



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 29 June 2010

location: council chambers

time: 6:30 p.m.



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**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 130            GM - State Government Reforms to Section 94 Contributions and Related Matters  
                         - (79351)**

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**REPORT:**

**Executive Summary**

The purpose of this report is to advise Council of the some of the apparent impacts of the recent announcement by the State Government of the introduction of a cap of \$20,000 on Section 94 contributions and other announcements made at the same time in respect of the roll to be taken by IPART in the setting of future annual rate pegging limits; determining council submissions for special rate variations; determining submissions for variations of plans for infrastructure the would exceed the cap and reviewing Section 94 contributions plans.

Direct implications of the announcement of the cap on Section 94 contributions effectively only has implications at present for this Council in respect of subdivision activity at Pitt Town under the Part 3A approval issued by the Minister for Planning in respect of that area. This specific aspect is the subject of a separate report by the Director City Planning to this meeting.

**Consultation**

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

**Background**

On 4 June 2010 the Premier of New South Wales issued a News Release in association with an announcement by the NSW State Government in connection with "Significant Reform to Local Council Infrastructure Charges". A copy of the Premier's News Release is included as Attachment 1 to this report.

These announcements relate specifically to the introduction, from 7 June 2010, of a cap of \$20,000 on Section 94 contributions together with other changes as part of a "Comprehensive Housing Supply Strategy" with it being indicated that:

*"The changes will lower the cost of new housing construction, and provide certainty, transparency and fairness to councils, developers and the community."*

Council will be aware that since this announcement there has been significant publicity in relation to the effects of the introduction of this cap, with suggestions of how it will effect the provision of infrastructure associated with new developments, particularly in respect of Growth Centres councils. Concern has also been expressed with regard to the potential consequences for council's finances if the community is expected to fund infrastructure that a council may consider necessary in association with a development if the cost of that exceeds the \$20,000 cap.

It is understood that there are approximately 20 councils, including Hawkesbury City Council, that are currently effected by the introduction of this cap in respect of existing Section 94 contributions plans. The cap will affect contributions payable in respect of approvals in the Pitt Town area issued after 7 June 2010. Approvals issued before this date are subject to the contribution levels as stipulated in the contributions plan at the date of the approval, not the reduced cap level.

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A number of councils have indicated that they may refuse to determine any further applications for the release of new land for housing construction in view of the effects that these proposals will have on the provision and financing of infrastructure to support these release areas.

Following receipt of a request by the General Manager, a meeting was held with representatives of the Department of Planning, Treasury and Division of Local Government-Department of Premier and Cabinet and the General Manager, Director City Planning and Senior Strategic Planner on 17 June 2010 to discuss "how council would manage the introduction of the changes".

As a result of these discussions it was quite apparent that the government representatives were unaware of the complexities of Council's Section 94 Contributions Plan as related to Pitt Town. In this regard, it will be recalled that the preparation of this plan was effectively undertaken by the Department of Planning, at the direction of the then Minister, in association with the Minister's consideration of the development under Part 3A of the Environmental Planning and Assessment Act. The Plan and associated contributions include both local and state infrastructure and the cap will affect the provision of infrastructure, such as the Pitt Town By-pass, in association with this development.

Further issues related to the effects of the introduction of the cap on the Council's Section 94 Contributions Plan as related to Pitt Town are the subject of a separate report by the Director City Planning to this meeting.

As part of this News Release by the Premier it was also announced that the Independent Regulatory and Pricing Tribunal (IPART) would have a number of roles in relation to future rate variations by councils. These changes are:

- The future determination of the annual rate pegging increase allowed for councils will be determined by IPART and for this purpose IPART will develop a Local Government Cost Index;
- IPART will determine future submissions by councils for special rate variations;
- IPART will determine requests by councils for special rate variations for essential and community infrastructure, including that required in addition to that provided by a capped Section 94 Contributions Plan; and
- IPART will review "*all council infrastructure plans*" (Section 94 Plans), "*including those within the \$20,000 cap.*"

Exact details in respect of the implementation of these changes are not known at present and will need to be the subject of changes to Legislation and associated Regulations.

The proposals relating to IPART determining the general rate variation, in association with a Local Government Cost Index, and special rate variations appear to be a very supportable course of action. The determination of these increases by an independent body has been called for on many occasions and will assist in improving a process that has been accused in the past of being "politicised" on many occasions.

However, of concern is the apparent process that will be involved in respect of infrastructure that may be generated by a particular development that cannot be met within the newly introduced \$20,000 developer levy cap. The Background Notes to the News Release by the Premier makes the following comments in this regard:

- "*The NSW Government will make the current \$20,000 threshold a legal cap on all local development contributions and put in place mechanisms to allow councils to fund legitimate infrastructure costs that cannot be recovered under the cap.*"
- "*In the event of any council seeking an increase above that cap, IPART will now review that application.*"



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- *If IPART determines an increase is warranted, the council will then take responsibility for funding the difference, meaning developers will not pay any more than the cap.*
- *This will provide consistency for the housing industry, and allow councils to take control for funding the needs of their growing communities."*

In summary, the above points appear to clearly indicate that if a council considers that a particular development generates an infrastructure demand the cost of which exceeds the \$20,000 developer cap the plan will be reviewed by IPART. If IPART approves the proposed level above the cap the council (i.e. the community) will be responsible for meeting the additional requirements and not the developer who may have generated the demand for the additional infrastructure in the first place.

Discussions with the representatives of the Department of Planning, Treasury and Division of Local Government-Department of Premier and Cabinet previously referred to appear to support this view as they referred to a special rate variation to meet these costs spread across the whole community and also suggested that the cost involved could be recouped by way of a special rate variation applied solely to the new release area concerned. In respect of the latter suggestion, it was suggested to these representatives that this appeared to defeat the purpose of the cap as a developer's contributions may have been limited and POSSIBLY reducing the cost of the land but this saving would then be off set by a special rate variation applied to that specific area as the developer avoided these costs in the initial development of the land.

It can be acknowledged that in view of the predicted growth in the population of Sydney in the next few decades there is a strong need to facilitate the provision of additional land, across the whole metropolitan area, for residential development. However, it is suggested that it is unreasonable to consider that to achieve this the balance of the existing community, who may have already contributed to the provision of infrastructure in support of the development that they reside in, should fund infrastructure demands generated by current developments simply because those demands exceed an arbitrary amount, currently determined as \$20,000.

Should the State Government wish to limit infrastructure costs associated with new development it would appear to be a more equitable situation for the proven infrastructure demands in excess of those that can be funded from the capped developer contributions to be met by the state government (i.e. the wider state community) rather than the local community who may have already made significant contributions to local infrastructure. This would be a similar situation to where state infrastructure bodies, i.e. Sydney Water, are now required to met a range of costs associated with new development that had, in the past, been funded by the relevant developers.

In view of the nature of the changes to be introduced in the light of the introduction of the cap on Section 94 contributions, and other changes, it is suggested that Council needs to consider its position in relation to these matters. In considering this position Council may wish to consider some, all or none of the comments put forward in this report in this regard.

#### **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.

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

- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities.

**Financial Implications**

The specific implications of the introduction of a cap on the level of Section 94 contributions in respect of the Pitt Town area have been addressed in a separate report by the Director City Planning to this meeting.

Financial implications which may result due to the issues raised in this report are difficult to assess and may only come to light with the passage of time, however, it appears reasonable to suggest that based on the information currently available additional costs could be incurred by the wider community as a result of any specific developments within the area which generate a demand for infrastructure the cost of which exceeds the cap of \$20,000.

**RECOMMENDATION:**

That Council determine the position it proposes to take as an organisation representing an affected community in respect of the apparent effects of the recent announcements by the State Government in respect of the introduction of a cap on Section 94 contributions for new developments/land releases and associated matters.

**ATTACHMENTS:**

**AT - 1**      News Release by Premier of New South Wales dated 4 June 2010 headed "Significant Reform to Local Council Infrastructure Charges"

**AT - 1 News Release by Premier of New South Wales dated 4 June 2010 headed "Significant Reform to Local Council Infrastructure Charges"**



**SIGNIFICANT REFORM TO LOCAL COUNCIL INFRASTRUCTURE CHARGES**

Friday 4 June, 2010

The NSW Government today announced major sweeping changes to local council charges on new housing development.

The changes will lower the cost of new housing construction, and provide certainty, transparency and fairness to councils, landowners, developers and the community.

The **\$44 million Comprehensive Housing Supply Strategy** will deliver additional land releases, lower levies and faster planning decisions, including:

- A hard cap of \$20,000 a lot for council-imposed charges on new development, (these are commonly known as Section 94 contributions);
- Retaining rate pegging, but providing a more transparent process of setting the rate through an IPART determination. To do so, IPART will develop a Local Government Cost Index; and
- Tasking IPART to determine special rate variation requests by councils, including variations for essential and community infrastructure;
- As well as the \$20,000 cap, councils will need to limit contributions in their Section 94 plans to essential infrastructure that is necessary for the development to happen, such as land for open space and community facilities, road works and stormwater management.

Premier Kristina Keneally and Minister for Planning Tony Kelly announced the **Comprehensive Housing Supply Strategy** today at Green Square in Sydney's inner-south.

"These reforms are necessary to increase housing affordability and kick start housing construction," Ms Keneally said.

NSW has seen low levels of housing construction starts in recent years, and with Sydney's population anticipated to increase by 1.7 million in 2036, over 25,000 dwellings a year will be required to meet the needs of our growing and ageing population. That's 770,000 dwellings from 2006 to 2036.

In some areas, Section 94 contributions can be up to \$50,000 to \$60,000 a lot - which can make a good project unviable.

Bringing down Section 94 contributions is a way for State Government to bring down costs.

"The changes announced today to local government charges follow the Government's decision to slash the State Infrastructure Charges (SIC) to the current \$11,000 per lot in December 2008," Ms Keneally said.

All council infrastructure plans will be reviewed by IPART, including those within the \$20,000 cap.

Minister for Planning Tony Kelly said the changes would make a dramatic difference to local councils.

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"This will provide a more transparent process for rate setting and give councils the ability to fund important local infrastructure," Mr Kelly said.

"Councils have been telling me that their ability to provide local infrastructure has been hampered by their inability to fund it - which is why Section 94 charges have grown so disproportionately high.

"The Government is now delivering on that request."

Councils will need to demonstrate to IPART that they are efficient and that they have managed their finances.

This will mean councils must show they have managed their finances and service delivery appropriately.

Minister for Local Government Barbara Perry said the Integrated Planning process councils undertake with their communities will be essential to demonstrate to IPART their infrastructure plans do reflect the needs and aspirations of the local community.

"The integrated planning and reporting reforms have provided local councils with an historic opportunity to plan for financial sustainability and deliver the services their community want on time and within budget," Ms Perry said.

To assist councils to support and accelerate new housing growth, the Comprehensive Housing Supply Strategy will also deliver:

- \$35 million over two years to accelerate and improve local planning approvals;
- \$8.9 million over two years for the Department of Planning to speed up planning assessment processes in high growth areas and ensure the construction of new well designed vibrant communities close to transport hubs;

Mr Kelly said a new Land and Housing Supply Co-ordination Taskforce will be tasked to ensure new land release and development is done as efficiently as possible.

"This new Taskforce will implement the NSW Government's housing strategy, facilitating the release of land and delivery of infrastructure," he said.

**Background notes:**

- The new cap on council-imposed levies will start immediately.
- Existing s 94s will stay as they are - if they have DA approval already, otherwise they will revert to the new system.
- The taskforce will contain independent members and key chief executive officers involved in this Government priority.

**The \$44 million Comprehensive Housing Supply Strategy includes:**

- A Land and Housing Supply Coordination Taskforce chaired independently of government will be charged with implementation of the strategy.
- The taskforce will contain two further independent members and key chief executive officers involved in this Government priority.
- This new taskforce will implement the NSW Government's housing strategy, removing obstructions to the release of land and delivery of infrastructure.
- It will include independent representatives as well as representatives from key Government agencies including Premiers, Treasury, Planning, Transport and Roads, and other agencies as required.
- Sydney Water will accelerate the provision of water infrastructure to selected precincts to deliver the early release of home sites to new residential lots in north west and south west Sydney.

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- **\$35 million over two years to accelerate and improve local planning approvals, including:**
  - \$10 million for a Local Environmental Plan (LEP) Acceleration Fund to deliver local plans which provide the ground rules for the assessment of new housing proposals – priority areas will be Sydney, the Lower Hunter and the Illawarra;
  - \$20 million for a Building Approval Advancement Fund will reward councils that exceed their average residential building approvals;
  - \$5 million to fast-track local development contribution plans which will then be assessed by the Independent Pricing and Regulatory Tribunal.
- **\$8.9 million to the Department of Planning over two years including:**
  - \$2 million to review and update both land release sequencing in Sydney's growth centres and the existing criteria used when deciding on government support for major new land release outside the growth centres.
  - \$2.9 million to assist in the delivery of council-wide LEPs, accelerate spot rezonings and review existing planning controls to identify and remove inappropriate housing restrictions;
  - \$2 million to assist high-growth councils process development applications – this is expected to help process approximately 1,000 dwellings a year without compromising the quality of community outcomes;
  - \$2 million to deliver a Transit Orientated State environmental planning policy which will help create new well-designed, vibrant communities around public transport with additional housing and jobs.
- ***New \$20,000 cap on local government infrastructure levies***
  - The NSW Government will make the current \$20,000 threshold a legal cap on all local development contributions and put in place mechanisms to allow councils to fund legitimate infrastructure costs that cannot be recovered under the cap.
  - In the event of any council seeking an increase above that cap, IPART will now review that application.
  - If IPART determines an increase is warranted, the council will then take responsibility for funding the difference, meaning developers will not pay any more than the cap.
  - This will provide consistency for the housing industry, and allow councils to take control for funding the needs of their growing communities.
  - Future ordinary rate increases will also be determined and set by IPART and not the Government under new criteria to be finalised with the Local Government Association (LGA).
  - These measures follow the delivery of some \$179 million in interest-free loans earlier this year to 33 local councils across NSW to build new road and water infrastructure to accelerate housing and employment land supply.

oooO END OF REPORT Oooo

**CITY PLANNING**

**Item: 131**      **CP - Development Application - Demolition of Office Building and Construction of Professional and Commercial Chambers and 8 Residential Units - 122-124 and 126-130 Macquarie Street, Windsor - (DA0056/07, 73916, 34057, 95498)**

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**Development Information**

**File Number:** DA0056/07  
**Property Address:** 122-124 & 126-130 Macquarie Street, Windsor NSW 2756  
**Applicant:** McKinlay Morgan & Associates Pty Ltd  
**Owner:** Mr VJ Morgan  
**Proposal Details:** Demolition of an office building and construction of a mixed use building comprising professional and commercial chambers and 8 residential units  
**Estimated Cost:** \$2,157,000  
**Zone:** Multi Unit Housing  
**Date Received:** 1/02/2007  
**Advertising:** 4/10/2007 - 18/10/2007

**Key Issues:** ♦ State Environmental Planning Policy No. 65

**Recommendation:** Approval

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**REPORT:**

**Executive Summary**

A development application has been received for the construction of a three storey mixed use building comprising a basement carpark, professional and commercial chambers on the ground floor, and residential units on the second and third floors. The provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) apply to the application.

Council currently does not have a SEPP 65 panel or formal urban design service available as there are a limited number of applications of this type. However when larger scale developments (eg apartments and commercial buildings) are proposed particularly in the centres of Windsor and Richmond they warrant special attention to heritage and architectural aspects. As an alternative to a formal panel, Council in November 2009 engaged two experienced and highly regarded architects on a consultant basis to provide urban design consultant advice for SEPP 65 reviews.

The application is being reported to Council due its prominent position within an important gateway corridor of Windsor. As one of the first applications of this type along this section of Macquarie Street it will contribute to setting the benchmark for future development. In this respect, this report demonstrates that the proposed development is appropriate for the locality and is compatible in the context and with the streetscape, whilst providing a suitable level of amenity for future residents and neighbouring properties.

The proposal is recommended for approval.

In response to public submissions, it is recommended that the following be required as conditions of consent:

- New boundary fences
- Maintenance and cleaning of bin storage areas and restriction on hours of collection

- Restrictions on external lighting
- Measures to mitigate aircraft noise

The proposal:

- will provide both commercial floor space and a mix of units (1, 2, & 3 bedrooms) in a prime location adjacent to Windsor town centre.
- respects the existing Macquarie Street context yet establishes a contemporary approach of appropriate architectural quality for the setting.
- includes sustainability initiatives in the form of rainwater tanks and suitable passive solar design. There is also transport and services in close proximity.

### **Description of Proposal**

This application seeks approval to demolish an existing two storey commercial building and construct a three storey mixed use building on Lot 381 DP 595952, Lot 380 DP 818974 No. 122 – 124 Macquarie Street, Windsor and Lot 1 DP 797152, Lot 1 DP 613929 No. 126 – 130 Macquarie Street, Windsor

This building is defined by an elongated footprint which extends across the frontage of the site, on a reduced setback to Macquarie Street. The building is three storeys in part and two storeys in part. The ground floor commercial premises are separated into two primary floor areas via a central forecourt providing connection to Macquarie Street. The upper level residential units are similarly divided into two groups, separated by a central communal terrace. An undercroft level accommodates all residential parking spaces and most of the commercial parking spaces. The balance of the required parking for the complex is grouped within an at grade car park set across the rear site boundary. Landscaping is essentially limited to the perimeter of the site that would not be occupied by the building, access driveway or associated hardstand areas.

In summary, the details of the development are:

- A combined entry/exit and driveway access located adjacent to, and extending for most of the western site boundary.
- A total of 58 on site parking spaces.
- Ground floor comprising 1184m<sup>2</sup> of commercial floor space, internal circulation and ancillary services.
- First floor comprising 8 residential units (4 x 3 bedrooms, 2 x 2 bedrooms and 2 x 1 bedroom) and communal terrace area.

### **Description of the Land and its Surroundings**

The land is located on the southeastern side of Macquarie Street, between the intersections with Dight and Christie Streets. The development site is irregular in shape, with a street frontage of approximately 72m with a variable depth of 27m - 46m, giving a total site area of 2,953m<sup>2</sup>.

Existing improvements comprise a small, two storey commercial building set in the northern corner of the site and currently used as an office for surveyors. An informal driveway, parking areas and various retaining walls are located towards the centre of the site. All boundaries, excepting the street frontage, are defined by fencing. The land is almost entirely clear of significant vegetation, with the exception of two large palm trees along the southern site boundary.

The site falls away from Macquarie Street towards the rear boundary with changes in level of approximately 2m -2.7m, grading towards a low point at the southwest corner of the site.

### **History of Application**

1 February 2007	Application received.
9 February 2007	Request for additional information.
23 February 2007	Second request for additional information.

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2 March 2007	Applicant request extension of time.
12 March 2007	Extension of time granted until 19 March 2007.
14 March 2007	Applicant advises information will be provided by 30 March 2007.
27 March 2007	Draft traffic report received.
10 April 2007	Application placed on public exhibition until 24 April 2007.
23 April 2007	Request additional information – drainage, landscaping & outstanding matters from 9 February 2007.
8 June 2007	Letter from applicant regarding drainage.
21 June 2007	Letter to applicant giving 21 days to provide requested information.
19 July 2007	Meeting with applicant.
22 August 2007	Request to provide all outstanding information.
12 September 2007	Letter from applicant regarding drainage. Some additional information provided.
14 September 2007	Amended Statement of Environmental Effects received.
4 October 2007	Application placed on public exhibition until 18 October 2007.
8 April 2008	Request for further information.
28 April 2009	Received amended plans and details.
5 June 2009	Received amended concept drainage and carparking plan.
9 September 2009	Council officers' preliminary review report prepared.
24 November 2009	Council appointed urban design consultant provides review of the proposed development. Consultant's comments provided to applicant.
3 December 2009	Meeting with applicant to discuss the application and Consultants comments.
5 February 2010	Meeting with applicant architect to discuss amended proposal (tabled at the meeting).
21 February 2010	Councils urban design consultant provides comments in respect to amended plans. These comments also forwarded to architect.
March to April 2010	Applicants architect in discussions with Councils urban design consultant.
11 June 2010	Final plans received from architect.

### Background

#### *Urban Design Service*

SEPP 65 seeks to raise design quality by using 10 design principles and has mandatory architectural requirements. The SEPP also provides for the (optional) establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.

Council currently does not have a SEPP 65 panel or formal urban design service available as there are a limited number of applications of this type. However, when larger scale developments (eg apartments and commercial buildings) are proposed particularly in the centres of Windsor and Richmond they warrant special attention to heritage and architectural aspects. As an alternative to a formal panel, Council in November 2009 engaged two experienced and highly regarded architects on a consultant basis to provide urban design consultant advice for SEPP 65 reviews. The role of the consultants is to provide an urban design service to review large scale DAs that are lodged from time to time. The consultant review of individual development applications includes:

- 1 x site visit
- Review of specific file documentation for each development application
- Preparation of a short analysis report on SEPP65 and/or urban design aspects
- The assessing officer and consultant discuss the analysis with the applicant

This consultant service is fully funded by Council and operates via the assessing planner (not direct to the customer). It provides a degree of independence whilst retaining "in-house" knowledge, ownership and input into the DA process. This consultant advice has been obtained on 3 major DAs to date and has been a positive enhancement to the assessment process.

The urban design service enables a constructive and collaborative design approach to emerge between Council's urban design consultant and the applicant's designers to achieve appropriate outcomes for important sites. It should be noted that the assessing officer receives the advice of the urban designer and



uses that to assist in the assessment phase and the decision making authority remains with the Council or their delegate and not with the consultant urban designer. When the service was formally introduced to regular local applicants there was general support for the service.

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

- Environmental Planning and Assessment Act, 1979
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: Basix) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River
- Hawkesbury Local Environmental Plan 1989
- Hawkesbury Development Control Plan

**Section 79C Matters for Consideration**

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

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

**i. Environmental Planning Instrument:**

The relevant Environmental Planning Instruments are considered below:

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

Clause 50 of the Environmental Planning and Assessment Regulation requires any application that is subject to State Environmental Planning Policy 65 (SEPP 65) to be accompanied by design verification from a qualified designer, confirming that:

- (a) He or she designed, or directed the design, of the residential flat development, and
- (b) That the design quality principles set out in Part 2 of SEPP 65 are achieved.

