would include future projects out of adopted action plans.
- Mr Street referred to the "Growing Community Energy" program launched by the Minister for the Environment where applications were being called for grants of up to \$70,000 to finance early stage development of community energy projects and feasibility studies into renewable energy projects.
- Ms Stuart advised she was of the understanding that program may be aimed at a community level and advised she would ascertain if organisations such as local government was able to become involved.
- Mr Street reported the deadline for the receipt of applications was 15 December 2014 and advised he would follow up and liaise with Ms Stuart to determine the criteria applicable for the grants.
- Ms Dollin reported the UWS was committed to increasing food and agricultural production in the Hawkesbury and suggested the Committee consider, as a possible agenda item, compiling a list of food places in the Hawkesbury region for the purposes of mapping same.
- Councillor Lyons-Buckett suggested as the Committee would not meet until sometime in the first quarter of 2015, that members continue to communicate, via email, should there be specific items they wished to discuss.

Next meeting - to be advised.

The meeting closed at 6:03pm.

oooO END OF REPORT Oooo

**ORDINARY MEETING**  
**Reports of Committees**

**ROC                      Floodplain Risk Management Advisory Committee - 20 November 2014 - (86589)**

The meeting commenced at 4:06pm in Council Chambers.

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**Present:**                      Councillor Kim Ford, Chairperson  
                                    Councillor Bob Porter, Deputy Chairperson  
                                    Councillor Mary Lyons-Buckett, Hawkesbury City Council  
                                    Councillor Jill Reardon, Hawkesbury City Council  
                                    Mr Trevor Devine, Community Representative  
                                    Mr Geoffrey Bessell, Community Representative  
                                    Mr Ted Books, Community Representative  
                                    Mr Damian Moon, Community Representative  
                                    Mr Les Sheather, Community Representative  
                                    Mr Harry Panagopoulos, Office of Environment and Heritage

**Apologies:**                      Councillor Warwick Mackay, Hawkesbury City Council  
                                    Mr Peter Cinque, SES  
                                    Mr Kevin Jones, SES  
                                    Snr Inspector Robert Bowman  
                                    Mr Chris Amit, Hawkesbury City Council  
                                    Mrs Shari Hussein, Hawkesbury City Council  
                                    Mrs Louise Markus MP, Federal Member for Macquarie  
                                    Mr Ray Williams MP, Member for Hawkesbury  
                                    Mr Bart Bassett MP, Member for Londonderry

**In Attendance:**                      Mr Matthew Owens, Hawkesbury City Council  
                                    Mr Phillip Pleffer, Hawkesbury City Council  
                                    Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council

**Non Attendance:**                      Ms Kirstan Smelcher, RAAF Base

**REPORT:**

**RESOLVED** on the motion of Councillor Reardon and seconded by Mr Moon that the apologies be accepted.

**ORDINARY MEETING**  
**Reports of Committees**

**Attendance Register of Floodplain Risk Management Advisory Committee**

Member	20/11/14				
Councillor Kim Ford, Chair	✓				
Councillor Bob Porter, Deputy Chair	✓				
Councillor Mary Lyons-Buckett	✓				
Councillor Jill Reardon	✓				
Councillor Warwick Mackay	A				
Mr Peter Cinque OAM - (SES Sydney Western Division)	A				
Mr Harry Panagopoulos - (Office of Environment and Heritage)	✓				
Ms Kirstan Smelcher – (Dept of Defence)	X				
Snr Inspector Robert Bowman - (Industry & Investment NSW ) -Primary Industries	A				
Mr Kevin Jones - (SES Headquarters)	A				
Mr Les Sheather - (Community Member)	✓				
Mr Geoffrey Bessell - (Community Member)	✓				
Mr Damian Moon (Community Member)	✓				
Mr Trevor Devine - Deputy Chairperson	✓				
Mr Ted Books (Community Member)	✓				

**Key:**      **A** = Formal Apology

✓ = Present

**X** = Absent - no apology

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Mr Moon and seconded by Mr Devine that the Minutes of the Floodplain Risk Management Advisory Committee held on the 21 August 2014, be confirmed.

**SECTION 3 - Reports for Determination**

**ITEM: 1                      Declarations of Interest**

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**RECOMMENDATION TO COMMITTEE:**

That:

1. General disclosures of interest listed in this report be received.
2. Other specific disclosures of interest be declared if deemed appropriate.

**MOTION:**

RESOLVED on the motion of Mr Bessell, seconded by Mr Books

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. General disclosures of interest listed in this report be received.
2. Other specific disclosures of interest be declared if deemed appropriate.

**ORDINARY MEETING**  
**Reports of Committees**

**ITEM: 2                    Election of Chairperson and Deputy Chairperson**

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Councillor Porter relinquished the position of Chairperson and handed the meeting over to Mr Owens for the purpose of conducting the election of Chairperson and Deputy Chairperson.

