



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 28 June 2011

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 held on the second Tuesday of each month, except January, and the last Tuesday of each month, except December. 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 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 issues 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 at least two hours before the meeting of those matters they wish to discuss. A list will then be prepared of all matters to be discussed and this will be publicly displayed in the Chambers. At the appropriate stage of the meeting, the Chairperson will move for all those matters not listed for discussion to be adopted. The meeting then will proceed to deal with each item listed for discussion and decision.

### **Public Participation**

Members of the public can request to speak about a matter raised in the business paper for the Council meeting. You must register to speak prior to 3:00pm on the day of the meeting by contacting Council. You will need to complete an application form and lodge it with the General Manager by this time, where possible. The application form is available on the Council's website, from reception, at the meeting, by contacting the Manager Corporate Services and Governance on 4560 4426 or by email at [nspies@hawkesbury.nsw.gov.au](mailto:nspies@hawkesbury.nsw.gov.au).

The Mayor will invite interested persons to address the Council when the matter is being considered. Speakers have a maximum of five minutes to present their views. If there are a large number of responses in a matter, they may be asked to organise for three representatives to address the Council.

### **A Point of Interest**

Voting on matters for consideration is operated electronically. Councillors have in front of them both a "Yes" and a "No" button with which they cast their vote. The results of the vote are displayed on the electronic voting board above the Minute Clerk. This was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

### **Planning Decision**

Under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a 'planning decision' 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.

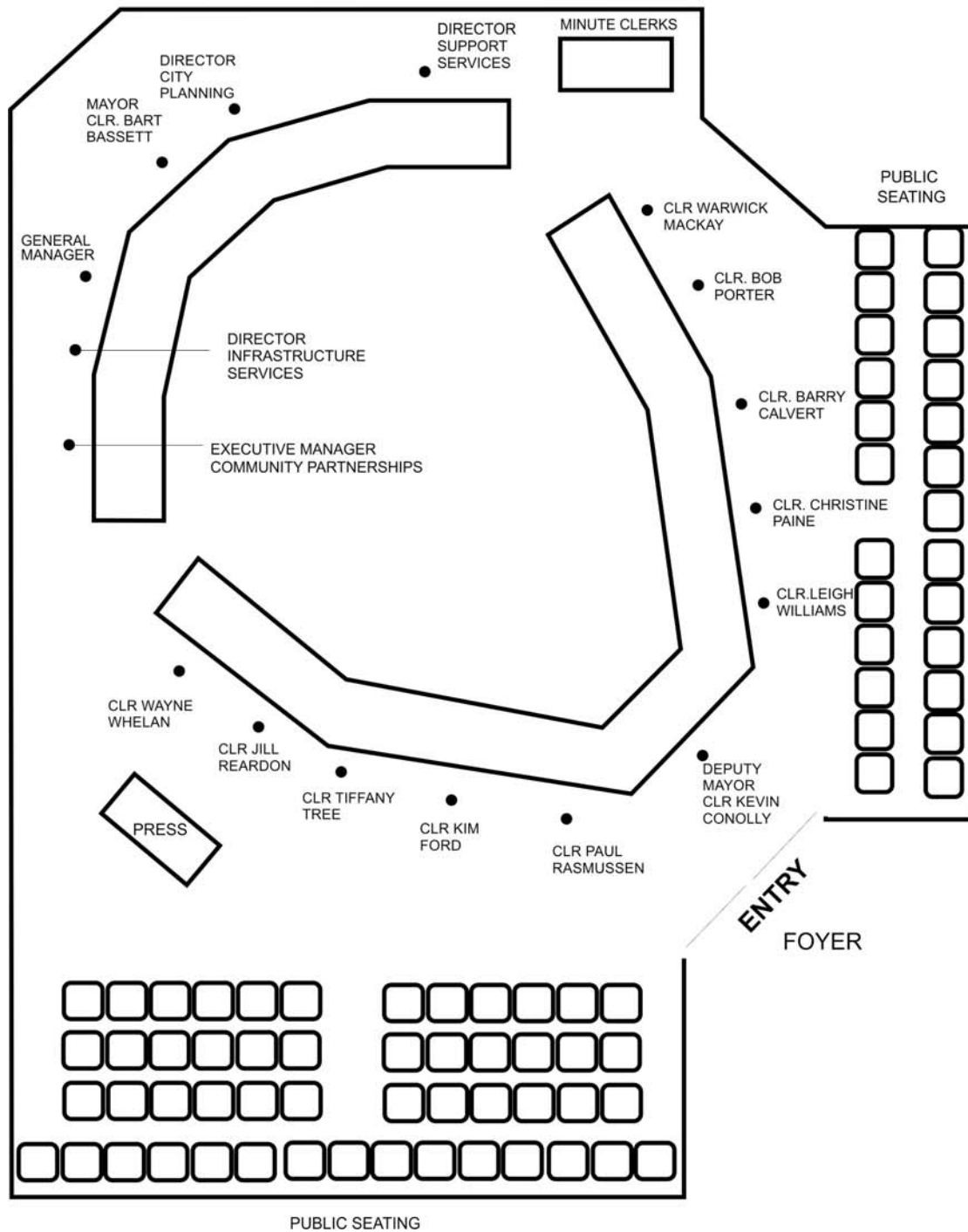
### **Website**

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au).

### **Further Information**

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

# council chambers



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### SECTION 4 - Reports for Determination

#### GENERAL MANAGER

**Item: 122**                    **GM - Sister City of Kyotamba - Hawkesbury Citizen's Delegation Visit in October and November 2011 - (79351, 110165)**

**Previous Item:**            58, Ordinary (10 May, 2011)

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#### **REPORT:**

##### **Executive Summary**

The purpose of the report is to update Council on the Hawkesbury citizen's delegation to Kyotamba, Japan, which is being organised by the Hawkesbury Sister City Association (Association). The exchange delegation is being arranged in response to a letter of invitation from the Mayor of Kyotamba to visit when two important Japanese festival events will be held in Kyotamba and its region (Kyoto).

The letter of invitation was also extended to the Mayor of Hawkesbury (and citizens) and Council addressed the matter at its meeting on 10 May 2011, and resolved, that:

- "1. Council receive, with thanks, the invitation from the Mayor of Kyotamba to visit Kyotamba for national and local festivals being held in the Town in 2011 as part of the two councils Sister City relationships.*
- 2. Council not nominate an "official" representative/s to attend the events in association with arrangements being made by the Hawkesbury Sister Cities Association Inc. but endorse the attendance of any councillor who may wish to participate in the exchange at their own cost.*
- 3. The Mayor advise the Mayor of Kyotamba of Council's decision.*
- 4. A further report be submitted concerning the composition of the delegation to visit Kyotamba being organised by the Hawkesbury Sister City Association Inc. and the possible provision of additional financial assistance by Council to the Association towards the costs involved in undertaking the delegation in view of the significance of the event."*

In particular this report addresses part 4 of Council's resolution. Parts 1 and 3 have been actioned, and Councillors have been invited to join with the Association's citizen's delegation to address part 2 of the resolution.

Council needs to consider and determine if it wishes to provide any financial assistance to the Association to help with costs associated with the citizen's delegation. Of note:

- Council has asked the Chairperson of the Association (or other member) to officially represent the Mayor of Hawkesbury and Council, as no Council representatives are able to participate, and
- the festivals are important events for our sister city, especially at a time when Japan is facing a number of national challenges as a result of three disasters earlier in the year.

It is considered that it would be appropriate for Council to assist the Association with the citizen's delegation to ensure there is a Hawkesbury community representation at the festivals and to support our

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sister city as it hosts significant festival events. It is proposed that \$3,000 be provided to the Association to assist in organising the delegation and visit.

### Consultation

The issues raised in this report cover matters which do not require consideration under Council's Community Engagement Policy.

### Background

Kyotamba Town and Hawkesbury City are international sister cities and the relationship is provided for in Council's Sister City and City Country Alliance Program Policy (Program). Kyotamba is located in the Kyoto Prefecture, which is in southern Japan. Councillor delegates to attend Association meetings are Councillor Paine and Councillor Whelan.

The sister city relationship provides for culture, sport and youth exchanges between the cities. The program includes Council's activities with Kyotamba Town Council (the civic-cultural exchanges) and the activities of the Association (program partner) who undertake cultural and youth exchanges. As part of cultural exchanges the Association organises adult exchange visits, particularly to coincide with important dates in our sister city's culture. The Japanese place value on celebrating the traditional culture of their country.

The two Japanese festival events that will be held in Kyotamba and its region (Kyoto), when the citizen's delegation will be visiting are:

- The annual 26<sup>th</sup> National Cultural Festival in Kyoto from 29 October to 6 November, 2011; and
- The Kyotamba Puppet Festival on 6 November 2011, which will be part the National Cultural Festival.

The invitation to visit Kyotamba from the Mayor of Kyotamba was in response to the Mayor of Kyotamba's visit to the Hawkesbury in October 2010 (with a Kyotamba citizens' delegation), to support our Governor Macquarie Bicentenary celebrations. While visiting, the Mayor was appreciative of the Mayor of Hawkesbury, Council and the Association's hospitality; and wished to return it during the festivals.

Councillor Paine, Councillor Whelan and Council officers have met with the Chairperson of the Association to discuss the citizen delegation visit. Planning for the exchange delegation is underway and there will be an information session held on 4 July 2010, though some members have already indicated they will be participating in the visit. Two itineraries are likely e.g. short and long stays. The Association will keep Council officers informed about organising the visit.

It is practise within the program that travel and exchange costs are met by the individuals (and parent and guardians) participating in exchange visits, whether citizen's or student delegations. Host families are utilised to control costs.

Because it is important that the Hawkesbury community is represented at the festivals and to support our sister city as it hosts significant festival events, it would be appropriate to provide the Association with some additional funds to assist in organising the delegation and visit, and to fulfil a role of representing the Mayor of Hawkesbury during the visit. An amount of \$3,000 is a reasonable amount to support the visits and for the Association to assess how best to use it towards the delegation and visit.

### Conformance to Community Strategic Plan

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

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



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

- Have ongoing engagement and communication with our community, governments and industries.
- Develop and implement a community participation and partnership program.

It will also contribute to Goals;

- Support community initiatives and volunteers.

and assist Council to achieve the following CSP measure:

- Level of support to community organisations.

### **Financial Implications**

The proposed funding assistance can be met by savings in the operational component that the sister city program is a part of the 2010/2011 Adopted Budget.

### **RECOMMENDATION:**

That Council provide \$3,000 to Hawkesbury Sister City Association to assist with costs involved in the Hawkesbury citizen delegation visit to Kyotamba in 2011 and for representing Council during the visit.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**Item: 123            GM - Sister Cities Australia Conference (79351, 110165)**

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**REPORT:**

**Executive Summary**

The Sister Cities Australia 2011 Annual Conference will be held in Toowoomba, Queensland from 14 - 17 August, 2011. Council has been represented at the Sister Cities Australia Conference in the past and in view of its relevance to Council's area it is recommended that the Sister Cities Australia Conference be attended by nominated Councillors and appropriate staff.

**Consultation**

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

**Background**

The 2011 Annual Sister Cities Australia Conference will be held in Toowoomba, Queensland from 14 - 17 August, 2011. The theme for the 2011 Conference is Reflect, Celebrate, Prosper and will include informative and relevant speakers as well as workshops based on participation, sharing knowledge and first-hand experiences.

Cost of attendance at the 2011 Annual Sister Cities Australia Conference will be approximately \$2,485.00 per delegate.

The 2011/2012 Adopted Budget contains a provision of \$43,000 for Delegates Expenses.

**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 (or is a nominated) strategy in the Community Strategic Plan being:

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

**Financial Implications**

Funding for this proposal will be provided from the Delegates Expenses Budget.

**RECOMMENDATION:**

The attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2011 Annual Sister Cities Australia Conference at an approximate cost of \$2,485.00 per delegate be approved.

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**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**Item: 124**      **GM - Australian Local Government Association and Local Government & Shires Association of NSW - Constitutional Recognition of Local Government - (79351, 79633, 112608)**

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### REPORT:

#### Executive Summary

Local Government across Australia has been campaigning for the constitutional recognition of local government for a considerable period.

The Prime Minister has committed to holding a referendum in this regard in conjunction with the 2013 Federal Election.

Both the Australian Local Government Association (ALGA) and the Local Government & Shires Association of NSW (LGSA) have been undertaking further campaigns in an endeavour to ensure the success of the upcoming referendum.

Councils have now been requested to pass a resolution of support for this process and it is recommended that Council pass the resolution to indicate and lend its continued support to the current campaign.

#### Consultation

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

#### Background

The ALGA has been campaigning for a referendum on the constitutional recognition of local government for some considerable time and is encouraging all councils to become directly engaged with the campaign for constitutional recognition.

Following the Federal Election in 2010, the Prime Minister committed to hold a dual referendum on the constitutional recognition of local government and the recognition of Indigenous Australians.

This referendum will be held in conjunction with the 2013 Federal Election. There is a need for reform and as highlighted by the ALGA, it will be in the best interests of local communities that Federal Governments, whatever their political persuasion, have the capacity to fund councils directly to achieve national objectives.

The form of financial recognition of local government proposed by ALGA, will not impact on the relationship between councils and state governments and has been endorsed by the Local Government and Shires Association of NSW.

Both the ALGA, in association with the National General Assembly of the ALGA, and the LGSA have written to all councils requesting support for this campaign and requesting that all councils pass the following resolution:

*"[insert name of council] declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition."*

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This resolution will endorse the ALGA's position that a referendum be held by 2013 to change the Constitution to allow direct funding of local government bodies by the Commonwealth Government and also to include local government in any new Preamble to the Constitution if one is proposed.

Council has supported efforts by both the ALGA and LGSA in the past in support of the constitutional recognition of local government and it is suggested that it should continue this support by passing the requested resolution.

### **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.
- Maintain its independent identity and voice through strong local government and community institutions.

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

- Work with other levels of government to ensure an equitable share of taxes.

### **Financial Implications**

Whilst the constitutional recognition of local government has implications for the long term financial position of councils in general there are no direct financial implications applicable to this report.

### **RECOMMENDATION:**

That:

1. Hawkesbury City Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.
2. The Australian Local Government Association and the Local Government & Shires Association of NSW be advised of Council's resolution.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**Item: 125            GM - Westpool and United Independent Pools - Inclusion of Shellharbour City Council as a Member - (79351, 79426)**

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**REPORT:**

**Executive Summary**

Council is a member of Westpool for the purposes of the pooling of public liability and professional indemnity insurances and has been involved in the formation and subsequent operation of the United Independent Pools (UIP) in association with MetroPool for the purposes of pooling for a number of other classes of insurances such as Industrial Special Risks, Motor Vehicle, Directors and Officers Liability, Personal Accident, Volunteers, etc.

Council's membership of Westpool and, subsequently, UIP has been very beneficial for the Council, as well as other member councils, in obtaining favourable insurance renewals and the management of the various classes of insurance effected by Westpool and UIP.

Westpool's membership is currently made up of the following councils:

- Blacktown City Council
- Blue Mountains City Council
- Fairfield City Council
- Hawkesbury City Council
- Liverpool City Council
- Parramatta City Council
- Penrith City Council
- Wollongong City Council

UIP is a combination of the membership of Westpool, as shown above, and Metropool. Metropool's current membership is made up of the following councils:

- Auburn Council
- Botany Bay City Council
- Holroyd City Council
- Hunters Hill Council
- Lane Cove City Council
- Marrickville Council
- Rockdale City Council

In addition, following an approach in January 2011 Shellharbour City Council has been an associate member of Westpool and UIP from April 2011 pending an evaluation of its proposal to become a full member. Following a full evaluation of Shellharbour's proposed membership, Westpool and UIP now propose to include Shellharbour City Council as a full member from 30 June 2011.

The following report has now been provided by Westpool/UIP for Council's information regarding the process associated with Shellharbour's inclusion.

**Consultation**

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

**Background**

The report provided by Westpool/UIP in connection with this matter is as follows:

*“Shellharbour City Council approached Westpool and United Independent Pools in January 2011. They had undertaken an independent review of the insurance portfolio and decided that the Pools offered the best solution to meet their needs. They sought membership in February 2011 and their application was considered by both United Independent Pools and Westpool Boards. Shellharbour City Council was offered Associate Membership status effective from 1 April 2011 and KPMG was engaged to undertake a due diligence review.*

*Whilst KPMG was undertaking the due diligence review, Claims Management Australasia (CMA) undertook a review of all Shellharbour City Council's claims. In addition the Pools' actuary, David Minty, considered the impact of Shellharbour City Council's membership on the Pools' future contributions.*

*The Pools' broker, Willis Australia, also carried out a comprehensive review of Shellharbour City Council's wording as compared to the Pools for all lines of insurance.*

**Results of the Due Diligence Review**

*KPMG was engaged to undertake a comprehensive review of Shellharbour City Council's operations and response to risk. This involved interviewing staff at Shellharbour City Council and reviewing a range of documents which address the issues raised in the brief. KPMG completed the due diligence review and submitted the report to a special meeting of Westpool and United Independent Pools on 25 May 2011. A copy of the KPMG report was provided to all members.*

*In addition a two-page Executive Summary was provided with a checklist of the key criteria investigated as part of this review and a copy is attached to this report. The Executive Summary considers issues which were addressed by our brokers, claims management team, and actuary in an attempt to provide an overall health check.*

*KPMG has investigated each of the issues raised in the due diligence brief and is satisfied that Shellharbour City Council is managing their risks well and poses no material risk above that expected within a normal council operation.*

*Our claims management firm, CMA, has undertaken a complete review of all files and they have no history of large claims and the claims appear to be managed effectively.*

*The claims reserves have been reviewed and are now consistent with our claims reserving protocols. Their claims experience is excellent and no new claims of any significance have arisen in the past 12 months. It is intended that Shellharbour City Council will record all claims in our claims management system (CMS) and comply with procedures and practices within our claims manual.*

*As mentioned previously, our insurance brokers, Willis Australia, undertook a major review of Shellharbour City Council's policies and insurance wording. There are some differences and it is intended that the Pools incorporate the best of each policy wording into one single document for renewal in October.*

**Impact on Contributions**

*David Minty has undertaken a review of contributions factoring in the relative size of Shellharbour City Council compared to other members and their claims experience.*

*David reported his findings to the special Board meetings of United Independent Pools and Westpool and it demonstrated that accepting Shellharbour City Council as a full member would not impact contributions.*

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*The existing equity of members would not be affected and the addition of Shellharbour City Council does not have an impact on the minimal capital requirement (MCR).*

### **Additional Issues**

*In considering the application for Shellharbour City Council it is worthwhile considering some of the additional benefits the members will receive by the inclusion of a new member.*

*The Pools grow through sharing knowledge, policies and procedures. Inclusion of Shellharbour City Council will bring fresh ideas which all can benefit from.*

*New membership brings new individuals who can share knowledge and skills to help manage our risks.*

*Inclusion of Shellharbour City Council increases our buying power in the insurance market which, if managed correctly, should help drive prices down.*

*Westpool and United Independent Pools are susceptible to competition and loss of members could compromise our future. Similarly, inclusion of a member should help to strengthen our position in the market and protect us from competition.*

*Inclusion of Shellharbour City Council will bring an additional \$860,000 funds into both Westpool and United Independent Pools. While some of this money is used to pay insurance and running costs, up to 50% of it is retained as claims provisions and increases our investment portfolio.*

### **Decision of Westpool and United Independent Pools**

*The due diligence review has resulted in a comprehensive analysis of Shellharbour City Council risks and their actions to manage these risks. The report has considered the impact on existing members and demonstrates that the introduction of Shellharbour City Council will add value to our organisations and not adversely impact on existing members.*

*In light of the review Westpool and United Independent Pools have resolved to invite Shellharbour City Council as a full member commencing 4.00pm 30 June 2011.*

*A letter has been forwarded to Shellharbour City Council formally offering full membership to both Westpool and United Independent Pools effective 4.00pm 30 June 2011 once their existing insurance expires. Once Shellharbour City Council has accepted the Pools' offer a new Deed of Agreement will need to be signed by each member general manager.*

*This report has been prepared to notify all members of this significant development and outline the thorough review process which has been undertaken over the past 5 months.*

*The members of Westpool and United Independent Pools consider that this recent development will strengthen our Pools and increase our position in the insurance market. The report is submitted to inform members of the pending inclusion of Shellharbour City Council as a new member of United Independent Pools and Westpool effective 30 June 2011."*

### **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 (or is a nominated) strategy in the Community Strategic Plan being:



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- Maintain and review a sustainable long term financial framework.

### **Financial Implications**

No financial implications applicable to this report.

### **RECOMMENDATION:**

That the information regarding the inclusion of Shellharbour City Council as a member of Westpool and United Independent Pools from 30 June 2011 be received and it be noted that the General Manager will execute a new Deed of Agreement on Council's behalf with the organisations incorporating this inclusion.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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### **Item: 126            GM - Tourism Program - Operation of Hawkesbury Visitor Information Centre - (79351)**

**Previous Item:**        45, Ordinary (10 March, 2009)  
                              22, Ordinary (24 February, 2009)  
                              184, Ordinary (9 September, 2008)  
                              22, Ordinary (27 May , 2008)  
                              57, Ordinary (8 April 2008)  
                              216, Ordinary (30 October 2007)  
                              89, Ordinary (29 May 2007)

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#### **REPORT:**

##### **Executive Summary**

Council since the mid-1980s has been involved in supporting tourism in the Hawkesbury and the tourism sector, principally via its successful commitment to the Hawkesbury Visitor Information Centre (VIC).

During that time, the VIC has been run under different operating models, where Council has financed the operations and it has been run via external service providers or by Council itself. For the majority of the time, the VIC was operated by external services providers drawn from the local tourism sector and business community. For a number of reasons with the external service provider option, the VIC has been operated by Council since 3 April, 2007.

Since 2007, the operations of the VIC have been monitored (with a number of Council reports on the matter); and monitoring the situation regarding any alternate VIC operators, to inform the future delivery model for the VIC. The monitoring period concluded, this year and this report now updates Council on the matter.

Council has been successfully operating the VIC within its Cultural Services Section. It provides visitor services for visitors and tourists as the core business of the centre (eg. visitor knowledge and requests, customer services, tourism product details, referrals, and bookings) and links to engage them in the functions of the centre. The VIC is a non-member centre that all tourist operators can use to strengthen their business offering.

In terms of alternate operators for the VIC (as an external service provider), unfortunately there have not been any identified at this point. This reflects the change in approach to funding and delivery of the VIC's, and the ability of a provider to meet operational requirements for visitor and tourism operator needs. Interestingly, the VICs of Blue Mountains, Lithgow, Campbelltown, and Camden (1) areas are operated by their councils (financed and run). The VICs of The Hills are under the external service provider option.

It is proposed that Council, having monitored the situation for a reasonable period of time, commit to operating the VIC itself for the foreseeable future. Since 2007, the VIC has achieved increased patronage as shown in the upward trend in visitor and enquiry data included in the background to this report. This demonstrates that the centre is responding to visitor needs in the area and region.

Under this approach, Council officers can address and strengthen the role of the VIC for residents, visitors and tourists, and improve the business sector, and in particular the tourism sector's, utilisation of the centre as another way to access the market. This would be consistent with the Community Strategic Plan, which promotes partnerships with the business sector, sustainable business practices, and tourism promotional functions, to support business and local jobs. The VIC can link visitors and tourists to tourism operators, activities and product, and the Hawkesbury destination.

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Of note, Council is considering a report on a committee being established by Hills, Hawkesbury and Riverland's Tourism Inc in this Council meeting agenda and if Council supports the proposal, it will provide another way for Council to engage tourism operators to utilise the VIC.

### Consultation

The issues raised in this report cover matters which do not require consideration under Council's Community Engagement Policy. The VIC will also be considered in the Tourism Strategy to be undertaken this year and this will include community participation.

### Background

Since 2007, Council has been operating the VIC itself, since former external service provider arrangements were terminated for a variety of reasons. Since, then Council has been:

- undertaking and monitoring the operations of the VIC (with a number of Council reports on the matter); and
- monitoring the situation regarding any alternate VIC operators,

to inform the future delivery model of the VIC. Council's most recent resolution of 10 March, 2009, regarding future direction of the VIC was:

*"That as part of its Tourism Program for the area, Council:*

- 1. Continue to operate the Visitor Information Centre at Clarendon for up to two years, during which time monitor the situation regarding possible alternate operators and, if appropriate, review the situation as it relates to the delivery model.*
- 2. Prepare a tourism strategy for the Hawkesbury Local Government Area to guide future directions, including Council activities and its response to the tourism market."*

In regard to part 1 of the resolution:

#### (a) Operation of Visitor Information Centre at Clarendon

Since 2007 the VIC has continued to operate as a level 2 accredited VIC, open seven days a week, on a status quo basis within the Cultural Services Section of Council. During this four year period, its operational expenditure budget has been an average of \$40,000 per annum, with much of this committed to utility and building operating costs. A modest budget has been allocated towards advertising and activity costs.

Within the necessary constraints of an interim management arrangement, and for Council operations across the board, effective enhancements have nevertheless taken place, including:

- VIC staffing level increased to two persons at anyone time to improve customer service and address Occupational Health Safety and Injury Management System (OHS) requirements (an improvement on the situation under former external service providers);
- VIC staff trained in Manual Handling, Emergency Warden, Armed Hold up, Sharps Disposal, Senior First Aid and modules of Certificate III in Tourism (Visitor Information Services);
- VIC staff participated in tourism 'famils', visiting various tourism businesses to familiarise themselves with accommodation options and standards in the Hawkesbury;
- VIC staff, processing enquiries (and complaints);
- VIC staff attended local tourism forums/ seminars;

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- VIC work environment monitored and improved under Council's Occupational Health Safety and Injury Management System (OHS), with quarterly workplace inspections taking place;
- Google analytics installed on the VIC's Hawkesbury Tourism website in early 2010, which allows for monitoring of the usage of the tourism website. During the previous 12 month period the website had 38,232 visits;
- VIC branding (building) provided and enhanced, using the accredited and recognised accredited VIC "I" logo (yellow "I" on blue background);
- External displays of maps have been developed and installed to fulfil the requirements of accreditation as a level 2 VIC;
- VIC accredited signage on State roads has been achieved and installed to direct visitors and tourist to the VIC, under the Tourism Signposting Policy of the RTA/ Tourism NSW (now Destination NSW);
- Hawkesbury Regional Museum assessed and accredited as a Level 3 VIC, with inclusion of its information on the Tourism NSW website and tourist signage on roads. This has enabled the integration of visitor services with cultural services activities, which is a key part of the tourism experience in the area;
- Local merchandise, which is both appropriate and low cost, has been sourced and made available for sale in the VIC, including range of postcards of local views and attractions;
- VIC patronage statistical data collected and recorded, on a consistent basis, to understand and assess visitors making use of the VIC and its services, and track what visitors are interested and do;
- VIC promotions and advertisements have been placed in print media (local and regional) and publications of other VICs, within budget constraints, to promote the VIC services to the travelling public and VIC network which is used by visitors and tourists,
- Gaps in visitor information materials has been identified, and within budget constraints, several new publications and maps have been developed, with a focus on informational, directional and thematic self-drive trails;
- Hawkesbury presence and VIC promotion in the Discover Greater Sydney publication restarted, which supports the collective tourism product and destinations of Greater Sydney to visitors; and
- Construction of a dedicated entrance to the VIC, to improve access and presentation of the VIC (works under way now).

Council has effectively managed an independent, non-membership based and inclusive visitor information service during the previous four years focusing on its core business – servicing visitors to the area. No fees are charged for the display of tourism related information within the VIC, or on the VIC website, for tourism operators to promote their business and activities. Quality standards are applied to the information in terms of currency, accuracy and customer feedback.

Some revenue is raised by the VIC through a bookings commission fee of 10% on accommodation bookings it makes for customers on behalf of tourism operators, as well as the sale of a small range of merchandise.

Statistics for the previous four years of Council management indicate a daily visitation rate of 43 people and 34 enquiries answered. See Table 1 below. Figures for this period compared to recorded and available figures from a previous 12 month period are mostly favourable.

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**Table 1 –Hawkesbury Visitor Information Centre Details, 2005-2011 \***

Details	Dec 2005- Dec 2006	2007-08	2008-09	2009-10	2010-11 #	TREND 2005-2006 to 2010-2011
<b>No. Visitor</b>	13,625	14,387	16,066	15,658	16,539	21% increase
<b>No. Enquiries</b>	8,972	10,332	11,810	13,104	14,086	57% increase
<b>No. Accom. bookings ##</b>	210	203	128	112	89	57% decrease
<b>No. nights stayed</b>	NA	367	170	152	107	-
<b>Value of bookings</b>	\$39,292	\$53,783	\$23,496	\$19,500	\$19,737	50% decrease
<b>No. Referrals (business, attractions &amp; services</b>	1,017**	16,910	16,864	20,924	21,961	-
<b>Revenue from merchandise</b>	NA	\$161	\$ 3,369	\$ 3,706	\$4,004	-
<b>Revenue from bookings ##</b>	NA	\$2,312	\$2,203	\$2,434	\$1,616	-
<b>Total revenue</b>		\$2,473	\$5,572	\$6,140	\$5,620	-

Notes: \* Prior to 3 April, 2007 the VIC was operated by external service providers.  
 \*\* Number recorded. The completeness of the data is not available to be verified.  
 # Last 3 weeks June 2011 figures extrapolated (for all numbers in the column).  
 # # The increased availability and use of online accommodation booking systems by tourists may account for the trend downwards.

A planned business and service improvement for the VIC includes the installation of a free online booking system (software) called Tourism Exchange Australia (TXA) at the centre. TXA has been developed by Tourism Australia/ State Tourism agency (eg. Destination NSW) to largely resolve the need for a 'live' booking system that is fairer for all uses of the system. The TXA is being developed through an alliance with marketing and software company V<sup>3</sup> and makes use of the Australian Tourism Database Warehouse (ATDW). The ATDW was established in 2001, by all Australian State and Territory Tourism Organisations and Tourism Australia, to assist in marketing Australia through the development of a unique national platform of digital tourism content. It now has over 23,000 quality checked tourism product and destination listings. The Hawkesbury VIC contributes to the checking and updating of the local tourism operator listings in the ATDW.

V<sup>3</sup> has been contracted to deliver the TXA which will be a national, inclusive booking exchange system using the ATDW and any operators who choose to become involved. As a distributor, Hawkesbury VIC will gain many benefits including:

- Consumers will be guided from "look" to "book" in a seamless process,
- Current consumer experience will be enhanced by facilitating end-to-end transactions,

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- Bookings for tours, attractions and events, not just accommodation,
- Access to the depth and breadth of Australian product with live bookability,
- Ability to set our Terms and Conditions and commissions. Operators have the option to accept or decline our offer,
- Potential to generate additional revenue source from the VIC and the Hawkesbury Tourism website,
- Commissions will be automatically deposited into the VIC bank account, for bookings made via the VIC,
- Accommodation tariffs will be automatically deposited into tourism operator accounts with a short time frame (generally 24 hours), with immediate notification of bookings made.

(b) Local Tourism Delivery Models

In monitoring the situation regarding possible alternate operators, Council officers have reviewed:

- (i) Local Government tourism management frameworks, which are variation of five basic models, being:
  - Management solely by Council.
  - Council management with input from a Tourism Committee / Association / Board.
  - Management by a Tourism Association / Business Organisation.
  - Division of functions between Council and the Tourism Association.
  - Joint management between two or more Councils;
- (ii) how tourism services and activities are delivered within Local Government by stakeholders and within one of the above models, and this can be divided into:
  - Visitor information services and infrastructure.
  - Visitor facilities and infrastructure – such as signage, public toilets, parks, gardens, reserves, playgrounds and picnic facilities, walking trails and cycle ways, river infrastructure, accommodation, dining and shopping.
  - Destination marketing.
  - Product and destination development;
- (iii) how Local Government funds VICs, being:
  - General rate and revenue budget.
  - Per capita amount from general rates.
  - Membership fees collected via commercial differential rate levy paid by the businesses in the LGA, with equitable direct and indirect benefits.
  - Membership organizations with membership fees, with associated direct benefits to members only; and
- (iv) how and where Local Government locates VICs, being
  - Purpose built or refurbished accommodation – stand alone.
  - Purpose built or refurbished accommodation – co-located with other services, attractions or businesses, thereby creating an activity hub.
  - Add-ons to existing services, attractions or businesses.

The top two levels of accreditation (1-2) are generally achieved by VICs located in models 1 and 2 accommodation. The size and facilities of VICs also have a bearing on the capacity for them to deliver services or operate retail outlets such as shops or cafes.

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Council fully funds the VIC services and infrastructure, and this position has been provided for in the 2011-12 budget and generally going forward to allow for continuity of operations to enable Council to develop the VIC service and support the business sector and the community within the overall community strategic plan.

It should be noted that, Council operates the VIC within budget constraints and with a sustainable approach at all times. It is unlikely that an external service provider could achieve the operational standard achieved by Council (at this point), given Council's commitment to developing the services of the centre over the past four years that have been done to position for the future. It should be noted that the work at the VIC, has also been done with little 'continuity of business' from 'the former external service providers.

Having regard to all the circumstances of the situation it is recommended that Council continue to directly operate the VIC.

In regard to part (2) of the resolution, it is suggested that the VIC is a key part of the broader tourism program of Council and the 'support business and local jobs vision of the Community Strategic Plan, which will be considered in a tourism strategy that will be undertaken by the end of this year. It will provide the opportunity to consider how visitors services, like the VIC, should be evolved to meet or capture visitors and to in turn support the tourism sector development.

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

The proposal is consistent with the Supporting Business and Local Jobs and Shaping Our Future Together Direction statements;

- Plan a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.
- Help create thriving town centres, each with its own character that attract residents, visitors and businesses.
- Have constructive and productive partnerships with residents, community groups and institutions.

