



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 10 September 2013

location: council chambers

time: 6:30 p.m.



# mission statement

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

## **How Council Operates**

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

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

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

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

### **Meeting Procedure**

The Mayor is Chairperson of the meeting.

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

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

### **Public Participation**

Members of the public can 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 3:00pm on the day of the meeting. The application form is available on Council's website, from the Customer Service Unit or by contacting the Manager - Corporate Services and Governance on (02) 4560 4444 or by email at [council@hawkesbury.nsw.gov.au](mailto:council@hawkesbury.nsw.gov.au).

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

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

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

### **Voting**

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

## **Planning Decision**

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

## **Business Papers**

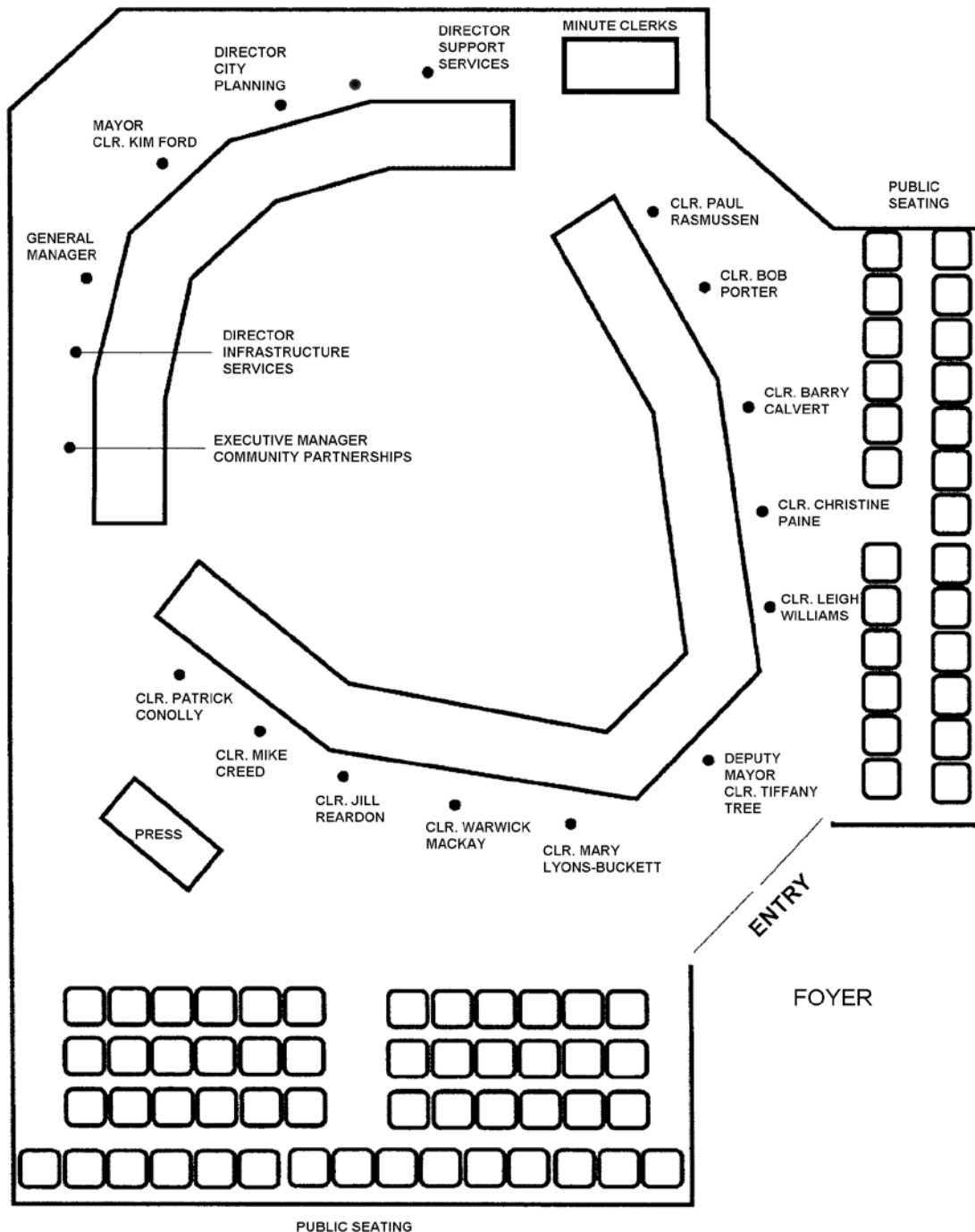
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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

## **Further Information**

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

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### SECTION 3 - Reports for Determination

#### PLANNING DECISIONS

**Item: 179**      **CP - DA0631/12 - Lot 2 DP 1148514 - 741 George Street, South Windsor - Service Station - Construction and operation - (95498, 116986, 4511)**

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#### Development Information

**File Number:** DA0631/12  
**Property Address:** 741 George Street, South Windsor  
**Applicant:** Mr A Rana  
**Owner:** Baptist Churches of NSW Property Trust  
**Proposal Details:** Service Station – Construction and operation of a service station  
**Estimated Cost:** \$1,500,000  
**Zone:** RU4 Primary Production Small Lots and SP2 Infrastructure – Classified Road  
**Date Received:** 28 December 2012  
**Advertising:** 7 to 21 January 2013  
31 January to 14 February 2013

**Key Issues:**

- ◆ Permissibility
- ◆ Site-specific Controls
- ◆ Visual Character

**Recommendation:** Approval (Deferred Commencement)

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#### REPORT:

##### Executive Summary

This application seeks the consent of Council to construct and operate a service station at 741 George Street, South Windsor. The subject property is one of two sites which are collectively known as the Windsor District Baptist Church site.

Service stations are permissible on the site pursuant to Section 2.5 and Schedule 1 Clause 11 of the Hawkesbury Local Environmental Plan 2012 (HLEP 2012).

The subject property is located on the corner of Blacktown Road and George Street, and the site-specific Development Control Plan (DCP) prepared for the site recognises the property's importance as a gateway site. This DCP seeks to promote the existing rural character of the locality, as well as retain and enhance landscaping along the street frontages.

The Roads and Maritime Services (RMS) and Council's Development Engineer have raised no objection to the proposal on traffic or access grounds.

Whilst the proposal is generally seen to be acceptable, the landscaping plan supplied is limited and minimal information has been provided with respect to the grading of the Blacktown Road driveway. The appearance of the service station building also fails to satisfy the site-specific design controls.

In order to allow the applicant to address the rural character, landscaping and signage objectives of the site-specific Development Control Plan, a "deferred commencement" consent is recommended.

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The application has been referred to Council given its prominent location and, due to this being the first application under the DCP and the non-compliances with the site-specific controls for the site.

### Description of Proposal

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks the consent of Council to construct and operate a service station at 741 George Street, South Windsor.

The development specifically involves the following:

- The construction of a service station shop with attached partly enclosed service yard and plant areas;
- The construction of a covered forecourt fuelling area comprising of five double sided bowsters which is to cater for cars and smaller vehicles;
- The construction of a covered truck fuelling area comprising of three bowsters;
- The installation of underground fuel storage tanks;
- The provision of a car park consisting of 15 spaces (including one disabled space, three staff spaces and one space for air and water) and a service bay; and
- The installation of a 9.6m high pylon sign.

The proposed Caltex service station is to operate 24 hours, seven days a week.

Vehicular crossings are proposed for both George Street and Blacktown Road; with a car and truck entry and a car exit only nominated for George Street and a car entry only and a car and truck exit nominated for Blacktown Road.

### Application History

- The development application was submitted to Council on 28 December 2012.
- The proposal was notified from 7 to 21 January 2013. Penrith City Council properties were excluded from the original notification so the proposal was re-notified from 31 January to 14 February 2013.
- Comments from RMS were originally received on 27 February 2013. At this time the RMS raised a concern with respect to arrangements and consequently did not provide their concurrence.
- Additional information and amended plans were requested of the Applicant on 7 March 2013.
- A written response to the matters raised, an amended site plan and a schedule of materials and finishes was submitted by the Applicant on 12 March 2013. This information was forwarded to the RMS with comments on 22 March 2013.
- Comments from Hawkesbury Police were received on 19 March 2013.
- Further comments from RMS were received on 24 May 2013. A number of outstanding matters were raised.
- A response to the matters raised by RMS and amended site plans were supplied by the Applicant on 26 June 2013. Access and egress arrangements off George Street were altered.
- Comments from the RMS were again received on 9 July 2012. Whilst supportive of the modified access arrangements the letter did not outline RMS concurrence. Council questioned the RMS' position on the matter on 19 and 22 July 2013.



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- RMS provided their concurrence for the development on 2 August 2013.
- The Applicant advised on 9 August 2013 that detailed design work for the Blacktown Road driveway would be carried out with the construction certificate.

### Site and Locality Description

The land subject to this application is legally known as Lot 12 DP 1184975 and has a site area of approximately 2.497 Hectares. This irregular-shaped allotment is located on the northern corner of the intersection of Blacktown Road and George Street, and has frontages to both of these main roads.

The site is highly visible from the major junction of Blacktown Road and George Street and is an important gateway site into the Hawkesbury Local Government Area. Remnant mature vegetation exists to the west and northwest of the site.

The adjoining property at 739 George Street is occupied by Windsor District Baptist Church, associated buildings and a car park. This property's northern boundary adjoins Rickabys Creek. Further north of the site is an existing 7-Eleven service station at 735 George Street.

Other surrounding development generally consists of rural residential properties, in particular along Blacktown Road within Penrith City Council. Further east of the site is the residential area of Bligh Park.

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

- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP No. 64)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

### Section 79C Matters for Consideration

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C(1) of the EP&A Act.

#### **(a)(i) Environmental Planning Instruments**

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

The subject property is partly zoned RU4 Primary Production Small Lots and SP2 Infrastructure – Classified Road. The majority of the site is zoned RU4 Primary Production Small Lots, with a projecting portion of the site adjoining George Street zoned SP2 Infrastructure – Classified Road. This section of the site is nominated for future road widening.

The HLEP 2012's Dictionary provides the following definition for 'service stations':

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- the ancillary sale by retail of spare parts and accessories for motor vehicles,*
- the cleaning of motor vehicles,*
- installation of accessories,*
- inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),*
- the ancillary retail selling or hiring of general merchandise or services or both.*

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The proposed development satisfies the above definition of a service station.

A service station use is permissible on the site pursuant to Section 2.5 and Schedule 1, Clause 11 of the HLEP 2012. In this regard it should be noted that whilst service stations are generally prohibited within the RU4 Primary Production Small Lots zone, the site-specific provisions of Section 2.5 and Schedule 1 of the HLEP 2012 extend the Land Use Table for this site in this instance.

The proposed service station therefore represents a permissible form of development under the HLEP 2012.

### State Environmental Planning Policy (Infrastructure) 2007

Blacktown Road and the portion of George Street that adjoins the subject site are both classified as main roads that are owned and controlled by the RMS. Under Section 104 and Schedule 1 of the Infrastructure SEPP service stations with frontages to main roads are defined as 'traffic generating development' and require the concurrence of the RMS.

Consequently the proposal was referred to the RMS for comment.

Having reviewed the submitted plans and accompanying Traffic Report the RMS have provided their concurrence for the development subject to the imposition of conditions. No objection to the proposal has been raised by the RMS with respect to traffic generation or access/egress arrangements.

A portion of the site fronting George Street is reserved for future road widening (the portion of the site zoned SP2 Infrastructure – Classified Road). However, the RMS has advised that they do not require any specific works at this stage. The RMS has commented that the George Street vehicular crossings and driveways may need to be relocated should road works occur in the future.

The development will not compromise the effective and ongoing operation and function of Blacktown Road or George Street, and is of a type that is not sensitive to traffic noise or vehicle emissions. The proposal is therefore seen to satisfy the provisions of the Infrastructure SEPP.

### State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The installation of underground fuel storage tanks are proposed to service the development. The potential hazards associated with the storage of fuel are acknowledged and accordingly the provisions of SEPP No. 33 were considered in the assessment of this application.

SEPP No. 33 defines 'potentially hazardous industries' as follows:

***potentially hazardous industry*** means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment,

*and includes a hazardous industry and a hazardous storage establishment.*

A Preliminary Hazard Assessment Report has been prepared in support of the application in accordance with Clause 12 of SEPP No. 33.

The fuels to be stored onsite are defined as dangerous goods (Class 3 PGII, Class C1 and Class 2.1) however the quantities of these goods do not exceed the thresholds detailed in the Applying SEPP No. 33 Guideline. In addition, the quantities and separation distances of the dangerous goods satisfy Table 9 of

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the Applying SEPP No. 33 Guideline. As a result the proposal is not seen to represent a potentially hazardous industry.

Using the screening methods detailed in the Applying SEPP No. 33 Guideline the proposed development is not expected to pose a risk to human life or property. It is therefore considered that the proposal satisfies the relevant provisions of SEPP No. 33 and its associated guidelines.

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

Council's mapping system indicates that the site contains 'potential koala habitat' as defined by SEPP No. 44. An inspection of the site indicates that approximately two-thirds of the site consists of cleared grassland whilst the western portion of the site contains limited woodland. This remnant vegetation generally consists of scattered mature eucalyptus trees, the most common of which are Forrest Red Gums (*Eucalyptus tereticornis*).

Whilst the vegetation onsite comprises potential koala habitat, an inspection of the site by Council's Parks Officer failed to detect any signs of koalas (*Phascolarctos cinereus*) onsite. Koalas are generally considered to be absent within the local area and accordingly the remnant vegetation is not seen to comprise core koala habitat.

The retention of existing vegetation and the proposed revegetation works to the northwest of the site are consistent with the provisions of this Policy.

### **State Environmental Planning Policy No. 55 – Remediation of Land**

Clause 7(1) of SEPP No. 55 outlines a consent authority "must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose".*

The subject site has most recently been used in association with the adjoining church at 741 George Street and there is no evidence to suggest that the site is contaminated. With respect to the provisions of SEPP No. 55 the site is considered suitable for the proposed development.

### **State Environmental Planning Policy No. 64 – Advertising and Signage**

The application proposes the installation of a freestanding pylon sign and fascia signage to the service station shop and canopies. With a reduction in the height of the pylon sign to satisfy Council's planning controls, the signage is seen to be compatible with the desired amenity and visual character of the area.

### **Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River**

The subject land falls within the boundary of SREP No. 20. This Policy aims "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". SREP No. 20 requires an assessment of development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

The property is located at the intersection of two main roads and the proposal represents a permissible form of development. With the retention of the locality's rural character the development will not significantly impact on the environment of the Hawkesbury-Nepean River in either a local or regional context.

### **(a)(ii) Draft Environmental Planning Instruments**

Not applicable.

**(a)(iii) Development Control Plans**

**Hawkesbury Development Control Plan 2002**

*Part A Chapter 3 – Notification*

The proposal was notified in accordance with Part A Chapter 3 of the HDCP 2002. Seven (7) submissions were received and are discussed later in this report.

*Part D Chapter 2 – Car Parking and Access*

Section 2.5.2 of Part D Chapter 2 of the HDCP 2002 establishes the following parking rates for service stations:

- One space per 30m<sup>2</sup> of ancillary retail floor space; and
- Five spaces per work bay.

The proposed service station shop is proposed to have an area of approximately 250m<sup>2</sup> and no servicing or repairs to vehicles are to be undertaken onsite. On this basis the provision of nine (9) parking spaces are required.

It is proposed that the car park will provide fifteen spaces and therefore the proposal satisfies the numerical parking controls of Part D Chapter 2 of the HDCP 2002.

*Part C Chapter 3: Signage*

The proposed signage includes the installation of a 9.6m high pylon sign. This sign fails to satisfy the height requirements established by Sections 3.2 and 3.4 of Part C Chapter 3 of the HDCP 2002.

Council's controls encourage a rural character for the site and a non-complying pylon sign is not seen to be reflective of this objective. It is therefore recommended that a deferred commencement condition is imposed requiring a reduction in the sign's height to no more than 6m.

