



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 11 November 2014

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

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

Public Participation

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

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

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

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

Voting

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

Planning Decision

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

Business Papers

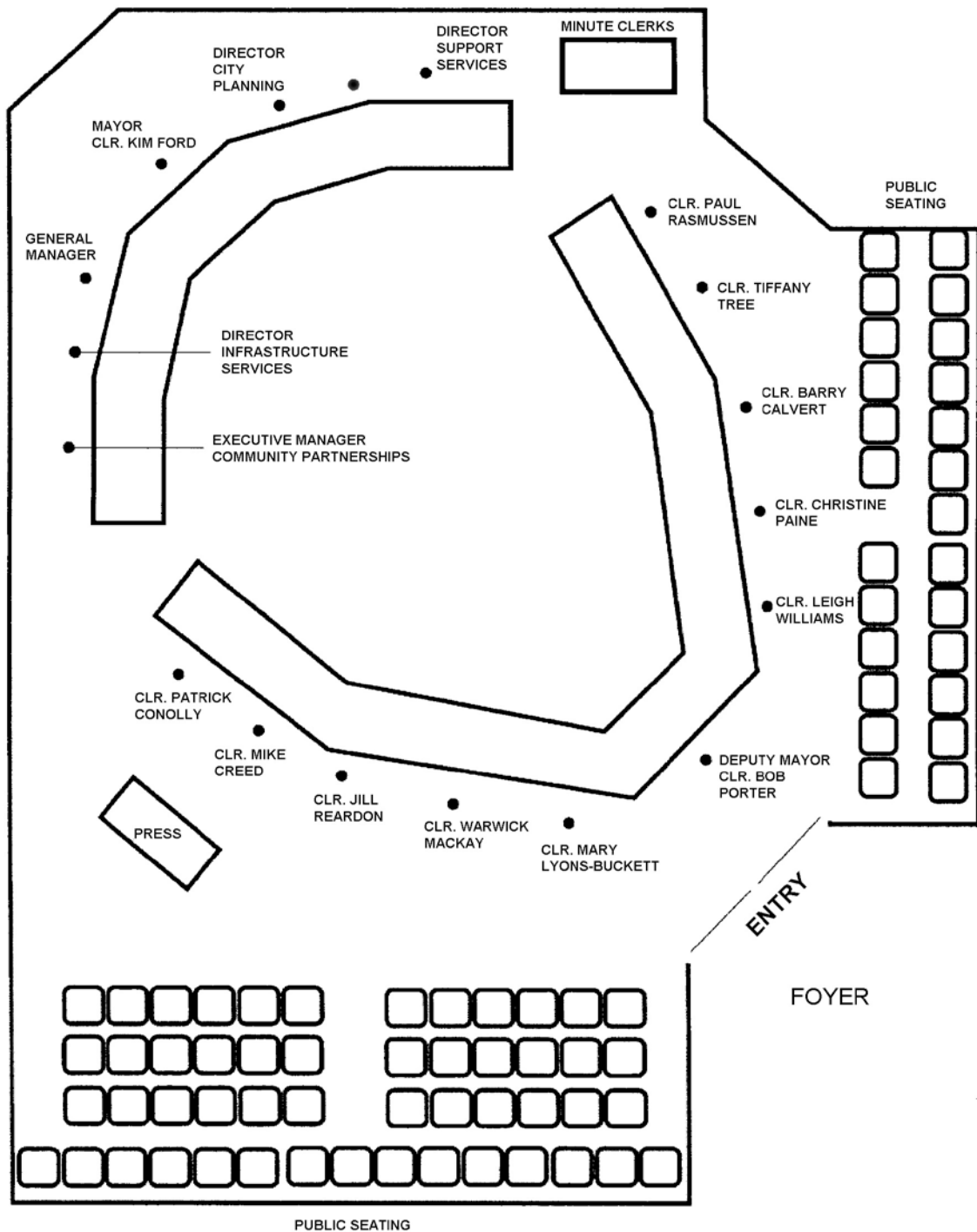
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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

Further Information

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

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 - Prayer**
 - Acknowledgement of Indigenous Heritage**
- **APOLOGIES AND LEAVE OF ABSENCE**
- **DECLARATION OF INTERESTS**
- **PRESENTATION BY COUNCIL'S AUDITOR, MR DENNIS BANICEVIC OF PRICEWATERHOUSECOOPERS, IN RESPECT OF COUNCIL'S AUDITED 2013/2014 FINANCIAL REPORTS**
- **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**
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 - Infrastructure Services**
 - Support Services**
- **SECTION 4 - Reports of Committees**
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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 214 **CP - Development Report - DA0175/14 - Lot 6 DP242319 - 2 Wolseley Road, McGraths Hill - Removal of existing garage and construction of shed - (95498, 37033, 13277)**

Development Information

File Number: DA0175/14
Property Address: 2 Wolseley Road, McGraths Hill
Applicant: Yvonne Anne Janson
Owner: Mr RJ Shaw
Proposal Details: Structure Ancillary to the dwelling - Removal of existing garage and construction of shed
Estimated Cost: \$19,657
Zone: R2 Low Density Residential
Date Received: 4/04/2014
Advertising: Not required to be notified

Key Issues:

- ◆ Height of the structure
- ◆ Ability to maintain the character of the streetscape

Recommendation: Refusal

REPORT:

Executive summary

On 30 September 2014, this matter was presented to Council for consideration of an application proposing the demolition of an existing ancillary structure to an existing dwelling and the construction of a new ancillary structure being a shed on Lot 6, DP 24319, 2 Wolseley Road, McGraths Hill. At that meeting it was determined that the matter be deferred for the purposes of a site inspection.

A site inspection was subsequently undertaken on 27 October 2014 by the Mayor Councillor Ford and Councillors Lyons-Buckett, Paine, Conolly and Porter. Staff members the Director City Planning and the Manager Development Services were also in attendance at the site inspection.

The purpose of the proposal is to provide secure storage space for the owner's classic and project cars and general maintenance equipment.

The subject site (Lot 6) is a battle-axe allotment and is 1360 square metres in area and currently contains a dwelling, swimming pool, carport and shed (proposed to be demolished). The total floor area of the proposed shed is 64.80 square metres. The proposed height of the ancillary structure is 5.6 metres. The height is required to allow for the installation of a car stacker.

This matter is being reported to Council at the request of Councillor Porter.

The application is recommended for refusal.

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Description of Proposal

Council is in receipt of a development application proposing the demolition of an existing ancillary structure (garage) and the construction of a new ancillary structure (shed), to provide a secure storage space for the owner's classic and project cars and general maintenance equipment. The existing garage occupies a portion of the area where the proposed ancillary structure is to be built.

The subject site is currently occupied by a single storey dwelling, a cabana, a swimming pool, a double fibro garage and a carport. It is proposed to utilise the existing slab. The proposed shed will have a total floor area of 64.80 square metres with a maximum height of 5.78 metres. The proposed shed will be setback 11.96 metres from the front boundary, 1.0 metre from the rear boundary and 0.9 metres from the nearest side boundary.

The subject site is surrounded by mainly residential development comprising a mix of double and single storey dwellings with ancillary structures and ancillary services such as a medical surgery. The ancillary structures (sheds, detached garages and carports) are modest in height and size.

Recommendation

Refusal.

Issues Relevant to the Decision:

- The size of the shed is considered excessive given its location and context
- The application does not address the objectives of the R2 Low Density Residential zone.

Council Policies, Procedures and Codes to Which the Matter Relates

Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
Sydney Regional Environmental Plan No 20 (SREP 20)
Hawkesbury Development Control Plan 2002 (HDCP 2002)

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

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

- a. The provisions (where applicable) of any:
 - i. Environmental Planning Instrument:

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

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

It is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and that the development is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies of SREP No. 20.

Hawkesbury Local Environmental Plan 2012

Hawkesbury Local Environmental Plan 2012 (LEP2012) applies to the land.

Clause 1.2 – Aims of the Plan

The aim of Clause 1.2 (2)(a) of LEP2012 is to provide for the management, orderly and economic development and conservation of land in Hawkesbury.

Land Use Table

The subject land is zoned R2 – Low Density Residential under Hawkesbury Local Environmental Plan 2012.

The objectives of the R2 Low Density Residential zone are described as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To protect the character of traditional residential development and streetscapes.
- To ensure that new development retains and enhances that character.
- To ensure that development is sympathetic to the natural environment and ecological processes of the area.
- To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale.
- To ensure that water supply and sewage disposal on each resultant lot of a subdivision is provided to the satisfaction of the Council.
- To ensure that development does not create unreasonable demands for the provision or extension of public amenities or services.

Comment: The proposed development is considered to be an 'ancillary structure to the dwelling' under this Plan. However, given the size of the ancillary building, it is considered that it does not meet the restrictions of the State Environmental Planning Policy (Exempt and Complying Development) 2009 and therefore requires Development Consent.

The applicant provided further information dated 27 July 2014 responding to the objective of the zone outlined above as follows:

- The existing property, with an area of 1055m², provides for the housing needs of a certain section of the community who desire to live in a residential area and have hobbies or interests which required a larger than usual residential lot. The proposed development satisfies this objective.
- The proposal is ancillary to the residential use of the dwelling on the land. This objective does not apply.
- The proposed shed is located some 52m from Wolseley Road. It will not be visible from the road, and therefore has no impact on the residential character or streetscape.
- The proposed shed has no impact in relation to this objective.
- The locality comprises a fully developed residential area. The proposal has no impact.
- The proposal is ancillary to the residential use of the dwelling on the land. The objectives do not apply.
- The objective does not apply to the proposal.
- The proposal is to replace an existing shed. There is no additional demand for public amenities or services.

Discussion:

It is considered that the proposed development is not consistent with the objectives for the R2 Low Density Residential zone in that the proposal does not maintain the characteristics of a low density residential environment, is not in keeping with the established streetscape values and character of the area.

Whilst the structure is ancillary to the dwelling and is for residential use, the existing garage and carport provide parking to 2 vehicles for the use of the occupants as required under the provisions of the Hawkesbury Development Control Plan 2002. The existing on-site car parking facilities are considered to adequately provide for the day to day needs of the occupants.

The proposed arrangement of providing a car stacker will allow for additional parking for vehicles which are not used as the primary vehicles of the occupants used to meet the day to day needs. Due to the height required to operate the car stacker the overall height of the ancillary building will be increased. This height increase will have a significant effect on the streetscape from Pitt Town Road and Wolseley Road.

The applicant has made a submission that the character of Wolseley Road is retained as the proposed ancillary building will not be visible from Wolseley Road. However, it is considered that the impact of the ancillary building is quite significant from Pitt Town Road, as discussed further in the report.

Furthermore the further information provided fails to recognise the proximity of a nearby heritage item (see Attachment 4 to this report) which is a low scale single storey dwelling. The size of the ancillary building with a height of 5.6m will have visual impact on the heritage item.

ii. Development Control Plan applying to the land:**Hawkesbury Development Control Plan (HDCP) 2002****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

In accordance with the provisions of the HDCP, the application was not required to be notified to adjacent property owners.

The proposal is generally consistent with the provisions of the Development Control Plan with the following exceptions as discussed below:

Part D - 1.3 Height**a) Part D Clause 1.3 - Height**

The proposed ancillary building significantly encroaches into the Building Height Plane due to the proposed height of 5.6 metres.

For the ancillary building to achieve compliance with the setbacks; the setbacks of the ancillary building would need to be 3m on the North Eastern Elevation and 6m on the South Eastern Elevation.

Comment: In its current form the proposal is not considered to be acceptable due to the significant building height plane intrusion.

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- a) Clause 1.3(e) of the DCP permits walls to be built on a side or rear boundary where:
 - (i) it can be demonstrated that building to the boundary does not reduce the privacy of neighbouring dwellings and their private open space and does not reduce their existing solar access; and
 - (ii) the continuous length of the wall does not exceed 10 metres.

Comment: With regard to privacy the proposal is considered to be acceptable as there is no loss of privacy associated with the development and the wall length is less than 10 metres.

With regard to Clause 1.3(e)(ii) the proposal is compliant.

Part D – 1.6 Landscaped Areas

- a) Part D Clause 1.6 Landscaped Areas requires the site to contain soft landscaped areas to 30% of the site area (inclusive of private open space) which is achievable with the current proposal.

Part D – 1.9 Vehicle Access and Car Parking

- a) Clause 1.9(e) provides that Garage and Carports must not visually dominate the street façade, should occupy less than 50% of the building façade and must be compatible with the building design.

Comment: It is considered that given the height of the proposed new structure it will visually dominate the street façade when viewed from Wolseley Road.

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

There are no planning agreements applicable to the proposed development.

iv. Matters prescribed by the Regulations:

The proposed development is consistent with the provisions of the Environmental Planning and Assessment Regulation, 2000. There are no relevant matters that are prescribed by the Regulations that affect this development.

b. The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

The proposal is considered to have demonstrable adverse impacts upon the built environment due to the visual impact that the ancillary building will have on the streetscape from both Pitt Town & Wolseley Roads.

The McGraths Hill area is characterised by a mix of development types being single and two (2) storey dwellings together with ancillary structures.

Larger ancillary structures within the suburb are located within the vicinity of Pitt Town Road. These ancillary structures are located towards the rear of larger blocks with an estimated setback of greater than 70 metres from Pitt Town Road. The proposed ancillary building of this application is proposed to be located approximately less than 40 metres from Pitt Town Road. The height of the proposed structure being 5.6m is higher than the height of a single storey dwelling and similar in height to the underside of the eaves of a two storey dwelling.

The proposed development will have an adverse visual impact to the streetscape of Pitt Town Road and the scenic quality of the landscape and neighbouring properties due to its size and location.

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c. Suitability of the site for the development:

The subject site does not contain any significant constraints that would make this development prohibitive. The site is suitable for the development.

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

The Hawkesbury Development Control Plan has no requirements for the application to be notified to adjacent property owners.

Conclusion

The location of the shed fails to demonstrate that it is in character and keeping with the established streetscape values of the area. The proposed development cannot be supported in this instance.

Planning Decision

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

RECOMMENDATION:

That development application DA0175/14 at Lot 6 DP 242319 Vol 12130 Fol 16, 2 Wolseley Road, McGraths Hill for the demolition of an existing garage and construction of an ancillary building to a dwelling, be refused for the following reasons:

1. The proposed development is contrary to the objectives of the R2 Low Density Residential Zone in the Hawkesbury Local Environmental Plan 2012.
2. The proposed development fails to demonstrate compliance with the provisions of Hawkesbury Development Control Plan 2002 by not being in keeping with the established streetscape values and character of the area.
3. The proposed development is likely to have an adverse visual impact upon the scenic quality of the landscape and neighbouring properties due to its size and location.
4. Approval of the development would create an undesirable precedent for similar inappropriate development which would not be in the public interest.