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

- Encourage stronger relationships between the business and community sectors, education and training providers to increase local career options.
- Develop economic development strategy that promotes local industry in a regional context.
- Participate in the development of a regional tourism strategy.
- Have ongoing engagement and communication with our community, governments and industries.

It will also contribute to Goals;

- Jobs across a greater range of industry sectors
- Increased patronage of local business and attract new residents and visitors.

and assist Council to achieve the following Measures:

- Growth and sustainability of new and existing industries.
- Increased economic activity and health of local business.
- Increased number of new residents and visitors.

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**Financial Implications**

The funds to continue to run the VIC are provided in the operational component that the VIC operations is a part of in the 2011/2012 Budget.

**RECOMMENDATION:**

That Council continue to operate the Hawkesbury Visitor Information Centre at Clarendon as the preferred operational model to allow for visitor services to be further developed within its tourism program and upcoming tourism strategy.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**



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**Item: 127**                    **GM - Tourism - Invitation to Join Committee of Hills, Hawkesbury and Riverlands Tourism Inc. - (79351, 73538)**

**Previous Item:**            45, Ordinary (10 March 2009)  
                                     101, Ordinary (27 May 2008)

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### REPORT:

#### Executive Summary

Council has been invited to be part of a committee being established by Hills Hawkesbury and Riverland Tourism Inc (HHART) to look at the future of tourism in the Hawkesbury. The committee's name is to be the "Destination Hawkesbury Committee".

The committee idea came from a public meeting held on 17 March 2011, at which interested persons, tourism sector operators, and general and tourism business groups (and their members) were invited together to discuss the future of tourism in the Hawkesbury.

As a result of the meeting, HHART Board members met with Council officers on 30 May 2011 to discuss the committee and to seek Council's involvement in the committee. HHART proposes that the committee have six members and two be from Council, including at least one Councillor. HHART also advises that all matters arising from committee's meetings would be reported to the HHART Board and included in HHART's strategic planning and addressed in HHART's operations accordingly.

Council needs to consider whether it wishes to be part of the committee and, if so, who should be Council's representatives. It is considered that Council might like to be part of the committee as it could be an opportunity to:

- work with tourism operators, to understand tourism sector issues encountered;
- contribute market information, to help the tourism sector respond;
- be part of a meeting forum (committee), instigated by the tourism sector;
- be part of a meeting forum (committee), facilitated by one of the tourism sector's business groups;
- progress utilisation of Hawkesbury Visitor Information Centre, as a tourism business resource; and
- provide input into HHART's plans and activities for its members and stakeholders.

Subject to Council's decision, the Council members of the committee are suggested to be a Councillor and the General Manager (or his nominee).

Involvement with the committee would be consistent with the Community Strategic Plan, which promotes partnerships with the business sector and sustainable business practices, to support business and local jobs.

#### Consultation

The issues raised in this report cover matters which do not require consideration under Council's Community Engagement Policy.

#### Background

On 17 March 2011 a local tourism operator held a public meeting for interested persons, tourism sector operators and general and tourism business groups (and their members) to discuss:

- local and broader visitor and tourism trends for the Hawkesbury;
- why the Hawkesbury is/ could be a destination;

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- the need for tourism operators to work together to address tourism sector issues; and
- the need for tourism operators and stakeholders (eg. tourism business groups, Council) to work together.

As a result of the meeting (agreement from the floor), the meeting host was to approach HHART about setting up a tourism committee for tourism operators and stakeholders, and for it to approach Council on the matter.

HHART is a tourism business membership group operating in the Hawkesbury area. It was formerly known as Tourism Hawkesbury Inc. HHART draws its members from three local government areas – The Hills, Hornsby and Hawkesbury.

Council at its meeting held on 10 May 2011 considered a Question For Next Meeting on the public meeting. Information reported was:

*“General Manager advised that on 17 March, 2011 a public meeting was held to discuss tourism in the Hawkesbury Valley. The meeting was not held by any Hawkesbury Tourism Group, which was confirmed at the meeting. Invitations were sent by Mr Swaisland and via Hills, Hawkesbury and Riverlands Tourism (HHART) on behalf of Mr Swaisland.*

*A range of people attended the meeting, including individuals, local business operators and business group members/representatives like Windsor Business Group and HHART. Three Council officers attended the meeting.*

*Presentations considered at the meeting*

- *Views that the Hawkesbury area had a wealth of product on which to base tourism businesses.*
- *The former Hawkesbury Tourism Board (or committee) that operated with the Visitor Information Centre was raised.*
- *Tourism Australia and Tourism NSW statistics that appeared to indicate visitor number trends in decline for the area. Visitor Information Centre has statistics that reveals other visitor data.*
- *Tourism businesses should work together to address visitor numbers by marketing 'what we've got' and in turn business sustainability.*
- *The role of a large (or five star type) accommodation provider and events in the area attractors for visitors.*
- *Tourism businesses should support HHART for its marketing activities and hence its member benefits.*

*In general business, Mr Swaisland led a discussion from the floor that arrived at the idea to approach Council about the information a local tourism reference group or committee (role, aims, resources not raised); and that the approach should be made by HHART. In this regard, Mr Swaisland undertook to approach HHART about the matter.*

*Council has not been advised of any progress by Mr Swaisland nor been approached by HHART at this stage. However, it is noted that the matter would need to be addressed through HHART's meeting processes and this may still be occurring.*

HHART has now approached Council about the proposed committee and seeks Council's involvement in the committee. HHART proposes the committee has six members, being:

- two HHART members
  - two Council members
  - two tourism operators:
- a Board member and the executive officer;  
at least one Councillor; and

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In discussing the committee, HHART representatives and Council officers agreed on the importance of the tourism sector working with Council to progress the sector's sustainability.

The proposed committee is a tourism sector instigated meeting forum, facilitated by one of its own business groups. Council's involvement is an opportunity to partner with the tourism sector, and to tailor its strategies within the community strategic plan.

Subject to Council's consideration of the matter, members of the committee were suggested to be a Councillor and the General Manager (or his nominee).

It should be noted that Council at its meeting on 27 May 2008, considered a report on a proposed regional tourism group, lead by a taskforce, which lead to the reformation of Tourism Hawkesbury Inc as HHART. It was resolved:

*"That Council liaise with the:*

- 1. The Taskforce and subsequent new regional tourism industry association with the intention of identifying ways in which Council and the association can work together on activities that are within the Hawkesbury local government area and invite the association to support the programs and activities of the Hawkesbury Visitor Information Centre.*
- 2. The Taskforce on the proposed regional tourism group, on the basis that Council is prepared to participate in a regional tourism group that undertakes regional marketing activities of a shared 'Hawkesbury' message, is representative of the local tourism industry and which has an operational structure to the satisfaction of Council.*
- 3. Baulkham Hills and Hornsby Councils in regard to their intentions with the proposed regional tourism group.*
- 4. The Taskforce, Baulkham Hills and Hornsby Councils on an operational structure of the proposed regional tourism group that would be mutually beneficial to each of the key parties."*

Council officers on a number of occasions invited HHART to respond to Council's resolution; and meet with Council officers of the other councils to progress working together on tourism matters and projects (which has occurred and through the MOU between Hawkesbury, Hornsby and The Hills councils). While HHART did not respond to the resolution per say and Council has been monitoring the situation since, the intent of the resolution - to work with the local tourism sector - is still relevant. The committee provides the opportunity to now do this.

It should also be noted that Council is directly supporting the tourism-business sector by providing visitor services at the Hawkesbury VIC, being a member of HHART and sponsoring business awards - tourism awards (ie. Greater Sydney Tourism Inc) and general awards (Local Business Awards, Precedent Productions).

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

The proposal is consistent with the Supporting Business and Local Jobs and Shaping Our Future Together Direction statements;

- Plan a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.
- Help create thriving town centres, each with its own character that attract residents, visitors and businesses.
- Have constructive and productive partnerships with residents, community groups and institutions.

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

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- Encourage stronger relationships between the business and community sectors, education and training providers to increase local career options.
- Develop economic development strategy that promotes local industry in a regional context.
- Work with industry and education providers to promote sustainable business practices.
- Have ongoing engagement and communication with our community, governments and industries.

It will also contribute to Goals;

- Jobs across a greater range of industry sectors
- Increased patronage of local business and attract new residents and visitors.
- Support community initiatives and volunteers.

and assist Council to achieve the following Measures:

- Growth and sustainability of new and existing industries.
- Increased number of new residents and visitors.

### Financial Implications

There are no funding implications arising from this report.

### RECOMMENDATION:

That Council:

1. Accept the invitation to be involved in Hills, Hawkesbury and Riverlands Tourism' Inc.'s new Destination Hawkesbury Committee.
2. Request Hills, Hawkesbury and Riverlands Tourism Inc to supply the terms of reference for the Destination Hawkesbury Committee.
3. Nominate a Councillor to represent the Council as a member to the Destination Hawkesbury Committee.
4. Nominate the General Manager (or his nominee) to represent the Council as a member to the Destination Hawkesbury Committee.

### ATTACHMENTS:

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

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### Item: 128      **GM - Business Skills Program - (79351)**

**Previous Item:**      Item 176 Ordinary (27 July, 2010); Item 48 Ordinary (30 March, 2010);  
Item 58 Ordinary (8 April, 2008)

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#### **REPORT:**

##### **Executive Summary**

Council at its meeting held on 27 July, 2010, considered a report on the Business Skills Program (Program) that had operated in recent years and changes made by the Federal Government that influenced the ability of the Program partner to deliver the Program in the future. The Program partners were Schools Industry Partnership - Penrith, Hawkesbury, Blue Mountains (SIP). Due to changes made by the Federal Government in the area of youth attainment programs, SIP was no longer in a position to deliver a youth-business skills program, as it was to become a program broker.

Council resolved to end certain partnerships and programs and determine another appropriate format. The purpose of this report is to advise Council of progress in the matter.

The presence of any similar type programs in the market place has been investigated and assessed. Unfortunately, there does not appear to be any alternative programs and this reflects the change in approach to funding and delivery of the youth attainment and transition agenda by the Federal and State Governments. There is a greater emphasis on schools (and TAFE), the private sector delivery of industry programs, and on online programs/ support eg. self-help guides and kits.

In light of this, Council may still wish to be involved in prompting business skills development of younger people to support future business and jobs. It is suggested that Council consider supporting the Schools Trade Training Centres Program (STTC) in the area as an alternative way in which to address youth business skills development and/ or meeting with high schools to better understand how the delivery of business skills can be achieved alongside educational and vocational training.

The Hawkesbury STTC cluster was launched in March 2011, which has seen investment in capital works and plant for hospitality and industrial trades training at schools. The principals of the schools that make up the STTC are meeting to guide the direction of the centre and its programs. They also meet on other learning and vocational matters of interest to the schools and students.

It is proposed that Council meet with the school principals of the Hawkesbury STTC to find out more about the ongoing operations of the trade training centre (including business plan), any committee, and generally how business skills learning is included in educational and vocational training in the schools. Subject to this meeting, Council may wish to form a youth business skills partnership with the schools and support the Hawkesbury STTC. This would be consistent with the supporting business and local jobs direction of the community strategic plan.

##### **Consultation**

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

##### **Background**

Council at its meeting held on 27 July, 2010, considered a report on the Business Skills Program (Program) that had operated in recent years and changes made by the Federal Government that influenced the ability of the program partner to deliver the program in the future.

Council subsequently resolved:

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*"That:*

1. *Council end its partnership with Schools Industry Partnership for the Hawkesbury Business Skills Program, as it is no longer able to be the delivery partner for the Program as outlined in the report.*
2. *Schools Industry Partnership be advised of Council's decision and associated reasons and also be thanked for their past actions and assistance.*
3. *Council end its Hawkesbury Business Skills Program in the current format pending the determination of another appropriate format to deliver a similar type program."*

With regard to parts 1 and 2 of the resolution, correspondence was forwarded to SIP to advise of Council's resolution and to thank it for being the program partner. It was noted that it was unfortunate that the changes made by the Federal Government to how it funds and delivers the youth attainment and transition agenda through organisations like SIP had had an adverse impact on our Program.

With regard to part 3 of the resolution, Council Officers continued:

- (a) Discussions with SIP to ascertain if it was likely to be brokering any similar programs to our program.
- (b) Discussions with SIP about the Hawkesbury STTC cluster established in 2011 to ascertain its views on how might the centre unfold and how business skills might be included in vocational training. SIP had been asked by the schools to help with the funding bid. SIP indicated that it thought the principals would welcome meeting with Council to discuss the matter. SIP is facilitating a meeting with the school principals.
- (c) Investigation of programs in the youth business skills arena of the government and private sectors (eg. Youth 2 Youth, Youth.NSW). While there are some youth skills programs around (eg. Young entrepreneurs), most focus on vocational training (job skills) through schools, training organisations and in the workforce through apprenticeships. Both the Federal and State Governments see high schools as a key in their youth attainment and transition agenda.

Having considered the limited avenues to continue the program and taking into consideration the direction and strategies of the Community Strategic Plan, the only foreseeable option for Council to have some involvement in youth business skills development is for Council to leverage the in-schools programs, like the STTC program.

It is likely there will be a committee to guide the direction of the STTC, as the principals understand their commitment to the centre more. If Council were a part of this, it could pursue a business skill component in the centres objectives; and fulfil a leadership/ partnership role in line with the community strategic plan. The STTC may welcome the involvement of Council, as the schools resources maybe tested beyond the start up funding of the centre.

The STTC program was announced as part of the Commonwealth Government's Education Revolution. It is about increasing the number of students achieving Year 12 or equivalent qualifications by providing access to education and training opportunities in the 'school environment', to address national skills shortages in traditional trades and emerging industries.

In Council's area, the Hawkesbury STTC cluster was funded and the schools that make up the cluster are:

1. Richmond High School
2. Colo High School
3. Hawkesbury High School
4. Windsor High School

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The focus of the Hawkesbury STTC cluster is:

- funding to improve facilities in two schools in hospitality and industrial trades training (ie. Richmond High School Windsor High School) to allow them to deliver Certificate III qualification (TAFE system). This includes a training / function room at Richmond High School; and
- funding to upgrade and refurbish facilities in all schools in hospitality and industrial trades training to allow them deliver up to Certificate II qualifications.

It is proposed that Council meet with Hawkesbury STTC principals to find out more about the status of centre, any committee, business skills training in schools and views on how might Council support the STTC in some capacity.

### Conformance to Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs and Shaping Our Future Together Directions statement;

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

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

- Encourage stronger relationships between the business and community sectors, education and training providers to increase local career options.

### Financial Implications

No financial implications applicable to this report.

### RECOMMENDATION:

That:

1. Council note the ending of the Hawkesbury Business Skills Program as there is no similar type program available.
2. Council explore supporting the Hawkesbury School Trade Training Centre as a way to be involved in youth business skills development and meet with representatives to discuss the Centre's future.
3. The outcome of part 2 of the resolution be reported to Council for further consideration.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

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### CITY PLANNING

**Item: 129**      **CP - Development Application - Torrens Title Subdivision Into Two Lots - Lot 2 DP 627078, No. 42 Church Road, Wilberforce - (DA0068/11, 95498, 73916, 15936, 15937)**

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#### Development Information

**File Number:** DA0068/11  
**Property Address:** 42 Church Street, Wilberforce  
**Applicant:** McKinlay Morgan & Associates Pty Ltd  
**Owner:** Mrs M S Myhill and Mr M J Myhill  
**Proposal Details:** Subdivision - Torrens Title - Subdivision - Two Lot Torrens Title  
**Estimated Cost:** Not applicable  
**Zone:** Current: Housing Under Hawkesbury Local Environmental Plan 1989  
Draft: R2 Low Density Residential Under Draft Hawkesbury Local Environmental Plan 2011  
**Date Received:** 15 February 2011  
**Advertising:** 15 April 2011 to 5 May 2011  
**Key Issues:** ♦ Sewer Capacity  
♦ Previous Council resolution about development and subdivision at Wilberforce

**Recommendation:** Approval

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#### REPORT:

##### Executive summary

This application seeks approval for the Torrens Title subdivision of the subject site at Wilberforce into two lots.

Council resolved on 15 February 2011 to allow a list of only six development applications to be determined before an Interim Policy comes into effect for subdivision and development at Wilberforce. Other applications are currently being held in abeyance.

This report has two purposes, firstly to seek a variation to the Council resolution of 15 February 2011 to add this application (DA0068/11) to the list of applications to be determined. This application was lodged with Council one day before the Council Meeting and, due to meeting agenda preparation times it did not make it into the report. Had staff been aware that this application had been lodged the report of 15 February 2011 would have included this application on the list to be determined. Moreover, it was not known prior to the meeting that the application had been lodged hence; the application could not be raised at the Council Meeting. In view of this a modified resolution is now being put before the Council for the Council resolution of 15 February 2011 to enable this application to be determined.

Secondly this report seeks to determine the DA0068/11 as the proposal is being reported to Council at the request of Councillor Porter.

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

- Sewer capacity
- Previous Council resolution about development and subdivision at Wilberforce



**Description of Proposal**

The application is seeking approval for a two lot subdivision of the subject site. The subject site has frontage to Church Road and Nartee Place and has vehicular access from both roads. The site has an area of 1711 sqm. It is proposed to retain the existing dwelling on the proposed Lot 102 (926sqm) and Lot 101 (785sqm) is currently vacant other than the existing pool.

Proposed Lot 102 will have direct access to Church Road and the proposed Lot 101 access would be from Nartee Place. Both roads have existing kerb and gutter.

**History**

The Three Towns Sewerage Scheme involves the connection of land within Wilberforce, Glossodia and Freemans Reach to reticulated sewerage by Sydney Water.

A report was prepared to the Council meeting held on 15 February 2011 in order to develop a policy providing guidance as to the most appropriate method of allocating further growth in these areas based on the capacity of the sewer system. This was considered necessary as the subdivision potential may be greater than the sewer capacity to cater for that potential.

Council's resolution in relation to this matter was that:

1. *A draft Interim Policy for Wilberforce Subdivision and Development be drafted in accordance with this report and be publicly exhibited for a period of 28 days.*
2. *A further report be brought to Council to consider submissions after the exhibition period.*
3. *The current development applications for Wilberforce village mentioned in this report, i.e. DA0586/10, DA0029/10, DA0515/10, DA0585/10, DA0874/10 and DA0879/10 be determined on their merits as if this Policy was not proposed or made.*
4. *No development applications, beyond the development of a dwelling on a vacant allotment, are to be accepted in the Wilberforce priority sewer scheme area until the interim Policy has been finalised and adopted by Council.*

The subject application was submitted on 14 February 2011 and as such its lodgement preceded the implementation of the proposed Policy detailed above. Had staff been aware that this application had been lodged, the application would have been included in Part 3 of the resolution allowing consideration on merit on the basis that the Policy was not proposed or made. The draft Interim Policy is being developed and will be on public exhibition shortly.

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

- Hawkesbury Local Environmental Plan 1989
- Draft Hawkesbury Local Environmental Plan 2011.
- Sydney Regional Environmental Plan No. 20 (SREP 20) – Hawkesbury Nepean River
- State Environmental Planning Policy No. 44 (SEPP 44) – Koala Habitat
- Hawkesbury Development Control Plan (HDCP)

**Section 79C Matters for Consideration**

**a. The provisions of any:**

**i. Environmental Planning Instrument:**

The relevant environmental planning instruments are:

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

***General Provisions of HLEP 1989***

**Clause 2 – Aims, objectives etc,**

The proposed development is considered to be consistent with the general aims and objectives as outlined in Clause 2 of the Hawkesbury LEP 1989.

**Clause 8 – Zones indicated on the map**

The subject land is zoned Housing.

**Clause 9A – Zone objectives**

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the carrying out of the development is consistent with objectives of the zone.

*The objectives of the Housing zone are:*

- (a) To provide for low density housing and associated facilities in locations of high amenity and accessibility,*
- (b) To protect the character of traditional residential development and streetscapes,*
- (c) To ensure that new development retains and enhances the existing character,*
- (d) To ensure that development is sympathetic to the natural amenity and ecological processes of the area,*
- (e) To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character,*
- (f) To control subdivision so that the provision for water supply and sewerage disposal on each resultant lot is satisfactory to the council,*
- (g) To ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

**Comment:**

The proposal is considered to be consistent with the zone objectives. The proposed development will not have any adverse impact on the existing residential development and streetscape. Adequate water supply and spare sewerage capacity is available to service each proposed allotment. The proposal will not create unreasonable economic demands for the provision or extension of public amenities or services.

***Specific Provisions of HLEP 1989***

**Clause 10 – Subdivision – general**

This clause states that a person shall not subdivide land without the consent of council. The subject application seeks development consent for the subdivision of the land as required under this clause.

## ORDINARY MEETING

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### Clause 12 – Residential Subdivision – general provisions

- (1) *In this clause:*  
**internal allotment** means an allotment to which the only means of access to that part of the allotment that is most suitable for locating a dwelling is by way of:
- (a) an access corridor that forms part of the allotment (a **hatchet shaped allotment**), or
  - (b) an easement or right of way over another allotment.
- (2) The Council may consent to the subdivision of land in the Housing or Multi Unit Housing zone only if the area of each allotment that is to contain a dwelling is not less than:
- (a) if the allotment is not an internal allotment, that shown for the zone in Column 2 of the following Table, or
  - (b) if the allotment is an internal allotment, that shown for the zone in Column 3 of that Table.

<b>Column 1</b> <b>Zone</b>	<b>Column 2</b> <b>Minimum allotment size for an allotment other than an internal allotment</b>	<b>Column 3</b> <b>Minimum internal allotment size</b>
Housing (other than land shown hatched on the map)	450 square metres or as shown on the map, whichever is the greater	450 square metres or as shown on the map, whichever is the greater
Housing (land shown hatched on the map)	600 square metres	700 square metres
Multi Unit Housing	450 square metres	450 square metres

- (3) Despite subclause (2), the Council must not consent to the subdivision of land in the Housing zone if:
- (a) the land is not serviced by reticulated sewerage, and
  - (b) the area of any proposed allotment that is to contain a dwelling is less than 4,000 square metres.
- (4) For the purposes of subclause (2) and (3), in determining the area of an internal allotment that is a hatchet shaped allotment, the area of the access corridor is not to be counted as part of the area of that allotment.
- (5) The Council must not consent to the subdivision of land at Glossodia if that land is in the Housing zone except by a subdivision in accordance with clause 13.
- (6) Despite the other provisions of this clause, the Council may consent to the subdivision of multi unit housing, the development of which has been approved by the Council, into separate allotments or units.

### Comment

The proposed lots are consistent with the provisions of this clause in relation to lot size and will ultimately benefit from service provision. No undersized allotments are proposed in conjunction with the application. It is considered that the proposed allotments are consistent with surrounding allotments. This proposal will not affect any historically significant view or vista or a heritage item.

### Clause 18 - Provision of water, sewerage etc services

The provisions of this clause require that development consent will not be granted unless satisfactory arrangements have been made for the provision of water, sewerage, drainage and electricity to the land.

Reticulated sewerage is now available to the subject site and written evidence that satisfactory arrangements for the provision / extension of reticulated sewerage, water, telephone and electrical services to this development will need to be provided and are included as recommended conditions

of development consent. Subject to Council's resolution being amended, this application could be considered.

**Clause 25 – Development on flood liable land**

The subject land is situated above the 1-in-100 year ARL flood level of RL 17.3m AHD.

**Clause 27 – Heritage items**

The subject site does not contain any listed heritage items.

**Clause 28 – Development in the vicinity of heritage items**

The subject site is not situated within the vicinity of any listed heritage items.

**Clause 37A – Development on land identified on Acid Sulfate Soils Planning Map**

The subject land is situated on land that has been classified Class 5 on the Acid Sulfate Soils Planning Map. No significant earth works as defined by this Clause are proposed as part of the development. Therefore it is considered that the proposed development is consistent with the requirements of this Clause.

**Sydney Regional Environmental Plan No. 20 (SREP 20) – Hawkesbury Nepean River**

The subject land falls within the boundary of SREP 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 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the policy.

**Comment:**

It is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and that the development is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies.

**ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:**

Draft Hawkesbury Local Environmental Plan 2011 applies to this proposal. This draft plan was exhibited from 5 February 2010 to 12 April 2010. On 7 June 2011 Council resolved that the draft plan be adopted and forwarded to the Department of Planning and Infrastructure for finalisation and gazettal. The subject site is proposed to be zoned R2 Low Density Residential. The proposed development is permissible in this zone with development consent.

**iii. Development Control Plan applying to the land:**

**Hawkesbury Development Control Plan**

The Hawkesbury Development Control Plan applies to the proposal. An assessment of the proposal against the relevant provisions of this Plan follows:

**General Information Chapter**

This Chapter provides an explanation of the development application process and provides the requirements for lodging a development application for different land uses.

It is considered the subject application provides adequate information for the assessment of the proposal and generally complies with this Chapter.

**ORDINARY MEETING****Meeting Date:** 28 June 2011**Subdivision Chapter**

The general principles for this Chapter are to:

- *establish a consistent and coordinated approach to the creation of residential, rural residential and rural lot throughout Hawkesbury;*
- *ensure that subdivision is undertaken in an environmentally sustainable manner;*
- *facilitate different subdivision forms which have the effect of minimising environmental degradation;*
- *address long term planning objectives as contained in Hawkesbury LEP by the creation of lots in locations and of sizes consistent with those objectives;*
- *ensure constructed vehicular access from gazetted public road system to each new lot;*
- *ensure all lots created are physically capable of development;*
- *adopt criteria for rural, rural-residential and residential lots which will ensure each lot is provided with an appropriate amenity, services and access;*
- *facilities the supply of residential lots of a wide range of sizes and shapes which reflect the statutory visions of Hawkesbury LEP, the availability of reticulated sewage and the need for frontage to public roads; and*
- *protect key cultural resources (places of environmental heritage value) from and use or management practices which will lead to their degradation or destruction.*

The following is an assessment against the Rules of the Subdivision Chapter:

Element	Rule	Provides	Complies
Flora and Fauna Protection	(a) Any subdivision proposal which is likely to result in any clearing of native vegetation or impact on any environmentally sensitive area is to be accompanied by a flora and fauna assessment report prepared by a suitably qualified person. This report is to primarily address the Eight Part Test pursuant to the Act (Section 5A), State Environmental Planning Policy 44 – Koala Habitat protection.		Yes
	(b) Vegetation cover should be retained where ever practicable as it acts to stabilize soils, minimize runoff, acts as a pollutant trap along watercourses and is important as a habitat for native fauna.		N/A
	(c) Degraded areas are to be rehabilitated as part of the subdivision.		N/A
	(d) Vegetation should be retained where it forms a link between other bush land areas.		N/A
	(e) Vegetation which is scenically and environmentally significant should be retained.		N/A
	(f) Vegetation which adds to the soil stability of the land should be retained.		N/A
	(g) All subdivision proposals should be designed so as to minimize fragmentation of bush land.		N/A
Visual Amenity	(a) Building envelopes, access ways and road shall avoid ridge tops and steep		Yes

**ORDINARY MEETING**

**Meeting Date: 28 June 2011**

Element	Rule	Provides	Complies
	<p>slopes.</p> <p>(b) Subdivision of escarpments, ridges and other visually interesting places should:</p> <ul style="list-style-type: none"> <li>• Be managed in such a way that the visual impact rising from development on newly created allotments is minimal; and</li> <li>• Retain visually significant vegetation such as that found on ridge tops and other visually prominent locations.</li> </ul> <p>(c) Development Applications for subdivision shall take into consideration the provisions of SREP No. 20 in relation to scenic quality.</p>	<p>Consistent with relevant provisions of SREP No. 20</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
Heritage	(a) A subdivision proposal on land which contains or is adjacent to an item of environmental heritage as defined in Schedule 1 of the Hawkesbury LEP should illustrate the means proposed to preserve and protect such items.	Site does not contain or is adjacent to an item of environmental heritage	Yes
Utility Services	<p>(a) Underground power provided to all residential and industrial subdivisions.</p> <p>(b) Where infill subdivision is proposed, the existing system, whether above or underground shall be maintained. All lots created are to have the provision of power.</p> <p>(c) Where reticulated water is not available, a minimum storage of 100,000 litres must be provided. A minimum of 10,000 litres must be available during bush fire danger periods.</p>	<p>Services currently available.</p> <p>The applicant will be required to consult with the energy provider prior to release of any Subdivision Certificate.</p> <p>Reticulated water available.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>

**ORDINARY MEETING****Meeting Date:** 28 June 2011

<b>Element</b>	<b>Rule</b>	<b>Provides</b>	<b>Complies</b>
Flooding, Landslip & Contaminated Land	(a) Compliance with clause 25 of Hawkesbury Local Environmental Plan 1989.	Subject lots are above the 1 in 100 year flood level	Yes
	(b) Access to the subdivision shall be located above the 1% AEP flood level	Access to the subdivision is above the 1% AEP flood level.	Yes
	(c) Where a subdivision proposal is on land identified as being potentially subject to landslip, the applicant shall engage a geotechnical consultant to prepare a report on the viability of subdivision the land and provide recommendations as to the siting and the type of buildings which could be permitted on the subject land.	Not subject to landslip.	N/A
	(d) In the event the Council deems that there is the potential that land subject to a subdivision application is contaminated then the applicant shall engage a suitably qualified person to undertake a soil and ground water assessment.	Not considered to be contaminated.	Yes
	(e) Contaminated Land shall be remediated prior to the issue of the Subdivision Certificate.	N/A	N/A

**ORDINARY MEETING**

**Meeting Date: 28 June 2011**

Element	Rule	Provides	Complies
Residential access way Design	(a) Access ways should have a minimum width of 4m and sealed pavement of 2.5m		Yes
	(b) Access ways should not serve more than 5 lots.	2 lots proposed	Yes
	(c) Access ways should have a maximum grade of 25% (1:4) at any point.	Access ways are not steep	Yes
	(d) Where the access ways is steep or fronts a local collector or higher order road (greater than 3,000 vehicles per day) or a high pedestrian area, access ways should be designed so that vehicles can be driven both onto and off the property in a forward direction.	Yes	Yes
	(e) Where vehicles would otherwise have to reverse more than 50m, a turning area should be provided to enable the vehicles to enter and leave the site in a forward direction and reduce the need to reverse over long distances.	N/A	N/A
	(f) Refer to Part D Chapter 1 Residential Development for further requirements regarding access ways should a subdivision be part of a residential development.	Complies	Yes
Lot Size and Shape	(a) In calculating the area of a battle-axe or hatchet shaped allotment the access way is to be excluded. The area of an allotment effected by "right of carriageway" or private road should also be excluded.		N/A
	(b) Allotments should have a minimum width of 15 metres at the building line. Council may consider a lesser dimension but only as part of an integrated housing development.		Yes.
	(c) Lots should be able to accommodate a building envelope of 200sqm with a minimum dimension of 10 metres.		Yes
	(d) An allotment should not be less than 20 metres in depth to ensure there is some		Yes



**ORDINARY MEETING****Meeting Date:** 28 June 2011

Element	Rule	Provides	Complies
	flexibility in the choice of housing design and siting as well as the availability of suitable space for other activities normally associated with a dwelling.		
	(e) Vegetation which adds significantly to the visual amenity of a locality and/or which is environmentally significant should be conserved in the design of the subdivision proposal	Land not steeply sloping	N/A
	(f) Lot should be designed to allow the construction of a dwelling with a maximum cut or fill of 1 metre from the natural ground level.		Yes

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

There are no planning agreements applicable to the proposed development.

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

No relevant matters.

**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:**

**Context & Setting**

The area is characterised by residential development. The proposal is compatible with the adjoining land uses. The resultant lots are not inconsistent with the existing subdivision pattern of the locality.

**Access, Transport & Traffic**

Church Road and Nartee Place are sealed with kerb and gutter, gravel road shoulders across the frontage of the subject site.

**Utilities**

The provision of services to the resultant lots will be clarified through the conditions of consent. As discussed services are available to lots on a limited basis.

**Heritage**

None of the sites has any heritage listed items.

**Water**

Reticulated water supply is available in the sites.

**Soils**

Erosion and sedimentation controls will be required during works.

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### Cumulative Impacts

The proposed development is compatible with the surrounding land uses and no significant negative cumulative impact is foreseen.

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

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

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

The application was publicly exhibited between 15 April 2011 and 5 May 2011 in accordance with the Notification Chapter contained in Hawkesbury Development Control Plan 2002. In response to this notification no submissions were received.

#### e. The Public Interest:

The proposal is not contrary to the public interest. The proposal is consistent with the relevant planning instruments affecting the site and will provide for the residential lifestyle of the occupants of the land. In this instance variation to the Council resolution of 15 February 2011 in respect of land subdivision within the Three Towns or "Priority Sewerage Scheme" area will not be contrary to the public interest and will not prejudice the interest of the subject applicant. It is considered reasonable for Council to exercise her discretion and support the application subject to deferred commencement condition of consent.

### Developer Contributions

In accordance with Direction under Section 94E of the Act, a contribution is not required for this development, as the cost of development is below \$100,000.

### 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:

A. Part 3 of Council's resolution of 15 February 2011 be amended to read as follows:

3. *The current development applications for Wilberforce village mentioned in this report, i.e. DA0586/10, DA0029/10, DA0515/10, DA0585/10, DA0874/10, DA0879/10 DA0068/11 be determined on their merits as if this Policy was not proposed or made.*

B. That development application DA0068/11 at Lot 2 DP 627078, 42 Church Road WILBERFORCE for Subdivision - Torrens Title - Two Lot Torrens Title be approved subject to the following conditions

### General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.

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2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.