***Comment:***

Although not provided with the application at lodgement this information has since been received on 12 September 2007.

Part 1 of Schedule 1 of the Regulation prescribes matters to accompany a development application. Clause 2(5) requires that, in addition to any other information, an application the subject of SEPP 65 must include the following:

- (a) an explanation of the design in terms of the design quality principles set out in Part 2 SEPP 65
- (b) drawings of the proposed development in the context of surrounding development, including the streetscape,
- (c) development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations,
- (d) drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context,
- (e) if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts,
- (f) photomontages of the proposed development in the context of surrounding development,
- (g) a sample board of the proposed materials and colours of the facade,
- (h) detailed sections of proposed facades,
- (i) if appropriate, a model that includes the context.

**Comment:**

Although not provided at lodgement, adequate information to addresses the requirements of the Regulation has been with the submission of the final plans, which were received 10 June 2010.

**State Environmental Planning Policy 65 - Design Quality of Residential Flat Development**

Clause 3 of State Environmental Planning Policy No. 65 defines a “residential flat building” as:

*A building that comprises or includes:*

- a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- b) 4 or more self contained dwellings (whether or not the building includes uses for other purposes, such as shops)

*but does not include a Class 1a building or a class 1b building under the Building Code of Australia*

**Comment:**

This Policy is relevant as this application proposes a building of 3 storeys which includes 8 self-contained residential dwellings located above ground floor commercial premises.

This Policy aims to improve the design quality of residential flat development to:

- Ensure such buildings contribute to sustainable development
- Provide sustainable housing in social and environmental terms
- Achieve better built form and aesthetics of buildings, streetscapes and the public spaces they define
- Better satisfy the increasing demand, changing social and demographic profile of the community
- Maximise amenity, safety and security for the benefit of occupants and the wider community
- Minimise the consumption of energy from non-renewable resources

Part 2 of the Policy introduces 10 design quality principles. These principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

Part 3 of the Policy sets out procedures for the appointment and functions of a Design Review Panel.

Part 4 of the Policy makes provision for the application of the design principles. Clause 30 of the Policy provides that prior to determining a development application for a residential flat building, Council must take into consideration:

- The advice, if any, of a Design Review Panel
- Evaluation of the proposal against the design quality principles
- Evaluation of the proposal against the Residential Flat Design Code, a publication of the Department of Planning that is used as a reference in the SEPP.

**Comment:**

Council currently does not have a SEPP 65 panel or formal urban design service available as we have a limited number of applications of this type. However when larger scale developments (eg apartments and commercial buildings) are proposed particularly in the centres of Windsor and Richmond they warrant special attention to heritage and architectural aspects. As an alternative to a formal panel, Council in November 2009 engaged two experienced and highly regarded architects on a consultant basis to provide urban design consultant advice for SEPP 65 reviews. The assessment of the proposed development against the provisions of SEPP 65 includes comments from both Council officers and the urban design consultant.

Attachment 5 to the Report shows how the proposal has been reviewed against the provisions of SEPP No. 65.

Attachment 6 to the Report shows how the proposal meets the provisions of the Residential Flat Design Code.

As a result of this process the proposal was amended from the original design. A summary of the amendments follow:

- The building has been reduced in length to provide increased setbacks from side boundaries. This has improved the development by increasing the amount of open space and landscaping, thereby improving the amenity for future residents and users, as well as adjoining properties, and the appearance of the development with regard to the context of the locality and the streetscape.
- The attic design of the original proposal has been amended by providing a distinct third storey with a changed roof form. This design is considered to be more compatible with the design of the rest of the building and with the locality in general. This design has also reduced the bulk of the building, and improved the appearance of the building, in respect to the rear elevation.
- The connection between the two building masses has been reduced and slightly recessed which, along with the inclusion of a pergola provides definition to the main entry.
- Individual entrances have been provided to offices, improving both the useability and amenity of the development.
- The landscaping has been reconsidered to provide improved amenity to the development, and in particular to provide increased amenity and useability of the communal open space.
- The design of the enclosed verandas along the front façade has been amended to reduce their bulk by reducing their height, providing rails and by using the same materials/colours as the main wall.

Some of the suggested amendments to the design of the development have not been carried out. However, these amendments are considered to be easily resolved by way of conditions of consent. Appropriate conditions have been imposed in respect to the provision of sun protection to windows and decks, ceiling fans, planter beds, external lighting and a waste management plan. These requirements are considered appropriate to ensure a suitable level of amenity to the development.

Whilst the area of communal open space (17%) is less than the recommended minimum of 25% of the site area, an increased amount of private open space has been provided. In addition, the communal open space that has been provided is considered to be adequate and useable. The subject land is in close proximity to other public open spaces (eg. McQuade Park). It is therefore considered that the open space needs of future residents will be met.

The location of the property is suitable for the proposed mixed use development. The design of the development is appropriate with respect to existing development within the locality and the streetscape. Where the proposal varies from the communal space recommendation of the Residential Flat Design Code, the application demonstrates that a suitable level of amenity is still achieved and that this variation from the recommendation can be supported.

The proposed development is considered to be consistent with the provisions of SEPP No. 65 as well as the aims and objectives of the Residential Flat Design Code. The development is also generally compliant with the "rules of thumb" established under the Code.

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

The aim of this Policy is to establish a scheme to encourage sustainable residential development by setting targets for energy and water reduction. Under this Policy:

- *An application for a development consent must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out to meet these targets, and*
- *A consent granted for residential will include a condition requiring such commitments to be fulfilled.*

Accompanying this application is a Basix Certificate for each of the 8 units demonstrating compliance with the terms of this Policy.

#### **State Environmental Planning Policy (Infrastructure) 2007**

Clause 101 of this Policy makes provisions to ensure that the development does not compromise the effective and ongoing operation and function of classified roads, and to also prevent or reduce the potential impact of traffic noise and vehicle emissions on development adjacent to classified roads.

Clause 104 requires that applications for certain types of traffic generating development must be referred to the Roads and Traffic Authority (RTA) for consideration. Various elements of this proposal, such as its direct connection to a classified road, the number of on site parking spaces, and the quantity of commercial floorspace, trigger the referral provisions of the Policy.

Traffic related considerations of clauses 101 and 104 are satisfied as the RTA considered this proposal and did not raise any objections with regards to traffic generation or road safety. The RTA did, however, provide comments addressing various design, construction and operational requirements. These matters are able to be addressed through suitable conditions of consent.

The issue of potential impacts of traffic noise upon the upper level residential units can similarly be addressed through suitable conditions of consent.

#### **State Environmental Planning Policy 55 - Remediation of land**

This Policy prevents Council from consenting to a development unless it has considered whether the land is contaminated, and whether the land is suitable in its contaminated state (or would be suitable, after remediation) for the use for which consent is sought.

Council records show that the subject land has been used for residential and commercial (offices) in the past. There is no evidence that a potentially contaminating landuse has been carried out on the land. As a result it is considered that it is highly unlikely that the land would be contaminated to an extent as to pose a risk or prohibit residential development.

The proposed development is consistent with the provisions of this Policy.

#### **Sydney Regional Environmental Plan No. 20 (No.2 -1997)**

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.

## **Hawkesbury Local Environmental Plan (LEP) 1989**

An assessment of the proposed development against the relevant clauses of Hawkesbury Local Environmental Plan 1989 follows:

### **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 5 - Definitions**

The residential component of the proposed development is defined as a 'residential flat building'. 'Residential flat building' means *"a building containing more than 2 dwellings in a form commonly described as "walk up flats", a characteristic of which is often common stair access."*

The proposed professional offices are defined as 'professional and commercial chambers', which means *"a room or number of rooms or chambers being part of a dwelling-house or other building which is or are used by one or more professionally qualified practitioners."*

#### **Clause 8 - Zones indicated on the map**

The subject land is zoned Multi Unit Housing.

#### **Clause 9 - Carrying out development**

'Residential flat building' and 'professional and commercial chambers' are permissible with development consent within the Multi Unit Housing zone.

#### **Clause 9A - Zone Objectives**

The proposed development is considered to be consistent with the objectives of the Multi Unit Housing zone. These objectives are as follows:

- (a) *to consolidate population and housing densities,*
- (b) *to provide a wide range of housing choices in close proximity to commercial centres and railway stations,*
- (c) *to ensure that building form is in character with the surrounding built environment,*
- (d) *to ensure that development is sympathetic to the natural amenity and ecological processes of the area,*
- (e) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services'*
- (f) *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.*

### **Specific Provisions of HELP 1989**

#### **Clause 16 - Erection of residential flat buildings**

This clause permits the erection of residential flat building on land within the Multi Unit Housing zone that is shown hatched on the map. The subject land is shown as being within the Multi Unit Housing zone with hatching on the map.

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

To clarify that services are available to the property and adequate for the development, any consent can be conditioned to provide written evidence that satisfactory arrangements for the provision/extension of these services have been made.

#### **Clause 22 - Development fronting a main or arterial road**

This clause requires the consideration of a number of matters when assessing development which fronts a main/arterial road. Macquarie Street is a main road. With regard to these matters, it is considered that the proposed development is satisfactory for the following reasons:

- the proposed development will have no significant impact on the existing scenic character of the locality and is considered compatible in use and design with the locality.
- Traffic generation as a result of the proposal is not unreasonable in respect to the capacity and safety of Macquarie Street.
- The development is not considered to be ribbon development.
- The proposed development will involve minimal disturbance to the landscape, will not unreasonably intrude into the skyline and is considered to be consistent with the varied design and scale of the existing buildings in the locality.
- The building setback is satisfactory in terms of sight distances and visibility of access points. There is no road widening proposed to be taken from the property.

Subclause (3) states “*Direct vehicular access from any land to a main or arterial road is prohibited. However, if, in the opinion of the Council, there is no reasonable alternative access to the land from another road, the Council may consent to access to a main or arterial road if such access will be located and designed so as to minimise potential traffic hazards.*”

A driveway from Macquarie Street exists at the northern end of the property frontage. Access to the proposed development from Macquarie Street will be at the southern end of the property. This access is considered satisfactory in terms of traffic safety and use as a result of the proposal. As access to the property from Macquarie Street is existing, the proposed new access is considered acceptable.

**Clause 25 - Development of flood liable land**

The subject land has natural ground levels of between approximately 14.5m AHD and 17m AHD. The 1 in 100 year flood level for the area is approximately 17.3m AHD. The proposed building will be located on land not more than 3m below the 1 in 100 year flood level. The residential units, and hence all habitable rooms, will be located above the 1 in 100 year flood level, at approximately 21.3m AHD. The ground floor will have a floor level of 17.4m AHD. The use of flood compatible materials for construction can be ensured through conditions of consent. The access to the property from Macquarie Street is not flood liable.

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

The subject land is located opposite the former hospital site which is identified as a heritage item under Schedule 1 to Hawkesbury Local Environmental Plan 1989.

The application was referred to Councils Heritage Advisor, who advised that “*the proposed development would not create any adverse impacts on heritage values*”.

**Clause 37 - Land affected by aircraft noise**

The subject site falls within an ANEF contour of 20-25. Within this contour, noise mitigation measures can be readily applied. As a result, the implementation of appropriate noise mitigation measures can be ensured via conditions of consent.

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

The subject land is within a Class 5 as shown on the Map. It is also located within approximately 200m from land within a Class 4. It is considered that the proposed development will not lower the watertable below 1mAHD on this Class 4 land.

**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 2009 applies to the proposal. This draft Plan was exhibited 5 February 2010 to 12 April 2010.

Under this Plan the subject land is proposed to be zoned Residential R1. The Objectives of this zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage tourism related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.

It is considered that the proposed development is consistent with the R1 zone objectives.

The proposed development is best defined as 'shop top housing' under this draft Plan. 'Shop top housing' means "*one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises*". Shop top housing is permissible with development consent within the Residential R1 zoning.

The total height of the building is 12m which is within the 12m height limit shown on the Height of Buildings Map.

The proposed development is consistent with the relevant provisions of Draft Hawkesbury Local Environmental Plan 2009

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

#### **Hawkesbury Development Control Plan**

The development application has been assessed against the applicable provisions of the Hawkesbury Development Control Plan. Each of the relevant chapters are outlined as follows:

#### **Residential Development**

Attachment 7 to the Report provides an assessment of the proposal against the provisions of the Residential Chapter of Hawkesbury DCP.

The following non compliances with this Chapter have been identified and discussed below:

#### Building Height Plane

The front of the proposed building encroaches outside of the building height plane. This is considered acceptable given:

- The design of the building is appropriate to its setting and is compatible with the existing streetscape.
- The encroachment of the building will not reduce privacy or increase overshadowing of adjoining properties.
- The bulk of the building is acceptable.

#### Setback

The variation to the building setback from Macquarie Street is considered acceptable in respect to the existing and proposed character of the locality, given particular reference to Windsor Master Plan.

#### Driveways, Manoeuvring, Car parking Spaces

The design of the driveways, car parking areas and manoeuvring areas are consistent with the Australian Standard. This is considered acceptable.

#### **Parking and Access Chapter**

#### Professional Chambers Car Parking

The DCP requires the following rate of parking for professional chambers:

- 1 space per 30 sqm of gross floor area (GFA).

The professional/commercial component of the development has a GFA of approximately 1077m<sup>2</sup>. The total number of parking spaces therefore required for the professional/commercial component of the development is 36 spaces. The total number of commercial parking spaces proposed is 38, including 1

disabled parking space. Twenty five (25) of these spaces are located within the basement parking area and fifteen (13) are located within the external car parking area.

**Residential Car Parking**

The DCP requires the following rate of parking for residential flat buildings:

- *1 covered parking space per small dwelling (GFA < 55sqm)*
- *1.5 covered parking space per medium dwelling (GFA 55 to 85sqm)*
- *2 covered spaces per large dwelling (GFA greater than 85sqm)*
- *For each development containing more than 3 dwellings, visitor parking is to be provided at the rate of 1 space per 5 dwellings or part thereof.*

All units have a GFA of more than 85m<sup>2</sup>. As a result, a total of 16 residential parking spaces are required for the development as well as 2 visitor parking spaces. Six (6) double garages, two (2) single garages and two parking spaces have been provided within the basement parking area. Two visitor spaces have been provided in the at-grade parking area external to the building.

Adequate parking has been provided for the development in accordance with Hawkesbury DCP.

**Energy Efficiency Chapter**

Hawkesbury Development Control Plan prescribes the following having regard to solar access:

- *Sunlight is available to at least 50% of required private open space for at least 2 hours between 9:00am and 3:00pm on June 21. Where existing overshadowing is greater than the above, it should not be further reduced.*
- *Any new development will not reduce the solar access collector/s of an adjoining property to less than 4 hours per day in mid-winter except solar water panels to which full access must be maintained.*
- *Sunlight is available to a clothes drying area for at least 4 hours on June 21, to a plane 1 metre above the finished ground levels under the drying lines.*

Having regard to shadow impact attributable to the proposed development the applicant has prepared a shadow analysis which details the impact on adjoining properties during mid winter (June 21). This analysis demonstrates that the proposal will satisfy the solar access criteria of Hawkesbury Development Control Plan. In this regard the residential properties to the south and east will receive in excess of 2 hours to 50% of their open spaces areas in mid winter. In addition, the proposal will satisfy the solar access provisions to clothes drying areas for these properties.

Having regard to solar penetration and solar access to the proposed units within the development, the applicant has also provided an analysis. This analysis demonstrates that while the proposal does not comply with the requirements of this Chapter of the Development Control Plan, the development is consistent with the recommendations of State Environmental Planning Policy No. 65.

A Basix Certificate for each unit has been submitted in conjunction with the application detailing that the proposal is able to satisfy the relevant energy criteria.

**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 has been no planning agreement or draft planning agreement entered into under Section 93F of the Environmental Planning and Assessment Act, 1979.

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

Suitable conditions of consent shall be imposed with regard to the Building Code of Australia and the Home Building Act 1989 in accordance with Clause 98 of the Regulations.

Consideration has also been given to the provisions of Australian Standard AS2601 with regard to the proposed demolition of the existing buildings on the site in accordance with Clause 92 of the Regulations.



A condition of development consent is to be imposed ensuring the demolition is undertaken in accordance with the provisions of this standard.

**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 development is expected to have a positive social and economic impact on the built environment. The development is expected to generate employment during construction and operation. The development is expected to provide a greater variety of housing choice in close proximity to services and public transport.

**Context and Setting**

The proposed development adjoins land used for the purposes of flats and single dwelling houses. A medical practice is in the vicinity, as well as a hospital and school. Professional offices and community facilities are also nearby. The character of the area, in relation to these land uses is considered to be residential and civic in nature. The proposed development is considered to be compatible with the adjoining lands.

Generally, the design of the building is considered acceptable within its setting and overshadowing of adjoining properties is within guidelines as demonstrated by the SEPP No. 65 assessment.

It is considered that the proposed development will have no unreasonable impacts on adjoining properties in respect to loss of visual and acoustic privacy, loss of views or vistas, or overshadowing.

**Access, Transport and Traffic**

Adequate access is available to the site. Public transport exists within close proximity to the site. The level of traffic that the development is expected to generate is considered to be acceptable.

A Report titled 'Traffic Impact Review of Proposed Mixed Residential & Commercial Development 122-130 Macquarie Street Windsor', prepared by Christopher Hallam & Associates P/L was submitted in support of the application. This Report concludes:

1. *The proposal is to develop a less traffic-intensive use than previously approved, with residential uses having substantially less traffic generation than medical centres. The weekday peak hour traffic generation will reduce from the previous 120 veh/hr to 30 veh/hr.*
2. *We recommend a minor change to the driveway layout, as shown on Figure 1, to reduce the overall footpath crossing at the property line to 7.1m.*
3. *The parking layout is satisfactory for the movement of cars and small trucks. Driveway gradients and internal ceiling heights will need to conform with AS2890.1-2004. the residential units will have separate garages.*
4. *The quantum of car parking proposed is satisfactory.*
5. *The external traffic impact will be satisfactory, with this proposal having a peak traffic generation 25% of the previous proposal. The traffic levels on Macquarie Street will reduce by almost 40% when the flood free access route is opened.*

**Waste**

The general location of the garbage collection area is considered to be acceptable. Suitable conditions of consent are to be imposed with regard to waste management during construction.

**Noise and Vibration**

Construction noise can be expected to cause short term inconvenience to surrounding residents. In this regard it is noted that a suitable condition can be imposed within any consent restricting the hours of construction so as to limit the impact upon the amenity of adjoining properties.

Noise generated by the occupants and use of the site is not expected to unreasonably impact on surrounding residents provided noise producing air conditioners and other machinery is installed and operated in accordance with EPA and WorkCover requirements.

A report in respect to noise intrusion from aircraft will be required as part of any consent. Given that the land is within an ANEF Contour of 20-25, any noise attenuation measures can easily be incorporated into the construction of the building.

**Natural Hazards**

The proposed development is consistent with the requirements of HLEP 1989 in respect to development of flood liable land.

**Safety, Security and Crime**

Adequate measures have been made in the design with regard to safety, security and crime as discussed previously.

**Site Design and Internal Design**

Internal and site design ensure an appropriate degree of amenity for future occupants.

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

Based upon the assessment of the application it is considered that the site is suitable to support the proposed development for the following reasons:

- It is considered that the site is suitable for a mixed retail, commercial and residential flat building development.
- The constraints posed by adjacent development would not make such a development prohibitive.
- The locality contains adequate recreational opportunities and public spaces.

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

The application was publicly exhibited on two occasions; 10/4/2007 to 24/4/2007 and 4/10/2007 to 18/10/2007. Following notification of the application, four submissions in total were received.

The matters raised in these submissions are discussed below:

*Waste – Location of bins, noise, collection hours, vermin*

**Comment:** It is considered that the location of the bin storage areas are satisfactory in respect to reducing impacts on adjoining properties. Conditions can be imposed with respect to construction, maintenance, hygiene and hours of collection.

*Boundary fences*

**Comment:** New boundary fences will be required as a condition of consent.

*Drainage*

**Comment:** Stormwater will be managed on the site so as to ensure that the adjoining properties are not impacted.

*Overshadowing*

**Comment:** It is considered that the proposed development will not unreasonably reduce sunlight access to adjoining properties.

*Lighting within the rear carpark, headlights from cars*

**Comment:** Any external lighting associated with the development will be located and orientated so as not cause a nuisance to adjoining properties or roads. The impact of car headlights will be reduced by fencing and landscaping.

*Loss of privacy – overlooking*

**Comment:** It is considered that, given the setbacks of the building from boundaries and the topography of the land, and with the inclusion of fencing and appropriate landscaping, no significant adverse impact on the privacy of adjoining properties will result.

*Noise – use of balconies, car park, aircraft*

**Comment:** It is considered that noise generated from the development will have no unreasonable impacts on adjoining properties.

Measures to mitigate noise as a result of aircraft can be easily achieved. An acoustic report will be required as a condition of consent, and any measures recommended by this report will be required to be implemented in the construction of the development.

*Number of carparking spaces – if full no parking is available on the street*

**Comment:** The number of carparking spaces provided is consistent with the requirements of Hawkesbury Development Control Plan.

The matters raised in the submission do not warrant refusal of the application.

**e. The public interest**

The proposed development provides for a range of housing types and offices uses compatible with the residential and community use character of the locality. The proposal is compatible with adjoining development and the streetscape, and will provide a suitable benchmark for future development within the locality. For these reasons it is considered that the proposed development is in the public interest.

**Developer Contributions**

The following section 94A developer contributions apply to this development - \$21,570.00. Accordingly, a condition of consent is required to be imposed in this regard.

**Conclusion:**

The development has many positive attributes and a mixed commercial/residential development of the site is supported. The design of the building is satisfactory and the design requirements contained within SEPP 65 are satisfied.

The applicant has responded positively to the matters raised by Council officers and Council's urban design consultant by amending the design to provide a better outcome with respect to the prominent gateway position of the site and one which provides a high level of amenity for future occupants and the locality in general.