*Part E Chapter 7: Windsor District Baptist Church Site*

Part E Chapter 7 of the HDCP 2002 outlines specific design controls for 739 and 741 George Street, which are collectively known as the Windsor District Baptist Church site. This Plan recognises the property's importance as a gateway site and establishes controls to maintain the existing rural character and landscaping. The Plan was adopted on 13 December 2011, although its effective date was 21 September 2012 with the gazettal of the HLEP 2012.

The development proposes a standard corporate building that fails to satisfy the building design, material and roof requirements of Section 7.4.1 of Part E Chapter 7 of the HDCP 2002. Whilst the size and location of the service station shop is seen to be acceptable, the materials and roof form do not satisfy the Plan's rural character objectives. The proposed 9.6m high pylon sign also exceeds the 6m height limit established by Clause 7.4.6(2) of Part E Chapter 7 of the HDCP 2002.

The HDCP 2002 aims to protect remnant vegetation onsite. Clauses 7.4.5(1) and (2) of Part E Chapter 7 of the HDCP 2002 state:

- (1) *The front setback areas to George Street and Blacktown Road are to be revegetated with Cumberland Plain Woodland species in order to enhance the existing streetscape whilst maintaining visual linkages to and from the site when viewed from George Street and the corner of George Street and Blacktown Road.*

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- (2) *The areas of Cumberland Plain Woodland should be retained and incorporated into the landscaping provided on the site.*

The landscaping plan submitted in support of the application does not cover the whole of the site, nor does it address the recommendations of the prepared Arborist's Report. Furthermore no levels or grades has been nominated for the driveway servicing Blacktown Road and the cut and fill required may prevent existing trees to the west of the site from being maintained.

The imposition of a deferred commencement consent requiring a detailed landscaping plan and amended architectural plans is therefore recommended to address the above issues.

It should be noted that Section 7.4.4 of Part E Chapter 7 of the HDCP 2002 outlines that a pedestrian crossing is to be provided across George Street. It was envisioned that this crossing would provide safe access from the site to the Bligh Park residential area. However, the RMS have advised that they would not support a pedestrian crossing in this location and as the proposal involves a single service station only there does not appear to be a sufficient nexus to warrant these works.

### **(a)(iii) Planning Agreements**

There are no planning agreements applicable to the development.

### **(a)(iv) Matters Prescribed by the Regulations**

These matters have been considered in the assessment of this application. Should the application be supported the EP&A Regulation 2000 outlines that the development is to:

- comply with the National Construction Code/Building Code of Australia (BCA), and
- be levied against Council's S94A Development Contributions Plan.

### **(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality**

These matters have been considered in the assessment of this application.

Twenty-four hour trading is nominated for the service station. Given its location on the intersection of two main roads and the absence of a workshop these hours are generally seen to be acceptable within the context of the locality. However, to allow Council to review the impacts of 24 hour trading it is recommended that a time-limited condition be imposed for the extended trading hours. This time-limited condition would be valid for 12 months only, after which time the submission of a Section 96 Application would be required to allow Council to consider these hours permanently.

Part E Chapter 7 of the HDCP 2002, which outlines specific design controls for the site, contemplated the construction of several tenancies. The submitted proposal, with its truck fuelling area and dedicated pylon sign, would generally prevent the further development of the site. This matter was raised with the Applicant who advised there was no intention to further develop the site. On this basis the current application has been assessed on its merits.

### **(c) Suitability of the site for the development**

These matters have been considered in the assessment of this development application.

The portion of the site accommodating the service station is not identified as flood affected land.

Council's mapping system indicates that the property contains Shale Plains Woodland. Shale Plains Woodland, which is also known as Cumberland Plain Woodland, is listed as a critically endangered ecological community. The vegetation onsite is not identified as Cumberland Plain Priority Conservation Land.

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The property appears to have been disturbed by past agricultural activities and this vegetation community is largely represented by mature eucalyptus trees. Shrub and groundcover layers are not present.

The area of the site that is to accommodate the service station shop, covered forecourt fuelling area and car park contains limited remnant vegetation. The majority of the vegetation to be removed as part of this application is located to the west and northwest of the site. The location and grading of the western driveway will necessitate the removal of trees in this area.

The submission of a detailed landscaping plan is recommended as a deferred commencement condition to offset the loss of these trees. Such a condition would require revegetation works to the west and northwest of the site at a rate of three new plants for every tree removed.

With the imposition of such a condition it is considered that the development will not significantly impact endangered ecological communities, or the habitat of any threatened species or populations. The additional landscaping will also provide the benefit of softening and screening the development, as well as assisting in the creation of a more rural setting.

The property is located at the intersection of two main roads and the development is seen to be suitable within the context of the locality.

### **(d) Submissions**

The application was publicly exhibited in accordance with Part A Chapter 3 of the HDCP 2002 from 7 to 21 January 2013 and again from 31 January to 14 February 2013. The second notification period was undertaken to also include properties located within Penrith City Council.

A total of seven submissions were received in response to this notification.

The matters raised in these submissions are detailed below in italics, followed by a response from the assessing officer:

*The development will generate additional traffic and congestion.*

Officer's comment: A Traffic Report has been submitted in support of the development and this has been reviewed by the RMS and Council's Development Engineer.

Neither the RMS nor the Development Engineer has objected to the development on traffic generation grounds. On this basis the development is not expected to compromise the ongoing operation and function of Blacktown Road or George Street.

*The proposed access arrangements will increase the use of George Street by heavy vehicles.*

Officer's comment: George Street is a main road owned and controlled by the RMS. The submitted Traffic Report indicates that vehicle movements within George Street will be increased. However, these additional movements will have an insignificant impact on the operation of this road.

The RMS has provided their concurrence for the development.

*The driveway located on George Street is dangerous.*

Officer's comment: The RMS has raised no objection to the George Street access and egress arrangements. A slip lane is to be provided for the entry.

*The hours of operation are excessive and will result in unreasonable noise impacts.*

Officer's comment: An Acoustic Report has been submitted and has been reviewed by Council's Environmental Health Coordinator. Conditions have been recommended to minimise noise impacts for nearby residences.

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The property is located at the intersection of two main roads and the proposed use and extended trading hours are generally seen to be acceptable on this basis. However, as discussed previously the imposition of a trial period for the twenty-four hour trading is recommended to allow for a review of the service station's performance.

*The development will impact on the amenity of the adjoining church.*

Officer's comment: Windsor Baptist Church is the current owner of the property and has consented to the lodgement of this application.

Existing parking and access arrangement for the church are to be maintained.

*The development is not in-keeping with the character of the area.*

Officer's comment: The imposition of deferred commencement conditions are recommended to assist in the retention of the site's rural setting.

*The proposed service station use is not permissible within the RU4 Primary Production Small Lots zone as the subject site is not referred to under Schedule 1 of the HLEP 2012.*

Officer's comment: A boundary adjustment has been undertaken so the legal descriptions referred to in Schedule 1 of the HLEP 2012 are amended but the use is still permitted.

Schedule 1 of the HLEP 2012 is referring to both 741 and 739 George Street and the proposal is therefore permissible.

*The approval of an additional service station will financially impact existing service stations within the locality.*

Officer's comment: Hawkesbury City Council does not have an anti-clustering policy and Draft State Environmental Planning Policy (Competition) 2010 outlines that such restrictions should not be considered in the assessment of development applications.

### **(e) The Public Interest**

The proposed development is permissible and is not expected to unreasonably impact on the amenity of the locality. With the imposition of conditions it is considered that the development will satisfy the public interest.

### **Internal Referrals**

Council's Design and Development Engineer has reviewed the submitted Traffic Report and has raised no objection to the proposal on traffic generation or access grounds.

Any services benefiting the adjoining property at 739 George Street that will be impacted by the development will need to be relocated, associated easements extinguished and new easements created over the relocated services. The right of carriageway to 739 George Street made unviable by the development will also need to be extinguished and a new right of carriageway created.

Plans will also need to be updated to reflect the boundary adjustment that was recently undertaken between 741 and 739 George Street.

The Environmental Health Coordinator has raised no objection to the proposal subject to the imposition of conditions.

Council's Parks Officer has inspected the site and recommends the submission of a detailed landscaping plan.

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The Tradewaste Technical Officer has advised that wastewater from the refuelling bays cannot be sent to the sewer via an oil/water separator and must instead be collected in a blind pit or tank and removed from the site. Standard conditions such as the obtainment of a tradewaste permit may be imposed.

### External Referrals

Roads and Maritime Services – As detailed previously, the proposal is defined as traffic generating development and therefore required the concurrence of the RMS. Consequently the proposal was reviewed by the RMS who have provided their concurrence subject to the imposition of conditions.

Hawkesbury Police – The proposal was referred to the Hawkesbury Local Area Command on the basis that the service station is to operate twenty-four hours a day. The Police have raised no objection to the design of the service station and have provided a series of recommendations to reduce the risk of crime. These recommendations may be imposed as a condition of consent.

The prepared plans incorporate a number of features such as a night counter, bollards and CCTV cameras that aim to reduce crime opportunities.

### Financial Implications

Based on the supplied estimated value-of-works of \$1,500,000 a Section 94A Development Contribution fee of \$15,000 would be payable should the application be approved.

### Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. Whilst the proposal is generally seen to be acceptable, the imposition of a deferred commencement consent is recommended to address the rural character and landscaping provisions of Part E Chapter 7 of the HDCP 2002.

The consent will become operative should these matters be satisfied.

### Planning Decision

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

### RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) issue a “Deferred Commencement” consent to Development Application No. DA0631/12 for the construction and operation of a service station on Lot 12 DP: 1184975, known as 741 George Street, South Windsor, subject to the following conditions:

#### Schedule 1 – Deferred Commencement Consent

Hawkesbury City Council as the consent authority pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 grants “Deferred Commencement” consent to Development Application No. DA0631/12 for:

Service Station – Construction and operation of a service station subject to the following matters being satisfied:

- A. A full suite of plans shall be provided indicating the site’s amended boundaries.



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- B. A detailed plan (including long section and cross-sections) of the vehicular crossing and driveway servicing Blacktown Road shall be provided. This plan shall include levels to Australian Height Datum (AHD) and indicate the extent of cut and fill required to accommodate the driveway.

The design and grade of the driveway is to comply with Section 3.4 of AS2890.2:2002.

- C. A detailed landscaping plan for the whole of the site shall be prepared to satisfy Section 7.4.5 of Part E Chapter 7 of the Hawkesbury Development Control Plan 2002.

This landscaping plan is to clearly detail trees to be retained, trees to be removed and trees to be planted.

The plan is to incorporate the recommendations of the Arborist Report prepared by McArdle Arboricultural, as well as consider the cut/fill required to accommodate the Blacktown Road driveway.

The revegetation works to the west of the site are to consist of Cumberland Plain Woodland species (in particular Forrest Red Gums [*Eucalyptus tereticornis*]), whilst the landscaping immediately adjacent to the service station shop, fuelling areas and car park is to consist of native vegetation only.

The trees and plants used for the western revegetation works are to consist of a variety of vegetation layers, including trees, shrubs, groundcovers and grasses, and must be of a local provenance.

Revegetation works are to be undertaken at the rate of three trees planted for every one tree removed. Trees used for revegetation are to be planted in clumps as opposed to rows.

- D. Amended plans shall be provided for the service station shop demonstrating compliance with Clauses 7.4.1(2), (4) and (5) of Part E Chapter 7 of the Hawkesbury Development Control Plan 2002.
- E. The pylon sign is to have a maximum height of 6m to satisfy Clause 7.4.6(2) of Part E Chapter 7 of the Hawkesbury Development Control Plan 2002.
- F. All services impacted by the development benefiting 739 George Street (Lot 11 in DP: 1184975) are to be relocated as required, associated easements are to be extinguished and new easements are to be created over the relocated services. Documentary evidence confirming this has occurred is to be submitted to Council.
- G. The right of carriageway to 739 George Street (Lot 11 in DP: 1184975) made unviable by the development is to be extinguished and a new right of carriageway created as required.

The information to satisfy these requirements must be submitted to Hawkesbury City Council within 12 months of the date of this consent.

Upon Council's written approval of satisfactory compliance with the "Deferred Commencement" matter listed above, the development consent will become operative, subject to the conditions detailed in Schedule 2 below.

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### **Schedule 2 – Proposed Operational Conditions (Subject to minor changes following satisfactory compliance with Schedule 1 conditions)**

#### Roads and Maritime Conditions

1. The design and construction of the vehicular crossings on George Street and Blacktown Road shall be in accordance with the Roads and Maritime Services' (RMS) requirements. Details of these requirements should be obtained from the RMS' Project Services Manager, Traffic Projects Section, Parramatta (Telephone: (02) 8849 2496).

Detailed design plans of the vehicular crossings are to be submitted to RMS for approval prior to the commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by RMS.

2. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council prior to the issue of a construction certificate.
3. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to RMS and Council for approval, which shows that the development complies with this requirement.
4. The layout of the car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS2890.1:2004.
5. No construction zones will be permitted on George Street and Blacktown Road in the vicinity of the site.
6. Any proposed temporary road closures will require the applicant to apply for a Roads Occupancy License by contacting the Transport Management Centre's Planned Incidents Unit on (02) 8396 1513 during office hours (8:00am-4:00pm) or 131 700 after hours.
7. Post development storm water discharge from the subject site into the RMS drainage system shall not exceed the pre-development discharge.

Details shall be forwarded to:

Sydney Asset Management  
Roads and Maritime Services  
PO BOX 973  
PARRAMATTA CBD NSW 2124

8. The developer is to submit detailed design drawings and documents relating to the excavation of the site and support structures to RMS for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six weeks prior to commencement of construction and is to meet the full cost of the assessment by RMS.

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The report and any enquiries should be forwarded to:

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PARRAMATTA CBD NSW 2124

Telephone: (02) 8848 2114  
Fax: (02) 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

9. All works/regulatory signposting associated with the development are to be at no cost to the RMS.
10. Any landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
11. All vehicles are to enter and leave the site in a forward direction.
12. All vehicles are to be wholly contained on site before being required to stop.

### General Conditions

13. The development shall take place in accordance with drawing numbers, specifications and accompanying documentation:
  - P1360-A100AU Rev 'A' prepared by Caltex and dated 9 August 2013;
  - P1360-A100 Rev 'D' prepared by Caltex and dated 21 December 2012;
  - P1360-A200 Rev 'A' prepared by Caltex and dated 27 November 2012;
  - P1360-A201 Rev 'A' prepared by Caltex and dated 27 November 2012;
  - P1360-A202 Rev 'A' prepared by Caltex and dated 27 November 2012;
  - P1360-A310 Rev 'A' prepared by Caltex and dated 27 November 2012;
  - P1360-A311 Rev 'A' prepared by Caltex and dated 27 November 2012;
  - P1360-A312 Rev 'A' prepared by Caltex and dated 27 November 2012;
  - P1360-A320 Rev 'A' prepared by Caltex and dated 27 November 2012;
  - P1360-A321 Rev 'A' prepared by Caltex and dated 27 November 2012;
  - P1360-S100 Rev 'E' prepared by Caltex and dated 21 December 2012;
  - P1360-S110 Rev 'B' prepared by Caltex and dated 21 December 2012;
  - P1360-S111 Rev 'B' prepared by Caltex and dated 21 December 2012;
  - P1360-S112 Rev 'A' prepared by Caltex and dated 27 November 2012;
  - C01 Rev 'P1' prepared by Xavier Knight Consulting Engineers and dated 17 December 2012;
  - C02 Rev 'P1' prepared by Xavier Knight Consulting Engineers and dated 17 December 2012;
  - Environmental Noise Impact Report (5018-1 Rev 'B') prepared by Day Design Pty Ltd and dated 20 December 2012; and
  - Arborist Report prepared by McArdle Arboricultural Pty Ltd and dated 17 December 2012.

... except as modified by these further conditions.
14. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate (Building and Civil [Engineering]).
15. The building shall not be used or occupied prior to the issue of an Occupation Certificate.