Mr Owens advised Councillor Ford, as Mayor, was automatically eligible for the position of Chairperson (under the provisions of Council's Code of Meeting Practice and Clause 267 of the *Local Government Act 1993*), unless he so declined.

The Mayor subsequently accepted the position of Chairperson.

**COMMITTEE RECOMMENDATION:**

That an election for the position of Chairperson and Deputy Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2014/2015 term of the Committee be carried out.

Mr Owens declared Councillor Ford as the Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2014/2015 term of the Committee.

Mr Owens called for nominations for the position of Deputy Chairperson, one nomination was received, being:

Councillor Porter

Nominated by Mr Bessell  
Seconded by Councillor Reardon

**MOTION:**

RESOLVED on the motion of Mr Bessell, seconded by Councillor Reardon

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That an election for the position of Chairperson and Deputy Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2014/2015 term of the Committee be carried out.

Mr Owens declared Councillor Porter elected as the Deputy Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2014/2015 term of the Committee.

*Mr Owens handed the meeting over to the incoming Chairperson, Councillor Ford.*

**SECTION 4 - Reports for Information**

**ITEM: 3                    Preparation of Business Case for Dredging**

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Mr Devine put the following Notice of Motion to the Committee:

**NOTICE OF MOTION**

The Floodplain Risk Management Advisory Committee recommends that Council seek the urgent support of State Government to implement the dredging of the Hawkesbury River at the following points:

- Sackville Ferry
- Sackville Gorge
- Ebenezer Church
- Pitt Town Bottoms
- Sandy Point
- Cattai Creek
- Bens Point

**BACKGROUND**

The Floodplain Risk Management Advisory Committee first identified the need for dredging of the Hawkesbury River in 2006.

This need has been supported by the then Maritime Services NSW but regrettably no significant action has taken place and further degradation of the river continues.

The dredging of these points will provide much needed safety for our boating community and enhance further tourism opportunities.

It must be remembered that up until the mid 1990's the Lady Hawkesbury was the most popular tourist vessel on the Hawkesbury but unfortunately ceased operating when the channel became impassable due to siltation.

These identified choke points in the river obviously restrict outflows during flood events and dredging will provide some flood mitigation benefits.

This essential work has been bogged down in bureaucratic red tape for too long and we appeal to the government to provide all assistance to ensure that this work is carried out without further delay.

- Mr Devine advised he believed the actions out of the Motion would make the river safer for the boating fraternity and would also increase tourism.
- Councillor Lyons-Buckett advised she wished to speak against the Motion, advising she believed the Committee ought to be guided by the Floodplain Management Taskforce and she believed the Motion was going against the State Government's overall regional plan for the valley. Councillor Lyons-Buckett added the preliminary objective at this point was to safely get people out in times of flood.
- Councillor Lyons-Buckett made reference to the letter from Maritime of which Councillor Porter had previously referred to which identified the seven choke points and asked if she could be provided with that letter.
- Councillor Porter responded he would arrange for that letter to be provided to Councillor Lyons-Buckett for her information.

## ORDINARY MEETING

### Reports of Committees

- Councillor Reardon reported she understood the State Government was giving top priority to evacuation and roads, however, agreed dredging would be very beneficial in many aspects.
- Mr Panagopoulos advised he believed the business case Council was working on would be very beneficial to the Committee's cause and reminded the Committee that was not to be confused with the major flood scheme work that Infrastructure NSW (INSW) was undertaking. Mr Panagopoulos added the scale of dredging INSW was proposing was more significant for the purposes of reducing flood levels and was a much bigger exercise than the proposal to dredge areas as set out in the Motion.
- Mr Panagopoulos urged the Committee to appreciate that linking the actions proposed in the Motion, to the work INSW was proposing, was not practicable and suggested different Ministers which look after boating or water quality aspects, be targeted.
- The Chair agreed the business case would give some clarity to understand what can and cannot be done in relation to dredging and added he supported the Motion as he believed the potential benefits were threefold, ie navigation purposes, flood mitigation and possibly an opportunity for financial gain for Council.
- Mr Moon suggested the dredging project be privately funded which would negate the need for government support and if managed correctly, could be financially viable to Council.
- Mr Books reported he believed the river should be deepened to allow for a better flow and thus more purification of the water.
- Mr Owens reminded the Committee investigations into dredging work was being undertaken, adding a funding application under the *Rescuing our Waterways Program* for dredging projects was currently being prepared (to be lodged by 15 December, 2014).
- Mr Sheather advised he did not disagree with the Motion, however, he did not believe the Committee was the correct forum to be discussing matters outside of flood mitigation.
- Mr Devine raised concern there appeared to be some disconnect between government departments in relation to the flood evacuation route. Mr Devine referred to the Community Update on the Proposed Road Network Strategy for the Northwest Growth Centre which included a proposal to close the railway crossing at Level Crossing Road, Vineyard, which he believed had been previously identified as forming part of the flood evacuation route.
- Mr Owens responded he believed all departments, including the Roads & Maritime Services, Department of Planning and the Precinct Planning group for Vineyard, were aware of the issues pertaining to the flood evacuation route and advised the level crossing would not be closed until a road was pushed through on the other side of the railway line. Mr Owens advised he could confirm that information as he had attended a Taskforce meeting that morning where evacuation route issues were discussed.
- Mr Panagopoulos referred to Mr Moon's suggestion to involve private participation in dredging and selling off the sand and asked Mr Owens if there was opportunity for Worley Parsons to investigate that option as part of their brief.
- Mr Owens responded a range of dredging options would be investigated once the business case (essential to reduce Council's risk), was completed.