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

3. A Traffic Management Plan prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council.
4. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
5. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
6. 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 sewer and water 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), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must either:

- Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
- If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.

### ***During Construction***

7. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
8. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
9. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
10. Any sewer or stormwater main or manhole affected by the development, shall be repaired or altered in level as so directed at the applicant's expense.
11. 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.
12. Inter-allotment drainage shall be provided for all lots which do not drain directly to a public road. Easements are to be created at the applicant's cost.
13. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
14. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.

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15. A Light duty footway vehicular crossing 3m wide shall be constructed to proposed lot 101. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.

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

16. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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 and sewer 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.

*"The Section 73 Certificate needs to state that sewer is available to the proposed subdivision or similar wording prior to the consent being operational."*

17. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
18. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
19. A Surveyor's Certificate stating that all pipelines are contained within the proposed/existing easements shall be submitted.
20. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
21. Payment of a Linen Release Fee of \$561.00. This amount is valid until 30 June 2011.
22. Registration of the title of any easements required for drainage.

### ***Advisory Notes***

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

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

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

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

\*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

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**ATTACHMENTS:**

**AT - 1**    Locality Plan

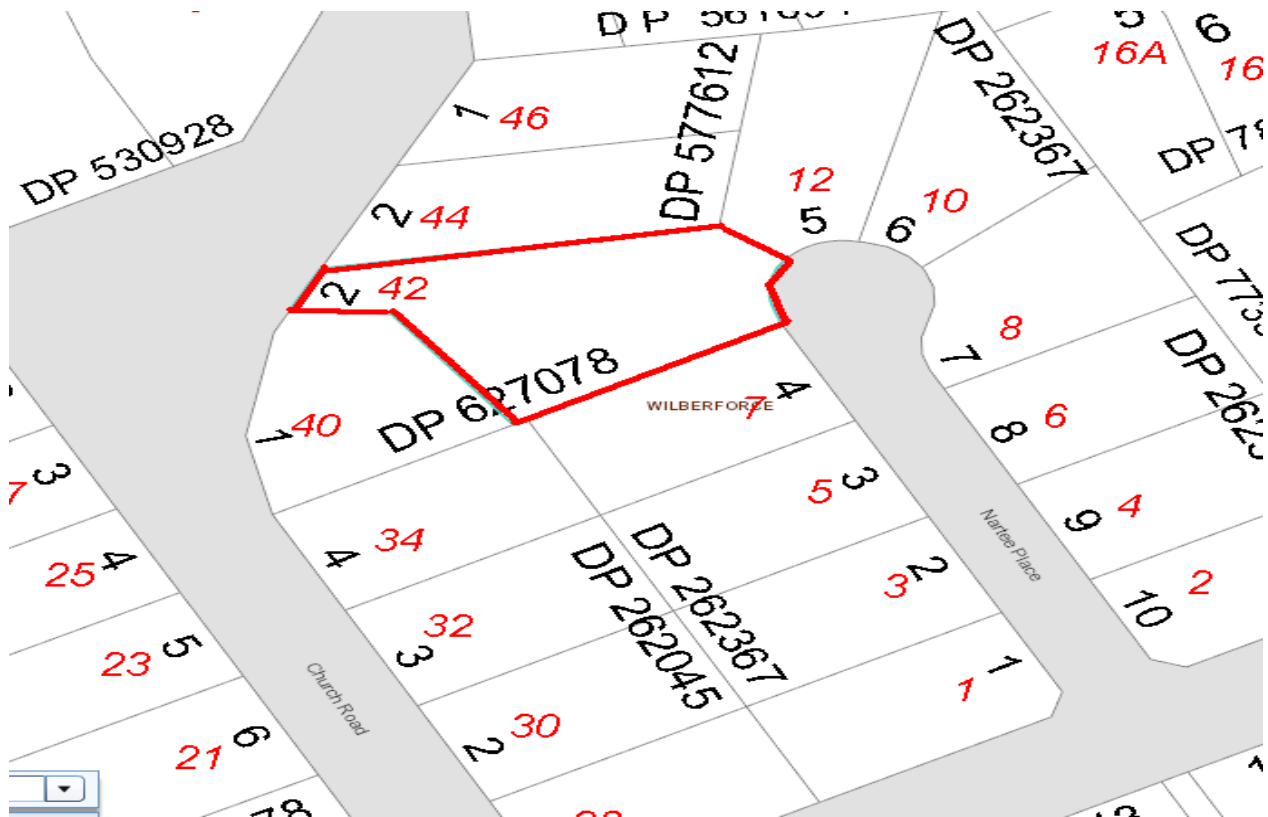
**AT - 2**    Aerial Photos

**AT - 3**    Plan of Subdivision

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AT - 1 Locality Plan: Lot 2 DP 627078 No. 42 Church Road WILBERFORCE



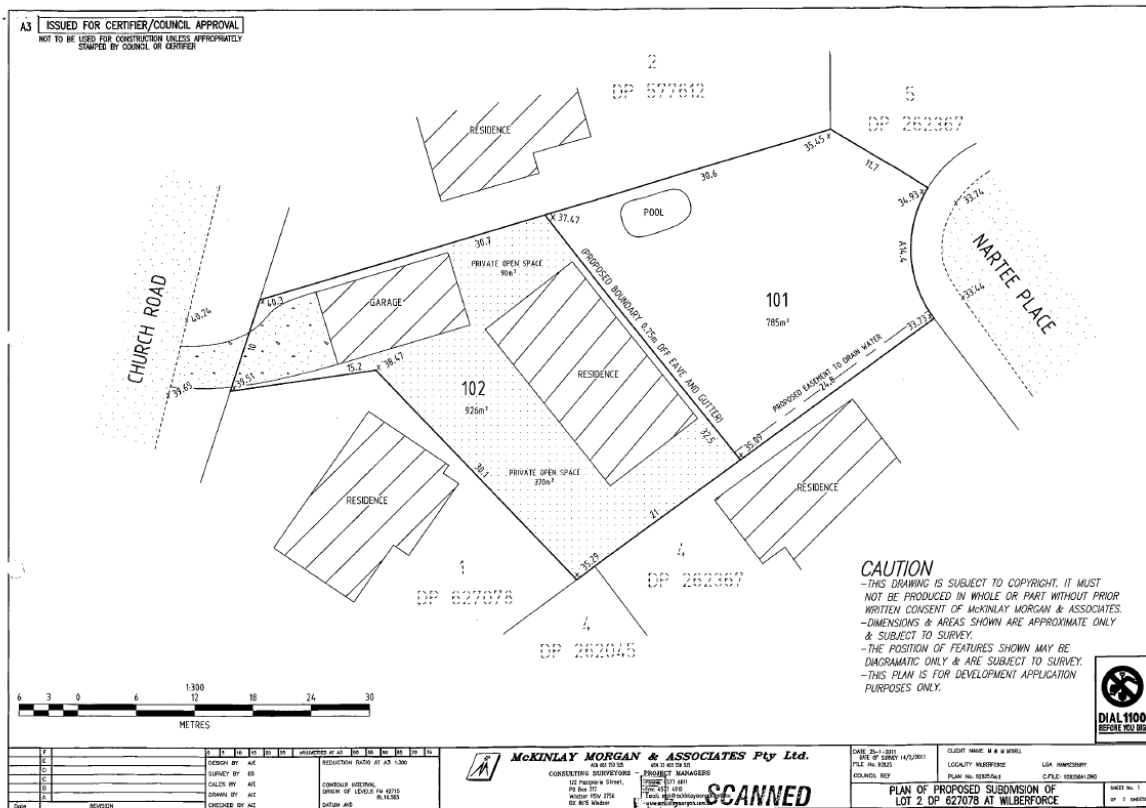
**Meeting Date:** 28 June 2011

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# ORDINARY MEETING

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## AT - 3 Plan of Subdivision; Lot 2 DP 627078 No. 42 Church Road WILBERFORCE



oooO END OF REPORT Oooo



**ORDINARY MEETING****Meeting Date:** 28 June 2011

**Item: 130**      **CP - Section 96 Modification of DA0852/08 - Amendment to staging of the development design of roadway/pedestrian pathway and bush fire threat classification at Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond - (DA0852/08D, 95498, 112157, 109615)**

**Previous Item:**      RM, Ordinary (29 September 2009)  
192, Ordinary (15 September 2009)

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**Development Information**

**File Number:** DA0852/08D  
**Property Address:** Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond  
**Applicant:** North Richmond Joint Venture Pty Ltd  
**Owner:** B D NSW (Mr) Project 0007 Pty Limited  
**Proposal Details:** SEPP (Seniors Living) development - S96 Modification of Development Consent No. DA0852/08 - Amendment to the approved staging of the development, revised access design associated with the roadway/pedestrian pathway leading from Grose Vale Road and reclassification of vegetation adjacent to the site having regard to bush fire threat classification  
**Zone:** Consolidated Land Holdings under Hawkesbury Local Environmental Plan 1989.  
**Proposed Zone:** RU4 Rural Small Holdings under Draft Hawkesbury Local Environmental Plan 2009.  
**Date Received:** 21 April 2011  
**Advertising:** 6 May 2011 to 16 June 2011  
  
**Key Issues:**      ♦ Revised Staging Plan  
                         ♦ Redesigned Grose Vale Road access road  
                         ♦ Bushfire prone land classification

**Recommendation:** Approval

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**REPORT:****Executive Summary**

The subject application seeks consent for the modification to the original staged approval for a Seniors Housing development approved by Council at its meeting held on 15 September 2009. The principal amendment associated with this application involves the alteration to the staging sequence.

A summary of the development as approved and the proposed amendment is detailed as follows:

<b>DA0852/08 (15 September 2009)</b>	<b>Current Section 96 Application</b>
Staged development (four sequential stages plus Aged Care Facility as an independent separate stage)	Staged development (11 stages with Aged Care Facility proposed as Stage 2)
Separate access to Arthur Phillip Drive from Aged Care Facility	Separate access to Arthur Phillip Drive retained from Aged Care Facility with additional link from Grose Vale Road
Access to Grose Vale Road provided by curved internal road	Access to Grose Vale Road altered to incorporate 'T Intersections'
Provision of temporary construction access	Provision of temporary construction access

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adjacent to southern side of the development area to service staged construction program	adjacent to southern side of the development area to service staged construction program and establishment of construction site compound
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Primary access from Grose Vale Road in addition to secondary access provided from Arthur Phillip Drive is retained as part of the subject application. Two separate access points have been developed so as to satisfy the public transport access requirements contained in State Environmental Planning Policy (Seniors Living) 2004 and NSW Rural Fire Service for emergency access and evacuation.

Primary construction access is proposed to be provided from Grose Vale Road onto a separate internal construction road. A limited degree of construction traffic will affect Arthur Phillip Drive in conjunction with the cul de sac turning head, connecting road access to the development site and stormwater drainage works.

In order for the Aged Care Facility to operate and access Grose Vale Road, the connector road is proposed to be constructed earlier than originally approved. This will be provided as the principal access with Arthur Phillip Drive being the secondary access reducing traffic impact upon the local road system.

The application will not alter the traffic generation attributable to the development as there is no change proposed to the number of dwellings, facilities or access locations associated with the site. Recent modifications to the Aged Care Facility have resulted in the reduction of the number of beds associated with this component of the development thereby potentially reducing overall traffic implications.

The application also seeks consent to alter the design of the access road leading onto Grose Vale Road incorporating 'T Intersections' to facilitate connection with the construction road and internal access requirements.

Reclassification of the bushfire risk associated with the vegetation within and adjacent to the development site is also proposed in order to clarify the requirements for construction under Australian Standard AS 3959-2009: Construction of buildings in bushfire-prone areas.

The application originally proposed a variation to the timing for the required works at the intersection of Grose Vale Road and Bells Line of Road. However, this request has since been withdrawn and no longer forms part of this Section 96 application.

This application is submitted to Council for determination as the matter has previously been determined by Council and has been the subject of a number of submissions of objection.

### Introduction

The application proposes to modify the existing approved development application for a seniors living development on the site. The proposed modification seeks approval to alter three components of the development being described as follows:

- (a) Amendment to the proposed staging of the development;
- (b) Redesigned access to the site from Grose Vale Road; and
- (c) Clarification to the existence of bushfire prone land within and adjacent to the proposed development.

This modification request is submitted to Council for consideration as the original development application was determined by Council.

### Background

Amendments to State Environmental Planning Policy (Seniors Living) 2004 introduced the use of Site Compatibility Certificate's (SCC's) to provide for a suitability assessment whereby land that would not ordinarily permit such development, such as rural land adjoining existing urban zoned areas as is the case

in this instance, would be classified by the Department of Planning as to its suitability to sustain this form of development.

This process recognises that the land is broadly compatible with the surrounding environment and locality enabling the development application process to commence. It is also noted that the determination of a site's suitability to sustain seniors housing involves a series of criteria covering environmental, resources, servicing and infrastructure and local impacts.

A Site Compatibility Certificate was issued by the Department of Planning in March 2008 for the subject site.

#### **Development Application No. DA0852/08**

Development Application No. DA0852/08 was approved by Council at its Extraordinary Meeting held on 15 September 2009.

The application involved the following key elements:

- Construction of a two storey, 180 bed Aged Care Facility (ACF);
- Construction of 197 serviced Independent Living Units (ILU's) (self care dwellings);
- Construction of Residents Club building and associated ancillary facilities;
- Construction of bulk earthworks, retaining walls, access roads, utility services and stormwater management facilities;
- Construction of a new access roads off Arthur Phillip Drive and Grose Vale Road;
- Decommissioning of one farm dam; and
- Subdivision of the site into four allotments

#### **Section 96 Application No. DA0852/08A**

On 27 April 2010 S96 Application No. DA0852/08A was approved under delegated authority. The application involved modifications seeking to amend the wording of conditions imposed for Stage 1A of the development that related to bulk earthworks, road works and the submission of documentation. The intent of the original conditions was retained and the wording altered so as to be more precise and relevant to each respective stage of the development. The modification did not involve changing the nature of the approved works or changes to the approved plans and was simply a clarification of condition wording.

#### **Section 96 Application No. DA0852/08B**

On 6 September 2010 S96 Application No. DA0852/08B was granted consent under delegated authority. The application involved the apportioning of the value of the road damage bond so as to generally reflect the nature and scale of works associated with the staged nature of the approved seniors housing development.

#### **Section 96 Application No. DA0852/08C**

S96 Application No. DA0852/08C was granted consent by Council at its Ordinary Meeting held on 29 March 2011. The application involved the Aged Care Stage of the proposal and sought the reduction of the approved 180 bed, two storey aged care facility to an 80 bed, single storey aged care facility. In addition, the proposal also involved the reduction of the car parking spaces associated with the aged care facility from 57 to 30. The footprint and orientation of the building, traffic management, access and services remained the same despite the modifications sought.

**Description of Proposal**

The subject Section 96 Application involves three principal amendments to the approved development.

- **Amendment Part 1- Proposed staging of the development**
- **Amendment Part 2 - Revised Access Road Design**
- **Amendment Part 3- Bushfire Land Classification**

These are described in detail below:

**Amendment Part 1 - Proposed staging of the development**

The applicant has stated that the staging plan approved under Development Consent No. DA0852/08 was based on the premise that the construction of the Independent Living Units (ILU's) would be undertaken initially and in a sequential manner throughout the site and that the Aged Care Facility (ACF) would be constructed towards the end of the project.

**Approved Staging**

The staging plan approved in conjunction with Development Consent No. DA0852/08 was shown on Plan No. 8506/SK25 C dated 3/09/09 drawn by J Wyndham Prince Pty Ltd. The key components associated with the staging of the development are described below:

*Stage 1A*

- Construction of private road access to Grose Vale Road
- Dedication of land for road widening to Council as public road along Grose Vale Road
- Dedication of land for drainage reserve along the natural watercourse in accordance with Council and DWE requirements
- Construction of onsite detention basins and water control measures
- Subdivision of Lot 27 DP 1042890 into four lots (Lot 271 – Residual Lot, Lot 272 – Seniors Living ILU's, Lot 273 – ACF and Lot 274 – Dedicated to HCC for Drainage)

*Stage 1B*

- Construction of a Residents Club building and associated facilities including swimming pool and vegetable garden
- 65 serviced self-care dwellings

*Stage 2*

- 65 serviced self-care dwellings

*Stage 3*

- Thirty serviced self-contained dwellings
- Drainage works within the natural watercourse corridor (NOTE: This work may occur when Stage 4 is constructed)

*Stage 4*

- 37 serviced self-contained dwellings
- Drainage works within the natural watercourse corridor (NOTE: This work may occur when Stage 3 is constructed)

*Stage Aged Care*

- Construction of an Aged Care Facility Building for 180 beds (*subsequently amended to 80 beds under S96 DA0852/08C on 29 March 2011*)
- Construction of private access road from Arthur Phillip Drive

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Following the issue of the consent an agreement was reached with RSL Life Care that resulted in the establishment of an alternate business model providing for the proposed construction of the ACF in conjunction with the Residents Club facility and 25 ILU's. Further stages would subsequently be undertaken in parcels of 25 ILU's until the development was completed.

### **Proposed Staging**

The staging plan proposed in conjunction with the subject application is provided on a staging matrix titled North Richmond Seniors Village dated 24/05/2011 prepared by J Wyndham Prince Pty Ltd. The key components associated with the proposed revised staging of the development are described below:

#### *Stage 1A*

- Soil and erosion control measures installed for stage
- Grose Vale Road Primary Construction Access
- Arthur Phillip Drive Construction Access
- APZ and construction access to rear of ILU's
- Provision of temporary site construction compound
- Subdivision of Lot 27 DP 1042890 into four lots (Lot 271 – Residual Lot, Lot 272 – Seniors Living ILU's, Lot 273 – ACF and Lot 274 – Dedicated to HCC for Drainage)

#### *Stage Aged Care*

- Soil and erosion control measures installed for stage
- Provision of a localised lower storm water discharge point at the southern edge of the existing dam, adjacent to the building pad for the Aged Care Facility, for safety purposes.
- All storm water runoff directed to silt basins
- Bulk earthworks for stage
- Services installed
- Lot/s constructed to stage boundary
- Roads constructed to stage boundary
- Stage 2 access completed to final standard for Arthur Phillip Drive component of works at the end of Stage 4

#### *Stage 3*

- Soil and erosion control measures installed for stage
- OSD basins (x2) and water quality measures constructed as silt basins
- All stormwater runoff directed to silt basins
- Bulk earthworks for stage - Residents Club
- Lot/s constructed to stage boundary
- Roads constructed to stage boundary
- Stage 2 access completed to final standard for Grose Vale Road component of works at the end of Stage 4

#### *Stage 4*

- Soil and erosion control measures installed for stage
- Bulk earthworks for stage – 25 Lots
- Services installed for Stage (including lead in and lead out) – 25 Lots
- Lot/s constructed to stage boundary
- Roads constructed to stage boundary
- Stage 2 - Final Access to Grose Vale Rd & Arthur Phillip Drive Completed
- Riparian creek remediation (zone of 120m downstream of approved culvert crossing)

#### *Communal Open Space*

- Landscaping and facilities as per DA beside Stage/Community Title Lot 3 & 7

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### *Stage 5*

- Soil and erosion control measures installed for stage
- Bulk earthworks for stage – 25 Lots
- Services installed for Stage (including lead in and lead out) – 25 Lots
- Lot/s constructed to stage boundary
- Roads constructed to stage boundary
- Proposed Community Title – Lot 5 of Proposed Torrens Title Lot 272

### *External – Bells Line of Road & Grose Vale Road Intersection \*\**

- External Works triggered by 50 ILU's rather than Aged Care Facility as ACF reduced to single storey - with occupants and staff reduced accordingly.

### *Stage 6*

- Soil and erosion control measures installed for stage
- Bulk earthworks for stage – 25 Lots
- Services installed for Stage (including lead in and lead out) – 25 Lots
- Lot/s constructed to stage boundary
- Roads constructed to stage boundary
- Proposed Community Title – Lot 6 of Proposed Torrens Title Lot 272

### *Stage 7*

- Soil and erosion control measures installed for stage
- Bulk earthworks for stage – 25 Lots
- Services installed for Stage (including lead in and lead out) – 25 Lots
- Lot/s constructed to stage boundary
- Roads constructed to stage boundary
- Proposed Community Title – Lot 7 of Proposed Torrens Title Lot 272

### *Stage 8*

- Soil and erosion control measures installed for stage
- Bulk earthworks for stage – 25 Lots
- Services installed for Stage (including lead in and lead out) – 25 Lots
- Lot/s constructed to stage boundary
- Roads constructed to stage boundary
- Proposed Community Title – Lot 8 of Proposed Torrens Title Lot 272

### *Stage 9*

- Soil and erosion control measures installed for stage
- Bulk earthworks for stage – 25 Lots
- Services installed for Stage (including lead in and lead out) – 25 Lots
- Lot/s constructed to stage boundary
- Roads constructed to stage boundary
- Proposed Community Title – Lot 9 of Proposed Torrens Title Lot 272

### *Stage 10*

- Soil and erosion control measures installed for stage
- Bulk earthworks for stage – 25 Lots
- Services installed for Stage (including lead in and lead out) – 25 Lots
- Lot/s constructed to stage boundary
- Roads constructed to stage boundary
- Completion of OSD basins and rain gardens

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- Proposed Community Title – Lot 10 of Proposed Torrens Title Lot 272

### Stage 11

- Soil and erosion control measures installed for stage
- Bulk earthworks for stage – 22 Lots
- Services installed for Stage (including lead in and lead out) – 25 Lots
- Lot/s constructed to stage boundary
- Roads constructed to stage boundary
- Proposed Community Title – Lot 11 of Proposed Torrens Title Lot 272

\*\*Having regard to the above it is highlighted that the applicant has advised that the amendment to the timing of the external roadworks at Grose Vale Road/Bells Line of Road (Condition No. 127) is no longer sought in conjunction with this application.

The amended staging plan submitted by the applicant in conjunction with the application is included as Attachment 2 to this report. This table provides a comparison with the stage plan submitted with the original application and that sought in conjunction with the current S96 modification application.

The applicant has submitted the following commentary having regard to the proposed staging sequence associated with the proposed development:

*"Essentially, the focus of the first stages of the development is with the ACF and the main project infrastructure at the northern end of the site adjacent the existing trunk drainage corridor and residences to the north and east. The outcome of this focus is that the majority of the infrastructure to support the SLD, and improve the surrounding site amenity, that is stormwater quantity and quality (including the trunk drainage corridor), services, pedestrian and vehicle access, landscaping etc, will occur up front along this interface with the existing North Richmond roads and residences.*

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ORIGINAL DA STAGING	CIVIL WORKS YEAR COMPLETE	REVISED STAGING with S96 APPLICATION			CIVIL WORKS YEAR COMPLETE
Stage 1A	2010	Stage 1A (Construction Access Only)			Mid 2011
Stage 1B	??	Aged Care	Stage 3 (Residents Club)	Stage 4 (25 ILU's)	End of 2011
Stage 2	??	Stage 2 (completed GVR & APD access)			Mid 2012
Stage 3	??	Stage 5 (25 ILU's)			2012
Stage 4	??	Stage 6 (25 ILU's)			2013
Aged Care	??	Stage 7 (25 ILU's)			TBC 2013
		Stage 8 (11 ILU's)			TBC 2014
		Stage 8 (14 ILU's)			
		Stage 9 (25 ILU's)			TBC 2014
		Stage 10 (25 ILU's)			TBC 2015
		Stage 11 (22 ILU's)			TBC 2015

The formal comparison table is summarised in this table (above), which shows the timeframe with the original stage timing was uncertain, due to regulatory requirements, with the ACF probably being the last stage.

However, with the revised staging, the ACF has been made a priority along with the Residents Club and 25 ILU's. Completion dates for civil works having been forecasted accordingly based on the occupancy release of 25–50 ILU's per year (subject to market demand). That is, the civil works ACF or Aged Care stage has been scheduled to begin directly following the construction accesses of Stage 1A, with building works to follow shortly thereafter.

The shading of the stage text in the table above, delineates the location of the new stage relative to the original staging. Several of the original stages have been broken up into smaller more manageable stages to aid both construction completion and initial occupancy processes. For example the original Stage 3 has been split into two new stages 4 and 6, (both shaded pink) with a component of the original Stage 3 (new Stage 4) happening earlier in the sequence than was first programmed."

### Amendment Part 2 - Revised Access Road Design

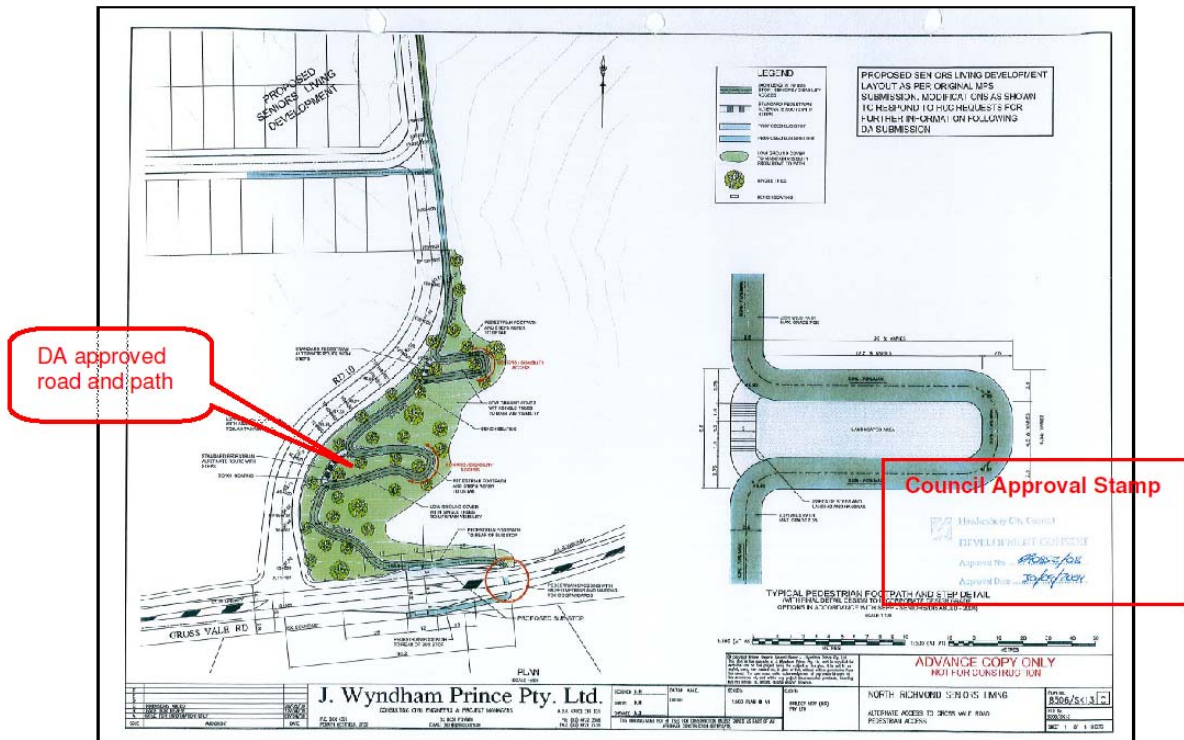
Following on from the ongoing site development process the access road leading from Grose vale Road has been modified to include two 'T Intersections'.

The design of the access road, as approved, from Grose Vale Road is shown as follows:

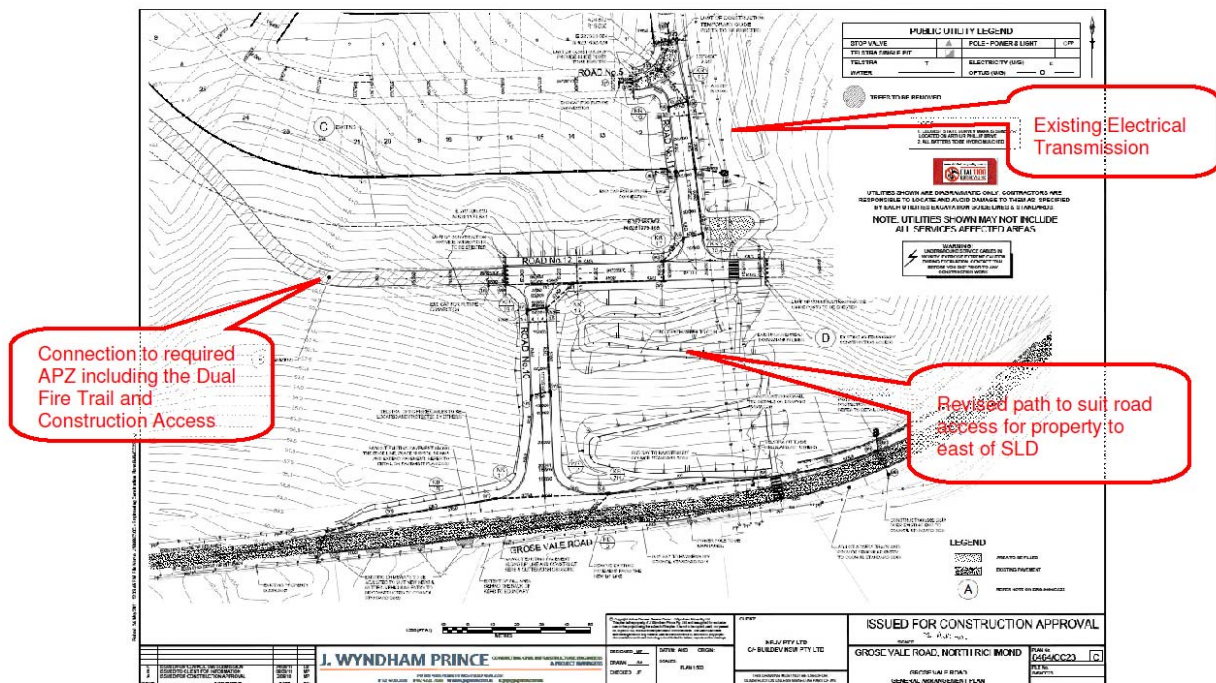


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The new access road is shown in the following design layout provided below:



The applicant has provided that these amendments have arisen due to additional considerations requiring to be incorporated in the design of the roadway involving the linkage with the internal construction road and necessity to provide for access to the electrical transmission easement situated within the eastern portion of the site.

**Amendment Part 3- Bushfire Land Classification**

During the period in which the supporting documentation and assessment of Development Application No. DA0852/08 was undertaken the amendments to Australian Standard AS 3959-2009: Construction of buildings in bushfire-prone areas had not come into force. Following approval of this application, on 15 September 2009, AS 3959-2009 has been amended. In conjunction with the amendments a revised guideline has been introduced having regard to the classification of vegetation in relation to associated bushfire risk.

In this regard the applicant has requested that the bush fire risk be re-assessed based upon the relevant amendments to the Australian Standard.

**Statutory Situation****Matters for consideration under Section 79(c) of the Environmental Planning and Assessment Act 1979:**

The relevant matters for consideration listed under Section 79C of the Environmental Planning and Assessment Act, 1979, are addressed as follows:

**i) any environmental planning instrument (i.e. LEPs, REPs & SEPPs)****State Environmental Planning Policy – No. 44 Koala Habitat Protection**

The proposed modification involves adjustment to the staging of the development, redesign of the access roadway adjacent to Grose Vale Road and clarification to the existence of bushfire prone land within and adjacent to the proposed development. The scale, design and approved footprint of the Seniors Housing development have not been altered, with the facility remaining in the same location as originally proposed.

Accordingly, the modification does not generate any additional impact in respect to the loss of vegetation, including potential koala habitat. The assessment of the original application revealed that a Plan of Management would not be required as the Flora and Fauna report noted that there was no evidence of a local koala population and that feed trees were sparse and surrounded by pasture.

**State Environmental Planning Policy – No. 55 Remediation of land**

Where a proposal involves the change in the use of land, including change of use for residential development, the SEPP requires that Council must consider a report specifying the findings of a preliminary investigation prepared in accordance with the contaminated land planning guidelines issued by the Department of Planning.

Existing conditions of consent that form part of the original development approval have addressed this SEPP and the modifications sought do not result in any alteration to the existing conditions of consent or matters for consideration in respect to the requirements of SEPP No. 55 Remediation of Land.

**State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

A full assessment of the development against the requirements of this SEPP was undertaken as part of the assessment of the original development application. A full re-assessment of the proposal against the requirements contained in this SEPP was not deemed necessary as the subject S96 modification has not altered the approved design of the development. It is noted that through the redesign of the access road leading from Grose Vale Road the proposal the application has been considered having regard to the access standards contained in this instrument.

Access to services and facilities

Clause 26(2) of Seniors Housing Policy requires that where commercial, community, recreation and medical services and facilities are located more than 400m from the site, then the development must be serviced by public transport that:

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- *Is located not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*
- *Will take residents to a place that is located not more than 400 metres from the facilities and services; and*
- *Is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive)*

The Policy also requires the gradient along the pathway from the site to the public transport services, and from the public transport services to the facilities and services, complies with nominated criteria.

In order to satisfy this requirement the application included the construction of a new road and associated pedestrian pathway connecting the development area directly to Grose Vale Road. The works associated with the new road also comprised the following:

- Provision of a footpath of a design to comply with gradient requirements.
- Seating along the footpath.
- Bus stops and bus shelters on either side of Grose Vale Road, connected to the site by means of continuous footpath.
- Provision of a pedestrian crossing within Grose Vale Road to relevant standards.

Having regard to the maximum distance specified above the distance between the proposed bus stops situated adjacent to the Grose Vale Road and the first ILU associated with the modified access roadway design is able to satisfy the 400m requirement.

Correspondence was received, in conjunction with the assessment of the original application, from Westbus detailing that this company would service the proposed new bus stops provided along Grose Vale Road. In this regard an appropriate condition was included in the consent requiring that written confirmation from a suitable public bus provider be submitted to Council confirming the servicing of these bus stops prior to the occupation of Stage 1B of the development in order to satisfy the requirements of Seniors Housing Policy.