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16. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
17. The development shall comply with the Disability (Access to Premises – Buildings) Standards 2010.
18. The development shall incorporate the recommendations of the Crime Risk Assessment Report prepared by Hawkesbury Local Area Command.
19. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
20. This development falls within the Sewerage Scheme, controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

The applicant must consult with Council's Waste Management Branch regarding any possible new work or upgrades to existing Council sewer mains related to this application.

21. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

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

22. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$15,000 shall be paid to Hawkesbury City Council. This fee is based on the supplied value-of-works of \$1,500,000.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the Construction Certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority.

23. Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.
24. Payment of a Construction certificate checking fee of \$305.35 and a Compliance Certificate inspection fee of \$508.13 when submitting the on- site storm water detention plans for approval. This amount is valid until 30 June 2014. Fees required if an accredited certifier is used will be provided on request.
25. Construction of the on-site storm water detention are not to commence until three copies of the plans and specifications of the prop posed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
26. Trade waste details are to be submitted to and approved by Hawkesbury City Council's Waste Management Branch prior to the release of the construction certificate.

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The development is subject to the LWU 13 Regulation issued by the Office of Water. Spills, wash downs and other wastewater from the refuelling bays cannot be sent to the sewer via an oil/water separator and instead must be collected in a blind pit or tank and then be pumped out and removed from the site.

27. Construction of any mains sewer work or any structure to be constructed within the Zone of Influence of a sewer main must not commence until three copies of the plan along with a Major/Minor Sewer Works application is submitted to Hawkesbury City Council's Waste Management Branch for assessment and approval. Fees apply.
28. The applicant must submit a copy of approved plans associated with the Major/Minor Sewer Works application to the Principal Certifying Authority (PCA) whether it is Hawkesbury City Council's Development Branch or a Private Certifier. This plan must be marked with a green stamp (Sewer Works Approved for Design Only), signed and dated.
29. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Maritime Services controlled roads, the traffic guidance scheme is to be approved by the Roads and Maritime Services before submission to Council.
30. Retaining walls are to be designed by a suitably qualified and experienced structural engineer.
31. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person and submitted to the Principle Certifying Authority. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

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

### Prior to Commencement of Works

32. At least two days prior to the commencement of works notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
33. The applicant shall advise Council of the name, address and contact number of the Principal Certifying Authority (PCA) in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.
34. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority (PCA).
35. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority (PCA) prior to any works commencing on site.
36. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Any such facilities shall be located wholly within the property boundary.
37. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.

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38. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
39. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's water or sewer mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: [www.sydneywater.com.au](http://www.sydneywater.com.au).
40. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls and floor levels under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority (PCA). Any easements must be shown on the Survey Certificate.

### During Construction

41. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
42. The site shall be kept clean and tidy during the works and all unused building materials and rubbish shall be removed from the site upon the completion of the project. The following restrictions apply during the works:
  - (a) The site shall be secured to prevent the depositing of any unauthorised material.
  - (b) Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone, shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
  - (c) Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
  - (d) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - (e) Building operations shall be undertaken only within the site.
43. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed.
44. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
  - (a) must preserve and protect the building from damage; and
  - (b) if necessary, must underpin and support the building in an approved manner; and
  - (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The person acting in accordance with this Consent is liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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45. Compliance certificates (known as Part 4A Certificates) are to be issued for Critical Stage inspections by the nominated Principal Certifying Authority (PCA) as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
46. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
47. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
48. Disabled parking shall be provided in accordance with AS2890.6.
49. Noise and acoustic measures are to be undertaken in accordance with Section 6 of the Environmental Noise Impact Report (5018-1 Rev 'B') prepared by Day Design Pty Ltd and dated 20 December 2012.
50. Tree removal and works are to be undertaken in accordance with the Arborist Report prepared by McArdle Arboricultural Pty Ltd and dated 17 December 2012. Tree Protection Zones (TPZ) are to be established and a qualified arborist shall be present to direct any excavation within the TPZ of trees to be retained.
51. The fuel tank, pump and decanting areas are to be bunded, graded and roofed so as to direct water and waste to a blind pit or tank.
52. Bunding is to be designed and installed in accordance with:
  - (a) Department of Environment and Conservation Guidelines 'Technical BU Bunding and Spill Management';
  - (b) Department of Environment and Conservation Guidelines 'Surface water management on the covered forecourt areas of service stations';
  - (c) Australian Standard AS1940:1993 'The storage and handling of flammable and combustible liquids'; and
  - (d) Australian Standard/New Zealand Standard AS/NZ4681:2000 'The storage and handling of Class 9 (miscellaneous) dangerous goods and articles'.
53. The forecourt area shall be bunded, by way of speed humps and the like, to prevent any contaminated water entering the stormwater system. This area shall be drained to a blind pit or tank.
54. The underground fuel tanks and the associated pipe works shall be installed in accordance with Australian Standard AS1940:1993 'Storage and Handling of Flammable and Combustible Liquids'.

A Compliance Certificate certifying that the tanks and pipe work have been appropriately installed is to be obtained prior to backfilling.
55. The food preparation areas shall be constructed so as to comply with the requirements of:
  - (a) The Food Act 2003 and Regulations there under.
  - (b) Australian Standard AS4674:2004 'Design, construction and fit-out of food premises'.
  - (c) Australian Standard AS1668.2:2002 'The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control'.

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56. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected shall be installed in accordance with AS 2444 and Part E1.6 of the BCA in the following locations:
- (a) Car and Truck Canopies;
  - (b) Retail Shop.
57. Landscaping shall be completed as shown on the approved landscaping plan.
58. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
59. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels.
60. Access driveways are to be designed and constructed in accordance with the relevant requirements of Section 3.4 of AS2890.2:2002.
61. Inspections and Compliance Certificates for sewer works can only be conducted and issued by Hawkesbury City Council.
- In the case of any sewer work constructed under a Major/Minor Sewer Works application, the inspection must be conducted by Hawkesbury City Council's Waste Management Branch. A compliance certificate will not be issued until Works as Executed information has been received, assessed and approved by the Waste Management Branch. Please phone (02) 4560 4519 or 4529 to arrange inspections.
  - In the case of major sewer works where the contractor is allowed to use third party quality control, the third party must be approved by the branch manager of Hawkesbury City Council's Waste Management Branch.

In all cases inspections must be conducted on the exposed pipes prior to any backfilling this includes poured concrete slabs or concrete encasement.

62. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan – Appendix E Civil Works Specification.
63. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 Appendix E – Civil Works Specification – Part II Table 1.1.

### **Prior to Issue of Occupation Certificate**

64. The submission of a report by the Design Engineer stating the conformance or otherwise of the On Site Detention stormwater system in relation to the approved design is required.
65. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.



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66. Works-As-Executed drawings for the On Site Detention of stormwater system shall be submitted to and approved by Council. This is to indicate the following:
- (a) Invert levels of tanks, pits and pipes,
  - (b) Surface levels of pits and surrounding ground levels,
  - (c) Levels of surrounding kerb,
  - (d) Floor levels of buildings,
  - (e) Top of kerb levels at the front of the lot, and
  - (f) Extent of inundation.
67. The owner shall enter a positive covenant with Council which provides the following:
- (a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
  - (b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
  - (c) Council only will be entitled to release or modify the Covenant.
- All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.
68. Retaining walls greater than one metre in height (where required) are to be certified on completion by a suitably qualified and experienced Structural Engineer.
69. A Compliance Certificate from Hawkesbury City Council's Waste Management Branch confirming sewer works constructed under a Major/Minor Sewer Works application must be submitted to the Principal Certifying Authority (PCA).
70. A Compliance Certificate confirming completion of internal and external drainage must be submitted to the Principal Certifying Authority (PCA).
71. A Trade Waste Agreement must be entered into with the Hawkesbury City Council for the discharge of trade waste to Council's sewer.
72. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. A copy of the Section 73 Certificate is to be provided to the Principal Certifying Authority (PCA).

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

### Use of the Development

73. Hours of operation for the service station are to be limited to the following:
- Sunday to Saturday (seven days a week): 5am to 10pm

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74. Notwithstanding Condition 74 above, a 12 month trial period is granted for the operation of the service station 24 hours a day, seven days a week. This trial period will commence from the release of an occupation certificate and will lapse twelve months after the release of this occupation certificate.

Upon the cessation of this 12-month trial period the hours of operation for the service station will revert back to the hours imposed under Condition 74 of the consent, i.e. the hours of operation will be 5am to 10pm, 7 days a week.

The submission of a Section 96 Application or Development Application is required to be submitted prior to the expiration of the trial period – but no sooner than nine months into the operation of the extended hours – should the Applicant wish to continue the extended hours beyond this 12-month trial period.

Note: The purpose of this trial period is to allow a review of the extended trading hours in relation to neighbourhood amenity and operational performance, and allow management to demonstrate successful practices in relation to the above. Council's consideration of the extended trading hours will be based on, amongst other things, the performance of the operator in relation to compliance with development consent conditions, any substantiated complaints received and any views expressed during public consultation or from other relevant stakeholders such as the Police.

75. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), does not exceed five dB(A) (LAeq) above background noise levels at any property boundary in the day, evening and night (defined by the NSW EPA Industrial Noise Policy).
76. Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
77. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
78. In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
79. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
80. The storage and handling of liquids associated with activities on the premises is to be carried out in accordance with the requirements of:
- (a) NSW Workcover
  - (b) Environment Protection Authority Guidelines – 'Technical BU Bunding and Spill Management'.
81. No contaminated waste water or liquid waste shall be discharged into Council's stormwater system.
82. All vehicles being loaded or unloaded shall stand entirely within the property.
83. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- (a) been assessed by a properly qualified person, and
  - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

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### Advisory Notes

- This consent operates from the consent date shown on the top of this notice and will lapse unless the development is commenced within five years from the date endorsed on this consent.
- The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing on Council's Application Form (refer to Council's website or customer service centre) within six months after receipt of this Notice of Determination, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request.

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

- If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which you receive this notice.
- Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.
- The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between the neighbours. You are advised that the consent given to undertake work in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act 1991 that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify the allotment boundary.
- The Applicant is to make detailed enquiries as to whether any approvals from the Department of Sustainability, Environment, Water, Population and Communities are necessary under the Environment Protection and Biodiversity Conservation Act 1999.
- Endemic plants are available from Council's Community Nursery at 10 Mulgrave Road, Mulgrave (02) 4560 4525.

**ORDINARY MEETING**

**Meeting Date:** 10 September 2013

**ATTACHMENTS:**

**AT - 1**    Locality Map

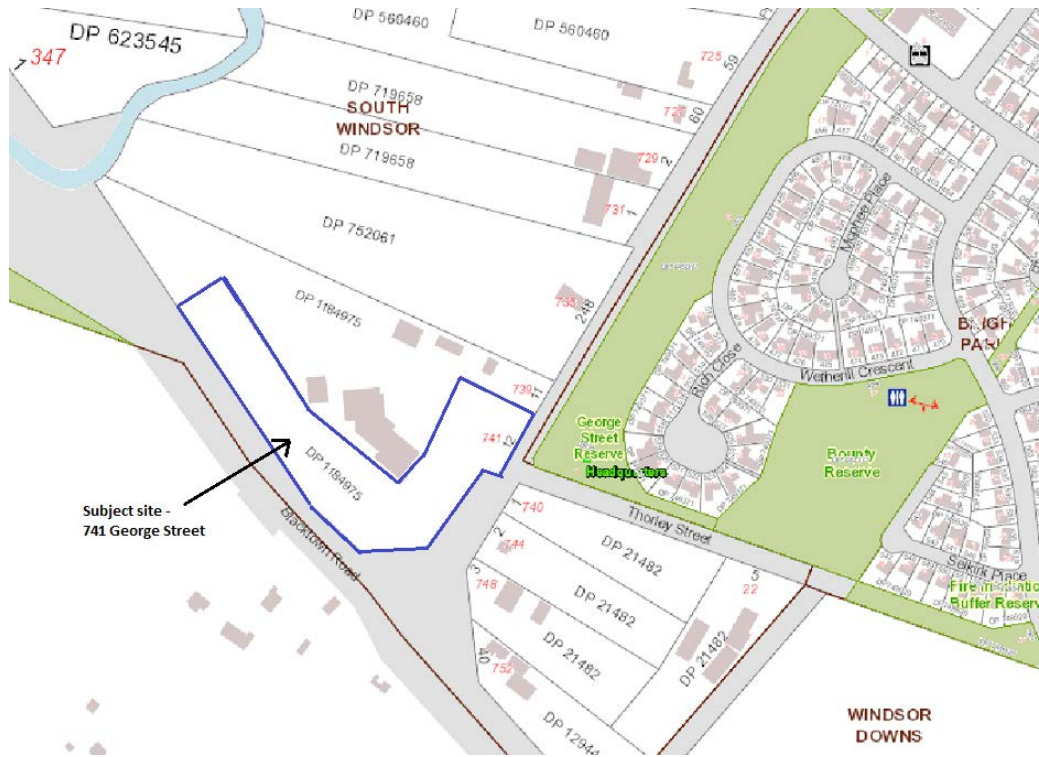
**AT – 2**    Aerial Map

**AT – 3**    Plans

## ORDINARY MEETING

Meeting Date: 10 September 2013

### AT - 1 Locality Map



**ORDINARY MEETING**

**Meeting Date: 10 September 2013**

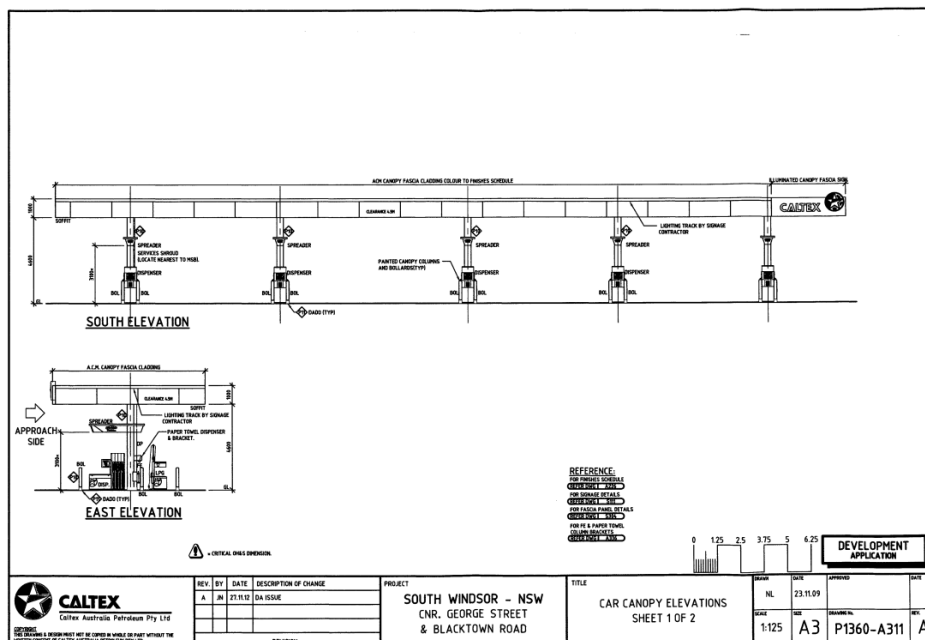
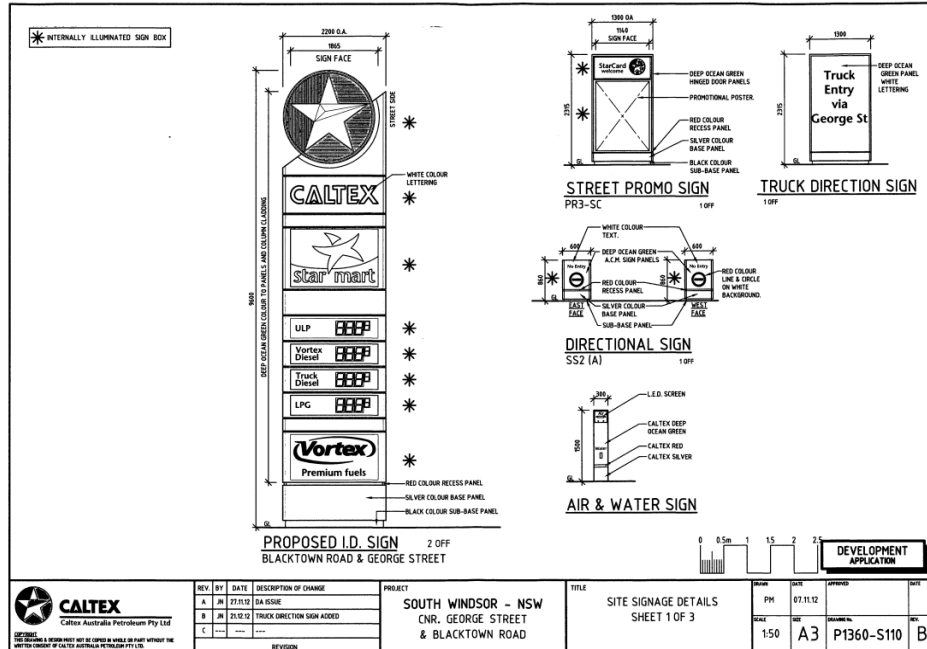
**AT – 2 Aerial Map**