**Planning Decision**

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

**RECOMMENDATION:**

That development application DA0056/07 at Lot 381 DP 595952, Lot 380 DP 818974, Lot 1 DP 797152, Lot 1 DP 613929, 122-130 Macquarie Street WINDSOR NSW 2756 for Professional and Commercial Chambers, Residential Flat Building - demolish office building and erect new professional chambers & walk up flats 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.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia.
6. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
7. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
8. The development shall comply with Section 8 of Construction Specification for Sewerage Works i.e. Building over sewers. A cctv is required to determine if the sewer line must be replaced prior to concrete encasement. Existing junctions must be sealed and new ones relocated outside the building footprint. Pier and beam structure over sewer main.
9. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.
10. During the demolition and construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
11. Planter beds within the first floor podium shall be designed having regard to the 'Rules of Thumb' for Planting on Structures within Planning NSWs' Residential Flat Design Code.

**Prior to the Issue of the Construction Certificate**

12. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$21,570.00 shall be paid to Hawkesbury City Council.

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).

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

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 certifying authority.

13. 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.
14. Construction of the road, access, car park, drainage, filling and retaining walls are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
15. Payment of a Construction Certificate checking fee of \$453.00 and a Compliance Certificate inspection fee of \$820.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2010. Fees required if an Accredited Certifier is used will be provided on request.
16. Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
17. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (2002) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council.
18. Payment of a contribution of \$13,624.70 towards sewer headworks. This sum will remain fixed until 30 June 2010 after which it will be recalculated at the rate applicable at the time of payment.
19. Retaining walls are to be design by a suitably qualified and experienced Structural Engineer.
20. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.
21. Sun protection shall be provided to all windows in exposed areas (north and west facing) and all decks attached to Units 1, 2, 5 & 6. Details shall be provided to the Director of City Planning for approval prior to the issue of the construction certificate.
22. Submission to Council of a noise and vibration assessment report, prepared by a suitably qualified acoustic consultant, demonstrating that the proposed development will meet the requirements of Australian Standard AS2021 (Acoustics - Aircraft noise intrusion - building siting and construction).
23. A certificate from an Acoustic Engineer shall be submitted with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured at the boundary of the property, and will comply with the Environmental Protection Authority Industrial Noise Policy.
24. Any exhaust ventilation from the basement car park is to be ventilated away from the property boundaries and from adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance shall be provided with the Construction Certificate.
25. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance shall be submitted with the Construction Certificate application.

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

26. Details demonstrating high quality internal and external lighting for security without adverse affects on public amenity due to excessive illumination levels/glare shall be submitted with the Construction Certificate.
27. Waste storage/bin areas shall incorporate the following requirements:
- (a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
  - (b) Doors must swing outwards and be able to be latched in the open position;
  - (c) Include provision for the separation and storage in appropriate categories of material suitable for recycling;

Details of the storage area are to be provided to and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

28. The following measures are to be incorporated in the design so as to assist in enhancing building safety and security:
- (a) Laminated glass walls and windows are to be provided along common entry areas so as to facilitate supervision;
  - (b) Doors within the building are to be provided with appropriate access control and enable both staff and residents to undertake casual surveillance of common areas of the building;
  - (c) Storage areas situated within the basement levels of the building are to be fenced off and locked;
  - (d) Lighting shall be designed in accordance Australia and New Zealand Lighting Standard 1158.1;
  - (e) White/light coloured finishes to the ceilings within the basement car parking areas are to be provided to aid in light distribution to these areas;
  - (f) Attention is to be paid to lighting for pedestrian pathways, enclosed fire exits, corridors and foyer areas so as to avoid opportunities for concealment in dimly lit areas;
  - (g) Clear and legible signage is to be provided enforcing main entry/exit points associated with the building;
  - (h) Electronic access control equipment is to be provided to the basement car park entry so as to enhance security of this area;
  - (i) Appropriate access control is to be provided to commercial spaces during after hours periods so as to restrict entry to these areas;
  - (j) The entrances to the foyer areas are to be secured with appropriate security doors and intercom system;

Details demonstrating compliance with the above measures shall be provided to and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

**Prior to the Commencement of Works**

29. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.

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

30. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
31. 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.
32. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
33. 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.
34. 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.
35. 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.
36. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
37. 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.
38. 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.
39. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's 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.
  - (a) The consent authority or a private accredited certifier must either:
  - (b) 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**

40. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
41. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
42. The site shall be secured to prevent the depositing of any unauthorised material.
43. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
44. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
45. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
46. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
47. 54 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.
48. Disabled parking shall be provided in accordance with AS2890.1-1993.
49. Provision of adequate on site loading and unloading facilities to cater for the proposed use of the land.
50. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
51. 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.
52. 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.
53. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
54. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
  - (a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.



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- (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
  - (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
  - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
  - (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
  - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
  - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
  - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
  - (i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
  - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
  - (k) No material is to be burnt on site.
55. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components of construction:
- Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.**
- (a) commencement of work (including erosion controls, site works and site set out);
  - (b) piers;
  - (c) internal sewer or stormwater lines prior to covering;
  - (d) steel reinforcement prior to pouring concrete;
  - (e) external sewer or stormwater lines, prior to backfilling;
  - (f) framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
  - (g) wet area flashing, after the installation of bath and shower fixtures;
  - (h) prior to occupation of the building;
56. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage; and
  - (b) if necessary, must underpin and support the building in an approved manner; and
  - (c) must, at least 7 (seven) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the

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adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

57. 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.
58. The rainwater collection tank shall be installed and connected to each unit to allow for use by washing machines.
59. Excavation material shall be deposited at an approved waste management facility.
60. Council records indicate that the building site is at a level of approximately 15 metres AHD. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
61. The building design shall incorporate components that will provide aircraft noise mitigation in accordance with AS2021 and in accordance with the recommendations within the approved acoustic report.
62. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
63. Concrete path paving 1.2m wide shall be constructed along the road frontage to the development. The remaining footway area shall be formed in earth and planted with grass.
64. A surcharge path sufficient to carry the 1 in 100 year storm flow to be provided across the site and a drainage easement of adequate width to be created over the surcharge path.
65. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels.
66. Arrangements are to be made for the provision of common drainage and the disposal of stormwater from the site. Modifications to the existing stormwater system are to comply with Concept Stormwater Drainage Plan REF 90535:E:4.
67. 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.
68. A heavy duty layback and footway vehicular crossing shall be constructed to the development. The crossing shall be constructed to the dimensions shown on the approved plans.
69. All services or suitable conduits shall be placed prior to concrete pouring.
70. 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.
71. Should any Aboriginal site or relic or European relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service or the Heritage Office (European relic) consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 and Heritage Act.
72. All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete

slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during demolition and building work.

- 73. New boundary fences shall be provided. Fencing behind the building line shall be a height of 1.8m.
- 74. Ceiling fans shall be provided within all residential units.
- 75. Devices shall be provided to allow windows and doors to each unit to be able to be opened and secured to enable cross ventilation.

**Prior to Issue of Any Occupation Certificate**

- 76. Compliance with all conditions of this development consent.
- 77. Creation of a drainage easement 3m wide over the proposed relocated pipeline through the site. Documentary evidence to be submitted prior to occupation of the building.
- 78. 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.
- 79. 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.sydneypwater.com.au](http://www.sydneypwater.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.

- 80. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
- 81. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - (a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - (b) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
  - (c) The type of timber installed indicating both species and durability as required by AS 1684.
  - (d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
  - (e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
- 82. A flood warning sign of durable material shall be permanently fixed in a prominent location within the site. The sign shall advise occupants that the site may be subject to inundation during times of flood.

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83. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.
84. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
- (a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
  - (b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
  - (c) All finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.
85. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
86. The owner shall enter a positive covenant with Council which provides the following:
- (a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
  - (b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
  - (c) Council only will be entitled to release or modify the Covenant.
- All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.
87. Submission of a report by the Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
88. Works-As-Executed drawings for the One Site Detention Stormwater 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
89. Registration of the title of any easements required for drainage and batter support services.
90. Retaining walls are to be certified on completion by a suitably qualified and experienced Structural Engineer.
91. A plan of consolidation prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.

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92. A Surveyor's Certificate stating that all existing buildings on the lots comply with the Building Code of Australia in relation to boundary setbacks shall be submitted.
93. A survey plan showing all existing services on the lots including sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
94. The development and all sound producing plant, equipment, machinery or fittings associated with mechanical ventilation and / or the lift system is to be constructed so that they will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm - 6.00 am) when measured at the boundary of the property, and will comply with the Environment Protection Authority Industrial Noise Policy.

A report and certification prepared by an appropriately qualified or accredited person shall be submitted to the Principal Certifying Authority demonstrating compliance with this condition prior to the occupation of the completed works.

95. To ensure the safety of occupants of the building a "Fire Safety Certificate" which identifies the schedule of "Fire Safety Measures" that have been completed to satisfactory standard shall be provided to the Principal Certifying Authority prior to the issue of an "Occupation Certificate" as required in the "Environmental Planning and Assessment Act & Regulation.

In accordance with the EPA Act & Regulation the owner of a building is to provide Council with an Annual Fire Safety Statement for the building.

96. Street number being affixed to building prior to occupation.
97. Completion of landscaping in accordance with the approved landscape plan.

**Use of Development**

98. No internal or external alterations shall be carried out without prior approval of Council.
99. 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.
100. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
101. The subject development, including landscaping and bin storage areas, shall be regularly maintained. Plant species shall be replaced as required in order to maintain the viability of the approved landscape concept prepared for the site.
102. Waste and recyclable material, generated by this premises, shall not be collected between the hours of 10:00pm and 7:00am on any day.
103. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10:00pm and 7:00am on any day.
104. A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.
105. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

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106. No individual parking spaces, or access thereto shall be constrained or enclosed by any form of structure such as fencing, or the like, without prior consent from Council.
107. Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.
108. Minimum headroom of 2.1m shall be provided over all car parking areas.

**Advisory Notes**

- \*\*\* The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.
- \*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- \*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- \*\*\* Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- \*\*\* The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- \*\*\* The applicant is advised to consult with:
  - (a) Sydney Water Corporation Limited
  - (b) Integral Energy
  - (c) Natural Gas Company
  - (d) a local telecommunications carrierregarding 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 development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

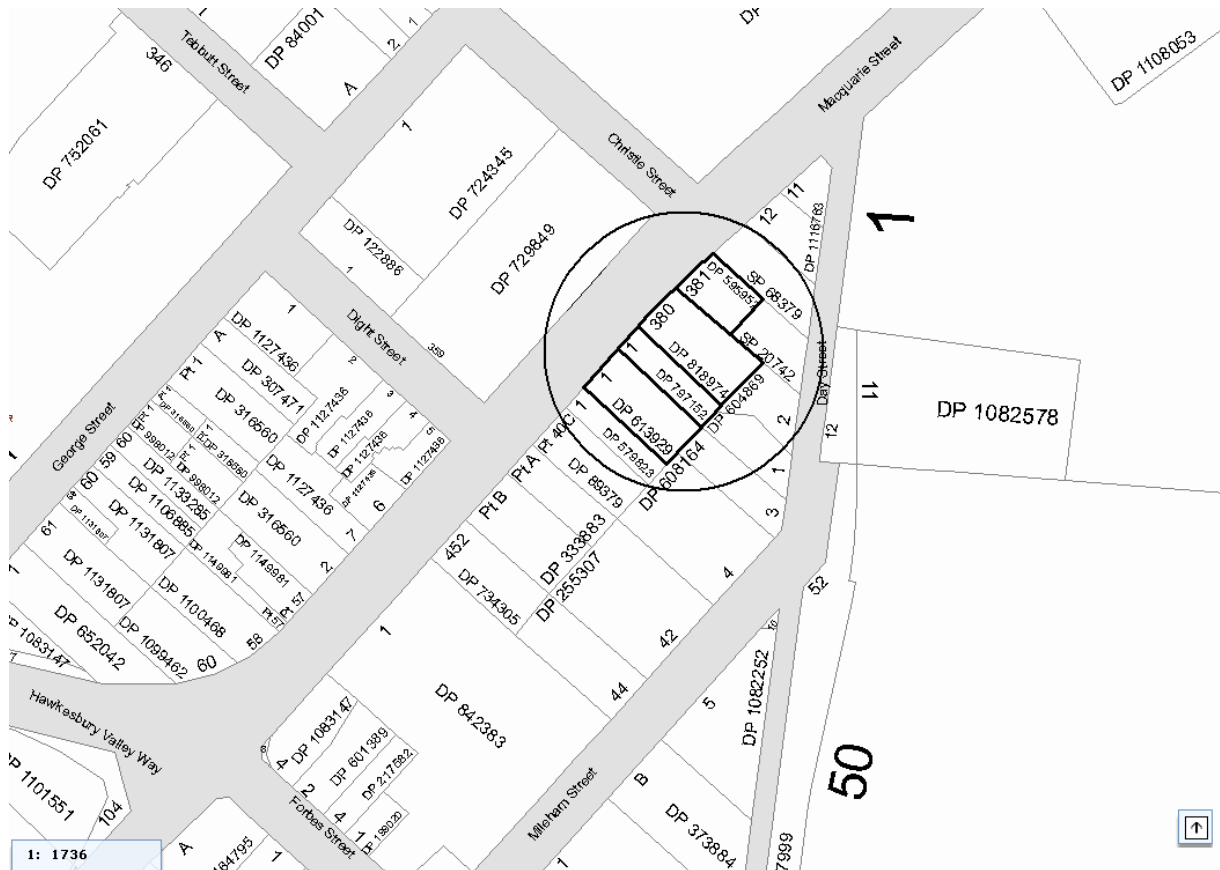
**ATTACHMENTS:**

- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Elevation Plan
- AT - 4** Elevation Plan
- AT - 5** Assessment of Application against the Planning Principles of SEPP No. 65
- AT - 6** Assessment of Application against the Residential Flat Building Design Code
- AT - 7** Assessment of Application against the Residential Chapter of Hawkesbury DCP

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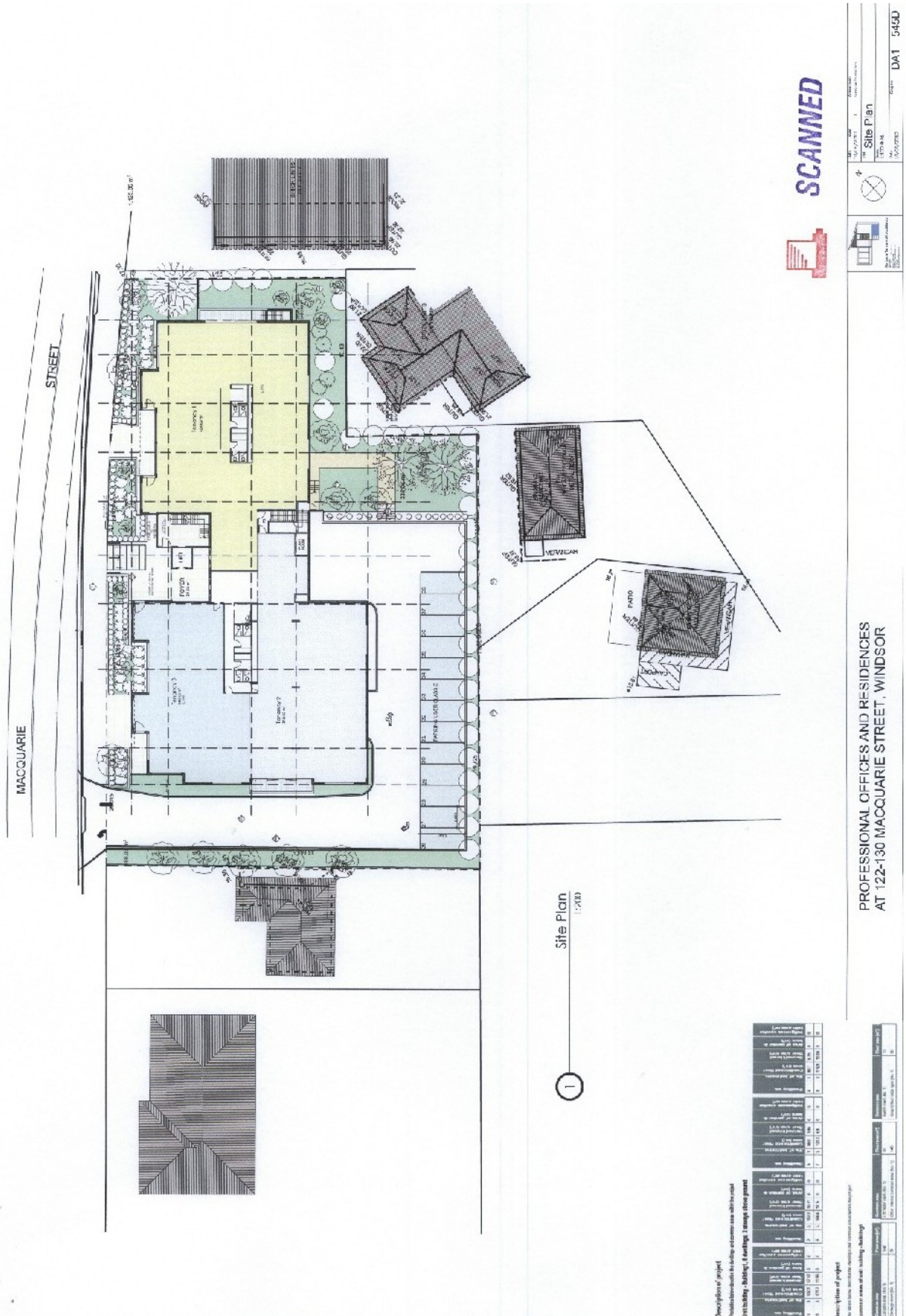
AT - 1 Locality Plan

Lot 381 DP 595952, Lot 380 DP 818974 No. 122 – 124 Macquarie Street, Windsor  
Lot 1 DP 797152, Lot 1 DP 613929 No. 126 – 130 Macquarie Street, Windsor





AT - 2 Site Plan





**AT - 3 Elevation Plan**





**AT - 4 Elevation Plan**



**AT - 5    Assessment of Application against the Planning Principles of SEPP No. 65**

**Attachment No. 5**

**Assessment of Application against the Planning Principles of SEPP No. 65**

SEPP 65 Design Quality Principles	Council Officers Initial Assessment	Urban Designers' Comments	Applicants Response	Council Officers Final Comments
1. General	EP & A Regulation requirements: Site analysis/sites context Landscape plan in context photomontages	<p>No site analysis of sites context</p> <p>Building relationship to setting inadequately described within application.</p> <p>Plans poorly dimensioned/lacks detail – interpretation of design at discretion of builder. Need details such as cross sections through key sections of the building.</p> <p>Further information required:</p> <ul style="list-style-type: none"> <li>• Levels surrounding the site and adjacent buildings</li> <li>• A roof plan</li> <li>• Section locations clearly indicated</li> <li>• Landscape drawings</li> <li>• Shadow analysis</li> <li>• An annotated 1:50 scale cross section through the Macquarie St façade describing its construction details</li> <li>• Finishes schedule</li> <li>• Window details indicating how they can be securely left partly open with shelter from rain</li> <li>• A BASIX certificate</li> </ul>	<p>Provided</p> <p>Provided</p> <p>Provided</p> <p>Provided</p> <p>Will be provided at CC stage</p> <p>Provided</p> <p>Will be provided at CC stage</p> <p>Provided</p>	<p>Amended Plans have been submitted which adequately provides the details needed to undertake an assessment of the development application.</p>

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SEPP 65 Design Quality Principles	Council Officers Initial Assessment	Urban Designers' Comments	Applicants Response	Council Officers Final Comments
<p><b>2. Context</b></p> <p><i>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</i></p> <p><i>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</i></p>	<p>The key elements of the locality comprise a range of civic, community and heritage buildings which provide the framework for the character and function of the precinct in which this site is located. While it is expected that this locality will evolve in time given the proximity of this land to the Windsor town centre, the high exposure afforded by Macquarie Street and the general age of the remaining building stock, these primary buildings and land uses are unlikely to change.</p> <p>It is therefore relevant for infill development to compliment and reference these core buildings within the locality. This will ensure that as the character of the area changes over time it will maintain a degree of unity.</p> <p>The style, character and mix of land uses within this proposal is appropriate for the existing and anticipated future context of this site</p>	<p>Building opposite provide a cue to desirable future character of this proposal</p> <p>Surrounding buildings are either separated or intermittently hidden by trees.</p>	<p>Amended plans provided.</p>	<p>Design of the building has been modified. The modified design satisfactorily responds to its context.</p>



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SEPP 65 Design Quality Principles	Council Officers Initial Assessment	Urban Designers' Comments	Applicants Response	Council Officers Final Comments
<p><b>3. Scale</b></p> <p><i>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</i></p> <p><i>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</i></p>	<p>A relative comparison with immediately adjacent buildings is not useful in determining the suitability of the scale of this proposal given the nature and age of existing built stock, and noting that there are no other mixed use buildings in the immediate precinct.</p> <p>However the built form of the wider locality, specifically along Macquarie Street, varies significantly. The locality is characterised by a combination of single and two storey developments. The three storey design with a maximum height of 12.0m above natural ground level is considered to be consistent with established buildings within the area.</p> <p>The bulk of the front façade is consistent with the existing development in the locality.</p> <p>However the bulk of the rear of the building is considered unsatisfactory in relation to the single storey dwelling houses adjoining and the visual prominence of the development from this direction. It is considered that the impact of the rear of the building can be minimised through the use of external materials and colours to provide visual articulation and the implementation of appropriate landscaping.</p>	Satisfactory	No response required.	<p>✓</p> <p>The amended design of the development has resolved concerns in relation to the appearance and bulk of the rear of the building. The amended design provides articulation within the roof form which has satisfactorily reduced the bulk of the building.</p>