In order to reflect the amendment to the staging sequence it is recommended that Condition No. 98 be modified to require this confirmation to be provided prior to Stage 3.

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

It is considered that the proposed development as modified will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and that the development is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies.

The proposal is consistent with the aims and objectives of SREP No. 20.

### **Hawkesbury Local Environmental Plan 1989**

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

Clause 2 - Aims, objectives etc,  
Clause 8 - Zones indicated on the map  
Clause 9 - Carrying out development  
Clause 9A - Zone Objectives  
Clause 18 - Provision of water, sewerage etc. services  
Clause 25 - Development of flood liable land

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Clause 27 - Heritage items

Clause 37 – Land affected by aircraft noise

Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map

The subject land is zoned 'Consolidated Land Holdings'. On this land, Hawkesbury Local Environmental Plan 1989 prohibits the development of Seniors Housing. However, in accordance with Section 36 of the Environmental Planning and Assessment Act, 1979, the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 prevail.

It should be noted that this application is to modify the existing approval. By definition of a Section 96 modification application, the proposal must be substantially the same development as originally approved. It is considered that the proposed modification does not result in any significant alteration to the development as approved thereby constituting substantially the same development.

**ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

Under the provisions of Draft Hawkesbury Local Environmental Plan 2011, the subject site is proposed to be zoned RU4 Rural Small Holdings. Within the draft zone, Seniors Housing is a land use that would ordinarily be prohibited. However, as discussed previously in this report the operation of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 prevails.

The current application is to modify that existing approval and the matter of permissibility of the overall development is not a relevant consideration of this application.

**iii) any development control plan applying to the land**

In respect to Hawkesbury Development Control Plan 2002, no development controls exist for Seniors Housing developments. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is used as the main objective and numerical environmental planning instrument for the assessment of such applications.

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

There are no planning agreements applicable to the proposed development.

**iv) any matters prescribed by the regulations**

The proposed development is not inconsistent with the provisions of the Environmental Planning and Assessment Regulation, 2000.

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

The proposed modification relates to the adjustment to the staging of the development, redesign of the access roadway adjacent to Grose Vale Road and clarification to the existence of bushfire prone land within and adjacent to the proposed development. The location and footprint of the aged care facility has not been altered, with the facility remaining in the same location as originally proposed.

It is considered that the proposal will not result in any additional environmental, social or economic impact in the locality.

**c) the suitability of the site for the development**

As previously discussed the subject site has already been considered suitable for the development proposed within a Site Compatibility Certificate issued by the Department of Planning and via the original development approval issued in September 2009. The subject modification involves adjustment to the

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staging of the development, redesign of the access roadway adjacent to Grose Vale Road and clarification to the existence of bushfire prone land within and adjacent to the proposed development.

The proposed modifications sought to the approved development will not alter the overall design of the development, traffic management, access or the provision of services. Accordingly, the nature of the modifications will not affect the suitability of the site for the proposed Seniors Housing development.

### **d) any submissions made in accordance with the EPA Act or Regulations**

The application was notified from 06 May 2011 to 16 June 2011. Within this period, twenty three (23) submissions of objection were received. The nature of the submissions received have been discussed later in this report.

### **Section 96(1A) of the Environmental Planning and Assessment Act 1979**

The proposed development is considered to be a modification made pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979, relating to modifications having minor environmental impact. This section provides that the consent authority may modify the consent if:

- (a) *it is satisfied that the proposed modification is of minimal [environmental](#) impact, and*
- (b) *it is satisfied that the [development](#) to which the consent as modified relates is substantially the same development as the [development](#) for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) *it has notified the application in accordance with:*
  - (i) *the [regulations](#), if the [regulations](#) so require, or*
  - (ii) *a [development control plan](#), if the [consent authority](#) is a [council](#) that has made a [development control plan](#) that requires the notification or advertising of applications for modification of a [development consent](#), and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the [regulations](#) or provided by the [development control plan](#), as the case may be.*

As detailed previously in this report the proposed modification involves the following:

- a) Amendment to the proposed staging of the development;
- b) Redesigned access to the site from Grose Vale Road; and
- c) Clarification to the existence of bushfire prone land within and adjacent to the proposed development.

It is acknowledged that the approved development will not be substantially altered and the proposal will remain the same. It is therefore considered that (a) and (b) contained in S96(1A) of the Environmental Planning and Assessment Act 1979 are satisfied.

The application was notified to adjoining property owners/occupiers and those that had made submissions in response to the original application (Development Application No. DA0852/08). The matters raised in response to the notification of the application are considered later in this report. Therefore (c) and (d) contained in S96(1A) of the Environmental Planning and Assessment Act 1979 are satisfied.

### **Community Consultation**

The application was notified from 06 May 2011 to 16 June 2011. Within this period, twenty three (23) written submissions of objection were received.

It is noted that the North Richmond & Districts Community Action Association (NRDCAA) intended to hold a meeting about this DA on 20 June 2011. As this meeting was held after the notification period any

correspondence received by Council subsequent to the 17 June 2011 has not been included in this assessment report.

The matters raised during the notification period of the S96 Application are detailed as follows:

**1. Increased traffic congestion will occur as a result of the proposal.**

Comment: The application will not result in an overall change (increase or decrease) in traffic movements to or from the site as it does not result in any additional dwellings, facilities or changes to the site. The recent amendments to the approved Seniors Housing Development (considered by Council on 29 March 2011) reduced the number of beds associated with the Aged Care Facility from 180 to 80 will ultimately lessen the traffic impacts associated with this proposal.

In respect to the original development, Council's Traffic Development Committee in conjunction with the RTA reviewed the traffic implications of the proposal. The scale of the Seniors Housing development did not warrant the duplication of the North Richmond Bridge. It is noted that the approved development provided for road widening as part of the new intersection treatment along Grose Vale Road and the construction of a bus stop (on both sides of Grose Vale Road) to facilitate the use of public transport.

**2. Construction traffic should not be allowed to use Pecks Road or Arthur Phillip Drive.**

Comment: The design of the site development concept has provided that the majority of all construction access is proposed to be via a roadway directly onto Grose Vale Road. This road is to link onto a 'construction roadway' along the southern side of the development area. It is envisaged that there will be some minor usage of Arthur Phillip Drive for construction traffic due to the necessity to construct a turning circle at the end of this road, provision of a connecting road to the development and associated stormwater drainage works. The bulk of construction traffic will be required to utilise Grose Vale Road and an additional condition is proposed to be included in the recommended consent to reinforce this requirement.

**3. Completion of the Grose Vale Road access road shall take place prior to commissioning of the nursing home component of the development.**

Comment: The approval requires that the accesses are to be in place prior to any occupancy of the development taking place. In this regard both accesses to Arthur Phillip Drive and Grose Vale Road have to be fully constructed as well as connected, and are to be separate to the ongoing construction access associated with the various stages of the development. In order for the Aged Care Facility to operate and access Grose Vale Road, the 'connector road' is required to be constructed earlier than previously envisaged. This is reflected in the new staging plan submitted in conjunction with this application.

Based upon the current staging plan the proposed construction timeframes are detailed as follows:

1. September 2011 – Civil work (Aged Care Facility) completed using 'construction access' road from Grose Vale Road
2. December 2011 – Civil work (Connector Road) (Stage 3 and 4) completed using 'construction road' from Grose Vale Road
3. Mid 2012 – Completion of the Aged Care Facility, Residents Club and 25 Independent Living Units – Access roads linking both Arthur Phillip Drive and Grose Vale Road available to service the development

**4. The introduction of T-junctions along the access road will reduce its usability leading to potential additional use of Arthur Phillip Drive.**

Comment: Whilst the provision of T-junctions along the access road leading off Grose Vale Road may reduce its convenience it is considered that these amendments are necessary to safely accommodate the provision of the construction road servicing the staged development of the site and service road to enable access to existing infrastructure. The amendments are not anticipated to result in a significant impediment to the use of this road and will also assist in the reduction of vehicle speed thereby improving overall traffic safety.

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- 5. It is considered that the modifications to the access road are unnecessary and have been proposed to facilitate future development of the site.**

Comment: As discussed previously, it is considered that the revised access road design will improve safety associated with the need for this road to cater for a link with the internal construction road and servicing requirements associated with the site.

- 6. Concern is raised in relation to the use of Arthur Phillip Drive and Pecks Road for construction traffic associated with the development of the site.**

Comment: The construction management plan associated with the site has provided that the majority of construction access is obtained via the road leading to Grose Vale Road. This road is to link onto a 'construction roadway' along the southern side of the development area. As discussed earlier it is acknowledged that there will be some minor usage of Arthur Phillip Drive for construction traffic due to the necessity to construct a turning circle at the end of this road, provision of a connecting road to the development and associated stormwater drainage works. The bulk of construction traffic will be required to utilise Grose Vale Road and an additional condition is proposed to be included in the recommended consent to reinforce this requirement.

- 7. The proposal to construct an access from Arthur Phillip Drive is inappropriate when an alternate access to Grose Vale Road is available.**

Comment: The provision of a primary access to the site from Grose Vale Road as well as a secondary access onto Arthur Phillip Drive was developed and approved as part of the original approval for Seniors Housing on the site. This access strategy was developed so as to satisfy the accessibility requirements contained in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and the NSW Rural Fire Service as part of suitable evacuation planning.

The subject application does not propose to alter the access arrangements approved in conjunction with the original Seniors Housing approval covering the site.

- 8. A delay in an upgrade to the intersection of Grose Vale Road and Bells Line of Road as proposed in conjunction with the staging plan is unacceptable.**

Comment: Following discussions with the applicant the subject application has been amended to retain the requirement contained in Condition No. 127 of the consent that provides that all works associated with the Bells Line of Road/Grose Vale Road intersection modifications must be completed prior to occupation of more than 50 independent units or occupation of the aged care facility whichever occurs first.

- 9. The traffic study used in conjunction with the proposal is outdated and as such the data used is unable to be relied upon.**

Comment: The subject application does not involve an amendment to the scale of the approved development. The traffic assessment submitted in conjunction with the application was valid during the assessment of the original application therefore this issue is not considered relevant in the determination of subject modification request.

- 10. Improvements to infrastructure is necessary prior to allowing development of the site.**

Comment: In respect to concerns relating to the capacity of existing infrastructure, the issues raised were also matters raised by Council with the relevant authorities made separately to the approved development. The regional issues are matters largely beyond the scope of consideration within the current application.

Advice has been received previously from authorities and their requirements formed part of the original consent issued to ensure that appropriate infrastructure is provided to service this development. The



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conditions of consent previously imposed still remain despite the current modification sought and are required to be met before the Seniors Housing development can be constructed.

**11. The proposal will spoil the existing rural landscape of the area.**

Comment: The visual impact of the proposed development was considered in conjunction with the assessment of the original development application. The subject proposal will not result in any additional impact in this regard.

**12. Additional traffic along Arthur Phillip Drive and Pecks Road will reduce safety for existing road users and pedestrians.**

Comment: Whilst there will be some additional usage of Arthur Phillip Drive and Pecks Road to access the subject site (as approved in the original development consent) it is considered that the volume of traffic associated with this development would not contribute significantly to the overall reduction in safety of these roadways.

**13. The application has been changed from Torrens Title to Community Title without consultation.**

Comment: Condition No. 6 of Development Consent No. DA0852/08 required that with the exception of the four lot Torrens Title Lots (Lot 271 – Residual Lot, Lot 272 – Seniors Living ILU's, Lot 273 – ACF and Lot 274 – Dedicated to HCC for Drainage) the titling of the development be restricted to either Strata Title or Community Title. The current application does not depart from this condition.

**14. Why is the address of the proposal listed as Grose Vale Road when an entrance is proposed in Arthur Phillip Drive?**

Comment: The subject site has frontage to both Grose Vale Road and Arthur Phillip Drive and as such is known as 108 Grose Vale Road. The address of the property has not been changed. It is not unusual for a property to have a separate road frontage that does not accord with its known address.

**15. The Grose Vale Road entrance is not proposed to be constructed until Stage 3 of the development and until this time traffic will be directed solely onto Arthur Phillip Drive and Pecks Road.**

Comment: The approval requires that the accesses are to be in place prior to any occupancy of the development taking place. The staging plan submitted in conjunction with the application primarily focuses upon civil works. It is envisaged that the building construction program associated with the Aged Care Facility and Independent Living Units will result in the initial occupation of these components of the development during mid 2012. At this time both accesses to Arthur Phillip Drive and Grose Vale Road will be fully constructed as well as connected.

**16. Is Council intending to make major road improvements to Arthur Phillip Drive and Pecks Road to accommodate additional vehicle traffic as a consequence of the proposal?**

Comment: Apart from the roadworks associated with the development to be carried out adjacent to the end of Arthur Phillip Drive involving the construction of a cul-de-sac turning head there are no road improvements proposed to these roads as part of this application.

**17. The construction of the entry road and associated works within Grose Vale Road will impact upon existing utility services within the road reserve.**

Comment: The subject application will not result in any amendments to the approved design of the roadworks within Grose Vale Road. The relocation/adjustment of services situated within this area will be required at the applicant's expense in order to facilitate the implementation of the approved road/bus stop design. The issue relating to the location of services within this area will be brought to the attention of the developer.



- 18. The developer should be required to connect or make provision for connection to services properties that are situated adjacent the new access road from Grose Vale Road.**

Comment: The connection of properties situated adjacent to the site to services is beyond the scope of the development consent applying to the land. To require such connection would not be able to be conditioned in conjunction with the subject modification application. It is noted that any works associated with services that are to be adjusted or upgraded to facilitate this development, as per the original approval, will be required to be undertaken at the applicant's expense.

- 19. The speed limit should be reduced to 60km/h prior to the new intersection along Grose Vale Road for vehicles heading into North Richmond.**

Comment: This requirement is already included as Condition No. 80 of Development Consent No. DA0852/08.

- 20. The design of the roadworks adjacent to the Grose Vale Road entry road will have an adverse impact upon accessibility to adjoining properties and will result in a loss of aesthetic appearance.**

Comment: As described above, the subject application does not propose to alter the design of the roadworks situated within the road reserve area within Grose Vale Road from that already approved.

## Planning Assessment

### *Staging Amendments*

The applicant has advised that the preliminary staging development plan has been prepared on the basis of aligning stage boundaries with future proposed Community Title boundaries. The original approval required that the Residents Club include the provision of on-site delivery of allied health and related services as required under State Environmental Planning Policy (Seniors Living) 2004. This component of the development was included as part of Stage 1B so that appropriate facilities to service the ILU's would be available.

Given that the works originally designated in Stage 1B are now proposed to be undertaken within Stage 3 it is considered appropriate to modify the following conditions where reference was made to Stage 1B to make reference to Stage 3 as follows:

35. *A performance, damage and defects bond to the value of \$30,000 must be lodged with Hawkesbury City Council prior to issue of the Roads Act approval or any Construction Certificate for Stage 1A. Prior to the issue of a Construction Certificate for **Stage 3** or any other stages, a further \$370,000 bond is to be lodged with Hawkesbury City Council. The bond is to cover any restoration required within Council's Roads resulting from deterioration caused by construction traffic through all stages of the development.*

*The bond can be in the form of an unconditional bank guarantee or cash deposit.*

*The bond is refundable on application, 12 months after the completion of all work subject to satisfactory performance of the works.*

39. *The applicant is to include within the design of the Residents Club building (or some other alternate location) provision for the future of on-site delivery of allied health and related services (by incorporating provision for the adaptable use of a room or rooms as consulting/therapy rooms). Details on the relevant plans satisfying this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for **Stage 3**.*

40. *The pool gate associated with the clubhouse swimming pool shall swing away from the water in accordance with AS1926.1 – 2007. Details satisfying this condition are to be*

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*submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for **Stage 3**.*

41. *A Waste Storage Area Management Plan must be prepared and submitted to Hawkesbury City Council for approval prior to the release of the Construction Certificate for Stage 3. This plan is to be in accordance with Council's Development Control Plan and is to allow for a private service collection and pick up of three waste streams (recycling, organics and general garbage) and provide details as to waste generation, storage space, storage location and access for residents and waste collectors and separation of the domestic and commercial bins.*
96. *Documentary evidence of the Registration of the four lot Torrens Title Subdivision and dedication of public road and land (as required) with Land and Property Information is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for **Stage 3**.*
97. *Appropriate external lighting shall be installed prior to the release of the occupation certificate for **Stage 3** and to the occupation certificate of each subsequent stage.*
98. *Written confirmation shall be provided to the Principal Certifying Authority from a suitable public transport provider detailing that the bus stops situated on Grose Vale Road are to be serviced as required under Clause 26 Location and access to facilities of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 prior to the issue of any Occupation Certificate for **Stage 3**.*
99. *Appropriate signage is to be provided close to the site boundaries situated adjacent to the access roads leading into the site from Grose Vale Road and Arthur Phillip Drive indicating that the internal road is a 'Private Road' prior to the issue of any Occupation Certificate for **Stage 3**.*

In addition to the above, it is noted that the initial set of ILU's are proposed to be provided within Stage 4. Accordingly, Condition No. 105 is recommended to be modified as follows:

105. *Prior to the issue of the Occupation Certificate for **Stage 3** the Principal Certifying Authority shall be provided with a Compliance Certificate confirming that all units/dwellings within the development satisfy the standards concerning accessibility and useability for self-contained dwellings within State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*

### *Site Compound*

The subject application designates an area to be used for the purpose of a site construction compound being positioned adjacent to the eastern boundary of the ACF and adjacent to the southern boundary of the ILU's. The site construction compound is proposed to accommodate on-site car parking for construction vehicles, construction employee car parking, site office/s and amenity buildings, construction materials and waste stockpiles. It is also noted that upon completion of the last stage of the development the area will be reinstated to that existing pre development.

The location of the site construction compound has been chosen for the following reasons as detailed by the applicant:

- (a) *visual aesthetics from both Grose Vale Rd and Arthur Phillip Drive, and with the proposed site fencing arrangement, there would be no perceivable increase in development footprint from these vantage points,*
- (b) *noise and vibration, the compound is situated as far as possible from existing residences on Arthur Phillip Drive and Grose Vale Rd, without increasing the perceived construction footprint,*

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- (c) *vegetation disturbance, the site compound therefore will not move throughout the construction period of the SLD, limiting the area of disturbance through construction and then the rehabilitation required at the end of Stage 11,*
- (d) *construction parking, minimises any impact of construction vehicles requiring parking on surrounding streets as they will be provided for on-site which is removed from road areas accessible to the public.*

In order to accommodate the proposed site construction compound Condition No. 33 is proposed to be modified. Condition No. 33 currently provides as follows:

33. *Under the provisions of the Roads Act 1993, all works within the Grose Vale Road and Arthur Phillip Drive road reserve are to be approved by Hawkesbury City Council and the bulk earthworks be completed prior to the release of the Subdivision Certificate for Stage 1A\*. These works are to include intersection bulk earth works at Grose Vale Road to accommodate the bus stop, approach and departure lanes, pedestrian crossing and associated refuge, footpaths, signage, stormwater and associated works and the extension of Arthur Philip Drive to facilitate a turning head.*

The suggested wording of this condition, as provided by the applicant, is detailed below:

33. *Under the provisions of the Roads Act 1993, all works within the Grose Vale Road and Arthur Phillip Drive road reserve are to be approved by Hawkesbury City Council and the bulk earthworks be completed prior to the release of the Subdivision Certificate for Stage 1A\*. These works are to include **the establishment and fencing of an area for the temporary site compound (as shown on the development staging plan – May 2010) including preparation of the existing ground surface for vehicle hard stand, site / amenity sheds and material stockpiles, the establishment of the required APZ and construction access to the rear of the future ILU stages,** intersection bulk earth works at Grose Vale Road to accommodate the bus stop, approach and departure lanes, pedestrian crossing and associated refuge, footpaths, signage, stormwater and associated works and the extension of Arthur Philip Drive to facilitate a turning head.*

It is considered reasonable to amend this condition as suggested and accordingly the revised wording has been included in the recommendation of this report.

### *Construction Access Road*

The original approval provided for an access road leading from Grose Vale Road. The surface treatment of this road was not required to be brought up to final construction standard initially as it would serve only to cater for construction and associated vehicles.

The subject S96 Application does not propose to alter the location of the access road where it meets Grose Vale Road. It is noted, however, that the design of the roadway has been altered so to form two (2) T-junction intersections one of which is to facilitate the linkage with the internal construction access road running generally adjacent to the southern side of the development area. This temporary construction access road is to continue to the future roundabout situated to the north of the ACF building. In addition, construction access will lead into the proposed cul-de-sac head located at the end of the constructed roadway in Arthur Phillip Drive so as to facilitate construction of the creek crossing and road works required at the end of Arthur Phillip Drive.

In order to minimise dust impact from vehicles utilising this road during construction Condition No. 70 required the following:

70. *The Construction access road from Grose Vale Road (within the site) is to be sealed to minimise dust nuisance to adjoining properties.*

The applicant has requested that this condition be modified so as to clarify the extent of seal required to be provided given the existence of the temporary construction access running within the site.

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The suggested wording of this condition, as provided by the applicant, is detailed below:

70. *The Construction access road from Grose Vale Road (within the site **but not the temporary road to the rear of the ILU's located predominantly within the APZ**) is to be sealed to minimise dust nuisance to adjoining properties.*

Given the extent of the anticipated use of this roadway it is considered appropriate to require suitable measures to be undertaken so as to suppress dust generation from vehicle movements throughout the site. Accordingly, the recommended that the wording of this condition is proposed as follows:

70. *The Construction access road from Grose Vale Road (within the site **but not the temporary road to the rear of the ILU's located predominantly within the APZ**) is to be sealed to minimise dust nuisance to adjoining properties. The unsealed portion of the internal construction access road is to be regularly wetted down so as to minimise dust generation from vehicles using this road.*

Condition No. 81 related to the provision of a bitumen sealed pavement so as to satisfy Council's design standards:

81. *A bitumen sealed pavement eight metres wide shall be constructed along the access strip leading from the intersection works off Grose Vale Road to northern perimeter of the construction access (APZ) to be used to access Stage 1B and future stages of the development.*

The applicant has requested that this condition be modified as follows:

81. *A bitumen sealed pavement eight metres wide shall be constructed along the access strip leading from the intersection works off Grose Vale Road to **the first intersection with the future internal road accessing the ILU's (this point is located at the most southern point of Stage 3)** to be used to access **Stage 3** and future stages of the development.*

Given that the amendment seeks to clarify the extent of bitumen seal pavement required having regard to the redesign of the access road leading from Grose Vale Road no objection is raised to the revised wording as the intent of this condition is retained.

### *Classification of Bush Fire Prone Land*

During the period in which the supporting documentation and assessment of Development Application No. DA0852/08 was undertaken the amendments to Australian Standard AS 3959-2009: Construction of buildings in bushfire-prone areas had not come into force. Following approval of this application, on 15 September 2009, AS 3959-2009 has been amended. In conjunction with the amendments a revised guideline has been introduced having regard to the classification of vegetation in relation to associated bushfire risk.

The revised standards provide for exclusions based upon specific characteristics associated with location, area, continuity and shape. Section 2.2.3.2 of AS 3959-2009 provides the following:

#### *2.2.3.2 Exclusions – Low threat vegetation and non-vegetated areas*

*The Bushfire Attack Level shall be classified BAL-LOW where the vegetation is one or a combination of any of the following:*

- (a) *Vegetation of any type that is more than 100m from the site.*
- (b) *Single areas of vegetation less than 1 ha in area and not within 100m of other areas of vegetation being classified.*

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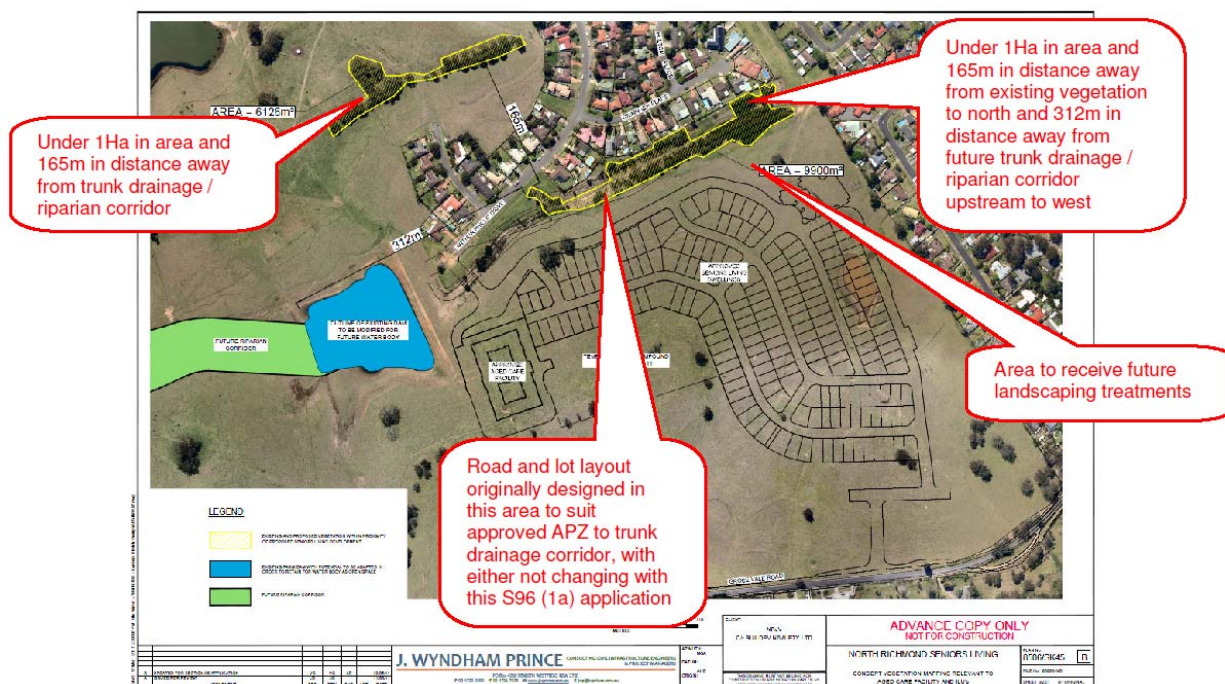
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- (c) Multiple areas of vegetation less than 0.25 ha in area and not within 20m of the site, or each other.
- (d) Strips of vegetation less than 20 m in width (measured perpendicular to the elevation exposed to the strip of vegetation) regardless of length and not within 20 m of the site or each other, or other areas of vegetation being classified.
- (e) Non-vegetated areas, including waterways, roads, footpaths, buildings and rocky outcrops.
- (f) Low threat vegetation, including grassland managed in a minimal fuel condition, maintained lawns, golf courses, maintained public reserves and parklands, vineyards, orchards, cultivated gardens, commercial nurseries, nature strips and windbreaks.

NOTE: Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack (recognizable as short-cropped grass for example, to a nominal height of 100 mm).

- (g) 'Text deleted'

The applicant has provided the following aerial photo representation describing the type and character of existing vegetation within and adjacent to the subject site:



Having regard to the exclusionary criteria listed in AS 3959-2009 two significant areas of vegetation exist within and adjacent to the subject development area. These being the area within the existing riparian corridor and a secondary area approximately 165 metres to the north. In addition, each of the stands of vegetation is less than 1 ha in area.

The current wording of Condition No. 160 is detailed as follows:

160. All new construction shall comply with Australian Standard AS3959-1999 Construction of buildings in bush fire-prone areas – Level 1.

The proposed wording of this condition, as requested by the applicant in conjunction with this application, is detailed as follows:

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160. All new construction shall comply with Australian Standard AS3959-2009, Construction of Buildings in Bush Fire Prone Areas – Level 1. **Provided sufficient evidence is submitted to Council, in terms of the proposed revegetation of the south bank of the trunk drainage/riparian corridor, to comply with Clause 2.2.3.2 of this Standard, construction will not require Level 1 provisions to the external fabric of any new buildings.**

Given that this condition was imposed by the NSW Rural Fire Service in conjunction with its bush fire safety authority issued under Section 100B of the Rural Fires Act 1997 the proposal was forwarded to the NSW Rural Fire for review.

In their response letter dated 22 June 2011 the NSW Rural Fire Service have reissued their General Terms of Approval (Consent Conditions) and the Bush Fire Safety Authority. The RFS conditions are similar to the original conditions and for completeness the original conditions have been replaced by the conditions received on 22 June 2011.

### Planning Decision

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

### RECOMMENDATION:

That Development Consent No. DA0852/08 be modified (as shown in bold text) as follows:

- Condition No. 1 being modified to read as follows:

- The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent. The extent of development is specifically defined by, and is not to extend beyond, that shown the Staging Plan (**8506/SK46B**) and the Subdivision Plan (8506/SK27C).*

<b>Architectural Drawing Number</b>	<b>Dated</b>
DA – 01D: Illustrative Site Plan	September 2009
DA – 02B: Site Context Plan	September 2009
DA – 03D: Open Space Pedestrian Network Plan	September 2009
DA – 04C: Road Network	September 2009
DA – 05B: Road Principles	September 2009
DA – 06D: Structure Plan	September 2009
DA – 07D: Development Plan	September 2009
DA – 09B: Site Analysis	September 2009
2010.65 01 Rev A : Site Plan	6 December 2010*
2010.65 02 Rev A : Aged Care Ground Floor Plan	6 December 2010*
2010.65 03 Rev A : Aged Care Elevations	6 December 2010*
2010.65 04 Rev A : Aged Care Roof plan	6 December 2010*
DA – 16B: Residents Club Floor Plan	October 2008
DA – 17A: Residents Club Elevations/Section	October 2008

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<b>Architectural Drawing Number</b>	<b>Dated</b>
<i>DA – 18B: Indicative Zero Lot Type A</i>	<i>November 2008</i>
<i>DA – 19C: Indicative Zero Lot Type B</i>	<i>November 2008</i>
<i>DA – 20B: Indicative Zero Lot Type C</i>	<i>November 2008</i>
<i>DA – 21A: Indicative Zero Lot Type D</i>	<i>November 2008</i>
<i>DA – 22A: Indicative Zero Lot Type E</i>	<i>November 2008</i>
<i>DA – 23B: Streetscape</i>	<i>October 2008</i>
<i>DA – 24A: Entry Statement</i>	<i>October 2008</i>
<i>DA – 27C: Traffic Compliance Plan</i>	<i>September 2009</i>
<i>DA – 28D: ILU Shadow Diagram A Winter</i>	<i>September 2009</i>
<i>DA – 29D: ILU Shadow Diagram B Winter</i>	<i>September 2009</i>
<i>DA – 30D: ILU Shadow Diagram C Winter</i>	<i>September 2009</i>
<i>DA – 31D: ILU Shadow Diagram D Winter</i>	<i>September 2009</i>
<i>DA – 34A: Housing Design Principles</i>	<i>October 2008</i>
<i>DA – 35C: Level &amp; Embankment Plan</i>	<i>September 2009</i>
<i>DA – 36: Embankment Sections</i>	<i>October 2008</i>
<i>DA – 37A: Letterbox &amp; Elevation</i>	<i>October 2008</i>
<i>DA – 38B: Road Principles Plan</i>	<i>September 2009</i>
<i>DA – 39A: Residents Club Plan with Dimensions</i>	<i>October 2008</i>
<i>DA – 40: Character Analysis Aged Care Component</i>	<i>October 2008</i>
<i>DA – 41: Character Analysis Residents Club Component</i>	<i>October 2008</i>
<i>DA – 42B: Orientation Compliance</i>	<i>September 2009</i>
<i>DA – 44A: Indicative Zero Lot Type F</i>	<i>November 2008</i>
<i>DA – 45A: Indicative Detached Home Type G</i>	<i>November 2008</i>
<i>8506/SK 2F: Road Hierarchy and Riparian Corridor Extents</i>	<i>3 September 2009</i>
<i>8506/SK 3F: Road Hierarchy and Riparian Corridor Extents</i>	<i>4 June 2009</i>
<i>8506/SK8C: Parking Area and Roundabout Details</i>	<i>3 September 2009</i>
<i>8506/SK9B: Amendments to MPS Layout</i>	<i>3 September 2009</i>
<i>8506/SK10C: Amendments to MPS Sections</i>	<i>7 September 2009</i>
<b>8464/CC23B: Access Road Adjustment</b>	<b>9 March 2011</b>
<i>8506/SK15A: Footprint of Proposed Road Widening, Footpath and Bus Stops</i>	<i>28 May 2009</i>
<i>8506/SK24B: Modified Location of Proposed Aged Care Facility</i>	<i>3 September 2009</i>
<b>8506/SK46B: Preliminary Staging/Development Plan</b>	<b>24 May 2011</b>
<i>8506/SK26C: Draft Plan of Subdivision Dwg A</i>	<i>7 September 2009</i>
<i>8506/SK27C: Draft Plan of Subdivision Dwg B</i>	<i>7 September 2009</i>

2. Condition No. 33 being modified to read as follows:

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33. *Under the provisions of the Roads Act 1993, all works within the Grose Vale Road and Arthur Phillip Drive road reserve are to be approved by Hawkesbury City Council and the bulk earthworks be completed prior to the release of the Subdivision Certificate for Stage 1A\*. These works are to include **the establishment and fencing of an area for the temporary site compound (as shown on the development staging plan – May 2010) including preparation of the existing ground surface for vehicle hard stand, site / amenity sheds and material stockpiles, the establishment of the required APZ and construction access to the rear of the future ILU stages,** intersection bulk earth works at Grose Vale Road to accommodate the bus stop, approach and departure lanes, pedestrian crossing and associated refuge, footpaths, signage, stormwater and associated works and the extension of Arthur Philip Drive to facilitate a turning head.*
3. Condition No. 35 being modified to read as follows:
35. *A performance, damage and defects bond to the value of \$30,000 must be lodged with Hawkesbury City Council prior to issue of the Roads Act approval or any Construction Certificate for Stage 1A. Prior to the issue of a Construction Certificate for **Stage 3** or any other stages, a further \$370,000 bond is to be lodged with Hawkesbury City Council. The bond is to cover any restoration required within Council's Roads resulting from deterioration caused by construction traffic through all stages of the development.*
- The bond can be in the form of an unconditional bank guarantee or cash deposit.*
- The bond is refundable on application, 12 months after the completion of all work subject to satisfactory performance of the works.*
4. Condition No. 39 being modified to read as follows:
39. *The applicant is to include within the design of the Residents Club building (or some other alternate location) provision for the future of on-site delivery of allied health and related services (by incorporating provision for the adaptable use of a room or rooms as consulting/therapy rooms). Details on the relevant plans satisfying this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for **Stage 3**.*
5. Condition No. 40 being modified to read as follows:
40. *The pool gate associated with the clubhouse swimming pool shall swing away from the water in accordance with AS1926.1 – 2007. Details satisfying this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for **Stage 3**.*
6. Condition No. 41 being modified to read as follows:
41. *A Waste Storage Area Management Plan must be prepared and submitted to Hawkesbury City Council for approval prior to the release of the Construction Certificate for **Stage 3**. This plan is to be in accordance with Council's Development Control Plan and is to allow for a private service collection and pick up of three waste streams (recycling, organics and general garbage) and provide details as to waste generation, storage space, storage location and access for residents and waste collectors and separation of the domestic and commercial bins.*
7. Condition No. 70 being modified to read as follows:
70. *The Construction access road from Grose Vale Road (within the site **but not the temporary road to the rear of the ILU's located predominantly within the APZ**) is to be sealed to minimise dust nuisance to adjoining properties. The unsealed portion of the internal construction access road is to be regularly wetted down so as to minimise dust generation from vehicles using this road.*



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8. Condition No. 81 being modified to read as follows:
  81. *A bitumen sealed pavement eight metres wide shall be constructed along the access strip leading from the intersection works off Grose Vale Road to the first intersection with the future internal road accessing the ILU's (this point is located at the most southern point of Stage 3) to be used to access Stage 3 and future stages of the development.*
9. Condition No. 96 being modified to read as follows:
  96. *Documentary evidence of the Registration of the four lot Torrens Title Subdivision and dedication of public road and land (as required) with Land and Property Information is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for **Stage 3**.*
10. Condition No. 97 being modified to read as follows:
  97. *Appropriate external lighting shall be installed prior to the release of the occupation certificate for **Stage 3** and to the occupation certificate of each subsequent stage.*
11. Condition No. 98 being modified to read as follows:
  98. *Written confirmation shall be provided to the Principal Certifying Authority from a suitable public transport provider detailing that the bus stops situated on Grose Vale Road are to be serviced as required under Clause 26 Location and access to facilities of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 prior to the issue of any Occupation Certificate for **Stage 3**.*
12. Condition No. 99 being modified to read as follows:
  99. *Appropriate signage is to be provided close to the site boundaries situated adjacent to the access roads leading into the site from Grose Vale Road and Arthur Phillip Drive indicating that the internal road is a 'Private Road' prior to the issue of any Occupation Certificate for **Stage 3**.*
13. Condition No. 105 being modified to read as follows:
  105. *Prior to the issue of the Occupation Certificate for **Stage 3** the Principal Certifying Authority shall be provided with a Compliance Certificate confirming that all units/dwellings within the development satisfy the standards concerning accessibility and useability for self-contained dwellings within State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*
14. Condition No. 160 being deleted.
15. Addition of the following condition:
  - 70A. *Construction vehicle traffic associated with all stages of the development shall to be restricted to the Grose Vale Road access and separate internal construction road. The use of Arthur Phillip Drive to accommodate construction vehicle traffic shall be limited solely to works associated with the cul de sac turning head, construction of connecting road access to the development site and stormwater drainage works.*
16. Replace the NSW Rural Fire Service - General Terms of Approval with the General Terms of Approval received 22 June 2011.