# ORDINARY MEETING

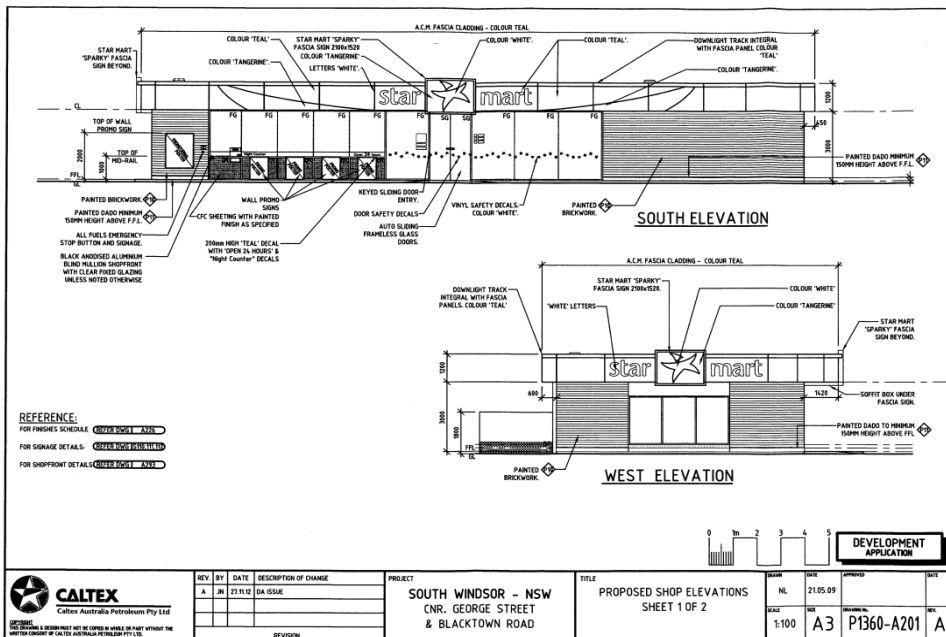
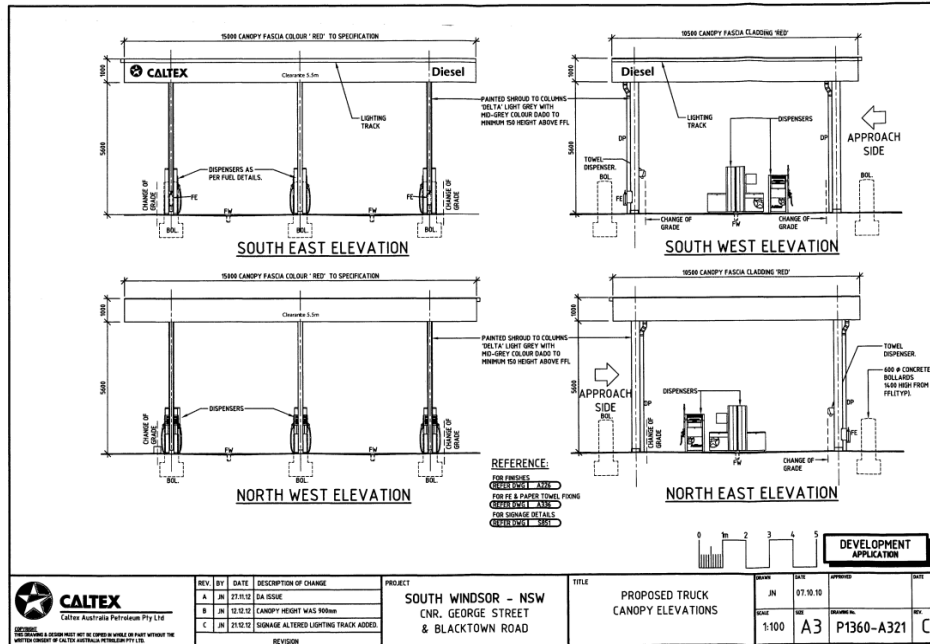
Meeting Date: 10 September 2013

## AT – 3 Plans



# ORDINARY MEETING

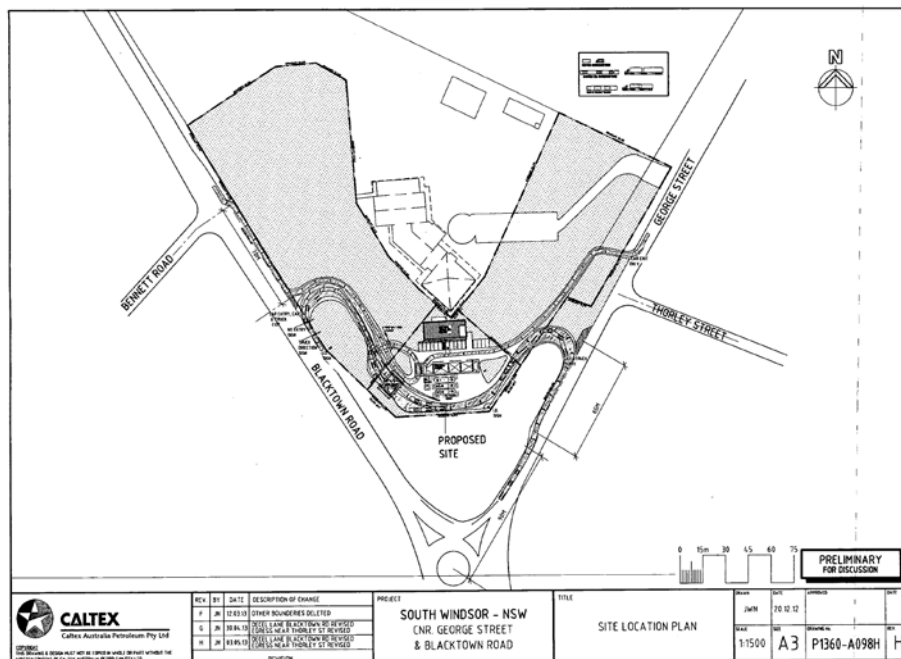
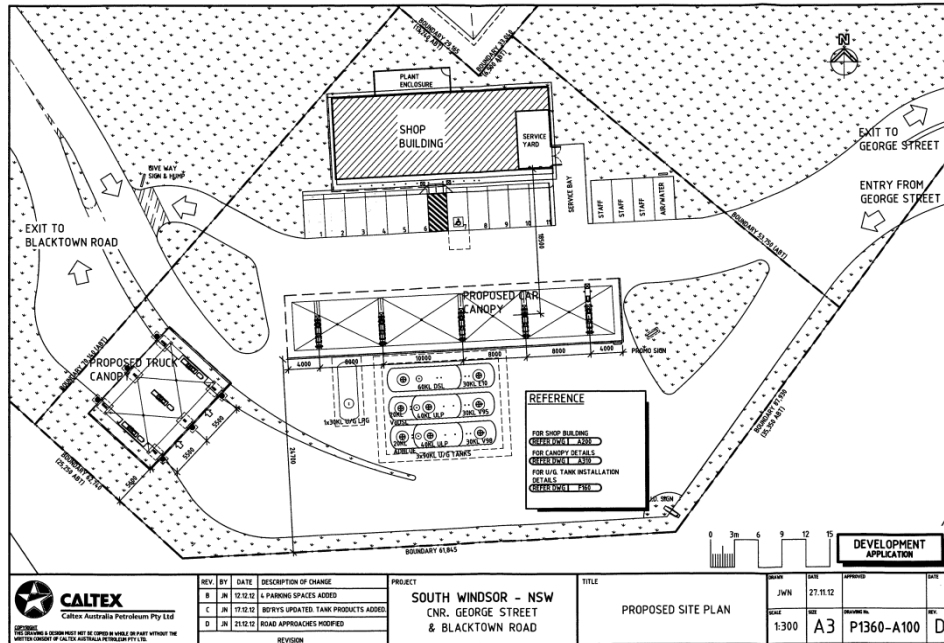
Meeting Date: 10 September 2013





# ORDINARY MEETING

Meeting Date: 10 September 2013



oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 10 September 2013

### Item: 180 CP - Public Exhibition of Redbank and Jacaranda Ponds Planning Proposals - Request for Further Consultation with Respondents - (95498)

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#### REPORT:

##### Executive Summary

This report is in response to a Notice of Motion considered at the Council Meeting on 27 August 2013 regarding the consideration of submissions received for the Redbank, North Richmond and Jacaranda Ponds, Glossodia planning proposals.

The purpose of this report is to advise Council of a number of options for further consultation with respondents.

##### Consultation

This report discusses a number of options for further consultation with respondents.

##### Background

On 27 July 2012 the Department of Planning and Infrastructure (DP&I) issued two "Gateway" determinations which, inter alia, enabled the public exhibition of the Redbank, North Richmond and Jacaranda Ponds, Glossodia planning proposals.

The determinations required that exhibition to be undertaken in accordance with Sections 56 and 57 of the *Environmental Planning & Assessment Act 1979* for 28 days and that the planning proposals be completed within 24 months (i.e. by July 2014).

On 30 July 2013 Council considered a Notice of Motion regarding these planning proposals and resolved as follows:

*"That Council support in principle a meeting or other structure involving members of the community who have made submissions in regard to the Redbank and/or Jacaranda Ponds developments so that they have the opportunity to fully explain the content of their submissions and this be discussed further at the briefing session on 3 September 2013 and a report be brought to Council on 10 September 2013."*

##### Exhibition of Redbank, North Richmond Planning Proposal

This planning proposal was publicly exhibited for the period 14 June 2013 - 14 August 2013. At the time of preparing this report Council had received approximately 290 submissions. Of these submissions approximately 60% of respondents were against or concerned with the proposal, approximately 38% of respondents supported the proposal, and 2% of respondents were neutral or offered qualified support for the proposal.

A copy of all submissions will be forwarded to all Councillors for reference.

##### Exhibition of Jacaranda Ponds, Glossodia Planning Proposal

This planning proposal was publicly exhibited for the period 12 July 2013 - 14 August 2013. At the time of preparing this report Council had received 42 submissions. Of these submissions approximately 62% of respondents were against or concerned with the proposal, approximately 12% of respondents supported the proposal, and approximately 26% were neutral or offered qualified support for the proposal.

A copy of all submissions will be forwarded to all Councillors for reference.

## ORDINARY MEETING

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### Request for Further Consultation with Respondents

An initial review of the submissions for both planning proposals reveals that one respondent, on behalf of the North Richmond and District Community Action Association Inc. (NRDCAA), has stated/requested that:

- *Council's Officers have dialogue with all those who make submissions in group meetings to actually debate the submissions rather than a unilateral decision of the Officers*
- *Consultation take place with the NRDCAA to ensure that the true meaning is placed on the comments*
- *Council Officers have had several meetings with other stakeholders in Redbank and Glossodia. Why not meet with those who submit submission[s] on Redbank and the Glossodia Planning Proposal[s]?*

### Community Engagement Policy

Council's Community Engagement Policy, adopted 26 June 2007, states that these types of proposals require "Level 1" community engagement. In this respect the policy states that *consultation* is recommended, *involvement* is desirable in some circumstances, and *collaboration* may be appropriate.

Examples of these types of engagement include:

- *Consult - notification, public exhibition, community briefing, receive and consider submissions, Council meeting, focus group, interviews*
- *Involve - community advisory committee, deliberative poll, design charette, expert panel, precinct committee, visioning*
- *Collaborate - citizens jury, mediation/negotiation, reference group, workshop, working party*

So far the community has been *consulted* with by Council notifying and publicly exhibiting the proposal. Council staff have attended community meetings. Submissions have been received and are currently being considered. In the future, both proposals will be reported to Council meetings.

### Options for Further Consultation

The following options were discussed at the Councillor Briefing Session on 3 September 2013.

#### 1. Public Hearing

Section 57 of the *Environmental Planning & Assessment Act 1979* makes provision for Council to conduct a public hearing into a planning proposal.

The *Environmental Planning & Assessment Act 1979* (the Act) and associated Regulations do not prescribe how a public hearing is to be conducted. However, if Council was to conduct a public hearing along similar lines to a public inquiry or Commission of Inquiry it is envisaged that this would be chaired by a former LEC commissioner (or person of similar standing/experience), would require approximately four months of preparation, be conducted over five to six days and Council would be provided with a report from the Chair for consideration.

It is estimated that the cost for this type of public hearing would be in the order of \$60,000 - \$80,000.

## **2. Presentations / Group Meetings**

Respondents could be invited to make presentations directly to Councillors / Council staff in a forum facilitated by an independent third party. Alternatively respondents could be invited to be part of facilitated small group meetings with Councillors / Council staff attending as observers.

It is estimated such an approach would take one - two months of preparation, presentations would be conducted over one - two days, and group meetings would be undertaken over one day.

It is estimated that the cost for these options would be in the order of \$5,000 - \$15,000.

## **3. Involve Respondents in the Preparation of the Summary of Submission**

To enable the planning proposals to be reported to Council, Council staff will prepare a report which will include a summary of the individual submissions. At present it is anticipated this summary would be presented in a tabular form whereby respondents would be identified by name and the matters raised in their submission would be recorded. Upon preparation of this table, and prior to the relevant Council meeting, Council staff could forward this summary to respondents to ensure that their submission has been appropriately understood and reflected by Council staff.

Respondents could be given a two week timeframe to provide feedback to Council staff. Note: this would not be an opportunity for respondents to provide further commentary regarding the proposal it would only be an opportunity to respond to the summary of their submission, i.e. have the issues raised in their submission been identified.

It is estimated that the cost to Council would be relatively low (i.e. postage and additional staff time to respond to feedback) and would represent a minor addition to the timeframe for reporting the proposals to Council.

This was the preferred approach discussed at the Councillors' Briefing Session on 3 September 2013.

## **4. Continue the Current Process**

Council could continue the current process which would mean that upon preparation of the respective Council reports, respondents would be invited to the respective Council meeting and have an opportunity to address Council.

Given the volume of submissions for the Redbank planning proposal, Council may wish to consider holding an Extraordinary Meeting for this proposal.

Additional costs would be incurred if Council was to hold an Extraordinary Meeting.

## **Conformance to Community Strategic Plan**

The options discussed in this report are consistent with the Shaping Our Future Together direction:

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

## **Financial Implications**

The financial implications of various options for further consultation with respondents have been identified in this report.

## **ORDINARY MEETING**

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### **RECOMMENDATION:**

That:

1. Upon preparation of the summary of submissions for the Redbank, North Richmond and Jacaranda Ponds, Glossodia planning proposals, Council staff forward the summary to respective respondents for comment.
2. Respondents be provided a two week timeframe to provide feedback to Council staff regarding the interpretation/summarisation of their submission.
3. Respondents be advised that in providing feedback it is not an opportunity to provide further/additional submissions or commentary regarding the proposals, but is an opportunity to respond to the summary of their submission to ensure that their submission has been appropriately understood and reflected by Council staff.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 10 September 2013

### CITY PLANNING

**Item: 181 CP - Appointments to the Hawkesbury Access and Inclusion Committee - (95498)**

**Previous Item:** 82, Ordinary (14 May 2013)  
RM2, Ordinary (5 February 2013)  
216, Confidential (27 November 2012)

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#### **REPORT:**

##### **Executive Summary**

This report has been prepared to seek Council's approval to appoint community representatives to the Hawkesbury Access and Inclusion Advisory Committee. Council will also be required to appoint Councillor representatives to the Committee. The report also proposes that once established, the Committee seek additional community representatives to fill casual vacancies on the Committee.

