



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 29 June 2010

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 fsut@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.

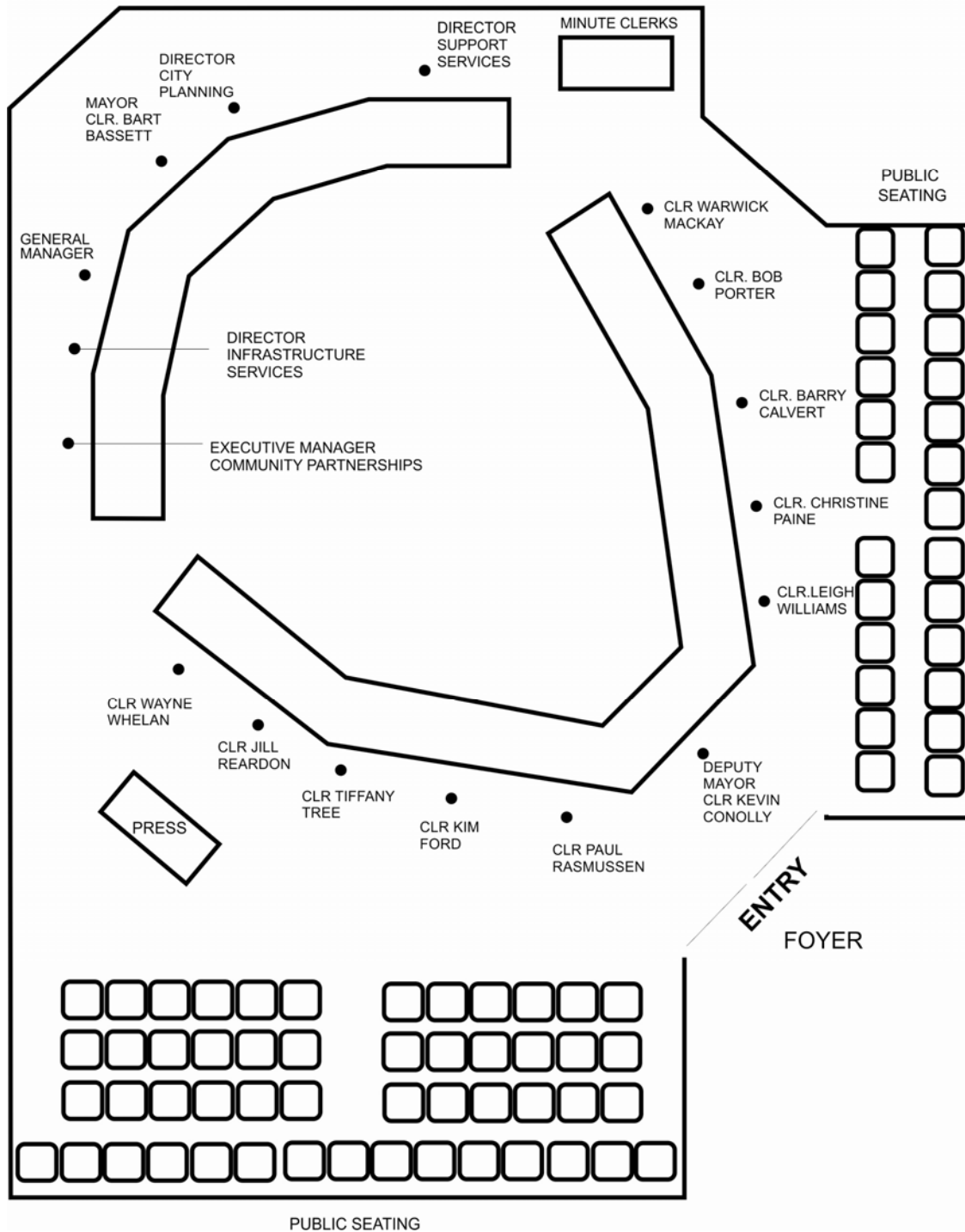
Website

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.

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notices of motion

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Notices of Motion

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Notices of Motion

SECTION 3 - Notices of Motion

NM1 - Solar-Powered Street Lights - (80096, 79351)

Submitted by: Councillor K Conolly

NOTICE OF MOTION:

That a report be brought to Council assessing the viability of installing solar-powered street lights in future urban developments within the Hawkesbury Local Government 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: 128 **GM - Local Climate Local Change Conference 2010 - (79351)**

Previous Item: 40, Ordinary (9 March 2010)

REPORT:

Executive Summary

The Local Climate Local Change Conference 2010 was deferred from April 2010 until August/September 2010. A report concerning this Conference was previously reported to Council at the Ordinary Meeting of 9 March 2010. Council previously resolved not to register any delegates for the Conference.