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SEPP 65 Design Quality Principles	Council Officers Initial Assessment	Urban Designers' Comments	Applicants Response	Council Officers Final Comments
<p><b>4. Built form</b></p> <p><i>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<p>In broad terms the siting, built form, presentation and mixed-use nature of the building is suitable for the setting and context of the site and it is anticipated that this development would make a positive contribution to the streetscape of Macquarie Street.</p> <p>As stated above, it is considered that the impact of the rear of the building can be minimised through the use of external materials and colours to provide visual articulation and the implementation of appropriate landscaping.</p>	<p>Inadequate space for big trees along boundaries – reduce impact on adjoining sites, improve landscape, improve amenity – outlook/temperature</p> <p>Reduction in distance between two building masses with corresponding increase in distance from boundaries</p> <p>Connection between two masses to be deeply recessed.</p>	<p>Amended plans provided.</p> <p>Amended plans provided.</p> <p>Amended design submitted providing a slight recess.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>The design of the development has been modified to provide suitable setbacks from side and rear boundaries to allow for landscaping and an appropriate level of amenity.</p> <p>The separation between the two building masses has been reduced. This has resulted in a reduction in the communal space on the first floor level. However, it is considered that this space is satisfactory for its intended use (access, meeting place) as the predominant communal space is located external to the building at the rear of the site.</p> <p>The connection is only slightly recessed, however this is considered satisfactory given that this area is the main entrance to the building and has been suitably treated to define it as such.</p>

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SEPP 65 Design Quality Principles	Council Officers Initial Assessment	Urban Designers' Comments	Applicants Response	Council Officers Final Comments
		<p>Depth of southernmost block (U6-U8) reduced by at least 2m –allows trees along rear boundary</p> <p>Reconsideration of common space – inaccessible/unlikely to be used</p> <p>Relationship of development to public footpath – unclear</p> <p>Suggest individual entrances to office suites from street.</p> <p>The four strongly projecting enclosed verandahs are slightly too heavy: lowering the 1st floor parapet by 300-400mm and using glass up to the required handrail level would improve their proportions. The same, or a very similar, brick should be used on them as on the rest of the building: they are strong enough on their own.</p> <p>The lift over-run is too dominant and should be reduced in height, so as not to read at all.</p>	<p>Provided</p> <p>Common space has been redesigned.</p> <p>Amended design</p> <p>Provided</p> <p>Plans amended to reflect this</p> <p>Lift overrun is at least 4.5m high from top floor level. I have not found a lift that has no overrun</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>The amended design has reduced the depth of the building which has enabled increased landscaping area along rear boundary.</p> <p>The main communal open space area is considered more useable and has been provided with improved access from within the building.</p> <p>The main entrance to the building is well defined and secondary entrances to office areas have been provided.</p> <p>The height of these areas have been reduced and the bulk reduced by providing railings. In addition the same materials have been used throughout.</p> <p>The lift overrun is located within the recessed common space on the first floor. The roof form of the overrun is consistent with the roof form of the building. For these reasons it is considered that the</p>

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SEPP 65 Design Quality Principles	Council Officers Initial Assessment	Urban Designers' Comments	Applicants Response	Council Officers Final Comments
		I don't understand the roof, or its elevation, over the central 1 <sup>st</sup> floor courtyard. Surely it should also extend to provide shelter from the elevator to the entrances of the apartments.	A flat roof provides shelter from the elevator to the apartments	overrun will not be dominant.  A covered pergola has been provided for protection from the weather.
<b>5. Density</b> <i>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</i> <i>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality</i>	<p>In this instance there is no standard, such as a maximum floorspace ratio, which can be used to measure the suitability of the proposed unit yield.</p> <p>However, the density proposed for the development has allowed for the provision of residential unit sizes of one, two and three bedroom units. Sufficient parking has also been proposed in accordance with Council's Parking &amp; Access DCP. An appropriate portion of the site has been provided for common open space and recreational use. Adequate separation between building blocks has also been proposed. The site is within close proximity to the primary commercial areas of Windsor, as well as community facilities and transport. Mixed use development is suggested for the locality within the Windsor Master Plan.</p>	Satisfactory	No response required.	The proposed development is considered satisfactory in respect to the density of the proposal.
<b>6. Resource, Energy, Water</b> <i>Good design makes efficient use of natural resources, energy and water</i>	This principle is satisfied through the following measures:	Suggest awning at street level	Amended design has been provided.	Pergola has been provided.



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<b>SEPP 65 Design Quality Principles</b>	<b>Council Officers Initial Assessment</b>	<b>Urban Designers' Comments</b>	<b>Applicants Response</b>	<b>Council Officers Final Comments</b>
<p><i>throughout its full life cycle, including construction.</i></p> <p><i>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</i></p>	<ul style="list-style-type: none"> <li>• Provision of Basix Certificates for the residential units.</li> <li>• Opportunities for natural ventilation of the undercroft parking level.</li> <li>• Adequate supply of deep soil landscaping areas.</li> <li>• Collection of rainwater for irrigation of landscaping.</li> </ul>	<p>There are many windows in exposed positions (particularly west facing) that lack external sun protection.</p>	<p>Will be provided as per BASIX requirements.</p>	<p>✗</p> <p>The BASIX certificate submitted with the amended plans has no specific requirements. Whilst internal blinds and eaves have been provided and the design meets the energy ratings with respect to BASIX, it is considered that sun protection be provided for improved amenity. This can be required by a condition of consent.</p>
		<p>Cross ventilation should be provided in Unit 4 by a window in its side wall</p>	<p>Provided</p>	<p>✓</p> <p>Cross ventilation to Unit 4 has been provided.</p>
		<p>There is a need to provide storm water tanks</p>	<p>Stormwater tanks are provided below the communal garden at rear</p>	<p>✓</p> <p>This is considered satisfactory.</p>
		<p>Residential floor to ceiling heights should be at least 2700mm and ceiling fans provided (shown on drawings)</p>	<p>Ceiling heights are 2700mm. Ceiling fans can be provided</p>	<p>✗</p> <p>Ceiling fans will be required as a condition of consent.</p>
		<p>Roof spaces should be double insulated (under iron and above ceiling) and extract ventilated.</p>	<p>Insulation will be provided as per BASIX requirements</p>	<p>✓</p> <p>The BASIX certificate provided requires insulation in roof and ceiling. This is considered satisfactory.</p>
		<p>It should be possible to naturally ventilate the garage. This should be investigated and if required, adequate screened openings provided.</p>	<p>Will be provided as opening with grilles</p>	<p>✓</p> <p>Openings with grilles have been provided to the basement area.</p>

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SEPP 65 Design Quality Principles	Council Officers Initial Assessment	Urban Designers' Comments	Applicants Response	Council Officers Final Comments
<p><b>7. Landscape</b></p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by coordinating water and soil management, solar access, microclimate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise usability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>The following concerns are identified with respect to arrangements for landscaping of this site:</p> <ul style="list-style-type: none"> <li>The distribution of open space is maximised along the street frontage and across the northern half of the site and only narrow garden beds are provided adjacent to the driveway access, rear car park and adjacent to the building along the western elevation and part of the southern elevation.</li> <li>It is further considered that these garden beds are unlikely to be able to support the quantity and density of landscaping necessary to properly soften and screen the building from adjacent sites.</li> <li>No details are provided as to how the boundaries of the site will be treated. Appropriate boundary fencing is necessary to diffuse the impact of headlight glare, provide some degree of noise attenuation from the movement of vehicles along the driveway and open car park, and maintain a sense of security and privacy to adjacent residential sites.</li> <li>The landscape plan accompanying the application does not provide sufficient</li> </ul>	<p>Open space poorly distributed on site</p> <p>Provision of shade trees</p> <p>Professionally prepared landscape plan to be provided</p>	<p>Amended</p> <p>Provided</p> <p>Provided</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>The modified location of the building on the site has allowed for the establishment of substantial perimeter tree planting and the provision of a useful recreational open space.</p> <p>Open space on the site is suitably distributed to provide for landscaping and passive recreational purposes.</p> <p>A Landscape plan prepared by a suitably qualified person has been provided and is considered satisfactory. Appropriate shade trees are proposed.</p>

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SEPP 65 Design Quality Principles	Council Officers Initial Assessment	Urban Designers' Comments	Applicants Response	Council Officers Final Comments
	detail to allow for a proper understanding of the intended landscape treatment. For example, it does not provide the common name or mature heights of the nominated species, and makes no reference to the use of irrigation from rainwater tanks noted on the architectural plans.			
<b>8. Amenity</b> Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.	Sunlight access to balcony of Unit 8 Separation from adjoining development Noise impacts – bedroom adjacent to living area as between units – acoustic treatment or reconfiguration. Screening for sun and privacy Residential bins – distance to kerb.	Common open space – poor quality/inconvenient Windows/doors should be able to be opened and secured at night or in wet weather to enable cross ventilation Need a less convoluted entrance to first floor Furniture layout plan for apartments to show utilization of rooms.	Amended Condition Amended Provided	The modified location and design of the building has satisfactorily addressed these amenity concerns
<b>9. Safety Security</b> Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on	This proposal is satisfactory when assessed against this design principle.	Satisfactory	No response required	The proposed development is considered satisfactory in respect to safety and security.

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streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.				
<b>10. Social dimensions</b> Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.	The development proposes an adequate dwelling mix and is located at the edge of the Windsor town centre with good access to a range of services and facilities. This proposal is therefore satisfactory when considered against this design principle.	Satisfactory A mixed use development in this location is appropriate.	No response required	The proposed development is considered satisfactory in respect to the needs of the local community.
<b>11. Aesthetics</b> Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	The proposed building is of satisfactory design having particular regard to its setting and the streetscape, and architectural treatment. As previously discussed, there is opportunity to improve the development with respect to landscaping and the materials, finishes and colours at the rear of the building.	Strongly expressed Painted balustrade at first floor level inconsistent with form – suggest balustrade not as deep. Use of black brick on protruding verandahs out of character with the street. Sun shading over windows and doors.	Amended Amended	The modified design of the building is satisfactory. The same materials and colours have been used on the verandahs as on the main wall of the building. Can be provided as a condition of consent.

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		<p>Roofs over <del>verandahs</del>.</p> <p>Design of dormer windows basic.</p> <p>It is desirable for the architect to be retained to further develop the design to construction stage.</p>	<p></p> <p>Dormer windows have been removed.</p> <p>This is ultimately up to the Client</p>	<p>✓</p> <p>✓</p> <p>All <del>verandahs</del>/balconies are covered. However, the decks attached to the second floors of Units 1 &amp; 2, and Units 5 &amp; 6 <del>are</del> not covered. Shade structures can be provided as a condition of consent.</p> <p>Initially the third floor of the building was an attic design with dormer windows. The amended design has removed the dormer windows and now provides for a distinct third storey. The modified design of the building has improved the appearance of the development.</p> <p>The EP &amp; A Regulations, 2000 requires design verification to be submitted before the issue of the construction certificate. This verification is to state that the plans and specifications achieve or improve the design quality of the development for which development consent was granted with regard to SEPP 65.</p>

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12. Additional matters	<p>Loading/unloading facilities</p> <p>Location of plant equipment, basement ventilation, lighting</p> <p>Access to car parking space No. 27</p>		Amended design provided.	<div>✓</div> <div>✗</div> <div>✓</div> <p>The location of plant, equipment, basement ventilation, loading and unloading facilities is considered satisfactory.</p> <p>Details in respect to external lighting has not been provided, however can be resolved by conditions of consent.</p> <p>Car parking has been reconfigured so that access to all space can be conveniently achieved.</p>

**ORDINARY MEETING****Reports of Committees****AT - 6 Assessment of Application against the Residential Flat Building Design Code**

This Code is a comprehensive set of guidelines to support SEPP No. 65. The Code provides benchmarks for better practice in the design and planning of residential flat buildings. It addresses development at three different scales: the local context, site design and building design. Only those provisions of the Code that are relevant to this proposal are discussed below:

<b>State Environmental Planning Policy No. 65 Residential Flat Design Code</b>		
<b>Element</b>	<b>Comments/explanation of compliance</b>	
Relating to the Local Context	✓	It is considered that the design of the proposed development is appropriate with respect to those buildings within the locality that are of an enduring nature, such as community and heritage buildings. It will contribute positively to the streetscape of Macquarie Road.
Amalgamation and subdivision	✓	Consolidation of four allotments to create this large development site will not be incongruous with the prevailing subdivision pattern or the rhythm of development along Macquarie Street which, by virtue of its function and location relative to the Windsor town centre, is suitable to support large buildings.
Building Height	✓	The proposed development is generally consistent with the building height plane requirements and objectives of Hawkesbury Development Control Plan – Residential Chapter (See Development Control Plan assessment below).
Building Depth	✓	The Code recommends a maximum apartment depth of 18m to achieve suitable levels of solar access and natural ventilation. The portion of the building containing Units 5 to 8 has a depth of approximately 26m, however appropriate levels of solar access and natural ventilation is provided.
Building Separation	✓	<p>The Code nominates that buildings up to 4 storeys should provide 12m of separation between habitable rooms and balconies.</p> <p>Existing residential flat buildings to the north and east of this site, being No. 120 Macquarie Street and No. 5 Day Street, are set close to the common boundary with the subject land. The external walls of this proposal are set 4.2m from the northern boundary and 4.5m from part of the rear boundary, adjacent to those neighbouring buildings. However the balcony attached to Unit 3 is approximately 3.5m from the eastern boundary.</p> <p>It is not expected that this proposal would accommodate the entire 12m separation on this site, however in this respect the application would need to ensure no unreasonable impacts in terms of loss of daylight access and, visual and acoustic privacy on the adjoining properties would result from the development.</p>

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		It is considered that the proposed development will have no unreasonable impacts in respect to loss of sunlight access, and the provision of privacy screens to the balcony of unit 3 and the provision of suitable landscaping will minimise any impacts on the amenity of the adjoining properties from overlooking to an acceptable level.
Street Setbacks	✓	The main wall of the building is setback 4.6m from the front boundary. Decorative features incorporated within the front façade have a setback of 3m. These setbacks are considered appropriate with respect to the context of the locality, the streetscape and the design of the building.
Side and Rear Setbacks	✓	The side and rear setbacks are considered appropriate in respect to the existing streetscape pattern, in minimising the impacts of the development with regard to privacy, sunlight access and in providing appropriate amenity, open space areas and landscaping. Side and rear setbacks ensure the building is located within the Building Height Plane in compliance with Hawkesbury Development Control Plan – Residential Chapter.
Floor space ratio	✓	No floor space ratio control is applicable.
<b>Site Configuration</b>		
Deep Soil Zones	✓	<p>The Code recommends a minimum of 25% of the site be a deep soil zone. Approximately 769m<sup>2</sup> of soft landscaped area is provided as deep soil zones, which equates to 26% of the total site area.</p> <p>In addition, rainwater tanks will collect roof water to be utilised for gardens and clothes washing thereby reducing the demand for on-site infiltration of stormwater.</p>
Fences and walls	✓	A 1.2m high fence will be provided between the communal open space area and car parking area. Fencing of this area is considered appropriate to provide privacy and security for users of the area and increased amenity by separating these areas.
Landscape Design	✓	A concept landscape plan, prepared by a suitably qualified landscape architect has been provided, and is considered satisfactory.
Open Space	X	<p>Communal open space occupies 17% (504m<sup>2</sup>) of the site area. The Design Code recommends between, at least, 25 and 30% of the site area be provided for communal open space. The application provides the following justification for this non-compliance:</p> <p><i>“To compensate for this, there is a significant increase in the required private open spaces of each apartment (Min required 10m<sup>2</sup> under HCC DCP). It is considered that private open spaces are utilised more than communal spaces within these development. A total of 962m<sup>2</sup> of open space is provided (32%).</i></p>



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		<p><i>The communal area is divided into two areas; one located within the Deep soil zone on ground level at the rear of the site and the other located on the podium courtyard. As discussed the balance of the required communal area is divided between the apartments providing larger and more useable private open spaces.</i></p> <p><i>The private open spaces (balconies) that are provided to each apartment become an extension of the living areas with large doors linking these areas."</i></p> <p>The Code recommends that each balcony should have a minimum depth of 2m.</p> <p>Private open space for each unit is provided as follows:</p> <p>Unit 1 – 2 balconies/decks (11.52m<sup>2</sup>, 18.25m<sup>2</sup>, 12.50m<sup>2</sup>) total 42.27m<sup>2</sup>  Unit 2 – 2 balconies/decks (18.36m<sup>2</sup>, 13.49m<sup>2</sup>) total 31.85m<sup>2</sup>  Unit 3 – 1 balcony 12.67m<sup>2</sup>  Unit 4 – 1 balcony 13.89m<sup>2</sup>  Unit 5 – 2 balconies/decks (27.78m<sup>2</sup>, 14.31m<sup>2</sup>) total 42.09m<sup>2</sup>  Unit 6 – 2 balconies/decks (23.75m<sup>2</sup>, 14.31m<sup>2</sup>) total 38.06m<sup>2</sup>  Unit 7 – 1 balcony 27.77m<sup>2</sup>  Unit 8 – 2 balconies (13.98m<sup>2</sup>, 15.96m<sup>2</sup>) total 29.94m<sup>2</sup></p> <p>All balconies comply with the minimum dimension requirements for private open space and have adequate area consistent with the Codes guidelines.</p> <p>Sunlight access to the communal open space areas and private open space areas is considered adequate.</p> <p>It is considered that adequate open space has been provided.</p>
Orientation	✓	<p>The building is generally orientated to the north-west, with two of the units having a northerly aspect. The development is considered adequate with respect to the orientation of the building in that:</p> <ul style="list-style-type: none"> <li>• solar access to the units is satisfactory;</li> <li>• the development complements the streetscape character;</li> <li>• the proposal provides for the enjoyment of views;</li> <li>• the building fits with the topography of the land; and</li> <li>• the amenity of existing development is not unreasonably compromised.</li> </ul>
Planting on structures	X	<p>The Code provides recommendations for minimum soil volumes, soil depths and soil area for circumstances where planting is proposed on top of basements and roofs.</p> <p>The plans do not show the height of all the proposed planter beds within the first floor courtyard, and therefore there suitability for the landscaping in this area cannot be determined. However this can be clarified through conditions of consent.</p>

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Stormwater Management	✓	<p>Rainwater collection tanks are to be provided with an allocation of approximately 60 000 litres to be used for watering gardens and the operation of washing machines.</p> <p>Subject to the implementation of the measures detailed in the application and the provision of an onsite stormwater detention system in accordance with Council's requirements this application is considered satisfactory having regard to stormwater management.</p>
Safety	✓	<p>As the proposal does not involve a residential development comprising more than 20 new dwellings a formal crime risk assessment was not required to be undertaken in conjunction with the application.</p> <p>The proposed development generally allows for clear distinction between public and private areas, provides adequate surveillance of public area within and adjacent to the site, and controlled access to and within the building.</p>
Visual privacy	✓	<p>Existing residential flat buildings to the north and east of this site, being No. 120 Macquarie Street and No. 5 Day Street, are set close to the common boundary with the subject land. The provision of privacy screens to the balcony of unit 3 and the provision of suitable landscaping will minimise any impacts on the amenity of the adjoining properties from overlooking to an acceptable level.</p> <p>It is considered that a satisfactory level of internal privacy is provided.</p>
Building Entry	✓	<p>The building entry is considered satisfactory with respect to directing the public to the building and defining the access of the building. The entry has been incorporated into the design of the building and adds to its street presentation.</p>
Parking	✓	<p>Adequate parking has been provided for the development within a basement and an at grade area at the rear of the site. Access to the basement is proposed from Macquarie Street, which has adequate sight distances ensuring a minimal impact on traffic and pedestrian safety. Adequate visitor parking spaces have also been proposed. The car parking layout satisfies the requirements of AS2890.1:2004 for off street car parking.</p>
Pedestrian access	✓	<p>Equitable access to the development is available from street. The Code recommends that barrier free access be provided to at least 20% of dwellings. The application provides barrier free access to all residential units thereby satisfying the Code.</p>
Vehicle access	✓	<p>Vehicle entry to the site is located away from the main pedestrian entry to the development.</p> <p>In respect to AS2890.2-2002 Part 2 off street commercial vehicle facilities it is concluded that the proposal could suitably accommodate a small rigid vehicle as defined in Table (2.1) of the Australian Standard. The applicant's Architect has confirmed that only small commercial vehicles are intended to access the site.</p>

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		It is considered that the proposed access to the site does not compromise the street character, landscape or pedestrian amenity and safety.
<b>Building Configuration</b>		
Apartment Layout	✓	<p>In general, the proposed apartment layouts have suitable spatial arrangements contributing to residential amenity.</p> <p>Balconies are provided adjacent to living areas and cross ventilation is provided for all of the units. The internal and external areas of each unit are of an adequate size.</p> <p>The Code recommends single aspect apartments should be limited in depth to 8m from a window and the back of a kitchen should be no more than 8m from a window. There are four single aspect units and all these units comply with the above stated requirements.</p>
Apartment Mix	✓	Two x one bedroom, two x two bedroom and four x three bedroom units have been provided. It is considered an appropriate mix of apartment sizes and layouts has been provided to cater for a variety of household types and occupant needs.
Balconies	✓	<p>All of the proposed upper level units include balconies providing useable private open space. Balconies receive adequate solar access. It is considered that all primary balconies are of an appropriate depth and width to be functional.</p> <p>The Code recommends that primary balconies have a minimum width of 2m and all balconies comply with this requirement.</p> <p>All balconies have been integrated into the overall architectural form and design of the proposed buildings and will provide surveillance opportunities to Macquarie Street and the rear of the property, including communal open space.</p> <p>Screening for privacy has been provided for the balcony attached to Unit 3.</p>
Ceiling Heights	✓	<p>The Code recommends:</p> <p>In mixed use buildings:  <i>3.3m for ground floor retail or commercial uses and for first floor residential, retail or commercial to promote future flexibility of use.</i></p> <p>In residential flat buildings or other residential floor in mixed-use buildings:  <i>In general, 2.7m minimums for all habitable rooms on all floors, 2.4m is the preferred minimum for all non-habitable rooms, however 2.25m is permitted.</i></p> <p><i>For two storey units, 2.4m minimum for second storey if 50% or more of the apartment has 2.7m minimum ceiling.</i></p>

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		<p>The ceiling height (internal heights) for the ground floor professional offices is 3.5m. The ceiling height for the first floor residential units is 2.9m and the ceiling height for the second floor residential units is 2.9m. These heights are considered to be adequate.</p> <p>It is considered, given the size of the development and the expected low demand for professional and commercial offices in the area, that the use of the first floor for residential purposes only is satisfactory, and therefore a ceiling height of 2.9m is acceptable.</p>
Flexibility	✓	It is considered that the majority of the units provide some flexibility in meeting the potential changing needs of occupants.
Internal Circulation	✓	<p>Safety and amenity of the lobbies, stairs, lifts and corridors of the building is satisfactory.</p> <p>Building layout and entry, and unit layout is considered functional.</p>
Mixed Use	✓	The building is proposed to be used for professional and commercial chamber, as well as residential purposes. This mixed use is considered appropriate for the locality given its nature of residential and community uses.
Storage	✓	<p>Storage areas (17.3m<sup>2</sup>) have been provided within each residential garage in the basement level of the development. The storage areas are lockable and are considered to be large enough to meet the needs of future residents of the units.</p> <p>The Code recommends that in addition to kitchen cupboards and bedroom wardrobes, accessible storage facilities be provided at the following rates: two bedroom apartments 8m<sup>3</sup> and single bedroom apartments 6m<sup>3</sup>. Additional storage cupboards within each unit has been provided.</p>
<b>Building Amenity</b>		
Acoustic Privacy	✓	The proposed development achieves satisfactory acoustic privacy by way of building separation, and generally grouping activity areas within units.

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Daylight Access and Energy Efficiency	✓	<p>The Code recommends that living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter.</p> <p>The plans submitted in conjunction with the application detail that the proposal will satisfy the solar access criteria detailed above.</p> <p>The Code also recommends that the number of single aspect apartments with a southerly aspect be limited to a maximum of 10% of the total units proposed. Two units within the proposed development have a south eastern aspect, which constitutes 25% of the number of units. Energy efficiency of the development has been demonstrated by way of the attainment of a Basix Certificate.</p>
Natural Ventilation	✓	<p>The Code recommends a building depth range from 10 to 18m to support natural ventilation.</p> <p>The Code recommends that sixty percent (60%) of residential units should be naturally cross-ventilated . One hundred percent (100%) of units are cross ventilated.</p> <p>Twenty five percent (25%) of kitchens should have access to natural ventilation. One hundred percent (100%) of kitchens have natural ventilation.</p>
<b>Building Form</b>		
Awnings and Signage	✓	<p>A pergola structure has been provided to define the main entry to the building.</p> <p>Signage for the development and the proposed future uses has been proposed as part of the design of the building, and is considered satisfactory.</p>
Facades	✓	<p>It is considered that the design of the Macquarie Street façade adequately defines the office area from the residential units above and is of an appropriate architectural quality for the locality.</p>
Roof Design	✓	<p>The roof design is compatible with the design of the development and that of other key buildings in the locality.</p>
Energy Efficiency	✓	<p>Basix Certificates have been received for each unit and are satisfactory.</p> <p>The application states that <i>"A solar boosted hot water system is to be provided and low energy appliances and lighting will be considered."</i></p>

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<b>Building Performance</b>		
Waste Management	✓	<p>Two bin storage rooms have been proposed within the basement car parking area. One for commercial waste and one for residential waste. It is considered that the facilities detailed on the submitted plans are satisfactory.</p> <p>A Waste Management Plan has been not been provided, however can be required as a condition of consent.</p> <p>.</p>
Water Conservation	✓	<p>Basix requires the installation of a rainwater tank of at least 7500 litres on the site. This tank must be connected to the cold water tap that supplies each clothes washer and at least one outdoor tap within the development. The development will, in fact, provide rainwater collection tanks with a capacity of approximately 60 000 litres to be used for the watering of gardens in addition to being connected to washing machines.</p> <p>Water saving devices will be installed within bathrooms/kitchens.</p>

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**AT - 7 Assessment of Application against the Residential Chapter of Hawkesbury DCP**

The following table provides an assessment of the application with respect to the relevant Rules contained within the Residential Chapter of Hawkesbury Development Control Plan:

Element	Rules	Provided	Complies
Height	(a) New buildings are to be constructed within the Building Height Plane for the relevant residential use. The Building Height Plane is to be adjusted for sloping sites to follow the natural ground level.	The proposed building encroaches the building height envelope with respect to the Macquarie Street boundary	No, however is supported for reasons discussed previously within the Report
Setbacks	(a) For sites fronting main or arterial roads, buildings are to be set 10 metres back from the front boundary unless there are exceptional physical circumstances. The 10m setback commences after any road widening which may affect the subject land.	The building fronts Macquarie Street which is a main/arterial road. The setback of the proposed building is 3m.	No, however is supported for reasons discussed previously within the Report
Landscaped Areas	(a) All forms of residential development are to contain pervious soft <u>landscaped areas</u> to a total of 30% of the total site area. This may be calculated by adding together soft <u>landscaped areas</u> of private and <u>common open space</u> . Development proposals, where required, are to indicate the proportion of the total site area that is: <ul style="list-style-type: none"> <li>total "soft" <u>landscaped area</u>;</li> <li>total ground level <u>private open space</u>; and</li> <li>total common open space.</li> </ul>	The total site area is 2960.1m <sup>2</sup> . 888m <sup>2</sup> of landscaped area is required. Approx 769m <sup>2</sup> has been provided. However, landscaping has been provided in accordance with State Environmental Planning Policy No. 65.	Yes
Private Open Space	(a) Single dwelling houses and multi unit housing are to provide at least one area of <u>private open space</u> for each dwelling.		Yes
	(b) The total of <u>private open space</u> at ground level must be a minimum of 20% of the site area, regardless of permeability of the surface. This space must: <ul style="list-style-type: none"> <li>be capable of containing a rectangle 5 metres x 6 metres that has a slope less than 1:10;</li> <li>not be comprised of any area with a dimension less than 4 metres; and</li> <li>be exclusive of clothes drying areas, driveways, car parking and other utility areas.</li> </ul>	No private open space provided at ground level. However, private open space has been provided in accordance with State Environmental Planning Policy No. 65.	Yes
	(c) Any above ground level balcony or rooftop area designed for private open space must have a minimum area of 10 square metres with a minimum dimension of 2 metres. This area is not included in the calculation for the provision of total private open space.	All balconies have an area in excess of 10m <sup>2</sup> and a minimum dimension of 2m.	Yes
Common Use Open Space	(a) For development proposals than contain 5 or more units common use open space is encouraged. Concession may be given where it	Approximately 504m <sup>2</sup> of communal/ common open space	Yes

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	<p>is demonstrated that sufficient useable private open space has been provided.</p> <p>(b) The communal open space should generally have access only from within the site.</p> <p>(c) Common open space for multi-unit housing developments should be accessible from all dwellings within the development. Surveillance of this space should be possible from at least 2 dwellings.</p> <p>(d) Any proposed communal recreational facilities must be designed and located to avoid nuisance or danger to neighbours, residents and visitors.</p>	<p>has been provided; 359m<sup>2</sup> at ground level and 145m<sup>2</sup> on first floor.</p> <p>Surveillance of first floor courtyard adequate possible from Unit 5 bedroom and laundry and Unit 7 living area.</p> <p>Surveillance of ground level communal space from living areas of Units 3, 4 and 7</p> <p>No facilities have been nominated</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Access and Parking	<p>(a) Driveways next to any side or rear boundary must have a landscape strip of at least 1 metre to separate them.</p> <p>(b) Shared driveways, access lanes and car parks must be setback a minimum of 1.5 metres from windows to main habitable rooms of dwellings. This standard does not apply if the floor level of the dwelling is at least 1 metre above the driveway.</p> <p>(c) All driveways must have a minimum width of 3 metres and must be sealed to prevent surface erosion.</p> <p>(d) For development that contains more than 2 units driveways are to have a minimum driveway width of 6m from the layback/kerb line to 6m inside the property.</p> <p>(e) Garages and carports must not visually dominate the street facade, should occupy less than 50% of the building facade and must be compatible with the building design.</p> <p>(f) Uncovered car parking spaces and turning areas can be located within the front setback to the required building line provided that this area is dominated by landscaping and/or addresses established streetscape patterns.</p> <p>(g) Where parking spaces are located as 90° to the driveway alignment the minimum driveway width adjacent to the space is to be 6.7m, increased as necessary to allow adequate manoeuvring on site.</p>	<p>Provided</p> <p>Complies</p> <p><b>Driveway 6m wide</b></p> <p>8.8m to 7m within the property</p> <p>No garages/carports within the front facade</p> <p>None provided within the front setback</p> <p>Driveway widths of 5.8m to 7.9m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No, however is supported for reasons discussed previously within the Report</p>



**ORDINARY MEETING**  
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	<p>(h) On site manoeuvring areas shall be provided to allow entry and exit to the site in a forward direction.</p> <p>(i) On site manoeuvring areas shall be provided to allow entry and exit to and from all car spaces including garage, carports, uncovered spaces and visitor spaces by a single turning movement.</p> <p>(j) Where more than 3 units are served by an access or the access is greater than 30m long, a turning area shall be provided at or near the end of the access.</p> <p>(k) On site manoeuvring shall be based on the Ausroads Standard 5.0m design vehicle. Templates for this standard are provided in the appendices. When using the templates a minimum of 150mm shall be provided between any fixed object and the extremities of the swept paths.</p> <p>(l) All on site car spaces shall comply with the minimum dimensions set out in Part C Chapter 2 (Car Parking and Access). Where a space adjoins a wall, fence or other fixed structures, the width shall be increased as follows to allow adequate door opening:</p> <ul style="list-style-type: none"> <li>• On one side only to 3.2m</li> <li>• On both sides to 3.8m.</li> <li>• Refer to Part C Chapter 2 - Car Parking and Access for additional requirements.</li> </ul>	<p>Provided</p> <p>Provided</p> <p>Provided</p> <p>Australian Standard</p> <p>Residential double garages have width of 5.6m (6.4m required)</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No, however is supported for reasons discussed previously within the Report</p> <p>No, however is supported for reasons discussed previously within the Report</p>
Basement Parking	<p>(a) Only the basement's parking entry should be seen as a separate level in a building. Large exposed foundations, voids and walls are not to be used.</p> <p>(b) No part of a basement should extend more than 1 metre above natural ground level so the height of the building is not excessive.</p> <p>(c) Consideration may be given to a sump and pump where storm water volumes are low based on merits of the site</p>	<p>Acceptable given location and design of the building.</p> <p>Acceptable given location and design of the building.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Visual Amenity	<p>(a) Where there is potential for loss of privacy the proposal should incorporate some of the techniques illustrated in the DCP.</p> <p>(b) Where there is no alternative to a window, it should be screened.</p>	<p>Satisfactory</p>	<p>Yes</p>
Acoustic Privacy	<p>(a) Acoustic privacy is to be considered at the design stage.</p> <p>(b) Site layouts should ensure parking areas, streets and shared driveways have a line of sight separation of at least 3 metres from bedroom windows</p> <p>(c) A distance of at least 3 metres should separate openings of adjacent dwellings.</p>	<p>Satisfactory</p> <p>Provided</p> <p>Acceptable</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

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External Noise and Vibration	(a) A noise and vibration assessment must be undertaken by a suitably qualified noise consultant for any proposed residential development other than a single dwelling house located within 100 metres of the railway line or within Australian Noise Exposure Forecast (ANEF) 25 or greater.	The proposed development is located within a 20 - 25 ANEF Contour	Yes
	(b) Proposals must comply with the current Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance and incorporate appropriate mitigation measures.		Yes
Safety and Security	(a) Each dwelling is to be provided with direct and convenient pedestrian access to a private or public road.	Direct pedestrian access is available from each dwelling.	Yes
	(b) Barriers to prevent movement between internal roof spaces of adjoining dwellings are required.	Condition	Yes
	(c) Elements to be incorporated in site and building design and include:		Yes
	<ul style="list-style-type: none"> <li>doorway/entry safety and surveillance to and from the footpath</li> <li>illumination of public spaces including all pedestrian paths, shared areas, parking areas and building entries to the relevant Australian Standard</li> <li>visibility to the street from the front of the development</li> <li>restricted access to the rear of the site.</li> </ul>	N/A  Condition  Yes  Restricted access to basement car parking	
Utility and Site Services	(a) Where reticulated water is not available, a minimum storage of 100000 litres must be provided. A minimum of 10000 litres must be available at all times for fire fighting.	N/A, however rainwater collection tanks proposed.	Yes
Cables	(a) The design, location and construction of <u>utility services</u> must satisfactorily meet the requirements of both the relevant servicing authority and Council.	Condition	Yes
Recycling, garbage and mail	(a) Collection areas must be integrated into the overall site and building design, such as the example shown in DCP.	Provided	Yes

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

### Reports of Committees

**Item: 132**      **CP - Development Application - Construction of a Service Station - Lot 3 DP 233054 & Part Lot B DP158748, 11 Macquarie St, Windsor NSW 2756 - (DA0578/09, 74442, 97811, 95498)**

**Previous Item:**      101, Ordinary (25 May 2010)

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#### Development Information

**File Number:** DA0578/09  
**Property Address:** 11 Macquarie Street, Windsor NSW 2756  
**Applicant:** Woolworths Limited  
**Owner:** Rosefawn Pty Limited  
**Proposal Details:** Construction of a Service Station  
**Zone:** 3(a) Business General & Zone 9(b) Proposed Road  
**Advertising:** 8/10/2009 - 21/10/2009  
**Date Received:** 28/09/2009

**Key Issues:**      ♦ Objection under State Environmental Planning Policy No.1  
                         ♦ RTA Requirements

**Recommendation:** That the objection under State Environmental Planning Policy (SEPP) No. 1 be supported and that Council seek the concurrence of the Department of Planning to the SEPP No. 1 variation.

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#### REPORT:

##### Introduction

An application has been received seeking approval for the construction of a service station at Lot 3 DP 233054 and Part Lot B DP 158748 11 Macquarie Street, Windsor. Due to the development having direct vehicular access to Macquarie Street, a State Road under the control of the Roads and Traffic Authority (RTA), the application was considered to be a traffic generating development in accordance with State Environmental Planning Policy (SEPP) 2007 (Infrastructure). The application was referred to the RTA twice following modifications made to the internal layout and vehicular access points into the site.

This Development Application is submitted to Council for consideration as the SEPP No. 1 objection received objecting to clause 6 of Hawkesbury Local Environmental Plan, seeks numerical departure of greater than 10% in respect to the distance of the service station from the intersection of the main roads of Macquarie and Bridge Streets and requires Council to determine the application, prior to concurrence being obtained from the NSW Department of Planning.

The development application was considered at the Council meeting of 25 May 2010 where the resolution gave 'in principle' support to the application and requested that the design of the development be reviewed with the applicant. The design of the development has been discussed and the outcomes of that discussion are discussed in the "Site Design and Internal Design" section of this report. The outcomes of the discussion with the applicant were also mentioned at the Councillor Briefing Session on 15 June 2010.

##### Description of Proposal

The applicant seeks consent for the construction of a service station, situated on the corner of Baker and Macquarie Street, Windsor. Three fuel dispensers, including one LPG dispenser will be provided on site underneath a canopy and a pay point building located at the north east corner of the site. The site currently benefits from existing vehicular crossings from both street frontages, with Baker Street proposed as an access entry only. Due to the proximity of the site and the development in relation to Macquarie Street and

Bridge Street, the application was referred to the Roads and Traffic Authority (RTA) in accordance with the requirements of State Environmental Planning Policy (Infrastructure) 2007.

The entire frontage of the site along Baker Street is impacted by road widening to accommodate a possible widening of Baker Street.

The road widening if taken up by Council, will result in the Baker Street vehicular crossing being consumed by the road widening works. Due to the severe changes in level within the site towards Baker Street, no vehicular crossing from Baker Street would be possible following any road widening. The development however, still benefits from an entry and an exit onto Macquarie Street. The layout of the proposal has been amended to take into consideration the possibility that road widening may eventuate in the future, with internal manoeuvrability satisfying Australian Standard turning paths for all vehicles entering and exiting the site.

The development seeks to operate 24 hours a day, seven days a week.

### **History**

The application states that the use of the site for the purposes as a service station commenced from 1964 and ceased when development consent was granted for the removal of underground tanks, demolition of canopy and remediation of the site within DA0288/05 approved in August 2005. Following remediation works, a Site Audit Statement was issued in November 2007, declaring that the site was suitable for numerous purposes, including commercial/industrial use.

The application was considered at the Council meeting of 25 May 2010 where the following resolution was made:

*“That Council indicate its support in principle for development application DA0578/09 at Lot 3 DP233054 and Part Lot B DP158748, 11 Macquarie Street, Windsor for the construction of a Service Station and seek a review of the design aspects of the development by the applicant, taking into account the principles of the Windsor Master plan with any revised design to be reported back to Council.”*

The outcomes of the review of the design with the applicant are discussed in the “Site Design and Internal Design” section of this report.

It is considered that the design of the site is consistent with the general principles of the Windsor Master plan.

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

- RTA requirements
- Objection under State Environmental Planning Policy No.1

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

State Environmental Planning Policy No. 1  
State Environmental Planning Policy (Infrastructure) 2007  
State Environmental Planning Policy No. 55 – Remediation of land  
State Environmental Planning Policy No. 64 – Advertising and signage  
Hawkesbury Local Environmental Plan 1989  
Sydney Regional Environmental Plan No 20  
Hawkesbury Development Control Plan 2002

### **Section 79C Matters for Consideration**

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

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

**i. Environmental Planning Instrument:**

The relevant environmental planning instruments are:

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

The subject property is zoned 3(a) Business General. Service stations are permissible land uses within the 3(a) Business General zone. Clause 6 – Adoption of Model Provisions, which refers to Part 5 – Special Provisions of HLEP 1989 states that for service stations or car repair stations:

*“A building or work shall not be erected or used and land shall not be used for the purpose of a service station unless:*

- (a) The site is more than 90 metres from the junction or intersection of a main or arterial road, with another main or arterial road;*
- (b) Where the site has frontage to a main or arterial road:*
  - (i) The Roads and Traffic Authority has been consulted; and*
  - (ii) Where the site is not a corner lot, the frontage to the road is not less than 38 metres, or, where the site is a corner lot, the frontage to the road is not less than 30 metres*
- (c) where the site has frontage to a road other than a main road, the frontage is not less than 30 metres;*
- (d) the width of a vehicle crossing over a footpath is not more than 9 metres;*
- (e) any vehicular crossing over a footpath is not closer than 6 metres to a road intersection;*
- (f) separate entrances to and exits from the site are provided and those entrances and exits are separated by physical barriers constructed on the road alignment and so identified by suitable signs readily visible to persons using the adjoining road or entering;*
- (g) where the site is a corner lot and the Council so requires, separate entrances and exits are provided to and from each of the adjoining roads and a physical barrier is erected so that a vehicle entering the site must, when leaving it, use an exit leading only to the road from which entrance was gained;*
- (h) inlets to bulk fuel storage tanks are so situated on the site as to ensure that tankers, while discharging fuel into such tanks, shall stand wholly within the site;*
- (i) fuel pumps are within the site and not closer than 3 metres to the road alignment;*
- (j) the layout of the site is such as to facilitate the movement of vehicles entering into or leaving the site with the flow of traffic on the adjoining road;*
- (k) vehicular access to or from site from or to an adjoining road is situated not less than 24 metres to any traffic lights on the roads; and*
- (l) the site is suitably landscaped to the satisfaction of the consent authority.”*

The proposed service station is situated a distance of only 63 metres from the intersection of Macquarie and Bridge Streets. An objection under SEPP No.1 seeking a variation to the distance of the service station from the intersection of the main roads of Macquarie and Bridge Streets was submitted and is considered worthy of support.

In addition to the above, the following clauses of Hawkesbury Local Environmental Plan 1989 were taken into consideration:

Clause 2 - Aims, objectives etc  
Clause 5 – Definitions  
Clause 6 – Adoption of 1980 Model Provisions  
Clause 9 - Carrying out of development  
Clause 9a - Zone objectives  
Clause 18 – Provision of water, sewerage etc services  
Clause 22 – Development fronting a main or arterial road

Clause 25 – Development of flood liable land  
Clause 28 – Development in the vicinity of heritage items  
Clause 31 – Acquisition and use of reserved land  
Clause 37A – Development on land identified on Acid Sulfate Soils Planning Map

An assessment of the Development Application otherwise reveals that the proposal complies with the matters raised in the above clauses of Hawkesbury Local Environmental Plan 1989, with the exception of distances from a junction or intersection of a main road or arterial road as contained within Clause 6 – Adoption of 1980 Model Provisions.

**State Environmental Planning Policy No. 1 – Development Standards**

An objection under State Environmental Planning Policy No. 1 was lodged in respect to the distance of the development from the intersection of Macquarie and Bridge Streets. This SEPP No. 1 objection states:

*“Clause 3 of SEPP No.1 allows flexibility in circumstances where strict compliance would be unreasonable or unnecessary or hinder attainment of the objects of the Act.*

*The accompanying Traffic and Parking Report by Colston Budd Hunt & Kafes provides evidence to the effect that there is expected to be no adverse effect on traffic safety as a result of resurrecting a petrol station on this site and continuing the traditional land use. “*

The applicant's claim that compliance with the development standard is considered unreasonable and unnecessary, for the following reasons:

- *The site exists and has done so for many years without restraint on safety and efficiency*
- *The Land and Environment Court has referred to such instances as “accidents of history “*
- *The site is large and has a secondary street frontage and access*
- *Similar sites in other Local Government Areas allow flexibility towards minimum street frontages.*
- *The proposal will be situated on a consolidated lot with two street frontages. A total of 75.71 metres of street frontage.*
- *The access from Macquarie Street is separated i.e one for entry only and the other for exit only.*
- *The Baker Street access will provide secondary entry only thus offsetting the Macquarie Street entry.*
- *The existing frontage length and distance was applied to traditional service stations but newer petrol stations are less intensive because of the lack of vehicle repairs and the like with one frontage and providing both entry and exit thereto.*

The requirement for service stations to be located a minimum of 90 metres from the intersection of arterial roads is a current development standard within HLEP 1989 and a trigger for Development Applications to be referred to the RTA in accordance with SEPP (Infrastructure) 2007.

