



Hawkesbury City Council

supplementary ordinary meeting business paper

date of meeting: 14 September 2004

location: council chambers

time: 7.00 p.m.

ORDINARY MEETING - Supplementary

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SECTION 5 - Reports for Information

SUPPLEMENTARY

**Item: 124 ENV C - Request for Review of Fees for Release of Final Plan of
Subdivision - 226 Kurmond Road Freemans Reach - (79347, 31136, 31138)**

REPORT:

At the General Purpose Committee Meeting on 24 August 2004, Councillor Devine tabled a letter from Mr Charles Attard, the owner of the subject property.

Mr Attard complains about the increased fee for subdivision plan release effective 1 July 2004 and believes that he should not have to pay the new fee. His request for the fee to be reduced is based on his claims that Council's management must be inefficient and his delays have been caused by the issuing of an incorrect consent. By comparing the new linen release fee to Parramatta's lower fee, Mr Attard concludes that Council's management must be inefficient. This claim is totally baseless and the comparison is not sustainable. Parramatta covers a much smaller geographical area and the subdivisions are largely urban. By comparison rural subdivisions in Hawkesbury often involve an officer driving up to an hour each way to inspect a site and then walking over many hectares once at the site.

The processing of final subdivision plans is a complex process in which there is no room for error, and where rigorous checking is employed. The process involves the following:

When linen plans are received, they are recorded and tracked through a specialised system, which is different to Council's normal records management system. This is due to the fact that they are original documents and cannot be creased or folded. The plans require checking against the development consent and site inspections are required by up to 3 (three) Council officers, depending on the subdivision. Once checked and signed off by a senior professional officer, plans are again checked by the Director, Environment and Development and signed.

The fee introduced on the 1 July 2004 represents full cost recovery for providing this service. Prior to the fee being adopted, it was placed on public public exhibition, incorporated in Council's Revenue Pricing Policy, in accordance with section 705 of the Local Government Act. No submissions from members of the public were received in response to the public exhibition of the proposed new fee and accordingly Council adopted the fee.

In response to the claim that Council caused Mr Attard delays, the following chronology provides the facts. It can also be seen that after the reviewed consent was issued in March 2003, Mr Attard waited 11 (eleven) months to ask questions about certain conditions.

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12/4/02	DA lodged by Mr Attard. Proposal to resubdivide 2 existing undersized lots
26/4/02	DA referred to Planning NSW for concurrence to SEPP 1 Objection.
6/5/02	DA on notification to 20/5/02
21/6/04	Request from Planning NSW for additional information from applicant including consultation with Dept AG, justification for lot sizes and native vegetation.
4/7/04	Letter to Attard requiring information within 14 days
8/7/04	Letter from Attard in response. Information not provided, rather he argued that consent is not required.
30/7/04	Letter to Attard advising information is required and giving another 14 days.
9/8/02	Letter received from Dept AG - no objection
22/8/04	Letter from Attard with additional information.
27/8/04	Additional information forwarded to planning NSW
10/9/04	Planning NSW concurrence received.
25/10/02	DA approved
5/11/02	Consent issued
27/11/02	Request received from Attard for review of determination
25/2/03	GPC considered request and agreed to review.
11/3/03	Request approved at Ordinary meeting
25/3/03	Formal notification to Attard
26/2/04	Request from Attard for clarification of certain conditions
2/3/04	Letter to Attard advising S96 application required if he wishes to amend conditions
24/3/04	Letter from Attard arguing that he does not need to lodge S96.
6/4/04	Letter to Attard confirming S96 required to amend conditions
20/5/04	Site meeting with Attard and Council officer re driveway construction requirements.

Mr Attard asserts that the consent was issued incorrectly. This is not correct. It was a legally valid consent, which required some upgrading of the road to provide access to a newly configured lot, in accordance with Council's normal practice. Mr Attard exercised his legal right to request that the decision be reviewed and Council decided in his favour.

In conclusion, it is not considered that Mr Attard has suffered any undue delay on Council's part and he had every opportunity to complete the subdivision prior to 1 July 2004. His development consent includes a condition which requires "payment of a linen release fee of \$206.60. This

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amount is valid until 30 June 2003". It is unrealistic for Mr Attard to assume that the fee would not change over 2 (two) financial years.

The fee was adopted by Council legally in accordance with the provisions of the Local Government Act and it is not considered that there are any special circumstances to support Mr Attard's claim.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo