



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 29 March 2011

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

Ordinary Meetings of Council are held on the second Tuesday of each month, except January, and the last Tuesday of each month, except December. The meetings start at 6:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

The business paper contains the agenda and information on the issues to be dealt with at the meeting. Matters before the Council will be dealt with by an exception process. This involves Councillors advising the General Manager at least two hours before the meeting of those matters they wish to discuss. A list will then be prepared of all matters to be discussed and this will be publicly displayed in the Chambers. At the appropriate stage of the meeting, the Chairperson will move for all those matters not listed for discussion to be adopted. The meeting then will proceed to deal with each item listed for discussion and decision.

Public Participation

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

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

A Point of Interest

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

Planning Decision

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

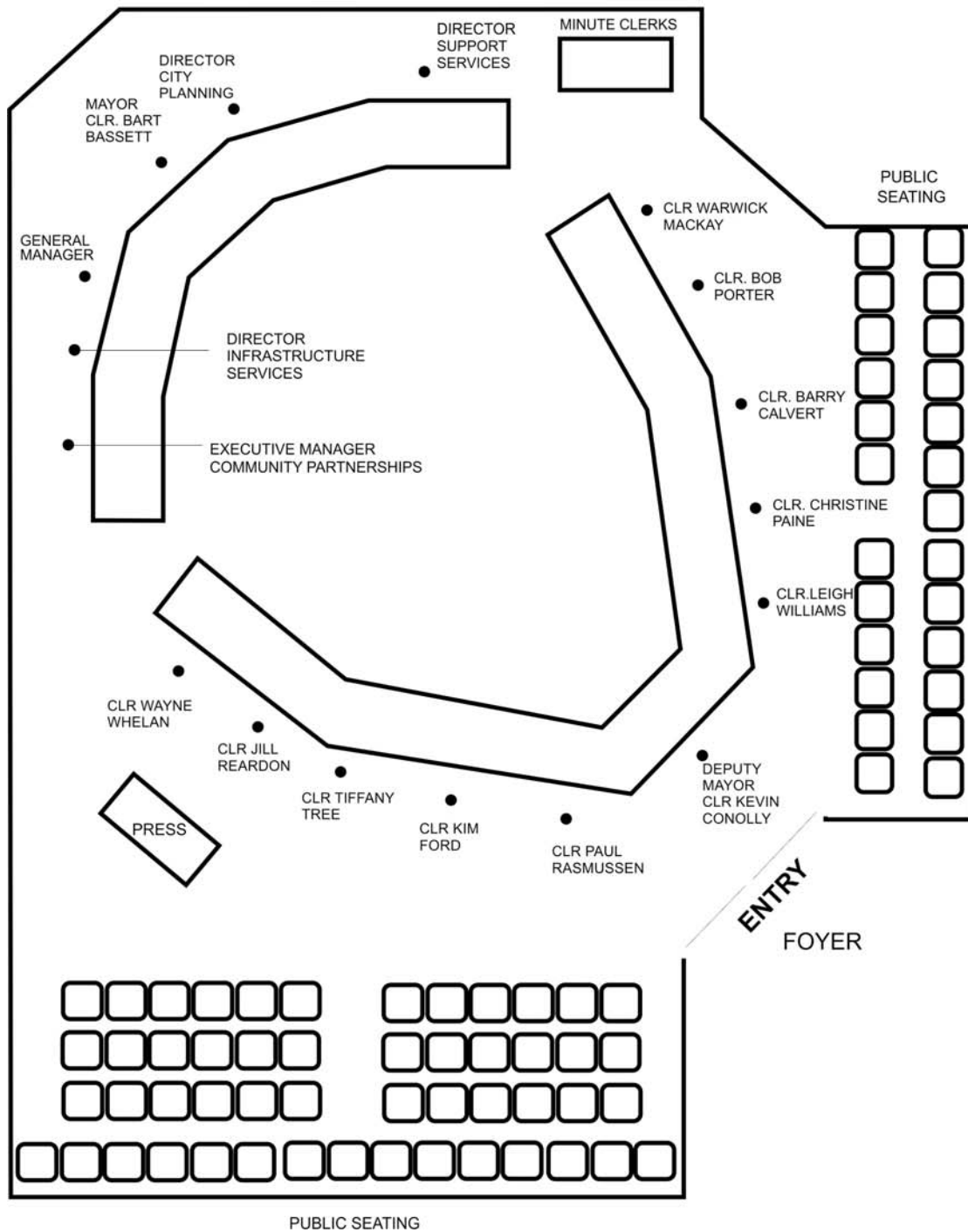
Website

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is www.hawkesbury.nsw.gov.au.

Further Information

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

council chambers



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SECTION 3 - Notices of Motion

NM1 - Western Sydney Water Ski Club Slalom Training - (90477, 121046)

Submitted by: Councillor Porter

NOTICE OF MOTION:

That Hawkesbury City Council notify NSW Maritime that it supports the Western Sydney Water Ski Club training for slalom skiing events on a 700 metre stretch of the Hawkesbury River known as the Breakaway.

BACKGROUND:

Following the Council's adoption of a motion at the meeting on 1 February 2011 NSW Maritime has cancelled the licence of The Western Sydney Water Ski Club for the use of Bushells Lagoon due to concerns that had been raised by the surrounding community and other users of the Lagoon.

A demonstration of the type of skiing activity undertaken by The Western Sydney Water Ski Club was undertaken on the River on 17 March 2011 and those present would have appreciated that due to the nature of this activity the effects on the River are much less than other skiing or wakeboard activities.

The Western Sydney Water Ski Club largely caters for children between 8 and 16 years of age who have represented, successfully on a number of occasions, Australia in various international titles as well as being successful at the State and National level.

As the Club can no longer use Bushells Lagoon for training purposes they are in desperate need for a training location in preparation for competition that is to occur in the relatively near future.

In view of the nature of this sport and the Club's need for training facilities my Notice of Motion now seeks Council's support for an approach to be made by Council to NSW Maritime to allow the Club to utilise an area upstream of Macquarie Park near the Breakaway for training for slalom skiing events.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM2 - Reticulated Sewerage Services to Kurrajong Village - (80104)

Submitted by: Councillor C Paine

NOTICE OF MOTION:

That representations be made to Sydney Water with a view to them providing reticulated sewerage services to the Kurrajong village area.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 50 **GM - Proposed Extra-Ordinary Council Meeting - Tenders for Kerbside Bulk Waste Collection and Processing Service - (79351, 95495)**

Previous Item: 127, Special (22 June 2010)
 6, Ordinary (1 February 2011)

REPORT:

Executive Summary

Council has previously resolved to call tenders for the provision of a Containerised Organics and Processing Service commencing 1 July 2012, and for a Kerbside Bulk Waste Collection and Processing Service for Council, commencing 1 July 2011. Tenders close on 14 April 2011.

As part of this service (Kerbside Bulk Waste Collection and Processing) will need to commence on 1 July 2011 it will be necessary for any proposed fees and charges, as a result of consideration and possible acceptance of a tender, to be incorporated into the fees and charges to be advertised as part of Council's 2011/2012 Draft Management Plan.

In view of the required timing of the advertisement of the latter document it would be difficult to consider the tenders and incorporate the proposed fees into the document if Council's normal meeting cycle was adhered to. Accordingly, it is proposed that an Extra-Ordinary Meeting of Council be held on Tuesday, 3 May 2011 (a Councillor Briefing Session is already scheduled for that evening) to consider a report on the tenders received.

Consultation

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

Background

Council, at its meeting held on 1 February 2011, considered a report in relation to the results of a community consultation process undertaken in relation to the future options for a Household Bulky Cleanup Service. Subsequently, Council resolved to call tenders for a Kerbside House Hold Cleanup Service based upon a number of options. The Council also resolved to include a tender for the provision of an Organics Service for future consideration in relation to providing such a service.

As a result, tenders were invited for the provision of a Containerised Organics and Processing Service commencing 1 July 2012, and for a Kerbside Bulk Waste Collection and Processing Service for Council, commencing 1 July 2011. Tenders close on 14 April 2011.

The current contract for the existing kerbside collection service ends on 30 June 2011 and it will be necessary for Council to consider the current tenders to enable a new service to commence from 1 July 2011. It will also be necessary for the fees applicable as a result of a tender accepted by Council to be incorporated in the "Fees and Charges" which is advertised as part of Council's upcoming process for placing the Draft Management Plan for 2011/2012 on public exhibition.

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Currently, an Extra-Ordinary Meeting of Council to consider the Draft Management Plan 2011/2012 is scheduled to be held on Tuesday, 19 April 2011 with it subsequently being placed on public exhibition from the week ending 6 May 2011. This timeframe is developed around the requirement for the Management Plan to be finally adopted by Council by 30 June 2011.

In view of the required timing for this document it would be difficult to consider the tenders and incorporate the proposed fees into the document if Council's normal meeting cycle was adhered to. To overcome this difficulty it is proposed that an Extra-Ordinary Meeting of Council be held on Tuesday, 3 May 2011 to consider the tenders which would then enable fees for a Kerbside House Hold Cleanup Service as determined by Council to be incorporated into the draft management plan documents. The Councillors Briefing Session already scheduled for this date could then be held at the conclusion of the Extra-Ordinary Meeting.

Conformance to Community Strategic Plan

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

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

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

- Review, develop and implement waste and recycling strategy.

The proposed implementation timeframe for this matter, as specified in the CSP Milestones is 2010-2012.

Financial Implications

No financial implications are applicable to this report as it is only proposing the holding of an Extra-Ordinary Meeting of Council.

RECOMMENDATION:

That an Extra-Ordinary Meeting of Council be held on Tuesday, 3 May 2011 for the purpose of considering a report in relation to tenders received for a Kerbside Bulk Waste Collection and Processing Service for Council, commencing 1 July 2011.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 51 **GM - NSW Metropolitan Public Libraries Association - Councillor Representative - (79351)**

Previous Item: 221, Extra - Ordinary (21 September 2010)
 230, Ordinary (12 October 2010)

REPORT:

Executive Summary

Council is currently a member of the NSW Metropolitan Public Libraries Association (MPLA) and is represented on the Association by a Councillor and a member of staff. The current representatives are Councillor C Paine and Council's Manager – Cultural Services.

Councillor Paine has recently advised of her resignation as the Council's Councillor representative to the Association. Whilst membership of the MPLA does not require the nomination of a councillor representative the Council should now consider whether or not it wishes to nominate another councillor representative following Councillor Paine's resignation.

Consultation

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

Background

The MPLA represents and supports the interests of public libraries in the Greater Sydney Region of New South Wales.

The purpose of the MPLA is to assist in the positioning, sustaining and developing of public libraries in the Greater Sydney Region for the social, cultural and economic benefit of their communities.

The MPLA's focus is on four strategic themes, each with its own goals, which are as follows:

1. Leadership and positioning

- To take a lead role in policy setting for public library development and sustainability.
- To position the Greater Sydney Region's public libraries interests to Local, the NSW and Australian Governments.

2. Member capability development

- To encourage and support relevant networking, collaboration and joint projects within the MPLA's membership.
- To progress and support the capability development and enhancement of the MPLA's members.

3. Stakeholder relationship management

- To create, support and sustain meaningful networks, partnerships and collaboration with key stakeholders.

4. Governance

- To ensure a relevant governance model that enables the pursuit of the MPLA's strategic direction, focus, strategies, initiatives and actions.
- To ensure the financial sustainability of the MPLA.

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The MPLA is governed by an eleven person Executive that includes an elected President, Vice President, Secretary and Treasurer as well as seven Ordinary Members. The Executive is elected at the Annual General Meeting of the MPLA. The MPLA also employs a part-time Executive Director.

General Meetings of the MPLA, one of which is the Annual General Meeting (AGM), are held quarterly. Each member Council can have two authorised representatives at all meetings of the MPLA, with one of the representatives being an elected Councillor. Council's current representatives are the Manager - Cultural Services and Councillor C Paine.

Councillor Paine has now advised of her resignation as Council's Councillor representative on the MPLA. Whilst membership of the MPLA does not require the nomination of a councillor representative the Council should now consider whether or not it wishes to nominate another councillor representative.

Conformance to Community Strategic Plan

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

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.

Financial Implications

Annual membership of the MPLA is \$750 which has been included in the 2010/2011 Adopted Budget.

RECOMMENDATION:

That Council:

1. Note the resignation of Councillor C Paine as Council's Councillor representative to the NSW Metropolitan Public Libraries Association.
2. Nominate a Councillor as Council's future representative to the NSW Metropolitan Public Libraries Association.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 52 CP - Section 96 Modification - Reduction of 180 Bed, Two Storey to an 80 Bed, Single Storey Aged Care Facility and Reduction of Car Parking Spaces From 57 to 30 – Lot 27 DP 1042890, 108 Grose Vale Road NORTH RICHMOND - (DA0852/08C, 95498, 112157, 109615)

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

Development Information

File Number: DA0852/08C
Property Address: Lot 27 DP 1042890 No. 108 Grose Vale Road, North Richmond
Applicant: North Richmond Joint Venture Pty Ltd.
Owner: B D NSW (Mr) Project 0007 Pty Limited.
Proposal Details: SEPP (Seniors Living) development - S96 Modification of Development Consent No. DA0852/08 - Reduction of the 180 bed, two storey aged care facility to an 80 bed, single storey aged care facility and reduction of the car parking spaces associated with the aged care facility from 57 to 30.
Estimated Cost: N/A
Zone: Consolidated Land Holdings Under Hawkesbury Local Environmental Plan 1989. Proposed RU4 Rural Small Holdings Consolidated Land Holdings Under Draft Hawkesbury Local Environmental Plan 2009.
Date Received: 7 December 2010
Advertising: 24 December 2010 to 3 February 2011.

Recommendation: Approval

REPORT:

Introduction

The application is to modify the existing approved development application for a seniors living development on the site. The proposed modification is driven by the processes of the confirmed operator of the facility (RSL Life Care) who provide a range of services, including 'at home care', which enables occupants/patrons of the senior housing development to remain within their home for as long as possible, thus reducing the need and costs of providing high care nursing beds.

It should be noted that the current application is to modify the approval to reduce the 180 bed, two storey aged care facility to an 80 bed, single storey aged care facility with a proportional reduction in car parking provision. The current application does not provide a mechanism for the entire development to be re-assessed or modified apart from that portion that is subject to the current application.