ATTACHMENTS:

AT - 1 Locality Map

AT – 2 Aerial Map

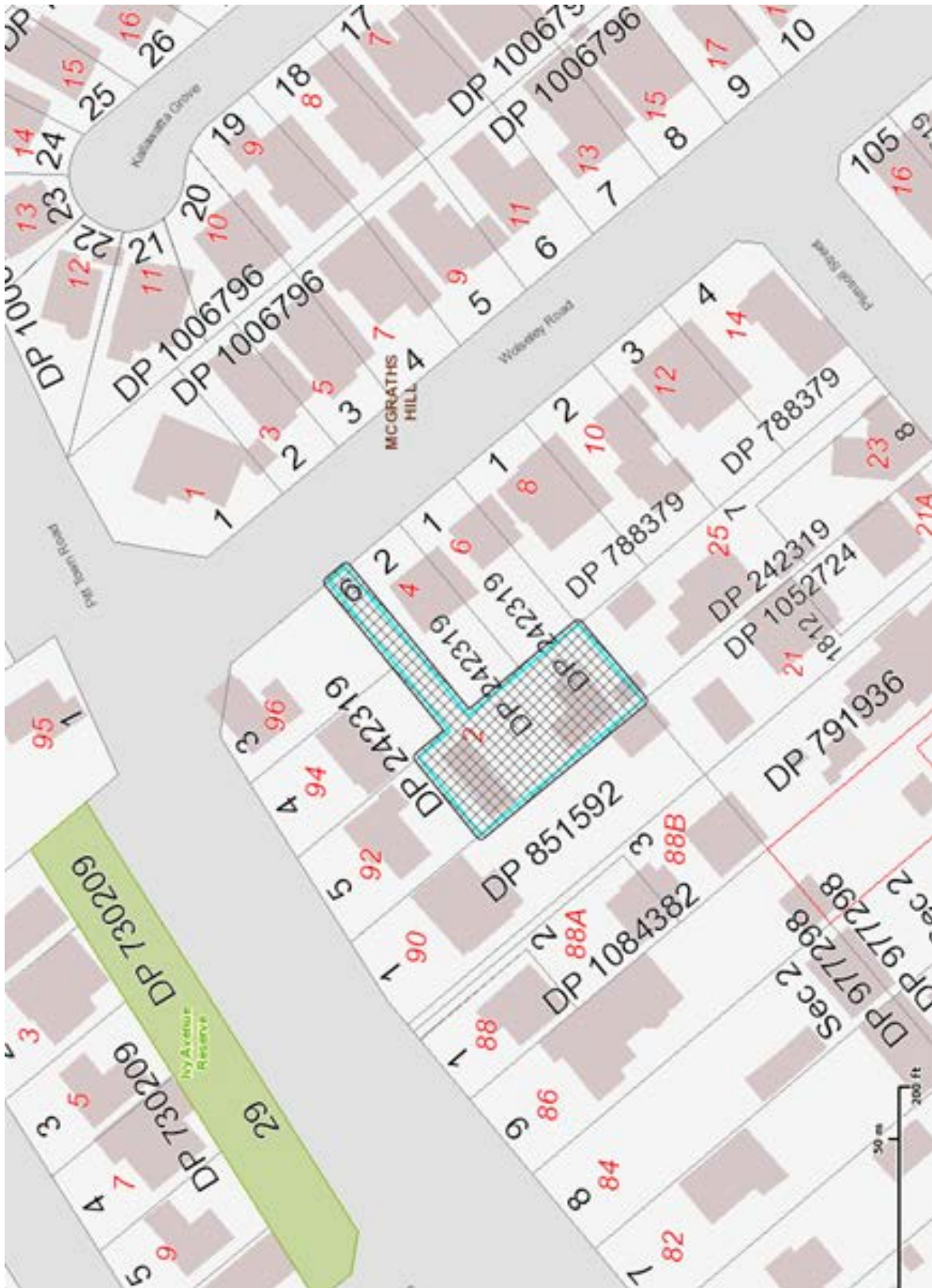
AT – 3 Plans

AT – 4 Location of Heritage Item

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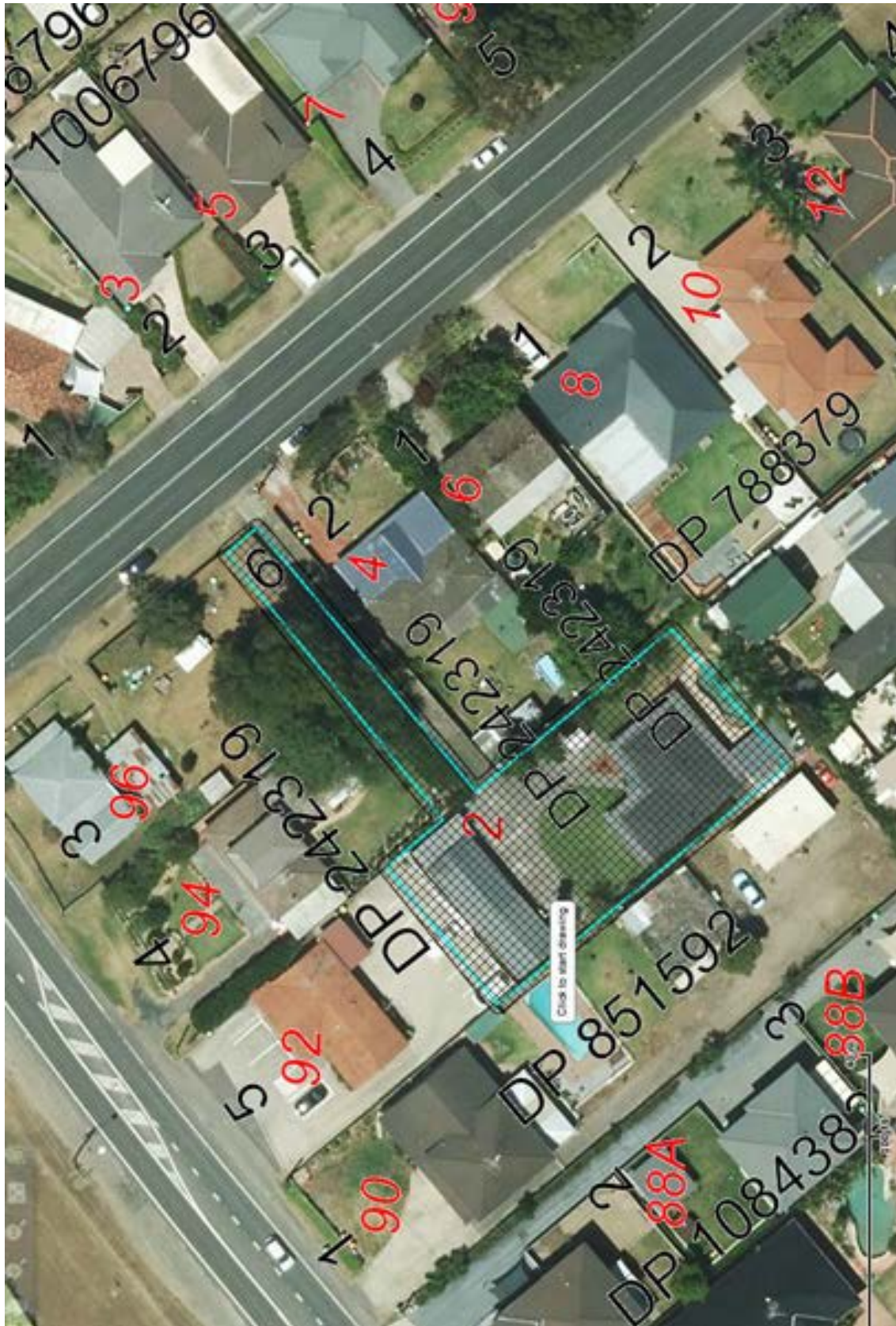
AT - 1 Locality Map



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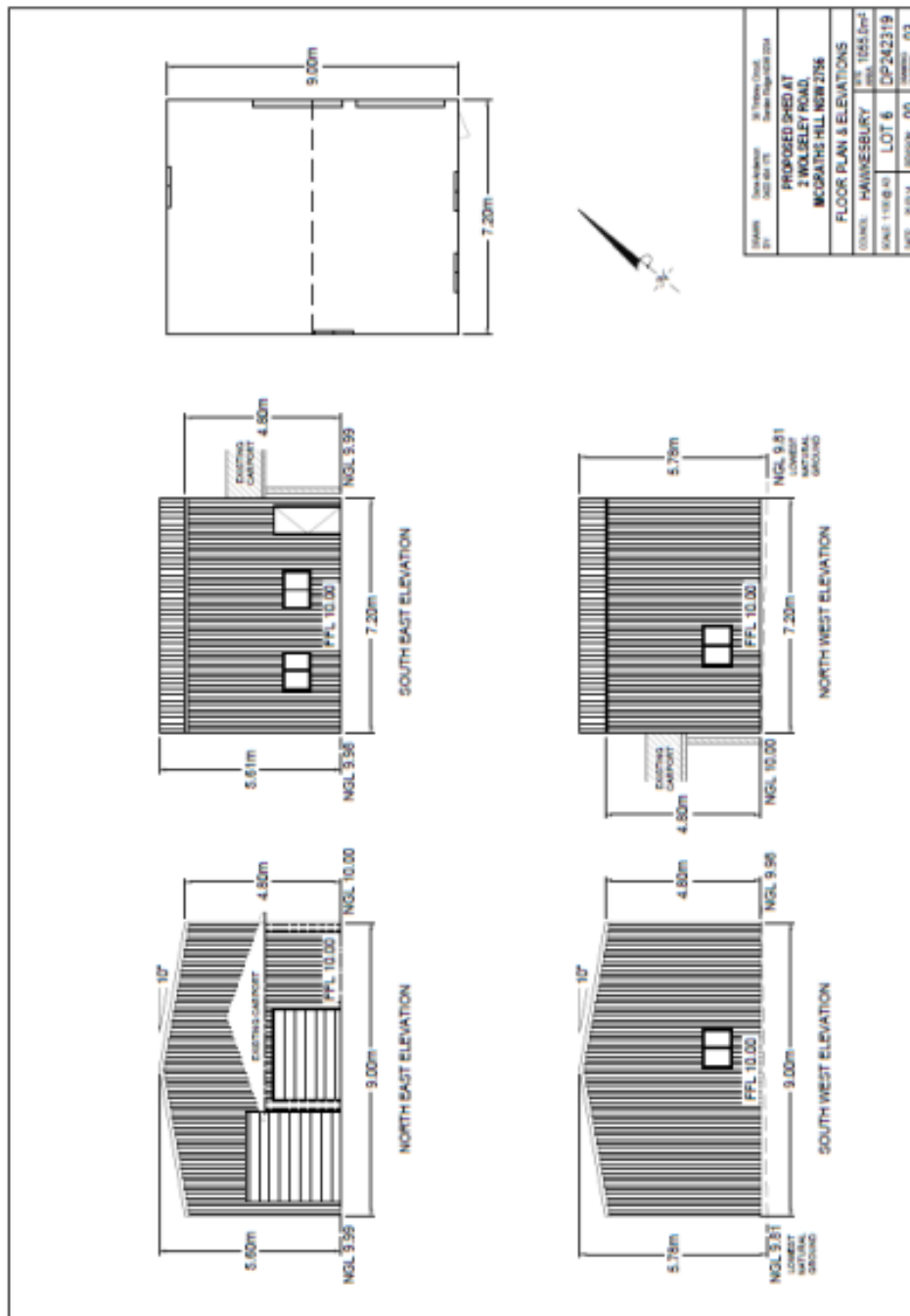
AT – 2 Aerial Map



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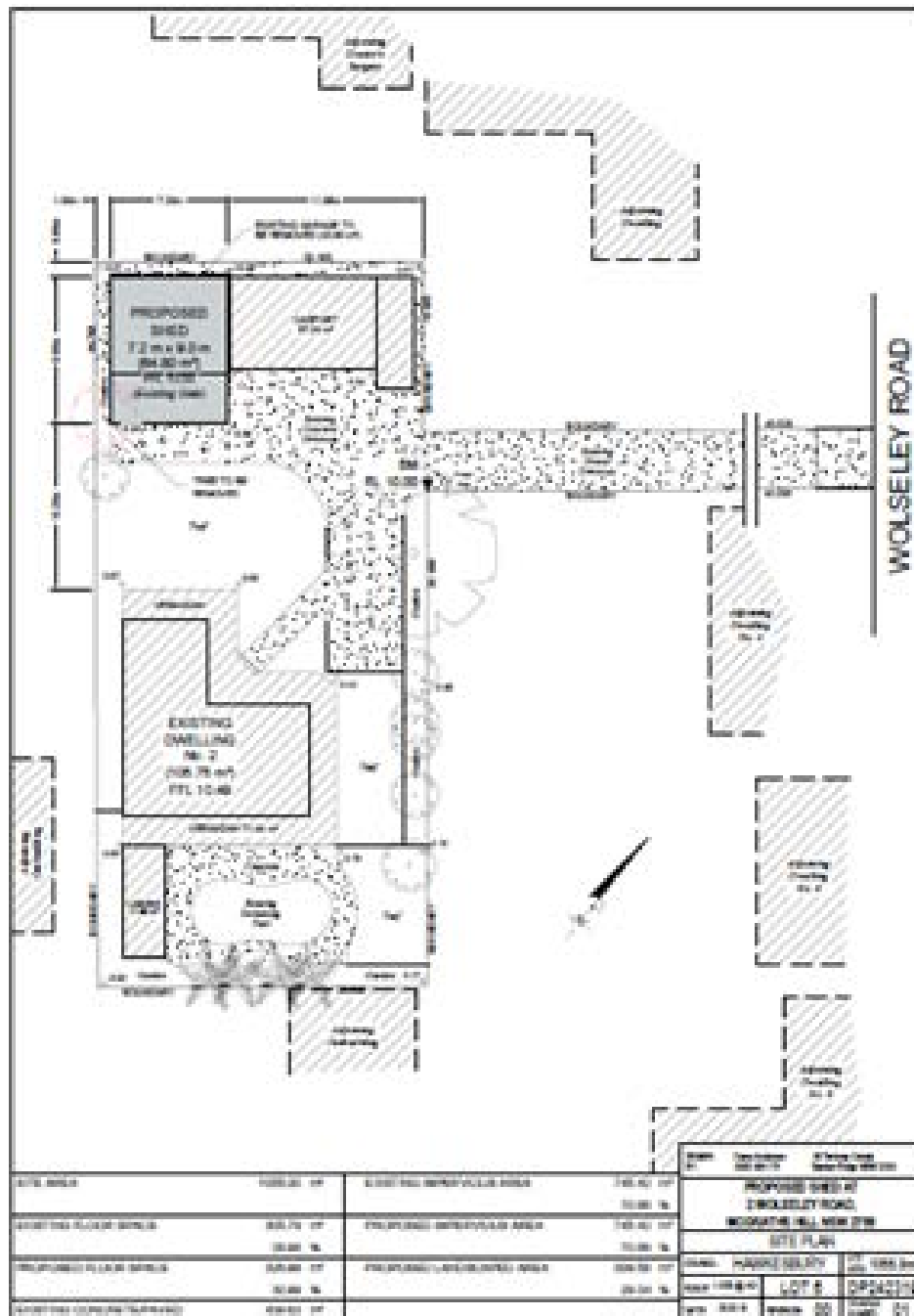
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AT – 3 Plans