The traffic implications of the development of on site carparking, access arrangements, internal circulation and parking layout and the ability of the road network to be able to support the traffic generated by the development have been assessed and are considered satisfactory. Whilst the site is located only 63 metres from the intersection of Macquarie and Bridge Streets, the development has demonstrated that the site is suitable for this land use and can function adequately, despite not complying with the numerical development standard. Further in this respect, the RTA raises no objection to the development subject to specific conditions of consent.

Given the arguments presented by the applicant and noting that the allotments were previously utilised for the use as a service station, it is considered that the application adequately demonstrates that the standard is unreasonable in this case.

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

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.

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

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

Development consent was granted for the removal of underground tanks, demolition of canopy and remediation of the site within DA0288/05 approved in August 2005. Following remediation works, a Site Audit Statement was issued in November 2007, declaring that the site was suitable for numerous purposes, including commercial/industrial use. The proposed development as a service station is consistent with the nominated use's declared suitable within the Site Audit Statement.

**State Environmental Planning Policy No. 64 – Advertising and signage**

Under SEPP No.64 Part 2 Signage Generally, "A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) *that the signage is consistent with the objectives of this Policy as set out in clause 3(1) (a), and*
- (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1."*

An assessment of the proposal against the aims of this policy and the assessment criteria specified in Schedule 1 reveals that the development is consistent with the aims of the Policy and the assessment criteria specified in Schedule 1.

**State Environmental Planning Policy (Infrastructure) 2007**

Due to the development having direct vehicular access to Macquarie Street, a State Road under the control of the Roads and Traffic Authority (RTA), the application was considered to be a traffic generating development in accordance with State Environmental Planning Policy (SEPP) 2007 (Infrastructure). The application was referred to the RTA twice following modifications made to the internal layout and vehicular access points into the site. On the 26 March 2010, the RTA granted concurrence to the proposal subject to specific conditions of consent.

**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**

Within Draft Hawkesbury Local Environmental Plan 2009, the subject site is zoned B2 Local Centre and SP2 Infrastructure. The subject development is permissible with consent. Unlike Hawkesbury Local Environmental Plan 1989, no numerical provisions relate to the development of a service station within the Draft Local Environmental Plan.

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

The application has been notified to adjoining property owners in accordance with the requirements of Hawkesbury Development Control Plan 2002 Part A, Chapter 3.

In respect to carparking requirements, Hawkesbury Development Control Plan (HDCP) 2002 Part C, Chapter 2 Carparking and access requires that service stations provide five spaces per work bay, plus one space per 30m<sup>2</sup> of ancillary retail floor space. The development does not propose any workbays, but does provide a small pay point terminal of approximately 78m<sup>2</sup> in area, thus requiring three carspaces to be provided on site. The development proposes seven carspaces on site, satisfying Council's requirements.

The application also wishes to erect a pylon sign for advertising and the display of petrol prices to a height of 6 metres. The height of the pylon sign is consistent with the requirements specified within HDCP 2002 Part C, Chapter 3 Signs.

**(iv) any 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**

**Context & Setting**

The development site has been utilised for the purposes of a service station since 1964 up until recently when the site was remediated. The emergence of a new service station is not considered to distract from the local context and setting, given the sites previous long standing use.

**Access, Transport & Traffic**

Due to the development having direct vehicular access to Macquarie Street, a State Road under the control of the Roads and Traffic Authority (RTA), the application was considered to be a traffic generating development in accordance with State Environmental Planning Policy (SEPP) 2007 (Infrastructure). The application was referred to the RTA twice following modifications made to the internal layout and vehicular access points into the site. On the 26 March 2010, the RTA granted concurrence to the proposal subject to specific conditions of consent.

A strip (approximately 7 metres wide) along the site frontage with Baker Street is zoned 9(b) road widening. The width of the Baker Street reserve west of George Street where the road has already been widened, is 20 metres and the width of Baker Street at the site frontage is 12.805m. As such the width of road widening required at this site to achieve a road reserve width of 20 metres is 7.195 metres.

**Utilities**

It is considered that the proposed development will not place unreasonable demands on the provision of services.

**Heritage**

The site is not a registered heritage item under any local or state registry. The subject land is however located adjacent to Thompson Square at the rear. The application was referred to the NSW State Heritage Office for comment and no objections were raised.

The design of the development was also considered in relation to the view line principles of the Windsor Master plan. It is considered that the low profile of the structures, the elevation at the rear of the site combined with the landscaping proposed, that the proposal is not likely to have a significant adverse impact on the heritage values of the adjoining properties.

**Soils**

Erosion and sedimentation controls will be enforced through conditions of consent.

**Waste**

Provision exists on site for the storage of skip bins located to the north west of the pay point building. Removal of waste generated by the development is proposed to be removed by a private contractor.



### **Natural Hazards**

The subject land is not defined as bushfire prone land, however is situated at a level below the 1:100 flood year event for Windsor. As the development is not for habitable occupation, no development standards for commercial floor levels exist.

### **Site Design and Internal Design**

The development demonstrates that all service vehicles, including tanker delivery trucks can manoeuvre adequately within the site and entering and exiting the site.

In accordance with the resolution of the Council from 25 May 2010, a review of the design of the proposal was considered and discussed with the applicant. The following is a summary of that consideration and discussion.

The Principles of the Windsor Master plan provide, amongst other matters, some clear guidelines for the public domain within Macquarie Street as well as principles for the development of the private land located at the ends of Macquarie Street in order to provide some "gateway" treatment of those sites. There is little detail in the principles to assist in the design of individual sites along Macquarie Street. In these cases there needs to be further work on the general principles of the Master plan to develop more tangible guidance for the development of individual private properties. This work is programmed, but yet to be undertaken by Council. In the interim, development proposals are reviewed on their merits utilising the Master plan principles as well as using the existing contributory buildings (existing development that is not likely to change in the long term) in Macquarie Street as a guide to future development character.

A meeting was held with the applicant, Director City Planning, Planning Manager and assessing Town Planner on 9 June 2010 to discuss the design on the development. The principles of the Windsor Master plan were explored with the applicant and also discussed with Council's independent urban designer. The urban designer had previously suggested relocating the "pay point" building so that the setback to Macquarie Street was the same as the adjoining structure to the north. This has improved the continuity of the street setback. The urban designer also stated that the proposed development was consistent with the view principles of the Master plan in that the structure was low profile and the backdrop of landscaping would assist in minimising the visual impact of the development.

These aspects were previously discussed with the applicant and the building setback was amended. The redesign of the 'pay point' structure was also discussed, however, due to the size of the building (78m<sup>2</sup>), a change to the roofline would not achieve any improved design outcome and could, as mentioned by the urban designer, result in a more negative impact on the visual impact of the structure. A number of options were discussed regarding the design of the structures; however, no improvement to the design could be agreed.

The corporate colours and signage were discussed with the applicant and agreement was achieved to utilise similar corporate colours and signage to the existing Woolworths development in Kable Street which would assist in minimising the visual impact of the development.

### **Construction**

Construction is not expected to unreasonably impact upon surrounding business' and residential properties to the north east of the development site.

### **Cumulative Impacts**

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

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

Development consent was granted for the removal of underground tanks, demolition of canopy and remediation of the site within DA0288/05 approved in August 2005. Following remediation works, a Site

Audit Statement was issued in November 2007, declaring that the site was suitable for numerous purposes, including commercial/industrial use. The proposed development as a service station is consistent with the nominated use's declared suitable within the Site Audit Statement.

The traffic implications of the development on site carparking, access arrangements, internal circulation and parking layout and the ability of the road network to be able to support the traffic generated by the development have been assessed and are considered satisfactory. Whilst the site is located only 63 metres from the intersection of Macquarie and Bridge Streets, the development has demonstrated that the site is suitable for this land use and can function adequately, despite failing the numerical development standard. Further in this respect, the RTA raises no objection to the development subject to specific conditions of consent.

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

**Community Consultation**

The application was notified to adjoining property owners for 14 days in accordance with Hawkesbury Development Control Plan 2002 from the 8<sup>th</sup> to 21<sup>st</sup> of October 2009. Within this period, one letter of objection was received.

**1. Business' will suffer as due to cut price food and drinks that will be sold by Woolworths.**

Comment: The proposed land use is already permitted in the zone with Council consent. No substantial evidence has been submitted to conclude such an impact would eventuate, with economic forces dictating the success and failure of businesses. It should also be noted that the introduction of competition to existing businesses alone is not a relevant planning matter.

**e) the public interest**

The site is considered suitable for the development proposed, with the traffic implications of the development on site carparking, access arrangements, internal circulation and parking layout and the ability of the road network to be able to support the traffic generated by the development considered to be satisfactory.

Having regard to the relevant planning considerations and the matters raised in public submissions, it is concluded that the proposal is not contrary to the public interest.

**Conclusion**

The current proposal is not consistent with the distance requirements for service stations from the intersection of arterial roads as per Clause 6 of Hawkesbury Local Environmental Plan 1989. However, it is considered that the applicant has successfully demonstrated that strict compliance with these requirements is unreasonable and unnecessary in this instance, and is therefore worthy of support.

Under the provisions of State Environmental Planning Policy No. 1 (SEPP No.1), Council can not determine the application without the concurrence of the Director General. It is recommended that Council support the application and request that the Director General grant concurrence to the application. Should concurrence be granted, the application can be approved. Should concurrence not be granted, then the application must be refused. Both of these determination options may be undertaken under the delegated authority of the General Manager.

**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.

**Developer Contributions**

The following developer contributions apply to this development - \$9,000. Accordingly, a condition of consent is required to be imposed in this regard.

**RECOMMENDATION:**

That:

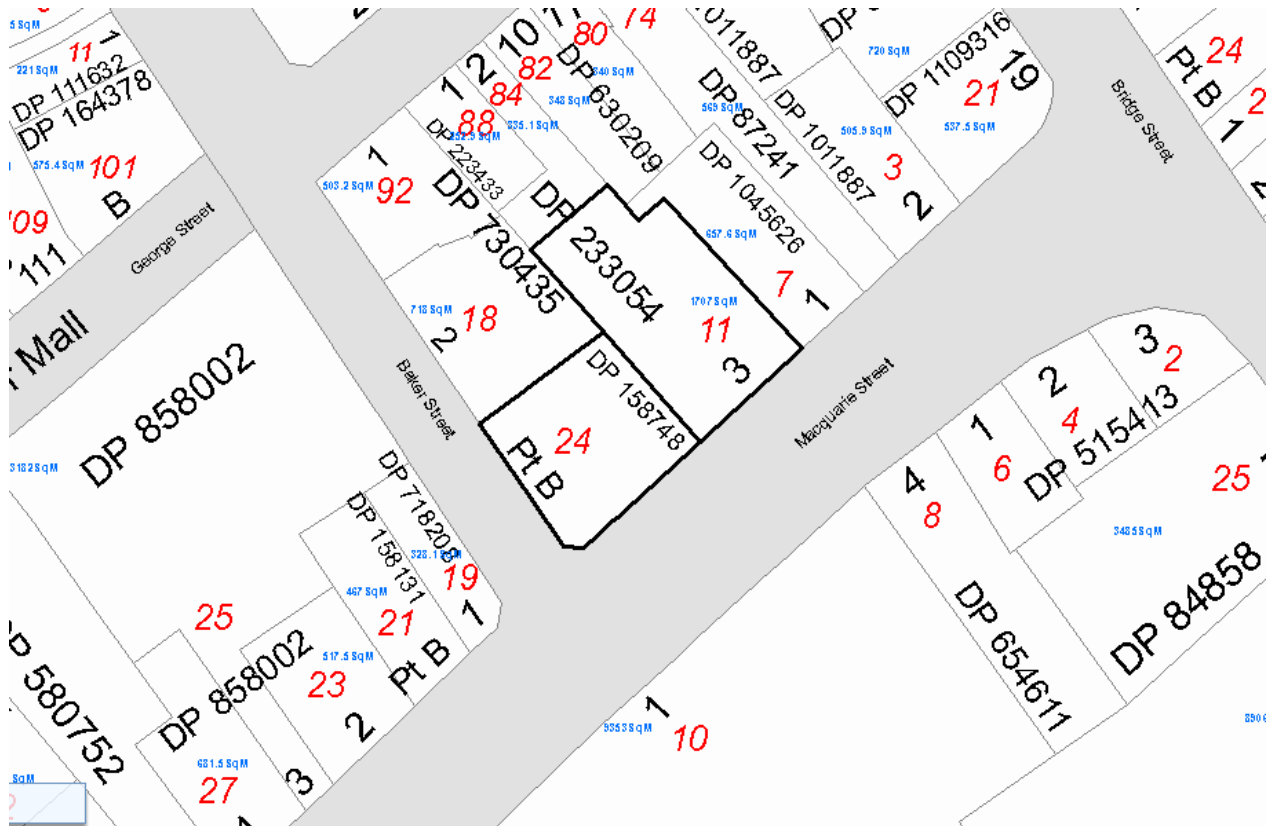
1. The objection under State Environmental Planning policy No. 1 be supported.
2. Council seek the concurrence of the Department of Planning to the SEPP No. 1 variation.
3. Development application DA0578/09 at Lot 3 DP 233054 and Part Lot B DP 158748, 11 Macquarie Street WINDSOR NSW 2756 for Construction of a Service station be supported and, upon the receipt of the response from the Department of Planning, authority be delegated to the General Manager to appropriately determine the application.

**ATTACHMENTS:**

- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Elevations
- AT - 4** Landscape Plan
- AT - 5** Potential development consent conditions should the application be approved

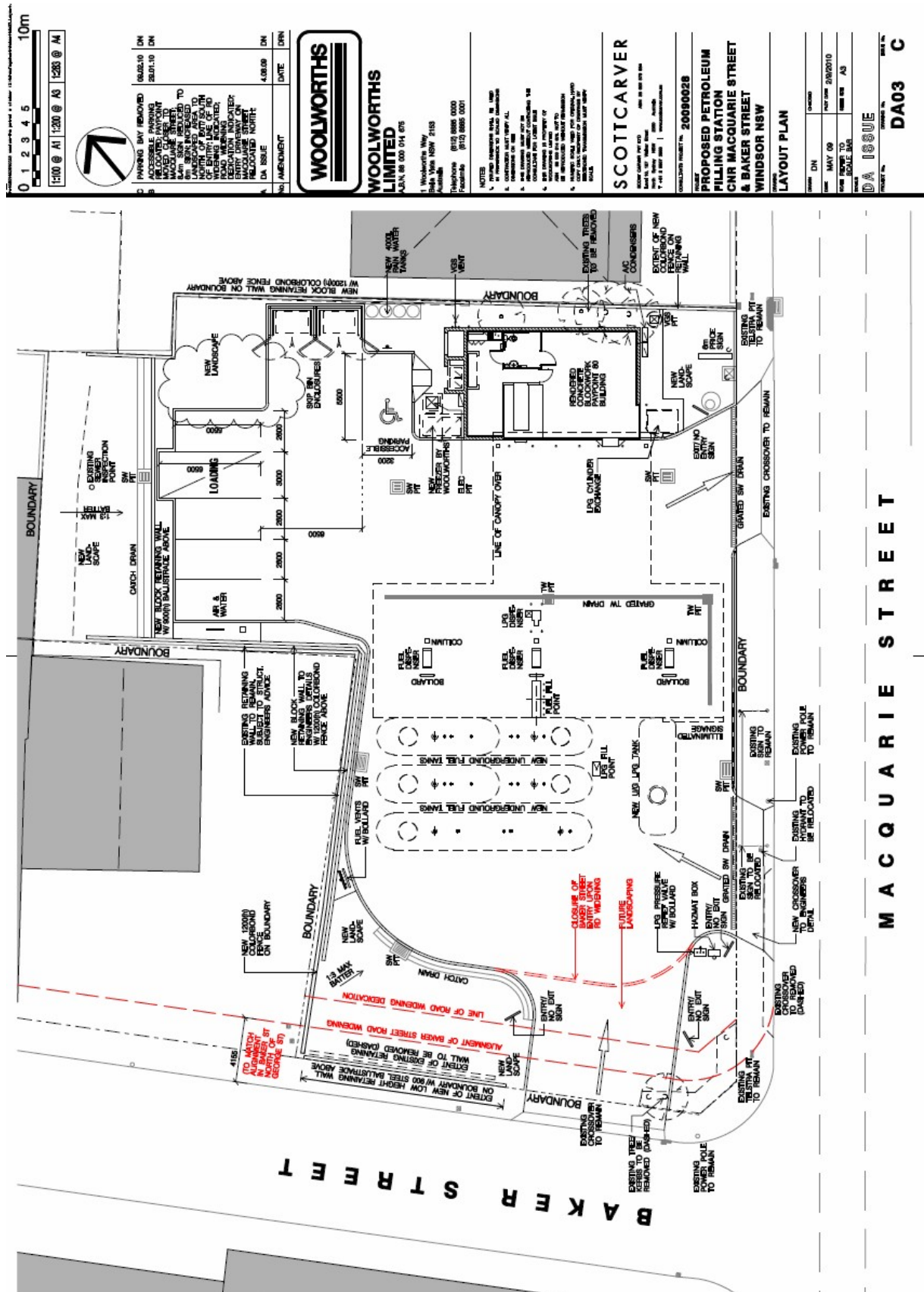
ORDINARY MEETING  
Reports of Committees

AT - 1 Locality Plan



ORDINARY MEETING  
Reports of Committees

AT - 2 Site Plan



AT - 3 Elevations

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1:100 @ A1 1:200 @ A3 1:200 @ A4

NO.	AMENDMENT	DATE	DRN
B	PRICE SIGN REDUCED TO 600x100	08/02/10	DN
A	LA BIBLE	04/09/09	DN

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CONTRACT NO. 20090028

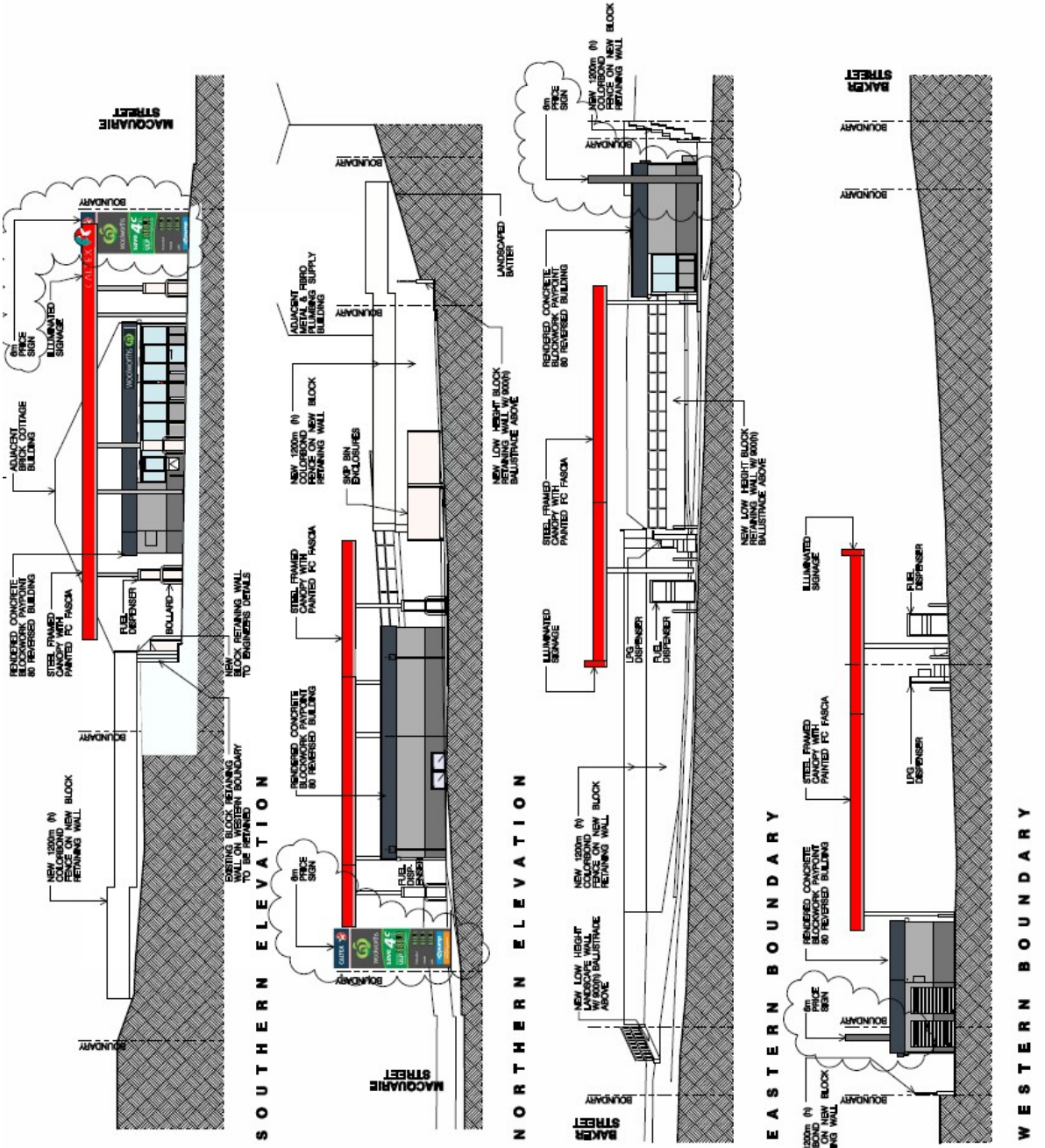
**PROPOSED PETROL FILLING STATION  
CNR MACQUARIE STREET  
& BAKER STREET  
WINDSOR NSW**