##### **Consultation**

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

##### **Background**

In July 2010, in response to a Notice of Motion, Council established the Hawkesbury Access and Inclusion Committee (HAIC). The primary purpose of the HAIC was to assist Council staff in the preparation of an Access and Inclusion Plan which aimed to eliminate barriers which prevented residents and visitors from accessing services and facilities and participating fully in community and civic life.

In November 2012, Council resolved to 'abolish the Hawkesbury Access and Inclusion Committee'.

In February 2013 Council resolved to request a report on options for establishing a committee 'to deal with mobility matters'.

A report was subsequently considered at the Ordinary Meeting on 14 May 2013. In considering this report Council resolved as follows:

*"That:*

- 1. Council re-establish an Access and Inclusion Advisory Committee with primary responsibility for completing the preparation of the Hawkesbury Access and Inclusion Plan and for working with staff to implement the Pedestrian Access and Mobility Plan (PAMP) component of the Hawkesbury Mobility Plan.*
- 2. Those persons who had lodged Expressions of Interest to sit as community representatives on the previous Hawkesbury Access and Inclusion Advisory Committee be contacted to determine if they would like their Expression of Interest to be carried forward and reported to Council for membership of the proposed Hawkesbury Access and Inclusion Advisory Committee."*

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### Current Situation

In accordance with Council's resolution of 12 May 2013, those persons who had lodged an Expressions of Interest (Eoi) to sit as community representatives on the Hawkesbury Access and Inclusion Advisory Committee have been contacted. The following persons have indicated that they would like their Eoi to be carried forward for appointment to the Hawkesbury Access and Inclusion Advisory Committee:

1. Desmond Crane
2. Alan Aldrich
3. Debbie Court
4. Ken Ferris
5. Robert Bosshard
6. Mary-Jo McDonnell
7. Carolyn Lucas

These seven persons were previous members of the Hawkesbury Access and Inclusion Advisory Committee.

Two other persons who had previously lodged an Eoi indicated that they would like to withdraw their nomination.

The Constitution of the Hawkesbury Access and Inclusion Advisory Committee includes provision for nine community appointments. It is proposed that the two vacant positions be treated as casual vacancies and that they be filled in accordance with Clause 6(d) of the Constitution which gives the Committee the power to fill casual vacancies. To facilitate this process it is proposed that the Committee seek fresh Expressions of Interest for the two additional community representatives and that these Eois be considered and determined by the Committee.

The Constitution of the Hawkesbury Access and Inclusion Advisory Committee also includes provision for the appointment of two Councillors to the Committee.

### Conformance to Community Strategic Plan

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

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

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

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

### RECOMMENDATION:

That:

1. Council nominate and appoint two Councillors to the Hawkesbury Access and Inclusion Advisory Committee
2. Council appoint Desmond Crane, Alan Aldrich, Debbie Court, Ken Ferris, Robert Bosshard, Mary-Jo McDonnell and Carolyn Lucas as community representatives to the Hawkesbury Access and Inclusion Advisory Committee.
3. The Hawkesbury Access and Inclusion Advisory Committee seek Expressions of Interest from interested members of the community to fill the two casual vacancies on the Committee.

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**Meeting Date:** 10 September 2013

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**



## ORDINARY MEETING

Meeting Date: 10 September 2013

**Item: 182 CP - Memorandum of Terms of Delegation - Peppercorn Services Inc - (95498, 96328, 80251)**

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### REPORT:

#### Executive Summary

This report has been prepared to seek Council's approval to execute a 'Memorandum of Terms of Delegation' (MToD) between Council and Peppercorn Services Inc. (PSI). The report provides a brief outline of the evolution of the relationship between PSI and Council and the requirement for Council to enter into the proposed MToD to formalise this relationship.

#### Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. The draft MToD has been referred to PSI and has been formally considered by the Board of PSI.

#### Background

Peppercorn Services Inc. was established by Council in 2001 to initially manage the Hawkesbury Community Transport Service (HCTS) on Council's behalf (Council had been requested by the Ministry of Transport to assume management of the HCTS in 1999).

Since 2001, Council has progressively transferred responsibility for the management and operation of its externally funded community services to PSI to the point where PSI now effectively operates as the contracted community services arm of Council.

As part of this transition process, PSI has been progressively assuming an increased level of autonomy from Council. In 2010, an Executive Officer position was created with a direct report to the Board of PSI (prior to this appointment Council staff were managing day-to-day operations of PSI services).

Given the changing relationship, the Board of PSI is seeking to enter into a Memorandum with Council to clarify respective roles and responsibilities. The Memorandum is intended to set out an operating and governance framework to guide the future operations of Peppercorn Services Inc. and its interactions with Council. The existing 'informal' framework is largely based on the current working relationships between Council and PSI staff and the corporate knowledge held by those staff.

In addition a number of funding bodies, who provide Council with the funding for the services delegated to PSI, have requested that Council provide them with a document outlining the relationship between PSI and Council. These funding bodies have interpreted this relationship as a sub-contractual arrangement (i.e. where Council has sub-contracted services to PSI to operate). Currently the only 'formal' document which exists is the Council Report 'Reviews of Delegations of Authority under Section 377 of the *Local Government Act 1993*' which Council considers following the election of a new Council. The Council report is not, in itself, sufficient to satisfy the request from funding bodies.

#### Current Situation

A draft Memorandum of Terms of Delegation (MToD) has been drafted by Council staff. The draft has been considered by Council Management and been referred to Council's solicitors for review. The Draft MToD was reported to the 22 August Meeting of the Board of Peppercorn Services Inc. who resolved to refer the draft MToD to Council for its consideration and determination.

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In simple terms, the purpose of the draft MToD is to set out the proposed terms of Council's delegation to PSI for the management of Council's externally funded community services. The draft MToD:

- a. outlines in broad terms the strategic and governance framework within which Council requires PSI to operate and includes reference to relevant documents, legislation and Council policies which PSI will be required to comply with in the conduct of its activities;
- b. lists the externally funded services which have been delegated to PSI to manage on Council's behalf, and the conditions to be met by PSI as the managing agent for these services;
- c. identifies the financial contributions to be made by Council to PSI to enable PSI to deliver contracted services delegated to PSI;
- d. lists the matters which PSI is required to notify Council of and the obligation for community consultation associated with these matters; and
- e. outlines the dispute resolution process to be followed in the event of a dispute or disagreement between Council and PSI.

If executed, the Memorandum will remain in force for the term of the current Council.

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

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

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

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

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

### **Financial Implications**

There are no financial implications arising from this report.

### **RECOMMENDATION:**

That the authority be given to execute a 'Memorandum of Terms of Delegation' between Council and Peppercorn Services Inc. for the management of externally funded community services delegated to Peppercorn Services Inc.

### **ATTACHMENTS:**

**AT - 1** Memorandum of Terms of Delegation 'Looking After People and Place'

**AT - 1 Memorandum of Terms of Delegation 'Looking After People and Place'**

MToD between HCC and PSI

September 2013



**MEMORANDUM of  
TERMS of DELEGATION**

**“Looking After People and Place”**

**A framework for the governance and operation of  
Hawkesbury City Council's externally funded  
community services where the management of  
these services have been delegated to Peppercorn  
Services Inc.**

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September 2013

### PART 1. - Preliminary

#### 1. Definitions.

- |  |   |
|--|---|
| 1.1 <i>Hawkesbury City Council (HCC)</i>       | refers to the independent, statutory corporation responsible for administering the Hawkesbury Local Government Area and whose functions are governed by the <i>Local Government Act 1993</i> .  |
| 1.2 <i>Peppercorn Services Inc (PSI).</i>      | refers to a legally separate, not-for-profit entity established to deliver community services to the residents of the Hawkesbury Local Government Area and whose operations are regulated under the <i>NSW Associations Incorporation Act 2009</i> .  |
| 1.3 <i>Hawkesbury Local Government Area</i>    | refers to the administrative unit which represents the geographical area of responsibility of Hawkesbury City Council.  |
| 1.4 <i>Hawkesbury Community Strategic Plan</i> | refers to a high level strategic plan adopted by Hawkesbury City Council which outlines the aspirations of the community and sets the essential direction for future Council activities and decision making.  |
| 1.5 <i>funding auspice</i>                     | refers to an organisation which has executed an agreement with a funding body to accept external funds for the purpose of providing a contracted service.   |
| 1.6 <i>funding contract</i>                    | refers to a formal, legally binding agreement between a funding body and a service provider which sets out the respective responsibilities and accountabilities of both parties and the outputs required to be achieved in exchange for funds provided for the delivery of contracted services. |
| 1.7 <i>industrial award</i>                    | refers to a ruling handed down by either Fair Work Australia or by a state industrial relations commission which grants all wage earners in one industry or occupation the same minimum conditions of employment and wages.   |
| 1.8 <i>work, health and safety.</i>            | refers to an integrated, planned approach to workplace health and safety implemented to ensure a safe workplace through the identification, management and control of health and safety risks.  |
| 1.9 <i>childrens services regulation</i>       | refers to regulations which specify the standards of operation of licensed child care services  |
| 1.10 <i>constitution</i>                       | refers to the formal rules of association governing the functions of the Board of Management of Peppercorn Services Inc.  |
| 1.11 <i>board</i>                              | refers to the governing body (the management committee) of Peppercorn Services Inc.   |
| 1.12 <i>Council</i>                            | refers to the day-to-day operations of Hawkesbury City Council directed by the General Manager.   |

## Part 2 – Introduction

- 2.1 This document is the Memorandum of Terms of Delegation (MToD) between Hawkesbury City Council (Council) and Peppercom Services Inc. (PSI). It sets out the respective roles and responsibilities of Council and PSI for the provision of community services to residents of the Hawkesbury Local Government Area.
- 2.2 This MToD acknowledges that under the *Local Government Act 1993* Council has a responsibility to *'provide directly, or on behalf of other levels of government equitable and appropriate services and facilities for the Hawkesbury community'*. To this end, Council receives funding from other levels of government to provide community services to the Hawkesbury community.
- 2.3 This MToD recognises that PSI was established by Council, in partnership with other community agencies, to operate Council's externally funded community services and to facilitate the community management of these services. The MToD acknowledges that this arrangement delivered administrative, consumer and financial efficiencies for the benefit of the community.
- 2.4 This MToD acknowledges that the provision of a broad range of community services is integral to achieving the objectives of the Hawkesbury Community Strategic Plan. It recognises that the provision of these services not only strengthens and connects communities and promotes the well-being of residents, but will also tackle social exclusion and provide the opportunity for all members of the community to participate fully in community and civic life.

## Part 3 – Strategic and Governance Framework

- 3.1 The objective of this MToD is to outline a strategic and governance framework for the planning and provision of community services to the residents of the Hawkesbury.
- 3.2 Under this framework,
  - (a) Council is responsible for identifying the human service needs of residents through its community planning processes and for seeking external investment to commission new services to respond to these needs.
  - (b) Council will assume the role of funding auspice and, in this capacity, will enter into funding contracts with government agencies to deliver specified service outputs in exchange for funds.
  - (c) Council will delegate to PSI responsibility for the management and day-to-day operation of services that Council has been contracted by funding bodies to provide. In this capacity, PSI will operate as the contracted community services delivery arm of Council
- 3.3 Council recognises that there may be circumstances where it is preferable for PSI to enter into a funding contract directly with a government, commercial or philanthropic agency. In this situation, PSI will assume the role of funding auspice and may enter into a funding contract directly with a government, commercial or philanthropic agency but will notify Council of its intention to apply for external funds prior to submitting for these funds.
- 3.4 Council and PSI will work collaboratively to identify opportunities to seek external investment to commission new services or expand existing services. Both parties agree to consult with each other to ensure that proposals for new or expanded

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services are financially and operationally sustainable and are consistent with the Hawkesbury Community Strategic Plan.

- 3.5 In delegating the management and day-to-day operation of its externally funded services, Council expects PSI to comply with the responsibilities, reporting requirements, financial accountabilities and obligations as set out in the;
- (a) Constitution of Peppercorn Services Inc;
  - (b) funding contracts that have been entered into between Council and government agencies for the provision of services;
  - (c) industrial awards;
  - (d) Work Health and Safety Act 2011;
  - (e) Associations Incorporation Act 2009;
  - (f) Childrens Services Amendment Regulation 2010;
  - (g) privacy, child protection and anti-discrimination legislation;
  - (h) Hawkesbury City Council Community Facilities Manual; and
  - (i) such other legislation, regulations and guidelines which are applicable to the operation of the externally funded services delegated by Council to PSI
- 3.6 In delegating the management and day-to-day operation of its externally funded services, Council also expects PSI to conduct its activities in accordance with the principles outlined in Council's;
- (a) Community Engagement Policy
  - (b) Access and Inclusion Policy
  - (c) Sustainable Events Management Policy
  - (d) Statement of Business Ethics

### Part 4 – Delegations and Conditions.

- 4.1 Under this MToD Council has delegated to PSI responsibility for the management of the externally funded services/projects and Council facilities as listed in Schedule 1.
- 4.2 PSI agrees to act as the managing agent for the funded services/projects and Council facilities listed in Schedule 1 and to undertake all the duties and functions required of a managing agent.
- 4.3 PSI will undertake to obtain all necessary consents, licences or authorisations under all Acts of Parliament either of the Commonwealth of Australia or of the State of New South Wales and under all ordinances, regulations, by-laws, orders and proclamations issued under any such Act and to ensure that all services performed in relation to services listed in Schedule 1 conform with such consent, licences or authorisations.
- 4.4 PSI is responsible for all staff employed by PSI to deliver the services listed in Schedule 1. Council accepts no responsibility and shall not be liable in any way for any claims which may arise as a result of the activities of PSI or the actions of PSI staff. PSI hereby releases and indemnifies Council in respect of any and all such liabilities, claims, actions, suits, proceedings, demands, losses, damages and the like howsoever arising in the course of its delivery of services and its operations generally.
- 4.5 PSI will employ all staff under appropriate industrial awards, ensure that appropriate insurances are taken out, and that all relevant requirements pertaining to Equal Employment Opportunity, Work Health and Safety, Anti-Discrimination and Child

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Protection legislation are met in full.

- 4.6 PSI nor any of its employees will make any representations or statements in relation to Council, its services or its employees other than those which have been approved by Council.
- 4.7 PSI undertakes to keep all financial records, operational records and service data in relation to the services as listed in Schedule 1 in proper order and in an adequate manner. PSI will forward to Council within the required time frames all such reports and returns that are to be submitted by Council to meet the requirements of funding contracts for services listed in Schedule 1 (where Council is the funding auspice).
- 4.8 PSI must effect and maintain the following insurances
  - (a) public liability insurance for an amount not less than \$20,000,000;
  - (b) workers' compensation insurance as required by law in respect of any person deemed to be an employee; and
  - (c) professional indemnity insurance for an amount not less than that required to be held in accordance with the Professional Standards Act.
- 4.9 PSI will provide to Council an annual certificate of currency in respect of each insurance policy required under clause 4.8, showing:
  - (a) the insurance policy numbers;
  - (b) the expiry date of each policy; and
  - (c) the amount of insurance cover required to be held under this Contract.
- 4.10 Council will refer any complaints received by Council relating to day-to-day operation and management of the services listed in Schedule 1 and/or the conduct of staff employed by PSI, to the Executive Officer, Peppercom Services Inc. for investigation in accordance with PSI internal complaints policy and procedures.