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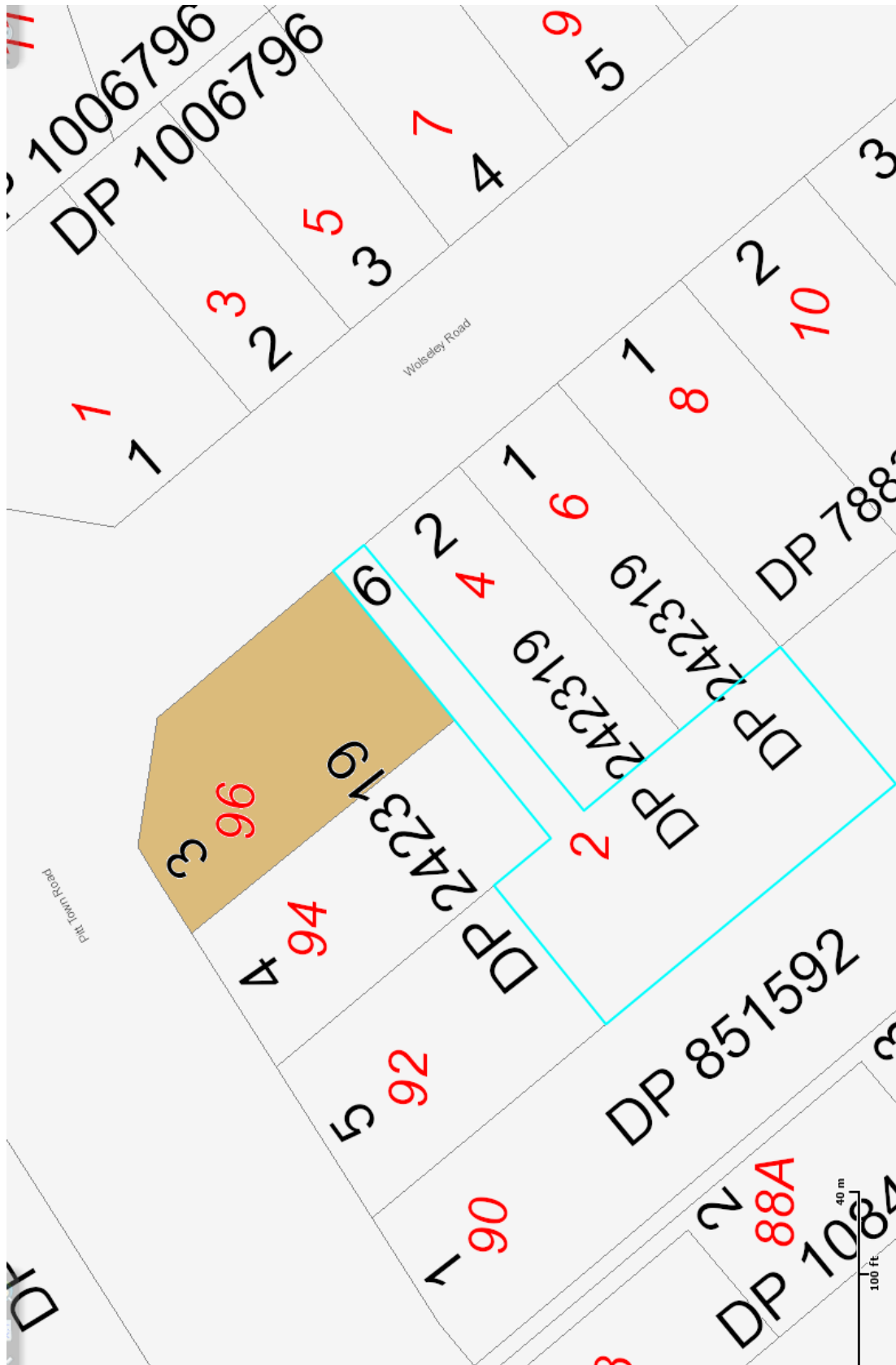
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AT – 4 Location of Heritage Item



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Item: 215

**CP - Planning Proposal to amend Hawkesbury Local Environmental Plan 2012
- 1420 Kurmond Road, Kurmond - (95498, 124414)**

REPORT:

Executive Summary

This report discusses a planning proposal which seeks to amend the *Hawkesbury Local Environmental Plan 2012* (the LEP) in order to permit the subdivision of 1420 Kurmond Road, Kurmond into 12 lots with a minimum lot size of not less than 4,000m².

This planning proposal proposes an amendment to the Lot Size Map of the LEP only and does not seek to change the existing RU4 Primary Production zone.

It is recommended that Council support the preparation of a planning proposal to allow development of the subject land primarily for large lot residential development.

Consultation

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

Background

Since the adoption of the Hawkesbury Residential Land Strategy (HRLS) by Council in May 2011 six planning proposals requesting the LEP be amended to allow for large lot residential/rural residential development within the vicinity of Kurmond have been received by Council. All these planning proposals other than this proposal have already been assessed and reported to Council. However Council assessment of those planning proposals revealed that the proposals contained very limited assessment of the cumulative impact, in relation to traffic, on-site effluent disposal, etc, of possible similar rezonings within the vicinity of the Kurmond Neighbourhood Centre.

In response to a request for a "Gateway" determination for a planning proposal seeking an amendment to the LEP to allow subdivision of 1411 Kurmond Road, Kurmond into five large residential lots the then Department of Planning and Infrastructure advised Council to consider planning proposals in a strategic manner rather than assess and process them on an individual case by case basis. Given the Department's advice and the receipt of a considerable number of planning proposals for properties in the vicinity of the Kurmond Neighbourhood Centre, Council considered a report on a proposed investigation area for development within the vicinity of Kurmond at its meeting of 5 February 2013 and resolved (in part) as follows:

"That:

- 1. Council carry out investigations within the area on the map entitled "Kurmond Village large lot residential/rural-residential Investigation Area". These investigations are to determine the suitability of the identified lands for large lot residential and/or rural residential development and are to be funded by planning proposal application fees.*
- 2. Investigations already undertaken by applicants for Planning Proposals within the Kurmond area be utilised by Council as a basis for their further investigations as appropriate.*
- 3. The applicants be consulted by Council with a view of assisting the investigations where appropriate.*

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7. Council consider any new planning proposals on their merit and compliance with the relevant criteria of the Hawkesbury Residential Land Strategy, unless and until the strategy is changed by Council."

The "Kurmond Village large lot residential/rural-residential Investigation Area" referred to in this report includes the subject land given its location within the one kilometre radius of the Kurmond Neighbourhood Centre (see Figure 1 below).

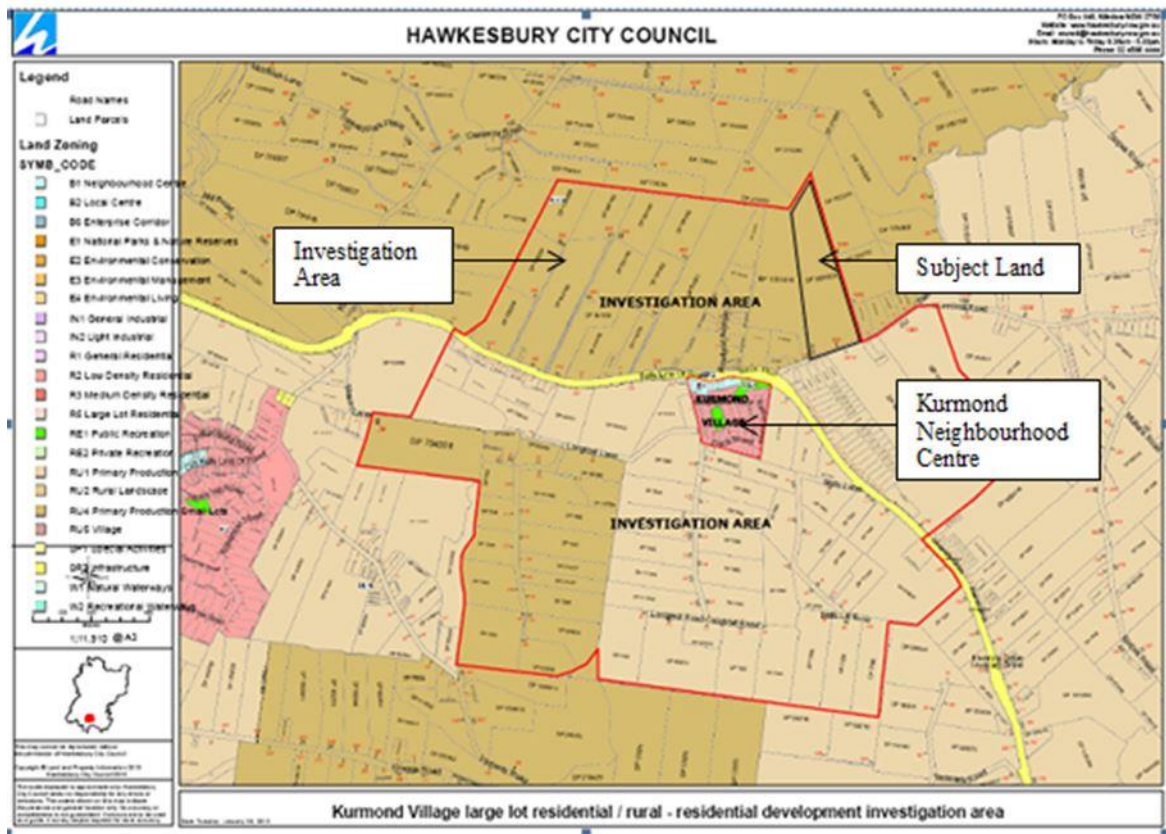


Figure 1: Kurmond Investigation Area

On 24 June 2014, Council considered a report on the progress and review of the HRLS and resolved (in part) to reinforce the above approach and is as follows:

"That:

2. The investigation 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.
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."

Given Council received the planning proposal in May 2014 the above part resolution does not apply to this planning proposal and therefore this report considers the proposal against the current state and local strategic planning framework and other relevant criteria.

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Also on 28 October 2014 Council considered a planning proposal for 373 Bells Line of Road, Kurmond and resolved (in part) as follows:

“That:

6. Council also make a submission to the RMS, requesting details of:
 - a) *The current capacity of Richmond Bridge.*
 - b) *Any potential upgrades planned for Richmond Bridge, intersections between East Market Street and March Street, Richmond and Bells Line of Road, Grose Vale Road and Terrace Road, North Richmond and the expected completion dates and confirmation that the funds are allocated.*
 - c) *Council to inform the RMS of the number of dwellings constructed since the 2013 Richmond Bridge Study, west of the river, and potential dwellings expected in the next seven years (2021) west of the river and any other information so that the RMS has up to date details from Council to provide sound information.”*

The above is still being pursued and if the planning proposal is to proceed, it will be referred to RMS for comment and information.

Planning Proposal

Falson & Associates Pty Ltd (the applicant) seeks an amendment to *Hawkesbury Local Environmental Plan 2012* (the LEP) in order to permit the subdivision of 1420 Kurmond Road, Kurmond into 12 lots with a minimum lot size of not less than 4,000m².

The applicant proposes to amend the Lot Size Map Sheets of LSZ_008AA and LSZ_008A of the LEP to specify 4,000m² minimum lot size for part of the land and retain the current 4ha minimum lot size provision for the remaining area of the land to allow subdivision of the land into 12 large lots.

As part of the proposed subdivision 6.2ha of native bushland which occupies the gully along the western boundary and extends down to the riparian corridor along Howes Creek (proposed Lot 1) is proposed to be retained and conserved under a community title. A subdivision concept plan depicting the proposed 12 lots is attached to this report (see Attachment 1).

Subject Land and Surrounds

The land is legally described as Lot 2 DP 805023, 1420 Kurmond Road, Kurmond. It is located north-east of the Kurmond Neighbourhood Centre (the Neighbourhood Centre), east of Kurmond Public School and north and east of the existing residential area (see Figure 2).

The site has an area of 11.03ha, and is irregular in shape, narrowing towards the rear, with a splayed rear boundary. It has a frontage of approximately 200m to Kurmond Road and an overall depth of approximately 650m (see Figure 2).

The land contains an old weatherboard house located at the middle of the frontage of the site and a masonry house and detached carport at the south east corner of the site with a number of ancillary outbuildings and two farm dams. Council records show that the masonry house was approved in 1981 and no approval has been granted for the weatherboard house but it is considered that this house was built prior to any planning schemes for the Hawkesbury Local Government Area (LGA). Given detached dual occupancy is a prohibited land use in rural zones the existing two detached dwellings on the land was not lawful. However, in September 2009 a development application (DA0140/09) for subdivision of the land into two lots incorporating the existing weatherboard house and the masonry house on proposed lot 21 and lot 22 respectively was approved but the five year consent for this development lapsed in September 2014. As a result the legality of the existing dual occupancy on the land is again an issue which needs to be addressed by the land owner, if this plan is not made to allow the proposed 12 lot subdivision on the land.

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Howes Creek dissects the property towards the rear of the site. One of the two dams is located at the rear of the site and in proximity to Howes Creek and the other one is located behind the weatherboard house.



Figure 2: Locality Map

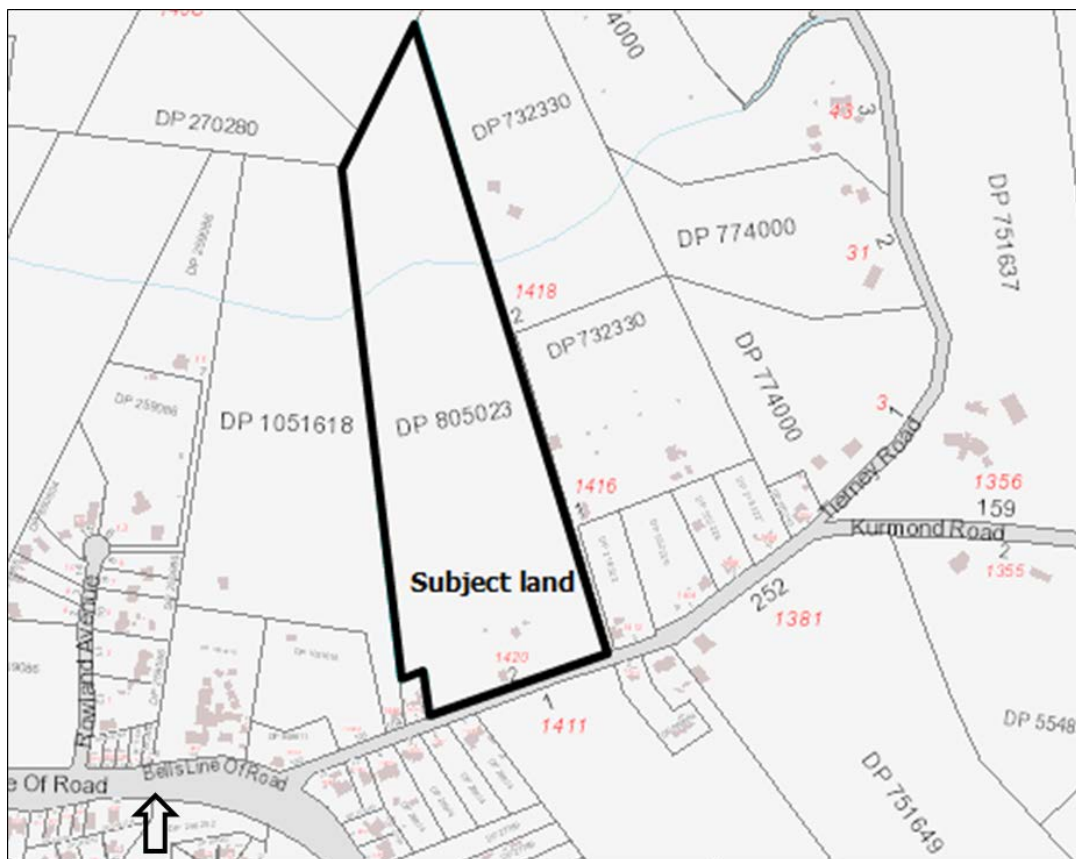


Figure 3: Subject Site

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According to Council records the site has been previously used for orcharding and grazing, and is currently used for horse training and hobby farming, with disused orchards and open woodland present.

The land is undulating and has an elevation of approximately 121m AHD at Kurmond Road and then falls to Howes Creek at an elevation of approximately 82.5m AHD. Then it rises towards the rear boundary at an elevation of approximately 95m AHD.