A voice vote was undertaken where the Committee indicated they were in favour of the Motion, with the exception of Councillor Lyons-Buckett who opposed the Motion.

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

RESOLVED on the motion of Mr Devine, seconded by Councillor Porter.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the Floodplain Risk Management Advisory Committee recommend that Council seek the urgent support of the State Government (Minister and local State Members) to assist Council in obtaining a license for the dredging of the Hawkesbury river at the following points:

- a) Sackville Ferry
- b) Sackville Gorge
- c) Ebenezer Church
- d) Pitt town Bottoms
- e) Sandy Point
- f) Cattai Creek
- g) Bens Point

**SECTION 5 - General Business**

- Councillor Porter tabled draft correspondence to the Stakeholders Reference Panel seeking representation from the Committee on the Panel. Councillor Porter advised he believed the Committee's input would be valuable to the Panel, given the quality and firsthand expertise of its members.
- The Committee concurred that representation on the Panel from the Committee would be beneficial, and after much deliberation as to the structure and wording of the draft correspondence, agreed to forwarding correspondence to the Panel seeking an invitation for representation.

**MOTION:**

RESOLVED on the motion of Councillor Porter, seconded by Mr Devine.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That correspondence be sent to Infrastructure NSW on behalf of the Floodplain Risk Management Advisory Committee seeking representation from the Committee on the reference panel.

- The Chair agreed to email the correspondence to members prior to it being forwarded to the Panel.



**ORDINARY MEETING**  
**Reports of Committees**

- Councillor Porter thanked the Chairman and Mr Panagopoulos for their input into the Motion.
- The Chair thanked Councillor Porter (as previous Chair), and the Committee, for the good work undertaken in the past term.

The meeting closed at 5:17pm.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**Reports of Committees**

**ORDINARY MEETING**  
Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

**Councillor Questions from Previous Meeting and Responses - (79351)**

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**REPORT:**

**Questions - 25 November 2014**

#	Councillor	Question	Response
1	Reardon	Enquired if it is possible to have the trig station on Grose Vale Road to be retained for historical reasons.	The Director City Planning advised that the matter will be raised with the applicant and the Heritage Branch.
2	Calvert	Enquired as to where the horse trough at North Richmond is located.	The Director Infrastructure Services advised that following restoration the trough was replaced at its previous location adjacent to the shelter at the corner of Terrace Road and Bells Line of Road, North Richmond.
3	Calvert	Requested clarification regarding the reported inaccuracies within the brochures for the Redbank development and whether these would pose a risk to Council.	The Director City Planning advised that Council has not issued any brochures regarding the Redbank development and as such there is no "risk" to Council regarding the content of those brochures.
4	Rasmussen	Enquired about the possibility of preventing the Marayla Community Centre car park from becoming a truck exchange location.	The Director City Planning advised that signage detailing the relevant controls for this car park are being prepared and will be erected upon completion. Following that work compliance action can be undertaken in accordance with that signage.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

Questions for Next Meeting

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**CONFIDENTIAL REPORTS**

**Item: 252**                      **IS - Tender No. 00946 - Supply of Bulk Materials for Civil Construction - (95495, 79344) CONFIDENTIAL**

**Previous Item:**            366, Ordinary (30 September 2014)

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**Reason for Confidentiality**

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of bulk materials for civil construction to Council and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

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

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

Item: 253

**IS - Tender No. 00950 - Rehabilitation of Former East Kurrajong Waste Depot,  
East Kurrajong - (95495, 79344) CONFIDENTIAL**

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**Reason for Confidentiality**

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and it is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

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

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**Item: 254**                      **SS - Property Matter - Lease by Council of (Part) Scheyville National Park from The Minister Administering the National Parks and Wildlife Act 1974 - (95496, 112106) CONFIDENTIAL**

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**Reason for Confidentiality**

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

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

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

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**Item: 255**                      **SS - Sale of 8 Yarwood Road, Bligh Park (Lot 9156 in DP843382) - (95496, 112106, 114885) CONFIDENTIAL**

**Previous Item:**              85, Ordinary (13 July 2004)  
                                     25, Ordinary (1 February 2011)

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**Reason for Confidentiality**

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

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

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



**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**



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