Consultation

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

Background

The Local Climate Local Change Conference 2010 was originally scheduled to be held in April of this year and was subsequently rescheduled and will now be held 29 August to 1 September 2010 in the Blue Mountains. Council did not nominate a delegate/s for the Conference in April due largely to budgetary issues and as the Conference will now be held in the next financial year, Council may wish to reconsider the issue of attendance.

The Local Climate Local Change Conference is an all-encompassing forum for climate change adaption and mitigation actions, attitudes and information that showcase Australian Frontline Community Action that is occurring at 'grass roots'.

The Conference will relate to all those interested in the efforts of local communities in adapting and mitigating for climate change including; professional practitioners, local, state and federal government officers, academics, community climate change organisations, eco-ambassadors and the community.

Cost of attendance at the Local Climate Local Change Conference 2010 will be approximately \$2,175.00 plus travel expenses per delegate.

The 2010/2011 adopted Budget contains a provision of \$42,000 for Delegates Expenses.

Conformance to Community Strategic Plan

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

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

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

- Participate with regional groups to develop a climate change strategy that identifies targets which balance benefits and costs.

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Financial Implications

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

RECOMMENDATION:

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the Local Climate Local Change Conference 2010 at an approximate cost of \$2,175.00 plus travel expenses per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**Item: 129 GM - Review of the Policy for the Provision of Information and Interaction
Between Councillors and Staff - (79351, 95496)**

REPORT:**Executive Summary**

The commencement of the Government Information (Public Access) Act 2009 on 1 July 2010 has triggered a review of a number of policies including Policy for the Provision of Information and Interaction Between Councillors and Staff. The revised Policy has been updated to ensure consistency with Council's Code of Conduct and legislative changes. The revised Policy supplements Council's Code of Conduct and provides assistance to Councillors and staff to understand fully their respective roles and how they should operate, in order to perform their job effectively.

Consultation

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

Background

Consistent with good corporate governance, Council maintains Policy for the Provision of Information and Interaction between Councillors and Staff. Council adopted this Policy on 9 June 1998, and it operates in association with the Council's Code of Conduct, in the management of access to both information and facilities, and any related policy breaches. The Policy provides assistance to Councillors and staff to manage Councillor access issues under the Code of Conduct in their individual roles.

The Local Government Act 1993 outlines the role of Councillors and the role of the General Manager. There is a separation of responsibilities and accountabilities for these roles under the Act, which has implications for access to information, the management of Council staff and access to Council premises for Councillors.

While the principles espoused by the Policy are still relevant since it was adopted in 1998, new legislation and changes to existing legislation has required a policy review. The review has taken into account the following legislation, policies and guidelines relevant to Councillor access and management responsibilities:

- Council's Code of Conduct
- Council's Access to Information Policy
- Council's Code of Meeting Practice
- Government Information (Public Access) Act 2009
- Health Records and Information Privacy Act 2002
- Privacy and Personal Information Protection Act 1998
- Under Careful Consideration: Key Issues for Local Government (ICAC)
- State Records Act 1998

The revised Policy is attached as Attachment 1 to this report.

The revised Policy continues to facilitate legal and proper Councillor access to Council information that may assist them in undertaking their responsibilities as elected representatives. The Policy supplements Council's Code of Conduct, and provides assistance to Councillors and staff to understand fully their respective roles and how they should operate, in order to perform their job effectively.

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Conformance to Community Strategic Plan

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

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

and is also consistent with (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 Council adopt the revised "Policy for the Provision of Information and Interaction Between Councillors and Staff" attached as Attachment 1 to this report.

ATTACHMENTS:

- AT - 1** Policy for the Provision of Information and Interaction Between Councillors and Staff - (*distributed under Separate Cover*).

oooO END OF REPORT Oooo

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

REPORT:

Executive Summary

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

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

Consultation

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

Background

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

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

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

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

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

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

Following receipt of a request by the General Manager, a meeting was held with representatives of the Department of Planning, Treasury and Division of Local Government-Department of Premier and Cabinet

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and the General Manager, Director City Planning and Senior Strategic Planner on 17 June 2010 to discuss "how council would manage the introduction of the changes".

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

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

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

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

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

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

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

- *"The NSW Government will make the current \$20,000 threshold a legal cap on all local development contributions and put in place mechanisms to allow councils to fund legitimate infrastructure costs that cannot be recovered under the cap."*
- *In the event of any council seeking an increase above that cap, IPART will now review that application."*
- *If IPART determines an increase is warranted, the council will then take responsibility for funding the difference, meaning developers will not pay any more than the cap."*
- *This will provide consistency for the housing industry, and allow councils to take control for funding the needs of their growing communities."*

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

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

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

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

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

Conformance to Community Strategic Plan

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

- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.

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

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

Financial Implications

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

Financial implications which may result due to the issues raised in this report are difficult to assess and may only come to light with the passage of time, however, it appears reasonable to suggest that based on the information currently available additional costs could be incurred by the wider community as a result of

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any specific developments within the area which generate a demand for infrastructure the cost of which exceeds the cap of \$20,000.

RECOMMENDATION:

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

ATTACHMENTS:

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

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

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CITY PLANNING

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

Development Information

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

Key Issues: ♦ State Environmental Planning Policy No. 65

Recommendation: Approval

REPORT:

Executive Summary

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

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

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

The proposal is recommended for approval.

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

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

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- Restrictions on external lighting
- Measures to mitigate aircraft noise

The proposal:

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

Description of Proposal

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

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

In summary, the details of the development are:

- A combined entry/exit and driveway access located adjacent to, and extending for most of the western site boundary.
- A total of 58 on site parking spaces.
- Ground floor comprising 1184m² of commercial floor space, internal circulation and ancillary services.
- First floor comprising 8 residential units (4 x 3 bedrooms, 2 x 2 bedrooms and 2 x 1 bedroom) and communal terrace area.

Description of the Land and its Surroundings

The land is located on the southeastern side of Macquarie Street, between the intersections with Dight and Christie Streets. The development site is irregular in shape, with a street frontage of approximately 72m with a variable depth of 27m - 46m, giving a total site area of 2,953m².

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

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

History of Application

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

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

Background

Urban Design Service

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

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

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

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

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

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

Council Policies, procedures and Codes to Which the Matter Relates

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

Section 79C Matters for Consideration

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

a. The provisions (where applicable) of any:**i. Environmental Planning Instrument:**

The relevant Environmental Planning Instruments are considered below:

Environmental Planning and Assessment Act, 1979 and Regulations 2000

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

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

Comment:

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

Part 1 of Schedule 1 of the Regulation prescribes matters to accompany a development application.

Clause 2(5) requires that, in addition to any other information, an application the subject of SEPP 65 must include the following:

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

Comment:

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

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

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

A building that comprises or includes:

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

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

Comment:

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

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

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

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

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

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

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

Comment:

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

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

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

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

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

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

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

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

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

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

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

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

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

State Environmental Planning Policy (Infrastructure) 2007

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

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

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

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

State Environmental Planning Policy 55 - Remediation of land

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

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

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

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

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

Hawkesbury Local Environmental Plan (LEP) 1989

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

General Provisions of HLEP 1989

Clause 2 - Aims, objectives etc,

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

Clause 5 - Definitions

The residential component of the proposed development is defined as a 'residential flat building'.

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

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

Clause 8 - Zones indicated on the map

The subject land is zoned Multi Unit Housing.

Clause 9 - Carrying out development

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

Clause 9A - Zone Objectives

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

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

Specific Provisions of HELP 1989

Clause 16 - Erection of residential flat buildings

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

Clause 18 - Provision of water, sewerage etc services

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

Clause 22 - Development fronting a main or arterial road

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

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

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

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

Clause 25 - Development of flood liable land

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

Clause 28 - Development in the vicinity of heritage items

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

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

Clause 37 - Land affected by aircraft noise

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

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

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

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

Draft Hawkesbury Local Environmental Plan 2009 applies to the proposal. This draft Plan was exhibited 5 February 2010 to 12 April 2010.

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

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

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

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

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

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

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

iii) any development control plan applying to the land

Hawkesbury Development Control Plan

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

Residential Development

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

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

Building Height Plane

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

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

Setback

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

Driveways, Manoeuvring, Car parking Spaces

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

Parking and Access Chapter

Professional Chambers Car Parking

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

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

The professional/commercial component of the development has a GFA of approximately 1077m². The total number of parking spaces therefore required for the professional/commercial component of the development is 36 spaces. The total number of commercial parking spaces proposed is 38, including 1

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

Residential Car Parking

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

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

All units have a GFA of more than 85m². As a result, a total of 16 residential parking spaces are required for the development as well as 2 visitor parking spaces. Six (6) double garages, two (2) single garages and two parking spaces have been provided within the basement parking area. Two visitor spaces have been provided in the at-grade parking area external to the building.

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

Energy Efficiency Chapter

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

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

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

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

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

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

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

v) Matters prescribed by the Regulations:

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

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

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

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

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

Context and Setting

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

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

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

Access, Transport and Traffic

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

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

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

Waste

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

Noise and Vibration

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

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

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

Natural Hazards

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

Safety, Security and Crime

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

Site Design and Internal Design

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

c. Suitability of the site for the development

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

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

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

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

The matters raised in these submissions are discussed below:

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

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

Boundary fences

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

Drainage

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

Overshadowing

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

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Lighting within the rear carpark, headlights from cars

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

Loss of privacy – overlooking

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

Noise – use of balconies, car park, aircraft

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

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

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

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

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

e. The public interest

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

Developer Contributions

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

Conclusion:

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

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

Planning Decision

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

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RECOMMENDATION:

That development application DA0056/07 at Lot 381 DP 595952, Lot 380 DP 818974, Lot 1 DP 797152, Lot 1 DP 613929, 122-130 Macquarie Street WINDSOR NSW 2756 for Professional and Commercial Chambers, Residential Flat Building - demolish office building and erect new professional chambers & walk up flats be approved subject to the following conditions:

General Conditions

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

Prior to the Issue of the Construction Certificate

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

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

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

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

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

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

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

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

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

Prior to the Commencement of Works

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

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30. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
31. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
32. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
33. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to commencement of works.
34. The applicant shall advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
35. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
36. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
37. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.
38. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
39. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.
 - (a) The consent authority or a private accredited certifier must either:
 - (b) Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or

If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.

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During Construction

40. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
41. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
42. The site shall be secured to prevent the depositing of any unauthorised material.
43. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
44. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
45. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
46. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
47. 54 off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
48. Disabled parking shall be provided in accordance with AS2890.1-1993.
49. Provision of adequate on site loading and unloading facilities to cater for the proposed use of the land.
50. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
51. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
52. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
53. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
54. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - (a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.

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

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

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

57. Any sewer or stormwater main or manhole affected by the development, shall be repaired or altered in level as so directed at the applicant's expense.
58. The rainwater collection tank shall be installed and connected to each unit to allow for use by washing machines.
59. Excavation material shall be deposited at an approved waste management facility.
60. Council records indicate that the building site is at a level of approximately 15 metres AHD. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
61. The building design shall incorporate components that will provide aircraft noise mitigation in accordance with AS2021 and in accordance with the recommendations within the approved acoustic report.
62. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
63. Concrete path paving 1.2m wide shall be constructed along the road frontage to the development. The remaining footway area shall be formed in earth and planted with grass.
64. A surcharge path sufficient to carry the 1 in 100 year storm flow to be provided across the site and a drainage easement of adequate width to be created over the surcharge path.
65. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels.
66. Arrangements are to be made for the provision of common drainage and the disposal of stormwater from the site. Modifications to the existing stormwater system are to comply with Concept Stormwater Drainage Plan REF 90535:E:4.
67. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
68. A heavy duty layback and footway vehicular crossing shall be constructed to the development. The crossing shall be constructed to the dimensions shown on the approved plans.
69. All services or suitable conduits shall be placed prior to concrete pouring.
70. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
71. Should any Aboriginal site or relic or European relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service or the Heritage Office (European relic) consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 and Heritage Act.
72. All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete

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

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

Prior to Issue of Any Occupation Certificate

- 76. Compliance with all conditions of this development consent.
- 77. Creation of a drainage easement 3m wide over the proposed relocated pipeline through the site. Documentary evidence to be submitted prior to occupation of the building.
- 78. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
- 79. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.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.

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

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

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

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

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

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

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

Use of Development

98. No internal or external alterations shall be carried out without prior approval of Council.
99. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - (a) been assessed by a properly qualified person, and
 - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
100. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
101. The subject development, including landscaping and bin storage areas, shall be regularly maintained. Plant species shall be replaced as required in order to maintain the viability of the approved landscape concept prepared for the site.
102. Waste and recyclable material, generated by this premises, shall not be collected between the hours of 10:00pm and 7:00am on any day.
103. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10:00pm and 7:00am on any day.
104. A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.
105. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

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

Advisory Notes

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

ATTACHMENTS:

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

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AT - 1 Locality Plan

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

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

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AT - 2 Site Plan

**To View This Image,
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AT - 3 Elevation Plan

**To View This Image,
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AT - 4 Elevation Plan

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

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ORDINARY MEETING**Meeting Date: 29 June 2010****AT - 6 Assessment of Application against the Residential Flat Building Design Code**

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

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

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		It is considered that the proposed development will have no unreasonable impacts in respect to loss of sunlight access, and the provision of privacy screens to the balcony of unit 3 and the provision of suitable landscaping will minimise any impacts on the amenity of the adjoining properties from overlooking to an acceptable level.
Street Setbacks	✓	The main wall of the building is setback 4.6m from the front boundary. Decorative features incorporated within the front façade have a setback of 3m. These setbacks are considered appropriate with respect to the context of the locality, the streetscape and the design of the building.
Side and Rear Setbacks	✓	The side and rear setbacks are considered appropriate in respect to the existing streetscape pattern, in minimising the impacts of the development with regard to privacy, sunlight access and in providing appropriate amenity, open space areas and landscaping. Side and rear setbacks ensure the building is located within the Building Height Plane in compliance with Hawkesbury Development Control Plan – Residential Chapter.
Floor space ratio	✓	No floor space ratio control is applicable.
Site Configuration		
Deep Soil Zones	✓	<p>The Code recommends a minimum of 25% of the site be a deep soil zone. Approximately 769m² of soft landscaped area is provided as deep soil zones, which equates to 26% of the total site area.</p> <p>In addition, rainwater tanks will collect roof water to be utilised for gardens and clothes washing thereby reducing the demand for on-site infiltration of stormwater.</p>
Fences and walls	✓	A 1.2m high fence will be provided between the communal open space area and car parking area. Fencing of this area is considered appropriate to provide privacy and security for users of the area and increased amenity by separating these areas.
Landscape Design	✓	A concept landscape plan, prepared by a suitably qualified landscape architect has been provided, and is considered satisfactory.
Open Space	X	<p>Communal open space occupies 17% (504m²) of the site area. The Design Code recommends between, at least, 25 and 30% of the site area be provided for communal open space. The application provides the following justification for this non-compliance:</p> <p><i>“To compensate for this, there is a significant increase in the required private open spaces of each apartment (Min required 10m² under HCC DCP). It is considered that private open spaces are utilised more than communal spaces within these development. A total of 962m² of open space is provided (32%).</i></p>

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		<p><i>The communal area is divided into two areas; one located within the Deep soil zone on ground level at the rear of the site and the other located on the podium courtyard. As discussed the balance of the required communal area is divided between the apartments providing larger and more useable private open spaces.</i></p> <p><i>The private open spaces (balconies) that are provided to each apartment become an extension of the living areas with large doors linking these areas."</i></p> <p>The Code recommends that each balcony should have a minimum depth of 2m.</p> <p>Private open space for each unit is provided as follows:</p> <p>Unit 1 – 2 balconies/decks (11.52m², 18.25m², 12.50m²) total 42.27m² Unit 2 – 2 balconies/decks (18.36m², 13.49m²) total 31.85m² Unit 3 – 1 balcony 12.67m² Unit 4 – 1 balcony 13.89m² Unit 5 – 2 balconies/decks (27.78m², 14.31m²) total 42.09m² Unit 6 – 2 balconies/decks (23.75m², 14.31m²) total 38.06m² Unit 7 – 1 balcony 27.77m² Unit 8 – 2 balconies (13.98m², 15.96m²) total 29.94m²</p> <p>All balconies comply with the minimum dimension requirements for private open space and have adequate area consistent with the Codes guidelines.</p> <p>Sunlight access to the communal open space areas and private open space areas is considered adequate.</p> <p>It is considered that adequate open space has been provided.</p>
Orientation	✓	<p>The building is generally orientated to the north-west, with two of the units having a northerly aspect. The development is considered adequate with respect to the orientation of the building in that:</p> <ul style="list-style-type: none"> • solar access to the units is satisfactory; • the development complements the streetscape character; • the proposal provides for the enjoyment of views; • the building fits with the topography of the land; and • the amenity of existing development is not unreasonably compromised.
Planting on structures	X	<p>The Code provides recommendations for minimum soil volumes, soil depths and soil area for circumstances where planting is proposed on top of basements and roofs.</p> <p>The plans do not show the height of all the proposed planter beds within the first floor courtyard, and therefore there suitability for the landscaping in this area cannot be determined. However this can be clarified through conditions of consent.</p>

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

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

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		<p>The ceiling height (internal heights) for the ground floor professional offices is 3.5m. The ceiling height for the first floor residential units is 2.9m and the ceiling height for the second floor residential units is 2.9m. These heights are considered to be adequate.</p> <p>It is considered, given the size of the development and the expected low demand for professional and commercial offices in the area, that the use of the first floor for residential purposes only is satisfactory, and therefore a ceiling height of 2.9m is acceptable.</p>
Flexibility	✓	It is considered that the majority of the units provide some flexibility in meeting the potential changing needs of occupants.
Internal Circulation	✓	<p>Safety and amenity of the lobbies, stairs, lifts and corridors of the building is satisfactory.</p> <p>Building layout and entry, and unit layout is considered functional.</p>
Mixed Use	✓	The building is proposed to be used for professional and commercial chamber, as well as residential purposes. This mixed use is considered appropriate for the locality given its nature of residential and community uses.
Storage	✓	<p>Storage areas (17.3m²) have been provided within each residential garage in the basement level of the development. The storage areas are lockable and are considered to be large enough to meet the needs of future residents of the units.</p> <p>The Code recommends that in addition to kitchen cupboards and bedroom wardrobes, accessible storage facilities be provided at the following rates: two bedroom apartments 8m³ and single bedroom apartments 6m³. Additional storage cupboards within each unit has been provided.</p>
Building Amenity		
Acoustic Privacy	✓	The proposed development achieves satisfactory acoustic privacy by way of building separation, and generally grouping activity areas within units.

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

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

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

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

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

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	<p>is demonstrated that sufficient useable private open space has been provided.</p> <p>(b) The communal open space should generally have access only from within the site.</p> <p>(c) Common open space for multi-unit housing developments should be accessible from all dwellings within the development. Surveillance of this space should be possible from at least 2 dwellings.</p> <p>(d) Any proposed communal recreational facilities must be designed and located to avoid nuisance or danger to neighbours, residents and visitors.</p>	<p>has been provided; 359m² at ground level and 145m² on first floor.</p> <p>Surveillance of first floor courtyard adequate possible from Unit 5 bedroom and laundry and Unit 7 living area.</p> <p>Surveillance of ground level communal space from living areas of Units 3, 4 and 7</p> <p>No facilities have been nominated</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Access and Parking	<p>(a) Driveways next to any side or rear boundary must have a landscape strip of at least 1 metre to separate them.</p> <p>(b) Shared driveways, access lanes and car parks must be setback a minimum of 1.5 metres from windows to main habitable rooms of dwellings. This standard does not apply if the floor level of the dwelling is at least 1 metre above the driveway.</p> <p>(c) All driveways must have a minimum width of 3 metres and must be sealed to prevent surface erosion.</p> <p>(d) For development that contains more than 2 units driveways are to have a minimum driveway width of 6m from the layback/kerb line to 6m inside the property.</p> <p>(e) Garages and carports must not visually dominate the street facade, should occupy less than 50% of the building facade and must be compatible with the building design.</p> <p>(f) Uncovered car parking spaces and turning areas can be located within the front setback to the required building line provided that this area is dominated by landscaping and/or addresses established streetscape patterns.</p> <p>(g) Where parking spaces are located as 90° to the driveway alignment the minimum driveway width adjacent to the space is to be 6.7m, increased as necessary to allow adequate manoeuvring on site.</p>	<p>Provided</p> <p>Complies</p> <p>Driveway 6m wide</p> <p>8.8m to 7m within the property</p> <p>No garages/carports within the front facade</p> <p>None provided within the front setback</p> <p>Driveway widths of 5.8m to 7.9m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No, however is supported for reasons discussed previously within the Report</p>

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

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

oooO END OF REPORT Oooo

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

Previous Item: 101, Ordinary (25 May 2010)

Development Information

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

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

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

REPORT:

Introduction

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

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

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

Description of Proposal

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

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

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

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

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

History

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

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

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

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

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

Issues Relevant to the Decision - In Point Form

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

Council Policies, Procedures and Codes to Which the Matter Relates

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

Section 79C Matters for Consideration

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

a. The provisions (where applicable) of any:

i. Environmental Planning Instrument:

The relevant environmental planning instruments are:

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

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

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

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

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

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

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

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Clause 25 – Development of flood liable land

Clause 28 – Development in the vicinity of heritage items

Clause 31 – Acquisition and use of reserved land

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

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

State Environmental Planning Policy No. 1 – Development Standards

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

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

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

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

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

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

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

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

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

It is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and that the development is not inconsistent

with the general and specific aims, planning considerations, planning policies and recommended strategies.

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

State Environmental Planning Policy No. 55 – Remediation of land

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

State Environmental Planning Policy No. 64 – Advertising and signage

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

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

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

State Environmental Planning Policy (Infrastructure) 2007

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

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

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

iii) any development control plan applying to the land

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

In respect to carparking requirements, Hawkesbury Development Control Plan (HDCP) 2002 Part C, Chapter 2 Carparking and access requires that service stations provide five spaces per work bay, plus one space per 30m² of ancillary retail floor space. The development does not propose any workbays, but does provide a small pay point terminal of approximately 78m² in area, thus requiring three carspaces to be provided on site. The development proposes seven carspaces on site, satisfying Council's requirements.

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

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(iv) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

There are no planning agreements applicable to the proposed development.

iv) any matters prescribed by the regulations

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

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

Context & Setting

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

Access, Transport & Traffic

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

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

Utilities

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

Heritage

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

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

Soils

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

Waste

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

Natural Hazards

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

Site Design and Internal Design

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

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

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

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

These aspects were previously discussed with the applicant and the building setback was amended. The redesign of the 'pay point' structure was also discussed, however, due to the size of the building (78m²), a change to the roofline would not achieve any improved design outcome and could, as mentioned by the urban designer, result in a more negative impact on the visual impact of the structure. A number of options were discussed regarding the design of the structures; however, no improvement to the design could be agreed.

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

Construction

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

Cumulative Impacts

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

c) the suitability of the site for the development

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

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

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

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

Community Consultation

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

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

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

e) the public interest

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

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

Conclusion

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

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

Planning Decision

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

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Developer Contributions

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

RECOMMENDATION:

That:

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

ATTACHMENTS:

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

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AT - 1 Locality Plan

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

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AT - 2 Site Plan

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AT - 3 Elevations

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AT - 4 Landscape Plan

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

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
7. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
8. The development shall be designed and operated in accordance with the acoustic report No. 4658 Revision 0, prepared by RSA Acoustics and dated 24 February 2010.

Prior to Issue of Construction Certificate

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

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

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

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

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
12. Construction of the road, access, car park, drainage, filling and retaining walls are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.

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

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

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

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

Prior to Commencement of Works

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

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

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

18. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
19. A waste management plan shall be submitted to and approved by the Principle Certifying Authority. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
20. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
21. The applicant shall advise Hawkesbury City Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the *Environmental Planning and Assessment Act, 1979*.
22. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the *Environmental Planning and Assessment Regulation*.

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

During Construction

25. All redundant driveways are to be removed along the site's Macquarie Street frontage with kerb and gutter reinstated to the RTA's requirements.
26. The layout of the proposed car parking and loading areas associated with the subject development (including driveways, queuing areas, grades, turn paths, sight distance requirements, aisle widths and parking bay dimensions) should be in accordance with AS2890.1 – 2004 and AS2890.2 – 2002 for heavy vehicle usage.
27. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
28. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
29. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
30. The loading area shown on the plan to cater for a small rigid vehicle is to be increased in size to comply with the minimum requirements of AS2890.2 – 2002 for this type of vehicle (3.5m x 6.4m). The loading bay is to be clearly marked as such.
31. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
32. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
33. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.

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34. The development shall be constructed of flood compatible materials in accordance with the NSW Government Flood Plain Manual. In this respect the following design precautions must be adhered to in all respects:
 - (a) all electrical, heating and air conditioning service installations are to be located above the 2% AEP flood level of 15.7m AHD;
 - (b) the building is to be constructed of flood compatible materials such as galvanised steel frame, galvanised zinc alum cladding doors and door frames; and
 - (c) the structure and walls shall be strengthened to a level of 15.7m AHD to increase resistance to floodwater flow and debris impact.
35. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
36. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
37. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
38. All necessary street signage and pavement markings shall be installed and/or relocated as required.
39. The installation and operation of any fuel facility is to be done in accordance with:
 - (a) AS4897 – 2008 : Design, installation and operation of underground petroleum storage systems.
 - (b) AS1596 – 2002 Storage and handling of LP Gas
 - (c) AS1940-1993 The Storage and Handling of Flammable and Combustible Liquids
 - (d) All WorkCover NSW Requirements

Prior to Issue of the Occupation Certificate

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

Use of the Development

43. No internal or external alterations shall be carried out without prior approval of Council.
44. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - (a) been assessed by a properly qualified person, and
 - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

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

Advisory Notes

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

oooO END OF REPORT Oooo

Item: 133 CP - Accreditation of Local Government Building Certifiers - (95498)

REPORT:**Executive Summary**

The purpose of this report is to advise Council of changes to the *Building Professionals Act 2005* (BP Act), the *Building Professionals Regulation 2007* (BP Regulation) and the Scheme that introduces a framework for the accreditation of Council employees who undertake building certification work on behalf of a Council. The Scheme for Council employees came into effect on 1 March 2010 and is administered by the Building Professionals Board (BPB).

The Accreditation Scheme requires Council or its delegate to first endorse the application to the BPB. The Council is to be satisfied that those Council employees that are eligible for accreditation are accredited at a level appropriate to their qualifications and experience.

This report recommends that delegation be given to the General Manager to endorse applications for Council employees to be accredited under the BPB Accreditation Scheme.

For the purposes of Section 5(1A) of the BP Act, an application for accreditation to carry out certification work on behalf of councils may only be made on the recommendation of a council. In accordance with Section 377 of the *Local Government Act 1993*, Council may resolve to delegate that function of making recommendations associated with accreditation applications to the General Manager.

Consultation

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

Background

The BPB is a statutory body under the Building Professionals Act, reporting to the Minister for Planning. The BPB works to improve the quality of building construction and subdivision in NSW by regulating and educating private building certifiers and subdivision certifiers.

The BPB has established and maintains the system of private accreditation for private certifiers, including education, audit and complaints investigation of private building and subdivision certifiers. Expanding the Scheme to include council certifiers (for building work only) is part of a wider program of planning reforms.

Certification of building work is an important step in the building and development process, involving assessment of detailed construction plans for approval, issue of Construction Certificates, inspections of building work undertaken during the course of construction and the issue of Occupation Certificates at the completion of building works.

The Scheme is designed to occur in two steps -

1. A three year transition period where accreditation of employees is recommended by the local Council and endorsed by the BPB.
2. After February 2013 certification directly from the BPB equivalent to private certifiers.

Accreditation is based on the individual's experience and qualifications and is dependent on the individual undertaking continual professional development (CPD).