**ELEVATIONS**

NO.	AMENDMENT	DATE	DRN
B	PRICE SIGN REDUCED TO 600x100	08/02/10	DN
A	LA BIBLE	04/09/09	DN

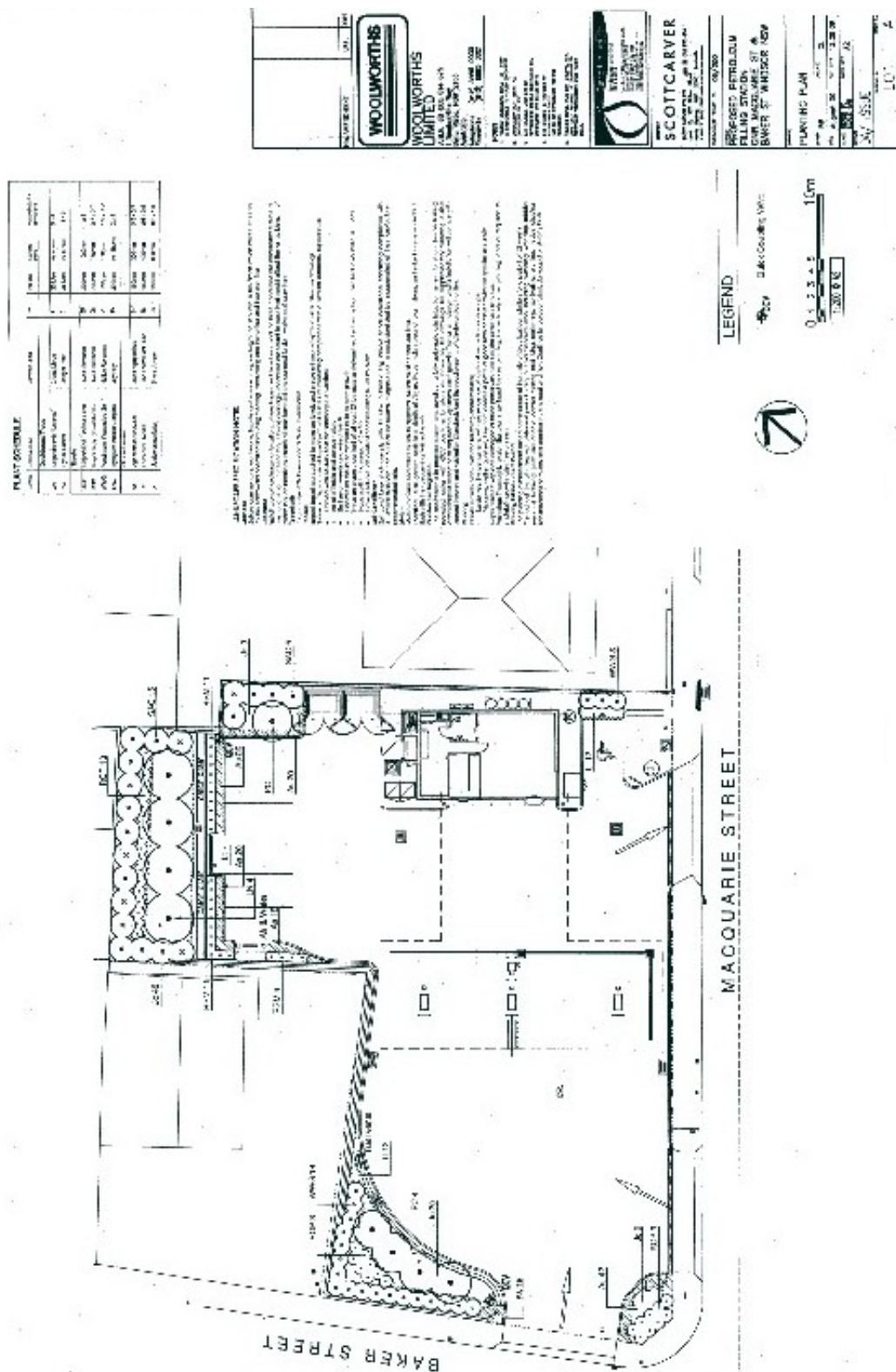
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## AT - 4 Landscape Plan



**AT - 5 Potential development consent conditions should the application be approved**

**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.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. 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.
7. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
8. The development shall be designed and operated in accordance with the acoustic report No. 4658 Revision 0, prepared by RSA Acoustics and dated 24 February 2010.

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

9. The subject sites shall be consolidated in accordance with the approved plan. The plan for consolidation is to be registered prior to the release of the Construction Certificate.
10. The design and construction of the proposed new driveway crossing on Macquarie Street shall be in accordance with AS2890.1 – 2002 and the Roads and Traffic Authority (RTA) requirements (i.e. 11m at the kerb line). Details of further requirements can be obtained from the RTA's Project Services Manager, Traffic Projects Section, Parramatta (Ph. 02 8849 214).

A certified copy of the design plans shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate by the Principle Certifying Authority and commencement of road works.

The RTA fees for administration, plan checking, civil works inspections and Project management shall be paid by the applicant prior to the road works.

11. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.  
  
All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
12. Construction of the road, access, car park, drainage, filling and retaining walls are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.



## ORDINARY MEETING

### Reports of Committees

13. A Traffic Management Plan prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to the Principle Certifying Authority for approval. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council.
14. Retaining walls are to be designed by a suitably qualified and experienced Structural Engineer and approved by the Principle Certifying Authority prior to construction.
15. Pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$9,000 shall be paid to Hawkesbury City Council.

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 certifying authority.

16. The applicant shall submit plans for assessment and approval by Hawkesbury City Council regarding the collection and treatment of Trade Waste prior to discharge to the local sewerage system.

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

17. Should there be changes to the RTA's drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:  
The Sydney Asset management  
Roads and Traffic Authority  
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph 02 8849 2114 or Fax 8849 2766.

18. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
19. A waste management plan shall be submitted to and approved by the Principle Certifying Authority. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
20. 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.
21. The applicant shall advise Hawkesbury City 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.
22. 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.

23. Toilet facilities (to the satisfaction of the Principle Certifying Authority) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
24. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority.

***During Construction***

25. All redundant driveways are to be removed along the site's Macquarie Street frontage with kerb and gutter reinstated to the RTA's requirements.
26. The layout of the proposed car parking and loading areas associated with the subject development (including driveways, queuing areas, grades, turn paths, sight distance requirements, aisle widths and parking bay dimensions) should be in accordance with AS2890.1 – 2004 and AS2890.2 – 2002 for heavy vehicle usage.
27. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
28. 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.
29. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
30. The loading area shown on the plan to cater for a small rigid vehicle is to be increased in size to comply with the minimum requirements of AS2890.2 – 2002 for this type of vehicle (3.5m x 6.4m). The loading bay is to be clearly marked as such.
31. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
32. 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.
33. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.

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

34. The development shall be constructed of flood compatible materials in accordance with the NSW Government Flood Plain Manual. In this respect the following design precautions must be adhered to in all respects:
- (a) all electrical, heating and air conditioning service installations are to be located above the 2% AEP flood level of 15.7m AHD;
  - (b) the building is to be constructed of flood compatible materials such as galvanised steel frame, galvanised zinc alum cladding doors and door frames; and
  - (c) the structure and walls shall be strengthened to a level of 15.7m AHD to increase resistance to floodwater flow and debris impact.
35. 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.
36. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
37. 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.
38. All necessary street signage and pavement markings shall be installed and/or relocated as required.
39. The installation and operation of any fuel facility is to be done in accordance with:
- (a) AS4897 – 2008 : Design, installation and operation of underground petroleum storage systems.
  - (b) AS1596 – 2002 Storage and handling of LP Gas
  - (c) AS1940-1993 The Storage and Handling of Flammable and Combustible Liquids
  - (d) All WorkCover NSW Requirements

***Prior to Issue of the Occupation Certificate***

40. Dedication of road widening along the Baker Street frontage of the site. The current road reserve width of Baker Street is shown as 12.805m. The dedication is to be 7.195m wide (subject to final survey), to result in a final width of the Baker Street road reserve of 20 metres. The dedication of road widening is to be at no cost to Council.
41. The applicant must enter into a Trade Waste Agreement with Hawkesbury City Council.
42. Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.

***Use of the Development***

43. No internal or external alterations shall be carried out without prior approval of Council.
44. 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.

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

45. No additional advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
46. No advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
47. The development shall be limited to the area shown on the submitted plans.
48. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
49. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
50. All waste materials shall be regularly removed from the property.
51. Only pre-packaged foods and drinks shall be sold from the premises.
52. No air-conditioning condenser units or plant machinery shall be located within the side setback adjacent to No. 7 Macquarie Street, Windsor.
53. Vehicles entering the property must be wholly contained within the property before being required to stop.
54. All vehicles are to enter/exit to the site in a forward direction.
55. Fuel deliveries shall be restricted to outside of the AM / PM traffic peaks to minimise potential conflicts between articulated vehicles and passenger vehicles in the fuel dispensing area and to also minimise the potential for vehicles to queue out of the site and disrupt traffic flows along Macquarie Street. Fuel delivery tankers, while discharging fuel into storage tanks, shall stand wholly within the site
56. All chemicals shall be stored, handled and disposed of in accordance with:
  - (a) AS1940-1993. The Storage and Handling of Flammable and Combustible Liquids
  - (b) The Department of Environment, Climate Change and Water - Storage and Handling Liquids: Environmental Protection – Participants Manual.
  - (c) Environmental Compliance Report: Liquid Chemical Storage handling and spill management – Part B Review of best practice and regulation
57. The hours of operation are 24 hours a day, seven (7) days a week.

***Advisory Notes***

- \*\*\*\* All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.
- \*\*\*\* All construction vehicles are to be contained wholly within the site as a work zone permit will not be approved on Macquarie Street.

**oooO END OF REPORT Oooo**

**Item: 134            CP - Changes to Local Development Contributions (Section 94) - (95498)**

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**REPORT:**

**Executive Summary**

On 4 June 2010 the NSW Premier announced a revised approach to setting local development contributions and Council rates. This report will deal with the implications for the Hawkesbury in relation to the changes to Local Development (Section 94) Contributions. Another report on this agenda will discuss the implications for the changes to the setting of Council rates.

The announced changes to the Section 94 contributions essentially cap the contributions that Council can charge via a Section 94 Development Contributions Plan to \$20,000 regardless of existing contributions plans or exemptions from contributions caps previously announced.

This report is for information only.

**Consultation**

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

**Background**

On 4 June 2010 a News Release by the Premier of NSW, announced a revised approach to the setting of local development contributions. This revised approach was issued as a Direction, under the provisions of Section 94E of the Environmental Planning and Assessment Act 1979 (the Act) by the NSW Government Minister for Planning. The requirements of the Direction are as follows:

*"A council as a consent authority must not impose a condition of development consent under section 94(1) or 94(3) of the Act requiring the payment of a monetary contribution exceeding \$20,000 for each dwelling authorised by the consent or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$20,000 for each lot authorised by the consent."*

A copy of Section 94E direction and the Planning Circular (PS 10-014), explaining the revised approach, is attached to this report.

The above direction essentially caps all monetary Section 94 contributions that councils can levy to \$20,000. This cap applies to all existing Section 94 contribution plans regardless of previous exemptions granted, but not to Section 94A contribution Plans.

**Implications for the Hawkesbury**

The majority of development contributions applied by Hawkesbury City Council are levied under the provisions of Council's Section 94A Contributions Plan. The abovementioned cap does not apply to Section 94A contributions.

Hawkesbury Council's current Section 94 Plan applies to existing development approvals (not affected by the recent Direction) and to the future development at Pitt Town. This Plan is affected by this current Direction. In relation to the Section 94 contributions for Pitt Town there are a range of Council and State infrastructure items that make up the Plan. The following breakdown of contributions per Lot (as at 8 June 2010) in the Plan is provided for information:

**ORDINARY MEETING**  
Reports of Committees

Total Council contributions <i>Consists of Land acquisition, Local Community Facilities, Local recreation Facilities, Local Park Improvements and Roadworks.</i>	\$18,576.11
State and Regional transport infrastructure contributions <i>Consists of Mulgrave railway station parking, Interim bus service for two years, Partial Pitt Town Bypass contribution.</i>	\$8,441.25
<b><i>Total contributions for all allotments</i></b>	<b><u>\$27,017.36</u></b>
Additional State contributions Pitt Town Bypass (partial) <i>Applies to land in Central, Cattai and Thornton east Precincts</i>	\$26,146.23
<b><i>Total Contributions for land in Central, Cattai and Thornton East</i></b>	<b><u>\$53,163.59</u></b>

The development that is proposed by Johnson Property Group (JPG) is subject to a Voluntary Planning Agreement (VPA) that is equivalent to \$26,146.23 per lot. As such the JPG land contributions are \$27,017.36 per lot plus the VPA works. In essence all additional allotments under the current contributions plan attract the same Section 94 contribution value.

As can be seen from the above breakdown the contributions plan is complex in that there are local (Council) and regional (State) contributions within the one contributions plan. This was the result of the Part 3A approval relating to Pitt Town and the fact that the Department of Planning prepared the contributions plan and the Minister 'made' the Plan. Staff are still in discussions with the Department as to how this contributions plan is to function under the recent "cap" announcement as the contributions in excess of the \$20,000 cap are State Government contributions. Should the \$20,000 cap apply to all the Pitt Town contributions, the estimated shortfall would be in the order of \$12.6 million, or the estimated cost of the Pitt Town Bypass.

The June 4 announcement by the NSW Premier suggested that the changes would allow councils to apply for a special rate variation for legitimate council costs arising from development. It is unclear if Council can apply for a rate variation in the Pitt Town case as the contributions are State based. However, if the estimated shortfall was applied to the rate base for properties the following estimated changes would occur:

Shortfall spread across LGA rate base over 20 years	\$27/pa per rateable property
Shortfall spread across new Pitt Town lots over 20 years	\$710/pa per rateable property

The above information is an estimate of the impact that the contributions cap will have on the Hawkesbury in relation to Pitt Town and is a worst case scenario. Council staff are currently pursuing the Department of Planning to determine the impact that the announcement will have on the Section 94 Plan operation and it is likely that the Council portion remains the same and the State portion may be reduced. Either way the impact on the provision of infrastructure in relation to the Pitt Town development could be substantial.

The cap of developer contributions does not apply to Section 94A contributions and the bulk of contributions paid to Hawkesbury City Council, except to the abovementioned Pitt Town example, come from the Section 94A Plan. As such there is not likely to be a significant immediate change to other areas. However, with the proposed changes to introduce Part 5B to the Act (Part 5B changes the existing provisions dealing with Section 94 contributions) all Councils will need to review all contributions plans in the near future. (The attached Planning Circular anticipates the commencement of Part 5B of the Act on 1 July 2010 with the guidelines for contribution plan review to be release in "the coming months").

Hawkesbury City Council will need to review the Section 94 Plan to account for any future areas of development. The cap of \$20,000 will need to be taken into account when considering release areas and other options of Section 94A (indirect) contributions and Voluntary Planning Agreements will need to be considered more closely.

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

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

- Be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services.
- Have transparent, accountable and respected leadership and an engaged community.

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

- Engage the community to help determine affordable levels of service.
- Have ongoing engagement and communication with our community, governments and industries.

There will need to be continuing engagement with the State Government and the community to assist Council in the planning, provision and funding of infrastructure for future development in a manner that will cater for the future population of the Hawkesbury without placing an unnecessary burden on the existing population.

### **Financial Implications**

The financial implications of this announced cap on development contributions is likely to have a significant impact on the provision of the Pitt Town bypass and the ability of the State Government to fund that work. However, the exact nature of this impact is yet to be determined.

The impacts on the funding of infrastructure for future developments are not known until some more fundamental decisions on development are made, i.e. future investigation areas, density, timing of release, infrastructure requirements generated by a development, etc. Depending on those decisions, and the level of infrastructure required, or assessed as being required, to meet the demands of a development there is a potential impact on the Council's finances if the value of the assessed demand exceeds the level of the cap.

### **RECOMMENDATION:**

That the information be received.

### **ATTACHMENTS:**

**AT - 1** Planning Circular PS 10-014, dated 4 June 2010

**AT - 1 Planning Circular PS 10-014, dated 4 June 2010**



Planning

## PLANNING circular

### PLANNING SYSTEM

#### Development Contributions

<b>Circular</b>	PS 10-014
<b>Issued</b>	4 June 2010
<b>Related</b>	supersedes PS09-001 supersedes "only that part of PS08-017 which is inconsistent with PS10 -014"

## Local Development Contributions

The purpose of this circular is to advise councils and the public of changes relating to local development contributions as a result of a revised mechanism for setting these contributions and council rates.

### Introduction

On 4 June 2010, the Premier, the Hon. Kristina Keneally MP, announced a revised approach for setting local development contributions and local council rates. It includes:

- a \$20,000 per residential lot or dwelling limit on local development contributions
- allowing councils to apply for special rate variations for legitimate council costs arising from development.

These changes aim to increase housing supply by lowering development charges for infrastructure to stimulate housing construction.

This forms part of a comprehensive strategy to improve housing supply across NSW.

### **\$20,000 limit to local development contributions**

#### **Section 94E Direction**

Attached to this circular is a Direction issued by the Minister for Planning under section 94E of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

The Direction applies to monetary contributions required by conditions of development consent imposed by councils under section 94 of the EP&A Act.

#### **Effect of the Direction**

The Direction provides that a council must not impose a condition requiring a development contribution under section 94 of the EP&A Act that requires the payment of a monetary contribution of more than \$20,000 for each residential dwelling or for the purposes of residential subdivision, no more than \$20,000 for each lot.

This Direction also revokes:

- the previous Direction under section 94E, dated 13 January 2009
- the previous Directions (dated 31 May 2009 and 10 July 2009) to individual councils

### **Development to which the Direction applies**

The Direction applies to consents granted, and applications for complying development determined on or after 7 June 2010.

The Direction does not apply to:

- section 94 contribution conditions imposed before 7 June 2010
- voluntary planning agreements
- monetary contributions required under section 94A (fixed percentage levies) of the EP&A Act
- section 94F (affordable housing contributions) of the EP&A Act
- conditions requiring the dedication of land free of cost (section 94(1)(a)).

This Direction does not affect the ability of councils to accept the dedication of land or provision of material public benefits in lieu of monetary contributions (section 94(5)).

### **Complying Development**

As a result of changes to the EP&A Act that took effect on 17 July 2009 accredited certifiers will now need to take into account directions issued by the Minister for Planning.

### **Implementation of Part 5B of the EP&A Act**

The Department of Planning is finalising the introduction of the new Part 5B of the EP&A Act. It is expected that this will commence on 1 July 2010.



## ORDINARY MEETING

### Reports of Committees

Department of Planning circular PS 10-014

The changes outlined in this circular will be continued under the Part 5B provisions.

#### **Guidelines**

In the coming months, the Government will release guidelines to assist councils in preparing development contributions plans under the new provisions.

#### **Reporting requirements**

Commencing in the 2010/11 financial year, councils will be asked to report on development contribution activity to the Department of Planning. A template will be prepared and distributed to councils by 30 June 2010.

More formal reporting arrangements will be investigated for implementation from July 2011.

#### **Further information**

If you have queries about the Direction and this Planning Circular please contact the Department's Information Centre 02 9228 6333 or email [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

If you have queries about changes to council rates contact NSW Treasury.

Note: This and other Department of Planning circulars are published on the web at [www.planning.nsw.gov.au/circulars](http://www.planning.nsw.gov.au/circulars)

#### **Authorised by:**

Sam Haddad  
Director-General  
NSW Department of Planning

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**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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## Direction Section 94E

under the  
Environmental Planning and Assessment Act 1979

I, the Minister for Planning, in pursuance of section 94E of the *Environmental Planning and Assessment Act 1979* (the Act) direct councils as consent authorities to comply with the requirements set out in this Direction.

This Direction revokes the previous Directions issued under section 94E of the Act as set out in the Schedule to this Direction.

 - 4 JUN 2010

TONY KELLY, M.L.C.,  
Minister for Planning

### Requirements of this Direction

- (1) A council as a consent authority must not impose a condition of development consent under section 94(1) or 94(3) of the Act requiring the payment of a monetary contribution exceeding \$20,000 for each dwelling authorised by the consent or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$20,000 for each lot authorised by the consent.

### Date this Direction takes effect

- (2) This Direction takes effect on and from 7 June 2010.

### Definitions

- (3) Words and expressions in this Direction have the same meaning as they have in the Act unless otherwise defined.
- (4) In this Direction:
  - (a) **Dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile,
  - (b) **Residential lot** means a lot created by the subdivision of land (as defined in section 4B of the Act) for the purpose of a dwelling not being a lot, which in the opinion of the council, is to be further subdivided for the purpose of creating lots to be used for dwellings.
- (5) Notes do not form part of this Direction.

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

**Notes**

Section 94EC(1A) of the Act provides as follows:

The imposition of a condition by an accredited certifier as authorised by a contributions plan is subject to compliance with any directions given under section 94E(1)(a), (b) or (d) with which a council would be required to comply if issuing the complying development certificate concerned.

**Schedule**

(1) The following directions are revoked by this Direction:

- (a) The Direction, dated 13 January 2009, to councils exercising functions as a consent authority,
- (b) The Directions, dated 31 May 2009, to Blacktown City Council, Camden Council, City of Sydney Council, Ku-ring-gai Council, Lake Macquarie City Council, Liverpool City Council, Maitland City Council, Penrith City Council and Wyong Shire Council,
- (c) The Directions, dated 10 July 2009, to Campbelltown City Council, Holroyd City Council, Leichhardt Municipal Council, Palerang Council, Pittwater Council, Shoalhaven City Council, The Hills Shire Council, Tweed Shire Council, Wollondilly Shire Council and Yass Valley Council.

**oooO END OF REPORT Oooo**

**Item: 138**                    **CP - Customer Service Charter and Service Standards - (104512, 95498)**

**Previous Item:**        231, Ordinary (26 September 2006)  
                              298, Ordinary (12 December 2006)  
                              44, Ordinary (13 March 2007)

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## **REPORT:**

### **Executive Summary**

This report has been prepared to seek Council's approval for the adoption of a Customer Service Charter prepared in accordance with best practice guidelines contained in the International Customer Service Standard (ICSS). The report outlines the steps taken to prepare the Draft Charter and the process to be followed in the implementation of the Charter. The report also recommends Council endorsement of a 'plain English' Customer Contact & Service Standards document which outlines operational service levels for a range of everyday Council services - these service levels are based on performance targets contained in Council's adopted Management Plan. These documents will provide the basis for the future monitoring and measurement of Council's customer service performance.