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

History

This modification request relates to the aged care stage of the Senior Housing Development approved (15 September 2009) at 108 Grose Vale Road, North Richmond. A Site Compatibility Certificate was issued by the Department of Planning in March 2008. However, the approved development represented a lesser

scale of development than that detailed in the Master Plan associated with the Site Compatibility Certificate.

Description of Proposal

This modification request seeks to modify the aged care stage only of the proposal. The application seeks the reduction of the approved 180 bed, two storey aged care facility to an 80 bed, single storey aged care facility and reduction of the car parking spaces associated with the aged care facility from 57 to 30. The footprint and orientation of the building, traffic management, access and services will remain the same despite the modifications sought.

Assessment Of Section 96

Planning Assessment

Section 96 of the Environmental Planning & Assessment Act permits a Development Consent to be modified, if:

- a) *it is satisfied that the proposed development to which the consent as modified related is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all) and*
- b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- c) *it has notified the application in accordance with:*
 - i) *the regulations if the regulation so require, or*
 - ii) *a development control plan if the consent authority is a Council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- d) *it has considered any submission made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan as the case may be.*

This modification request seeks to modify the aged care stage only of the proposal. The application seeks the reduction of the approved 180 bed, two storey aged care facility to an 80 bed, single storey aged care facility and reduction of the car parking spaces associated with the aged care facility from 57 to 30.

The physical change relates to the aged care building on the northern boundary of the site being reduced in height, from two storeys to one, thus reducing the amount of beds from 180 to 80. The proposed modification is the result of the confirmation of 'RSL Life Care', being the occupier and manager of the facility, who provide a range of services, which includes providing 'at home care', thus enabling occupants/patrons of the senior housing development to remain within their home for as long as possible.

In addition, it is proposed to reduce the amount of carparking provided for the aged care facility from 57 to 30 in the same proportion as the bed reduction, with servicing remaining at the rear. There are no proposed changes to the access or the local road network. The remainder of the approved development is not proposed to be changed and does not form part of this application. As such, the remainder of the development is not open to reassessment or modification as part of this application.

The proposed modification to the development is considered to be relatively minor and as such, is of minimal environmental impact. It is further considered that the proposed modification does not alter the general site layout, as the modification relates to the reduction in size of the proposed aged care facility.

The application was not required to be consulted with any relevant public authority or approval body as no conditions of consent in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of approval are required to be modified as a result of the modifications sought.

The application was notified from 24 December 2010 to 3 February 2011. Within this period, four submissions of objection were received. Consideration of the four public submissions is contained later within this report.

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

a) the provisions of:

i) any environmental planning instrument (i.e. LEPs, REPs & SEPP

State Environmental Planning Policy – No. 44 Koala Habitat Protection

The proposed modification relates to the reduction in size of the proposed aged care facility from a two storey development, to a single storey development. The location and footprint of the aged care facility has not been altered, with the facility remaining in the same location as originally proposed.

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

State Environmental Planning Policy – No. 55 Remediation of land

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

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

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

The Seniors Housing policy aims to encourage the provision of housing that will:

- Increase the supply of diversity of housing that meets the needs of seniors or people with a disability; and
- Make efficient use of existing infrastructure and services; and
- Be of good design

A key definition within the Seniors Housing Policy relevant to this proposal is:

- 'Seniors housing' is defined as:

Residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) a residential care facility, or
- (b) a hostel, or

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This amended proposal's compliance with the various relevant controls within the Seniors Housing Policy is summarised in the following table.

Development standards that cannot be used as grounds to refuse consent - Residential care facilities

Policy is summarised in the following table:

Provision	Requirements	Comment	Complies?
Clause 48	Council must not refuse consent to development for a residential care facility on any of the following grounds:		Yes
Standards that cannot be used to refuse development consent for residential care facilities	<ul style="list-style-type: none"> building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or 	6.2 metres approximately at highest point	Yes
	<ul style="list-style-type: none"> density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less, 	Proposal demonstrates compliance with this standard.	Yes
	<ul style="list-style-type: none"> landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided, 	Proposal demonstrates compliance with this standard.	Yes

Parking

Clause 48 of the Seniors Housing Policy prescribes the following minimum parking requirements for a residential care facility.

- *1 parking space for each 10 beds in the residential care facility*
- *1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time*
- *1 parking space suitable for an ambulance*

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Item	Parking Space Rate	Spaces Required	Spaces proposed
Aged care building (80 beds)	1 per 10 beds	8	20 (12 visitor spaces provided)
Employees (16 staff)	1 per 2 employees	8	8
Ambulance	1 per facility	1	1. In addition a bus space is provided. 2 total.
Total		17	30

As detailed above, the development is consistent with the development standards for residential care facilities as per SEPP (Housing for Seniors or people with a disability) 2004.

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.

Hawkesbury Local Environmental Plan 1989

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

Clause 2 - Aims, objectives etc,
Clause 8 - Zones indicated on the map
Clause 9 - Carrying out development
Clause 9A - Zone Objectives
Clause 18 - Provision of water, sewerage etc. services
Clause 25 - Development of flood liable land
Clause 27 - Heritage items
Clause 37 – Land affected by aircraft noise
Clause 37A Development on land identified on Acid Sulfate Soils Planning Map

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

It should be noted that this application is to modify the existing approval. By definition of a Section 96 modification application, the proposal must be substantially the same development as originally approved. It is considered that the proposed modification is substantially the same development and, as such, the permissibility of the overall development is not a relevant consideration in this application.

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

Under the provisions of Draft Hawkesbury Local Environmental Plan 2009, the subject site is proposed to be zoned RU4 Rural Small Holdings. Within the draft zone, seniors housing is prohibited. However, the permissibility of the overall proposal was considered as part of the original development approval.

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

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iii) any development control plan applying to the land

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

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

There are no planning agreements applicable to the proposed development.

iv) any matters prescribed by the regulations

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

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

The proposed modification relates to the reduction in size of the proposed aged care facility from a two storey development, to a single storey development. The location and footprint of the aged care facility has not been altered, with the facility remaining in the same location as originally proposed.

Carparking rates and traffic generation have been reduced as a consequence of the modification reducing the amount of beds from 180 to 80. A traffic assessment prepared by Transport and Urban Planning was submitted with the application, which reviewed carparking requirements, including peak hour trip generation for the aged care facility. The following table compares the carparking requirements and peak hour trip generation between the original development to that currently proposed.

	Original approved development	Proposed Development
Aged Care Bed / Units	180	80
Car parking spaces	57	30
Peak hour trip generation	67	21

The traffic assessment considers that peak hours are traditionally associated with staggered staff (24 hour) shift start / finish times, i.e. 6.00am – 8.00am, 2.00pm – 4.00pm and 9.00pm – 11.00pm. The assessment reveals that a maximum of 30 trips (15 in / 15 out) over these two hour intervals or 70% of the peak hour rate would equate to 21 peak hour trips, compared to 67 peak hour trips for the 180 bed aged care facility as originally proposed.

Therefore, the modified development will result in less vehicle movements during peak hour periods compared to the original approved development.

Accordingly, it is considered that the proposed modifications to the development will not have a negative impact upon the adjoining natural, social, economic or built environments, nor are they considered to result in unreasonable amenity impacts to adjoining properties and the immediate locality.

c) the suitability of the site for the development

The subject site has already been considered suitable for the development proposed within a Site Compatibility Certificate issued by the Department of Planning and via the original development approval issued in September 2009. The modification request seeks to vary the aged care stage only of the proposal, via the reduction from the 180 bed, two storey aged care facility to an 80 bed, single storey aged care facility and reduction of the car parking spaces associated with the aged care facility from 57 to 30. The footprint and orientation of the building, traffic management, access and services will remain the same

despite the modifications sought. Accordingly, the modifications to the development consent will still ensure that the site is considered suitable for the development proposed.

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

The application was notified from 24 December 2010 to 3 February 2011. Within this period, four (4) submissions of objection were received.

The four submissions received raised concern about potential (and existing) traffic and access issues for the North Richmond area, including infrastructure. It should be noted that the current application seeks consent to modify the aged care stage only of the proposal, via the reduction from the 180 bed, two storey aged care facility to an 80 bed, single storey aged care facility and reduction of the car parking spaces associated with the aged care facility from 57 to 30. The footprint and orientation of the building, traffic management, access and services will remain the same despite the modifications sought, with a reduction of vehicle movements associated with the aged care facility from 67 to a maximum of 30 during peak hour periods. Much of the issues raised in the objections relate to the overall original development approval that has already been approved. The current application can only deal with the modifications as proposed in the current application and not with the merits of the overall development approval.

In respect to the original development, Council's Traffic Development Committee in conjunction with the RTA reviewed the traffic implications of the proposed. The scale of the approved development, including the modification to the aged care facility does not of itself warrant an upgrade to the intersection of Bells Line of Road and Grose Vale Road nor does it warrant the duplication of the bridge across the river. The approved development provided for road widening as part of the new intersection treatment along Grose Vale Road and the construction of a bus stop (on both sides of Grose Vale Road) to facilitate the use of public transport.

A road connecting the development to Grose Vale Road has been provided, which satisfies the requirements of the NSW Rural Fire Service, and also achieves compliance with access to public transport services under Seniors Housing Policy. The Grose Vale Road entry will function as the primary access both for the construction phase and the operation of the seniors housing development. The secondary access from Arthur Phillip Drive is still required to enable access from the proposed aged care facility and to provide an alternative access point for emergency vehicles. The proposed modification will result in a reduction in the traffic using Arthur Phillip Drive.

In respect to concerns relating to the capacity of existing infrastructure, the issues raised were also matters raised by Council with the relevant authorities separate to the approved development, including Section 96 application in relation to major infrastructure upgrades. The regional issues are matters largely beyond the scope of consideration within the current application however these have been raised with the relevant agencies by Council so as to seek improvements to access and major roads for North Richmond.

Advice has been received previously from authorities and their requirements formed part of the original consent issued to ensure that infrastructure is provided to service this development. The conditions of consent previously imposed still remain despite the current modification sought and are required to be met before the seniors housing development can be constructed.

e) the public interest

The footprint and orientation of the building, traffic management, access and services will remain the same despite the modifications sought, with carparking rates and traffic generation reduced as a consequence of the modifications sought to reduce the size and number of beds of the aged care facility. Having regard to the relevant planning considerations, it is concluded that it would not be contrary to the public interest to approve the proposed modifications.

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Conclusion

The proposed modification relates to the reduction in size of the proposed aged care facility from a two storey development, to a single storey development. The location and footprint of the aged care facility has not been altered, with the facility remaining in the same location as originally proposed. The modified development will result in carparking rates and traffic generation being reduced as a consequence of the modification reducing the amount of beds from 180 to 80.

As with all S96 modification applications, the conditions of approval, incorporating the amendments to those conditions, are re-issued in full so that the full extent of those changes can be viewed in context. In relation to the current application the only change proposed is contained in condition one relating to the change in approved plans (shown in bold text).

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 the modification application be approved subject to the following:

General Reference to Plans – All Stages

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent. The extent of development is specifically defined by, and is not to extend beyond, that shown the Staging plan (8506/SK25D) and the Subdivision Plan (8506/SK27C).

Architectural Drawing Number	Dated
DA – 01D: Illustrative Site Plan	September 2009
DA – 02B: Site Context Plan	September 2009
DA – 03D: Open Space Pedestrian Network Plan	September 2009
DA – 04C: Road Network	September 2009
DA – 05B: Road Principles	September 2009
DA – 06D: Structure Plan	September 2009
DA – 07D: Development Plan	September 2009
DA – 09B: Site Analysis	September 2009
2010.65 01 Rev A : Site Plan	6 December 2010
2010.65 02 Rev A : Aged Care Ground Floor Plan	6 December 2010
2010.65 03 Rev A : Aged Care Elevations	6 December 2010
2010.65 04 Rev A : Aged Care Roof plan	6 December 2010
DA – 16B: Residents Club Floor Plan	October 2008
DA – 17A: Residents Club Elevations/Section	October 2008
DA – 18B: Indicative Zero Lot Type A	November 2008
DA – 19C: Indicative Zero Lot Type B	November 2008

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Architectural Drawing Number	Dated
DA – 20B: Indicative Zero Lot Type C	November 2008
DA – 21A: Indicative Zero Lot Type D	November 2008
DA – 22A: Indicative Zero Lot Type E	November 2008
DA – 23B: Streetscape	October 2008
DA – 24A: Entry Statement	October 2008
DA – 27C: Traffic Compliance Plan	September 2009
DA – 28D: ILU Shadow Diagram A Winter	September 2009
DA – 29D: ILU Shadow Diagram B Winter	September 2009
DA – 30D: ILU Shadow Diagram C Winter	September 2009
DA – 31D: ILU Shadow Diagram D Winter	September 2009
DA – 34A: Housing Design Principles	October 2008
DA – 35C: Level & Embankment Plan	September 2009
DA – 36: Embankment Sections	October 2008
DA – 37A: Letterbox & Elevation	October 2008
DA – 38B: Road Principles Plan	September 2009
DA – 39A: Residents Club Plan with Dimensions	October 2008
DA – 40: Character Analysis Aged Care Component	October 2008
DA – 41: Character Analysis Residents Club Component	October 2008
DA – 42B: Orientation Compliance	September 2009
DA – 44A: Indicative Zero Lot Type F	November 2008
DA – 45A: Indicative Detached Home Type G	November 2008
8506/SK 2F: Road Hierarchy and Riparian Corridor Extents	3 September 2009
8506/SK 3F: Road Hierarchy and Riparian Corridor Extents	4 June 2009
8506/SK8C: Parking Area and Roundabout Details	3 September 2009
8506/SK9B: Amendments to MPS Layout	3 September 2009
8506/SK10C: Amendments to MPS Sections	7 September 2009
8506/SK12C: Alternate Access to Grose Vale Road	9 March 2009
8506/SK13C: Alternate Access to Grose Vale Road – Pedestrian Access	26 May 2009
8506/SK14A: Proposed Access for Vehicles and Pedestrians	26 May 2009
8506/SK15A: Footprint of Proposed Road Widening, Footpath and Bus Stops	28 May 2009
8506/SK24B: Modified Location of Proposed Aged Care Facility	3 September 2009
8506/SK25D: Preliminary Staging Plan	7 September 2009
8506/SK26C: Draft Plan of Subdivision Dwg A	7 September 2009
8506/SK27C: Draft Plan of Subdivision Dwg B	7 September 2009

General

- No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate for the relevant stage of work to be constructed.

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3. The development shall comply with the provisions of the Building Code of Australia.
4. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
5. In-principle approval has been granted for 197 serviced self-care dwellings as generally indicated in the DA documentation. A separate development application (or development applications, depending upon the number of dwellings or stages included) is required to be lodged for these dwellings including the following details for assessment:
 - a) Modified design of the standard dwellings to introduce greater variety of front façade and roof form treatment.
 - b) External finishes to all roofs shall be of medium to dark range in order to minimise solar reflections to neighbouring properties. The roof colour and material shall be of low reflectivity.
 - c) Landscape details introducing suitable treatments to soften the visual impact of the buildings when viewed from Grose Vale Road are to be provided.
 - d) Fully dimensioned architectural plans showing façade treatment, dimensioned site plan, building height, elevations, building materials and colours. This information is to have specific details addressing the requirements of Clause 50 - Standards that cannot be used to refuse development consent for self-contained dwellings and Schedule 3 - Standards concerning accessibility and useability for self-contained dwellings of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
 - e) BASIX certificates.
6. With the exception of the four lot Torrens Title subdivision proposed in conjunction with the application this consent only permits the future subdivision of the development by way of Strata or Community Title.

The Strata/ Community Title Plans for the proposed development shall incorporate appropriate covenants restricting occupation of the units to aged and disabled persons in accordance with Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Council shall be nominated as the only party able to release, vary or modify the covenant. Details shall be provided prior to the release of the Subdivision Certificate for Stage 1A.
7. Buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
8. Occupation of the accommodation in this development is restricted to those people identified within Clause 18 - Restrictions on occupation of seniors housing allowed under this Chapter of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

All advertising, signage, marketing or promotion of the complex shall make clear reference to the above restriction on occupation of the accommodation.
9. All structures are to comply with the development standards contained in Clauses 40 and 48 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
10. Consultation with the NSW Ambulance Service shall be undertaken during the preparation of the Evacuation and Emergency Management Plan as required by the NSW Rural Fire Service.

Prior to Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with

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or incorporated in the detailed plans and specifications which accompany the Construction Certificate. **The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.**

All stages

11. All development is to proceed in accordance with the approved plans. Where any variation is proposed, a revised staging and construction management plan is to be submitted to Hawkesbury City Council for consideration and approval prior to the issue of a Construction or Amended Construction Certificate as applicable.
12. All Construction Certificate plans for buildings must be Certified, by a recognised access consultant, that access to and within the structure complies with the relevant provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
13. Access for people with disabilities is to be detailed in relation to the staff and visitor areas of the proposed Aged Housing Building and the Residents Club.
 - Access for people with disabilities must be provided to and within buildings as set out in Table D3.2 from areas specified by Part D3.2 of the Building Code of Australia, by means of a continuous path of travel in accordance with AS 1428.1.
 - Access must be provided to a sanitary compartment required for the use of people with disabilities and complying with AS 1428.1, as required by Part D3.3 of the Building Code of Australia.
 - Car parking spaces for disabled persons must be provided in accordance with the Building Code of Australia (D3.5). The minimum width for the car parking space is 3.2m (AS 2890.1).
 - All external ramps and pathways within the site required to be accessible for persons with disabilities being designed and constructed in accordance with AS 1428 – Design for Access and Mobility.

Full details relating to the above are to be included in documentation for the Construction Certificate application.
14. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
15. Payment of a Construction Certificate checking fee and Compliance Certificate inspection fees when submitting Civil Engineering Plans for approval. A fee quote will be provided by Hawkesbury City Council on request.

Fees required if an accredited certifier is used will also be provided on request.
16. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted and approved by Hawkesbury City Council.
17. Retaining walls are to be designed by a suitably qualified and experienced Structural Engineer.
18. On-site stormwater detention storage is to be provided to ensure that peak flows from the Seniors Living development, for all storms up to and including the 1 in 100 year ARI storm, do not exceed pre-development flows at any stage of the development. Stormwater infrastructure, as determined

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by the stormwater modelling by J.Wyndham Prince Pty Ltd for the Seniors Living development submitted with the development application, is to be provided to achieve this stormwater discharge requirement.

19. Adequate water quality treatment devices are to be provided to ensure that the water quality from each stage is maintained at required levels. Water quality infrastructure, as determined by the MUSIC modelling by J.Wyndham Prince for the Seniors Living development submitted with the development application, is to be provided to achieve this water quality discharge requirement.
20. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time) a Section 94A contribution is to be paid to Hawkesbury City Council as required by Regulation 25J of the Environmental Planning and Assessment Regulation 2000.

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

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

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

The Control Plan shall incorporate and disclose:

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

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

23. A Salinity Management Plan is to be prepared prior to the issue of the Construction Certificate addressing appropriate measures to minimise the level of impact of salinity upon structures proposed upon the site and the control adverse effects of the development upon the site and adjacent land.
24. Prior to the issue of a Construction Certificate for below ground works associated with the development, a detailed Site Audit Statement and (if required) a Validation Report is to be submitted to the Principal Certifying Authority. The site audit must be prepared by a suitably accredited site auditor. The site audit must verify that the land is suitable for the proposed uses in accordance with SEPP 55 – Remediation of Land.

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25. Detailed landscaping plan/s must be prepared by a suitably qualified architect, landscape designer/ architect or professional landscape consultants and approved by Hawkesbury City Council prior to the issue of a Construction Certificate for above ground works. The plan/s are to include:
- Suitable native (and where possible endemic) species
 - Street tree planting
 - Design, materials and colours of all fencing, retaining walls, paving, driveways and street furniture
 - Measures to ensure the maintenance and survival of the landscaping
26. Details of the mechanical ventilation or air-conditioning system for the Aged Housing and Resident's Club buildings must be submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. Where the system will be visible from adjoining properties or from public places, the system must be screened and enclosed with materials that complement the building.
27. Details are to be provided showing the design, location and materials of any proposed bulk water tanks associated with the development required to provide reticulated water or any on-site sewage storage facilities. Any ancillary above ground structures shall also be detailed together with associated access and landscaping. Use of large tanks should be minimised to reduce adverse visual impact. Details of the proposed tank/s must be submitted to Hawkesbury City Council for approval prior to the release of the Construction Certificate.
28. The waste storage facilities for the Aged Care Facility and the Residents Club buildings must be screened from all street frontages and adjacent properties by the use of screen enclosures and landscaping. Any screening must be constructed of high quality building materials and complement the design and external materials used in the building/s. In this regard, colorbond or similar material is not an acceptable building material. Details of the proposed screening must be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.
29. Appropriate external lighting shall be provided for areas including the car parks and pedestrian pathways in accordance with AS 1158 - Lighting and AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting and the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- Any external lighting must be located and directed so as not to cause a nuisance to the occupants of nearby residential properties. Low level lighting of the grounds may be considered to improve security particularly in staff car parking areas. Details of the lighting strategy are to be submitted for approval by the Principal Certifying Authority prior to the release of the Construction Certificate.
30. Food preparation and food storage areas shall be designed as follows:
- The construction of the food preparation and food storage areas must comply with the Building Code of Australia, AS 4674 – 2004 (Construction and Fitout of Food Premises), Council's Food Premises Code and Food Standards Code.
 - Detailed plans demonstrating compliance must be submitted to the Principal Certifying Authority prior to issue of the construction certificate.
 - The kitchen exhaust must be designed and installed in accordance with AS 1668.2 – 2002 (The Use of Ventilation and Air Conditioning in Buildings) Appendix C (Kitchen Exhaust Hoods).

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- The floor of the preparation areas and cool rooms must be covered with an approved impervious material, graded and drained to floor wastes. Details of the location of the floor wastes are to be provided to the Principal Certifying Authority prior to issue of the Construction Certificate.
 - A grease arrestor must be installed. Please contact Sydney Water for approval and installation advice. Note: The installation of grease arrestors within kitchens and food preparation areas is not permitted.
 - A double bowl sink with a supply of cold and hot water must be provided for cleaning of all utensils, receptacles, tools of trade, benches, fittings, machinery and other appliances.
 - Hand wash basins must utilise a hands free operation, be provided near food preparation areas and each hand basin must have a single warm water spout. Suitable hand drying facilities are also to be provided adjacent to the basins.
 - All waste must be stored in impervious containers with firm fitting lids suitable to exclude vermin.
 - Waste must be removed by a licensed contractor no less than twice per week. More frequent collection may be necessary in some circumstances.
 - Waste oil must be stored within a secure area at all times. Oil must never be stored in areas accessible to the public or areas that drain to the stormwater system.
 - (a) Documentation verifying design compliance with these requirements must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
 - (b) Documentation verifying installation compliance with this requirement must be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
31. The final design for the Aged Care Facility and Residents Club buildings, are to each include a loading bay suitable to cater for the largest vehicle expected to regularly service these buildings. The design is to be in accordance with the requirements of AS2890.2 2002, Commercial Vehicle Facilities. Details satisfying this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for each respective building.
32. The Construction Certificate shall not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Hawkesbury City Council and the Principal Certifying Authority.

Specific to Stage 1A

33. Under the provisions of the Roads Act 1993, all works within the Grose Vale Road and Arthur Phillip Drive road reserve are to be approved by Hawkesbury City Council and the bulk earthworks be completed prior to the release of the Subdivision Certificate for Stage 1A*. These works are to include intersection bulk earth works at Grose Vale Road to accommodate the bus stop, approach and departure lanes, pedestrian crossing and associated refuge, footpaths, signage, stormwater and associated works and the extension of Arthur Philip Drive to facilitate a turning head.
- (as amended by Section 96 Modification Application DA0852/08A approved 27 April 2010)*
34. Payment of Construction Certificate checking fees and Compliance Certificate Inspection fees when submitting Civil Engineering Plans for approval. Fees payable are as listed in Hawkesbury City Council's Fees and Charges Policy and are available on request.

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

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

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

(as amended by Section 96 Modification Application DA0852/08B approved 3 September 2010)

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

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

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

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

38. Prior to issue of a Subdivision Certificate for the Torrens Title subdivision, a Staging Plan is to be approved by Hawkesbury City Council demonstrating the anticipated sequence of development detailing how the following elements will function during and between development stages:

- Internal road system
- Drainage
- Site services (including water, sewer, electricity, gas, phone etc)

Specific to Stage 1B

39. The applicant is to include within the design of the Residents Club building (or some other alternate location) provision for the future of on-site delivery of allied health and related services (by incorporating provision for the adaptable use of a room or rooms as consulting/therapy rooms). Details on the relevant plans satisfying this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for Stage 1B.
40. The pool gate associated with the clubhouse swimming pool shall swing away from the water in accordance with AS1926.1 – 2007. Details satisfying this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for Stage 1B.
41. A Waste Storage Area Management Plan must be prepared and submitted to Hawkesbury City Council for approval prior to the release of the Construction Certificate for Stage 1B. This plan is to be in accordance with Council's Development Control Plan and is to allow for a private service

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collection and pick up of three waste streams (recycling, organics and general garbage) and provide details as to waste generation, storage space, storage location and access for residents and waste collectors and separation of the domestic and commercial bins.

42. Pedestrian access via a pathway system is to be provided within the northern and eastern edges of the site to facilitate pedestrian access to Grose Vale Road (to the south east) and to Peel Park (to the north). Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Prior to Commencement Of Work

All stages

43. The applicant shall advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
44. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
45. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to commencement of works.
46. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
47. Toilet facilities (to the satisfaction of Hawkesbury City Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
48. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.
49. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
50. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.
50. All traffic management devices shall be installed and maintained in accordance with the approved Traffic Management Plan.

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51. A Construction Management Plan shall be submitted and approved by Hawkesbury City Council prior to the commencement of any work for all stages. Any use of Council property shall require appropriate approvals. The Plan shall detail:
- a) The proposed method of access to and egress from the site for construction vehicles including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimizing traffic congestion and noise in the area. The main construction access to the site is to be from Grose Vale Road.
 - b) The proposed access and manoeuvring for vehicles during each stage. This is to consider construction traffic, residents, visitor, staff and service vehicles, together with pedestrian access
 - c) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
 - d) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site.
 - e) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers for each stage during the construction period;
 - f) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
 - g) Erosion and sediment control measures.
 - h) Noise and vibration minimisation measures during earthworks and construction work as detailed in the Noise and Vibration Management Plan.
 - i) Dust suppression measures during earthworks and construction work.
 - j) Waste management during construction works.
 - k) Submission of a detailed design plan of all works proposed within the adjacent public reserve.
 - l) Heritage and archaeological management
 - m) Ecological impact mitigation measures.
 - n) Establishment of a protocol for complaints handling and management.
52. A detailed Construction Noise and Vibration Management Plan shall be prepared detailing measures to control noise and vibration during construction. The Plan is to include, but not be limited to:
- a) Identification of each work area and site compound;
 - b) Identification of the specific activities that will be carried out and associated noise sources for each work area;
 - c) Identification of all potentially affected noise sensitive receivers;
 - d) Description of management methods and procedures that will be implemented to control noise and vibration during construction;

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- e) Description of specific noise mitigation treatments and time restrictions including respite periods, duration and frequency;
 - f) Justification for any activities outside normal working hours;
 - g) A pro-active and reactive strategy for dealing with complaints including compliance with the construction noise and vibration objectives;
 - h) Noise and vibration monitoring, reporting and response procedures;
 - i) Procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
 - j) Education of construction personnel about noise minimisation.
53. A Soil and Water Quality Management Plan is to be prepared in consultation with the Department of Water and Energy and Hawkesbury City Council. The plan shall be prepared in accordance with the Department of Housing's guideline Managing Urban Stormwater – Soils and Construction 1998. The plan shall be prepared prior to substantial construction and shall contain, but not be limited to:
- a) Management of the cumulative impacts of the development on the quality and quantity of surface water, including stormwater in storage, sedimentation basins and flooding impacts;
 - b) Details of a strategy for phasing of construction works so that land disturbances are confined to areas of a manageable size and kept to a minimum;
 - c) Erosion and sediment control plans for each phase of construction that provide site-specific management measures, including:
 - Details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations and capacities of sediment fencing/straw bales, temporary storage ponds, sediment filters, filter barriers and other controls;
 - A strategy for progressive revegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after completion of earthworks;
 - d) An analysis of potential areas of contaminated soils at the site and the disturbance of such soils in order to protect water quality;
 - e) The potential for heavy prolonged rainfall during construction to cause environmental impacts including water quality impacts;
 - f) Identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site;
 - g) Detailed construction methodology and design of the crossing of the natural watercourse, including erosion and sediment control, bridge design and scour protection;
 - h) Detailed description of water quality monitoring to be undertaken during the pre-construction and construction stages of the development including base line monitoring, identification of locations where monitoring would be carried out and procedures for analysing the degree of contamination of potentially contaminated water;
 - i) Measures to handle, test, treat, re-use and dispose of stormwater and contaminated water and soil;

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- j) Procedures for the re-use, treatment and disposal of water from sedimentation basins;
- k) Detailed description of water quality monitoring during pre-construction and construction stage of the project;
- l) A program for reporting on the effectiveness of the operational and construction sedimentation and erosion control system against performance goals.

During Construction

All stages

- 54. The site shall be secured to prevent the depositing of any unauthorised material.
- 55. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 56. 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.
- 57. 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.
- 58. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan. Design and construction is to be in accordance with the requirements of Hawkesbury Development Control Plan and AS2890.1 2004 and AS2890.2, 2002.
- 59. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
- 60. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm from the Seniors Living development at pre-development levels. This is to be facilitated by the on-site detention basin constructed and functioning as a silt basin temporarily through the construction stages of the Seniors Living development.
- 61. Water quality devices shall be constructed as silt basins with each stage of the development to treat the water from (at a minimum) that stage of the development. The water quality infrastructure constructed and functioning as silt basins is a temporary measure through the construction stages of the development.
- 62. All of the on site detention and water quality infrastructure to be completed in their final state in conjunction with completion of construction of the final stage of the Seniors Living development.
- 63. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.

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64. Flocculation (or other suitable measure) to remove sediments captured from the detained stormwater in the on-site stormwater detention basin/s, acting as a slit basin through construction, is to be undertaken as necessary prior to any discharge into the downstream drainage system.
65. 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.
66. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
 - a) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
 - b) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
 - c) All materials shall be stored or stockpiled at the best locations;
 - d) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
 - e) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
 - f) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays (or by other suitable alternative means);
 - g) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
 - h) Cleaning of footpaths and roadways shall be carried out regularly.
67. All constructed batters are to be topsoiled and vegetated and where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed.
68. 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.
69. The Construction access road from Grose Vale Road (within the site) is to be sealed to minimise dust nuisance to adjoining properties.
70. The clearing of vegetation shall be limited to areas that need to be used for construction of the development. Cleared vegetation must be re-used or recycled to the greatest extent practicable. No burning of cleared vegetation shall be permitted. Re-use options include removing millable logs, recovering fence posts, and mulching and chipping unusable vegetation waste for on-site use such as landscaping. All reasonable measures to use surplus vegetation shall be undertaken.
71. The topsoil derived from the site shall be stripped and stockpiled and used to cover the final profile of the bulk earthworks.
72. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
73. A bund wall shall be provided around the site in order to help direct runoff away from the disturbed excavation/landfill areas. Design details are to be submitted to and approved by Council.
74. A full width pavement, riparian crossing and associated pedestrian pathway shall be constructed along the access strip from Proposed Lot 273 to Arthur Phillip Drive. Details are to be submitted and approved by Council.

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75. The recommendations relating to stormwater management as detailed in the Seniors Living Development North Richmond Stormwater Management Strategy dated October 2008 are to be progressively implemented in conjunction with the development. All site drainage and sediment and erosion control works and measures described in the Strategy inclusive of any other pollution controls, as required, shall be implemented prior to the commencement of any other works at the site.

Specific to Stage 1A *

76. The construction * of the extension to Arthur Phillip Drive as required adjacent to the access road to the development. Construction is to include kerb and gutter and full width sealed pavement.
77. Chevron markers and 'road ends' signage is to be installed * at the end of Arthur Phillip Drive.
78. The Construction * of the proposed entrance works in Grose Vale Road to provide for turning lanes into the proposed development. Works are to include line marking and signage, plus any other works required to make construction effective.
79. The 60km/h speed limit in Grose Vale Road is to be extended further to the west beyond the new intersection *. The location of signage and associated road marking is to be determined by Hawkesbury City Council prior to any work being undertaken. All costs involved in signage, road marking etc are to be at the expense of the developer.
80. A bitumen sealed pavement eight metres wide shall be constructed * along the access strip leading from the intersection works off Grose Vale Road to northern perimeter of the construction access (APZ) to be used to access Stage 1B and future stages of the development.

Specific to Stage 1B

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

Prior to Issue of Subdivision Certificate

Specific to Stage 1A

86. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
87. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Hawkesbury City Council, with four copies.

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88. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.
89. The extension of Arthur Phillip Drive, including pathways and drainage, and any widening required to the construction in Grose Vale Road shall be dedicated as public road.
90. Prior to the issue of the Subdivision Certificate for the four lot Torrens Title subdivision the bulk earthworks associated with Stage 1A development, as approved by this consent, must be completed.
91. Reciprocal Rights of Carriageway and Easement for Services shall be created over the access handle to Proposed Lot 273 in favour of Proposed Lot 272. Evidence of the dedication shall be submitted to Council.
92. Reciprocal Rights of Carriageway and Easement for Services shall be created over the access handle to Proposed Lot 272 in favour of Proposed Lot 273. Evidence of the dedication shall be submitted to Council.
93. Proposed Lot 274 is to be dedicated to Hawkesbury City Council for drainage purposes. Evidence of the dedication shall be submitted to Council.
94. A Surveyor's Certificate shall be submitted to Hawkesbury City Council stating that the proposed physical access to the development from Grose Vale Road is contained within the proposed Right of Carriageway.

Prior to Issue of Occupation Certificate

Specific to Stage 1B

95. Documentary evidence of the Registration of the four lot Torrens Title Subdivision and dedication of public road and land (as required) with Land and Property information is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for Stage 1B.
96. Appropriate external lighting shall be installed prior to the release of the occupation certificate for Stage 1B and to the occupation certificate of each subsequent stage.
97. Written confirmation shall be provided to the Principal Certifying Authority from a suitable public transport provider detailing that the bus stops situated on Grose Vale Road are to be serviced as required under Clause 26 Location and access to facilities of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 prior to the issue of any Occupation Certificate for Stage 1B.
98. Appropriate signage is to be provided close to the site boundaries situated adjacent to the access roads leading into the site from Grose Vale Road and Arthur Phillip Drive indicating that the internal road is a 'Private Road' prior to the issue of any Occupation Certificate for Stage 1B.

All Stages (as applicable)

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

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Policy (Housing for Seniors or People with a Disability) 2004, provide written evidence to Principal Certifying Authority that residents of the Serviced Self-Care Housing will have reasonable access to:

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

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

102. Prior to the issue of any Occupation Certificate for Serviced Self-Care Housing, the Resident's Club building and the on-site services required, under the provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, to be provided are to be available for use by the proposed residents. Should this housing be provided on a staged basis then these facilities and services must be provided proportionately on a per resident basis.
103. Prior to the issue of the Occupation Certificate for the Aged Care Facility a detailed Operational Management Plan for the operation of the aged housing facility is to be submitted to Hawkesbury City Council for approval. The plan details must include, but are not limited to, the following:
- a) Details of times that an on-site manager or supervisor is available to the facility and, when not available, emergency contact and service details,
 - b) Details of provision of on-site nursing and medical facilities, meals, housework assistance and other required services for residents,
 - c) Management and operation of resident transport facilities,
 - d) Management plan to address evacuation of residents in emergency situations including flood (isolation due to flood) and bushfire, and maintenance of medical and ambulance services during times of emergency or isolation,
 - e) Details of external service providers and evidence of on-going provision of those services and provision during emergencies for supply of those services.
104. Prior to the issue of the Occupation Certificate for Stage 1B the Principal Certifying Authority shall be provided with a Compliance Certificate confirming that all units/dwellings within the development satisfy the standards concerning accessibility and useability for self-contained dwellings within State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 .
105. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Hawkesbury City Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
- The plan/s of management may be staged if required, but must include that stage for which an occupation certificate is required.
106. The owner shall enter a positive covenant with Hawkesbury City Council which provides the following:
- a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to

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the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and

- b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
- c) Council only will be entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable by Hawkesbury City Council, are to be paid by the owner or applicant.

- 107. Submission of a report by the Design Engineer stating the conformance or otherwise of the On Site Stormwater Detention System in relation to the approved design.
- 108. Works-As-Executed drawings for the On Site Stormwater Detention System which indicate the following shall be submitted to and approved by Council:
 - a) Invert levels of tanks, pits and pipes
 - b) Surface levels of pits and surrounding ground levels
 - c) Levels of surrounding kerb
 - d) Floor levels of buildings
 - e) Top of kerb levels at the front of the lot; and
 - f) Extent of inundation
- 109. A Plan of Management for the water quality treatment devices shall be submitted to and approved by Hawkesbury City Council. The Plan of Management shall set out all design and operational parameters for the devices including inspection and maintenance requirements and time intervals for such inspection and maintenance.

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

Prior to Issue of Interim Occupation Certificate

- 113. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

Use of Development

115. 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.
116. Any part of the building to be used for food preparation shall be registered with Hawkesbury City Council as Food Premises.
117. A separate development application shall be lodged with Hawkesbury City Council for use of the clubhouse building as a Place of Public Entertainment.
118. Provision of a log-book that is kept onsite as per the requirements of the Department of Health Public Swimming Pool and Spa Pool Guidelines 1996.
119. Provision of appropriate fencing and signage as per the requirements of the Swimming Pool Act 1992 and the Building Code of Australia.
120. Compliance with the requirements of the Public Health Act 1991 with respect to cooling towers/thermostatic mixing valves. These systems are required to be registered with Hawkesbury City Council.
121. Mechanical exhaust from the kitchen and the air conditioning system of the Aged Housing Building or the Residents Club must not cause a noise/odour nuisance at any time. Compliance with this condition may necessitate the provision of acoustic enclosures and/or other treatment to these systems. The location and design of these systems should be considered with regard to acoustic/odour impact.
122. A copy of the Site's Operational Management Plan is to be provided to Hawkesbury City Council on an annual basis (but only from the date of initial occupation until completion of the development) demonstrating the development's compliance with the relevant operational matters detailed within Clause 42 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Roads and Traffic Authority Conditions

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

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

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

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

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

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

Department of Water and Energy - General Terms of Approval

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

a) Site plan, map and/or surveys

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

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

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

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

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

NSW Rural Fire Service – General Terms of Approval

Asset Protection Zone

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

152. At the issue of the subdivision certificate and in perpetuity the entire development area (excluding riparian corridor) shall be managed as an inner protection area (IPA) as outlined within Planning for Bush Fire Protection 2006 and the Service's document Standards for asset protection zones.
153. A restriction to the land use pursuant to Section 88B of the Conveyancing Act 1919 shall be placed on all lots within the subdivision affected by the 34-36 metre asset protection zone as identified in blue on Attachment A of the bush fire report prepared by Australian Bushfire Protection Planners Pty Ltd No. B08836-4 dated 10/10/2008. The asset protection zone shall be managed as an inner protection area (IPA) as outlined within Planning for Bush Fire Protection 2006 and the Service's document Standards for asset protection zones.

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154. A restriction to the land pursuant to Section 88B of the Conveyancing Act 1919 shall be placed on the land within the residual lot to the south and west of the proposed development area ensuring the ongoing management of the 20 metre wide asset protection zone and for trail as identified on Attachment A of the bush fire report prepared by Australian Bushfire Protection Planners Pty Ltd No. B08836-4 dated 10/10/2008. The asset protection zone shall be managed as an inner protection area (IPA) as outlined within Planning for Bush Fire Protection 2006 and the Service's document Standards for asset protection zones. This restriction can be extinguished upon commencement of any future proposed development on the adjacent lot, but only if the hazard is removed as part of the proposal.

Water and Utilities

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

155. Water, electricity and gas are to comply with Section 4.2.7 and 4.1.3 of Planning for Bushfire Protection 2006.

Access

The intent of measures for internal roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

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

Design and Construction

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

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of the building.

160. An Emergency and Evacuation Management Plan shall be prepared in accordance with Section 4.2.7 of Planning for Bushfire Protection 2006.

Landscaping

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

Department of Environment & Climate Change – General Terms of Approval

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

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ATTACHMENTS:

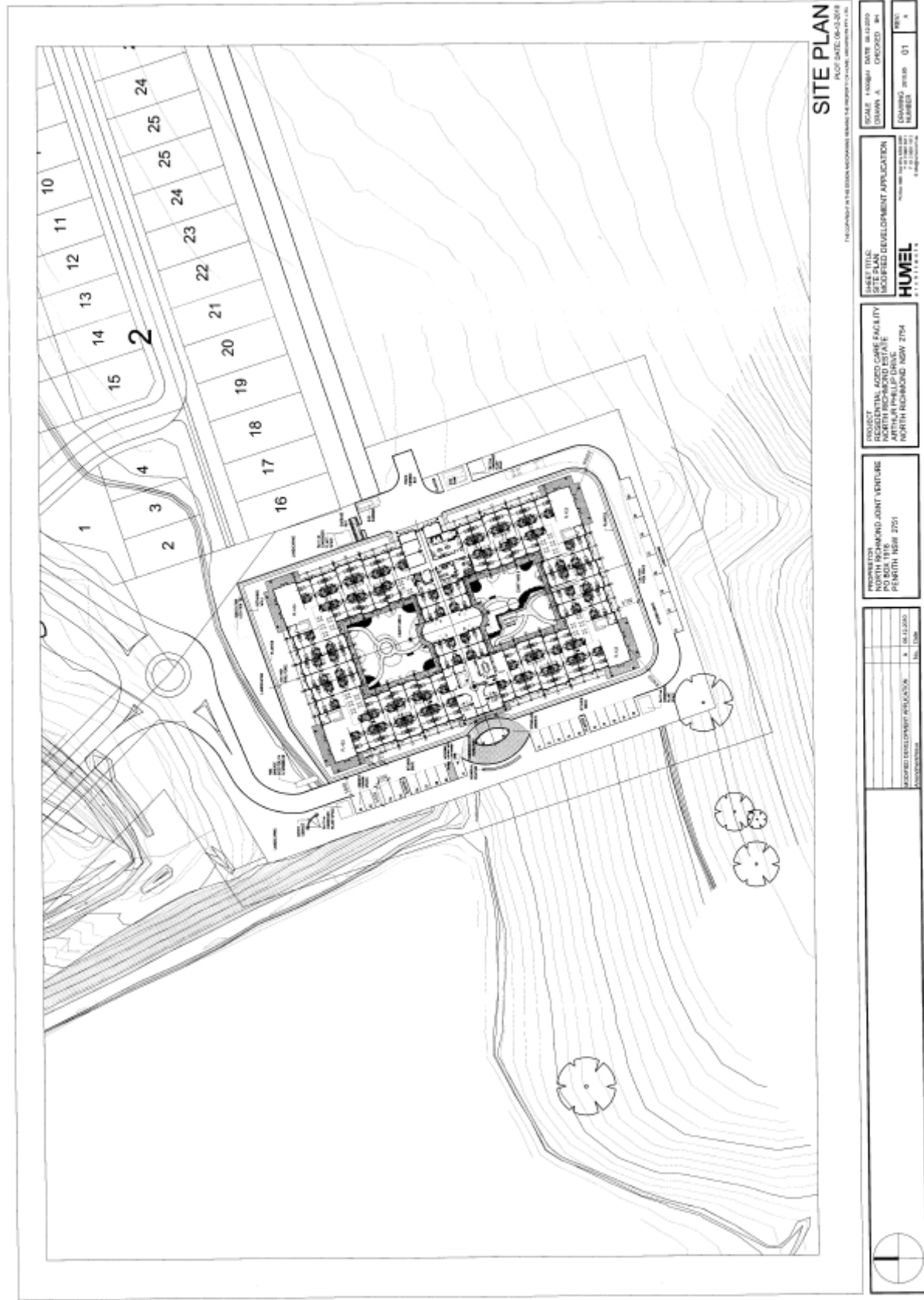
- AT - 1** Locality Plan.
- AT - 2** Site Plan
- AT - 3** Elevations
- AT - 4** Roof Plan

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AT - 2 Site Plan



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ELEVATIONS

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NORTH RICHMOND NSW 2754

PROPOSITOR
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FEDRITH NEAR 2751

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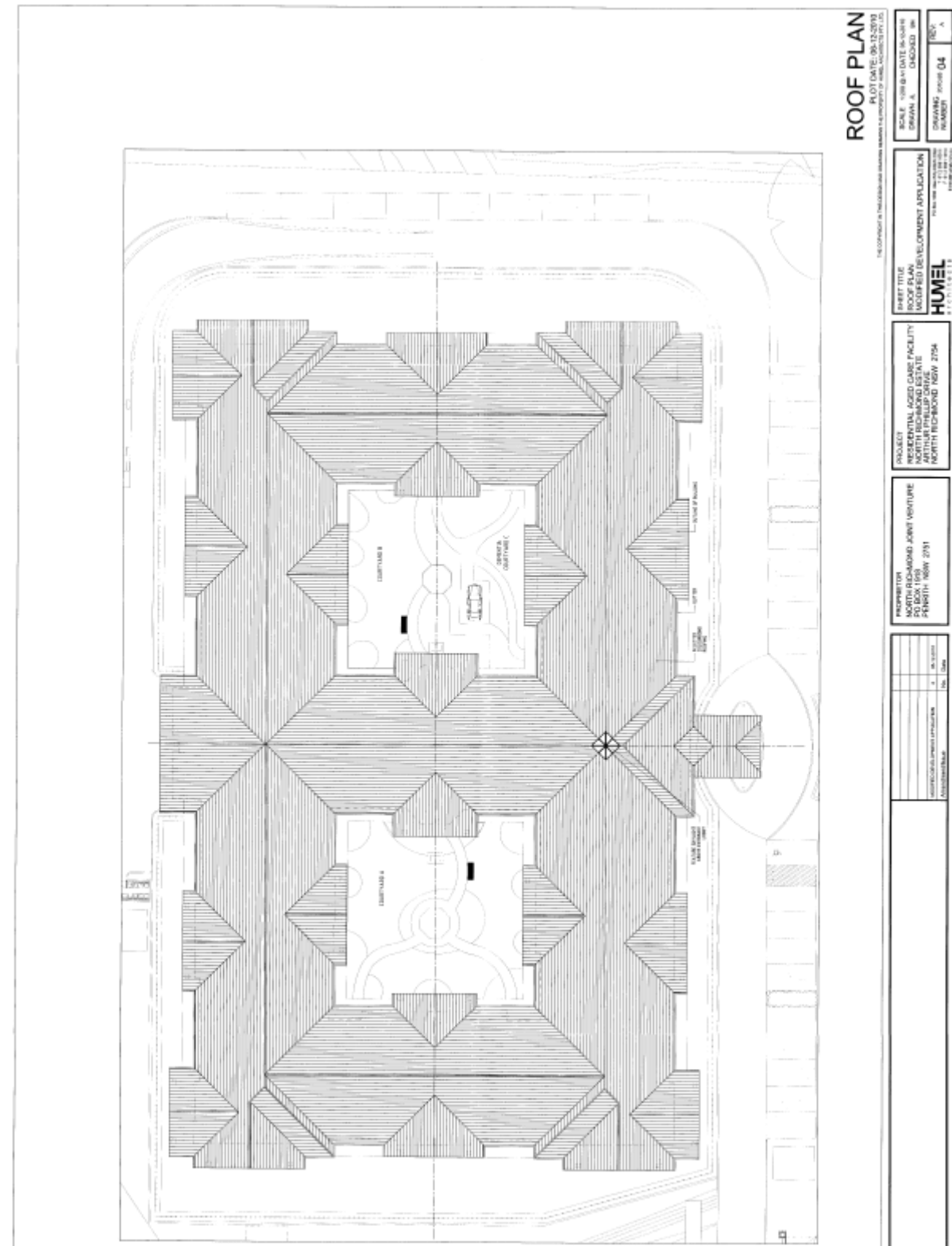
SECTION 4

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AT - 4 Roof Plan



oooO END OF REPORT Oooo

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Item: 53 **CP - Follow up to Water Skiing on Bushells Lagoon, Freemans Reach - (95498)**

Previous Item: 8, Ordinary (1 February 2011)

REPORT:

Executive Summary

At the Council Meeting on 1 February 2011 Council considered a report on water skiing on Bushells Lagoon. The purpose of this report is to provide an update to Council on the implementation of the resolution of that meeting.

Consultation

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

Background

On 1 February 2011 Council considered a report on water skiing on Bushells Lagoon, Freemans Reach. The report dealt with the background of the Lagoon and the details of the issue of an aquatic licence by NSW Maritime. The resolution of that meeting was as follows:

"That:

- 1. NSW Maritime be informed of the concerns as outlined in this report.*
- 2. NSW Maritime be asked to revoke the current aquatic licence and allow only non-motorised craft to use the lagoon for recreation purposes.*
- 3. If the aquatic licence is revoked, the stakeholder meeting requested by Council in the resolution of 30 November 2010 will not be required.*
- 4. Should NSW Maritime wish to retain the licence for water skiing, they be requested to meet with relevant stakeholders so that amended conditions can be considered to protect the lagoon and the safety of the participants.*
- 5. Council request the Western Sydney Water Ski Club to conduct an appropriate demonstration of their sport in a location on the river down stream of Windsor Bridge to enable Council to consider whether or not it would support an approach to NSW Maritime to utilise the area upstream of Macquarie Park and before the Breakaway for special events after appropriate consultation with other users of the river."*

NSW Maritime were advised of Council's concerns in accordance with part one of the above resolution. In response, NSW Maritime advised Council on 7 March 2011 that the Aquatic Licence had been cancelled. A copy of that letter is attached to this report (Attachment 1).

In accordance with part five of the above resolution, the Western Sydney Water Ski Club conducted a demonstration of their sport on the Hawkesbury River, adjacent to the Butterfly Farm Wilberforce, on Wednesday 16 March. The demonstration was attended by Councillors Bassett, Paine, Porter, Rasmussen, Reardon and Williams as well as the General Manager, Director City Planning and the Planning Manager.

It is noted that there is a Notice of Motion on this Council Meeting agenda that proposes that NSW Maritime be notified that Council supports the Western Sydney Water Ski Club operations and has

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suggested that they be permitted to operate on a stretch of the river between Rickaby Creek and The Breakaway.

In addition, a letter dated 21 March 2011 has been received from the Windsor Canoe Club Inc in connection with the proposed course of action suggested in the Notice of Motion. A copy of this letter is attached to this report (Attachment 2). This letter could be considered in association with the Notice of Motion submitted for Council's determination.

Conformance to Community Strategic Plan

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

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

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

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

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That the Western Sydney Water Ski Club be formally thanked for providing a demonstration of their sport to Councillors and staff on Wednesday, 16 March 2011.

ATTACHMENTS:

AT - 1 Letter from NSW Maritime advising cancellation of aquatic licence.

AT - 2 Letter for Windsor Canoe Club Inc dated 21 March 2011.

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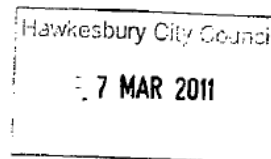
AT - 1 Letter from NSW Maritime advising Cancellation of Aquatic Licence



3 March 2011

Ms Shari Hussein
Planning Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

Our Reference: MA11/1183



Dear Ms Hussein

I refer to our meeting of 20 December 2010 regarding the operation of a slalom ski vessel on the waters of Bushells Lagoon, Wilberforce.

Following the advice provided by yourself and other agencies, it is clear the natural environment of Bushells Lagoon is highly sensitive and requires protection and accordingly approval has now been granted to prohibit the operation of any power vessel on the waters of the lagoon.

I have met with the operator of the ski vessel advising him verbally of NSW Maritime's decision and of the cancellation of the club's Aquatic Licence. I have formally advised him in writing today and thanked him for his support in not operating on the lagoon whilst this matter was being investigated.

Due to the isolated location of the lagoon and the fact the shoreline is surrounded by private properties there are no plans to establish signage at this time.

NSW Maritime is appreciative of your assistance in the regard and should you require further information, please contact me on 9477 6600.

Yours sincerely


Stephen Black
Regional Manager
Hawkesbury/Broken Bay



SCANNED

NSW MARITIME

4 Bridge Road,
Hornsby NSW 2077

PO Box 797,
Hornsby NSW 1630

TELEPHONE: (02) 9477 6600
FACSIMILE: (02) 9477 3418

www.maritime.nsw.gov.au
ABN 21 220 712 305

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AT - 2 Letter for Windsor Canoe Club Inc dated 21 March 2011.



WINDSOR CANOE CLUB INC

ABN: 48 221 161 760

PO Box 999 Windsor NSW 2756

www.windsorcanoeclub.com.au

To the General Manager
Hawkesbury City Council

21/3/11

It has come to our attention that permission is being sought for a ski slalom course to be placed on the stretch of water known as the Breakaway.

We have concerns about this submission and would appreciate an opportunity to discuss these with council before a decision is made.

I contacted Bob Porter about the application and he has outlined the proposal.

It would appear from this discussion that the proposal will have a very significant impact on our club activities.

Windsor Canoe Club was founded in 1997 and primarily uses the river on the breakaway as our training ground. With the increase in power boat use in the 8 knot zone, with wake board competitions, drag racing and circuit racing north of the bridge we find ourselves restricted to a very small section of the river upstream of the bridge.

We are not permitted to paddle into their race zone up to South Creek when they are holding events, which now happens most weekends.

The breakaway provides our club members with a safe paddling environment away from motorboats.

Kayaks by design are quite unstable and perform best on smooth water.

Power boat wash is a major safety issue for us as a capsized in a kayak can become life threatening.

Any power boat in the vicinity traveling at more than four kilometres per hour will make a wake that is a potential hazard.

Waves by nature travel well beyond the immediate area where they are generated.

This will pose a threat for the entire stretch of river where our activities take place.

We have an active juniors program in place and this stretch of water is where we teach our juniors to paddle.

We cannot do this safely if power boats travel through.

For our club to run successfully and carry out our regular activities safely we feel that allowing a slalom course at the breakaway will have enormous ramifications for our club.

Windsor Canoe Club has over 80 members and every Tuesday night we have 30-40 paddlers turn out for our weekly race. Our club came 2nd in the NSW series last year and we have produced our first international paddler 2 years ago.

We are a very committed club and are actively encouraging the youth of our area to take up the sport.

The river is used by hundreds of recreational paddlers each year who are not members of our club. They will also be affected by this and may not be aware of the impending decision.

We would welcome interested councillors and community members to come along and see how our club operates. By doing this you will have a far better understanding of the likely impact it will have on our club.

The introduction of a slalom course will seriously affect our activities and permission should be refused until such time as environmental impact studies are completed.

Yours Sincerely,

Mark Coulter
President Windsor Canoe Club

oooO END OF REPORT Oooo

Item: 54 CP - Acceptance of Funding Variation, Ageing Disability & Home Care, Department of Human Services NSW and Community Services, Department of Human Services NSW - (96328, 95498, 116110, 119761, 119366)

REPORT:

Executive Summary

This report has been prepared to seek Council's approval to execute variations to existing funding agreements with Ageing, Disability & Home Care, Department of Human Services NSW and Community Services, Department of Human Services for additional funds.

Consultation

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

Background

In 2010 Council was advised of additional funding available for some existing funded salary subsidy positions funded through the Department of Human Services NSW.

An invitation was received from Ageing Disability and Home Care, Department of Human Services NSW to participate in a selective tender for an additional \$15,000 in program funding for Council's Disability and Aged Services Program. Council submitted a tender to use the funds as a contribution to the costs of preparing a Disability Action Plan.

In addition, notification of approval for \$10,763 per annum for a fixed term of 36 months for Council's Community Strategic Planner position was received from NSW Department of Community Services (DoCS). The position has attracted this salary subsidy for a number of years but following changes to this program there was a requirement for Council and DoCS to renegotiate the terms of the funding agreement.

Current Situation

In September 2010, Council received a Service Agreement Variation from NSW Department of Community Services for revised funding of \$10,763 per annum to support the Community Strategic Planner position within Council.

In February 2011, Council received advice that its tender bid through Ageing Disability and Home Care, Department of Human Services was successful and that additional funding of \$15,000 would be remitted to Council for the 2010/2011 financial year.

To facilitate the remittance of these new funds both Ageing Disability and Home Care Department of Human Services NSW and NSW Department of Community Services requires Council to execute a variation to existing funding agreements. The variations are required to be executed under the Seal of Council.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking after People and Place Directions statement:

- Have friendly neighbourhoods, connected communities, and supported households and families.

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

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

The Community Strategic Plan plans and advocates for the continued provision of a range of human services to address the diverse needs of the Hawkesbury community. Executing funding agreements for the provision of these human services in partnership with government agencies and community organisations is a primary strategy for achieving the broad thrust of the Community Strategic Plan.

Financial Implications

There are no financial implications arising out of this report.

RECOMMENDATION:

That authority be given to execute, under the Seal of Council, a variation to funding agreements with Ageing Disability and Home Care Department of Human Services NSW and NSW Department of Community Services to accept funds for the 2010/2011 financial year.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 55 **CP - Young Drivers Project - (95498, 96328)**

Previous Item: 30, Ordinary (23 February 2010)

REPORT:

Executive Summary

This report has been prepared to seek Council's approval to enter into a partnership with Youthsafe and six local high schools to fund the implementation of a road safety project targeting novice learner drivers. The Project addresses one of the recommendations made by young people in the Hawkesbury Youth Summit 2009.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. The proposal does however respond to one of the five recommendations arising from the 2009 Hawkesbury Youth Summit as reported to Council in the Hawkesbury Youth Summit Report - "*Young People and Council Heading in the Same Direction*".

Background

Young drivers are over represented in motor vehicle casualties in NSW. In the Hawkesbury LGA in 2009, 20% of motor vehicle driver casualties involved drivers in the 17-25 year age group (a total of 48 persons). Speeding, alcohol and fatigue are factors in road crashes, but distractions from a variety of sources, including peer passengers are also contributing factors.

Current policies and strategies to reduce the number and severity of road casualties across NSW include the Graduated Licensing Scheme (GLS) which requires learner drivers to acquire a minimum of 100-120 hours of on-road driving experience under a variety of traffic conditions, plus increased restrictions on the blood alcohol content, peer passenger and vehicle restrictions, and stricter penalties for driving offences and mobile phone use. Evidence from overseas has clearly shown that these strategies achieve long term reductions in casualty rates. Safer vehicle design and promotion of safer vehicles are also factors in reducing road fatalities.

Programs Targeting Young Drivers

Council, in conjunction with the Roads and Traffic Authority (RTA), implements a Local Government Road Safety Program. Amongst other projects, the Program provides free workshops to educate parents and supervising drivers on the requirements of the GLS program - the *Helping Learner Drivers Become Safer Drivers Workshop*. These are conducted 2 to 3 times per year. While these workshops are open to young drivers to attend, their primary audience is parents and supervising drivers of learner drivers. Road safety education is also taught to all students up to Year 10. In high school this is delivered through the Personal Development Health and Physical Education (PDHPE) curriculum and by road safety education consultants - funded and supported by the RTA.

The 2009 Hawkesbury Youth Summit identified the issue of road safety as a significant concern for young people in the Hawkesbury. The Summit recommended that Council "continue to support and enhance existing driver education programs".

In response to this recommendation, and following representations received from a local high school seeking assistance from Council to augment school-based road safety programs, Council staff identified the '*Are we there yet?*' road safety program developed by Youthsafe as an appropriate program to address the issues of peer pressure and its effect on driving skills. Youthsafe are a non government charitable organisation focusing on youth injury prevention.

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The '*Are we there yet?*' Program has been developed in conjunction with Department of Education and Training (DET) and RTA to address the issue of peer passenger distraction and peer influences on driving skills and ability, and specifically targets young people aged 16-17 yrs in Years 10 -11. The aim of the program is to provide education and experience in understanding and managing driver distraction amongst novice learner drivers. The Program is conducted by trained youth educators within the school setting.

It is proposed that Council provide funding to assist in subsidising the delivery of the program to all six government and independent high schools in the Hawkesbury. The program could reach up to 900 Year 10 students, and advice from a number of schools indicates that it would ideally be offered at the end of the Year 10 school year - where many students are preparing to gain their learner driver licence. If all six high schools respond to the initiative the cost to Council would be \$2,200.

Conformance to Community Strategic Plan

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

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

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

- Develop disaster response and community safety plans

Financial Implications

The cost of the proposal to fund the '*Are we there yet?*' program on a 50:50 basis can be met from the budget allocation within Council's Community Safety Program.

RECOMMENDATION:

That Council write to high schools within the Hawkesbury Local Government Area offering to subsidise the cost of implementing the Youthsafe '*Are we there yet?*' road safety program on a 50:50 basis up to a total maximum amount of \$2,200, and that Council staff liaise with Youthsafe and local high schools to implement the Program.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 56 **CP - Acceptance of Funding Offer - NSW Government's 2010/2011 Waterways Program for Pre-Dredging Investigations of the Hawkesbury River Between Windsor and Sackville - (95498, 116069)**

REPORT:

Executive Summary

Council is in receipt of a dollar for dollar offer from the Land and Property Management Authority under the Waterways Program for pre-dredging investigations of the Hawkesbury River between Windsor and Sackville.

The purpose of this report is to advise Council of the offer and to recommend options for implementing these works.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy as this report is concerned with investigation of works only. Should any physical works be proposed, the matter would be subject to a consultation process prior to commencement. However, it is proposed that potential locations and priorities for further investigations be discussed with the Floodplain Risk Management Advisory Committee.

Background

On 17 November 2010 an application was made, under the NSW Government's 2010/2011 Waterways Program, for funding to undertake the necessary pre-dredging investigations of parts of the Hawkesbury River between "The Breakaway" and Sackville Ferry.

The project would involve the preparation of a Review of Environmental Factors (REF), including the undertaking of a hydro-graphic survey of parts of the stretch of the river from "The Breakaway" to Sackville Ferry. The REF and survey work would be undertaken by a suitably qualified consultant that is selected via Council's normal consultant/tender selection process. Council staff would also provide in-kind contributions to this work as required. The hydro-graphic survey would be undertaken in selected areas of this identified stretch of the river to enable comparison of the historical data, in relation to the location and depth of navigable channels, with the updated data. This would then be used to identify the priority areas where a more detailed Review of Environmental Factors could be undertaken to identify one, or a number of, dredging projects that would have most benefit to recreational boating and other river users.

On 28 February 2011 Council received formal advice that the Minister for Lands had approved an offer to provide 50% of Council's actual expenditure for the project, up to a maximum of \$32,500. As this offer is on a dollar for dollar basis this combined with Council's contribution of \$32,500 makes a total available expenditure for the project of \$65,000.

The principle justification for the investigation of dredging is to improve navigation of the waterway. There are numerous reports and anecdotal evidence of siltation of this stretch of the river and there is real concern that the siltation, in some parts, has reached a critical stage that requires more rigorous investigation. This investigation would assist in identifying the critical locations that require immediate action to prevent parts of this stretch the river shutting down to recreational boating. This project would enable the appropriate assessment to be undertaken to enable targeted dredging proposals to be finalised to ensure the works are undertaken in the most appropriate locations to maintain recreational river usage.

One of the main criteria for applying for this grant was that any work was to be consistent with an Estuary Management Plan. Hawkesbury City Council does not have such a plan, but the application was based on the anecdotal evidence and the existing State Planning Instruments. In this regard Sydney Regional

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Environmental Plan No.9 and Sydney Regional Environmental Plan No.20 contain provisions regarding maintenance dredging of parts of the Hawkesbury River. Clause 11 (6)(a) of Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 - 1997) states the following:

"Dredging operations to ensure that the river is navigable from Broken Bay to Windsor Bridge, if those operations do not create a channel that did not previously exist, Consent required."

As a first step in this process it is proposed to use the grant funds to undertake the necessary investigations to obtain the required approvals to undertake those works.

The matter of navigation dredging and estuary management is a specialised area that is not currently specifically addressed by any of Council's operations or Committees. Many other councils have specific separate Estuary Management and flood management committees as the issues, whilst related to the river, are different and require different management options. However, in the absence of a specialised committee and to assist with the identification of the priority areas for investigations, it is proposed to discuss potential locations with the Floodplain Risk Management Advisory Committee. Whilst navigation dredging is not a matter in the Constitution of this Committee, the issue of siltation in particular areas has previously been raised in this Committee and there is an opportunity to use the local knowledge available on this Committee to assist in this work. Following the identification and prioritisation of investigation areas by this Committee, Council can be advised of progress in this matter at various stages of the work.

Conformance to Community Strategic Plan

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

- To look after our cultural and environmental assets for future generations so that they too can enjoy and benefit from a clean river and natural eco-systems, rural and cultural landscape.

Financial Implications

The financial implications of the acceptance of this offer are that Council will need to contribute up to \$32,500 to the project. As this is grant funding there is no current budget allocation for these funds. A quarterly review will be required to reallocate these funds should the offer be accepted.

There will also be significant staff time allocated to the project management of this project that should also be considered.

RECOMMENDATION:

That:

1. The dollar for dollar grant offer under the 2010/2011 Waterways Program to provide 50% of Council's actual expenditure for pre-dredging investigations of the Hawkesbury River between Windsor and Sackville, up to a maximum of \$32,500, be accepted and the Land and Property Management Authority be notified of Council's acceptance of this offer.
2. Council's contribution to this project, up to \$32,500, be identified in the next quarterly review of the budget.
3. A report on this matter be presented to the Floodplain Risk Management Advisory Committee requesting that the Committee identify and prioritise potential locations along the River between Windsor and Sackville that would provide the most cost benefit to the community.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 57 **IS - Roberts Creek Road Creek Crossing - (95495, 79344)**

Previous Item: NM3, Ordinary (1 February 2011)

REPORT:

Executive Summary

This report proposes that the design and investigation process for a suitable road crossing over Roberts Creek, be listed for Council's consideration when determining projects for inclusion in the 2011/2012 Capital Works Program.

Consultation

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

Community consultation will be undertaken in conjunction with the future implementation of a permanent crossing.

Background

A Notice of Motion was considered at Council's Ordinary of 1 February 2011 where it was resolved:

"That a report be brought to Council indicating the most cost-effective way of providing an effective road crossing where Roberts Creek Road crosses Roberts Creek."

Prior to the above resolution, Council staff had identified the need for an upgraded crossing at this location and included a detailed investigation under the 2011/2012 portion of the ten year Capital Works Program, for consideration by Council.

The proposal seeks funding in the amount of \$40,000 for the survey/design of a suitable crossing at this location including all necessary Environmental Reports required by the various State Government Authorities. The investigation will also include a hydrological assessment to determine an appropriate surface level for the proposed structure.

It is considered that the future construction of a creek crossing at this location will increase the traffic volumes along Roberts Creek Road, with a proportional increase in dust complaints from local residents and subsequent representations for sealing the road.

Conformance to Community Strategic Plan

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

- Have a comprehensive system of transport connections which link people and products across the Hawkesbury and with surrounding regions.

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

- Facilitate the integration of a transport network.

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Financial Implications

The cost to carry out all the investigation process including survey, design and all reporting is estimated at \$40,000. Funding has been proposed for Council's consideration as part of the 2011/2012 Management Plan process.

RECOMMENDATION:

That the design and investigation process for a suitable road crossing over Roberts Creek, be considered when determining projects for inclusion in the 2011/2012 Capital Works Program.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 58 **IS - Public Toilet Facilities in the Hawkesbury - (95495, 79354)**

Previous Item: NM4, Ordinary (1 February 2011)

REPORT:

Executive Summary

This report considers the provision of Council owned toilet facilities throughout the LGA and makes recommendations based on these finding.

It is recommended that Yarramundi Reserve be considered as a site for a new toilet block and be funded from funding collected under Section 94A of the Environmental Planning and Assessment Act.

Consultation

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

Background

Council resolved at its meeting on 1 February 2011 that:

1. *A report be brought to Council listing the locations public toilets are needed throughout the City, the likely cost of providing the toilets and prioritising the urgency of individual toilets.*
2. *Consideration be given in the 2011/2012 budget preparations for providing funding for the provision of a toilet block considered to be the most urgently required.*
3. *Consideration be given to providing funding for consecutive years until those toilets regarded as urgently needed can be developed on a one-per-year basis.*

There are currently 71 toilet facilities available for public use within the Hawkesbury LGA, including the main shopping centres. This does not include fast food outlets (with the exception of Windsor KFC), Hotels, petrol stations and railway stations.

The break down of the 71 public toilets includes:

- **Parks – 33**

A majority of these are open 24hrs per day however there are some sites that are closed at night to reduce vandalism. These include Hanna Park, Mileham Street netball courts, Bowen Mountain Park and Navua Reserve.

Toilets at Skeleton Rocks and Stanley Park were closed due to service reductions. Stanley Park has since been reopened. Whilst the Skeleton Rocks facility remains closed as it is located approximately 500m from the toilet block on the southern side of the Colo River adjacent to the RFS fire shed.

- **Sports Fields – 21**

Hirers of sporting grounds receive a key to open toilets at the grounds whilst in use.

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- **Shopping centres and KFC – 8**

These toilets include Council owned toilets such as at Wilberforce and Glossodia shopping centres and private toilets such as at the Richmond Market Place and Riverview Shopping Centre. These toilets are available to the general public and open during the shopping centres' hours of use.

- **Car Parks/Ferry – 5**

These are open 24hrs per day.

- **Council buildings – 4**

These toilets are available during the opening hours of each building.

There have been two toilet facilities removed, at Wilberforce Park and the “truck stop”, just north of Argents Road at Wilberforce. Both these facilities had been badly vandalised on a regular basis over many years, including partial demolition and Council subsequently resolved to remove them.

Council's toilets are located in 28 towns/suburbs (see Attachment 1). The toilets seem to be well placed in conveniently located areas around the local government area with a majority of the toilets being in parks. Windsor CBD has nine toilet facilities available to the public between Baker Street and Windsor Railway Station (Museum, KFC, Windsor Town Centre, Kable Street Car Park, Windsor Riverview, Deerubbin Centre, Tennis Courts - George Street, Administration Building, and Windsor Railway Station, with Richmond having seven within the CBD (Richmond Mall x2, Richmond Library, Richmond Park, Car Park - near RTA, Richmond Station and Richmond Marketplace).

The majority of complaints received in relation to toilet facilities are not from the lack of toilets but rather from the condition of the aging infrastructure, the toilets being locked, and the cleanliness of the current toilets. Requests have however been received to install a toilet at Yarramundi Reserve due to the number of people accessing this site and people inappropriately going to the toilet within the grounds, and more recently from representations made on behalf of the users and observers at the skate park facility at Clarendon. The provision of toilet facilities has been identified within the current plan of management for the Yarramundi Reserve.

Current designs for new toilets are generally either kit toilets (the newly constructed Bell Bird Hill lookout (2009) or a brick toilet (Hanna Park 2001). Costs vary from \$100,000 - \$120,000 for a kit toilet, to \$180,000 - \$220,000 for a basic brick toilet depending on the location of services in both cases. Obviously with the provision of any new assets there is an inherent requirement to provide adequate resources to maintain and refurbish them over their entire life. The inability to adequately fund refurbishment of the current toilet facilities to an acceptable modern standard, combined with the ongoing vandalism issues is perhaps indicative of many of the adverse comments received regarding the state of those facilities.

Any new toilet facility will require ongoing cleaning and maintenance for the life of the asset. The budget is just under \$550,000 for the parks cleaning staff to maintain most of Council's toilets. This includes staff and vehicle costs, materials, water, tipping fees, bin replacement and the like. Whilst staff provide an adequate service in relation to the current stock of toilet facilities, it should be noted that the high usage toilets in the urban areas are cleaned daily however toilets further afield can be cleaned as little as once a week, due to the distance, even if well utilised. An example of this is St Albans and Bilpin Reserve toilets. The park cleaning staff consists of two crews who not only clean the toilets, but also empty waste receptacles in the adjacent park and clean other park assets such as barbecues and picnic tables as required. Additional toilets could spark the need for additional staff, vehicles and other related costs.

Due to vandalism some toilets are closed at night by security contractors. There is a fee associated with this and the request to close toilets at night is increasing. Both Mileham Street Netball Courts and McLeod Park, South Windsor are recent requests for this action.

In relation to the specific requests for toilet facilities adjacent to the skate park at Clarendon, there is concern based on inappropriate behaviour that has been experienced since the skate park was

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established, that such a facility would be damaged on a regular basis adding to the ongoing costs of maintenance of toilet facilities. Examples of inappropriate behaviour include graffiti, rubbish, broken glass on the cycleway, demolition of the safety handrail on the skate ramp. There are however companies who are creating designs for toilet facilities which MAY limit damage. Those designs include non-flammable impact resistant materials, flush, or hidden fixings, mountings and components, impervious proprietary basin design, counter-graffiti materials selection and individually replaceable wall panels and components.

In summary, based on the location and number of toilets within the Hawkesbury, with the exception of the Yarramundi Reserve which is a new visitor generator, it is questionable as to whether there is a need to increase the number of toilets in the LGA. It would perhaps be better to consider performance standards in relation to existing and proposed toilet facilities based on SAFETY, where the provision of toilet facilities must be safe and inviting to use for all in the community, ACCESSIBILITY, where the provision of public toilets must be accessible to all in the community, and DEMAND, where the provision of public toilets must be located in areas of high demand within the community.

It is recommended that Yarramundi Reserve be considered as a location for a new toilet and a review of current toilet facilities be undertaken based on the performance standards outlined within the report.

The adopted works schedule within the current Section 94A Contributions Plan provides for the provision of new public amenities infrastructure. The Section 94A Works Schedule is currently being reviewed in light of the reduction in Section 94A contributions arising from changes made by the NSW Government to applicable development thresholds and contribution levels,. As a result of these changes the estimated revenue to be collected through Section 94A contributions is substantially less than the estimated amount on which the current adopted works schedule were developed.

Accordingly, it is proposed that if supported by Council that the provision of public amenities at Yarramundi Reserve be considered a priority for the allocation of funds from the available Section 94A Reserve as part of the review of the Section 94A works schedules.

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 environment, 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

Funding for this project could be provided from the Section 94A Reserve.

RECOMMENDATION:

That:

1. A toilet block for Yarramundi Reserve be considered as a works priority for allocation of funds from the Section 94A Reserve for the 2011/2012 financial year.
2. A review be undertaken of Council's public toilet facilities in relation to the performance standards outlined within the report.

ORDINARY MEETING

Meeting Date: 29 March 2011

ATTACHMENTS:

AT - 1 Table of Public Toilets in the Hawkesbury LGA

ORDINARY MEETING

Meeting Date: 29 March 2011

AT - 1 Table of Public Toilets in the Hawkesbury LGA

Toilet	Location	Opening Hours	Disabled Access	Responsibility
Bilpin Oval	Bells Line Of Road, Bilpin	Open 24 hours	Yes	HCC
Colonial Reserve	Colonial Drive, Bligh Park	Facilities only open for sporting events	No	Sports Council
Bounty Reserve	Wetherill Crescent, Bligh Park	Facilities only open for sporting events	Yes	Sports Council
Bowen Mountain Park	Lieutenant Bowen Road, Bowen Mountain	Open: 9am-5pm	Yes	HCC
Colo Park	Lower Colo Road, Colo	Open 24 hours	Yes	HCC
Colo Heights Reserve	Putty Road, Colo Heights	Open 24 hours	Yes	HCC
Deerubbin Park	Cornwallis Road, Cornwallis	Facilities only open for sporting events	Yes	Sports Council
Stanley Park	East Kurrajong Road, East Kurrajong	Open 24 hours	No	HCC
Argyle Bailey Memorial Reserve	Coromandel Road, Ebenezer	Open 24 hours	No	HCC
Freemans Reach Park - Tennis	356 Kurmond Road, Freemans Reach	Open 24 hours	No	HCC
Streton Lookout Reserve	Terrace Road	Open 24 hours	No	HCC
Macquarie Park	Wilberforce Road	Open 24 hours	No	HCC
The Breakaway	Freemans Reach Road, Freemans Reach	Facilities only open for sporting events	No	Sports Council
Glossodia Park	Creek Ridge Road	Facilities only open for sporting events	No	Sports Council
Glossodia Shops	Golden Valley Drive, Glossodia	Open: Mon-Fri 9am-4pm	No	HCC
Woodbury Reserve Clossodia	282 Spinks Road, Glossodia	Facilities only open for sporting events	No	Sports Council
Tamplin Field	Laurence Street, Hobartville	Facilities only open for sporting events	No	Sports Council
McMahon Park	McMahons Park Road, Kurrajong	Open 24 hours	Yes	HCC
Wheeny Creek Reserve	Comleroy Road	Open 24 hours	No	HCC
Kurrajong Memorial Park	Old Bells Line Of Road, Kurrajong	Open 24 hours	Yes	HCC
Powell Park	Stanley Avenue	Open 24 hours	Yes	HCC
Bellbird Hill Reserve	Bells Line Of Road, Kurrajong Heights	Open 24 hours	No	HCC
Lower Portland Ferry	West Portland Road, Lower Portland	Open 24 hours	No	HCC
Skeleton Rocks Reserve	Greens Road, Lower Portland	Closed - as a service reduction	No	HCC
Maraylya Park	Boundary Road, Maraylya	Open 24 hours	Yes	HCC
Colbee Park	66 - 88 Old Hawkesbury Road, McGraths Hill	Facilities only open for sporting events	No	Sports Council
Hanna Park	Beaumont Avenue, North Richmond	Open: 7:30am-8pm	No	HCC
North Richmond Park	Beaumont Avenue, North Richmond	Open 24 hours	No	HCC
North Richmond Park	Beaumont Avenue, North Richmond	Facilities only open for sporting events	No	Sports Council
Peel Park	92A Pecks Road, North Richmond	Facilities only open for sporting events	Yes	Sports Council
North Richmond Village	23 Bells Line of Road, North Richmond	Open during shopping centre hours	Yes	Shopping Centre Mgt
Oakville Park	Oakville Road, Oakville	Facilities only open for sporting events	No	Sports Council
Brinsley Park	Summerset Street, Pitt Town	Facilities only open for sporting events	Yes	Sports Council
Pitt Town War Memorial Park	Wellesley Street, Pitt Town	Open irregular hours.	Yes	Sports Council
Pound Paddock	Bourke Street	Facilities only open for sporting events	No	Sports Council
Richmond Park	March Street	Open 24 hours	Yes	HCC
Icely Park	Dight Street, Richmond	Facilities only open for sporting events	Yes	Sports Council
Smith Park	Francis Street, Richmond	Open 24 hours	No	HCC
Ham Common	Windsor Road, Richmond	Open 24 hours	Yes	HCC
Richmond Mall	271 Windsor Street, Richmond	Open during shopping centre hours	Yes	Shopping Centre Mgt
Richmond Market Place	78 March Street, Richmond	Open during shopping centre hours	Yes	Shopping Centre Mgt
Richmond Market Place	78 March Street, Richmond	Open during shopping centre hours	Yes	Shopping Centre Mgt
Woodhills Car Park	Woodhills Car Park, Richmond	24 Hours	No	HCC
Richmond Library	29 West Market Street	Open: Mon-Fri 9.30am-6pm Sat 9am-1pm Sun - closed	Yes	HCC
Bensons Lane Sporting Complex	Gate 1, Bensons Lane, Richmond Lowlands	Facilities only open for sporting events	No	Sports Council
Bensons Lane Sporting Complex	Gate 2, Bensons Lane, Richmond Lowlands	Facilities only open for sporting events	Yes	Sports Council
Bensons Lane Sporting Complex	Gate 3, Bensons Lane, Richmond Lowlands	Facilities only open for sporting events	Yes	Sports Council
Bensons Lane Sporting Complex	Gate 4, Bensons Lane, Richmond Lowlands	Facilities only open for sporting events	Yes	Sports Council
Churchills Wharf Reserve	Sackville Road, Sackville	Open 24 hours	Yes	HCC
McLeod Park	Cnr George & Campbell Streets, South Windsor	Open 24 hours	Yes	HCC
South Windsor - Netball Courts	Mileham Street, South Windsor	Open 24 hours (it's planned to lock at night)	Yes	HCC
South Windsor Park - netball courts	Drummond Street, South Windsor	Facilities only open for sporting events	Yes	Sports Council
Church Street Reserve	Church Street, South Windsor	Open 24 hours	Yes	HCC
Berger Road Reserve	Berger Road, South Windsor	Facilities only open for sporting events	No	Sports Council
St Albans Park	Wollombi Road, St Albans	Open 24 hours	Yes	HCC
Upper Colo Reserve	Off Colo Heights Road, Upper Colo	Open daylight hours	Yes	HCC
Vineyard Park	Park Road, Vineyard	Facilities only open for sporting events	No	Sports Council
Woodlands Park	Woodlands Road, Wilberforce	Open 24 hours	No	HCC
Copeland Reserve Crown Res	Old Sackville Road, Wilberforce	Open 24 hours	No	HCC
Memorial Park Windsor	George St. Adjacent to Bowling Club	Open 24 hours	No	HCC
Council Administration Building	366 George Street, Windsor	Open: Mon-Fri 8.30am-5pm		HCC
Deerubbin Centre/Library	300 George Street, Windsor	Open: Mon-Fri 9am-7pm Sat 9am-1pm Sun 2pm-5pm	Yes	HCC
Governor Phillip Reserve 1	Windsor	Open 24 hours	Yes	HCC
Thompson Square - Museum	Baker Street, Windsor	Open: Wed-Fri 10am-4pm Sat-Sun 10am-3pm	Yes	HCC
Kable Street - The Terrace	Kable Street, Windsor	Open 24 hours	Yes	HCC
McQuade Park Grandstand	Tebbutt Street Windsor	Facilities only open for sporting events	No	Sports Council
Kentucky Fried Chicken	37 Macquarie Street, Windsor	Open during open hours	Yes	KFC / Council
Windsor Market Place	Kable Street, Windsor	Open during shopping centre hours	Yes	Shopping Centre Mgt
Riverview Shopping Centre	227 George Street, Windsor	Open during shopping centre hours	Yes	Shopping Centre Mgt
Webbs Creek	St Albans Road	Open 24 hours	No	HCC
Wisemans Ferry Crossing	Wisemans Ferry Road	Open 24 hours	Yes	HCC

oooO END OF REPORT Oooo

ORDINARY MEETING
Meeting Date: 29 March 2011

SUPPORT SERVICES

Item: 59 **SS - Monthly Investments Report - February 2011 - (96332, 95496)**

Previous Item: 17, Ordinary (3 February 2009)
 82, Ordinary (28 April 2009)

REPORT:

Executive Summary

According to Clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether or not investments have been made in accordance with the Act, the Regulation and the Council's Investment Policy.

This report indicates that Council held \$41.90 million in investments at 28 February 2011.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$41.90 million in investments as at 28 February 2011. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
CBA	A1+	AA	28-Feb-11		5.25%	5,200,000	12.38%	5,200,000
Term Investments								
ANZ	A1+	AA	20-Oct-10	20-Jul-11	6.30%	1,500,000	3.58%	
ANZ	A1+	AA	17-Nov-10	17-Aug-11	6.30%	1,000,000	2.39%	
ANZ	A1+	AA	02-Sep-10	23-Mar-11	6.10%	2,000,000	4.77%	
ANZ	A1+	AA	27-Jan-11	18-May-11	6.20%	500,000	1.19%	
ANZ	A1+	AA	29-Nov-10	26-Oct-11	6.36%	1,500,000	3.58%	
ANZ	A1+	AA	25-Nov-10	23-Nov-11	6.60%	1,000,000	2.39%	
ANZ	A1+	AA	25-Nov-10	23-Nov-11	6.60%	2,000,000	4.77%	

ORDINARY MEETING

Meeting Date: 29 March 2011

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
ANZ	A1+	AA	23-Feb-11	22-Feb-12	6.24%	1,200,000	2.86%	
Bank of Queensland	A-2	BBB+	21-Dec-10	22-Jun-11	6.45%	1,000,000	2.39%	
Bankwest	A1+	AA	21-Jul-10	20-Apr-11	6.25%	1,000,000	2.39%	
Bankwest	A1+	AA	04-Aug-10	04-May-11	6.15%	1,000,000	2.39%	
Bendigo and Adelaide Bank	A-2	BBB+	13-Oct-10	15-Jun-11	6.10%	1,000,000	2.39%	
Credit Union Australia	A-2	BBB+	23-Feb-11	22-Feb-12	6.21%	1,000,000	2.39%	
Defence Force Credit Union Ltd	unrated	unrated	17-Nov-10	18-May-11	6.30%	1,000,000	2.39%	
IMB	A-2	BBB	11-Aug-10	11-May-11	6.20%	1,000,000	2.39%	
ING Direct	A-1	A+	23-Feb-11	21-Sep-11	6.22%	1,000,000	2.39%	
Members Equity	A-2	BBB	21-Dec-10	22-Jun-11	6.30%	500,000	1.19%	
NAB	A1+	AA	20-Jan-11	06-Jul-11	6.14%	1,000,000	2.39%	
NAB	A1+	AA	20-Jul-10	20-Jul-11	6.24%	1,000,000	2.39%	
NAB	A1+	AA	17-Nov-10	16-Nov-11	6.46%	1,000,000	2.39%	
NAB	A1+	AA	08-Dec-10	10-Aug-11	6.39%	2,000,000	4.77%	
NAB	A1+	AA	02-Dec-10	07-Dec-11	6.44%	1,000,000	2.39%	
NAB	A1+	AA	03-Dec-10	07-Dec-11	6.45%	2,000,000	4.77%	
NAB	A1+	AA	08-Dec-10	07-Dec-11	6.44%	500,000	1.19%	
NAB	A1+	AA	20-Jan-11	14-Sep-11	6.22%	2,000,000	4.77%	
NAB	A1+	AA	09-Feb-11	09-Feb-12	6.27%	1,000,000	2.39%	
Newcastle Permanent	A-2	BBB+	15-Jun-10	15-Jun-11	6.10%	1,000,000	2.39%	
Rural Bank	A-2	BBB	16-Jun-10	15-Jun-11	6.40%	1,000,000	2.39%	
Suncorp	A-1	A	15-Jun-10	15-Jun-11	6.50%	1,000,000	2.39%	
Westpac	A1+	AA	20-Jan-11	19-Oct-11	6.20%	1,000,000	2.39%	
Westpac	A1+	AA	23-Sep-10	20-Apr-11	6.15%	2,000,000	4.77%	36,700,000
TOTAL INVESTMENT AS AT 28 FEBRUARY 2011								41,900,000

Bench Marking

Bench Mark	Bench Mark %	Actual %
UBS 90 Day Bank Bill Rate	4.97%	6.30%
Reserve Bank Cash Reference Rate	4.75%	5.25%

ORDINARY MEETING

Meeting Date: 29 March 2011

Performance by Type

Category	Balance \$	Average Interest	Difference to Benchmark
Cash at Call	5,200,000	5.25%	0.50%
Term Deposit	36,700,000	6.30%	1.33%
Total	41,900,000	6.17%	1.20%

Restricted Funds

Restriction Type	Amount \$
External Restrictions -S94	6,458,323
External Restrictions - Other	10,005,973
Internal Restrictions	15,412,180
Unrestricted	10,023,524
Total	41,900,000

The various sources of the restricted funds referred to in the above table are as follows:

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

- Waste Management
- Sewerage
- Unexpended Grants
- Stormwater Management

Internal Restrictions (reserve details below)

- Employees Leave Entitlements
- Election
- Information Technology
- Plant Replacement
- Infrastructure
- Property Development (currently negative balance)
- Risk Management
- Heritage
- Sullage
- Tip Remediation

With regard to the above details those funds subject to external restrictions **cannot** be utilised for any purpose other than that specified.

Internal restrictions refer to funds allocated for specific purposes or to meet future known expenses that should be provided for on an ongoing basis. Whilst it would “technically” be possible for these funds to be utilised for other purposes, such a course of action, unless done on a temporary internal loan basis, would not be recommended nor would it be “good business practice”.

Unrestricted funds may be used for general purposes in line with Council's adopted budget.

Investment Commentary

The investment portfolio increased by \$0.55 million for the month of February, 2011. During February, various income was received totalling \$5.75 million, including rate payments amounting to \$3.18 million, while payments to suppliers and staff costs amounted to \$4.73 million.

ORDINARY MEETING

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The investment portfolio currently involves a number of term deposits and on-call accounts.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Council's investment portfolio has been reviewed and rebalanced in favour of investments, not subject to share market volatility. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities and Council's investment portfolio is independently reviewed each calendar quarter.

On 25 May 2010, the Division of Local Government released the Investment Policy Guidelines to assist councils in the preparation of their Investment Policy. Consequently, Council has reviewed and adopted a revised Investment Policy on 29 June 2010. Council's investment portfolio complies with the adopted policy.

On 17 February 2011, the Division of Local Government issued Circular No. 11-01 advising councils that a Revised Ministerial Order pursuant to Section 625 of the Local Government Act 1993 has been issued. The revised Order was published in the NSW Government Gazette on 11 February 2011, and replaces the Order dated 31 July 2008. Council currently complies with the revised Order and the changes will be taken into consideration as part of Council's annual review of its Investment Policy due in May 2011.

As at 28 February 2011, Council has \$11.5 million invested with 2nd tier financial institutions, noting that one of these institutions is a subsidiary of a major Australian trading bank. The investment of up to \$1 million with 2nd tier Authorised Deposit Taking Institutions (ADIs) is entirely covered by the free Government Guarantee Scheme, and is in accordance with Council's Investment Policy. Also, Council's adopted Investment Policy allows Council to invest above \$1 million with 2nd tier Authorised Deposit Taking Institutions that are wholly owned subsidiaries of major Australian trading banks.

Investment Certification

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

Conformance to Community Strategic Plan

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

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

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

- Maintain and review a sustainable long term financial framework.

Financial Implications

Funds have been invested with the aim of achieving budgeted income in 2010/2011.

RECOMMENDATION:

The report regarding the monthly investments for February 2011 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 29 March 2011

CONFIDENTIAL REPORTS

Item: 60 **GM - Macquarie Street Properties Project - Progress Report - (79351)CONFIDENTIAL**

Previous Item: 39 (23 February 2010) - Confidential
 246, Ordinary (10 November 2009) - Confidential
 110, Ordinary (27 May 2008) - Confidential
 265, Ordinary (24 October 2006) - Confidential
 120, Ordinary (26 April 2005) - Confidential

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to:

- *Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and details concerning the sale of property by the council - and it is considered that the release of the information, would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore if considered in an open meeting would, on balance, be contrary to the public interest; and*
- *Section 10A(2)(d) of the Act as it relates to the information associated with the property development and investment structure for council property and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

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

ORDINARY MEETING

Meeting Date: 29 March 2011

Item: 61 **GM - Tender No 01211- Supply of External Audit Services - (95496, 96332)**
CONFIDENTIAL

Previous Item: 117, Ordinary (14 September 2004)

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to (details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING

Meeting Date: 29 March 2011

Item: 62 CP - Asset Management System Expression of Interest - (95498) **CONFIDENTIAL**

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING

Meeting Date: 29 March 2011

Item: 63 **SS - Tender No 01311 - Sale of 139 Colonial Drive, Bligh Park (Lot 1 in Deposited Plan 1135982) - (95496, 96332) CONFIDENTIAL**

Previous Item: 240, Ordinary (12 October 2010)

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 29 March 2011

Item: 64 SS - Property Matter - Lease to Ms Kirsty Robertson - Shop 1A McGraths Hill Shopping Centre - (111190, 76666, 9587) CONFIDENTIAL

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING

Meeting Date: 29 March 2011

Item: 65 **SS - Property Matter - Assignment of Lease from Frank Taranto to PNB Holdings Pty Ltd - Macquarie Park House, 1 Wilberforce Road, Wilberforce - (112106, 9098, 73895, 121001) CONFIDENTIAL**

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING

Meeting Date: 29 March 2011

Item: 66 **SS - Property Matter - Lease to Schofield & Co (Administration) Pty Ltd -
Reverend Turner Cottage - 360 George Street, Windsor - (112106, 77907, 95496)
CONFIDENTIAL**

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING

Meeting Date: 29 March 2011

Item: 67

SS - Property Matter - Lease to Andreas and Catarina Froemel - Shop 2 Glossodia Shopping Centre - (112106, 12492, 12493, 38869, 95496) **CONFIDENTIAL**

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions From Previous Meetings and Responses - (105109)

REPORT:

Questions - 8 March 2011

#	Councillor	Question	Response
1	Reardon	Enquired if there had been, to date, any consultation with the RTA in relation to signage at Bilpin following the meeting held with residents who wanted Hunter Valley Style signage.	Director Infrastructure Services advised that contact has been made with the RTA with a view to facilitating a meeting in the near future.
2	Tree	Enquired as to an update on the fence for the adjoining properties at the Out of School Hours Care at Richmond and the old Post Office building.	Director Infrastructure Services advised that the intention is to replace the existing fence with a colourbond fence.
3	Rasmussen	Referred to a report from the Metropolitan Fire Brigade that was sent to Council regarding the Hawkesbury Gas Works and enquired as to whether Council had received the report and what Council has done as a result of that Report.	<p>The Director City Planning advised that the development consent for "Additional commercial uses in conjunction with Hawkesbury Gas" (DA0512/05) required compliance with a "Schedule of Fire Safety Measures" for the commercial building. (It should be noted that this schedule is a standard commercial building requirement that is not related to the Hawkesbury Gas facility and would be required for any commercial or industrial use building.)</p> <p>One of those measures required that the existing fire hydrants (in street) be tested in accordance with AS 2419 and a compliance certificate be issued. Sydney Water advised that the mains could not meet the requirements for pressure and flow as required.</p> <p>The applicant's Fire Safety Consultant applied to NSW Fire Brigades for an exemption, under Clause 188 of Division 8 of the Environmental Planning and Assessment Act, to the full compliance requirement for Fire Hydrants and suggested static on-site water storage tanks be provided to augment the Hydrant system. The Brigade "report" refers to the exemption application and requires an on-site 36,000 litre static water supply to be installed solely for the hydrant system.</p> <p>The installation of the water tank has</p>

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			previously been followed up with the applicant and will be followed up again to achieve compliance with this requirement. It should be noted that this fire requirement is a measure that is required to protect the building in case of a fire and is for the sole use of Fire and Rescue NSW (former NSW Fire Brigades). The fire safety requirements to protect the occupants of the building have been upgraded and are considered adequate.
4	Williams	Referred to a telephone tower placed at Ebenezer on the corner of Sackville Road and Ebenezer Wharf Road. He enquired as to whether Council has a policy on towers or distances phone towers need to be from residences. He advised that no one seems to have been notified in relation to this phone tower.	<p>The Director City Planning advised Council does not have a policy relating to towers, but does have development controls (Part D(5) of the Hawkesbury DCP) for towers that require development approval.</p> <p>In July 2010 the proposal was originally deemed to require development consent and a public consultation process was commenced. However, following consideration of an amended application and review of the legislation, the proposal was deemed to be Complying Development as it had met the requirements and development standards under the SEPP (Infrastructure) 2007, and the DA was withdrawn in October 2010.</p> <p>The Complying Development Certificate was issued by Fitzgerald Building Certifiers (Private Certifier) on 13 October 2010.</p>
5	Paine	Referred to recent newspaper articles regarding the developer of the new Pitt Town areas and asked if this would have any effects on facilities to be provided under the Part 3A approval.	The Director City Planning advised that the facilities to be provided under a Part 3A approval, or any other formal approval, remain with the land and not an individual or company. The terms and facilities required by the Part 3A approval have not been changed recently.
6	Paine	Enquired as to how much Section 94 money Council had collected to date for Pitt Town and what the timeframe was for providing community works particularly now the precinct order contradicts the order of development set out in the Section 94 document drafted by the Department of Planning. She also enquired if the money had been collected and if it had been spent elsewhere.	<p>The Director City Planning advised \$25,145.68 had been received as a cash contribution for administration fees as required by the Section 94 Plan.</p> <p>The Section 94 Contributions Plan 2008 sets out, in "Part 7A Catchment 5 – Pitt Town Residential Precinct", works that are required as part of the development of Pitt Town. The timeframe for these works are listed on Pages 55 - 56 of that Plan and are tied to the commencement and completion of development in each precinct, e.g., Commencement of Works - "<i>after Bona Vista precinct is commenced</i>" and completion of works - "<i>before Bona Vista is completed</i>". The Contributions Plan does not require sequential development of the land, nor does the Part 3A</p>

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			<p>approval. However, the Plan and approval require certain works and infrastructure to be undertaken or available within certain timeframes.</p> <p>Rather than the payment of a cash contribution for Council to complete the required works, the developer has, in accordance with the provisions of the S94 Plan, entered into a "Works in Kind" agreement with Council for the Bona Vista precinct. (Council resolution 25 November 2008). This agreement requires the developer to undertake the works, rather than contribute cash, in a similar timeframe and manner to that required in the S94 Contributions Plan. To date only approximately 80 allotments of the 246 approved allotments for Bona Vista precinct have been released and the "Works in Kind" agreement will require certain works to be finalised prior to completion of that precinct.</p> <p>Statutory accounting requirements for Section 94 contributions do not allow contributions to be expended in a manner that is contrary to the Contributions Plan. As such, monies collected have not been spent elsewhere.</p>
7	Calvert	Enquired about the footpath outside of McDonalds in Richmond and asked for an update.	The Director City Planning advised that this matter is being discussed with the operator of the McDonalds store in order to find a satisfactory solution to the issue.
8	Porter	Enquired as to when the next Waste Committee Meeting would be held.	Director City Planning advised the next Waste Management Advisory Committee is due to convene on Wednesday 30 March, 2011.
9	Mackay	Advised that when the extension to the Oasis Gymnasium was built, a loading zone was removed and never returned causing delivery trucks are parking right out the front of the main door and obstructing traffic flow and enquired if the matter could be investigated.	<p>Director Infrastructure Services advised that at the Council meeting of 10 August 2010, it was resolved to convert the 2 unmarked kerbside parking spaces located within the Oasis carpark into a 10.0 metre Loading Zone.</p> <p>Construction works for the Oasis extension commenced on 28 July 2010. As this section was required as a temporary construction zone and a safety fence was required to be installed along the fence, it was planned to install the new loading zone upon the completion of the additions to the gymnasium.</p> <p>The loading zone signage has now been installed and the zone is operational.</p>

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meeting

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