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**ATTACHMENTS:**

**AT - 1** Locality Plan

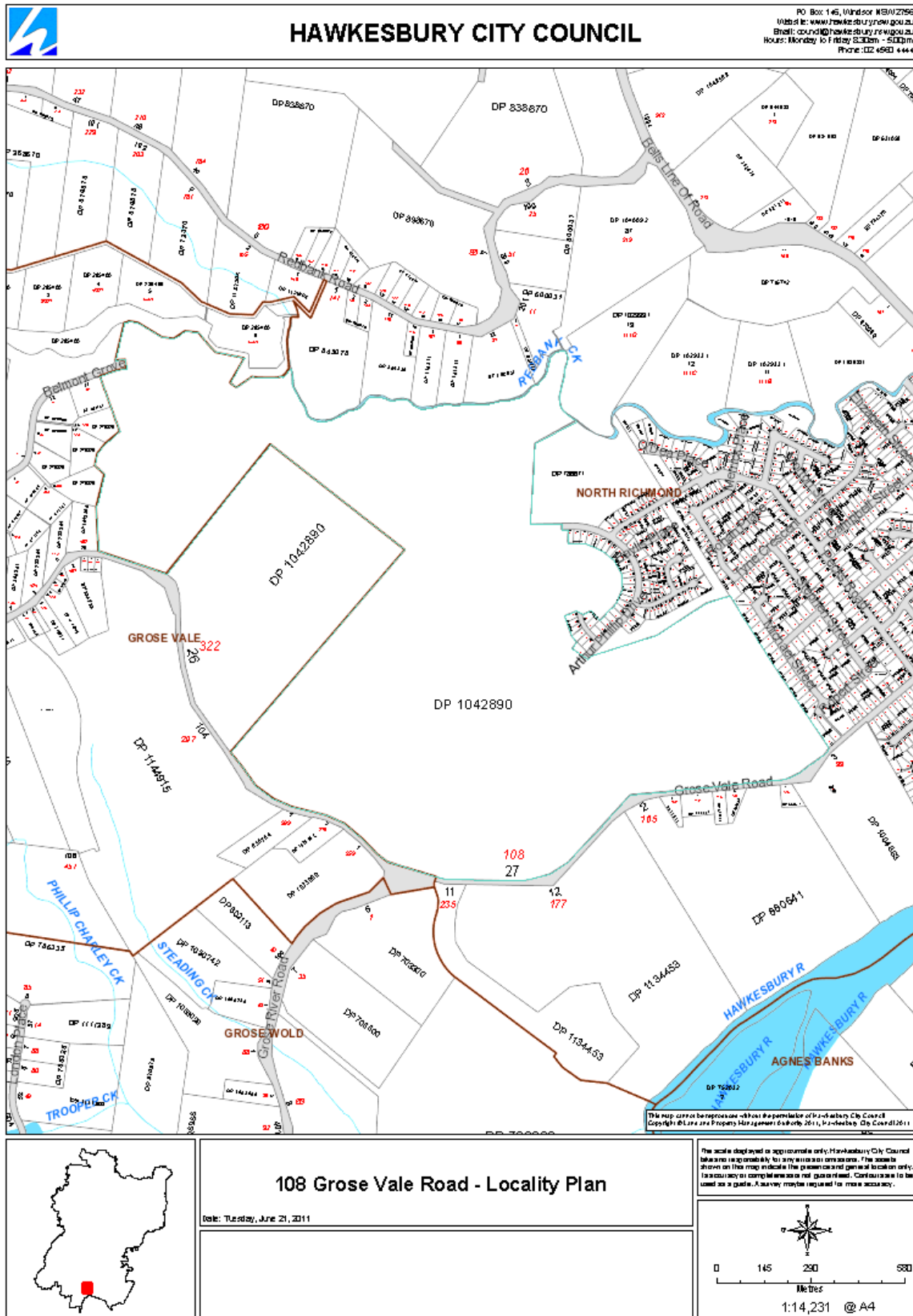
**AT - 2** Proposed Staging/Development Plan

**AT - 3** Redesigned Access Road/Pedestrian Pathway Layout

**AT - 4** Consolidated Conditions of Development Consent DA0852/08 as proposed to be modified

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**AT - 1 Locality Plan**







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## **AT - 4 Consolidated Conditions of Development Consent DA0852/08 as proposed to be modified (modifications shown in bold text)**

### **General Reference to Plans – All Stages**

- The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent. The extent of development is specifically defined by, and is not to extend beyond, that shown the Staging Plan (**8506/SK46B**) and the Subdivision Plan (8506/SK27C).

<b>Architectural Drawing Number</b>	<b>Dated</b>
DA – 01D: Illustrative Site Plan	September 2009
DA – 02B: Site Context Plan	September 2009
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DA – 04C: Road Network	September 2009
DA – 05B: Road Principles	September 2009
DA – 06D: Structure Plan	September 2009
DA – 07D: Development Plan	September 2009
DA – 09B: Site Analysis	September 2009
2010.65 01 Rev A : Site Plan	6 December 2010*
2010.65 02 Rev A : Aged Care Ground Floor Plan	6 December 2010*
2010.65 03 Rev A : Aged Care Elevations	6 December 2010*
2010.65 04 Rev A : Aged Care Roof plan	6 December 2010*
DA – 16B: Residents Club Floor Plan	October 2008
DA – 17A: Residents Club Elevations/Section	October 2008
DA – 18B: Indicative Zero Lot Type A	November 2008
DA – 19C: Indicative Zero Lot Type B	November 2008
DA – 20B: Indicative Zero Lot Type C	November 2008
DA – 21A: Indicative Zero Lot Type D	November 2008
DA – 22A: Indicative Zero Lot Type E	November 2008
DA – 23B: Streetscape	October 2008
DA – 24A: Entry Statement	October 2008
DA – 27C: Traffic Compliance Plan	September 2009
DA – 28D: ILU Shadow Diagram A Winter	September 2009
DA – 29D: ILU Shadow Diagram B Winter	September 2009
DA – 30D: ILU Shadow Diagram C Winter	September 2009
DA – 31D: ILU Shadow Diagram D Winter	September 2009
DA – 34A: Housing Design Principles	October 2008
DA – 35C: Level & Embankment Plan	September 2009
DA – 36: Embankment Sections	October 2008
DA – 37A: Letterbox & Elevation	October 2008
DA – 38B: Road Principles Plan	September 2009
DA – 39A: Residents Club Plan with Dimensions	October 2008

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<b>Architectural Drawing Number</b>	<b>Dated</b>
<i>DA – 40: Character Analysis Aged Care Component</i>	<i>October 2008</i>
<i>DA – 41: Character Analysis Residents Club Component</i>	<i>October 2008</i>
<i>DA – 42B: Orientation Compliance</i>	<i>September 2009</i>
<i>DA – 44A: Indicative Zero Lot Type F</i>	<i>November 2008</i>
<i>DA – 45A: Indicative Detached Home Type G</i>	<i>November 2008</i>
<i>8506/SK 2F: Road Hierarchy and Riparian Corridor Extents</i>	<i>3 September 2009</i>
<i>8506/SK 3F: Road Hierarchy and Riparian Corridor Extents</i>	<i>4 June 2009</i>
<i>8506/SK8C: Parking Area and Roundabout Details</i>	<i>3 September 2009</i>
<i>8506/SK9B: Amendments to MPS Layout</i>	<i>3 September 2009</i>
<i>8506/SK10C: Amendments to MPS Sections</i>	<i>7 September 2009</i>
<b>8464/CC23B: Access Road Adjustment</b>	<b>9 March 2011**</b>
<i>8506/SK15A: Footprint of Proposed Road Widening, Footpath and Bus Stops</i>	<i>28 May 2009</i>
<i>8506/SK24B: Modified Location of Proposed Aged Care Facility</i>	<i>3 September 2009</i>
<b>8506/SK46B: Preliminary Staging/Development Plan</b>	<b>24 May 2011**</b>
<i>8506/SK26C: Draft Plan of Subdivision Dwg A</i>	<i>7 September 2009</i>
<i>8506/SK27C: Draft Plan of Subdivision Dwg B</i>	<i>7 September 2009</i>

(\*as amended via Section 96 DA0852/08C dated 29 March 2011)

(\*\*as amended by Section 96 Modification Application DA0852/08D)

### General

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate for the relevant stage of work to be constructed.
3. The development shall comply with the provisions of the Building Code of Australia.
4. 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.
5. In-principle approval has been granted for 197 serviced self-care dwellings as generally indicated in the DA documentation. A separate development application (or development applications, depending upon the number of dwellings or stages included) is required to be lodged for these dwellings including the following details for assessment:
  - (a) Modified design of the standard dwellings to introduce greater variety of front façade and roof form treatment.
  - (b) External finishes to all roofs shall be of medium to dark range in order to minimise solar reflections to neighbouring properties. The roof colour and material shall be of low reflectivity.
  - (c) Landscape details introducing suitable treatments to soften the visual impact of the buildings when viewed from Grose Vale Road are to be provided.
  - (d) Fully dimensioned architectural plans showing façade treatment, dimensioned site plan, building height, elevations, building materials and colours. This information is to have specific details addressing the requirements of Clause 50 - Standards that cannot be used to refuse development consent for self-contained dwellings and Schedule 3 - Standards concerning

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accessibility and useability for self-contained dwellings of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(e) BASIX certificates.

6. With the exception of the four lot Torrens Title subdivision proposed in conjunction with the application this consent only permits the future subdivision of the development by way of Strata or Community Title.

The Strata/ Community Title Plans for the proposed development shall incorporate appropriate covenants restricting occupation of the units to aged and disabled persons in accordance with Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Council shall be nominated as the only party able to release, vary or modify the covenant. Details shall be provided prior to the release of the Subdivision Certificate for Stage 1A.

7. Buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
8. Occupation of the accommodation in this development is restricted to those people identified within Clause 18 - Restrictions on occupation of seniors housing allowed under this Chapter of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

All advertising, signage, marketing or promotion of the complex shall make clear reference to the above restriction on occupation of the accommodation.

9. All structures are to comply with the development standards contained in Clauses 40 and 48 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
10. Consultation with the NSW Ambulance Service shall be undertaken during the preparation of the Evacuation and Emergency Management Plan as required by the NSW Rural Fire Service.

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

#### **All stages**

11. All development is to proceed in accordance with the approved plans. Where any variation is proposed, a revised staging and construction management plan is to be submitted to Hawkesbury City Council for consideration and approval prior to the issue of a Construction or Amended Construction Certificate as applicable.
12. All Construction Certificate plans for buildings must be Certified, by a recognised access consultant, that access to and within the structure complies with the relevant provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
13. Access for people with disabilities is to be detailed in relation to the staff and visitor areas of the proposed Aged Housing Building and the Residents Club.
  - Access for people with disabilities must be provided to and within buildings as set out in Table D3.2 from areas specified by Part D3.2 of the Building Code of Australia, by means of a continuous path of travel in accordance with AS 1428.1.
  - Access must be provided to a sanitary compartment required for the use of people with disabilities and complying with AS 1428.1, as required by Part D3.3 of the Building Code of Australia.
  - Car parking spaces for disabled persons must be provided in accordance with the Building Code of Australia (D3.5). The minimum width for the car parking space is 3.2m (AS 2890.1).



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- All external ramps and pathways within the site required to be accessible for persons with disabilities being designed and constructed in accordance with AS 1428 – Design for Access and Mobility.

Full details relating to the above are to be included in documentation for the Construction Certificate application.

14. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

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

15. Payment of a Construction Certificate checking fee and Compliance Certificate inspection fees when submitting Civil Engineering Plans for approval. A fee quote will be provided by Hawkesbury City Council on request.

Fees required if an accredited certifier is used will also be provided on request.

16. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted and approved by Hawkesbury City Council.
17. Retaining walls are to be designed by a suitably qualified and experienced Structural Engineer.
18. On-site stormwater detention storage is to be provided to ensure that peak flows from the Seniors Living development, for all storms up to and including the 1 in 100 year ARI storm, do not exceed pre-development flows at any stage of the development. Stormwater infrastructure, as determined by the stormwater modelling by J.Wyndham Prince Pty Ltd for the Seniors Living development submitted with the development application, is to be provided to achieve this stormwater discharge requirement.
19. Adequate water quality treatment devices are to be provided to ensure that the water quality from each stage is maintained at required levels. Water quality infrastructure, as determined by the MUSIC modelling by J.Wyndham Prince for the Seniors Living development submitted with the development application, is to be provided to achieve this water quality discharge requirement.
20. 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 Section 94A contribution is to be paid to Hawkesbury City Council as required by Regulation 25J of the Environmental Planning and Assessment Regulation 2000.

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.

21. Certification must be obtained from the relevant statutory authority for electricity (and if proposed, gas) that adequate services are available to satisfy the demands of the proposed development. Such certification is to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.
22. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Principal Certifying

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Authority accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control.

The Control Plan shall incorporate and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes;
- (b) All sediment control devices, barriers and the like;
- (c) Sedimentation tanks, ponds or the like;
- (d) Covering materials and methods;
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved by the Principal Certifying Authority prior to issuing of the Construction Certificate.

- 23. A Salinity Management Plan is to be prepared prior to the issue of the Construction Certificate addressing appropriate measures to minimise the level of impact of salinity upon structures proposed upon the site and the control adverse effects of the development upon the site and adjacent land.
- 24. Prior to the issue of a Construction Certificate for below ground works associated with the development, a detailed Site Audit Statement and (if required) a Validation Report is to be submitted to the Principal Certifying Authority. The site audit must be prepared by a suitably accredited site auditor. The site audit must verify that the land is suitable for the proposed uses in accordance with SEPP 55 – Remediation of Land.
- 25. Detailed landscaping plan/s must be prepared by a suitably qualified architect, landscape designer/ architect or professional landscape consultants and approved by Hawkesbury City Council prior to the issue of a Construction Certificate for above ground works. The plan/s are to include:
  - Suitable native (and where possible endemic) species
  - Street tree planting
  - Design, materials and colours of all fencing, retaining walls, paving, driveways and street furniture
  - Measures to ensure the maintenance and survival of the landscaping
- 26. Details of the mechanical ventilation or air-conditioning system for the Aged Housing and Resident's Club buildings must be submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. Where the system will be visible from adjoining properties or from public places, the system must be screened and enclosed with materials that complement the building.
- 27. Details are to be provided showing the design, location and materials of any proposed bulk water tanks associated with the development required to provide reticulated water or any on-site sewage storage facilities. Any ancillary above ground structures shall also be detailed together with associated access and landscaping. Use of large tanks should be minimised to reduce adverse visual impact. Details of the proposed tank/s must be submitted to Hawkesbury City Council for approval prior to the release of the Construction Certificate.
- 28. The waste storage facilities for the Aged Care Facility and the Residents Club buildings must be screened from all street frontages and adjacent properties by the use of screen enclosures and landscaping. Any screening must be constructed of high quality building materials and complement the design and external materials used in the building/s. In this regard, colorbond or similar material

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is not an acceptable building material. Details of the proposed screening must be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

29. Appropriate external lighting shall be provided for areas including the car parks and pedestrian pathways in accordance with AS 1158 - Lighting and AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting and the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Any external lighting must be located and directed so as not to cause a nuisance to the occupants of nearby residential properties. Low level lighting of the grounds may be considered to improve security particularly in staff car parking areas. Details of the lighting strategy are to be submitted for approval by the Principal Certifying Authority prior to the release of the Construction Certificate.

30. Food preparation and food storage areas shall be designed as follows:

- The construction of the food preparation and food storage areas must comply with the Building Code of Australia, AS 4674 – 2004 (Construction and Fitout of Food Premises), Council's Food Premises Code and Food Standards Code.
  - Detailed plans demonstrating compliance must be submitted to the Principal Certifying Authority prior to issue of the construction certificate.
  - The kitchen exhaust must be designed and installed in accordance with AS 1668.2 – 2002 (The Use of Ventilation and Air Conditioning in Buildings) Appendix C (Kitchen Exhaust Hoods).
  - The floor of the preparation areas and cool rooms must be covered with an approved impervious material, graded and drained to floor wastes. Details of the location of the floor wastes are to be provided to the Principal Certifying Authority prior to issue of the Construction Certificate.
  - A grease arrestor must be installed. Please contact Sydney Water for approval and installation advice. Note: The installation of grease arrestors within kitchens and food preparation areas is not permitted.
  - A double bowl sink with a supply of cold and hot water must be provided for cleaning of all utensils, receptacles, tools of trade, benches, fittings, machinery and other appliances.
  - Hand wash basins must utilise a hands free operation, be provided near food preparation areas and each hand basin must have a single warm water spout. Suitable hand drying facilities are also to be provided adjacent to the basins.
  - All waste must be stored in impervious containers with firm fitting lids suitable to exclude vermin.
  - Waste must be removed by a licensed contractor no less than twice per week. More frequent collection may be necessary in some circumstances.
  - Waste oil must be stored within a secure area at all times. Oil must never be stored in areas accessible to the public or areas that drain to the stormwater system.
- (a) Documentation verifying design compliance with these requirements must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
- (b) Documentation verifying installation compliance with this requirement must be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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31. The final design for the Aged Care Facility and Residents Club buildings, are to each include a loading bay suitable to cater for the largest vehicle expected to regularly service these buildings. The design is to be in accordance with the requirements of AS2890.2 2002, Commercial Vehicle Facilities. Details satisfying this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for each respective building.
32. The Construction Certificate shall not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Hawkesbury City Council and the Principal Certifying Authority.

### Specific to Stage 1A

33. Under the provisions of the Roads Act 1993, all works within the Grose Vale Road and Arthur Phillip Drive road reserve are to be approved by Hawkesbury City Council and the bulk earthworks be completed prior to the release of the Subdivision Certificate for Stage 1A\*. These works are to include **the establishment and fencing of an area for the temporary site compound (as shown on the development staging plan – May 2010) including preparation of the existing ground surface for vehicle hard stand, site / amenity sheds and material stockpiles, the establishment of the required APZ and construction access to the rear of the future ILU stages**, intersection bulk earth works at Grose Vale Road to accommodate the bus stop, approach and departure lanes, pedestrian crossing and associated refuge, footpaths, signage, stormwater and associated works and the extension of Arthur Philip Drive to facilitate a turning head.

*(\*\*as proposed to be amended by Section 96 Modification Application DA0852/08D)*

34. Payment of Construction Certificate checking fees and Compliance Certificate Inspection fees when submitting Civil Engineering Plans for approval. Fees payable are as listed in Hawkesbury City Council's Fees and Charges Policy and are available on request.
35. A performance, damage and defects bond to the value of \$30,000 must be lodged with Hawkesbury City Council prior to issue of the Roads Act approval or any Construction Certificate for Stage 1A. Prior to the issue of a Construction Certificate for **Stage 3** or any other stages, a further \$370,000 bond is to be lodged with Hawkesbury City Council. The bond is to cover any restoration required within Council's Roads resulting from deterioration caused by construction traffic through all stages of the development.

The bond can be in the form of an unconditional bank guarantee or cash deposit.

The bond is refundable on application, 12 months after the completion of all work subject to satisfactory performance of the works.

*(\*\*as proposed to be amended by Section 96 Modification Application DA0852/08D)*

36. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Hawkesbury City Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Hawkesbury City Council prior to the issuing of any Construction Certificate or approval under the Roads Act 1993.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

37. Prior to issue of a Subdivision Certificate for the Torrens Title subdivision, documentation shall be submitted to Hawkesbury City Council from an energy service provider and a telecommunications service provider stating that satisfactory arrangements have been made for the supply of electricity and telephone services to the allotments in Lot 272 and Lot 273. If required, easements for electricity purposes and areas for electrical substations shall be shown on the plan of subdivision and formally created pursuant to Section 88B of the Conveyancing Act, 1919.

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*(as amended by Section 96 Modification Application DA0852/08A approved 27 April 2010)*

38. Prior to issue of a Subdivision Certificate for the Torrens Title subdivision, a Staging Plan is to be approved by Hawkesbury City Council demonstrating the anticipated sequence of development detailing how the following elements will function during and between development stages:
- Internal road system
  - Drainage
  - Site services (including water, sewer, electricity, gas, phone etc)

### **Specific to Stage 3**

39. The applicant is to include within the design of the Residents Club building (or some other alternate location) provision for the future of on-site delivery of allied health and related services (by incorporating provision for the adaptable use of a room or rooms as consulting/therapy rooms). Details on the relevant plans satisfying this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for **Stage 3**.  
*(\*\*as proposed to be amended by Section 96 Modification Application DA0852/08D)*
40. The pool gate associated with the clubhouse swimming pool shall swing away from the water in accordance with AS1926.1 – 2007. Details satisfying this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for **Stage 3**.  
*(\*\*as proposed to be amended by Section 96 Modification Application DA0852/08D)*
41. A Waste Storage Area Management Plan must be prepared and submitted to Hawkesbury City Council for approval prior to the release of the Construction Certificate for **Stage 3**. This plan is to be in accordance with Council's Development Control Plan and is to allow for a private service collection and pick up of three waste streams (recycling, organics and general garbage) and provide details as to waste generation, storage space, storage location and access for residents and waste collectors and separation of the domestic and commercial bins.  
*(\*\*as proposed to be amended by Section 96 Modification Application DA0852/08D)*
42. Pedestrian access via a pathway system is to be provided within the northern and eastern edges of the site to facilitate pedestrian access to Grose Vale Road (to the south east) and to Peel Park (to the north). Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

### **Prior to Commencement Of Work**

#### **All stages**

43. The applicant shall advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
44. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
45. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to commencement of works.
46. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.

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47. Toilet facilities (to the satisfaction of Hawkesbury City Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
48. 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.
49. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
50. 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 sewer and water 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), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.
51. All traffic management devices shall be installed and maintained in accordance with the approved Traffic Management Plan.
52. A Construction Management Plan shall be submitted and approved by Hawkesbury City Council prior to the commencement of any work for all stages. Any use of Council property shall require appropriate approvals. The Plan shall detail:
  - (a) The proposed method of access to and egress from the site for construction vehicles including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimizing traffic congestion and noise in the area. The main construction access to the site is to be from Grose Vale Road.
  - (b) The proposed access and manoeuvring for vehicles during each stage. This is to consider construction traffic, residents, visitor, staff and service vehicles, together with pedestrian access
  - (c) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
  - (d) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site.
  - (e) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers for each stage during the construction period;
  - (f) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.

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- (g) Erosion and sediment control measures.
  - (h) Noise and vibration minimisation measures during earthworks and construction work as detailed in the Noise and Vibration Management Plan.
  - (i) Dust suppression measures during earthworks and construction work.
  - (j) Waste management during construction works.
  - (k) Submission of a detailed design plan of all works proposed within the adjacent public reserve.
  - (l) Heritage and archaeological management
  - (m) Ecological impact mitigation measures.
  - (n) Establishment of a protocol for complaints handling and management.
53. A detailed Construction Noise and Vibration Management Plan shall be prepared detailing measures to control noise and vibration during construction. The Plan is to include, but not be limited to:
- (a) Identification of each work area and site compound;
  - (b) Identification of the specific activities that will be carried out and associated noise sources for each work area;
  - (c) Identification of all potentially affected noise sensitive receivers;
  - (d) Description of management methods and procedures that will be implemented to control noise and vibration during construction;
  - (e) Description of specific noise mitigation treatments and time restrictions including respite periods, duration and frequency;
  - (f) Justification for any activities outside normal working hours;
  - (g) A pro-active and reactive strategy for dealing with complaints including compliance with the construction noise and vibration objectives;
  - (h) Noise and vibration monitoring, reporting and response procedures;
  - (i) Procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
  - (j) Education of construction personnel about noise minimisation.
54. A Soil and Water Quality Management Plan is to be prepared in consultation with the Department of Water and Energy and Hawkesbury City Council. The plan shall be prepared in accordance with the Department of Housing's guideline Managing Urban Stormwater – Soils and Construction 1998. The plan shall be prepared prior to substantial construction and shall contain, but not be limited to:
- (a) Management of the cumulative impacts of the development on the quality and quantity of surface water, including stormwater in storage, sedimentation basins and flooding impacts;
  - (b) Details of a strategy for phasing of construction works so that land disturbances are confined to areas of a manageable size and kept to a minimum;
  - (c) Erosion and sediment control plans for each phase of construction that provide site-specific management measures, including:

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- Details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations and capacities of sediment fencing/straw bales, temporary storage ponds, sediment filters, filter barriers and other controls;
  - A strategy for progressive revegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after completion of earthworks;
- (d) An analysis of potential areas of contaminated soils at the site and the disturbance of such soils in order to protect water quality;
- (e) The potential for heavy prolonged rainfall during construction to cause environmental impacts including water quality impacts;
- (f) Identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site;
- (g) Detailed construction methodology and design of the crossing of the natural watercourse, including erosion and sediment control, bridge design and scour protection;
- (h) Detailed description of water quality monitoring to be undertaken during the pre-construction and construction stages of the development including base line monitoring, identification of locations where monitoring would be carried out and procedures for analysing the degree of contamination of potentially contaminated water;
- (i) Measures to handle, test, treat, re-use and dispose of stormwater and contaminated water and soil;
- (j) Procedures for the re-use, treatment and disposal of water from sedimentation basins;
- (k) Detailed description of water quality monitoring during pre-construction and construction stage of the project;
- (l) A program for reporting on the effectiveness of the operational and construction sedimentation and erosion control system against performance goals.

### ***During Construction***

#### **All stages**

55. The site shall be secured to prevent the depositing of any unauthorised material.
56. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
57. 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.
58. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
- (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.



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- (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
59. 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. Design and construction is to be in accordance with the requirements of Hawkesbury Development Control Plan and AS2890.1 2004 and AS2890.2, 2002.
60. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
61. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm from the Seniors Living development at pre-development levels. This is to be facilitated by the on-site detention basin constructed and functioning as a silt basin temporarily through the construction stages of the Seniors Living development.
62. Water quality devices shall be constructed as silt basins with each stage of the development to treat the water from (at a minimum) that stage of the development. The water quality infrastructure constructed and functioning as silt basins is a temporary measure through the construction stages of the development.
63. All of the on site detention and water quality infrastructure to be completed in their final state in conjunction with completion of construction of the final stage of the Seniors Living development.
64. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
65. Flocculation (or other suitable measure) to remove sediments captured from the detained stormwater in the on-site stormwater detention basin/s, acting as a slit basin through construction, is to be undertaken as necessary prior to any discharge into the downstream drainage system.
66. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
67. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
- (a) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
  - (b) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
  - (c) All materials shall be stored or stockpiled at the best locations;
  - (d) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
  - (e) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
  - (f) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays (or by other suitable alternative means);

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- (g) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (h) Cleaning of footpaths and roadways shall be carried out regularly.
- 68. All constructed batters are to be topsoiled and vegetated and where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed.
- 69. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
- 70. The Construction access road from Grose Vale Road (within the site **but not the temporary road to the rear of the ILU's located predominantly within the APZ**) is to be sealed to minimise dust nuisance to adjoining properties. The unsealed portion of the internal construction access road is to be regularly wetted down so as to minimise dust generation from vehicles using this road.  
*(\*\*as proposed to be amended by Section 96 Modification Application DA0852/08D)*
- 70A. Construction vehicle traffic associated with all stages of the development shall be restricted to the Grose Vale Road access and separate internal construction road. The use of Arthur Phillip Drive to accommodate construction vehicle traffic shall be limited solely to works associated with the cul de sac turning head, construction of connecting road access to the development site and stormwater drainage works.**  
*(\*\*as proposed to be amended by Section 96 Modification Application DA0852/08D)*
- 71. The clearing of vegetation shall be limited to areas that need to be used for construction of the development. Cleared vegetation must be re-used or recycled to the greatest extent practicable. No burning of cleared vegetation shall be permitted. Re-use options include removing millable logs, recovering fence posts, and mulching and chipping unusable vegetation waste for on-site use such as landscaping. All reasonable measures to use surplus vegetation shall be undertaken.
- 72. The topsoil derived from the site shall be stripped and stockpiled and used to cover the final profile of the bulk earthworks.
- 73. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
- 74. A bund wall shall be provided around the site in order to help direct runoff away from the disturbed excavation/landfill areas. Design details are to be submitted to and approved by Council.
- 75. A full width pavement, riparian crossing and associated pedestrian pathway shall be constructed along the access strip from Proposed Lot 273 to Arthur Phillip Drive. Details are to be submitted and approved by Council.
- 76. The recommendations relating to stormwater management as detailed in the Seniors Living Development North Richmond Stormwater Management Strategy dated October 2008 are to be progressively implemented in conjunction with the development. All site drainage and sediment and erosion control works and measures described in the Strategy inclusive of any other pollution controls, as required, shall be implemented prior to the commencement of any other works at the site.

### Specific to Stage 1A \*

- 77. The construction \* of the extension to Arthur Phillip Drive as required adjacent to the access road to the development. Construction is to include kerb and gutter and full width sealed pavement.
- 78. Chevron markers and 'road ends' signage is to be installed \* at the end of Arthur Phillip Drive.

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79. The Construction \* of the proposed entrance works in Grose Vale Road to provide for turning lanes into the proposed development. Works are to include line marking and signage, plus any other works required to make construction effective.
80. The 60km/h speed limit in Grose Vale Road is to be extended further to the west beyond the new intersection \*. The location of signage and associated road marking is to be determined by Hawkesbury City Council prior to any work being undertaken. All costs involved in signage, road marking etc are to be at the expense of the developer.
81. A bitumen sealed pavement eight metres wide shall be constructed along the access strip leading from the intersection works off Grose Vale Road to the first intersection with the future internal road accessing the ILU's (this point is located at the most southern point of Stage 3) to be used to access Stage 3 and future stages of the development.