The site is zoned RU4 Primary Production Small Lots under the LEP. The current minimum lot size for subdivision of this land is 4ha.

Much of the site is shown as either *Significant Vegetation* or *Connectivity Between Significant Vegetation* on the Terrestrial Biodiversity Map of LEP 2012. The majority of the native vegetation occurs on either side of Howes Creek and the natural drainage line running south-west to north-east through the two dams to Howes Creek (see Figure 4 below).

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.



Figure 4: Existing vegetation

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Land surrounding the site consists of a varied mix of lots sizes with some smaller lots located opposite in Kurmond Road and to the southwest in Bells Line of Road. Larger lots are generally located to the north, east and west (see Figure 5 below).

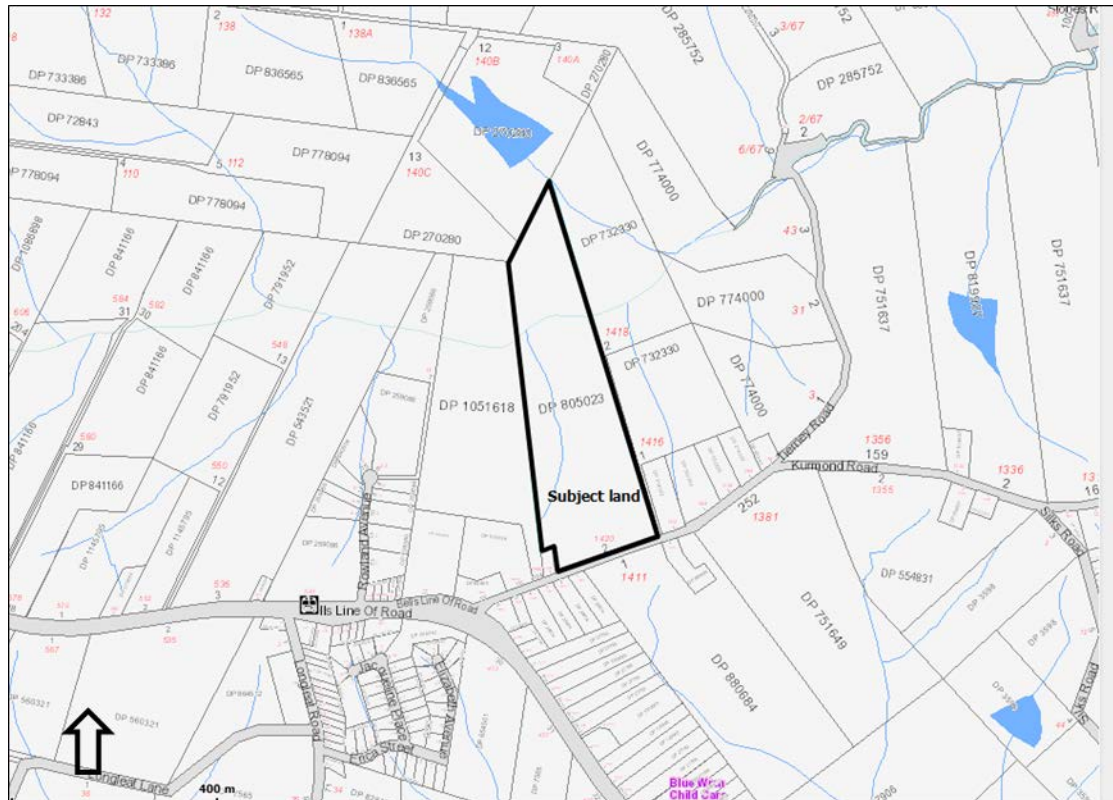


Figure 5: Existing lot sizes in the locality

The surrounding land uses include residential, business, retail, Kurmond Public School and public open spaces, and 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:

- *Preliminary site investigations have been carried out which has demonstrated that the land is capable of being subdivided into a number of lots that would be consistent with other lands in the vicinity and would form an appropriate component of village expansion at Kurmond.*
- *The planning proposal will enable economic use of the land for rural residential purpose consistent with the surrounding development.*
- *The land has appropriate physical characteristics to support the proposed 12 lot subdivision.*
- *The planning proposal will assist in maintaining the viability of the Kurrajong Neighbourhood Centre.*
- *The planning proposal is consistent with the Metro Plan, dNWSS, HRLS and other relevant statutory framework.*
- *There are no adverse environmental and visual impacts arising from this planning proposal.*

The remainder of the report provides an assessment of the planning proposal.

Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy for Sydney 2031, Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy

The NSW Government's Metropolitan Plan for Sydney 2036 (the Metro Plan) provides a long-term planning framework for Sydney and identifies the following key Strategic Directions to transform Sydney as a more compact, networked city with improved accessibility, capable of supporting more jobs, housing and lifestyle opportunities by 2036:

- A. Strengthening 'the City of Cities'
- B. Growing and renewing centres
- C. Transport for a connected city
- D. Housing Sydney's population
- E. Growing Sydney's economy
- F. Balancing land uses on the city fringe
- G. Tackling climate change and protecting Sydney's natural environment
- H. Achieving equity, liveability and social inclusion
- I. Delivering the Plan

The Draft Metropolitan Strategy for 2031 (the draft Metro Strategy) released in March 2013 sets out a vision with key objectives, policies and actions to drive sustainable growth of Sydney to 2031 and beyond and it aims to achieve the following key outcomes for Sydney:

- *Balanced growth*
- *A liveable city*
- *Productivity and prosperity*
- *Healthy and resilient environment*
- *Accessibility and connectivity*

Once the draft Metro Strategy finalised, it will replace the Metro Plan.

The Draft North West Subregional Strategy (dNWSS) provides a broad framework for the long-term development of the north-western sector of Sydney, guiding government investment and linking local and state planning issues.

The abovementioned documents contain a number of key strategies, objectives and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance, and identify a hierarchy of centres.

The applicant has provided an assessment of the planning proposal against the Metro Plan and dNWSS and concludes that the proposal is consistent with these strategies. Taking into consideration the location of the proposed residential development that is, on the western side of Hawkesbury River and on the fringe of Kurmond Neighbourhood Centre and a reasonable access to the required infrastructure it is considered that the proposal is generally in compliance with all these strategies.

Also given the location of land on the fringe of Kurmond Village, and the unsuitability of the site to provide for an increased density of housing development beyond what is proposed, it is considered that the proposal demonstrates satisfactory compliance with these strategies.

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

The Hawkesbury Residential Development Model focuses on future residential development in urban areas and key centres. However, the importance of maintaining the viability of existing rural villages is recognised. As such the HRLS 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.

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The main aim of the planning proposal is to subdivide the land into 12 lots with a minimum lot size of not less than 4,000m² and therefore the proposal can be described as a rural residential / large lot residential development on the fringe of the Kurmond village.

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

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

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

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

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

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

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

The site is on the periphery of the Kurmond village centre.

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

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

On 30 August 2011 Council adopted the following Policy:

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

Note 1:

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

Note 2:

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

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

Council Policy - Our City Our Future Rural Rezoning Policy

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

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

Section 117 Directions

Section 117 Directions are issued by the Minister for Planning and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. Each 117 Direction has criteria to be met to allow for inconsistencies. This criteria is set out at the end of this section of this report. A summary of the key Section 117 Directions follows:

Direction 1.2 Rural Zones

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

The planning proposal seeks an amendment to Lot Size Map of the LEP and does not propose any changes to the current RU4 Primary Production Small Lots zoning.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of this Direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Direction 1.3 (3) states that:

"This Direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:

- (a) Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or*

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- (b) *Restricting the potential development of resources of coal, other mineral, petroleum or extractive materials which are of State regional significance by permitting a land use that is likely to be incompatible with such development."*

The subject land is not located within the Identified Resource Area or the Potential Resource Area or the Transition Area - areas adjacent to identified resource areas as defined by mineral resource mapping provided by the NSW Resource & Energy Division of NSW Trade & Investment. Also, the subject land is not located within or in the vicinity of land described in Schedule 1, 2 and 5 of the *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)* nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

The planning proposal seeks amendments only to the Lot Size Map of the LEP, and does not propose any provisions prohibiting the mining of coal or other minerals, production of petroleum, or wining or obtaining of extractive materials, or restricting the potential development of resources of coal, other mineral, petroleum or extractive materials which are of State regional significance by permitting a land use that is likely to be incompatible with such development.

The current RU4 Primary Production Small Lots zoning of the land is to remain unchanged. However, given mining and extractive industries are prohibited land uses in this zone, consultation is required with the NSW Trade and Investment (NSW T&I) should Council resolve to proceed with the planning proposal and receive a gateway determination advising to proceed with the planning proposal from DP&E in accordance with this Direction.

Direction 3.1 Residential Zones

Planning proposals must include provisions that encourage the provision of housing that will:

- broaden the choice of building types and locations available in the housing market, and
- make more efficient use of existing infrastructure and services, and
- reduce the consumption of land for housing and associated urban development on the urban fringe, and
- be of good design.

Furthermore a planning proposal must contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).

The planning proposal would enable an additional 11 lots on the land through an amendment to the lot size map of the LEP and provide the local community with increased housing in close proximity to the Kurmond Neighbourhood Centre. It would also help Council in achieving its dwelling target of additional 5,000 - 6,000 dwellings within the Hawkesbury LGA by 2031.

Given clause 6.7 Essential services of the LEP makes provisions for essential services the planning proposal does not propose a provision to ensure that all essential services are in place to accommodate future development on the land. Therefore it is considered that the planning proposal is generally consistent with this Direction.

Direction 3.3 Home Occupations

The objective of this Direction is to encourage the carrying out of low-impact small businesses in dwelling houses. Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

The planning proposal seeks amendments only to the Lot Size Map of the LEP and the current RU4 Primary Production Small Lots zoning of the land is to remain unchanged. This zone permits carrying out of home occupations in dwelling houses without development consent. The planning proposal is therefore consistent with this Direction.

Direction 3.4 Integrating Land Use and Transport

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

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

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

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&E. The subject site is identified as containing "Class 5" (less constrained) acid sulfate soils on the Acid Sulfate Soils Planning Maps, and as such any future development on the land will be subject to Clause 6.1 Acid sulfate soils of the LEP which has been prepared in accordance with the Acid Sulfate Soils Model Local Environmental Plan provisions within the Acid Sulfate Soils Planning Guidelines adopted by the Director General.

This Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soil study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act. An acid sulfate soil study has not been included in the planning proposal.

The applicant has not provided an acid sulfate soil study demonstrating the appropriateness of the proposed minimum lot sizes for the land. The DP&E will consider this as part of their "Gateway" determination and if required can request further information/consideration of this matter.

Direction 4.4 Planning for Bushfire Protection

The site is shown as being bushfire prone (bushfire vegetation category 1) on the NSW Rural Fire Service's Bushfire Prone Land Map. This Direction requires consultation with the NSW Rural Fire Service following receipt of a Gateway determination from DP&E, compliance with Planning for Bushfire Protection 2006, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions.

Direction 6.1 Approval and Referral Requirements

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. This Direction requires that a planning proposal must:

- "(a) *minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*

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- (b) *not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - (i) *the appropriate Minister or public authority, and*
 - (ii) *the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act, and*
- (c) *not identify development as designated development unless the relevant planning authority:*
 - (i) *can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and*
 - (ii) *has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act."*

It is considered that the planning proposal is consistent with this Direction as it does not contain provisions requiring the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls. The planning proposal proposes an amendment to the Lot Size Map of the LEP only and does not include any restrictive site specific planning controls. It is therefore considered that the proposed amendment is consistent with this Direction.

Direction 7.1 Implementation of the Metropolitan Strategy

The objective of this Direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036. This Direction requires that a planning proposal should be consistent with the NSW Government's Metropolitan Plan for Sydney 2036.

'Metropolitan Plan for Sydney 2036', which is one of the issues taken into consideration in the early part of the assessment of the Planning Proposal, establishes that the planning proposal is consistent with this Plan.

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

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

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d) is of minor significance.

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

State Environmental Planning Policies

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

State Environmental Planning Policy No. 55 - Remediation of Land - (SEPP 55)

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) requires consideration as to whether or not land is contaminated, and if so, is it suitable for future permitted uses in its current state or does it require remediation. The SEPP may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

A contamination report has not been submitted with the planning proposal. The applicant states that:

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

Council records show that the land has been used for agricultural purpose in the past. According to Table 1 of Managing Land Contamination Planning Guidelines, SEPP 55 - Remediation of Land, agricultural activity may cause contamination.

If the planning proposal is to proceed, the DP&E can consider this as part of their "Gateway" determination and if required can request further information/consideration of this matter.

Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995) – (SREP 9)

The primary aims of *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)*- (SREP 9) are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential.

Given the site is not located within or in the vicinity of land described in Schedule 1, 2 and 5 of SREP 9 and the proposed development will not restrict the obtaining of deposits of extractive material from such land the planning proposal is consistent with this Regional Plan.

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

The aim of *Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No.2 - 1997)* - SREP 20 is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural-residential development and the metropolitan strategy.

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Specifically SREP 20 encourages Council to consider the following:

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

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

The planning proposal does not propose to rezone the land, and the current RU4 Primary Production Small Lots zoning under the LEP is to remain unchanged.



The planning proposal seeks to amend Lot Size Map Sheets of LSZ_008AA and LSZ_008A of the LEP to specify 4,000m² minimum lot size for part of the land and retain the current 4ha minimum lot size provision for the remaining area of the land as shown in Figure 6 above to allow subdivision of the land into 12 large

lots. It also proposes to include a new provision in the LEP to limit the subdivision of the land into a maximum 12 lots.

The land area proposed for 4000m² minimum lot size shown as 'W' in Figure 6 above generally coincides with the land area which accommodates all the proposed 11 lots with 4000m² minimum lot size in the subdivision concept plan. This report does not propose to endorse any subdivision plan submitted in support of the planning proposal, hence it is not considered appropriate to support an amendment to the Lot Size Map of the LEP as proposed. Instead, it is preferred to amend the Lot Size Map to apply a 4000m² minimum lot size for the entire land and include a suitable provision in the LEP to limit the maximum number of lots to 12.

A similar approach has been adopted by the planning proposal for 1411 Kurmond Road, Kurmond which is currently being finalised by the DP&E.

Services

The applicant advises that reticulated water, power and telecommunication services are available for connection to the land but the site has no access to a reticulated sewerage system.

The planning proposal is accompanied by a wastewater feasibility statement prepared by Toby Fiander & Associates Pty. This statement provides a preliminary assessment of the site's suitability of on-site effluent disposal.

The statement briefly explains the soil profile and suitability of the undulating land for wastewater disposal and states that effluent disposal with an irrigation area of 1000m² could be achievable on the proposed lots. Further where this may not be available, the statement assumes that disposal would be possible by one of other methods (e.g. Wisconsin Mound) which requires an area of about 300m² of land as explained in AS 1547 - 2012. The statement concludes that there is sufficient suitable land available on each block of the indicative subdivision plan to allow for adequate disposal.

Topography

The land is undulating and has an elevation of approximately 121m AHD at Kurmond Road and then falls sharply (generally in excess of 15%) towards the existing dam located behind the weatherboard house and at an elevation of approximately 100m AHD. Part of the land adjacent to the western boundary covered with significant vegetation falls sharply along a drainage line running south-west to north-east through the site to Howes Creek at an elevation of approximately 82.5m AHD. The land then rises (6% - 10%) over a distance of approximately 165m towards the rear boundary which is at an elevation of approximately 95m AHD. A large area of open land with a few scattered and cluster of trees at the middle and a strip of land of varying width at the front of the site shown in red hatched lines in Figure 3 has some moderate slopes, varying in 6% - 15%. The remainder of the site (other than an area of land at the rear of the site between the Howes Creek and the rear boundary with significant vegetation) is generally greater than 15% in slope (see Figure 4).