### Part 5 – Financial Contributions

- 5.1 Unless otherwise negotiated, Council will remit in full the grant received from funding bodies for the contracted service listed in Schedule 1.
- 5.2 PSI will operate the contracted service listed in Schedule 1 in accordance with the unit costings, revenues and expenditures specified within the funding contract. Council would expect that the funds remitted to PSI will cover the total cost of delivering the contracted service and unless otherwise negotiated, Council will not be required to contribute additional funding for the contracted service.
- 5.3 Council recognises however that it has provided supplementary funding to PSI for a number of purposes and its intention is to maintain this supplementary funding. The amount of supplementary funding to be provided in any one year will be determined during the preparation of Council's annual financial estimates and will be subject to the adoption of Council's annual budget. Supplementary funding will be provided to;
  - a) maintain existing operating subsidies for those services listed in Schedule 1 which prior to their transfer to PSI, operated at a loss when under Council management. These funds are intended to cover the ongoing 'structural' operating losses generated by these services;

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- b) maintain Council's contribution to the Community Access Transport Program to provide subsidised transport services for transport disadvantaged groups who do not meet the eligibility criteria for the funded community transport services managed by PSI;
  - c) maintain Council's contribution to the cost of the Peppercorn Place front desk/reception position;
  - d) cover annual child care licence fees;
  - e) such other supplementary funding which Council may, from time to time, determine.
- 5.5 Ordinarily it will be Council's intention to maintain the level of supplementary funds provided to PSI and for these funds to be indexed annually by CPI. Where Council is seeking to vary the historical level of funding for the above categories of supplementary funds, it will consult with PSI to assess the impact of the proposed variation. If required Council and PSI will negotiate and implement a joint-strategy to manage these impacts with such arrangements recognising the shared responsibility of PSI and Council to minimise disruption to existing services.
- 5.6 In addition to the supplementary funding, PSI is eligible to apply for additional funding under Council's Community Sponsorship Program and other Council programs where financial assistance is made available to community groups. Council may also contract PSI to deliver programs or events (not listed in Schedule 1) on a fee for service basis.

### Part 6 – Reporting and Consultation.

- 6.1 PSI will inform Council of any proposal to;
- (a) cease the operation of a service listed in Schedule 1;
  - (b) alter the hours of operation or location of services listed in Schedule 1;
  - (c) restructure or change a service listed in Schedule 1 which may result in staffing restructure which triggers a requirement to notify unions, or otherwise have a significant impact on the provision of services to customers and/or which may have the potential to generate representations to Council from PSI customers or other service providers;
  - (d) amend the Constitution of Peppercorn Services Inc.
- 6.2 Where PSI has advised Council of a proposal referred to in 6.1 above, it will consult with Council to assess the customer impacts of the proposal and if required PSI and Council will negotiate and implement a joint-strategy to consult with affected parties as provided for in Council's Community Engagement Policy.
- 6.3 PSI will also advise Council of any reportable Breach of Child Protection or Children's Services Regulation on the part of PSI or any of its employees. PSI will also advise Council of any incident of Fraud or such other Criminal Offence which has the potential to impact adversely on Council's reputation or give rise to a community perception of maladministration.



## ORDINARY MEETING

Meeting Date: 10 September 2013

MToD between HCC and PSI

September 2013

### Part 7 – Dispute Resolution

7.1 In the event of a dispute or disagreement between the parties to this MoU the parties agree to comply with the following dispute resolution procedure:

Where a dispute arises between the parties the complainant will set out in writing:

- (i) the nature of the dispute;
- (ii) the outcome the complainant is seeking; and
- (iii) what action the complainant thinks will settle the dispute.

7.2 The parties will make every effort to resolve the dispute by mutual negotiation.

7.3 In the event that the parties are unable to reach a resolution of the dispute within 21 days or such other period as is agreed in writing by the parties, either of the parties may by notice in writing advise the other party that it seeks to have the dispute resolved by mediation.

7.4 The parties involved in the dispute shall agree to accept the outcomes of such mediation

### Part 8 – Review

8.1 The MToD will remain in force for a period of four years following a resolution of Council to extend its delegation of authority to Peppercorn Services Inc. under Section 377 of the *NSW Local Government Act 1993*.

### Part 9 – Execution

Signed for and on behalf of PEPPERCORN SERVICES INC.	)	Signed for and on behalf of COUNCIL:	)
_____	)	_____	)
Signature of authorised person	)	Signature of authorised person	)
_____	)	_____	)
Name of authorised person (printed)	)	Name of authorised person (printed)	)
_____	)	_____	)
Title	)	Title	)
_____	)	_____	)
Date	)	Date	)

## ORDINARY MEETING

Meeting Date: 10 September 2013

MToD between HCC and PSI

September 2013

### SCHEDULE 1

List of Council auspiced externally funded services and facilities delegated to PSI.

#### Community Transport Services

HACC Shopping Service  
HACC Day Care Program Transport  
HACC Medical Transport  
Community Medical Transport  
Isolated Residents Transport  
Youth Transport

#### Disability and Aged Services

Centre-Based Meals Program  
Easycare Lawn Mowing Services

#### Family, Community and Youth Services

Families NSW Community and Youth Hub  
Families NSW Parenting Programs and Family Support  
Forgotten Valley EIPP Family Support Service  
Forgotten Valley Community Builders Project

#### Childrens Services

Hawkesbury Family Day Care  
Forgotten Valley Pre-School (Wisemans Ferry & South Maroota)  
Forgotten Valley Vacation Care

#### Community Facilities

Hawkesbury Seniors Leisure and Learning Centre  
South Windsor Family Centre  
McGraths Hill Community Garage.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 10 September 2013

### INFRASTRUCTURE SERVICES

**Item: 183**      **IS - Kurrajong Rural Fire Brigade - Extensions to Building - (95495, 79354)**

**Previous Item:**      135, Ordinary (28 June 2011)  
                             43, Ordinary (8 March 2011)

---

#### **REPORT:**

##### **Executive Summary**

This report outlines the success of the Kurrajong Rural Fire Brigade in raising the necessary funding to enable construction of extensions to their station, and recommends that Council incorporate the delivery of this project into its current program and budget subject to receipt of the Brigade's contribution.

##### **Consultation**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. It should be noted that consultation has previously been undertaken and considered by Council.

##### **Background**

Kurrajong Rural Fire Brigade (KRFB) occupies a site on Old Bells Line of Road in Kurrajong Village.

The Brigade has for some years sought to have extensions carried out to provide meeting/training rooms and improved amenities. Following community consultation, Council resolved to support the project in-principle and seek approval of Crown Lands to amend the controls applying to the Crown Land (Memorial Park). This approval was subsequently given.

A Development Application has been submitted and approved, and quotations for the work have been obtained, in anticipation of the KRFB raising the necessary funding.

The KRFB has now confirmed that it has achieved the necessary funding and have requested Council to undertake the works as soon as possible.

A review of Council's Building Works Program has been carried out and it is anticipated that the works could commence in late October 2013, subject to the availability of a builder, under the project management of Council staff. A Project Control Group will be formed with representatives of the brigade, to ensure brigade requirements and further volunteer/in-kind contributions are integrated with the builder's construction activities.

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

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

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

##### **Financial Implications**

The contract value of the project is fully funded by KRFB, with project management being undertaken as Council's in-kind contribution. The funding contribution of \$105,000 (GST excl.) will be included in the 2013/2014 Operational Plan Quarterly Budget Review, and the works incorporated in Council's 2013/2014 Works Program.

## **ORDINARY MEETING**

**Meeting Date:** 10 September 2013

### **RECOMMENDATION:**

That Council:

1. Note the information contained in the report on Kurrajong Rural Fire Brigade - Extensions to Building.
2. Include the project in the 2013/2014 Works Program for construction of the works, and the associated Brigade contribution of \$105,000 (GST Exclusive) be included in the 2013/2014 Operational Plan Quarterly Budget Review.

### **ATTACHMENTS:**

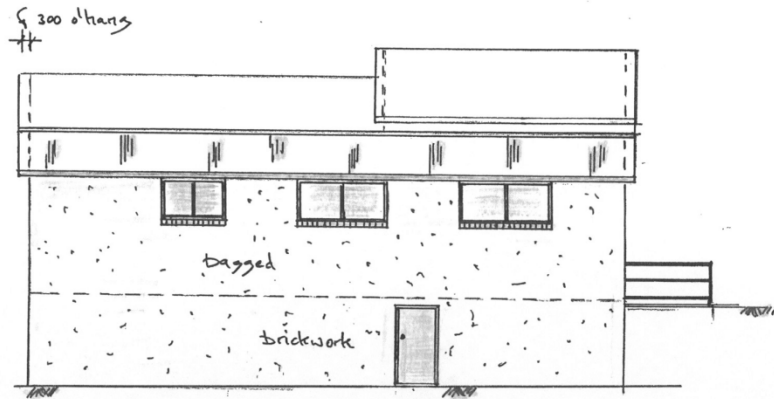
**AT - 1** Plan - Proposed Addition to Kurrajong Rural Fire Station

**AT - 2** Location Plan - Kurrajong Rural Fire Station

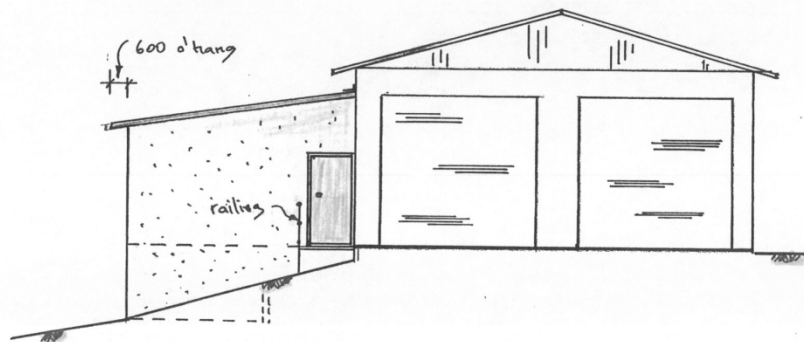


ORDINARY MEETING

Meeting Date: 10 September 2013



WESTERN ELEVATION



SOUTHERN ELEVATION

Scale 1:100

Floor area: 69.16 m<sup>2</sup>

Drawn: 10/10 C.C.



## ORDINARY MEETING

Meeting Date: 10 September 2013

### AT – 2 – Location Plan - Kurrajong Rural Fire Station



## HAWKESBURY CITY COUNCIL

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Hours: Monday to Friday 9.30am - 5.00pm  
Phone: 02 4560 4444

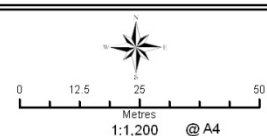


Printing Date: 1/3/2011

### Legend

 Kurrajong Memorial Park  Kurrajong Rural Fire Station

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oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 10 September 2013

**Item: 184      IS - Proposed Acquisition of Easement by Endeavour Energy - Pound Paddock Reserve, Richmond - Lot 1 in Deposited Plan 1041524 - (121224, 95495)**

---

### REPORT:

#### Executive Summary

Endeavour Energy, as part of an ongoing commitment to provide reliable electricity supply to its consumers, is constructing a new zone substation off Blacktown Road, Richmond. In order to provide electricity to the Richmond CBD and surrounding areas, Endeavour Energy propose to install a number of underground cables between the new substation, and existing assets, including the splay corner of Blacktown Road and Bourke Street, being Pound Paddock Reserve (Lot 1 in Deposited Plan 1041524).

This report recommends the proposed acquisition be agreed to.

#### Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Endeavour Energy will, if necessary, undertake any community consultation as part of the statutory acquisition process.

#### Background

Endeavour Energy, as part of an ongoing commitment to provide reliable electricity supply to its consumers, is constructing a new zone substation off Blacktown Road, Richmond. In order to provide electricity to the Richmond CBD and surrounding areas, Endeavour Energy proposes to install a number of underground cables to the new substation.

The intersection of Blacktown Road and Bourke Street, being Pound Paddock Reserve (Lot 1 in Deposited Plan 1041524) has been identified as a suitable location for the cables to be laid. The cables will be located in conduits that will be installed by open trenching construction. The proposed 10 metre wide splay easement is shown on the attached plan.

Whilst Endeavour Energy intend to acquire the easement in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, they are seeking Council's concurrence in order to expedite this matter and, in this regard, have offered compensation in the amount of \$2,000 plus GST plus all legal fees, including Council's, necessary for the acquisition and creation of the easement.

As a valuation report, to ascertain compensation, would cost approximately \$2,000, it is considered unnecessary to engage the services of a registered valuer and, instead, Council's Property Staff have been guided by verbal advice from Lunney Watt Valuers Pty Ltd which indicates that the offer of \$2,000 plus GST plus legal fees is considered reasonable and could be agreed to by Council.

If agreed to by Council, it will be necessary for the easement to be registered on the Deposited Plan and the Certificate of Title pertaining to Pound Paddock Reserve (Lot 1 in Deposited Plan 1041524) once legal documentation, formalizing the easement, has been executed by both parties.

#### Conformance to Community Strategic Plan

The proposal is consistent with the Linking the Hawkesbury Directions statement;

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



## ORDINARY MEETING

Meeting Date: 10 September 2013

### Financial Implications

Should Endeavour Energy acquire an easement across this site there would be no financial implications to Council with \$2000 in compensation being received by Council.

### RECOMMENDATION:

That:

1. Council provide concurrence to the acquisition of a 10 metre easement within Pound Paddock Reserve (Lot 1 in Deposited Plan 1041524) subject to:
  - a. Endeavour Energy paying Council compensation in the amount of \$2,000 plus GST;
  - b. Endeavour Energy paying all legal fees incurred by Council, necessary for the acquisition and creation of the easement.
2. Authority be given for any documentation in association with the matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to Endeavour Energy, together with the advice that Council is not, and will not, be bound by the terms of the resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

### ATTACHMENTS:

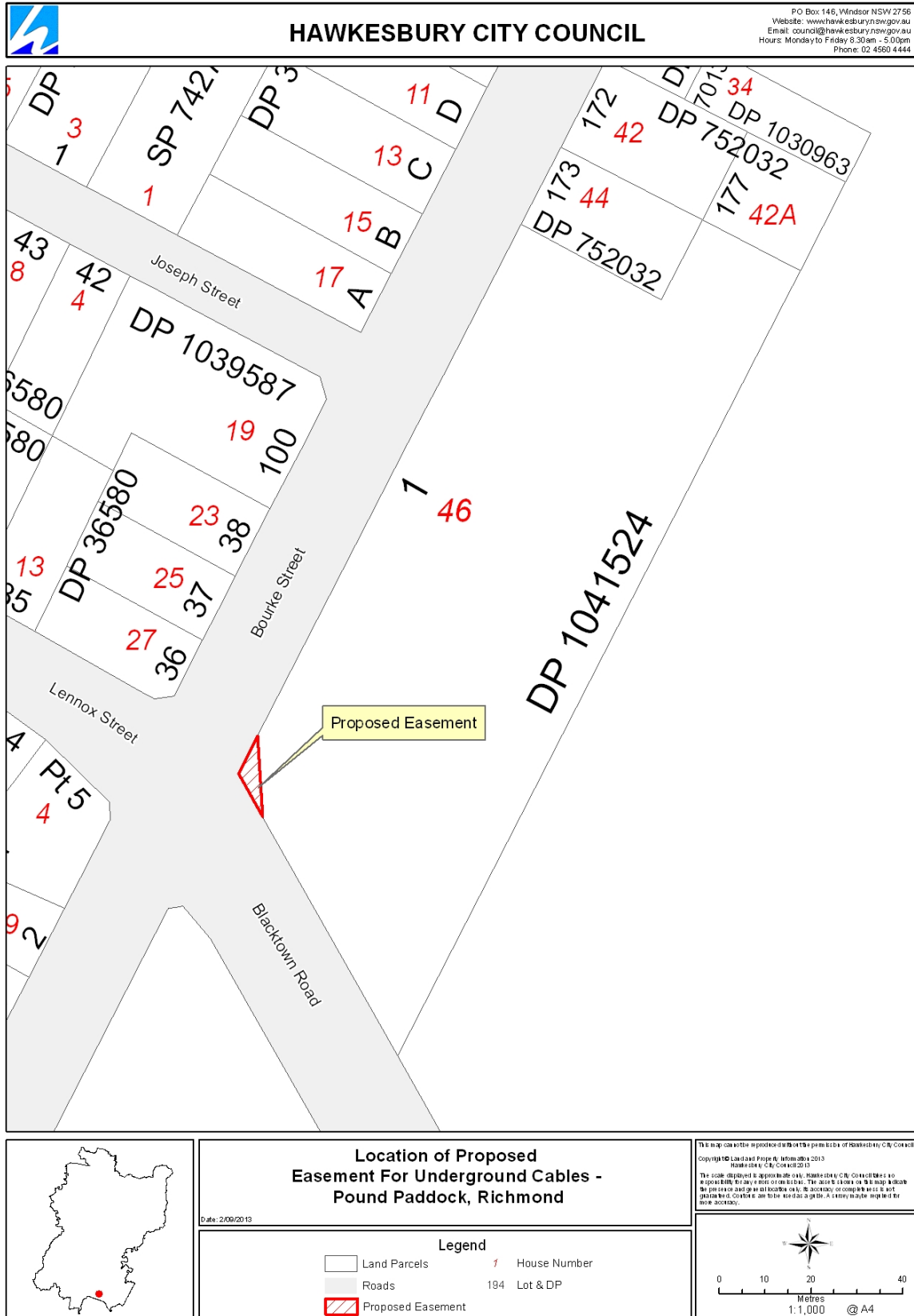
**AT - 1** Plan of Location of Proposed Easement for Underground Cables - Pound Paddock