*(\*\*as proposed to be amended by Section 96 Modification Application DA0852/08D)*

### Specific to Stage 3

82. Provision of appropriate swimming pool lining in accordance with the requirements of the Department of Health Public Swimming Pool and Spa Pool Guidelines 1996. The pool is to be constructed using smooth, impervious materials enabling ease of maintenance and cleaning, and be light in colour. Please note: A pool lining of pebblecrete/marble screen are both not appropriate pool surface finishes.  
*(\*\*as proposed to be amended by Section 96 Modification Application DA0852/08D)*
83. Provision of an appropriate swimming pool commercial chlorination filtration system that complies with the requirements of the Department of Health Public Swimming Pool and Spa Pool Guidelines 1996. The specifications of the commercial chlorination filtration system is required to be provided to Hawkesbury City Council for review prior to installation.
84. Submission of specifications for the swimming pool lining to Hawkesbury City Council for written approval prior to installation.
85. All wastewater from the swimming pool is to be directed to the sewer, with appropriate approval of Sydney Water being obtained.
86. Compliance with the requirements of the Swimming Pool Act 1992 and associated Regulations, and the Department of Health Public Swimming Pool and Spa Pool Guidelines 1996.

### Prior to Issue of Subdivision Certificate

#### Specific to Stage 1A

87. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
88. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Hawkesbury City Council, with four copies.
89. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.
90. The extension of Arthur Phillip Drive, including pathways and drainage, and any widening required to the construction in Grose Vale Road shall be dedicated as public road.
91. Prior to the issue of the Subdivision Certificate for the four lot Torrens Title subdivision the bulk earthworks associated with Stage 1A development, as approved by this consent, must be completed.

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92. Reciprocal Rights of Carriageway and Easement for Services shall be created over the access handle to Proposed Lot 273 in favour of Proposed Lot 272. Evidence of the dedication shall be submitted to Council.
93. Reciprocal Rights of Carriageway and Easement for Services shall be created over the access handle to Proposed Lot 272 in favour of Proposed Lot 273. Evidence of the dedication shall be submitted to Council.
94. Proposed Lot 274 is to be dedicated to Hawkesbury City Council for drainage purposes. Evidence of the dedication shall be submitted to Council.
95. A Surveyor's Certificate shall be submitted to Hawkesbury City Council stating that the proposed physical access to the development from Grose Vale Road is contained within the proposed Right of Carriageway.

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

#### **Specific to Stage 3**

96. Documentary evidence of the Registration of the four lot Torrens Title Subdivision and dedication of public road and land (as required) with Land and Property Information is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for **Stage 3**.  
*(\*\*as proposed to be amended by Section 96 Modification Application DA0852/08D)*
97. Appropriate external lighting shall be installed prior to the release of the occupation certificate for **Stage 3** and to the occupation certificate of each subsequent stage.  
*(\*\*as proposed to be amended by Section 96 Modification Application DA0852/08D)*
98. Written confirmation shall be provided to the Principal Certifying Authority from a suitable public transport provider detailing that the bus stops situated on Grose Vale Road are to be serviced as required under Clause 26 Location and access to facilities of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 prior to the issue of any Occupation Certificate for **Stage 3**.  
*(\*\*as proposed to be amended by Section 96 Modification Application DA0852/08D)*
99. Appropriate signage is to be provided close to the site boundaries situated adjacent to the access roads leading into the site from Grose Vale Road and Arthur Phillip Drive indicating that the internal road is a 'Private Road' prior to the issue of any Occupation Certificate for **Stage 3**.  
*(\*\*as proposed to be amended by Section 96 Modification Application DA0852/08D)*

#### **All stages (as applicable)**

100. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.
101. Prior to the issue of any Occupation Certificate a "Restriction as to User", under the provisions of the Conveyancing Act 1919, is to be created on the current, and any subsequent, titles for the development stating the limitations on the occupancy of this development as specified in this consent.
102. Prior to the issue of any Occupation Certificate for Serviced Self-Care Housing the applicant, or operator, must, under the provisions of Clause 42(1) and (2) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, provide written evidence to Principal Certifying Authority that residents of the Serviced Self-Care Housing will have reasonable access to:

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- (a) Home delivered meals
- (b) Personal care and home nursing
- (c) Assistance with housework
- (d) Transport

This evidence must include details of the provider of these services and must be incorporated into the Operational Management Plan required by this consent.

103. Prior to the issue of any Occupation Certificate for Serviced Self-Care Housing, the Resident's Club building and the on-site services required, under the provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, to be provided are to be available for use by the proposed residents. Should this housing be provided on a staged basis then these facilities and services must be provided proportionately on a per resident basis.
104. Prior to the issue of the Occupation Certificate for the Aged Care Facility a detailed Operational Management Plan for the operation of the aged housing facility is to be submitted to Hawkesbury City Council for approval. The plan details must include, but are not limited to, the following:
- (a) Details of times that an on-site manager or supervisor is available to the facility and, when not available, emergency contact and service details,
  - (b) Details of provision of on-site nursing and medical facilities, meals, housework assistance and other required services for residents,
  - (c) Management and operation of resident transport facilities,
  - (d) Management plan to address evacuation of residents in emergency situations including flood (isolation due to flood) and bushfire, and maintenance of medical and ambulance services during times of emergency or isolation,
  - (e) Details of external service providers and evidence of on-going provision of those services and provision during emergencies for supply of those services.
105. Prior to the issue of the Occupation Certificate for **Stage 3** the Principal Certifying Authority shall be provided with a Compliance Certificate confirming that all units/dwellings within the development satisfy the standards concerning accessibility and useability for self-contained dwellings within State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.  
*(\*\*as proposed to be amended by Section 96 Modification Application DA0852/08D)*
106. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Hawkesbury City 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.
- The plan/s of management may be staged if required, but must include that stage for which an occupation certificate is required.
107. The owner shall enter a positive covenant with Hawkesbury City 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

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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 Hawkesbury City Council, are to be paid by the owner or applicant.

- 108. Submission of a report by the Design Engineer stating the conformance or otherwise of the On Site Stormwater Detention System in relation to the approved design.
- 109. Works-As-Executed drawings for the On Site Stormwater Detention System which indicate the following shall be submitted to and approved by Council:
  - (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
- 110. A Plan of Management for the water quality treatment devices shall be submitted to and approved by Hawkesbury City Council. The Plan of Management shall set out all design and operational parameters for the devices including inspection and maintenance requirements and time intervals for such inspection and maintenance.

The plan/s of management may be staged if required, but must include that stage for which an occupation certificate is required.
- 111. The final occupation certificate for the proceeding stage is to be issued prior to the issue of any occupation certificate for a subsequent stage.
- 112. Evidence of compliance with the Waste Storage Area Management Plan requirements is to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate.
- 113. Reconstruction of the public land currently functioning as a trunk drainage corridor to a riparian corridor to be undertaken in conjunction with Stage 3 or 4 whichever is the first stage to be commenced.

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

- 114. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An 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 and sewer 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.

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115. Registration of the swimming pool with Hawkesbury City Council. A registration form is required to be requested, completed and returned to Council prior to operation. Inspections will be conducted on a scheduled basis by Hawkesbury City Council.

### ***Use of Development***

116. 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.
117. Any part of the building to be used for food preparation shall be registered with Hawkesbury City Council as Food Premises.
118. A separate development application shall be lodged with Hawkesbury City Council for use of the clubhouse building as a Place of Public Entertainment.
119. Provision of a log-book that is kept onsite as per the requirements of the Department of Health Public Swimming Pool and Spa Pool Guidelines 1996.
120. Provision of appropriate fencing and signage as per the requirements of the Swimming Pool Act 1992 and the Building Code of Australia.
121. Compliance with the requirements of the Public Health Act 1991 with respect to cooling towers/thermostatic mixing valves. These systems are required to be registered with Hawkesbury City Council.
122. Mechanical exhaust from the kitchen and the air conditioning system of the Aged Housing Building or the Residents Club must not cause a noise/odour nuisance at any time. Compliance with this condition may necessitate the provision of acoustic enclosures and/or other treatment to these systems. The location and design of these systems should be considered with regard to acoustic/odour impact.
123. A copy of the Site's Operational Management Plan is to be provided to Hawkesbury City Council on an annual basis (but only from the date of initial occupation until completion of the development) demonstrating the development's compliance with the relevant operational matters detailed within Clause 42 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

### ***Roads and Traffic Authority Conditions***

124. The two east bound lanes of Bells Line of Road before the intersection of Grose Vale Road should be extended to start as soon as practicable after the finish of the chevron linemarking at Charles Street to maximise the available length to an approximate total of 170 metres. This area has been recently resurfaced and linemarked therefore should the work be carried out by 6 November 2009 than removal of any existing linemarking can be done so by sand blasting methods. If these works are carried out after this six month period then further resurfacing will be required to remove existing linemarking.
125. The west bound lanes on the approach side of the intersection of Bells Line of Road and Grose Vale Road should be adjusted to provide a right turn lane, a through lane and a left/through shared lane. The departure lanes should be provided as dual lanes to the maximum distance available with the desirable distance being 200 metres not including the taper as proposed by the developer's consultants. It is noted that this proposal will require road widening of approximately 1 metre or whatever is required to meet RTA lane width requirements. Design details are to be submitted to Hawkesbury City Council for approval demonstrating that adequate footway width will remain

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available once this widening has occurred. It is noted that utility services exist within this footway area, any necessary relocation of services will be the developer's responsibility.

126. The proposed Bells Line of Road/Grose Vale Road intersection modifications shall be designed to meet RTA's requirements, and endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate by the certifier and commencement of road works.

The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed civil design plans.

127. All works associated with the Bells Line of Road/Grose Vale Road intersection modifications must be completed prior to occupation of more than 50 independent units or occupation of the aged care facility whichever occurs first.
128. The swept path of the longest vehicle (including private garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, must be in accordance with Austroads standards.
129. Priority should be established at intersections, particularly cross intersections, in the internal road system by linemarking and signposting.
130. Dedicated pedestrian pathways and other pedestrian facilities should be provided throughout the site to link the residential housing units to the Resident's Club facility, the community garden area and the residential care accommodation. Required sight lines for pedestrians are not to be compromised by landscaping or other vegetation.
131. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths sight distance requirements, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004 (Parking Facilities, Part 1: Off-street car parking) and AS 2890.2 – 2002 (Parking Facilities, Part 2: Off-street commercial vehicle facilities). Service areas within the development are to be designed in accordance with RTA requirements and AS 2890.2 (Parking Facilities, Part 2: Off-street commercial vehicle facilities).
132. Consideration should be given to providing appropriate bicycle parking facilities within the development including end trip facilities such as showers, changing rooms, etc as appropriate to cater for bicycle use for travelling to and from the development.
133. All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.

### ***Department of Water and Energy - General Terms of Approval***

134. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA0852/08 and provided by Council.

- (a) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified

135. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the



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Department of Water & Energy. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river.

136. The consent holder must prepare or commission the preparation of:
- (a) Rehabilitation Plan
  - (b) Works Schedule
  - (c) Erosion and Sediment Control Plan
  - (d) Soil and Water Management Plan
137. All plans must be prepared by a suitably qualified person and submitted to the Department of Water & Energy for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with Department of Water & Energy guidelines located at: [www.naturalresources.nsw.gov.au/water/controlled\\_activity.shtml](http://www.naturalresources.nsw.gov.au/water/controlled_activity.shtml)
- (a) Vegetation Management Plans
  - (b) Laying pipes and cables in watercourses
  - (c) Riparian Corridors
  - (d) In-stream works
  - (e) Outlet structures
  - (f) Watercourse crossing plans
138. The consent holder must:
- (a) Carry out any controlled activity in accordance with approved plans
  - (b) Construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and
  - (c) When required, provide a certificate of completion to the Department of Water & Energy.
139. The consent holder must carry out a maintenance period of two years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the Department of Water & Energy.
140. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the Department of Water & Energy.
141. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the Department of Water & Energy as required.
142. The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to the Department of Water & Energy as and when required.
143. The consent holder must design and construct all ramps, stairs, accessways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the Department of Water & Energy.

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144. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the Department of Water & Energy.
145. The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the Department of Water & Energy.
146. The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.
147. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the Department of Water & Energy.
148. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.
149. The consent holder must ensure that any excavation does not result in:
  - (a) Diversion of any river
  - (b) Bed or bank instability or
  - (c) Damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the Department of Water & Energy.
150. The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the Department of Water & Energy.
151. The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width of 20 metres measured horizontally landward from the designated 1:2 to 1:5 low flow design channel for the length of the site directly affected by the controlled activity in accordance with the plan approved by the Department of Water & Energy.
152. The consent holder must establish a riparian corridor along the creek in accordance with a plan approved by the Department of Water & Energy.

### **NSW Rural Fire Service – General Terms of Approval**

#### **Asset Protection Zones**

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

153. At the issue of subdivision certificate and in perpetuity the entire development area (excluding the riparian corridor) shall be managed as an inner protection area (IPA) as outlined within Planning for Bush Fire Protection 2006 and the Service's document 'Standards for asset protection zones'.
154. A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be placed on all lots within the subdivision affected by the 34-36 metre asset protection zone as identified in blue on Attachment A of the bush fire report prepared by Australian Bushfire Protection Planners Pty. Ltd. No. B08836-4 dated 10.10.2008. The asset protection zone shall be managed as an inner

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protection area (IPA) as outlined within Planning for Bush Fire Protection 2006 and the Service's document 'Standards for asset protection zones'.

155. A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be placed on the land within the residual to the south and west of the proposed development area ensuring the ongoing management of a the asset protection zone (APZ) and fire trail as identified on Attachment A of the bush fire report prepared by ABPP Pty. Ltd. No. B08836-4 dated 10.10.2008 except that the APZ shall be 100 metres wide and not 20 metres. The asset protection zone shall be managed as an inner protection area (IPA) as outlined within Planning for Bush Fire Protection 2006 and the Service's document 'Standards for asset protection zones'. This restriction can be extinguished upon commencement of any future proposed development on the adjacent lot, but only if the hazard is removed as part of the proposal.

### ***Water and Utilities***

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

156. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

### ***Access***

The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

157. Fire trails shall comply with section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006'.

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

158. Internal road access shall comply with section 4.1.3 (1) and 4.2.7 of Planning for Bush Fire Protection 2006. Road widths shall comply with Table 4.1 of Planning for Bush Fire Protection 2006 and exclude pedestrian pathways.
159. An emergency access/egress road shall be constructed to the south-east of the development area providing a direct link from Grose Vale Road to the proposed internal road system. This access road shall be constructed in accordance with section 4.1.3 (3) of Planning for Bush Fire Protection 2006.

### ***Evacuation and Emergency Management***

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

160. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

### ***Landscaping***

161. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

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***Department of Environment & Climate Change – General Terms of Approval***

162. Impact to the Aboriginal objects identified as site NR10 within Lot 27, DP 1042890, will require a S.90 consent, pursuant to the National Parks and Wildlife Act 1974.

**oooO END OF REPORT Oooo**

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**Item: 131**      **CP - Development Application - Modification of Development Consent No.: MA1305/01 - Deferral of Roof Painting - Rural Shed at Lot 1 DP733243 No. 457 East Kurrajong Road, East Kurrajong - (MA1305/01C, 95498, 17250, 17251)**

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### Development Information

**File Number:** MA1305/01C  
**Property Address:** 457 East Kurrajong Road, East Kurrajong NSW 2758  
**Applicant:** Mr R G Hromek and Ms M M Langham  
**Owner:** Mr R G Hromek and Mrs M M Langham  
**Proposal Details:** S96 Modification of Development Consent No. MA1305/01 - Deferral of Roof Repainting – Rural Shed  
**Estimated Cost:** N/A  
**Zone:** **Current:** Rural Living Under Hawkesbury Local Environmental Plan 1989.  
**Draft:** RU4 Rural Small Holding Under Draft Hawkesbury Local Environmental Plan 2009.  
**Date Received:** 24 March 2011  
**Advertising:** 8 April 2011 to 27 April 2011  
**Key Issues:** ♦ Extension of Time  
♦ Roof Painting  
**Recommendation:** Refusal

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### REPORT:

#### Executive Summary

This modification seeks to extend the time allowed to comply with a condition of consent regarding the painting of the roof of a shed.

The history of the Development Application is summarised as follows:

1. Development Consent MA 1305/01 approved the erection of a shed on 457 East Kurrajong Road, East Kurrajong.
2. S.96 Modification Application MA 1305/01A, which previously sought approval for these unauthorised works, was refused by Council at its Meeting of 27 November 2007.
3. S.96 Modification Application MA 1305/01B sought retrospective approval for the unauthorised works and was refused by Council. The modification was approved by the Land and Environmental Court on 2 June 2010.
4. The current modification MA 1305/01C request seeks to defer the painting of the roof of the shed for a period of two years.

The application is being reported to Council in accordance with *Environmental Planning and Assessment Act 1979 - Sect 96AA*, which requires that for any applications determined by Court, subsequent applications to amend the development are to be determined by Council.

It is recommended that the modification application be refused.

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### Description of Proposal

The application seeks to modify Development Consent MA 1305/01, which gave approval for the construction of a rural shed on the subject land.

The Section 96 modification seeks approval to modify Condition No. 2 of Development Consent MA1305/01B issued by the Land and Environment Court on 2 June 2010.

Condition No. 2 of Development Consent MA1305/01B required the following:

2. *The external walls (East, West and South) as well as the roof of the shed are to be painted a 'rivergum green' colour or its equivalent as specified in the Development Application, within 3 months of date of approval of the section 96 modification application. Prior to painting the colour is to be submitted for the approval of the Director City Planning at Hawkesbury City Council.*

The modification request seeks to defer the painting of the roof of the shed for a period of two years. It is unclear from the applicant's submission when the two year period would commence from, however, it is assumed that it would be from the date of the approval of this modification (if granted).

### Background

Since the Land and Environmental judgment the Council has received and acted upon complaints from the adjoining neighbour about non-compliance with conditions of consent.

The following summarises the actions taken in relation to the roof painting:-

- |                  |  |
|------------------|--|
| 20 October 2010. | Council officers inspected the site and found the shed roof not painted.   |
| 10 November 2010 | Compliance officer spoke with the landowner/applicant and he advised that the scaffolding is on site and painting equipment ready to spray the shed as soon as the weather permits.                            |
| 17 December 2010 | Council officers inspected the site and found the shed roof not painted.   |
| 23 December 2010 | Council officers re-inspected the site and discussed the subject condition with the owner on site.   |
| 15 February 2011 | Council letter of reminder to the applicant that the following conditions 2 (roof painting), 4 (a work as executed plan showing existing plants and proposed plants) and 7 (shower room) remained outstanding. |
| 18 February 2011 | Council officers re-inspected the site and found the shed roof not painted and landscaping condition was not yet met.  |
| 21 March 2011    | Shed roof remained unpainted. Condition 4 has now been satisfied. Condition 7 not yet required until shower room is operational.   |

### Land and Environment Court Judgement

On 2 June 2010 Development Consent MA1305/01B issued by the Land and Environment Court (the Court)

Condition No. 2 of Development Consent MA1305/01B requires the following:

2. *The external walls (East, West and South) as well as the roof of the shed are to be painted a 'rivergum green' colour or its equivalent as specified in the Development Application, within 3 months of date of approval of the section 96 modification*

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*application. Prior to painting the colour is to be submitted for the approval of the Director City Planning at Hawkesbury City Council.*

### Proposed Reasons for Modification

The applicant has submitted the following statement regarding an extension of time to comply with condition 2:

- *Collection of drinking water from the shed roof*
- *Currently building a new house and to prevent contamination of the new tanks.*
- *When the new house is completed, the shed would be disconnected and roof will be painted.*

### ASSESSMENT OF SECTION 96AA

#### 96AA Modification by consent authorities of consents granted by the [Court](#)

(1) A [consent authority](#) may, on application being made by the applicant or any other [person](#) entitled to act on a consent granted by the [Court](#) and subject to and in accordance with the [regulations](#), modify the [development consent](#) if:

(a) *it is satisfied that the [development](#) to which the consent as modified relates is substantially the same [development](#) as the [development](#) for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

**Comment:** It is considered that the development as modified is substantially the same as the approved development.

(b) *it has notified the application in accordance with:*

- (i) *the [regulations](#), if the [regulations](#) so require, and*
- (ii) *a [development control plan](#), if the [consent authority](#) is a [council](#) that has made a [development control plan](#) that requires the notification or advertising of applications for modification of a [development consent](#), and*

**Comment:** The application was notified in accordance with Hawkesbury Development Control Plan.

(c) *it has notified, or made reasonable attempts to notify, each [person](#) who made a submission in respect of the relevant [development application](#) of the proposed modification by sending written notice to the last address known to the [consent authority](#) of the [objector](#) or other [person](#), and*

**Comment:** The application was notified between 8 April 2011 and 27 April 2011.

(d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

(1A) *In determining an application for modification of a consent under this section, the [consent authority](#) must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the [development](#) the subject of the application.*

**Comment:** One submission was received. The matters raised in this submission are addressed further in this Report.

**Matters For Consideration Under Section 79(c) of the Environmental Planning and Assessment Act 1979**

**Environmental Planning and Assessment Act 1979 and Regulations 2000**

- a) the provisions of:
  - i) any environmental planning instrument (i.e. LEPs, REPs & SEPPs)

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

**General Provisions of HLEP 1989**

**Clause 2 - Aims, objectives etc,**

The proposed modified development is considered to be consistent with the general aims and objectives as outlined in Clause 2 of the Hawkesbury LEP 1989.

**Clause 5 - Definitions**

The proposed development is defined as 'rural shed', which is permitted in the zone.

**Clause 9 - Carrying out development**

The subject land is zoned Rural Living under the provisions of Hawkesbury Local Environmental Plan 1989.

'Rural shed' is permissible within the Rural Living zone.

**Clause 9A - Zone objectives**

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the carrying out of the development is consistent with the objectives of the zone.

**Conclusion**

The proposed modified development is consistent with Hawkesbury Local Environmental Plan 1989.

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

It is considered that the proposed modified development will not significantly impact on the environment of the Hawkesbury-Nepean River, either in a local or regional context and that the development is not inconsistent with the general or specific aims, planning considerations, planning policies, recommended strategies and development controls.

**ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

Draft Hawkesbury Local Environmental Plan 2011 applies to the proposal. This draft Plan was exhibited 5 February 2010 to 12 April 2010. On 7 June 2011 Council resolved that the draft plan be adopted and forwarded to the Department of Planning and Infrastructure for finalisation and gazettal. Under this Plan the subject land is proposed to be zoned RU4 Rural Small Holdings.



iii) any development control plan applying to the land

**Hawkesbury Development Control Plan 2002**

The Hawkesbury Development Control Plan applies to the proposal. An assessment of the proposal against the relevant provisions of this Plan follows:

***General Information Chapter***

This Chapter provides an explanation of the development application process and provides the requirements for lodging a development application for different land uses.

It is considered the subject application provides adequate information for the assessment of the proposal and therefore is consistent with this Chapter.

***Notification Chapter***

The aim of this Chapter is to identify under what circumstances development proposals will need to be advertised and the means by which it will be advertised to provide for public participation.

**Comment:** The application was notified as per the requirements of this Chapter. As a result, one (1) submission was received. The matters raised in this submission are discussed below.

**Rural Sheds Chapter**

The aim of this Chapter is to enable the erection of sheds on rural properties in a manner, which complements the rural character of the landscape and has minimal impact on the scenic qualities of an area and to provide design principles for the construction of these buildings.

**Non Compliances with *Colour provision of the DCP***

**Reflectivity**

One of the key matters discussed during the Court appeal was the colour of the shed roof and its impact of reflectivity on the neighbouring property.

There is an issue of glint and glare surrounding the reflectivity of the shed roof. The shed roof is currently causing reflections in many directions at any time at which the sun is visible. The proposed extension of time should be assessed in terms of the importance of these reflections.

From the perspective of the adjoining neighbour in this location where unwanted reflections are received, the observer is not easily able to adjust their view, from the impact of the reflections hence the imposition of the subject condition.

The Court has imposed Condition 2 to reduce reflectivity by repainting the shed roof with opaque paint to reduce any reflections from the shed roof. This consent condition is intended to prevent glare for neighbours and for visual aesthetics.

The proposed modification to the Condition 2, if supported, would prolong the reflective nature of the roof on the neighbour property contrary to the intent of the condition imposed by the Court.

**Contamination**

The applicant submitted that the extension of time for two years is to prevent contamination of his water tank from the roof painting.

The issue of contamination is not considered as a valid justification for the delay in complying with the provisions of the condition of consent as imposed by the Court in that there are varieties of suitable paint in

the market for roof and drinking water collection. Also it is noted that there is an existing dwelling on the subject site hence the shed roof is an additional water catchment area to that existing roof.

As there are suitable roof paints and an alternate water catchment for the collection of drinking water these reasons are not considered sufficient to warrant an extension of time.

#### **Provision of Water**

The applicant has proven that the existing dwelling and new dwelling under construction are serviceable in respect of water, sewerage and other services before the Council consented to the development of the subject site and it is considered that there is no encumbrance on the subject site to warrant reliance on the shed roof for water provision

The subject site is considered serviceable under clause 18 of HLEP 1989. The capturing of extra water should not continue to jeopardise the amenities of the adjoining neighbour due to the reflectivity of the subject roof.

#### **Extent of Delay**

The applicant submitted that the shed roof will be painted when the new house under construction is completed without specifying that date of completion. It is presumed the applicant meant two years from the date of modification approval if supported by Council, effectively allowing the reflectivity of the shed roof to continue to prejudice the visual amenity of adjoining neighbour for a total of 3 years since the Court modified the consent. Supporting the subject application as proposed is considered contrary to the public interest of enforcing consent conditions.

It is considered reasonable to require the roof to be painted without further delay and for the applicant to comply with the provisions of the development consent as imposed by the Court.

#### **The relevant matters for consideration under Section 79C of the EP & A Act follow:**

##### **Context and Setting**

Surrounding properties will continue to be impacted upon in terms of visual amenity due to reflectivity of the roof as a result of the continued delay in complying with the provision of the conditions of consent granted by the Court.

##### **c) the suitability of the site for the development**

Once the shed is painted in the approved colour the site has been deemed by the consent to be suitable for this development.

##### **d) any submissions made in accordance with the EPA Act or Regulations (Include public submissions and other government authority submissions.)**

Following notification of the s.96 application, one submission was received from the neighbour most affected by the reflectivity. The matters raised in this submission are addressed as follows:

- Contrary to the Public Interest and unreasonable extension of time.

**Comment-** the submission is noted and addressed below.

- The extent of the delay after the consent Condition 2 as imposed by the Court.

**Comment-** The submission is noted and addressed below.

- The diligence with which the applicant has pursued the development approval

**Comment-** the submission is noted and addressed below.

- Landscaping

**Comment-** landscaping is not part of the subject s96 application; also landscaping issues has been addressed by the consent conditions 3 and 5 granted by the Court.

**e) The Public Interest**

The modification does not seek to change the approved development only to extend the time to comply with one remaining but critical condition of consent. The Court upheld the concerns raised by the Council and neighbour about the impact of reflectivity and in doing so imposed a short timeframe for the painting of the roof.

There has been no material change of circumstance affecting the granting of the consent to consider in the exercise of Council's discretion. The applicant presents no reasonable justifications or other circumstances which prevent compliance with the subject condition of consent.

It is reasonable to conclude that the applicant has not pursued the development approval with diligence. Therefore, it would be unreasonable to support the modification as proposed by the applicant.

If the modification is not supported then the compliance with that consent should proceed through the issuing of an order if the shed roof remains unpainted.

**The Extent of the Delay After the Consent Lapsed**

The consent condition (number 2) to be modified should have been implemented by 2 September 2010. Six (6) months passed before an application was made to Council to extend the operative period of this condition.

Given that the operative date of the Court modified consent was three months, it is considered that a delay of 6 months in applying to extend the operative period of the modified consent was a significant delay.

The applicant must be taken to have known that the consent condition 2 would lapse within the three month period. Despite constant reminders from Council to complete the work the applicant has continued to delay completion.

***The Diligence with Which the Applicant has Pursued the Development Approval***

The history of the development application in respect of the subject land has been set out earlier. The applicant has seemingly abandoned his intention to pursue the subject condition of consent in the form approved in the consent. Not only did the applicant allow the period to lapse, but a further 6 months passed before an application was made to extend the operative period of the consent. There is no reasonable course to justify this delay.

The applicant is considered unlikely to suffer any substantial prejudice if the consent is not extended. However the neighbour continues to suffer the consequence of delay. There is no reasonable basis for the Council to exercise its discretion in favour of the applicant.

**Conclusion:**

It is recommended that the modification request be refused by Council, and an Order be placed requiring the works to be carried out to the shed in compliance with the Court imposed Development Consent Conditions with a completion time of 21 days from the date of the Council's decision.

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### **Planning Decision**

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

### **RECOMMENDATION:**

That:

1. The application for - S96 Modification of Development Consent No. MA1305/01 - Deferral of Roof Repainting – Rural Shed be refused for the following reasons:-
  - a. In the circumstances, approval of the modification request would not be in the public interest.
  - b. The modification of request is contrary to the findings of the Land and Environmental Court judgement No 10127 of 2010.
2. The Council issue an order for Condition 2 of MA1305/01 to be completed within 21 days of the date of this Council resolution.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**Item: 132**                    **CP - Notice of Intention to Apply Packaged Liquor Licence (Internet sales) - Marquise Bar Pty Limited - 15 Greenway Crescent, Windsor - (95498)**

**Previous Item:**            NM1, Ordinary (30 June 2009)

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### REPORT:

#### Executive Summary

This report is to advise Council that an application for a Packaged Liquor Licence (Internet Sales only) has been received by the NSW Casino, Liquor and Gaming Control Authority. The applicant is required to advise Council of the lodgement of that application. Council may make representations to the Casino, Liquor and Gaming Control Authority in respect of the application.

The applicant intends to use the premises as a 'home occupation' for the internet sale of alcohol. Development Consent is not required for the use of the premises as a Home Occupation.

The applicant intends for the alcohol sales to be done over the internet and stock to be supplied to the purchaser from the producer (being in this instance the winery) as a result there will be no warehousing of goods on site or visitors to the premises.

Given that development consent is not required for the use of the premises and that the Casino, Liquor and Gaming Control Authority and the Liquor Licensing Police are responsible for controlling the hours of operation or the conditions imposed upon a Liquor Licence, it is recommended that a response be provided to the Casino, Liquor and Gaming Control Authority and advise that no objection is raised to the issue of a Liquor Licence for the purposes of internet sales.

#### Consultation

The issues raised in this report concern matters which do not require Council to conduct community consultation under Council's Community Engagement Policy. Council is being asked to represent the views of the community to the NSW Casino, Liquor and Gaming Control Authority as part of the Liquor Licence Application process. The applicant is required to undertake community consultation under the requirements of the packaged liquor licence application.

#### Background

At the Ordinary Meeting of 30 June 2009 Council resolved to have all liquor licence applications reported to Council that required the preparation of a Community Impact Statement (CIS).

#### Packaged Liquor Licence Application

Council has received correspondence dated 3 June 2011 that an application for a Packaged Liquor Licence (internet sales) has been lodged by Marquise Bar P/L with the NSW Casino, Liquor and Gaming Control Authority. The licence (if granted) will allow the sale of liquor over the internet. Council may make representations to the Casino, Liquor and Gaming Control Authority in respect of the application.

Development Consent is not required for the use of the premises as a Home Occupation, as defined in the Hawkesbury Local Environmental Plan 1989 and Draft Hawkesbury Local Environmental Plan 2011.

The current definition being:

*"home occupation" means an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve:*

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- (a) *the registration of the building under the Factories, Shops and Industries Act 1962;*
- (b) *the employment of persons other than those residents;*
- (c) *interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise;*
- (d) *the display of goods, whether in a window or otherwise;*
- (e) *the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident); or*
- (f) *the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail;*

### *Definition within the Draft Hawkesbury Local Environmental Plan 2011*

*home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:*

- (a) *the employment of persons other than those residents, or*
- (b) *interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil, traffic generation or otherwise, or*
- (c) *the display of goods, whether in a window or otherwise, or*
- (d) *the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or*
- (e) *the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,*

*but does not include bed and breakfast accommodation, a brothel or home occupation (sex services).*

The existing dwelling was approved under development consent DA0325/09. It is considered that the use of the dwelling as a home occupation will have no greater land use planning impact than an office based accountant, solicitor or similar professional operating from home where visitors do not attend the premises.

Given that development consent is not required and that the Casino, Liquor and Gaming Control Authority and the Liquor Licensing Police can control the hours of operation or the conditions imposed upon a Liquor Licence, it is recommended that Council respond to the Casino, Liquor and Gaming Control Authority and advise that no objection is raised to the issue of a Liquor Licence for the purposes of internet sale of packaged liquor.

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

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

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

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

- Encourage stronger relationships between the business and community sectors to increase local career options.

The internet sales are proposed by local business people that live within the Hawkesbury Area. The business will provide employment within a home for the occupant.

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**Financial Implications**

There are no financial implications applicable to this report.

**RECOMMENDATION:**

That a response be provided to the Casino, Liquor and Gaming Control Authority advising that no objection is raised to the issue of a Liquor Licence for the purposes of internet sales.

**ATTACHMENTS:**

There are not supporting documents to this report.

**oooO END OF REPORT Oooo**

**Item: 133 CP - Drainage and Plumbing Inspections of Properties under Private Sewage Treatment and Water Supply Schemes - (96330)**

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**REPORT:**

**Executive Summary**

Council has received enquiries from a private sewage treatment and recycled water supply company known as the "Water Factory Company" (WFC) and the Department of Fair Trading as to who will be the inspection authority for drainage and plumbing connecting to the WFC infrastructure.