The HRLS recognises slopes greater than 15% act as a constraint to development and as such approximately 35% of the land area free of any significant vegetation is suitable for residential development. This land area generally coincides with the land area proposed for 11 additional residential lots (Lots 2-12) as shown in the subdivision concept plan.



Figure 7: Land less than 15% in slope

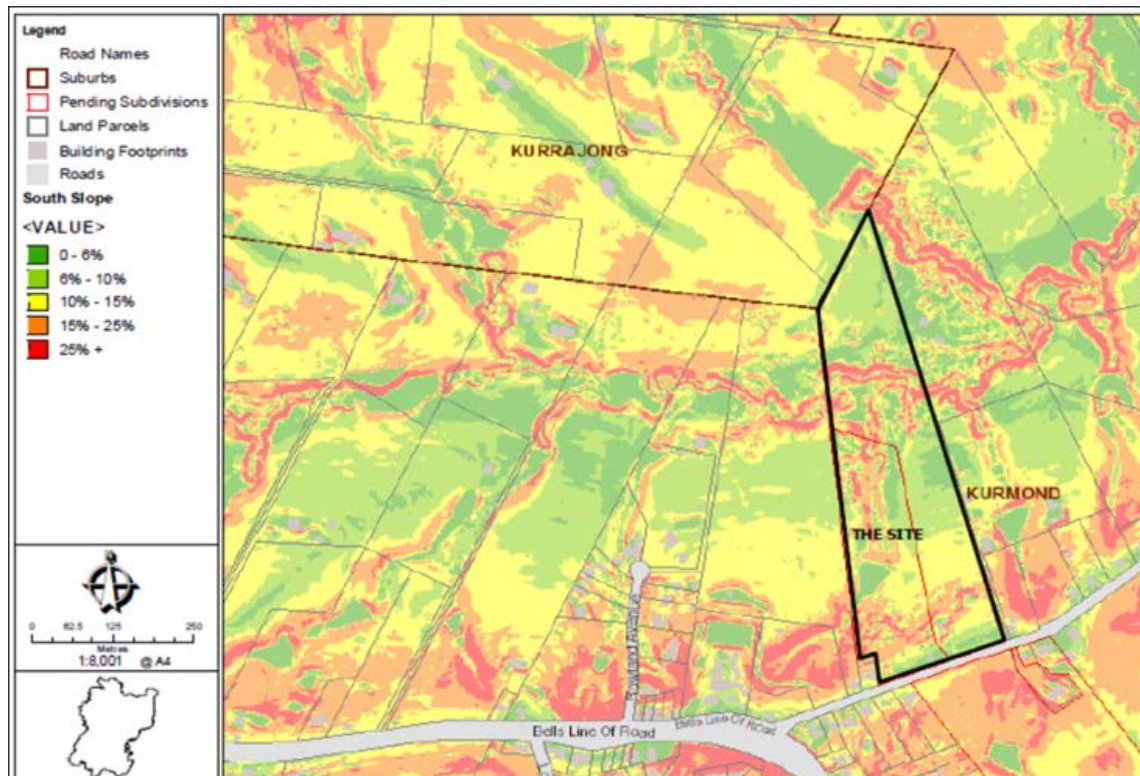


Figure 8: Slope Analysis

Site access, public transport and traffic generation

Existing access to the site is by a gravel driveway which has separate entry and exit footway crossings.

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

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

Council has received petitions from residents west of the Hawkesbury River concerned about rezoning of land for residential purposes in the absence of necessary infrastructure upgrades. It is considered this will be a fundamental matter to be dealt with by Council prior to the finalisation of any planning proposals in the locality as the cumulative impact of these types of development will be unacceptable if no traffic improvements are made. In response to this issue the applicant states:

"it is envisaged that if this Planning Proposal were to proceed a contribution would be levied on the subdivision for each additional lot created to assist in implementation of traffic infrastructure in the locality. Alternatively the landowner could enter into a Voluntary Planning Agreement with Council so that an amount approximating what might come from the S94 Plan can be levied with the resultant subdivision if the S94 Plan has not at that time been implemented."

Ecology

The planning proposal is accompanied by a flora and fauna survey and assessment report prepared by UBM Ecological Consultants Pty Ltd. The report states that:

"The property retains a large stand of native vegetation (bushland) with a highly modified understorey. This bushland is located in the gully which runs along the property's western boundary, and extends along Howes Creek, a tributary of the Hawkesbury River which traverses the property close to its northern boundary."

The report concludes that:

"Flora: No (0) flora species or populations listed in under the TSC Act or EPBC Act were recorded for the Study Area; therefore no impact to any threatened species is envisaged, and no Assessment of Significance (Seven-part Test or Commonwealth Assessment) will be required for flora species issues."

Plant Communities: There are two (2), possibly three (3) native plant communities within the Subject Property at Kurmond: Cumberland Plain Shale Woodland, with elements of Moist Shale Woodland on the upper slopes of the gully, and Shale Sandstone Transition Forest on the Howes Creek Riparian Corridor. All communities listed are considered to be either endangered or critically endangered under the environmental legislation."

The Cumberland Shale Plains Woodland with elements of Moist Shale woodland is found on the upper slopes of the property off Kurmond Road and in the broad gully on the western boundary. This area is not proposed for development, although it is possible that part of this bushland may be cleared or modified to create an Asset Protection Zone for bushfire safety purposes."

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Cumberland Shale Sandstone Transition Forest occurs along Howes Creek, which is downslope (north) and outside the proposed development area. A minimum area of 40 metres from the riparian corridor is recommended to serve as a 'buffer zone' between the lower edges of the proposed development and the reserved bushland.

Fauna: Two (2) microchiropteran bats listed as Vulnerable under TSC Act were detected during the current field investigations with varying degrees of confidence. The Eastern Freetail Bat (Mormopterus norfolkensis) was identified with 'confidence' and the Eastern Bentwing Bat (Miniopterus schreibersii oceanensis) was identified as a 'possible' call.

Considering no roosting habitat or foraging habitat will be removed or impacted on the Subject Property and the fauna assessment has outlined that this species will not be influenced by off-site impacts of this proposal, a Seven-part Test of Significance is not required for these three (3) microbat species, listed as Vulnerable under NSW State legislation, i.e. the TSC Act. However as there are 2 large habitat trees (Forest Red Gum, E. tereticornis) in the south western corner of the property and two stags in the far end of the paddock that will likely be removed during construction, it is recommended that a qualified Ecologist be present whilst the felling of these trees occurs".

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

A recent site investigation undertaken by Council's Land Management Officer reveals that the area proposed for subdivision (not including the community land) is dominated by pasture grasses with scattered remnant trees of the Shale Sandstone Transition Forest vegetation community, and the likely impact of the proposed subdivision development on the current vegetation on site would be minimal. The majority of the existing vegetation is contained within the proposed community title. However, there may be a loss of some trees depending on the final locations of the proposed building platforms and this likely impact could be determined at the development application stage.

Agricultural Land Classification

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

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

Given the site is in very close proximity to the Kurmond Neighbourhood Centre, surrounding rural residential development and its non-agricultural use for many years it is considered that it is unlikely the site could be used for a substantial or sustainable agricultural enterprise.

Bushfire hazard

The planning proposal is supported by a preliminary bush fire hazard assessment report prepared by Control Line Consulting. The assessment is based on a 12 lot rural residential subdivision. The report states that:

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"The site is shown upon the Hawkesbury Bushfire Prone Land Map to be wholly within Category 1 vegetation.

However the site inspection and interpretation of aerial photography for the allotment confirms that the area of category 1 vegetation is significantly overstated and this vegetation is actually limited to the northern extent of the allotment and an area adjacent to the western boundary. The southeast section of the subject allotment would also be more accurately depicted as being category 2 vegetation over the area of grasslands previous noted.

As previously noted the subdivision plan does adequately allow for sufficient separation distance (that can be managed as an asset protection zone) for the development site.

The proposed allotments must maintain an asset protection zone from areas of forest of either 35 metres or 25 metres dependent on the relative slope and from any areas of grassland 10 metres irrespective of slope to satisfy Planning for Bushfire Protection 2006.

The site inspection undertaken for the purposes of the rezoning application noted the site is primarily dominated by grassland vegetation which by mowing will easily satisfy the provisions for an asset protection zone and that no reduction of the forest area will be proposed."

The report concludes that:

"After consideration of the aims and objectives of the Planning for Bush Fire Protection 2006 in the context of the Rezoning Application and the Concept Layout Plan for future development of the subject allotment it is my professional opinion that the provisions of bushfire regulatory requirements could be achieved and that the consent authorities would be likely to approve the indicated development."

The report recommends that the proposed lots (including land within the building envelopes on proposed lots 39 and 40) be maintained as an inner protection area as described in *Planning for Bushfire Protection 2006* and *Standards for Asset Protection Zones*.

Standards for an inner protection area include a tree canopy cover of less than 15% and the tree canopy should be located greater than 2 metres from any part of the roofline of a dwelling. Trees should have lower limbs removed up to a height of 2 metres above the ground. Ground fuels such as fallen leaves, twigs (less than 6mm in diameter) and branches should be removed on a regular basis, and grass needs to be kept closely mown and where possible green.

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

Heritage Significance

The site does not contain or adjoin any items of heritage significance or heritage conservation areas.

Conformance to the Hawkesbury Community Strategic Plan

The following provisions of the Hawkesbury Community Strategic Plan are of most relevance to the planning proposal.

Looking After People and Place

Directions

- Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury

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- 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

Strategies

- Manage rural and natural lands to support a balance of agriculture, environment and housing that delivers viable rural production and rural character

Financial Implications

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

Conclusion

The assessment of the planning proposal with regard to the matters considered in this report reveals that the subject land has the potential for some form of large lot residential development and the planning proposal has some merit.

It is recommended that Council support amending the LEP in relation to minimum lot size as explained in this report to allow the subject land to be developed for large lot residential development.

The following matters and/or any other additional studies or investigations required by a Gateway determination issued by the DP&E in respect of this planning proposal will need to be undertaken by the applicant prior to finalisation of the proposed amendment to the LEP.

- Acid sulfate soil study
- A contamination report
- A traffic impact statement
- Consultation with the NSW Rural Fire Service

It is also recommended that if the DP&E determines that the planning proposal is to proceed, Council prepare a Section 94 Contributions Plan for the vicinity of Kurmond to ensure that all proposed developments in the locality contribute to the required infrastructure, especially road upgrade and provision, in the locality. Alternatively the applicant and Council can commence Voluntary Planning Agreement negotiations to address this issue.

Planning Decision

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

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RECOMMENDATION:

That:

1. Council support the preparation of a planning proposal for Lot 2 DP 805023, 1420 Kurmond Road, Kurmond to amend the Lot Size Map of the Hawkesbury Local Environmental Plan 2012 to permit minimum lot size of not less than 4,000m².
2. The planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.
3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning and Environment and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal.
5. Council does not endorse the subdivision concept plan submitted with the planning proposal as this will need to be subject to a future development application if the plan was made.

ATTACHMENTS:

- AT - 1** Concept Plan of the Proposed Subdivision
- AT - 2** Current Minimum Lot Size Map
- AT - 3** Proposed Minimum Lot Size Map

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LOT 1 IS A COMMUNITY LOT AND INCLUDES THE PRIVATE ACCESSWAY

CAUTION

-THIS DRAWING IS SUBJECT TO COPYRIGHT. IT MUST NOT BE REPRODUCED IN WHOLE OR PART WITHOUT PRIOR WRITTEN CONSENT OF MCKINLAY MORGAN & ASSOCIATES.

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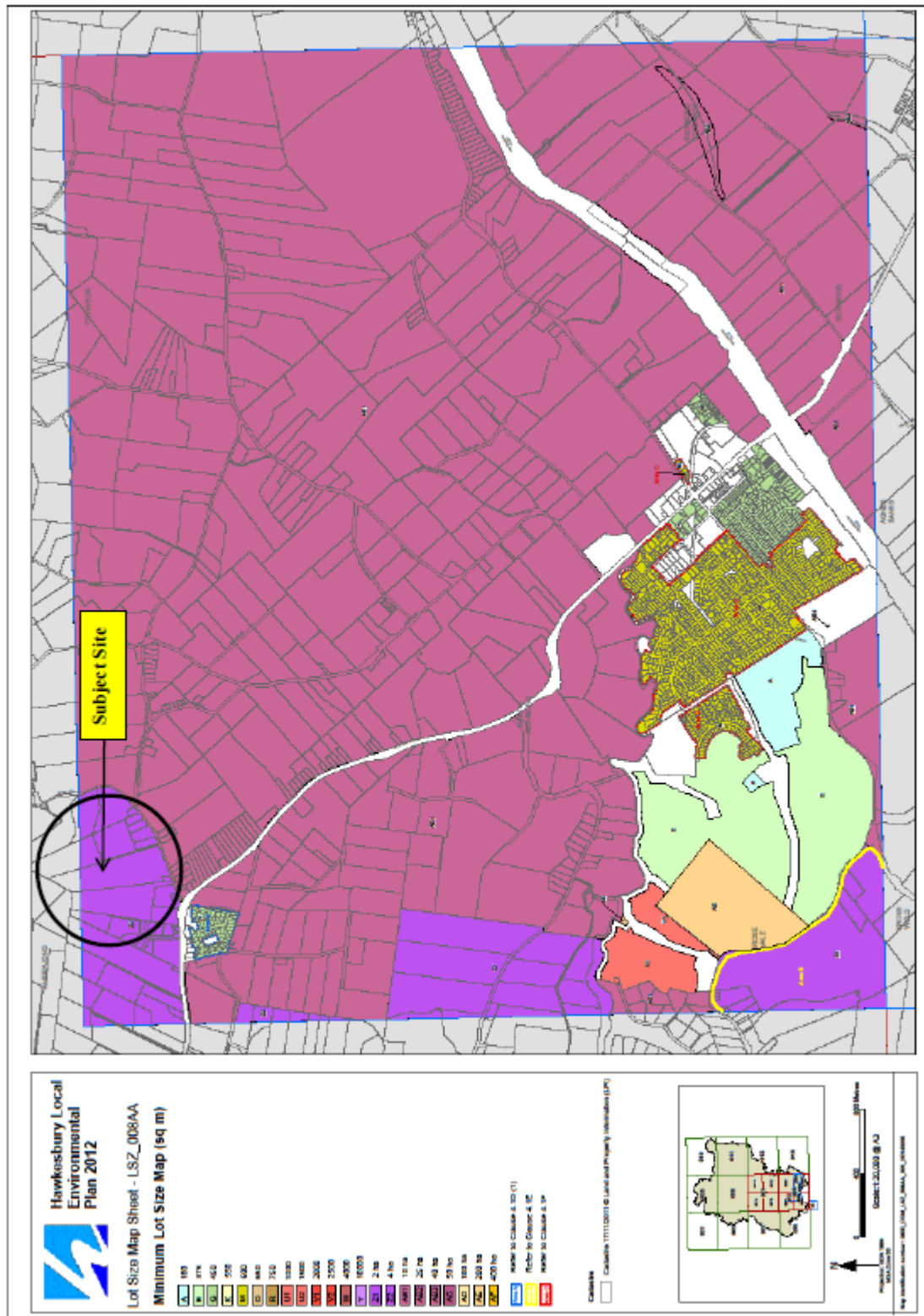
-THIS PLAN IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY.