### **Consultation**

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

The Customer Service Charter (Attachment 1) sets out customer contact standards which are largely based on informal customer service standards which have been in place for a number of years. The Charter formalises these standards so that customers can form reasonable expectations about Council's capacity to respond to customer requests, reports and complaints. The majority of the customer contact standards within the Charter can be achieved within existing resources but will be dependent on the implementation of customer request management strategies and tools which are currently being developed and, in some instances, the complexity of customer requests. The adoption of the Charter will provide the framework to inform Council's customer request management system.

It is not intended to place the draft Customer Service Charter on public exhibition though it is acknowledged that customers may well advocate for shorter response times than those contained within the draft Charter. The draft Charter is based on 'good practice' industry standards and has been developed to reflect Council's current human and financial resources. Changes to the identified response times would require the injection of additional resources which are currently beyond Council's capacity to fund.

The associated Customer Contact & Service Standards document (Attachment 2) is based on the performance targets within Council's adopted Management Plan which was placed on public exhibition.

### **Background**

In January 2005, Council resolved to implement a Services/Strategy Organisation Model to re-align organisational structures to give effect to Council's strategic directions as detailed in the then draft Strategic Plan. The Services/Strategy Organisation Model included the creation of a cross functional, Customer Service capability to build the organisational capacity of Council to achieve its strategic directions and to drive a process of continuous corporate performance improvement. The objectives of the Customer Service function were to cultivate a 'customer first' service oriented corporate culture, and to expand Council's capacity for community engagement.

In accordance with the (2005) Strategic Plan, a draft three-year Customer Service and Communication Strategy was developed and was provisionally costed at \$1,504,886 (made up of \$732,866 of existing

resources and \$772,000 in additional funding enhancements). Given the financial issues facing Council at that time, the reporting of the Strategy was deferred as it became clear that the strategy would need to be largely implemented within existing resources. The draft strategy was finalised and reported to Council in September 2006. Following its referral to a Councillor Briefing Session, it was placed on public exhibition in December 2006 and adopted by Council in March 2007.

### **Adopted Customer Service and Communication Strategy**

The primary objective of Council's adopted Customer Service and Communication Strategy was to work towards achieving accreditation under the International Customer Service Standard (ICSS). The ICSS identifies the 29 corporate attributes required to achieve international best practice in customer services.

Aligning Council's Strategy to the ICSS accreditation process provided a clear pathway to seek accreditation by an authorised external agency - the Customer Service Institute of Australia (CSIA) - who could independently confirm that Council had devised and implemented customer service systems and structures to support the delivery of good customer services. The attributes outlined in the ICSS provided the basis for identifying the strategies and tasks that Council needed to complete over the three year life of the Strategy as a pre-requisite to submitting Council for formal assessment accreditation as Certified Customer Service Organisation.

In April 2010, Council formally submitted its ICSS self-assessment to the CSIA for assessment and accreditation. The CSIA has completed the preliminary review of Council's self-assessment and associated documentation and has commented favourably on the work that Council has undertaken over the last three years. The CSIA will be conducting a site audit in the near future to finalise the assessment process. The outcomes of the CSIA audit will be reported to Council.

### **Customer Service Charter**

In May 2008 Council commissioned the CSIA to undertake a *Pre-Certification Assessment* to gauge how well Council was travelling in achieving the required standards under the attributes within the ICSS. The CSIA Pre-Certification Assessment report identified that Council was 79% compliant with the ICSS attributes in that it had achieved the minimum required score for 23 of the 29 attributes within the ICSS.

The Pre-Certification assessment undertaken by the CSIA identified four areas of non-compliance - the most significant of which was the absence of a formal Customer Service Charter and the need for Council to identify clear operational service levels to enable Council to monitor and measure its customer service performance. Working parties were subsequently established to address these areas of non-compliance.

Council staff have finalised the development of the final draft of a Customer Service Charter. The Charter identifies generic customer contact standards and encourages customers to provide feedback to Council about Council's customer service performance. The Charter also outlines rights of appeal where customers may be dissatisfied with a decision made by Council and identifies ways in which customers can assist Council in facilitating responses to customer requests. Council staff have also prepared a companion document - Customer Contact & Service Standards - which provides specific details on service standards for key Council functions.

### **Implementation of the Customer Service Charter**

The Customer Service Charter (and its companion document) are core tools to be used by Council to drive its customer service systems. The adoption of the Charter will provide a framework for Council to:

- a. establish clearly defined and measurable customer service levels to be built into an improved customer request management system (currently under development);
- b. develop a Customer Service Policy (based on guidelines issued by the NSW Ombudsman) and prepare the necessary operational management standards to give practical effect to the Policy and Charter;

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

- c. distribute the charter to Council customers and to display the charter in its customer service and staff areas so that customers and staff are aware of its content and importance;
- d. incorporate customer service performance measurement into Council's corporate reporting framework.

**Conformance to Community Strategic Plan**

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

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

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

- Engage the community to help determine affordable levels of service.

The identification of customer service levels and standards will be a key tool in monitoring and measuring community satisfaction with Council's delivery of services and infrastructure in response to the goals within the Community Strategic Plan.

**Financial Implications**

There are no financial implications arising from this report. To date, the development and implementation of Council's customer service improvement strategies have largely been achieved from within existing resources and/or through the internal realignment of staff resources. Some initiatives (such as the introduction of Council's Quarterly Newsletter) have been the subject of separate reports to Council, while other customer service improvements (such as the re-design of Council's website) have been included in Council's draft annual financial estimates) have been achieved in conjunction with the implementation of Council's Community Strategic Planning processes. Provision has been made within the adopted 2010/2011 budget for the purchase of customer request management software and other resources to support the practical implementation of the Customer Service Charter.

**RECOMMENDATION:**

That Council adopt the Hawkesbury City Council Customer Service Charter and the Hawkesbury City Council Customer Contact & Service Standards.

**ATTACHMENTS:**

**AT - 1** Hawkesbury City Council Customer Service Charter

**AT - 2** Hawkesbury City Council Customer Contact & Service Standards

**AT - 1 Hawkesbury City Council Customer Service Charter**

Hawkesbury City Council

# Customer Service Charter





Our commitment to you

## Providing Feedback

### Feedback on our services:

We aim to keep improving our services and would welcome your feedback on our performance.

Please contact us if there are some aspects of our service you believe we have not done well, could do better, or for any reason you were not satisfied with.

### How to contact us.

You can contact us to make an enquiry, complaint or a compliment:

- in person by visiting the Administration Centre at 366 George Street, Windsor between 8.30am- 5.00pm Monday to Friday
- by phoning (02) 4560 4444 during office hours. Council provides an After-Hours Emergency Service on the same number
- by email [council@hawkesbury.nsw.gov.au](mailto:council@hawkesbury.nsw.gov.au)
- by facsimile to (02) 4560 4400
- by internet on Council's web-site at [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au)
- Our website gives you access to 24 hour, 7day on-line Council Services and Customer Enquiries.



**Corporate Member of the  
Customer Service Institute of  
Australia.**

## Our Customer Focus

Council is committed to improving our customer services. We are working with the Customer Service Institute of Australia (CSIA) to achieve best practice benchmarks for good customer service as set out in the International Customer Service Standard (ICSS).

Our goal is to be a **customer focused organisation** that:

- ✓ has an excellent reputation to do business with;
- ✓ communicates regularly with our customers;
- ✓ understands the needs of customer groups;
- ✓ anticipates future customer needs;
- ✓ knows what is important to customers;
- ✓ sets customer service standards and measures its performance.

## Our regulatory responsibilities

As a regulatory body, Council is required to:

- administer regulations and uphold the law;
- safeguard the public interest.

These responsibilities may not always match your wishes and conflict may arise. Where we cannot resolve this conflict, further avenues of appeal to the Land and Environment Court or Local Court may exist. The Ombudsman may also review the Council's actions. We will be happy to advise you of these procedures.





## Our Commitment to Customer Service

Our dealings with customers will be:

1. **clear** - keeping it simple by using plain language and making it easy for customers to contact the right person;
2. **courteous** - being helpful and attentive and listening carefully to customer requests;
3. **timely** - providing a reliable service and responding to customer enquiries quickly;
4. **fair** - being transparent and applying regulations consistently, firmly and fairly while keeping customers informed;
5. **accountable** - being responsible for customer service outcomes and apologising to our customers for our poor service or mistakes;
6. **confidential** - respecting customer privacy and treating customer concerns and personal information confidentially;
7. **informed** - understanding customer expectations and involving customers in product and service development processes;
8. **cost effective** - getting the right balance between customer expectations and delivering an affordable and sustainable service.

## Customer Contact Standards

We will answer your enquiries promptly and if we are able, deal with them directly without unnecessary delay:-

**in person** - we will greet you when you enter our office and our counter staff will wear name badges. If you do not have an appointment we will see you as soon as possible and where we can, we will provide you with information while you wait.

If you have an appointment (in our office or on-site) we will see you punctually at the scheduled time. If there is likely to be a delay in seeing you, we will advise you and keep you informed.

**telephone** - we will answer your phone call within 30 seconds, if we do not, your call will go to our voice mail. We will then return your call at the first reasonable opportunity (but within two working days)

**e-mail** - We will acknowledge your e-mail when received and respond within 10 working days.

**correspondence** - We will acknowledge or answer your letter within 10 working days.

- if we cannot provide a response to your request within the times we have stated, we will advise you of the expected time required to finalise your request;
- we will aim to respond to your enquiry in full. If this is not possible and we cannot deal with your enquiry, we will provide you with the name of the person who can and refer your enquiry to that person with a request that they contact you directly;
- if your enquiry is the responsibility of another agency, we will aim to provide you with the details of the agency so you can contact them directly;
- for complex enquiries we will make an appointment for you to meet with a staff member or arrange to call you when the information is available.



## How you can help us

We would ask you to:

- treat staff, volunteers and other Council customers with courtesy and respect
- behave in a manner which does not disturb other people or damage property or equipment
- be honest and accurate in information sought and supplied to Council staff
- work with us to resolve problems
- provide us with feedback
- ensure your children's safety by supervising them while you are on Council premises and taking responsibility for your property.

**If you need help translating this information call the TIS on 131 450**



# ORDINARY MEETING

## Reports of Committees

### AT - 2 Hawkesbury City Council Customer Contact & Service Standards

Hawkesbury City Council – Customer Service Standards: 2010-2011

Service	Service Supplied	Service Standard	Customer Contributions
<b>&gt; Development Services (cont.)</b>			
Construction Certificate	Assessment and Issue of Construction Certificate	Certificate issued 21 days after complete application is made	Incomplete applications may be returned.
Development Certificate	Assessment and Issue of Development Certificate	Certificate issued 10 days after complete application is made	Forms, fee schedules and checklists available
Subdivision Certificate	Issue of subdivision certificate	Certificate issued 7 days after complete request is received	
<b>&gt; Development Services (Development Control + Enforcement)</b>			
Unauthorised development	Inspection of suspected illegal development	Action initiated within 72 hours	Reports can be made in person, by phone or email, on line or in writing
Development compliance	Investigate concerns re non-compliance with development consent.	Responded to within 72 hours	
<b>&gt; Environmental and Public Health</b>			
Food outlets	Investigate food hygiene & preparation reports	Complaints about unhealthy conditions responded to within 48 hours	
Caravan parks	Investigate reports re legislative compliance	Complaints about caravan parks responded to within 96 hours	Reports can be made in person, by phone or email, on line or in writing
Pollution Incidents	Investigation of pollution incidents	Action initiated within 24 hours	
Abandoned vehicles	Investigate reports of derelict vehicles	Action initiated within 72 hours	
Removal of dead animals	Removal of dead animals on roads (road kill)	Initial response within two working days	
<b>&gt; Financial Assistance (Requests for Sponsorship, Grants and Donations)</b>			
Community Sponsorship Program (CSP)	Provide financial assistance to community projects.	Enquiries responded to within 5 working days. Application forwarded to Council for determination	Comply with CSP criteria & submit application form
Building heritage grants	Provide assistance grants for building conservation.	Enquiries responded to within 5 working days. Application assessed & forwarded to Council for determination	Comply with criteria & submit application form
<b>&gt; Information Requests</b>			
Information request under - Gov. Information (Public Access) Act (GIPA)	Provide access to information held by Council unless exempt under the GIPA Act	Initial response within 5 working days. Application determined within 20 working days	Application form to be completed and fee paid (where applicable). Incomplete applications may be returned
Visitor Information Service	Provide information to visitors on Hawkesbury attractions and area	Respond to enquiries within 5 working days	Requests can be made in person, phone, email, on line or in writing
Media requests	Respond to media enquiries and requests	Finalise 80% of media enquiries within three working days	Submitted by e-mail in requested format
Events Calendar	Request for event to be listed on web-site	Within ten working days	Requests made on-line by phone or in writing
Council Publications	Provide access to authorised Council publications.	Hard copy publications to be supplied or made available for inspection. Electronic copies available on web-site.	Fee may be applicable in some circumstance
<b>&gt; Library Services</b>			
Application for membership	Application to join Library Service	Same day processing on receipt of provision of correct information	Application form completed.
Inter-library book loans	Items obtained from external library source	Requests processed within 10 days of receipt	Items supplied subject to availability

Hawkesbury City Council – Customer Service Standards: 2010-2011

Service	Service Supplied	Service Standard	Customer Contributions
<b>&gt; Accounts</b>			
Payment of Accounts	Payment of Creditors	Within 30 days from the end of the month in which the invoice is received	Invoices to be lodged prior to end of month
<b>&gt; Animal Control</b>			
Companion Animal Shelter	Care for animals & return to owners or re-home.	80% of dogs re-homed	Animals to be micro-chipped and registered
Registration and Micro-chipping	Process registration and micro-chipping records.	Completed within 14 working days	Application form to be completed
Roaming dog complaints.	Conduct patrol where report of dog received.	Patrols conducted within 48 hours of receipt of roaming dog complaint	Report by phone e-mail in person, in writing
<b>&gt; Community Buildings</b>			
Property Maintenance	Respond to property maintenance requests for community facilities	Property maintenance requests responded to in 3 working days. Urgent requests (threat to public safety) responded to within 24 hrs	Subject to assessment and funding availability
Graffiti Removal	Respond to reports of graffiti on Council property	Graffiti removed within 2 working days (48 hrs) of notification.	Subject to weather and location
<b>&gt; Council Meetings</b>			
Business Papers for Council Meetings	Access to Council Business Papers	Business Papers posted on-line at 12 noon on Friday preceding Meeting. Hard copies available at Meeting	
<b>&gt; Customer Contact Services</b>			
Customer Enquiries	Respond to telephone enquiries	90% of incoming calls answered within 30 seconds or diverted to voice mail	Requests can be made in person, phone, email, on line or in writing.
	Respond to counter enquiries	Max wait time of five minutes before attended by Customer Service Officer	Provision of accurate information to Council staff
	Respond to electronic or written correspondence	Acknowledgement or response within 10 working days	
Interpreter Service	Provide interpreting service.	Use of external source – Translating & Interpreting Service (TIS) via phone	Ring 13 14 50 for information
<b>&gt; Development Services</b>			
Development Enquiries	Respond to Enquiries.	Development Services Officers are available for phone and counter service from 8.30 to 10.30 am Mon to Friday	Complex enquiries or applications may require appointment.
Development Advisory Service (pre-lodgement)	Booked appointments (Thursday afternoons)	Written advice issued within 5 days after appointment	Concept plans lodged 7 days prior to appointment
Application lodgment	Counter service	Customer Service staff available from 8.30am to 4.30 pm Mon to Fri	Incomplete applications may be returned or not accepted. Forms, fee schedules & checklists available. Applicants for S 149Ds to ensure satisfactory inspection occurs
Planning Certificate (s149) Certificate	Issue of Section 149 Certificate	Certificate issued within 8 days after complete application is made	
Building Certificate (s149D) Certificate	Issue of Section 149D Certificate	Certificate issued within 10 days after complete application is made and satisfactory inspection occurs	
DA Assessment	Assessment of DAs	Determinations will average 40 days or less after complete application is lodged (90 days or less for Section 82A applications). Applications involving other agencies may take longer	Incomplete applications may be returned and applications may be refused if they do not meet requirements. Guides and checklists available
Modification of Development Consent (s96)	Assessment of s 96 applications		
Review of Determination - (s82A)	Assessment of Section 82As		
DA Tracking	On-line DA tracking system	Provision of on-line DA information to applicants to assess progress of DA	Terms + conditions for on-line access



# ORDINARY MEETING

## Reports of Committees

Hawkesbury City Council – Customer Service Standards: 2010-2011

### Hawkesbury City Council Customer Contact & Service Standards

Hawkesbury City Council is committed to providing our customers with a reliable and responsive service. To improve our services we have put into place Service Standards to advise customers about the timeframes by which we will endeavour to respond to your request, and the levels of service you should expect from us.

If we are not meeting our defined service standards please contact our Customer Services Manager who will be happy to discuss your concerns, feedback or compliments. Alternatively, you can log-on to our on-line customer feedback form.

#### Our Customer Contact Standards

In person	<ul style="list-style-type: none"> <li>We will greet you when you enter our office</li> <li>We will attend to your query/request promptly and efficiently</li> <li>We will wear name badges</li> <li>If you do not have a scheduled appointment we will see you as soon as practicable and, where we can, provide you with information while you wait;</li> <li>If you have a pre-booked appointment (in our office or on site) we will see you punctually at the scheduled time. If there is likely to be a delay in seeing you, we will advise you of this and keep you informed</li> </ul>
telephone	<ul style="list-style-type: none"> <li>Telephone 4560 4444</li> <li>We will answer your phone call within 30 seconds</li> <li>If we do not answer your call within 30 secs, your call will go to our voice mail</li> <li>We will return your call at the first opportunity (within two working days)</li> <li>We will deal with your telephone enquiry directly without unnecessary transfers</li> </ul>
e-mail	<ul style="list-style-type: none"> <li>e-mail <a href="mailto:council@hawkesbury.nsw.gov.au">council@hawkesbury.nsw.gov.au</a></li> <li>We will respond to your e-mail within 10 working days</li> <li>If we cannot provide a response to your request within 10 working days we will advise you of the expected time required to finalise your request</li> </ul>
letter	<ul style="list-style-type: none"> <li>Mail PO Box 146 Windsor NSW 2756 • Facsimile 4560 4400</li> <li>We will acknowledge or answer your letter within 10 working days</li> <li>We will keep you up to date if there are delays with your request</li> </ul>
In general	<ul style="list-style-type: none"> <li>If we cannot deal with your enquiry we will provide you with the name of the Council staff person who can and refer your enquiry to that person with a request that they contact you directly, or we will refer you to the relevant external agency;</li> <li>For complex enquiries we will contact you to make an appointment for you to meet with a staff member or arrange to call you when the information is available</li> <li>Our website gives you access to 24 hour, 7 day on-line Council Services and Customer Enquiries</li> <li>For urgent assistance after hours please contact Council's after hour's service by using our daytime number 4560 4444</li> </ul>

Hawkesbury City Council – Customer Service Standards: 2010-2011

Service	Service Supplied	Service Standard	Customer Contributions
<b>&gt; Parks, Trees and Cemeteries</b>			
Park maintenance	Mowing, cleaning and maintenance of open spaces.	According to level of usage, lawns kept below 150mm. Toilets and bins cleaned Daily/weekly (depending on location)	May be subject to weather conditions
Cemetery maintenance	Mowing and maintenance of Richmond Cemetery	Lawns kept below 100mm and edges trimmed monthly (minimum)	
Park bookings	Request for event to be held on Council parkland		
Banner bookings	Request to display banner on Council banner poles	Initial response within two working days	Enquiries can be made in person, by phone or email, on line or in writing
Richmond cemetery enquiry	Enquiries regarding burials & arrangements.		
Tree (Damage)	Damage caused by tree on Council property	Respond to enquiries within 10 working days	
<b>&gt; Playgrounds &amp; Skateparks</b>			
Playgrounds & Skateparks	Safe playgrounds and skateparks	Quarterly safety inspections undertaken	
<b>&gt; Sewerage &amp; Sewer Management Facilities</b>			
Sewerage Treatment Serv. (Windsor)	Monitoring of Sewerage Treatment Plan and Pump Stations	Alarms responded to within 1 hr (major stations) 4 hrs (minor pump stations). Sewer chokes within 2 hours	
Sewage Management	Inspection of sewage management facilities (SMF)	Approval to operate SMF or rectification work documentation issued within 21 days of inspection time booked	Access to be provided to SMF & inspection time booked
Sullage Disposal	Removal of effluent from domestic premises	Standard fortnightly service. Additional service provided with 24 hours of request on normal working day to septic system and immediate service (weekend, after-hrs, public holiday) within 4 hrs of request.	Access to be provided to septic system and applicable fees paid
<b>&gt; Rates</b>			
Rating Certificate (603 certificate)	Certificate issued (advice of outstanding rates on property to be purchased)	Issued within 3 working days of payment	Application form. Additional documents may be required
<b>&gt; Road and Footpath Maintenance and Repairs</b>			
Potholes/Road Repairs	Evaluate and make safe	95% of urgent repairs made safe within 24 hours and repaired within 1 month	May be subject to weather conditions
Footpath, kerb & gutter and drains	Evaluate and make safe	Dangerous situations acted upon within 24 hours	
<b>&gt; Waste Collection and Management</b>			
Domestic waste and recycling	Collection of domestic waste and recycling	Weekly service (domestic waste) Fortnightly service (recycling)	Bins placed in correct position prior to pickup
Missed Bins	Collection of waste from missed bins	24 hours from notification	
Household collection (kerbside)	Booked household collection services (to selected households)	Two services per year to selected households. Collected within 21 days of contact	Book with contractor Waste left on kerbside on designated date
Street sweeping	Street sweeping (CBD) Street sweeping (residential)	Streets swept daily & bins cleared daily Kerbed + guttered residential streets minimum 4 weekly cycle	
Clean up Australia Day	Waste Collection	Within 96 hours of completion of event	Waste tied in bags & left in agreed location
Stormwater Management	Maintain gross pollutant traps (GPTs)	GPTs inspected and cleaned post rain events	

oooO END OF REPORT Oooo



ordinary  
meeting

end of  
business  
paper

This business paper has  
been produced  
electronically to reduce  
costs, improve efficiency  
and reduce the use of  
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