The inspection authority for these private schemes can either be the local council, or the Department of Fair Trading, who do all the inspections in areas where Sydney Water has their infrastructure.

Past meetings with representatives from the Department of Fair Trading has indicated their preference for the local councils, where these private schemes exist or are proposed, to act as the inspection authority for works undertaken by the plumbers and drainers connecting to the private companies infrastructure. Wollondilly Council is currently operating as the inspection authority for a similar scheme to that proposed in their local government area.

This report requests Council adopt a recommendation for Council to be the plumbing and sewer drainage inspection authority for private sewage treatment and water supply schemes in the city and to set the appropriate fee for these inspections.

**Consultation**

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

**Background**

The current subdivision of land at Pitt Town carried out by the Johnson Property Group, has engaged a private recycled water supply and sewage treatment company to provide sewer and recycled water infrastructure to the allotments in this subdivision. Council has considered a number of reports in the past on this matter.

The private scheme providers are known as the "Water Factory Company" and have been contracted by the developer to provide the aforementioned infrastructure under a Water Industry Competition Act 2006 (WICA) Licence granted to them for this scheme.

As part of the licensing and IPART requirements, the WFC is required to inform IPART of who will be carrying out the inspection of the plumbing and drainage lines that will be connected to the WFC's infrastructure. Due to the same conflicts of interest that Sydney Water has for their inspections, the WFC should not undertake their own inspections of these plumbing and drainage lines.

Subsequently the Department of Fair Trading was contacted by WFC requesting them to carry out the inspections required on the plumbing and drainage in this subdivision. The Department of Fair Trading then contacted Council requesting that consideration be given to Council being the inspection authority for this subdivision as Council was already carrying out similar inspections of properties connected to Council's sewer scheme. Some of the motivation for this proposal is that by Council doing these inspections there would be less confusion for the plumber/drainers requesting the inspections to be undertaken.



Council's Sewage Management Facility (SMF) inspection team have been consulted regarding the expected impact that this proposal would have on their current work load. It was considered that there was a high level of confidence that they would be able to accommodate the additional work into their daily routine, as the Three Towns Sewer Scheme work, which added to their work load over the past twelve months with decommissioning inspections, is slowing and nearing completion. That work was being carried out in addition to their routine septic safe inspections across the LGA.

The work associated with these inspections is different to the current drainage inspections that staff currently undertake as part of Council's sewer system. In this regard the inspections that would be carried out for the Water Factory Company would also involve the inspection of the recycled water plumbing the Council does not currently undertake. As part of this proposal it is also suggested that Council consider adopting a separate fee for inspections of properties under private sewage treatment and water supply schemes.

Should the Department of Fair Trading undertake the service the fee charged would be \$160.00. This is \$30.00 more than Council's current fee for drainage inspections. However, the additional charge of \$30.00 is to accommodate the additional plumbing component of the inspection process.

In order to cover the additional work required for the plumbing component of these inspections, and to bring the fee into line with what the Department of Fair Trading is charging for their inspection regime, it is proposed that Council propose a fee for inspections of properties under private sewage treatment and water supply schemes of \$160.00.

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

The proposal is consistent with the Caring for Our Environment Directions statement;

- Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment.

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

- Work in partnership with relevant stakeholders to protect designated waters
- Develop and implement waste and recycling strategies

#### **Financial Implications**

There will be positive financial implications to future budgets in that Council will receive income for the inspections that it would otherwise not receive.

#### **RECOMMENDATION:**

That:

1. Council undertake the plumbing and sewer inspection regime upon properties that will be serviced by the Water Factory Company at Pitt Town as well as any other similar schemes that may be proposed and operate in the future.
2. Council inform the Department of Fair Trading and the Water Factory Company that it will act as the inspection authority for properties connected to the Water Factory Company sewer and recycled water plumbing infrastructure.
3. A fee of \$160.00 per inspection be adopted for exhibition purposes and be advertised, for a period of 28 days, in accordance with Section 610F under the Local Government Act 1993.
4. Should no objections to the proposed new fee for service be received after the advertising period has closed, then the fee of \$160.00 per inspection be adopted without further reporting to Council

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5. Should Council receive objections to the new fee for service from the community, the matter be further reported to Council for consideration

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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### INFRASTRUCTURE SERVICES

**Item: 134**            **IS - Underground Piped Drainage System - 22 Price Lane, Agnes Banks - (95495, 79344)**

**Previous Item:**        268, Ordinary (30 November 2010)  
                              249, Ordinary (9 November 2010)

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#### **REPORT:**

##### **Executive Summary**

Council has previously considered a report regarding drainage issues at Price Lane Agnes Banks and the need to provide drainage easements over three properties. Since that time one property has received development approval to subdivide. Legal advice was sought to clarify Council's responsibility in relation to its previous resolution and subsequently it is proposed that no further action be taken in relation to pursuing the drainage easement over Part Lot 2 DP 513439.

##### **Consultation**

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

##### **Background**

Council at its meeting held on 30 November 2010 (following deferral of the matter from the meeting of 9 November 2010) resolved:

*"That:*

- 1. The proposal to construct a piped drainage system through properties, 22/24/26 Price Lane (338/340/342 Castlereagh Road), Agnes Banks not proceed and be considered in a future works program.*
- 2. The residue funding in the amount of \$197,166 from the Price Lane project be reallocated to the construction of a piped drainage system at the intersection of Windsor and Chapel Streets, Richmond.*
- 3. Funding in the amount of \$40,000 available in the Kerb and Gutter Reserve be utilised as required to pursue the provision of drainage easements through, 22 Price Lane (338 Castlereagh Road) and, 24 Price Lane (340 Castlereagh Road), and 26 Price Lane (342 Castlereagh Road), Part Lot 4 DP513439 Agnes Banks including compulsory acquisition if required."*

Within the report a comment was made that:

*"It is noted that both lots have the potential for subdivision and should an application be lodged, it would be a normal condition of consent, if the development was supported, to require the dedication of a drainage easement, free of cost to Council as a condition of consent for the development."*

Since the time this matter was reported to Council, a subdivision application to subdivide Part Lot 2 DP 513439 into two lots was submitted and has been approved. One of the conditions of consent for the

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subdivision required *“registration of the title of any easements required for stormwater.”* The subdivision application included a proposed easement for overland flow 4 metres wide.

Due to the two courses of action, i.e. Council's resolution to pursue the provision of drainage easements which infers acquisition, and the approved subdivision which requires dedication of an easement, being somewhat in conflict, legal advice was sought to gain clarification.

Within the legal advice the following observations were made in relation to the development consent:

- *The applicant proposed the easement as part of his application*
- *The development approved includes not only the subdivision but also the easement, i.e. it is an essential part thereof*
- *The existence of the drainage depression was a material consideration in the assessment of the development application for the purposes of section 79C of the Environmental Planning and Assessment Act 1979, i.e. it goes to the suitability of the site for the development*
- *Not only was the easement proposed shown on the approved plan but it was also the subject of a condition 12 which read:*

*“registration of the title of any easements required for stormwater.”*

- *Condition 12 was properly imposed by reference to section 80A (1)(f)*
- *The condition is, in our view, valid in as much as it is for:*
  - *a planning purpose*
  - *which fairly and reasonably relates to the subdivision of the land, and*
  - *is one which a reasonable planning authority could impose.*

*The effect of the subdivision approval referred to above is that if the owner wants to rely thereon, it must create the easement proposed by it as part of its application at its own expense, i.e. the previous scenario whereby Council acquired the easement and paid compensation has become unnecessary.*

In view of the legal advice received, it is proposed that there be no further negotiations in relation to the proposed easement over Part Lot 2 DP 513439.

### Conformance to Community Strategic Plan

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

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

### Financial Implications

No financial implications as a result of this report.

### RECOMMENDATION:

That no further action be taken in relation to pursuing the acquisition of an easement for drainage purposes over Part Lot 2 DP 513439 as detailed in Council's resolution of 30 November 2010.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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**Item: 135**            **IS - Proposed Extension to Kurrajong Rural Fire Brigade Station - (79354)**

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

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### REPORT:

#### Executive Summary

The Kurrajong Rural Fire Brigade is seeking to construct an extension to the existing Brigade Station for a meeting room, office area and shower/toilet.

The proposal has been advertised for community comment and this report outlines the submissions received as part of the public exhibition.

It is recommended that the proposed extension to the Kurrajong Brigade Station be supported in principle and a request be sent to the Department of Crown Lands to amend the purpose of Lot 1 DP 500103 to allow the extension of the Fire Brigade Station.

#### Consultation

The proposal has been advertised for a period of 28 days from 12 May to 10 June 2011.

#### Background

Council resolved at its Ordinary meeting on 8 March 2011 that:

*'The proposed extension to the Kurrajong Brigade Station be advertised for a period of 28 days and be further reported to Council for consideration.'*

The proposal was advertised from the 12 May to 10 June 2011 with five responses being received. The responses are collated below:

- A petition with 40 signatures supporting the extension;
- 2 letters of support; and
- 2 letters of objection.

#### Letters of Support

Both letters of support indicate that the land affected is steep and could be used for little else. They also feel it is for a good cause. The petition is resident rate payers or business owners of the Kurrajong Rural Fire Station who support the proposal.

#### Letters of Objection

The letters of objection feel that whilst the Brigade do a wonderful job, the fire shed is an ugly building and would prefer a fire shed be built elsewhere so that the beauty of Kurrajong could be restored and the area used as a car park. Other points include:

- Council should not change this part of the Park's status by excising the land or creating a new 'purpose'.
- The extension would compromise the important use of the Park as recreational space for residents and visitors.
- The Fire Brigade operations are not consistent with Public Recreation use of Crown Land.

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- The Fire Brigade shed detracts from Kurrajong Village's appeal as an increasingly popular tourist destination
- The space should be permanently available for improved public parking.

The Fire Brigade shed is already in existence and it would be cost prohibitive to remove and build a new shed at an alternative location. The Park is well used however the area as previously reported has quite a steep slope and located adjacent to the toilet facilities within the Park. It is considered that the proposal will not have a detrimental effect on the overall use of the Park and could be supported.

It is recommended that the Department of Crown Lands be requested to amend the purpose for Lot 1 DP 500103 to allow the extension of the Fire Brigade Station.

### 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

There is no financial implication resulting from this report.

### RECOMMENDATION:

That:

1. The proposed extension to the Kurrajong Brigade Station be supported in principle.
2. A request be sent to the Department of Crown Lands to amend the purpose of Lot 1 DP 500103 to allow the extension of the Fire Brigade Station.

### ATTACHMENTS:

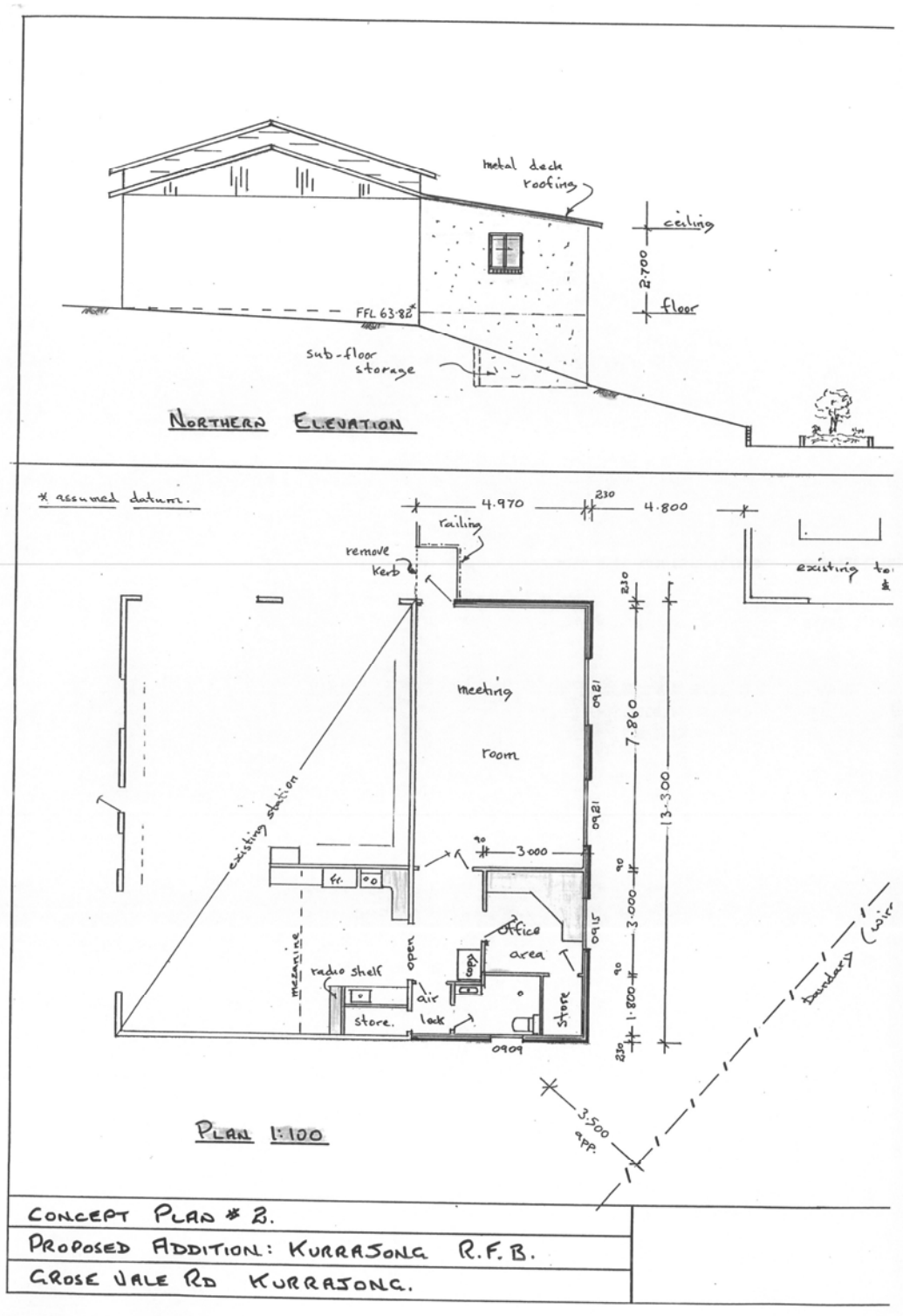
**AT - 1** – Plan - Proposed Addition to Kurrajong Rural Fire Station.

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

# ORDINARY MEETING

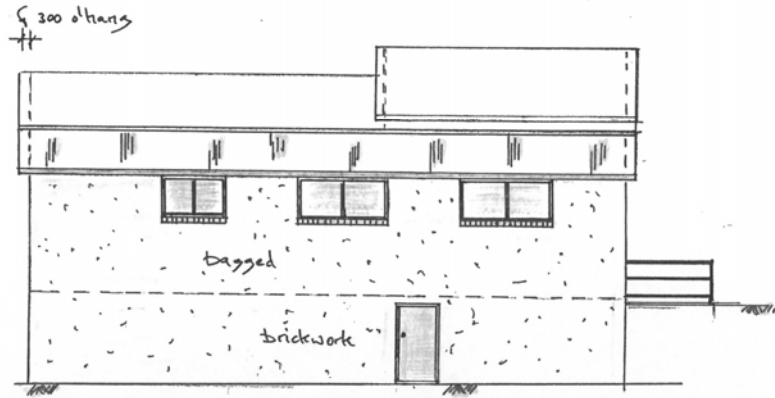
Meeting Date: 28 June 2011

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

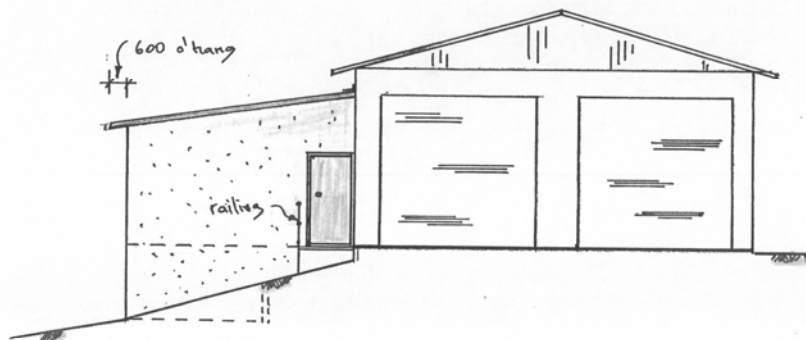


ORDINARY MEETING

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WESTERN ELEVATION



SOUTHERN ELEVATION

Scale 1:100

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

Drawn: 10/10 G.C.



## ORDINARY MEETING

Meeting Date: 28 June 2011

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



## HAWKESBURY CITY COUNCIL

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Phone: 02 4560 4444

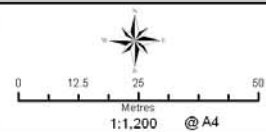


Printing Date: 1/3/2011

### Legend

 Kurrajong Memorial Park  Kurrajong Rural Fire Station

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oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 28 June 2011

**Item: 136**            **IS - Teale Road, East Kurrajong - Extension of Named Road and the Naming of two un-named Roads off Teale Road, East Kurrajong - (95495)**

**Previous Item:**        125, Ordinary (8 February 2000)

---

### REPORT:

#### Executive Summary

The road name of Teale Road, East Kurrajong is gazetted, commencing from the intersection of Putty Road, for a distance of 156 metres in a westerly direction. The previous Crown Road extending from the western end of Teale Road was dedicated as Public Road resulting from the subdivision of Lot 2 DP 878464.

Following the subdivision of Lot 2 DP 878464, there have been a number of further subdivisions off the Teale Road extension. This has resulted in a further two crown roads being dedicated as public roads under the care and control of Council. These two public roads are currently un-named and the location of these roads is shown on the attached Locality Plan.

The report makes the following recommendations:

- That the extension of Teale Road along the previous Crown Road, which was part of the subdivision of Lot 2 DP 878464, be named Teale Road, East Kurrajong. It is considered that public comment not be sought as the road name is a continuation of the existing road name.
- That public comment be sought for the two un-named roads located off the Teale Road extension as "Carmichael Place" and "Colvin Place".

#### Consultation

The recommendation to name the two un-named roads located off the Teale Road extension, as "Carmichael Place" and "Colvin Place", as outlined within this report, triggers a requirement for Community Engagement under Council's Community Engagement Policy.

It is proposed that the following community engagement process be undertaken in compliance with Council's Policy and the New South Wales Roads Act 1993. The consultation required is for a period of 30 days:

- Advertisement in the Local Press;
- Advertisement on Council's web page under Consulting the Community;
- Correspondence addressed to adjoining and surrounding owners; and
- Correspondence addressed to various service organisations.

#### Background

The road name, Teale Road, East Kurrajong is gazetted, the road commencing from the intersection of Putty Road, for a distance of 156 metres in a westerly direction. The previous Crown Road extending from the western end of Teale Road was dedicated as Public Road resulting from the subdivision of Lot 2 DP 878464. The extension of Teale Road along the previous Crown Road was for a distance of 1149 metres which took the overall length of the public road to 1305 metres.

## ORDINARY MEETING

Meeting Date: 28 June 2011

It is proposed that the Teale Road extension of 1149 metres be officially named as Teale Road, East Kurrajong, as the road name is a continuation of the existing road name and the road extension is already in use by the public. No further public consultation is required regarding the use of the name, except for an advertisement to be placed in the New South Wales Government Gazette advising of the continuation of the name for the whole length of the road.

Following the subdivision of Lot 2 DP 878464, there have been a number of further subdivisions off the Teale Road extension. This has resulted in a further two crown roads being dedicated as public roads under the care and control of Council. The two un-named roads are along the northern side of the Teale Road extension.

These two public roads are currently un-named roads and have been street numbered to the un-named road and not Teal Road, East Kurrajong. The location of the two un-named roads is shown on the attached Locality Plan.

Council's Local Studies and Outreach Librarian has been consulted to identify appropriate names for the two un-named roads. The names of "Carmichael Place" and "Colvin Place" have been suggested, with the details pertaining to those names as follows:

- ***Carmichael Place***  
The Carmichael family came to East Kurrajong from Tasmania and settled in East Kurrajong in 1927, they purchased Portion 15 Parish of Currency, County of Cook from Arthur Case in 1926. Harry Alfred Carmichael was a boot maker, he died in 1957. His son Ian M. B. Carmichael (1913 - 1949) was prominent in local affairs since his boyhood. He was a member of various committees including the Progress Association, School of Arts, served with AIF in Word War II, represented the district on the Hawkesbury Valley Water Conservation committee and was the youngest person at the time (aged 35 years) to be elected to Colo Shire Council. He was also a member of the cricket and tennis clubs, member of the RSL, participant in the social life of the district including dances and euchre parties for fundraising for various causes. A promising career in Local Government was cut short when he was accidentally killed in May 1949 on the family property.
- ***Colvin Place***  
Elizabeth Colvin was an accomplished and respected teacher at East Kurrajong School between 1898 - 1909. She was acknowledged by the Department of Education for her high standard of teaching and excellent discipline. She raised funds for school library books by holding entertainment such as lantern slide evenings. Recipients of awards won by pupils during her time at the school included Ethel Packer aged 12 who won an award for her essay "A short excursion in the bush" (WRG 5.1.1907). Elizabeth Colvin boarded with the local Legatt family while teaching at East Kurrajong School. She married Edward Hennessey of Blaxlands Ridge in 1909. Elizabeth was a popular member of the community all her life.

The Information for the names was sourced from:

- A view of Bullridge - The settlement, development and progress of the East Kurrajong district By C McHardy in "Hawkesbury Crier" September 2005 pages 11 -17.
- The Windsor & Richmond Gazette (WRG) newspaper.
- Hawkesbury Pioneer Register Vol.1 (1994) and Vol.2 (2001).

The names "Carmichael Place" and "Colvin Place" do not currently exist within the Hawkesbury LGA and the names conform to the guidelines set by the Geographical Names Board of NSW and the requirements of the Roads Act 1993.

It is proposed that the un-named roads be named as follows:

## ORDINARY MEETING

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- Carmichael Place be allocated to the “eastern” un-named road along the northern side of the Teale Road extension, between property numbers 16 and 46 (Teale Road) and bounded by DPs 751656, 1129398, 1015870 and 1006968.
- Colvin Place be allocated to the “western” un-named road along the northern side of the Teale Road extension, between property numbers 46 and 78 (Teale Road) and bounded by DPs 1008143, 1015870 and 1008142.

Based on the information outlined above, it is proposed that public comment be sought for the proposed road names of "Carmichael Place" and "Colvin Place".

### Conformance to Community Strategic Plan

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

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

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

- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote.

### Financial Implications

The advertising and administrative expenses associated with this matter have been provided for within Component 22 of the Adopted Budget.

### RECOMMENDATION:

That:

1. The existing road name of Teale Road, East Kurrajong, the road commencing from the intersection of Putty Road, for a distance of 156 metres in a westerly direction, be extended along the previous Crown Road for a further distance of 1149 metres which takes the overall length of the public road to 1305 metres. The Teale Road extension of 1149 metres be officially named as Teale Road, East Kurrajong with an advertisement to be placed in the New South Wales Government Gazette.
2. Public comment be sought under the New South Wales Road Act, 1993 for the naming of the “eastern un-named road as Carmichael Place which is along the northern side of the Teale Road extension, between property numbers 16 and 46 (Teale Road) and bounded by DPs 751656, 1129398, 1015870 and 1006968.
3. Public comment be sought under the New South Wales Road Act, 1993 for the naming of the “western” un-named road as Colvin Place which is along the northern side of the Teale Road extension, between property numbers 46 and 78 (Teale Road) and bounded by DPs 1008143, 1015870 and 1008142.

### ATTACHMENTS:

**AT - 1** Locality Plan – Proposed Road Names: Teale Road, Carmichael Place and Colvin Place, East Kurrajong.

**Meeting Date:** 28 June 2011

**HAWKESBURY CITY COUNCIL**

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Phone: 02 9400 4444

**Legend**

- Land Parcels
- Roads
- Lot & DP
- House Numbers

12 Lot & DP  
11 House Numbers

Scale: 1:6,000 @ A4

Proposed Road Names: Teale Road, Carmichael Place and Colvin Place, East Kurrajong

oooO END OF REPORT Oooo

**Item: 137      IS - Exclusive Use of Governor Phillip Reserve - Ski Racing NSW Inc. - (95495)**

---

**REPORT:**

**Executive Summary**

Ski Racing NSW Inc, as in previous years is seeking exclusive use of Governor Phillip Reserve for the 2011 Hawkesbury 120 Ski Race Classic, on Sunday 28 August 2011.

Due to the flow on effects from the event, it is recommended that exclusive use be given.

**Consultation**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Community Notification will be undertaken by the applicant as part of the conditions of consent.

**Background**

Ski Racing NSW Inc, have advised of the proposed dates for the 2011 Hawkesbury 120 Ski Race Classic, and are seeking exclusive use of Governor Phillip Reserve to conduct their event.

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

It is anticipated that the event will have significant flow-on effects to the business community and as such approval is recommended.

**Conformance to Community Strategic Plan**

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

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

**Financial Implications**

Income will be generated through user charges for the use of the Reserve

**RECOMMENDATION:**

That:

1. Approval be granted to Ski Racing NSW Inc, for "Exclusive Use" of Governor Phillip Reserve for the 2011 Hawkesbury 120 Ski Race Classic, to be held on Sunday 28 August 2011.
2. The approval be subject to the following conditions/documents:
  - a) Council's general park conditions.
  - b) Council's Fees and Charges.
  - c) The Windsor Foreshore Plan of Management.
  - d) The Governor Phillip Reserve Exclusive Use Policy.
  - e) Governor Phillip Reserve Noise Policy.
  - f) Approval of a Traffic Management Plan as part of the Special Event Application.

**ORDINARY MEETING**

**Meeting Date:** 28 June 2011

3. As the applicants have not advised alternative dates in the event of inclement weather, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicant.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**



**ORDINARY MEETING****Meeting Date: 28 June 2011****SUPPORT SERVICES****Item: 138****SS - Monthly Investments Report - May 2011 - (96332, 95496)****REPORT:****Executive Summary**

According to Clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether or not investments have been made in accordance with the Act, the Regulation and the Council's Investment Policy.

This report indicates that Council held \$44.10 million in investments at 31 May 2011.

It is recommended that this report be received and noted.

**Consultation**

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

**Background**

The following table indicates that Council held \$44.10 million in investments as at 31 May 2011. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
<b>On Call</b>								
CBA	A1+	AA	31-May-11		5.25%	8,400,000	19.01%	8,400,000
<b>Term Investments</b>								
ANZ	A1+	AA	20-Oct-10	20-Jul-11	6.30%	1,500,000	3.40%	
ANZ	A1+	AA	17-Nov-10	17-Aug-11	6.30%	1,000,000	2.27%	
ANZ	A1+	AA	18-May-11	16-May-12	6.35%	500,000	1.13%	
ANZ	A1+	AA	29-Nov-10	26-Oct-11	6.36%	1,500,000	3.40%	
ANZ	A1+	AA	25-Nov-10	23-Nov-11	6.60%	1,000,000	2.27%	
ANZ	A1+	AA	25-Nov-10	23-Nov-11	6.60%	2,000,000	4.54%	
ANZ	A1+	AA	23-Feb-11	22-Feb-12	6.24%	1,200,000	2.71%	
ANZ	A1+	AA	10-Mar-11	20-Dec-11	6.35%	2,000,000	4.54%	
ANZ	A1+	AA	14-Mar-11	11-Jan-12	6.35%	2,000,000	4.54%	



# ORDINARY MEETING

Meeting Date: 28 June 2011

ANZ	A1+	AA	23-Mar-11	21-Mar-12	6.24%	500,000	1.13%	
Bank of Queensland	A-2	BBB+	21-Dec-10	22-Jun-11	6.45%	1,000,000	2.27%	
Bankwest	A1+	AA	04-May-11	05-Oct-11	6.00%	1,000,000	2.27%	
Bendigo and Adelaide Bank	A-2	BBB+	13-Oct-10	15-Jun-11	6.10%	1,000,000	2.27%	
Credit Union Australia	A-2	BBB+	23-Feb-11	24-Aug-11	6.21%	1,000,000	2.27%	
Defence Force Credit Union Ltd	unrated	unrated	18-May-11	21-Sep-11	6.11%	500,000	1.13%	
ING Direct	A-1	A+	23-Feb-11	21-Sep-11	6.22%	1,000,000	2.27%	
Members Equity	A-2	BBB	21-Dec-10	22-Jun-11	6.30%	500,000	1.13%	
NAB	A1+	AA	20-Jan-11	06-Jul-11	6.14%	1,000,000	2.27%	
NAB	A1+	AA	20-Jul-10	20-Jul-11	6.24%	1,000,000	2.27%	
NAB	A1+	AA	17-Nov-10	16-Nov-11	6.46%	1,000,000	2.27%	
NAB	A1+	AA	08-Dec-10	10-Aug-11	6.39%	2,000,000	4.54%	
NAB	A1+	AA	02-Dec-10	07-Dec-11	6.44%	1,000,000	2.27%	
NAB	A1+	AA	03-Dec-10	07-Dec-11	6.45%	2,000,000	4.54%	
NAB	A1+	AA	08-Dec-10	07-Dec-11	6.44%	500,000	1.13%	
NAB	A1+	AA	20-Jan-11	14-Sep-11	6.22%	2,000,000	4.54%	
NAB	A1+	AA	09-Feb-11	09-Feb-12	6.27%	1,000,000	2.27%	
Newcastle Permanent	A-2	BBB+	15-Jun-10	15-Jun-11	6.10%	1,000,000	2.27%	
Rural Bank	A-2	BBB	16-Jun-10	15-Jun-11	6.40%	1,000,000	2.27%	
Suncorp	A-1	A	15-Jun-10	15-Jun-11	6.50%	1,000,000	2.27%	
Westpac	A1+	AA	20-Jan-11	19-Oct-11	6.20%	1,000,000	2.27%	
Westpac	A1+	AA	11-May-11	16-Nov-11	6.15%	1,000,000	2.27%	35,700,000
<b>TOTAL INVESTMENT AS AT 31 MAY 2011</b>								<b>44,100,000</b>

## Bench Marking

Bench Mark	Bench Mark %	Actual %
UBS 90 Day Bank Bill Rate	4.99%	6.32%
Reserve Bank Cash Reference Rate	4.75%	5.25%

## Performance by Type

Category	Balance \$	Average Interest	Difference to Benchmark
Cash at Call	8,400,000	5.25%	0.50%
Term Deposit	35,700,000	6.32%	1.33%
<b>Total</b>	<b>44,100,000</b>	<b>6.12%</b>	<b>1.13%</b>

## ORDINARY MEETING

Meeting Date: 28 June 2011

### Restricted Funds

Restriction Type	Amount \$
External Restrictions -S94	6,660,619
External Restrictions - Other	12,316,335
Internal Restrictions	14,794,922
Unrestricted	10,328,124
<b>Total</b>	<b>44,100,000</b>

Funds subject to external restrictions cannot be utilised for any purpose other than that specified in line with legislative requirements. Externally restricted funds include funds relating to S94 Contributions, Domestic Waste Management, Stormwater Management and Grants.

Internal restrictions refer to funds allocated through a Council Resolution, for specific purposes or to meet future known expenses. Whilst it would “technically” be possible for these funds to be utilised for other purposes, such a course of action, unless done on a temporary internal loan basis, would not be recommended nor would it be “good business practice”. Internally restricted funds include funds relating to Tip Remediation, Plant Replacement, Risk Management and Election.

Unrestricted funds may be used for general purposes in line with Council's adopted budget.

### Investment Commentary

The investment portfolio increased by \$4.09 million for the month of May, 2011. During May, various income was received totalling \$10.94 million, including rate payments amounting to \$3.59 million, while payments to suppliers and staff costs amounted to \$6.41 million.

Interest earnings for the 2010/2011 financial year, as at the end of May 2011, amount to \$2.50 million.

The investment portfolio currently involves a number of term deposits and on-call accounts. Council's current investment portfolio is not subject to share market volatility.

As at 31 May 2011, Council has invested \$9.0 million with 2<sup>nd</sup> tier financial institutions, with the remaining funds being invested with 1<sup>st</sup> tier institutions. The investment of up to \$1 million with 2<sup>nd</sup> tier Authorised Deposit Taking Institutions (ADIs) is entirely covered by the free Government Guarantee Scheme, and is in accordance with Council's Investment Policy. Also, Council's adopted Investment Policy allows Council to invest above \$1 million with 2<sup>nd</sup> tier Authorised Deposit Taking Institutions that are wholly owned subsidiaries of major Australian trading banks.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Independent advice is sought on new investment opportunities and Council's investment portfolio is independently reviewed by Council's investment advisor each calendar quarter.

Council's investment portfolio complies with Council's adopted Investment Policy, adopted on 29 June 2010.

On 17 February 2011, the Division of Local Government issued Circular No. 11-01 advising councils that a Revised Ministerial Order pursuant to Section 625 of the Local Government Act 1993 has been issued.

The Revised Order was published in the NSW Government Gazette on 11 February 2011, and replaces the Order dated 31 July 2008. Council currently complies with the Revised Order and the changes will be taken into consideration as part of Council's annual review of its Investment Policy reported elsewhere in this Business Paper.

## ORDINARY MEETING

Meeting Date: 28 June 2011

### Investment Certification

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

### **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 (or is a nominated) strategy in the Community Strategic Plan being:

- Maintain and review a sustainable long term financial framework.

### **Financial Implications**

Funds have been invested with the aim of achieving budgeted income in 2010/2011.

### **RECOMMENDATION:**

The report regarding the monthly investments for May 2011 be received and noted.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**ORDINARY MEETING****Meeting Date:** 28 June 2011**Item: 139**                **SS - Outstanding Receivables - Bad Debts Write Off - (96332, 95496)****Previous Item:**        147, Ordinary (29 June 2010)**REPORT:****Executive Summary**

Council has reviewed outstanding sundry debtors for 2010/2011 which have been unable to be recovered.

The debts owed to Council have been subject to recovery action and all avenues have been exhausted in recovering these debts with no success.

Council's Writing Off of Rates and Charges and Other Receivables Policy allows for any debts under the amount of \$500.00 to be written off by the General Manager or the Responsible Accounting Officer under delegated authority. Any debts over the amount of \$500.00 may only be written off by resolution of Council.

It is recommended that Council write off three bad debts for 2010/2011 that are over the amount of \$500.00.

**Consultation**

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

**Background**

Clause 213 of the Local Government (General) Regulation 2005 provides restrictions on writing off bad debts owed to a council. Clause 213 does not relate to debts in relation to rates or other charges for which other specific provisions exist.

This report deals with debts raised by Council which are unable or unlikely to be recovered.

Council provides credit to individuals and businesses in the enforcement of laws and regulations or for the provision of services. As with all suppliers of credit, some debtors fail to meet their obligations to pay, despite the best efforts of officers to recover outstanding payments.

Council has appropriate debt recovery and collection procedures to ensure adequate controls are in place to minimise bad debts.

Details of debts proposed to be written off have been provided below in a form compliant with Clause 213(4) of the Regulation.

The list of bad debts over \$500.00, which cannot be dealt with under Clause 213(3) by order in writing of Council's General Manager under delegated authority, is as follows:

<b>Name</b>	<b>Amount</b>	<b>Details</b>	<b>Debtor Account No.</b>
Spectaz Pty Ltd	\$ 3,627.57	Utility Charges	7302914
Mr P & Ms N Maait	\$ 2,635.01	Utility Charges	7301588
Macquarie Drums Services Pty Ltd	\$ 808.50	Commercial Sullage	7302114
<b>TOTAL</b>	<b>\$ 7,071.08</b>		

## ORDINARY MEETING

Meeting Date: 28 June 2011

In accordance with Clause 213(5) (c) "A debt can be written off, if the council or general manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective."

The above debts owed to Council have been subject to recovery action and all avenues have been exhausted in recovering these debts with no success. It is now considered that it is uneconomical to pursue further recovery action and the amounts should be written off.

### 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 (or is a nominated) strategy in the Community Strategic Plan being:

- Maintain and review a sustainable long term financial framework.

### Financial Implications

If the proposed debts are written off, the amount will be funded from the existing Council's provision for doubtful debts.

### RECOMMENDATION:

That Council write off the following debts:

1. Spectaz Pty Ltd in the amount of \$3,627.57 from Debtor Account No. 7302914.
2. Mr P & Ms N Maait in the amount of \$2,635.01 from Debtor Account No. 7301588.
3. Macquarie Drums Services Pty Ltd in the amount of \$808.50 from Debtor Account No. 7302114.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 28 June 2011

**Item: 140**                    **SS - Review of Council's Investment Policy and Appointment of Investment Advisor - (96332, 95496)**

**Previous Item:**            144, Ordinary (29 June 2010)

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### REPORT:

#### Executive Summary

Council's current Investment Policy was adopted by Council at its meeting of 29 June 2010. The Investment Policy is to be reviewed at least once a year or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of the policy. Any amendment to the Investment Policy must be by way of Council resolution.

Subsequent to the adoption of the current Policy, a revised Investment Order pursuant to Section 625 of the Local Government Act 1993, dated 12 January 2011, was issued.

In May 2011, the Federal Government issued a Consultation Paper regarding the Financial Claims Scheme (FCS). This Paper proposes changes to the current Government Guarantee limit of \$1 million per Authorised Deposit Taking Institution (ADI).

The current Investment Policy has been reviewed to take into account the revised Investment Order, and to allow for the potential impact of the proposed changes in the Financial Claims Scheme.

The purpose of this report is to submit a revised Investment Policy for Council's consideration. Also, in line with the requirements of the Division of Local Government (DLG) Investment Policy Guidelines, Council's approval is sought to appoint Council's Independent Investment Advisor.

#### Consultation

The Policy, which is the subject of this report, is a revised Policy following recent and proposed legislative changes. These changes are mandatory, and in this context, provide no opportunity for changes to be made. Under these circumstances it is considered that public consultation is not required.

#### Background

On 25 May 2010, the Division of Local Government issued Investment Policy Guidelines to assist councils with the preparation of an Investment Policy, and the prudent and appropriate management of Council's surplus funds. The Guidelines, issued under Section 23A of the Local Government Act 1993 (the Act), apply to all general purpose and special purpose councils in New South Wales.

Council's current Investment Policy was consequently developed in line with the Guidelines and adopted by Council at its meeting of 29 June 2010.

On 17 February 2011, Circular No.11-01 was issued by the DLG advising that a revised Investment Order pursuant to Section 625 of the Local Government Act 1993 has been issued. The Minister for Local Government signed the revised Order on 12 January 2011, and it was published in the NSW Government Gazette on 11 February 2011. It replaces the Order dated 31 July 2008.

Changes to the Investment Order include:

- The removal of the ability to invest in the mortgage of land (part (c) of the Investment Order dated 31 July 2008).

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- The removal of the ability to make a deposit with the Local Government Financial Services Pty Ltd (part (f) of the order dated 31 July 2008).
- The addition of “Key Considerations” in the revised Investment Order, which includes a comment that a council’s General Manager, or any other staff, with delegated authority by a council to invest in funds on behalf of the council must do so in accordance with the council’s adopted investment policy.

At the time the revised Order was issued, and to date, Council’s investment portfolio is in line with the Order. The Draft Investment Policy submitted for Council’s consideration reflects the revised Order.

In May 2011, the Federal Government issued a Consultation Paper regarding the future of the Financial Claims Scheme (FCS). The FCS was introduced at the height of the global financial crisis as one of a number of measures designed to address heightened perceptions of risk on the part of depositors and investments. The initial settings of the FCS, especially the level of the cap (set at \$1 million per depositor per ADI), were in response to unusually volatile market conditions. Aware that these settings might not be appropriate in the long term, the Government committed to review the FCS arrangements by October 2011. To assist the Government in considering FCS arrangements that should apply in a post-crisis environment, the Council of Financial Regulators (CFR) undertook a review of the FCS and made a number of recommendations. The most significant recommendation of the CFR is that the cap should be lowered from the current limit of \$1 million to between \$100,000 and \$250,000 per depositor per ADI from October 2011.

Since the introduction of the FCS, Council’s investment portfolio has included a number of investments of up to \$1 million per ADI with non –major banking institutions, as reported in the monthly Investment reports to Council. Based on the Government’s commitment to revise the FCS by October 2011, investments with these ADIs have a maturity date earlier than October 2011.

The Draft Investment Policy has been amended to reflect potential changes to the Scheme, whilst allowing Council to invest with non-major ADIs up to the limit protected by the Government Guarantee, when determined.

### Investment Policy

The current Investment Policy has been reviewed to take into account the revised Investment Order, and to allow for the potential impact of the proposed changes in the Financial Claims Scheme.

The purpose of the Investment Policy is to establish the guidelines that Council adopts in investing its surplus funds. The objectives of this policy are:

1. To comply with the legislative requirements and regulations relevant to the management of Council’s investments;
2. To maximise returns to Council consistent with all requirements of the policy;
3. To preserve the capital of the investment portfolio. Investments are to be placed in a manner that seeks to ensure the security and safeguarding of the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters;
4. To ensure the investment portfolio has sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment;
5. To establish a framework for monitoring the investments. The investment portfolio is expected to achieve a predetermined market average rate of return that takes into account Council’s risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles; and

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6. To confirm delegations and other relevant governance matters in relation to Council's investments.

Under Council's Investment Policy all investments are made in accordance with:

- The Local Government Act 1993 - Section 625
- The Local Government (General) Regulation 2005 – Clause 212
- The Local Government Act 1993 - Order (of the Minister) dated 12 January 2011 and gazetted 11 February 2011
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2)
- The Local Government Code of Accounting Practice and Financial Reporting
- Department of Local Government Circulars
- Australian Accounting Standards
- Council resolutions

The Draft Investment Policy is attached as Attachment 1 to this report.

The attached Investment Policy provides a framework within which investment decisions are made. Permitted investments, risk management, diversification, term, and liquidity considerations are addressed within the attached Policy. The requirements regarding measurement, benchmarking, reporting and reviewing of Council's Investments are also addressed.

Council's Independent Investment Advisor, Spectra Financial Services Pty Ltd has forwarded advice dated 20 June 2011, indicating that the attached Investment Policy has been reviewed and confirming that it is satisfactory for adoption by Council.

### **Appointment of Investment Advisor**

Council appointed its current Investment Advisor, Spectra Financial Services Pty Ltd, for the financial year ending 30 June 2011, at its meeting on 29 June 2010. Council has been provided with the relevant documentation with regard to the Advisor's licensing requirements and independence requirements.

Spectra Financial Services Pty Ltd was granted the Australian Financial Services Licence (AFS Licence) on 10 March 2004 by ASIC. The licence is current as of June 2011.

In June 2011, Spectra Financial Services Pty Ltd also provided Council with written confirmation stating that they remain totally independent of any product provider, financial institution or any kind of arrangement that could challenge their independence.

Spectra Financial Services representatives meet with Council senior staff on a regular basis to review and discuss Council's investment portfolio, as well as provide advice on the strategy for future investments. Spectra Financial Services have been of great assistance to Council's staff in ensuring that Council's investments are compliant with relevant legislation and policy at all times, whilst achieving an appropriate balance between risk and return when placing investments.

In line with Council's procurement processes, officers have researched the market for Investment Advisory Services providers, and after taking into account the advisory services required, local government experience and value for money, it is recommended that the current appointment of the Investment Advisor, Spectra Financial Services Pty Ltd., continues for the 2011/2012 financial year.

### **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



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

- Maintain and review a sustainable long term financial framework

### Financial Implications

The appointment of an Independent Investment Advisor for the financial year ending 30 June 2012 would be funded from the Consultancy Budget within the Financial Services Component of the 2011/2012 Adopted Budget.

### RECOMMENDATION:

That Council:

1. Adopt the Investment Policy attached as Attachment 1 to the report.
2. Appoint Spectra Financial Services Pty Ltd. as its Independent Investment Advisor for the financial year ending 30 June 2012.

### ATTACHMENTS:

**AT - 1** Investment Policy - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 28 June 2011

**Item: 141**      **SS - Car Park Licence - Richmond Club Limited and Hawkesbury Living Pty Limited - Lot 101 DP793048, Lot 2 DP 575929, Lot 6 DP560899, Lot 4 DP561147 and Lot 2 DP560898 at Nos. 114, 110, 110A, 110B and 110C March Street, Richmond - (38080, 95496)**

**Previous Item:**      84, Ordinary (11 May 2010)

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### REPORT:

#### Executive Summary

Council, at its meeting held on 11 May 2010, considered a report concerning a development application for a 10 bed extension to the existing Richmond Community Nursing Home at 116 March Street, Richmond.

At the meeting, Council resolved, in part, as follows:

*"That Council enter into legal arrangements with the developer in order to formalise the use of 20 parking spaces on Council owned land located on Lot 101 DP793048, Lot 2 DP 575929, Lot 6 DP560899, Lot 4 DP561147 and Lot 2 DP560898 at No.114, 110, 110A, 110B and 110C March Street, Richmond"*

In accordance with the resolution, negotiations between Council and Richmond Club Limited and Hawkesbury Living Pty Limited (RCNH) have been undertaken and Council's Solicitors have now prepared an appropriate Car Park Licence in regard to this matter.

The purpose of this report is to seek authority for the Car Park Licence to be executed under the Seal of Council.

#### Consultation

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

#### Background

Council, at its meeting on 11 May 2010, gave consideration to a report regarding a development application for a 10 bed extension to the Richmond Nursing Home located 116 March Street, Richmond.

The report, considered by Council, contained the following details relating to car parking:

*"The applicant advises that the proposal is unable to provide all of the required parking onsite in accordance with Clause 48 of the SEPP (Housing for Seniors or People with a Disability) 2004 which requires:*

- *1 parking space for each 10 beds in the residential care facility, and*
- *1 parking space for each 2 employees on site at any one time, and*
- *1 ambulance parking space.*

*Parking for an ambulance is currently available via the loading dock of the existing nursing home and the applicant has indicated no additional employees will be required to be hired to service the existing facility.*

*Applying the above calculation the proposed additions to the residential care facility will only generate an additional car parking requirement of 1 space under the policy. However, three spaces will be lost by the expansion of the building footprint. Given that the existing nursing home is*

## ORDINARY MEETING

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*required to provide 24 spaces the proposed additions will result in a total 25 spaces to be provided for the nursing home.*

*The application proposes five onsite parking spaces with the remaining 20 spaces to be accommodated within the adjoining Council owned car park.*

*If support is given by Council for the use of 20 parking spaces within the Council owned car park then the development would be able to comply with the requirements as set out by the SEPP (Housing for Seniors or People with a Disability) 2004."*

Council, at its meeting on 11 May 2010 resolved that development application DA0781/09 at Lot 100 DP793048, 116 March Street, Richmond for a 10 bed extension to the existing nursing home be approved subject to various conditions including a condition that the existing car park to the north east of the nursing home be upgraded.

Council, also resolved as follows:

*"That:*

- 1. Council enter into legal arrangements with the developer in order to formalise the use of 20 parking spaces on Council owned land located on Lot 101 DP793048, Lot 2 DP 575929, Lot 6 DP560899, Lot 4 DP561147 and Lot 2 DP560898 at No.114, 110, 110A, 110B and 110C March Street, Richmond."*

In accordance with Council's resolution, negotiations between Council and RCNH were undertaken to formalise the use of the 20 parking spaces. Council's Solicitors have now prepared an appropriate Car Park Licence between Council and RCNH, in regard to this matter, with applicable terms and conditions, including a term of ten years, with a further option of ten years and a requirement for RCNH to upgrade the existing car park to the north east of the nursing home.

RCNH has executed the Car Park Licence in this matter. The purpose of this report is to seek authority for the Car Park Licence to be executed under the Seal of Council.

### **Conformance to 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.

### **Funding**

There is no financial impact on Council.

### **RECOMMENDATION:**

That authority be given for the Car Park Licence referred to in the report between Council, Richmond Club Limited and Hawkesbury Living Pty Limited, for the use of parking spaces on Council owned land on Lot 101 DP793048, Lot 2 DP 575929, Lot 6 DP560899, Lot 4 DP561147 and Lot 2 DP560898 at Nos.114, 110, 110A, 110B and 110C March Street, Richmond, be executed under the Seal of Council.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date:** 28 June 2011

**CONFIDENTIAL REPORTS**

**Item: 142            IS - Tender No. 01511 - Tender for the Hire of Plant and Trucks - (95495)**

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**Reason for Confidentiality**

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

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

## ORDINARY MEETING

Meeting Date: 28 June 2011

Item: 143      **SS - Property Matter - Lease to Helena March and John Haynes - Shop 1  
Wilberforce Shopping Centre - (112106, 34779, 95496)**

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### Reason for Confidentiality

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

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

**ORDINARY MEETING**

**Meeting Date:** 28 June 2011

ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees



**SECTION 5 - Reports of Committees**

**ROC - Floodplain Risk Management Advisory Committee Minutes - 9 May 2011 - Special - (86589)**

The meeting commenced at 4.30pm in Council Chambers.

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<b>Present:</b>	Councillor Bob Porter - Deputy Chair Councillor Jill Reardon Councillor Paul Rasmussen Mr John Miller Mr Alexander (Phil) Windebank Mr David Avery Mr Les Sheather Mr Peter Cinque Mr Geoffrey Bessell Mr Bill McMahon Mr Chris Ransom Snr Inspector Robert Bowman Mr Kevin Jones
<b>Apologies:</b>	Councillor Kevin Conolly - Chair Councillor Warwick Mackay Mr Ian Johnston Mr Ray Williams MP - Member for Hawkesbury Ms Louise Markus MP - Federal Member for Macquarie
<b>In Attendance:</b>	Mr Don Still - Bewsher Consulting Pty Ltd Mr Matthew Owens Mr Philip Pleffer Mr Chris Amit

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**REPORT:**

**RESOLVED** on the motion of Councillor Rasmussen and seconded by Mr Les Sheather that the apologies be accepted.

**ORDINARY MEETING**  
Reports of Committees

Member	01/11/10	06/12/10	18/01/11	17/02/11	18/04/11	9/05/11
Councillor Kevin Conolly - (Chair)	✓	✓	✓	✓	✓	A
Councillor Bob Porter - (Deputy Chair)	✓	✓	✓	A	✓	✓
Councillor Warwick Mackay	A	A	A	A	A	A
Councillor Paul Rasmussen	✓	✓	✓	✓	✓	✓
Councillor Jill Reardon	✓	✓	✓	✓	✓	✓
Mr Peter Cinque OAM - (SES Sydney Western Division)	A	✓	✓	A	✓	✓
Mr David Avery - (Dept. of Environment and Climate Change)	✓	✓	✓	✓	A	✓
Mr Chris Ransom - (Dept of Defence)	✓	✓	X	✓	X	✓
Snr Inspector Robert Bowman - (Industry & Investment NSW ) - Primary Industries	X	X	✓	✓	A	✓
Mr Les Sheather - (Community Member)	✓	✓	A	✓	✓	✓
Mr Kevin Jones - (SES Headquarters)	✓	A	✓	✓	A	✓
Mr Geoffrey Bessell - (Community Member)	✓	✓	✓	✓	✓	✓
Mr John Miller - (Community Member)	✓	✓	✓	✓	✓	✓
Mr Bill McMahon - (Community Member)	✓	✓	✓	✓	✓	✓
Mr Alexander (Phil) Windebank	✓	✓	✓	✓	✓	✓
Mr Ian Johnston	✓	✓	✓	✓	✓	A

**Key:** A = Formal Apology

✓ = Present

X = Absent - no apology

### SECTION 3 - Reports for Determination

#### Evacuation Route Options Study for Bligh Park and Hobartville

Mr Don Still from Bewsher Consulting conducted a presentation on the Evacuation Route Options Studies for Bligh Park and Hobartville.

Following the presentation Mr Still answered questions about the studies in relation to drain blockages and general flood behaviour.

- Several questions were raised by Councillor Porter and Councillor Rasmussen regarding the prediction levels used and the level of confidence of those levels. Mr Avery of the Office of Environment and Heritage answered these questions stating that the levels used in the reports are related to stormwater overland flow levels and not the mainstream river flooding. Mr Still also advised that the levels used in the report are related back to the existing adopted flood levels for the locality and there was no reassessment or recalculation of the main river flood levels.
- Queries were raised regarding the need for the 2011 reports as these were claimed to be primarily a repeat of the 2007 reports. It was also claimed that the information contained in the reports already existed and there was no need for the reports. Mr Owens asked if the SES did already possess the information contained in the reports. Mr Cinque OAM stated that the SES did not already possess this information. Mr Cinque explained that the SES only possess this type of evacuation route information at a regional level and rely on Council or others to undertake these more detailed local studies in order to build upon the existing SES information so that a complete evacuation strategy can be compiled.

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

**RECOMMENDATION TO COMMITTEE:**

That the Committee recommend Council adopt the four reports in relation to the Bligh Park and Hobartville Evacuation Routes prepared by Bewsher Consulting Pty Ltd, as listed below:

- Bligh Park Evacuation Route Study - December 2007 - Reference J1434R\_5
- Hobartville Evacuation Route Study - August 2008 - Reference J1434R\_9
- Bligh Park Evacuation Route Options Study - March 2011 - Reference J1736R\_9
- Hobartville Evacuation Route Options Study - March 2011 - Reference J1736R\_10

**MOTION:**

RESOLVED on the motion of Mr Les Sheather, seconded by Councillor Rasmussen.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMENDATION:**

That the Committee recommend Council adopt the four reports in relation to the Bligh Park and Hobartville Evacuation Routes prepared by Bewsher Consulting Pty Ltd, as listed below:

- Bligh Park Evacuation Route Study - December 2007 - Reference J1434R\_5
- Hobartville Evacuation Route Study - August 2008 - Reference J1434R\_9
- Bligh Park Evacuation Route Options Study - March 2011 - Reference J1736R\_9
- Hobartville Evacuation Route Options Study - March 2011 - Reference J1736R\_10

The meeting closed @ 5.45pm

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees

**ROC - Audit Committee Minutes - 18 May 2011 - (95496, 91369)**

The meeting commenced at 3.00pm

**Present:** Mike Barry  
Harry Khouri  
David Gregory  
Nisha Maheshwari  
Councillor Bob Porter  
Councillor Paul Rasmussen  
Councillor Kim Ford (Alternate)

**Apologies:** Nil

**In Attendance:** Peter Jackson - General Manager  
Laurie Mifsud - Director Support Services  
Steven Kelly - Internal Auditor  
Emma Galea - Acting Chief Financial Officer  
Dennis Banicevic - Council's External Auditor  
Jan Readford - Minute Secretary

*3.30pm - Councillor Ford arrived.*

**REPORT:**

**Attendance Register of Audit Committee**

Member	6.10.2010	9.2.2011	18/5/2011	
Councillor Bob Porter	A	✓	✓	
Councillor Paul Rasmussen	✓	✓	✓	
Councillor Kim Ford (Alternate)	A	A	✓	
Mr Mike Barry	✓	✓	✓	
Mr David Gregory (Chair)	✓	A	✓	
Mr Harry Khouri	✓	✓	✓	
Ms Nisha Maheshwari	✓	✓	✓	

**Key:** A = Formal Apology    ✓ = Present    X = Absent - no apology

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Mr Mike Barry and seconded by Councillor Paul Rasmussen that the Minutes of the Audit Committee held on the 9 February 2011, be confirmed.

Mr Gregory welcomed Council's Internal Auditor, Mr Kelly to the Audit Committee meeting.

Mr Kelly gave a brief overview of his audit background, including the framework for the comprehensive documentation that had been prepared for the internal audit function, since his commencement with Council six weeks ago.

### **SECTION 3 - Reports for Determination**

**Item: 1      AC - Draft Internal Audit Charter - (91369, 121470, 79351)**

**Previous Item:**          1, Audit Committee (9 February 2011)

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#### **DISCUSSION:**

- Mr Kelly advised that the content of the Draft Internal Audit Charter had been reviewed by the General Manager prior to finalisation, and is in accordance with the guidelines as defined in the International Standards for the Professional Practice of Internal Auditing.

#### **RECOMMENDATION TO COMMITTEE:**

That the Committee adopt the Draft Internal Audit Charter included as Attachment 1 to the report.

#### **COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr David Gregory, seconded by Councillor Bob Porter.

That the Committee adopt the Draft Internal Audit Charter included as Attachment 1 to the report.

**Item: 2      AC - Draft Internal Audit Management Plan 2011-2013 - (91369, 121470, 79351)**

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#### **DISCUSSION:**

- Mr Kelly advised that the Internal Audit Management Plan 2011-2013 defines the direction that the Internal Audit will take in terms of function, strategic focus, its goals, how the audit program aligns with the other corporate plans of the organisation, and in particular, a long term strategic plan. In addition, planning and reporting requirements by the Division of Local Government over the next two years will be linked. All these functions will establish the performance targets for the Internal Auditor, which will be reviewed annually by the Audit Committee.
- Mr Kelly advised that the risk assessment previously conducted by IAB Services has been incorporated into the Internal Audit Management Plan 2011-2013.
- Councillor Porter enquired if Mr Kelly would be going to each area of Council to conduct the audits.
- Mr Kelly advised that he would research each audit area before providing any recommendations.
- Councillor Porter advised that the proposed Audit Plan is ambitious.

Mr Kelly reminded the Audit Committee that IAB Services are currently undertaking the contracted audits for the Accounts Payable and Development Application processes, and that if necessary can be requested to undertake further audits to ensure the program is not delayed.

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

- Mr Banicevic enquired why the Audit Plan was not aligned with the financial year.

Mr Jackson referred to the decision made by the Audit Committee in August 2010, following the lengthy delay in the appointment of an Internal Auditor, to have the Audit Plan implemented based on calendar year rather than financial year. This was to allow time for the Internal Auditor to be appointed and settle into the organisation, and also assist with the Plan linking in with the budget planning schedule.

- Councillor Porter enquired if any figures would be required from the Internal Auditor as part of the budget process.

Mr Jackson advised that the Internal Audit process has no impact on the financial year.

- Mr Khouri indicated that the Audit Committee will need time to digest the content of the Internal Audit documentation.
- Councillor Rasmussen referred to Council's Asset Management System and in particular to the long term problem associated with the Cogeneration Plant, and asked, if given the opportunity, would Mr Kelly have identified the problems associated with the process and figures provided.

Mr Kelly indicated he was aware of Council's intention to implement an Asset Management System and that Council will go out to tender for the Asset Management System shortly. Mr Kelly advised that he was unfamiliar with the issues relating to the Cogeneration Plant and therefore could not comment.

Mr Gregory enquired what action would Mr Kelly likely take if Council were to request that he review the Asset Management System.

Mr Kelly indicated that the request would need to be given by the General Manager.

Mr Banicevic advised that had the Internal Auditor been appointed at the time of the Cogeneration Plant, the Internal Auditor would independently review the outcome of the feasibility study, the project plan and the risk assessment, as this falls within the scope of the work.

Councillor Porter enquired if Council can give a direction for a specific project to be looked at by the Audit Committee. Mr Banicevic indicated that Council could give a direction. Mr Gregory, however, reminded the Audit Committee of the primary function of the Internal Auditor, and that both Council and the Audit Committee need to ensure that the Internal Auditor is not overloaded with special requests, otherwise the function will be impaired.

Mr Jackson advised that the Internal Auditor is there to check work processes and make recommendations for improvement.

- Mr Banicevic advised that the Internal Audit Guidelines issued by the Division of Local Government in September 2010 will change as a result of problems recently experienced by another Council.
- Mr Banicevic suggested to the Audit Committee, that the audit conducted annually by PricewaterhouseCoopers of the Roads and Traffic Authority (RTA) database, which is accessed by Council under the authority of the RTA, be added to the Audit Plan.
- Councillor Rasmussen enquired if there is a role for the Internal Auditor with the External Auditor.

Mr Kelly advised that if there are any issues identified by IAB Services, that this is the area that he can take the matter further.

- Mr Banicevic advised that PricewaterhouseCoopers will review the content of the internal audit plan to ensure there is no duplication in work conducted by PricewaterhouseCoopers.

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

- Ms Maheshwari enquired if Mr Kelly will provide the opportunity for feedback on corrective actions to the audit area.

Mr Kelly advised that a draft report will be provided to the responsible officer to ensure that there has been no misinterpretation. The report will be finalised once the responsible officer has responded. Mr Kelly anticipates that there will be times when the responsible officer may not agree with the report, and if this is the case, they will be informed of the process to bring the matter to the attention of the General Manager.

- Councillor Rasmussen enquired if the Audit Committee has direct access to the Internal Auditor.

Ms Maheshwari advised that following recent ICAC investigations of another Council, it was revealed that the Audit Committee, as a group, have access to the Internal Auditor.

Mr Barry reminded the Audit Committee that this is outlined clearly in the Audit Committee Charter.

**RECOMMENDATION TO COMMITTEE:**

That the Committee adopt the Internal Audit Management Plan 2011–2013 included as Attachment 1 to the report.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr David Gregory, seconded by Councillor Paul Rasmussen.

That the Committee adopt the Internal Audit Management Plan 2011–2013 included as Attachment 1 to the report.

**Item: 3      AC - Draft Internal Audit Operational Plan 2011 - (91369, 121470, 79351)**

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**DISCUSSION:**

- Mr Banicevic enquired about the difference between the Management Plan and the Operational Plan.

Mr Kelly advised that the Internal Audit Operational Plan is an annual plan and is divided into four main audit areas: administration, compliance, operational and information technology. These areas will all be audited during 2011.

Mr Jackson indicated that IAB Services are already undertaking the Compliance Audit, for Items 6.(a-e) as shown on Page 6 of the Internal Audit Operational Plan 2011.

- Mr Banicevic noted that no risk levels have been specified for the main audit areas.

Mr Kelly advised that a High Level Risk Assessment was prepared by IAB Services in August 2010 and a Strategic Internal Audit Plan was developed for the three year period from 1 July 2010 to 30 June 2013.

Mr Gregory requested that a risk rating be added against each audit area/ item, as shown in Appendix A: Time Budget Summary - 2011 on Page 10 of the Internal Audit Operational Plan 2011.

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

- Councillor Rasmussen referred to the scheduled 260 audit days allocated to the 2011 audit areas, as specified in the table on Page 4 of the Internal Audit Operational Plan 2011, and enquired if a linear approach would be taken, and if so, what will happen if a problem arises.

Mr Kelly advised that the established Audit Plan suggested by IAB Services will be followed and that a parallel process would be implemented if necessary.

- Mr Kelly advised that a report would be prepared within 10 days following each audit. A copy of each audit report in the period will be provided to the next Audit Committee meeting.
- Mr Banicevic indicated that if there were to be a special request, perhaps from ICAC, it may take longer to conduct the audit than the proposed timeframes.

Mr Jackson advised that to date all ICAC matters have been managed by himself as General Manager, and that reflecting on the nature of past matters, none of those would have been referred to an Internal Auditor. Mr Jackson indicated he will continue managing ICAC matters due to the required high confidentiality, however will involve the Internal Auditor as necessary.

**RECOMMENDATION TO COMMITTEE:**

That the Committee adopt the Internal Audit Operational Plan 2011 included as Attachment 1 to the report.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr David Gregory, seconded by Councillor Paul Rasmussen.

That the Committee adopt the Internal Audit Operational Plan 2011 included as Attachment 1 to the report.

**Item: 4      AC - Internal Audit Procedures Manual - (91369, 121470, 79351)**

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**DISCUSSION:**

- Mr Kelly advised that the Internal Audit Procedures Manual provides the step by step process for the Internal Auditor to conduct internal audits.
- Mr Jackson indicated that detail of this operational process, although not normally be seen, was considered of value for the information of the Audit Committee.
- Mr Banicevic agreed that the content comprehensively describes the audit process and the relevant deadlines.

**RECOMMENDATION TO COMMITTEE:**

That the Committee endorse the Internal Audit Procedures Manual included as Attachment 1 to the report.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr David Gregory, seconded by Councillor Paul Rasmussen.



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

That the Committee endorse the Internal Audit Procedures Manual included as Attachment 1 to the report.

**Item: 5      AC - IAB Services for Audit - (91369, 121470, 79351)**

**Previous Item:**          3, Audit Committee (9 February 2011)

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**DISCUSSION:**

- Mr Kelly advised that Mr George Gulyas commenced work one and a half weeks ago on Accounts Payable, after which the Development Application process will be audited over a two week period. Once finalised, a report including recommendations will be provided to the General Manager.
- Mr Jackson has been advised by Mr Gulyas that work is progressing and that he is happy with the cooperation from staff.

**RECOMMENDATION TO COMMITTEE:**

That the information in this report be noted.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr David Gregory, seconded by Councillor Paul Rasmussen.

That the information in this report be noted.

**SECTION 4 - General Business**

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**1.      Appointment of Council's External Audit Services**

Mr Mifsud advised that Council had recently re-appointed PricewaterhouseCoopers for a further six years as Council's External Auditor.

Mr Banicevic advised that PricewaterhouseCoopers is currently writing a Code of Accounting Practice under which Council will be required to audit.

**2.      2010/2011 Audit of Council's Financial Statements by PricewaterhouseCoopers**

Mr Banicevic indicated that preparation is underway for the audit of Council's financial statements for 2010/2011 financial year and gave an overview of the various activities.

Mr Banicevic advised that there have been changes to the Accounting Standards and that as a result, Council will need to undertake a review of its land, noting in particular that operational, and therefore saleable land, will be a focus in the next audit. Council will also need to review all land improvements conducted after 2007, and whilst Council has not previously valued the land under the roads, all land from July 2008 must now be valued. After June 2011, all assets will be at fair value.

1. Mr Gregory thanked Mr Kelly on behalf of the Audit Committee for all the work that had been undertaken in the preparation of the documentation for the internal audit function.

**ORDINARY MEETING**  
Reports of Committees

The meeting terminated at 4.45pm.

Submitted to and confirmed at the meeting of the Audit Committee held on 17 August 2011.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

**Councillor Questions From Previous Meetings and Responses - (105109)**

**REPORT:**

**Questions - 31 May 2011**

#	Councillor	Question	Response
1	Porter	Enquired about the Woodlands Carpark and when work was going to commence as the State Member had advised funding had been received.	Director Infrastructure Services advised that construction work is planned to commence at the end of July.
2	Calvert	Requested an update on the progress of fixing the footpath out the front of McDonalds at Richmond.	Director City Planning advised that discussions with the operator of the McDonalds at Richmond indicated that they intend to undertake the construction of a path and landscaping in the vicinity to rectify the situation as soon as weather and availability of contractor permit.
3	Calvert	Referred to previously asked questions enquiring about the electricity costs for Council's Administration Building to assist in moving towards the use of solar electricity.	Director Infrastructure Services advised that the electricity cost for the administration building for the 12 months to the end of May 2011 was \$85,279.59. Staff are currently investigating whether a business case can be developed to justify the installation of solar panels as a substitute source of electricity.
4	Paine	Enquired if Council could instigate a meeting between the organisers and stall holders of the markets, the Windsor Business Group and other interested Councillors to investigate options of revamping the Windsor Markets.	Director Support Services advised that a meeting will be organised in the near future.

**ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**ORDINARY MEETING**

Questions for Next Meeting



ordinary  
meeting

end of  
business  
paper

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