DATE	BY	FOR	PROJECT	SCALE	STATUS
10/10/2018	DP 270230	DP 732330	DP 1051018	DP 805023	DP 212322
10/10/2018	DP 270230	DP 732330	DP 1051018	DP 805023	DP 212322
10/10/2018	DP 270230	DP 732330	DP 1051018	DP 805023	DP 212322
10/10/2018	DP 270230	DP 732330	DP 1051018	DP 805023	DP 212322
10/10/2018	DP 270230	DP 732330	DP 1051018	DP 805023	DP 212322
10/10/2018	DP 270230	DP 732330	DP 1051018	DP 805023	DP 212322
10/10/2018	DP 270230	DP 732330	DP 1051018	DP 805023	DP 212322
10/10/2018	DP 270230	DP 732330	DP 1051018	DP 805023	DP 212322
10/10/2018	DP 270230	DP 732330	DP 1051018	DP 805023	DP 212322
10/10/2018	DP 270230	DP 732330	DP 1051018	DP 805023	DP 212322

LOT 1 IS A COMMUNITY LOT AND INCLUDES THE PRIVATE ACCESSWAY

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AT - 2 Current Minimum Lot Size Map



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CITY PLANNING

Item: 216 CP - Hawkesbury City Council - Annual Report - 2013/2014 - (95498)

REPORT:

Executive Summary

The 2013/2014 Annual Report has been prepared in accordance with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

Consultation

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

Background

Section 428 of the *Local Government Act 1993* requires that within five months after the end of each year a Council must prepare a report as to its achievements in implementing its Delivery Program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.

The Act also prescribes specific reporting requirements that govern the content of the report and submission of audited Financial Statements for the year ending 30 June 2014.

The Annual Report is a statutory requirement for all New South Wales councils and must be submitted to the Office of Local Government by 30 November 2014.

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

There are no financial implications applicable to this report.

RECOMMENDATION:

That:

1. Council's 2013/2014 Annual Report be received and noted and a copy be forwarded to the Office of Local Government and any other necessary authorities prior to 30 November 2014 as required.
2. The full Annual Report also be made available on Council's website by the 30 November 2014.

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ATTACHMENTS:

AT - 1 Annual Report 2013/2014 - (*Distributed Under Separate Cover*)

AT - 2 General Purpose and Special Purpose Financial Statements and Special Schedules for the period ending 30 June 2014 - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

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Item: 217 **CP - Report Regarding Timeframes for Processing Applications - (105109, 80104, 95498, 96329)**

Previous Item: NM1, Ordinary (26 August 2014)

REPORT:

Executive Summary

This report has been prepared to provide a response to the issues raised in the Notice of Motion from the Ordinary Meeting of 26 August 2014 regarding the time frames for processing development applications.

Consultation

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

Background

A Notice of Motion was considered by Council at the Ordinary Meeting of 26 August 2014 when it was subsequently resolved:

"That Council receive a report outlining:

- 1. If there are long delays in simple Development Applications being processed.*
- 2. What is the average time for development approvals.*
- 3. What is the average time for a response to a letter to Council."*

These issues are addressed as follows:

Processing of Simple Development Applications

It is difficult to define what a *"simple Development Application"* is as it greatly depends on the type of application, the location of that application and whether it is defined by the applicant or the assessing officer dealing with the matter. In this regard, at first view a simple application may be a dwelling, a subdivision or the like. However, the requirements for a dwelling at Bligh Park, or any other relatively unrestricted urban area, is vastly different to a dwelling that may be on a rural, or other, allotment that would be subject to a range of matters such as bushfire, heritage, flood, proximity to waterway, on a main or arterial road, (Integrated Development), affected by vegetation, requires a variation to Council's Planning Instruments (LEP or DCP), etc.

There are a range of factors that prevent a development application from being determined within 40 days. A major contributing cause to the delays in assessing development applications is the fact that there are many applications in the system with insufficient information provided by the applicant and a lack of response from some applicants to requests by the officers for further information to be provided. (It is estimated that in excess of 50% of the current applications with Council fit into this category). In addition to this a number of applications are retrospective and the need to respond to further information requested by officers is not always a priority for the applicants. There are a number of applications that are Integrated Development and/or require referrals to external authorities for comment.

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Another factor that contributes to a reduction in the number of applications determined and an increase in processing time is the fact that skilled and experienced staff are in high demand in the industry and, as a result, Council has taken the approach of employing less experienced staff with a view of providing appropriate on-the-job training. Whilst there are advantages to this approach it does result, in the short to medium term, in a significant increase in workload of the more experienced staff for the processing of applications and other related tasks.

However, Council has in the last two months engaged three town planning consultants to assist with the backlog of applications. This has assisted in improving the time it takes to process applications and is evidenced in the number of applications determined being greater than those received.

In regard to the processing time of “simple” development applications it should be noted that at the time of the request in August there was no fast track team or processes in place to expedite the processing of these simple development applications.

To remedy the situation a new system has been introduced whereby applications are more stringently evaluated upfront and assigned to an officer within two days. A fast track team has been put in place to deal with those applications. The new system front loads the process and assists in identifying problems or deficiencies in the early stages of an application so as to avoid, or reduce, lengthy delays at the end of the assessment process. This revised approach should assist in the reduction of multiple additional information requests but may take some time to be reflected in development application processing times.

Average Time for Development Approvals

Whilst there are applications that have been in the system for well over 40 days, the current median time to determine applications is 55 days whilst the mean (average) time is 80 days. In the third quarter of this year there has been a slight increase in the median time to determine applications (i.e. from 52 days to 55 days) but there is a decrease in the mean average time to determine applications (i.e. from 88 days to 80 days). The number of applications determined (approved) during this quarter i.e. July to September, has increased from the previous quarters.

It is expected that there will be a continued increase in the number of applications lodged as the Seniors Housing Development at North Richmond is in its second stage of Independent Living Unit Release and the Pitt Town subdivision development is continuing. The Redbank project has also now commenced with a number of subdivision stages involved. It is expected that in the short term the number of development applications determined should remain at a high level as all planning and building vacancies have now been filled and the new fast track system implemented. However, the demand on engineering assessment functions will have an influence on development engineering resources (i.e. to support development application referrals), Design Compliance Certificates and also Subdivision Certificates.

A total of 13 applications, older than 40 days, were determined during October. The determination of these older applications and the current focus of staff, impact the average determination times quoted above. Once those older applications are cleared the average times should decrease. As at 27 October 2014, there were 230 development applications in progress of which 105 are older than 40 days. The main reason for the older applications not yet being progressed is the fact that the officers are waiting on information from the applicants. Letters have been sent out in this regard and the applications will be progressed in due course. Of the 105 older applications 11 are waiting for referrals from Government Agencies.

Average Time for Response to a Letter to Council

At present there is no specific tracking system in place to determine the average time for a response to electronic or written correspondence to Council. However, there is an automated response to electronic correspondence that ensures an acknowledgement and/or response is generated within the 10 working days. Council is investing in a corporate application that would respond to requests.

Written correspondence is generally acknowledged within 10 working days. Correspondence relating to simple matters is generally dealt with within the 10 working day timeframe, however, some

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correspondence relating to more complex matters are generally acknowledged within the 10 day timeframe but can take a considerable time to finalise.

There is a significant amount of 'correspondence' from some applicants that may generate some complaint in regard to not receiving a response. This correspondence is in the form of an email directly to the Duty Officer or the assessing officer that may simply state "*what is the status of my application*" that usually, but not always, contains a development application reference number. Council currently has a system that ensures the Duty Officer matters are followed up and, as mentioned previously, is working to improve other correspondence responses. It should be noted that the status of a development application being processed can be viewed via Council's DA Tracking System on the Council website.

All correspondence in the form of a submission to a development application is recorded on that application file. If this is lodged electronically, an acknowledgement is immediately sent as mentioned above. The submissions are considered in the assessment of the development application and currently a response is sent to the author advising them either the matter is being reported to Council or the application has been determined. The timing of this response is dependent on the assessment time for the development application.

Conformance to the Hawkesbury Community Strategic Plan

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

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

RECOMMENDATION:

That the report be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 218 **IS - Draft Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017 - (95495, 112179)**

REPORT:

Executive Summary

As part of the NSW Government Waste Less Recycle More Initiative, regional waste strategies were developed by Regional Organisation of Councils (ROCs) to highlight priorities and actions for each Region and their member councils across NSW. The Western Sydney Regional Organisation of Councils (WSROC), together with The Hills Shire Council and in consultation with all member councils, has developed the *Draft Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017* (Strategy). The Strategy was funded through the NSW Environment Protection Authority (EPA) and provides a key milestone and linkage for Hawkesbury City Council to access grant funding through the *Waste Less Recycle More Initiative*.

The following recommendations have been made to adopt and provide supporting elements to the *Draft Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017*.

- That the *Draft Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017* be adopted by Council.
- That Council develop a new Council Waste Strategy in line with the *Draft Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017*, incorporating the Hawkesbury's specific needs, and replacing the current document *Future Waste Strategies, 2005*.
- That the *Waste Management Facilities Policy 1992 and Revised 1998*, be amended to allow access to Recycling Facilities for residents of WSROC councils and neighbouring ROCs.

Consultation

WSROC held a series of Council workshops, surveys, group and one-on-one meetings with member Council's to consult with and determine the needs of each individual council and the Region as a collective whole, between April and September 2014.

Background

The NSW Government's State Plan, *NSW 2021: A plan to make NSW number one*, sets targets to increase recycling and reduce litter and illegal dumping across NSW.

Regional waste strategies, supporting NSW 2021, were developed by the ROCs to highlight priorities and actions for each Region and their member Councils.

These strategies, funded through the NSW EPA's *Waste Less Recycle More Initiative*, are an essential requirement for councils to access grant funding for waste initiatives through the EPA.

The *Draft Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017* was developed by WSROC in collaboration with its member Councils and The Hills Shire Council and seeks to provide a regional approach in dealing with waste management. This will allow greater efficiencies and price competitiveness for WSROC communities by assisting Councils to improve recycling and resource recovery rates, reduce waste to landfill and increase the viability and access to proven waste technology that could not otherwise be considered.

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The Strategy requires Council to work towards meeting the new State Waste Avoidance and Resource Recovery targets as set out in the *Draft Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017*.

The Strategy is available online as an attachment to this report (Attachment 1) and an extract detailing the regional actions is attached to this report (Attachment 2).

The Strategy (as well as EPA funding requirements) requires Council to establish enhanced recycling services for e-waste and chemical drop off. As part of the regional response, these facilities will not be restricted to Hawkesbury residents (nor would facilities in other Council areas).

Council currently has a policy which states:

"That the Waste Management facilities be available for residents and/or proprietors of premises within the Hawkesbury City Council area only."

This restriction requires amendment to enable the facility to be able to receive recyclable materials. It is recommended that the policy be amended to qualify the restriction to apply to materials **being landfilled only**. The policy should be amended to read:

"That the disposal of waste by landfilling at the Waste Management facilities be available for residents and/or proprietors of premises within the Hawkesbury City Council area only."

Conformance to the Hawkesbury Community Strategic Plan

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

- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury

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
- Reduce our environmental footprint through resource and waste management

Financial Implications

No financial implications are applicable to this report.

RECOMMENDATION:

That:

1. The *Draft Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017* be adopted by Council.
2. Council develop a new Council Waste Strategy in line with the *Draft Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017*, incorporating the Hawkesbury's specific needs, and replacing the current document *Future Waste Strategies, 2005*.
3. The *Waste Management Facilities Policy 1992 and Revised 1998*, be amended as follows:

"That the disposal of waste by landfilling at the Waste Management facilities be available for residents and/or proprietors of premises within the Hawkesbury City Council area only."

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ATTACHMENTS:

- AT - 1** Draft Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017
(*Distributed under separate cover*)
- AT - 2** Extract of Regional Actions

AT - 2 Extract of Regional Actions

4. How will we get there?

4.1 Identifying regional actions

The actions identified for implementation at a regional scale are centred around the theme areas of avoiding and reducing waste generation, increasing recycling, diverting more waste from landfill, managing problem wastes better, reducing litter and illegal dumping and enhancing regional cooperation. The Strategy focuses on regional actions that will pave the way for council-level actions to be implemented gradually and where appropriate. These actions listed below will be undertaken by WSROC staff on a regional level on behalf of participating councils. Funding has been provided through the Better Waste and Recycling Fund to conduct some regional actions. Further funding will be sought from grants such as the Waste Less, Recycle More grants program, where funding is required to develop and deliver actions.

4.1.1 Avoid and reduce waste generation

Actions:

1. Make use of NSW EPA waste education publications and develop education programs;
2. Facilitate a regional education program; and
3. Identify CALD communities in each LGA and explore options for central publication of waste education materials in these languages.

Promoting waste avoidance and minimisation is notoriously difficult for councils and ROCs. Generation of waste is inherent to an economic system premised on growth and consumerism. However, education is a core tool that can be used by councils and ROCs to promote waste avoidance and minimisation. WSROC will strive to develop and offer waste education material to provide a clear and consistent message across the region, especially where gaps have been identified.

There may also be an opportunity for councils to reduce costs associated with publishing education materials, for example, through WSROC identifying commonalities between respective councils such as the incorrect use of plastic bags in recycling bins. WSROC may identify common CALD communities which may reduce the need for various councils to be individually producing similar bilingual education materials.

4.1.2 Increase recycling

Actions:

1. Conduct an infrastructure needs assessment;
2. Conduct strategic land use planning;
3. Advocate State Government for strategic waste asset planning;
4. Facilitate Energy from Waste projects; and
5. Conduct AWT, GO, FOGO options evaluation.

WSROC has an essential role to play in terms of identifying and laying the groundwork to address infrastructure needs and resource recovery program priorities. Identifying the appropriate infrastructure is a top priority for the region. This is both due to the prospective closure of landfill facilities as well as a desire amongst member councils to encourage, develop and utilise AWT and EfW infrastructure.

To build upon the gap analysis undertaken in this Strategy, WSROC will develop a comprehensive infrastructure needs analysis in order to determine where infrastructure is required, the catchment area required for the supply of adequate feedstock and the councils likely to support/participate in the development of each facility. This analysis will then be supported with an options evaluation of various technologies, which would detail the likely cost of infrastructure options and commercial opportunities for the potential establishment of facilities.

A key aspect of securing the required waste processing infrastructure will be strategic land use planning, whereby a coordinated approach to land use and associated planning permits is developed among councils. This will also require action by the State to facilitate appropriate planning approvals adjustments and to develop a favourable context for the establishment of waste infrastructure.

4.1.3 Divert more waste from landfill

Actions:

1. Assessment of audits of contamination of the recycling bin;
2. Assessment of audits of leakage of recyclables into residual waste bin;
3. Investigate bin capacity issues for households that have high leakage rate, to provide additional recycling capacity;
4. Facilitate business options for councils' domestic waste streams.

Understanding the composition of both the recycling and residual waste streams is key to increasing landfill diversion. WSROC will try to achieve economies of scale for its members by exploring the possibility of a joint tender for a consultancy to undertake audits in several Councils.

An audit report on recyclables leakage to the residual waste stream based on available audits from individual councils will demonstrate across the region where there is a need to supply additional recycling capacity, on an opt-in basis for households that fill up their recycling bins. WSROC will work with councils who are looking for options to provide additional recycling capacity.

To further increase waste diversion from landfill, WSROC will assume a role in identifying potential markets that are sought for common waste products from two or more councils. This involves WSROC further exploring the common challenges shared by participants and identifying ways in which councils can work together.