**AT - 2** Aerial of Location of Proposed Easement for Underground Cables - Pound Paddock

# ORDINARY MEETING

Meeting Date: 10 September 2013

## AT - 1 Plan of Location of Proposed Easement for Underground Cables - Pound Paddock



## ORDINARY MEETING

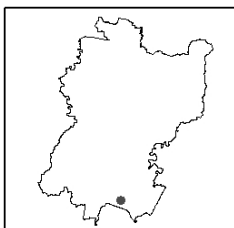
Meeting Date: 10 September 2013

### AT - 2 Aerial of Location of Proposed Easement for Underground Cables - Pound Paddock



## HAWKESBURY CITY COUNCIL


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Phone: 02 4560 4444



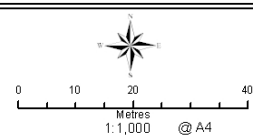
### Location of Proposed Easement For Underground Cables - Pound Paddock, Richmond

Date: 2/09/2013

#### Legend

 Proposed Easement

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oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 10 September 2013

### SUPPORT SERVICES

**Item: 185      SS - Carryovers Report - 2012/2013 Operational Plan - (96332, 95496)**

**Previous Item:**      173, Ordinary (27 August 2013)

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#### **REPORT:**

At the meeting of Council held on 27 August 2013, consideration was given to a report regarding unspent funds relating to expenditure budgeted in the 2012/2013 Operational Plan. The purpose of the report was to seek Council's approval to carry over the relevant unspent funds into the 2013/2014 financial year.

At this meeting, Council resolved:

*"That the matter be discussed at the briefing session on 3 September 2013 and reported to the following Council meeting on 10 September 2013."*

Subsequently, a Briefing Session was held on 3 September 2013. The purpose of the Briefing Session was to provide the Council with an overview of the legislative requirements regarding the expiration of expenditure approval at the end of a financial year, the circumstances leading to some expenditure being outstanding as at the end of the financial year, and management's actions to ensure the delivery, as far as practicable, of all budgeted works by June 2014.

The purpose of this report is to seek Council's approval to carry over unspent funds into the 2013/2014 financial year for works approved within the 2012/2013 Operational Plan, and subsequent Quarterly Budget Reviews that were not fully expended as at 30 June 2013. In the past this process has been completed as part of the June quarterly review. However, this particular review is no longer required under the new Integrated Planning and Reporting requirements. As such this report is required to address the administrative issue of carryovers previously dealt with in the June quarterly review.

#### **Consultation**

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

#### **Background**

Council adopted its Operational Plan for 2012/2013 on 19 June 2012, which was amended as necessary via Quarterly Budget Reviews adopted by Council throughout the year. The 2012/2013 Operational Plan and subsequent amendments included funding for projects that as at 30 June 2013 were not fully expended.

Clause 211 of the Local Government (General) Regulation 2005, allows for approved expenditure votes not to lapse at the end of the financial year, provided approved unspent votes relate to funds that have been committed or works have commenced. This provision allows for funding continuity for projects undertaken over multiple financial years.

Unspent funds relating to projects committed in line with the requirements of Clause 211 do not lapse at the end of the financial year and therefore do not require Council approval to be carried over. Projects that, as at the end of the financial year, were not committed in accordance with Clause 211 require Council approval to be carried over.

A significant proportion of the works requested to be carried over were committed in line with Clause 211 as at the end of the financial year. Whilst there is no legislative requirement for a Council resolution to carry over these funds, this report includes all works and associated funding requested to be carried over for completeness.

## ORDINARY MEETING

Meeting Date: 10 September 2013

For the year ending 30 June 2013, income and expenditure overall were in line with the adopted 2012/2013 Operational Plan, including subsequent Quarterly Budget Reviews. The end of year financial result, after the necessary end of year accounting adjustments, but subject to audit, includes the amounts being requested to be carried over.

As at the end of the 2012/2013 financial year, Council's overall position compared to the Full Year Budget, is a balanced position. An end of year accounting entry reflecting an increase in the value of Council's share in Westpool's equity has led to a final surplus amount of \$0.3M.

Total income from continuing operations including rates, fees and charges, grants, contributions and other revenue is \$76.4M, exceeding the Budget by \$14.4M. This variance has mostly resulted from an amount of \$11.4M included in grants and contributions provided for capital purposes in relation to non-cash contributions, which are offset by corresponding capital expenditure. The positive variance is also contributed to by better than budgeted interest earned on investments and an advance payment of part of the 2013/2014 Financial Assistance Grant. The additional funding, where project related, does have a significant impact on Council's delivery program.

The Income and Expenses Statement for the period 1 July 2012 to 30 June 2013 is included as Attachment 1 to this report.

Total operating expenditure, excluding depreciation is \$50.8M compared to a budget of \$55.3M. Operational funds relate to recurring expenditure incurred in the day to day operations of Council. An amount of \$2.5M in relation to operating expenditure is being requested to be carried over to the 2013/2014 financial year and is shown as a separate total in Attachment 2 to this report. All unspent funds relating to operating expenditure and requested to be carried over to 2013/2014 fall within the scope of Clause 211 and do not require Council approval to be carried over, but are included for Council's information.

Capital funds relate to expenditure incurred in creating or enhancing an asset that will serve a purpose over a number of years. Some funds may initially be budgeted as operational with capitalisation occurring on completion of works, in accordance with relevant accounting standards. During 2012/2013 Council has spent \$13.6M of a \$23.9M capital works program. Unspent amounts relating to Reserve funded programs remain in the respective Reserves. At the end of each financial year a review of unspent capital works funds is undertaken and only funds relating to committed and/or planned works are requested to be carried over. An amount of \$9.1M is being requested to be carried over to the 2013/2014 financial year and is shown as a separate total in Attachment 2 to this report. A significant proportion of the capital projects in the list fall within the scope of Clause 211 and do not require Council approval to be carried over, but are included for Council's information.

During the 2012/2013 financial year, the delivery of a number of infrastructure projects has been delayed due to a diversion of key staff to manage grant funded flood damage projects. A small number of projects have been delayed due to Council awaiting advice on grant funding or other funding applications, to enable project scope to be finalised. Projects falling within these categories include the Senior Citizens Centre (\$1.5M), Hawkesbury Leisure Centre (\$0.1M) and the Local Infrastructure Renewal Scheme Timber Bridge Replacement Program (\$0.3M). Council received Natural Disaster funding late in the financial year, with \$1.6M being included in the requested carryover amounts for the Upper Macdonald Road Bridge and the West Portland Road Embankment projects.

It was also prudent or necessary to delay some projects, that at some point during the year, required further investigation before proceeding, including Macquarie Street Toilets (\$0.2M) and Gas Well Flaring (\$0.5M). A number of Parks projects have also been delayed/ postponed as they relate to, or are dependent on, Plans of Management yet to be finalised and/or relevant strategy development.

Some of the amounts included in this report relate to works, which whilst completed or nearing completion as at the end of the financial year, were not fully expended. As at the end of August 2013, significant progress has been made, in completing a number of outstanding projects, with associated funding now being expended.

## ORDINARY MEETING

Meeting Date: 10 September 2013

Included in the amounts requested to be carried over is approximately \$1M relating to Information Services projects. Projects in this category often cross over financial years due to the interdependencies between some projects, the on-going nature and/ or staged implementation and the necessity to plan delivery of projects ensuring Council's business continuity. Of particular relevance to Information Services projects is the continually changing technology. This has resulted in some projects being delayed so as to ensure that best value for money is achieved, and Council needs are met effectively, when selecting the most appropriate technological solution.

The level of carryovers from year to year is closely monitored and a number of actions have been in place for some time to address the delivery of projects in line with the timeframes in the annual Operational Plans. These actions include capacity building, enhanced project planning and a capital works budgeting methodology review. It is anticipated that these actions will achieve timely delivery of works identified in future Operational Plans.

Unspent funds for works committed, commenced or undertaken, included in the adopted 2012/2013 Operational Plan and subsequent Quarterly Budget Reviews are submitted for Council's consideration to be carried over into the 2013/2014 financial year. A list relating to projects to be funded from these funds is included as Attachment 2 to this report.

The total value of the 2012/2013 Carryover is \$11.6M, of which \$2.1M relates to projects funded by Section 94/94A, \$3.2M funded by grants and contributions, \$2.5M funded by Reserves and \$3.8M from the general fund.

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

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

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

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

- Maintain and review sustainable long term financial framework

### **Financial Implications**

Funding to be carried over to the 2013/2014 financial year was adopted as part of the 2012/2013 Operational Plan and subsequent Quarterly Budget Reviews. The amounts carried over, will be added on to the adopted 2013/2014 Operational Plan.

### **RECOMMENDATION:**

That the funding for projects detailed within the Carryovers report for the financial year ended 30 June 2013, included as Attachment 2 to this report, be carried over into the 2013/2014 financial year.

### **ATTACHMENTS:**

**AT - 1** Income and Expenses Statement for the period 01 July 2012 to 30 June 2013

**AT - 2** Carryovers Report for the financial year ended 30 June 2013

# ORDINARY MEETING

Meeting Date: 10 September 2013

## AT - 1 Income and Expenses Statement for the period 01 July 2012 to 30 June 2013



Hawkesbury City Council

Attachment 1

### Income and Expenses Statement for the period 01 July 2012 to 30 June 2013

Actuals 2012	\$'000	Original Budget 2013	APPROVED Budget 2013	Actuals 2013
<b>Income from Continuing Operations</b>				
<i>Revenue:</i>				
38,900	Rates & Annual Charges	40,925	40,596	40,420
5,082	User Charges & Fees	4,846	5,085	5,271
2,791	Interest & Investment Revenue	1,941	1,933	2,174
3,562	Other Revenues	3,321	3,283	4,902
9,368	Grants & Contributions provided for Operating Purposes	6,438	6,455	8,508
17,161	Grants & Contributions provided for Capital Purposes	837	4,687	14,750
<i>Other Income:</i>				
-	Net gains from the disposal of assets	-	-	9
212	Entities using the equity method	-	-	340
77,076	<b>Total Income from Continuing Operations</b>	58,307	62,039	76,374
<b>Expenses from Continuing Operations</b>				
21,284	Employee Benefits & On-Costs	17,702	18,463	18,526
538	Borrowing Costs	550	628	35
17,513	Materials & Contracts	18,363	22,337	19,853
18,407	Depreciation & Amortisation	18,890	18,468	18,236
10,736	Other Expenses	12,088	13,908	12,404
289	Net Losses from the disposal of assets	-	-	-
68,767	<b>Total Expenses from Continuing Operations</b>	67,593	73,804	69,054
8,308	<b>Net Operating Result for the Year</b>	(9,286)	(11,765)	7,320
(8,853)	<b>Net Operating Result for the year before Grants and Contributions provided for Capital Purposes</b>	(10,122)	(16,451)	(7,430)
<b>Capital Funding and Expenditure</b>				
<i>Source of Capital Funding (excluding reserves)</i>				
758	Proceeds from the sale of capital assets	729	1,189	1,198
18,379	Depreciation	18,890	18,468	18,214
17,161	Grants & Contributions provided for Capital Purposes	837	4,687	14,750
36,297		20,455	24,323	34,162
<i>Application of Capital Funding</i>				
8,356	Land & Land Improvements	149	198	9,004
1,324	Buildings	2,192	3,204	842
16,404	Infrastructure	6,532	11,749	10,671
2,785	Plant & Equipment	2,598	5,642	3,485
2,189	Other	1,639	3,107	945
31,057		13,110	23,901	24,947
5,240	<b>Net Capital Expenditure</b>	7,345	422	9,216
<b>Net Reserve Transfers &amp; Capital Movements</b>				
38,050	Transfers from Reserves	29,667	47,380	39,007
35,899	Transfers to Reserves	26,890	31,350	40,453
(2,151)		(2,777)	(16,030)	1,446
(1,459)	<b>Retained surplus/(deficit) available for general funding purposes</b>	0	0	340



**ORDINARY MEETING****Meeting Date: 10 September 2013****AT - 2 Carryovers Report for the financial year ended 30 June 2013****Hawkesbury City Council****Attachment 2****Carryovers Report**

for the financial year ended 30 June 2013

Project		Carryovers
<b>Operational Projects</b>		
000031	City Planning Consultancy Fees	28,590
000032	Road Safety Officer Programs	10,555
000036	Car Parking Employment Agencies	7,424
000046	Works Program - Building M&R	95,002
000063	Visitor Information Centre Printing & Stationery Costs	1,761
000241	Local Carer's Award Ceremonies	413
000348	Waste Education Expenses	103,873
000365	Roads Network condition assessment	13,750
000386	Online Sustainable Living Guide	8,000
000388	National Dredging Investigations	73,833
000427	Hawkesbury Tourism	24,857
000444	Lower Portland Ferry Overhaul Ferry	200,000
000446	Hardware Maintenance	20,950
000447	11/12 Local Priority Grant - Promotional Activities	41,750
000448	12/13 Local Priority Grant - Library Outreach	25,000
000484	Audit Work	22,006
000493	Flood Mgmt Study-Lower MacDonald River	30,000
000500	Lib Programs & Promotions Development Project	10,055
000575	Cultural Planning Programs	16,000
000608	RSO GLS Workshops	1,038
000615	Road Safety Proj-Speeding in the Hawkesbury	1,831
000616	Disability Access Plan	6,684
000902	H'bury Oasis Swimming Ctr Sth Windsor	77,839
000933	Australian Pioneer Village Wilberforce	5,059
000968	Indoor Sports Stadium South Windsor	28,875
001054	Deerubbin Centre Plant	81,247
001056	Hawkesbury Regional Museum-Baker St Windsor	54,000
001138	Berger Park Plan of Management	30,000
001139	Chain of Ponds restoration	3,397
001206	Leisure Centre Annual Subsidy	8,543
001263	Holmes Drive - (Cumberland Reach)	7,506
001281	Road Restore Telstra Other Road Items	2,443
001282	Road Restore Intergral Other Road Items	31,785
001283	Road Rest. Waterboard Other Road Items	8,877
001284	Road Restorations AGL Other Road Items	2,977
001290	Reg Rds-Traffic Facilities RTA Block BUO	8,343
001352	Conservation & Collections Management Expenses	4,840
001364	Bins/Furniture replacement in parks	151,591
001375	State of the Environment Report	15,000
001381	Holmes Drive Reserve, Lower Portland	6,920
001385	Estuary Management Program	16,414
001397	Macquarie 2010 - Customer Service Signage	9,919
001398	Climate Change Risk Assessment	10,000
001400	Sustainable Event Management Policy	8,000
001402	Garden Organics Standard	11,362