4.1.4 Manage problem wastes better

Actions:

1. Scope sites for establishment of CRCs;
2. Engage with (public and private) site holders to establish CRCs network;
3. Promote the creation and development of innovative solutions; and
4. Provide assistance with CRC/innovative solution grant applications and coordinate between councils.

WSROC and the councils will strive to establish 10 CRCs/innovative solutions by 2021, under the EPA's WLRM Initiative. Funding has been awarded for the development of CRC's to Liverpool and Blue Mountains, and for an innovative solution to Holroyd (partnering with Auburn and Parramatta). However, the region has not yet identified enough sites to accommodate CRCs or enough applicants/innovative solutions to meet the target. On behalf of its members, WSROC will assume a role in assessing and identifying eligible sites as well as engaging with the relevant site owner. To develop innovative solutions applicable to the region, WSROC will engage with councils and explore partnerships with the industry and other stakeholders.

4.1.5 Reduce litter and illegal dumping

Actions:

1. Seek funding to augment RID squad; and
2. Establish regional baseline for litter and illegal dumping.

Illegal dumping is an issue that most Councils within the region find challenging. The region is particularly challenged by large scale illegal dumping in the rural areas of the region, with much of the waste

originating from more urban areas of Sydney. Illegally dumped waste can often include hazardous wastes such as asbestos.

Some councils are members of the Western Sydney RID Squad however this does not address all illegal dumping incidents within the LGAs. Some councils require additional compliance resources to assist with illegal dumping incidents not investigated by the RID Squad.

The Strategy aims to support RID Squad and council compliance teams by seeking additional funds and resources, and investigating opportunities to assist councils to reduce illegal dumping. As a first step, WSROC will seek funding on behalf of member Councils to augment the RID Squad and enhance Council managed programs. WSROC will also support councils participating in the Regional Household Asbestos Disposal trials to educate on asbestos disposal and reduce the illegal dumping of the material.

Developing an understanding of the motives and methods will aid in establishing a baseline for litter and illegal dumping. Programs to address littering, which may include NSW EPA litter campaigns, will ensure that the issue attracts attention throughout the region and that councils will benefit from joint resources. Establishing a baseline for these streams is also key to achieving reductions in litter and illegal dumping.

4.1.6 Improve regional governance

Actions:

1. Maintain a regional waste managers network;
2. Report annually on the progress of the action plan;
3. Review contracts to identify potential joint contracts;
4. Aggregate audit reports into regional data report; and
5. Establish a library of best practice waste management.

In addition to addressing issues stemming from the Strategy themes/program areas, several ongoing actions have been identified for WSROC to undertake in order to enhance the region's performance against the Strategy targets. Key among these actions is the maintaining regular regional waste management meetings to ensure open communication with participating councils.

WSROC will report annually on progress against the Strategy action plan. As part of annual reporting activity, WSROC will start collecting waste data from all councils to produce a regional data report. The report will also allow councils to assess their performance relative to other WSROC members and track their contribution to overall progress towards achieving targets. Furthermore, the compilation of a library of best practice waste management initiatives will serve to share learnings, resources and innovations between councils, particularly for trials and niche waste management issues that are already being undertaken by some councils.

WSROC will coordinate, develop and submit grant applications for regional projects to reduce costs to individual councils and assist in identifying regional synergies. A review of waste collection and management contracts can identify potential economies of scale, by facilitating council cooperation and joint contracts. In the long term it can also lead to alignment between council contracts, which may be fundamental to establishing new waste processing facilities throughout the region.

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Meeting Date: 11 November 2014

Item: 219

**IS - Transfer Granting Easement across Orange Grove Mall Carpark,
Richmond - Lots 4, 5 and 6 DP738084 - (95495, 108240, 78548)**

REPORT:

Executive Summary

As a result of Land and Environment Court Consent Orders, Council is required to formalise an easement across Council's property known as "Orange Grove Mall" Carpark being Lots 4, 5 and 6 in Deposited Plan 738084 (Musson Lane, Richmond). This easement will provide access to the adjoining development.

Consultation

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

Background

Messrs Arvind Pillay and Deepa Pillay are the registered owners of 141-145 March Street, Richmond, being Lots 1, 2 and 3 in Deposited Plan 223656, which adjoins Council's property known as "Orange Grove Mall" Carpark, being Lots 4, 5 and 6 in Deposited Plan 738084 and Lot 4 in Deposited Plan 223656 (Musson Lane, Richmond).

On 15 March 2012, SIA Architects on behalf of the owners lodged a development application (DA0131/12) for the erection of a motel at 141-145 March Street, Richmond.

On 20 November 2012, the applicants filed an a Class 1 Application with the Land and Environment Court pertaining to the deemed refusal of DA0131/12.

On 16 October 2013, the Land and Environment Court of NSW ordered (in part) that:

"The Land and Environment Court as the consent authority pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 grants "Deferred Commencement" consent for the construction of a motel with restaurant, associated carparking and the consolidation of allotments subject to the following matter being satisfied:

To ensure vehicle access rights in perpetuity, a right of carriageway under Section 88B of the Conveyancing Act 191 shall be prepared and registered over the Council Carpark ("Orange Grove Mall" Carpark, being Lots 4, 5 and 6 in Deposited Plan 738084) from the end of Musson Lane, along the central aisle and to the exit into West Market Street.

The applicant shall bear all costs associated with the preparation and registration of the easement. The 88B Instrument is to restrict the use of the right of way to vehicles with a maximum size of 8.8 metres, being a standard Medium Rigid Vehicle (MRV) in accordance with AS2890.2:2004."

Whilst the Land and Environment Court Order does not make reference to compensation, Council staff sought advice from Council's Valuer, who provided advice that the establishment of the subject easement would not have any measureable impact on the value of Council's car park. Accordingly, no compensation is being sought, on the basis that all legal costs are met by the applicant. All legal costs, to date, have been borne by the applicant.

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As Council has been ordered to grant the easement, it is necessary for legal documentation formalising the same, to be executed by Council and for the easement to be registered on the Deposited Plan and the Certificate of Title pertaining to "Orange Grove Mall" Carpark, being Lots 4, 5 and 6 in Deposited Plan 738084 and Lot 4 in Deposited Plan 223656 (Musson Lane, Richmond).

The Transfer Granting Easement documentation has now been prepared and meets with the requirements of the relevant Council Officers and Council's legal representatives, Pikes & Verekers Lawyers, and awaits the execution by Council under Seal.

Conformance to the Hawkesbury Community Strategic Plan

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

- Have development on both sides of the river supported by appropriate physical and community infrastructure.

Financial Implications

There are no financial implications resulting from this report.

RECOMMENDATION:

That:

1. The easement (as shown on the plans attached to the report) within the "Orange Grove Mall" Carpark (being Lots 4, 5 and 6 in Deposited Plan 738084, Musson Lane, Richmond) be granted.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to Messrs Arvind Pillay and Deepa Pillay, together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate documentation to put such resolution into effect has been agreed to and executed by all parties.

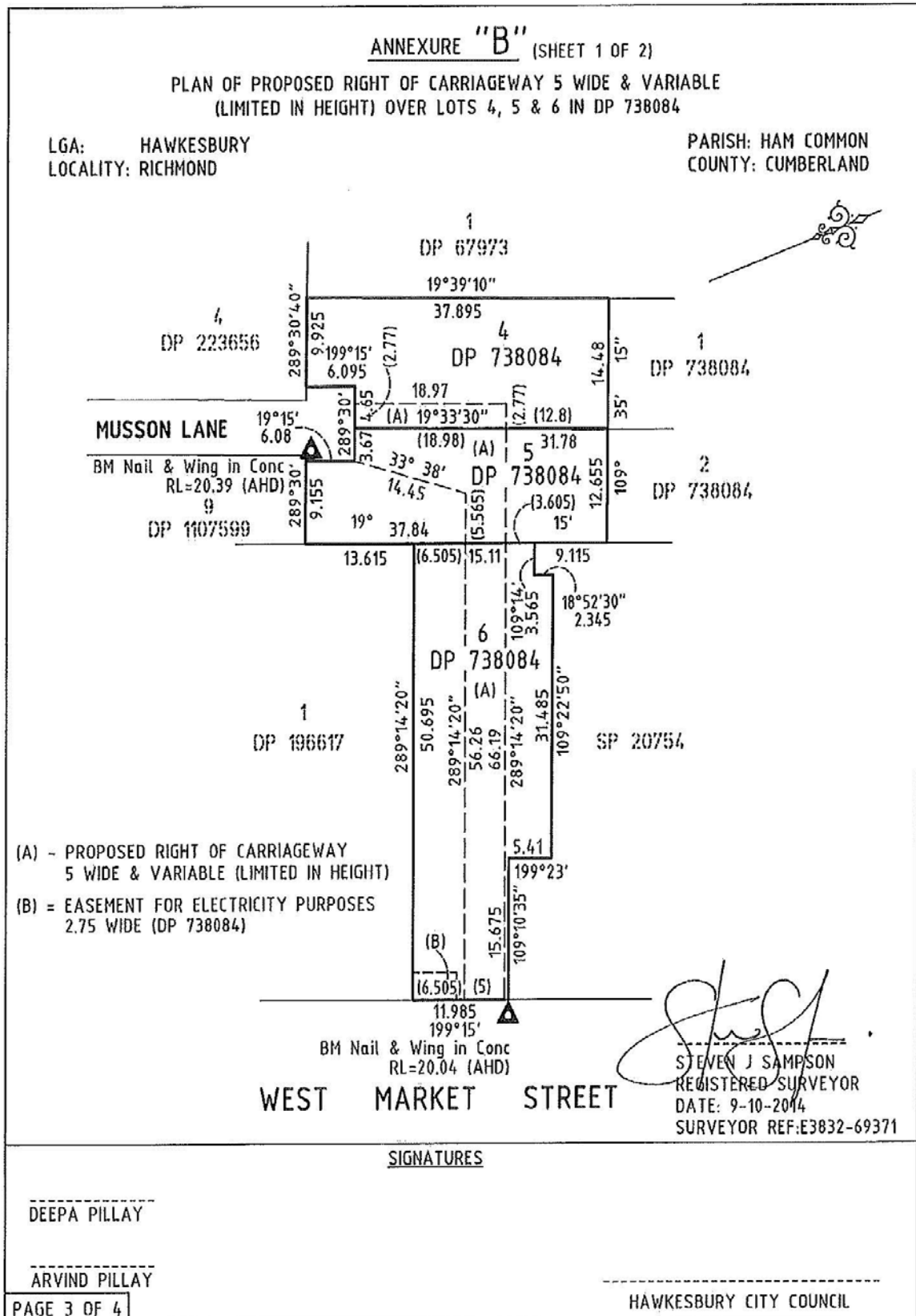
ATTACHMENTS:

AT - 1 Plan of Proposed Right of Carriageway

ORDINARY MEETING

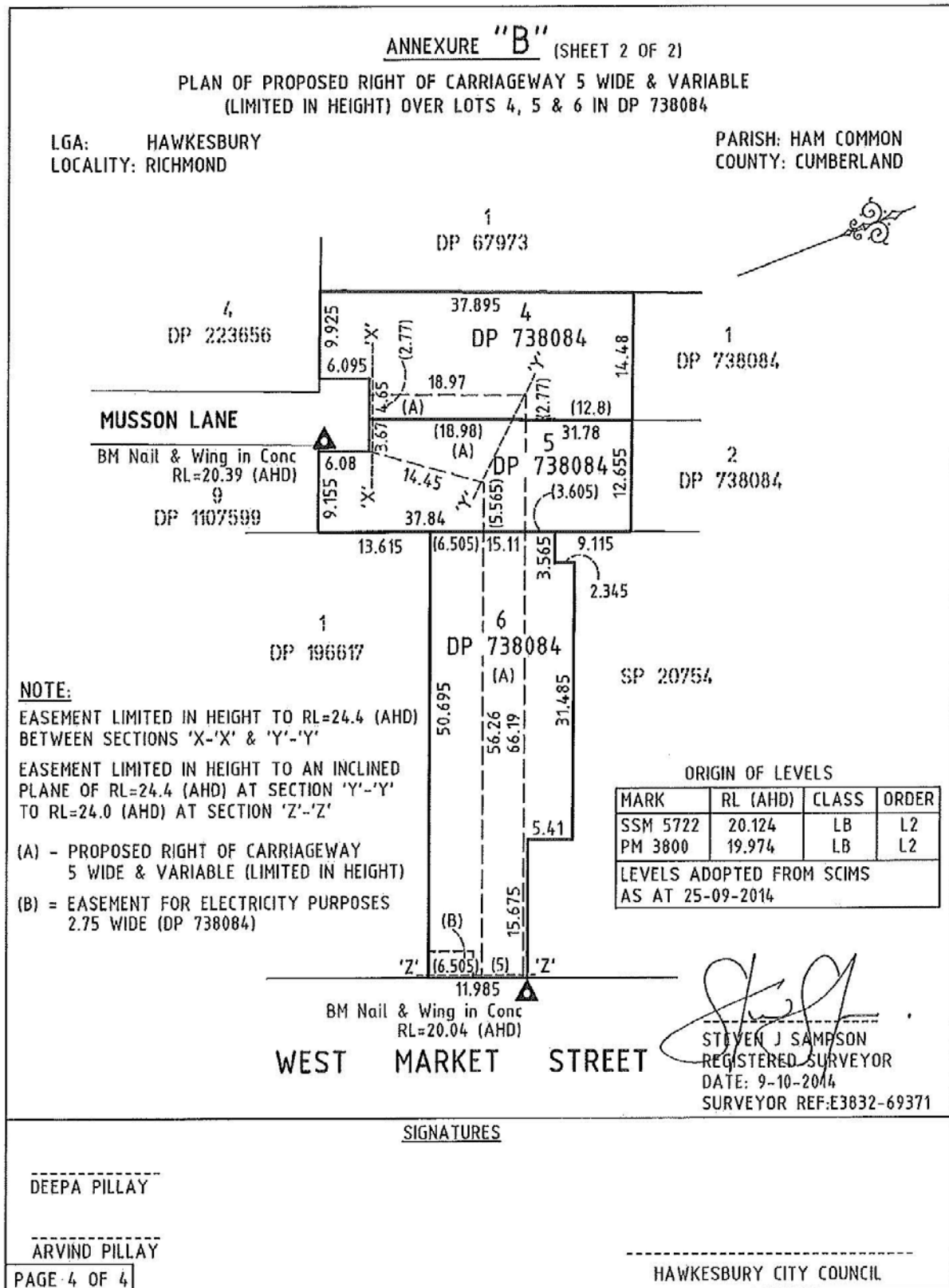
Meeting Date: 11 November 2014

AT - 1 Plan of Proposed Right of Carriageway



ORDINARY MEETING

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oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 November 2014

SUPPORT SERVICES

Item: 220 **SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - Review - (95496)**

Previous Item: 175, Ordinary (9 September 2014)

REPORT:

Executive Summary

Councils are required by the Local Government Act, 1993 (the Act) to adopt a Policy on the Provision for the Payment of Expenses and the Provision of Facilities to Councillors. The Act requires that the Policy be reviewed annually and be publicly exhibited prior to any changes to the Policy being adopted.

The Policy was reviewed, and there were no proposed changes. At its meeting on 9 September 2014, Council resolved to place its reviewed Policy on public exhibition. The period to lodge submissions closed at 5pm on Thursday, 30 October 2014, following a public exhibition process. No submissions have been received.

The report recommends adoption of the exhibited Policy.

Consultation

The public were provided with the opportunity to review and comment on the Policy, through a statutory 28 day public exhibition process from 2 to 30 October 2014, with no submissions being received.

Background

Section 252 of the Act, requires a council, within five months after the end of each financial year, to adopt a policy for the payment of expenses and the provision of facilities to Councillors. Section 253 of the Act also details requirements to be complied with prior to such a policy being adopted or amended in the following terms:

- "(1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submission and make any appropriate changes to the draft policy or amendment.*
- (3) Despite subsection (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:
 - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - (c) a copy of the notice given under subsection (1).**

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- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252(1) even if the council proposes to adopt a policy that is the same as its existing policy."*

At the meeting of Council held on 9 September 2014, Council considered a report regarding the Policy on the Provision for the Payment of Expenses and the Provision of Facilities to Councillors, and resolved as follows:

"That the Policy for Payment of Expenses and Provision of Facilities to Councillors, attached as Attachment 1 to the report, be placed on public exhibition for a period of at least 28 days, and that the matter be reported back to Council at the conclusion of the exhibition period, along with any submissions received."

There were no proposed amendments to the Policy. In accordance with the above resolution, the Policy was placed on public exhibition. The period to lodge submissions closed on Thursday, 30 October 2014. No submissions have been received.

As no submissions were received during the exhibition period, it is now appropriate for the Council to adopt the Policy which is attached to this report, as Attachment 1.

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;

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

- Have ongoing engagement and communication with our community, governments and industries.

Financial Implications

The cost of providing expenses and facilities in accordance with the Policy would be met from the 2014/2015 Adopted Operational Plan.

RECOMMENDATION:

That:

1. The Policy for Payment of Expenses and Provision of Facilities for Councillors, attached as Attachment 1 to the report, be adopted.
2. As required by Section 253(4) of the Local Government Act, 1993, a copy of the adopted Policy be forwarded to the Office of Local Government, together with a copy of the public notice placing the draft Policy on public exhibition, and advice that during the required exhibition period, the Council received no submissions in respect of the draft Policy.

ATTACHMENTS:

- AT - 1** Policy for Payment of Expenses and Provision of Facilities to Councillors - *(Distributed Under Separate Cover)*.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 November 2014

Item: 221 **SS - General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2014 - (95496, 96332)**

Previous Item: 198, Ordinary (14 October 2014)

REPORT:

Executive Summary

Council's General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2014 (2013/2014 Financial Statements) have now been completed, audited and advertised in accordance with the provisions of the Local Government Act, 1993 (the Act). The unqualified audit certificate from Council's Auditors, PricewaterhouseCoopers (PwC) will be in attendance at the meeting, has been received and is available for inspection by Councillors and the community.

The purpose of this report is to submit the 2013/2014 Financial Statements to Council, in accordance with the requirements of the Act. Council's Auditor, Mr Dennis Banicevic of PricewaterhouseCoopers (PwC), to make a presentation in respect of Council's audited 2013/2014 Financial Statements.

Consultation

Public Notice of the Council Meeting of 11 November 2014 has been given in the Hawkesbury Courier on Thursday, 30 October 2014. The 2013/2014 Financial Statements have been placed on exhibition from Monday, 3 November 2014.

In accordance with Section 420(1) of the Act, any person may make a submission to Council regarding the Financial Statements or with respect to the Auditor's reports. All submissions must be in writing and will be referred to Council's Auditors, PwC, and Council can take such action as it considers appropriate. The closing date for submissions is Tuesday, 18 November 2014.

Background

Council's 2013/2014 Financial Statements have been completed, audited and advertised in accordance with the provisions of the Act. The unqualified audit certificate from Council's Auditors, PwC, has been received and is available for inspection by Councillors and the community.

The Act requires that the meeting set for the presentation of the financial reports, must be at least seven days after public notice is given, and within five weeks after the Auditor's reports are given to Council. The Auditor's reports were received on 28 October 2014, and public notice was given in the Hawkesbury Courier on Thursday, 30 October 2014.

ORDINARY MEETING

Meeting Date: 11 November 2014

Operating Performance

Provided below is a summary of Council's financial result for the period ended 30 June 2014.

Statement of Financial Performance	2013/2014 \$'000	2012/2013 \$'000	Movement Inc/(Dec)
Income from continuing operations	82,994	75,995	6,999
Expenses from continuing operations	68,352	64,731	3,621
Net Operating Result for the year	14,642	11,264	3,378
Capital Grants and Contributions	18,354	14,354	4,000
Net Operating Result before Capital Grants and Contributions	(3,712)	(3,090)	(622)

Details of revenues and expenses for 2013/2014 as compared to the previous year are as follows:

Income from continuing operations	2013/2014 \$'000	2012/2013 \$'000	Movement Inc/(Dec)
Rates and Annual Charges	43,097	40,421	2,676
User Charges and Fees	5,736	5,272	464
Interest	2,012	2,173	(161)
Grants and Contributions – Operating	6,252	8,508	(2,256)
Grants and Contributions – Capital	18,354	14,354	4,000
Other Operating Revenue	7,364	4,903	2,461
Profit from Disposal of Assets and Joint Venture Equity	179	364	(185)
Total Income from Continuing Operations	82,994	75,995	6,999

Expenses from continuing operations	2013/2014 \$'000	2012/2013 \$'000	Movement Inc/(Dec)
Employee costs	24,054	22,068	1,986
Materials and Contracts	18,714	18,154	560
Borrowing costs	574	33	541
Depreciation and Amortisation	14,428	14,315	113
Other Expenses	10,582	10,161	421
Total Expenses from Continuing Operations	68,352	64,731	3,621

ORDINARY MEETING**Meeting Date:** 11 November 2014**Balance Sheet**

The Balance Sheet discloses the assets, liabilities and equity of Council. The table below displays Council's reported Balance Sheet as at 30 June 2014.

Statement of Financial Position	2013/2014 \$'000	2012/2013 \$'000	Movement Inc/(Dec)
Current Assets	49,584	50,508	(924)
Non Current Assets	832,632	809,560	23,072
Total Assets	882,216	860,068	22,148
Current Liabilities	15,309	13,436	1,873
Non Current Liabilities	11,271	12,304	(1,033)
Total Liabilities	26,580	25,740	840
Net Assets	855,636	834,328	21,308
Equity	855,636	834,328	21,308

Performance Indicators

Council's financial statements disclose a number of financial indicators, which are detailed below:

Financial Performance Indicator	June 2014	June 2013
Operating Performance Ratio	-11.53%	-8.64%
Own Source Operating Revenue Ratio	69.10%	69.08%
Unrestricted Current Ratio	3.95	4.59
Debt Service Ratio	5.78	21.25
Rates, Annual Charges, Interest and Extra Charges Outstanding Percentage	5.82%	6.40%
Cash Expense Cover Ratio	9.02	9.70
Buildings and Infrastructure Renewals Ratio	74.10%	85.32%

Interpretation of Financial Results

Council's operating result improved from a surplus of \$11.3 million in 2012/2013 to \$14.6 million in 2013/2014. The net operating result before capital grants and contributions was a deficit of \$3.7 million in 2013/2014, compared to \$3.1 million in 2012/2013. Council's cash and current investments decreased from \$44.5 million to \$43.2 million during the reporting period, and included restricted and unrestricted funds.

Council's net current assets decreased from \$37.1 million to \$34.3 million in 2013/2014. Available working capital as at 30 June 2014 is \$3.8 million.

Council's Unrestricted Current Ratio at 30 June 2014 is 3.95, which declined, but remained significantly above the accepted industry benchmark of 1.5. The Debt Service Ratio was 5.78 and remains better than the accepted industry benchmark of 2. The Own Source Operating Revenue Ratio remained steady at 69.10% as against 69.08% for 2012/2013.

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The Rates Outstanding Ratio decreased to 5.82% of collectables. Council's Debt Recovery Policy allows for ratepayers to enter into a payment arrangement with Council, and also has special provisions limiting debt recovery action taken in regard to amounts outstanding by Pensioners. These Policy provisions restrict debt recovery action to some extent and result in a higher ratio than would otherwise be the case. Whilst the ratio is higher than the accepted industry benchmark of 5%, the exclusion of amounts on payment arrangements and amounts owed by Pensioners, results in this ratio being 3.59%, which is better than the benchmark.

The Buildings and Infrastructure Renewals Ratio indicates that infrastructure assets are being renewed at 74% of the rate at which they are depreciating.

Council's financial position for the period ended 30 June 2014 is considered to be sound and stable. However, projections based on current income and expenditure levels indicate that, if the funding shortfall is not addressed, Council may face financial sustainability issues in the future.

Increasing difficulties will be experienced to maintain a balanced budget position, with a gap continuing to exist between funds required to maintain Council's assets to a satisfactory standard, and the revenue required to sustain it. It is important to take into consideration Special Schedule 7(SS7) (unaudited), which provides estimates on the amount of funds required to bring the existing infrastructure back to a satisfactory condition. As tabled in SS7, it is estimated that Council needs to spend over \$65 million to bring its assets back to the standard, as indicated in SS7, and an annual maintenance requirement of \$26.1 million compared with the current funding of \$15.7 million.

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

Funding

There are no financial implications applicable to this report.

RECOMMENDATION:

That Council:

1. Note the completion of the General Purpose and Special Purpose Financial Statements and Special Schedules for the period ended 30 June 2014.
2. Thank its Auditor, Mr Dennis Banicevic of PricewaterhouseCoopers, for his presentation in respect of Council's audited 2013/2014 Financial Statements.

ATTACHMENTS:

- AT - 1** General Purpose and Special Purpose Financial Statements and Special Schedules for the Period Ended 30 June 2014 - *(Distributed under Separate Cover)*

oooO END OF REPORT Oooo

ordinary

section 5

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 5 - Notices of Motion

NM1 **Review of circus events in the Hawkesbury LGA - (79351, 105109, 80105)**

Submitted by: Councillor Williams

NOTICE OF MOTION:

That Council refuse permission for any circuses which include the use or display of exotic, wild or Australian animals to operate within the Hawkesbury LGA.

BACKGROUND:

Animals (wild and otherwise) are still being used in some circus acts in NSW. This is particularly problematic for, and cruel to, wild animals. Community disapproval of such circuses is increasing, with a corresponding increase in the number of councils banning circuses that use animals in this way.

There are links to animals in zoos, but these can be somewhat separated due to the different nature of zoo animals in that they are usually not forced to perform tricks, are not trained in the same way, are sometimes part of conservation and protection programs, are much better housed and they do not have to constantly travel.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

**NM2 Planning Proposals and Preparation of a Section 94 Contributions Plan -
(79351, 105109, 80104)**

Submitted by: Councillor Paine

NOTICE OF MOTION:

That:

1. Council not accept any further planning proposals to rezone land for residential and/or rural residential purposes until such time as an appropriate Section 94 Contributions Plan has been developed and adopted by Council.
2. A report be submitted to Council 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.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM3 **Review of Planning Provisions Regarding the Erection of Sheds - (79351, 105109, 80104)**

Submitted by: Councillor Paine

NOTICE OF MOTION:

That a report be submitted to Council reviewing the appropriateness of the current provisions contained within Council's planning controls in relation to the erection of sheds in both urban and rural areas of the City.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM4 **Richmond Lowlands - Action to Halt Unauthorised Activities - (79351, 105109, 80104)**

Submitted by: Councillor Paine

NOTICE OF MOTION:

That in view of complaints being received in respect of noise issues associated with unauthorised functions in the Richmond Lowlands area that Council commence or continue and vigorously pursue appropriate action with regard to unauthorised activities on properties in that location.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM5

Sustainability Projects for the Hawkesbury LGA - (79351, 105109, 125612)

Submitted by: Councillor Lyons-Buckett

NOTICE OF MOTION:

That Council investigate innovative ways (specific projects) to increase sustainability in the Hawkesbury LGA.

BACKGROUND:

Many Councils are venturing into new and innovative ways to increase their levels of sustainability, including investing in renewable energy technologies. The recently released list of finalists in the Banksia Foundation awards (Local Government section) show a variety of ideas which can be implemented to enhance sustainable practices and benefit the community.

A suggested process for this would be to have the Sustainability Committee investigate some options and report back to Council. Alternatively it would require an investigation and report by Council staff.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING**Questions for Next Meeting****QUESTIONS FOR NEXT MEETING****Councillor Questions from Previous Meeting and Responses - (79351)**

REPORT:**Questions - 28 October 2014**

#	Councillor	Question	Response
1	Calvert	Enquired if he could receive confirmation that all members of Glossodia Community Reference Group are members of the Glossodia community.	The Director City Planning advised that all the application forms for the community members, as resolved by Council, for the Glossodia Community Reference Group indicate their address as being in Glossodia.
2	Calvert	Requested that the attendance records shown in the minutes of Committees of Council be standardised, in order to show attendances at each Committee meeting.	The Director Support Services advised that all minutes of Committees of Council will show member attendances at each Committee meeting during the Mayoral year.
3	Calvert	Enquired if it was possible for a copy of letters sent to MPs or statutory/legal bodies, as a result of a specific Council resolution to be included in the minutes for that meeting.	The Director Support Services advised that Council Meeting minutes record the decisions of Council, and therefore it is not appropriate to include copies of letters in the minutes. However, copies of any letters sent to MPs or statutory/legal bodies, as a result of a specific Council resolution, will now be included in the Councillor's Newsletter.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
4	Paine	Enquired if a stop work request could be made to the development at Johnston Street, Pitt Town, as it is disruptive to residents of that street.	<p>The Director City Planning advised that the construction works adjacent to Johnston Street, as approved under DA0557/06 and associated construction approvals, commenced in late June 2014. During that period, car and small van access was available at all times, but heavy truck access was difficult. Temporary works were undertaken on 22 July 2014, to provide temporary truck access suitable for garbage and other heavy vehicles. On 9 October 2014, the residents gained full access to the new road works including new driveway access.</p> <p>Dust suppression has been an issue and Council staff have instructed the civil contractors to undertake mitigation measures and they have been compliant with those instructions. On Monday, 27 October 2014, there were very high winds and staff spoke to residents about their concerns. On Tuesday, 27 October 2014, Council staff met with the developer and civil contractors to discuss and implement mitigation measures. Those works were undertaken during that week and Council has been advised that the seeding and stabilisation was completed on 3 November 2014. Staff, the civil contractor and a resident are currently discussing arrangements for the company to remove any residue sediment that has blown onto the resident's property. Given the above circumstances, it is not considered appropriate to issue 'Stop Work' orders.</p>
5	Porter	Enquired if an arborist could investigate the trees near the tent in Thompson Square and report on any possible damage.	The Director Infrastructure Services advised that Council's arborist had examined the site and advised that it was unlikely that any impact on tree health had occurred.
6	Reardon	Enquired if the first half of Hermitage Road, Kurrajong Hills could be reviewed as it appears to be in very poor condition.	The Director Infrastructure Services advised that this section of road would be inspected and assessed/prioritised for repairs as required.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
7	Reardon	Enquired if it is possible for Council's Events staff to provide support for the Tom Quilty Gold Cup 50 th Anniversary, in 2015.	The General Manager advised that Council's Events Coordinator is available to consult and provide advice to all event organisers. Financial or in kind support would be subject to a Community Sponsorship Application or if over \$3,000 in value, a letter of application for assistance, which would be reported to Council.

oooO END OF REPORT Oooo

ORDINARY MEETING

Questions for Next Meeting

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 222 **IS - Tender No. 00949 - Painting of Various Council Sites - (95495, 79340)**
CONFIDENTIAL

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of repainting services 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

end of
business
paper

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