**ORDINARY MEETING****Meeting Date: 10 September 2013****Hawkesbury City Council****Attachment 2****Carryovers Report**

for the financial year ended 30 June 2013

Project	Carryovers
001403 Primary School Waste Education Prog	10,002
001404 High School Environment Mgmt Plan	20,599
001406 Water Conservation Program	63,768
001411 Condition Audits & Reporting	52,410
001430 Woodbury Reserve	2,773
001432 Hawkesbury River Restoration	101,785
002250 Estuary Management Program	75,000
002251 Bowen Mountain	24,696
002293 McQuade Park-Plan of Management	8,517
002418 Drink Drive Program Exps	1,069
002700 Half Moon Farm Lagoon	7,937
002702 Riparian Zone - Glossodia	2,899
002722 Gate repair - Sackville Mission	3,963
002727 2013-2015 Multiyear Program Funding-Gallery	42,145
002728 2013-2015 Multiyear Program Funding-Museum	30,920
002861 Road Restoration - Infrastructure Extension for NBN	20,777
002869 Digital L/Govt Prog-Online Learning Service	290,560
002934 Safety Exp & Training	52,589
002969 Section 94 Plan Review	20,680
002979 Greenhills LDC South Windsor	6,068
003170 Threatened Species Recovery	21,735
003180 Nat Disaster Reg Rds-Const & Mtce Feb13 (RMS A10889)	129,399
003184 WASIP: Education Preschools & Childcare	14,971
003185 WASIP: Education Illegal Dumping	40,000
003186 WASIP: Compost & Worm Farm Workshop	20,000
003187 WASIP: Audit of Multi Unit Dwellings	2,000
003188 WASIP: Domestic Kerbside Waste & Recycling Audit	45,000
003189 WASIP: Reusable Bags	7,000
003207 Bike Safety - Keep Your Lid On	4,545
003210 Instream Revegetation & Bank Stabilisation	30,477
003341 Microfiche Project	7,622
003367 Cemetery Strategy & Implementation	28,403
<b>Total Carryovers for Operational Projects</b>	<b>2,518,619</b>

**Capital Projects**

001548 Waste Plant 133 - Garbage Truck	365,000
001553 P/W Plant 142-Dutro 4.5 tonne tipper P&G	92,579
001716 Signage Programs	2,465
001719 Redgum Crescent, Bowen Mountain	93,136
001725 Purchase of Land	50,000
001732 Aerial Photography-Hawkesbury LGA	60,000
001734 Boat Ramp upgrades	3,339
001741 Pathway renewals	14,506
001745 Digital Media	28,000
001750 Fiction Books	5,467

**ORDINARY MEETING****Meeting Date: 10 September 2013****Hawkesbury City Council****Attachment 2****Carryovers Report**

for the financial year ended 30 June 2013

Project	Carryovers
001755 Local Studies	12,029
001779 Administration Building Windsor	10,000
001789 Council Depot Wilberforce	4,505
001821 Windsor Mall Windsor	32,575
001823 H'bury Oasis Swimming Ctr Sth Windsor	116,313
001828 Misc. Signs Miscellaneous	12,608
001843 St Albans Cemetery St. Albans	30,663
001853 Indoor Sports Stadium South Windsor	6,335
001873 Management Planning	26,184
001874 Customer Request Management System	82,392
001875 Colo Reserves in general	18,931
001876 Navua Reserve	7,680
001884 Hanna Park Shelter	40,000
001885 S94- Powell Park Picnic Shelter- R RBC1	12,680
001890 Kurrajong Memorial Park	2,394
001893 Peel Park (Previously Redbank Creek Reserve)	7,001
001896 Richmond Park	15,544
001898 McQuade Park	4,517
001901 Macquarie Park	96,676
001902 Freemans Reach Tennis Courts	5,135
001907 St Albans Park	4,657
001911 Yarramundi Reserve	15,000
001915 Memorials/Monuments - Parks	4,749
001951 Richmond Park Lighting	5,500
001952 Benson's Lane Landscaping	50,000
001955 Skate Facility Bligh Park/Sth Windsor	150,000
001959 Construct fencing/gates	49,158
001974 Church Rd, Wilberforce	44,074
001975 Rds to Rec'y - Slopes Road	83,926
001994 Clear drainage structures/channels, pipes & pits	3,636
001997 Brennans Dam, Old Stock Route & Commercial Rds	1,024
001999 Bridge construction-various locations	49,738
002002 Remote Site IT Improvement & Connectivity	48,970
002005 PDA Moblie Work, Telework, Instant Messaging	56,488
002007 Internet & Security Third Party Audit	27,698
002008 22 Price Ln Agnes Banks-Replace low flow drain	26,734
002014 E-Commerce Initiatives	105,254
002015 Intranet Enhancements	47,960
002016 Hawkesbury Internet Site Enhancements	184,873
002017 Network Infrastructure Upgrade	242,713
002018 Business Continuity & Disaster Recovery Plan	86,950
002020 Bins/Furniture replacement in parks	20,478
002026 Senior Citz Centre Extention	488,254
002029 Ham Common	17,145
002036 Install bus shelters-Various	5,324
002037 Nat Disaster-U/Macdonald Rd-replace bridge (RMS A/09979)	1,480,068
002038 Reconstruct failed footpaving-various locations	11,971
002040 Purchase of furniture and fittings	31,577

**ORDINARY MEETING****Meeting Date: 10 September 2013****Hawkesbury City Council****Attachment 2****Carryovers Report**

for the financial year ended 30 June 2013

Project	Carryovers
002042 Sports Council Capital Contribution	140,000
002043 Asset Management System	56,580
002056 Virtualisation Project	30,476
002065 Yarramundi Res Carpark	2,102
002082 Flood Evac Bligh Park - Reconstruct Laneways	55,413
002174 Hawkesbury Regional Gallery Site	1,310
002176 Old Sackville Road Cottage Wilberforce	5,000
002177 Windsor Function Centre Windsor	2,500
002178 Windsor Function Centre Windsor	20,000
002180 Deerubin Centre - Chapters Cafe Site	8,557
002181 Toilets-Macquarie St Winsdor	225,580
002209 Memorial Park Kurrajong Rotunda	190,066
002210 Richmond Park	81,248
002211 Senior Citz Centre Extention	963,683
002213 Toilets-Macquarie St Winsdor	9,000
002214 Argyle Bailey Memorial Reserve	18,680
002215 Holmes Drive Reserve, Lower Portland	50,000
002227 Fuel Tanks Monitoring Facilities	1,295
002228 52 Berger Road Bligh Park	2,000
002240 Exhibitions	1,500
002252 P/W Plant 904 - Silvan Spray Unit	3,500
002282 Natural Disaster-Construct & Mtce-Stage 1 (RMS A09857)	10,954
002296 Stannix Park Road Bridge Replacement	57,875
002298 Upper Colo Bridge No.7	163,865
002300 Upper Macdonald Rd Bridge	9,100
002301 West Portland Road Bridge	16,334
002302 Wrights Creek Bridge	18,783
002367 Nat Disaster-West Portland Rd Embankment (RMS A09979)	142,324
002373 Woodbury Park Amenities Glossodia	2,500
002743 Senior Citizens Centre Richmond	4,000
002848 Wilberforce Cemetery Wilberforce	11,940
002850 Disability Equipment at Oasis	8,000
002855 Gas Well Flaring	522,000
002893 Admini Bld-Data Centre Works	163,703
002922 Tourist Information Ctre, Clarendon	9,300
003009 Purchase of Blower - Sewer	125,000
003014 Sewer Plant 125-Truck	160,000
003015 Sewer Plant 126-Truck	160,000
003084 Sewer pipe relining program	232,634
003117 Richmond Pool	9,153
003143 Tiningi Comm'y Ctr Bligh Park	2,500
003153 South Windsor Family Centre I&II	11,145
003158 Hawkesbury Oasis - Lighting to Carpark	22,500
003164 Cox/Evans Monument Richmond	2,500
003171 High Reflector Fittings-Wilberforce Depot	11,088
003183 Howe Park	20,000
003192 Grose Vale Footpath Improvement (opposite Kurrajong P.S)	58,036
003196 Bligh Park Revitalisation Project	118,134

**ORDINARY MEETING****Meeting Date: 10 September 2013****Hawkesbury City Council****Attachment 2****Carryovers Report**

for the financial year ended 30 June 2013

Project		Carryovers
003201	Smith Park Amenities	33,000
003253	Woodlands Pony Club Wilberforce	16,000
003254	Crown Reserve Amen Wilberforce	6,000
003255	Smith Park Amenities Richmond	146,027
003256	Woodlands Pk Amens Changerooms W'force	12,500
003264	APV Sewer	197,723
003370	Purchase of Chains of Office	15,000
003274	Wilberforce Offices Wilberforce	20,000
003275	W'force School of Arts Hall Wilberforce	25,000
003276	Wilberforce Shopping Centre Wilberforce	16,500
003277	Australiana Pioneer Village Wilberforce	65,000
003278	Sewer Rehab'n Reticulation Mns General	22,000
003369	Bellbird Lookout Amenities, Kurrajong Heights	12,000
Total Carryovers for Capital Projects		9,131,181
Total Carryovers		11,649,800

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 10 September 2013

**Item: 186 SS - Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 79337)**

### REPORT:

#### Executive Summary

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

#### Consultation

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

#### Background

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

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

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

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

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

Position	Return Date	Date Lodged
Waste Management Coordinator	27/05/2013	03/07/2013

The above Designated Person has lodged their Section 449(3) Return prior to the due date, as required by the Act for the receipt of the Returns.

## **ORDINARY MEETING**

**Meeting Date:** 10 September 2013

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

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

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

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

### **Financial Implications**

No financial implications applicable to this report.

### **RECOMMENDATION:**

That the information be received and noted.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

ordinary

section 4

reports  
of committees

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



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

**SECTION 4 - Reports of Committees**

**ROC - Hawkesbury Civic and Citizenship Committee - 10 July 2013 - (96972, 79356, 79351)**

The meeting commenced at 6:30pm in Council's large committee room.

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<b>Present:</b>	Councillor Kim Ford Councillor Tiffany Tree David Bertenshaw (Hawkesbury Sports Council Representative) Barry Adams (Community Representative) Geoff Luscombe (The Richmond Club Representative)
<b>Apologies:</b>	Councillor Warwick Mackay OAM Todd Miladinovic (Community representative)
<b>In Attendance:</b>	Sonia Porter, Corporate Communication Manager Natasha Martin - Public Relations Coordinator

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**REPORT:**

Apologies for absence were received from Councillor Warwick Mackay and Todd Miladinovic.

No declarations of interest in determining the recipients of the sports awards were presented.

Committee members were provided with a list of additional information requested from a nominator that was not available at the time of delivery of the Business Paper.

**SECTION 1 - Confirmation of Minutes**

Minutes of last meeting

RESOLVED on the motion of Barry Adams and seconded by Councillor Tiffany Tree.

That the minutes of Hawkesbury Civic and Citizenship Committee Meeting held on Wednesday, 5 December 2012, be accepted.

**SECTION 2 - Reports for Determination**

**ITEM: 1      Selection of 2013 Sports Awards Recipients**

Sport Certificates

Motion:

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

***Refer to RESOLUTION***

Resolution:

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

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

That all the award recipient nominations for the Sport Certificate Award be accepted and for nominees to receive awards as below:

Nominee Name	Award Nominated For	Years of Service	Nominator Name	Outcome
F.B. Strachan	30 Year Certificate	37	Michael Strachan	30 Year Certificate
Paul Hawkett	20 Year Certificate	27	Mark Breeze	20 Year Certificate
Rod Cassel	10 Year Certificate	12	Susan Allison	10 Year Certificate
Jaycee McLaughlin	10 Year Certificate	11	Daniel Spice	10 Year Certificate
Jordan Maher	10 Year Certificate	11	Daniel Spice	10 Year Certificate
Lee Cain	10 Year Certificate	10+	Viv Bertenshaw	10 Year Certificate
Teegan Ryan	10 Year Certificate	10+	Viv Bertenshaw	10 Year Certificate

Sport Medal

Motion:

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

***Refer to RESOLUTION***

Resolution:

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

That all the award recipient nominations for the Sports Medal Award be accepted and for nominees to receive awards as below:

Nominee Name	Award Nominated For	Nominator Name	Outcome
George Greentree	Sports Medal	Dominic Brown	Sports Medal
Sally Whitton	Sports Medal	Viv Bertenshaw	Sports Medal
Daniel Spice	Sports Medal	Priscilla Maher	Sports Medal
Ben Stewart	Sports Medal	Linda Reardon	Sports Medal
Vic Guillaumier	10 Year Certificate	Susan Allison	Sports Medal

**SECTION 3 - Reports for Information**

**ITEM: 1 Sports Medal Awards Ceremony Location and Time**

Motion:

That the report be noted with the commencement time of the presentation night to be altered to commence at 6:30pm.

RESOLVED on the motion of Geoff Luscombe and seconded by Councillor Tiffany Tree.

***Refer to RESOLUTION***

Resolution:

RESOLVED on the motion of Geoff Luscombe and seconded by Councillor Tiffany Tree.

That the information be received.

**General Business**

**ITEM: 1 Clarification of Selection Criteria for Sports Awards**

The Committee asked that a report be presented to the next meeting reviewing the selection criteria for the Hawkesbury Sports Awards particularly in relation a nominee being currently active in their sport in order to be entitled to receive either the Sports Certificate or the Sports Medal.

**Next Meeting**

TBA

The meeting closed at 7pm.

**oooO END OF REPORT Oooo**

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

**ORDINARY MEETING**  
Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

**Councillors Questions from Previous Meetings and Responses - (79351)**

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**REPORT:**

**Questions – 27 August 2013**

#	Councillor	Question	Response
1	Creed	Asked if Council staff could contact Ms Liz Rowan regarding pot hole location in Bowen Mountain in order for them to be repaired.	The Director Infrastructure Services advised that information had been sought as requested, and in addition Council staff had carried out inspection and repairs.
2	Reardon	Asked if the horse trough located on the corner of Terrace Road and Bells Line of Road has been restored.	The Director Infrastructure Services advised that repairs were being arranged, and that the trough would be returned as soon as these were complete.
3	Lyons-Buckett	Asked if Council has responded to correspondence relating to 64 Grandview Lane, Bowen Mountain and 70 Grandview Lane, Bowen Mountain.	The Director City Planning advised that a response has been delayed due to some additional investigations that were required and now completed. A response will be sent shortly.
4	Paine	Asked if a 'No through Road' sign could be erected at Doyles Creek Road, Webbs creek.	The Director Infrastructure Services advised that arrangements had been made for signage to be installed.
5	Paine	Asked if the pots in Windsor Street, Richmond could be painted and when the works will be undertaken.	The Director Infrastructure Services advised that a trial restoration/repaint is currently being undertaken and that subject to this work being satisfactory, the painting and replanting could be completed by the end of September.
6	Rasmussen	Advised that the Yarramundi Reserve, river rock sign had fallen over and asked when it will be re-erected.	The Director Infrastructure Services advised that instructions have been issued for repair of the sign.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

Questions for Next Meeting

## ORDINARY MEETING

### Confidential Reports

#### CONFIDENTIAL REPORTS

**Item: 187**      **SS - 139 Colonial Drive, Bligh Park (Lot 1 in Deposited Plan 1135982) - (95496, 112106) CONFIDENTIAL**

**Previous Item:**      85, Ordinary (13 July 2004)  
26, Ordinary (26 February 2008)  
240, Ordinary (12 October 2010)  
63, Ordinary (29 March 2011)  
64, Ordinary (8 May 2012)  
45, Ordinary (12 March 2013)

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#### **Reason for Confidentiality**

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to the potential sale of a Council property and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*

## ORDINARY MEETING

### Confidential Reports

Item: 188      MM - Staff Matter

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#### Reason for Confidentiality

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).*

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*





ordinary  
meeting

end of  
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