Requirements/Key elements of Accreditation Scheme

- Existing building surveying Categories A1, A2 and A3 will apply to council accredited certifiers. A new category 'A4 - building inspector' has been added.
- Accreditation will only cover work undertaken on behalf of a council.
- Council accredited certifiers can carry out work on behalf of any council in NSW.
- Council or its delegate can consider a range of qualifications and experience when recommending a council building certifier for accreditation.
- Initial accreditation is free. Annual renewal of accreditation is required. Renewals to March 2013 cost \$250.00. Fees are set by statute.
- Applications by individuals can only be made with the recommendation of a council.
- A three year transition period from March 2010 will provide time for council building certifiers to become accredited. At the end of the three year transition period (28 February 2013) there will be only one set of requirements in the Scheme applicable to all persons applying for accreditation. Council accredited certifiers accredited in the three year transitional period will not be required to be reassessed provided they renew their accreditation each year.
- Councils have until September 2010 to ensure that all building certification work (involving the issue of construction certificates and occupation certificates and undertake inspection of building works under construction) are undertaken by accredited certifiers. Exemptions can be applied for in exceptional circumstances.
- Council accredited certifiers must undertake a Continuing Professional Development program and will be subject to the BPB's disciplinary procedures.
- Existing civil liability protections under the Local Government Act remain.
- Council accredited certifiers may undertake certification work on developments where they have been involved in the assessment or determination of a related DA or Complying Development Certificate.

Endorsement of Applications for Accreditation

The BP Act provides that an application for accreditation to carry out certification work on behalf of councils may only be made on the recommendation of a council.

The BP Regulation specifies the matters that a council is to take into account when considering whether to recommend an application for accreditation. In making a recommendation, council must take into account the following:

- The requirements of the Scheme that are relevant to the category of accreditation that is sought by the applicant and the assessment guidelines issued by the BPB for the making of a recommendation;
- The qualifications of the applicant;
- The experience of the applicant as known to the council and as documented by the applicant, and in particular, the type of certification work undertaken by the applicant; and
- Whether the council is of the opinion that the applicant is a fit and proper person.

The recommendation of this report is that Council delegate authority to the General Manager to make recommendations to the BPB as necessary to enable Council staff to become accredited under the Scheme.

To comply with Section 377 of the *Local Government Act 1993*, councils need to make a resolution delegating to the General Manager the function of making recommendations for the purposes of Section 5(1A) of the *Building Professionals Act 2005*.

Suspension or Cancellation of Accreditation

The BP Act is amended to provide that the BPB may suspend or cancel a person's accreditation to carry out certification work on behalf of a council if the person has ceased to be employed by a council.

The BPB has acknowledged that councils across New South Wales have already in place procedures for the management and discipline of employees and the BPB expects that councils will continue to manage their own staff to ensure appropriate performance.

The BPB has a register of accredited persons that potential employers can access to view any previous disciplinary action against a certifier.

Categories of Accreditation

The categories of accreditation under the new scheme are identified in Attachment 1. These categories are summarised below:

A1 Accredited certifier - building surveying grade 1

An A1 certifier is unrestricted and is able to deal with all applications and classes and size of building involving alternative solutions to the Building Code of Australia.

A2 Accredited certifier - building surveying grade 2

An A2 certifier has a slightly increased restriction placed upon them relevant to their qualifications and experience. They may assess applications for buildings up to 3 storeys in height and 2000 square metres in area involving alternative solutions to the Building Code of Australia.

A3 Accredited certifier - building surveying grade 3

An A3 certifier is restricted to assessing applications for buildings up to 2 storeys in height and 500 square metres in area that fully comply with the 'deemed-to-satisfy' provisions of the Building Code of Australia.

A4 Accredited certifier - building inspector

Category A4 certifiers are able to undertake most inspections for buildings up to 2 storeys in height and 500 square metres in area that fully comply with the 'deemed-to-satisfy' provisions of the Building Code of Australia

Note: The classifications of buildings under the Building Code of Australia are listed in Attachment 2.

Responsibilities for Council

1. Record Keeping Requirements

Amendments to the BP Regulation require certain records to be kept by councils in relation to persons who carry out certification work on their behalf and in relation to the carrying out of such work. These include:

- The date and accreditation number of the certifier.
- The date on which the certifier commenced employment or was engaged by council.
- The date on which the certifier ceased employment or to be engaged by council.
- A brief description of each project in respect to which the certifier carried out certification work on behalf of a council.

This information can be recorded and provided using existing Council database systems.

2. Notice to be Given by Council of Certain Matters

Amendments to the BP Regulation require councils to give notice to the Board of the date on which a council accredited certifier commences or ceases employment with the council in a position that involves the carrying out of certification work on behalf of the council and the accreditation number of the certifier. Such notice is to be provided in writing to the Board within 7 days.

This notice must be incorporated into Council's recruitment and engagement processes.

Obligations on Certifiers Once Accredited

The Scheme makes clear that council accredited certifiers are subject to the following obligations:

- They can only carry out the functions and issue the certificates set out in the Regulation for their category of accreditation;
- They must at all times comply with any restrictions set out in the Regulation for their category of accreditation,
- They must comply with any conditions imposed on their accreditation by the BPB or by the Administrative Decisions Tribunal;
- They must comply with the code of conduct (Attachment 3) that applies to all accredited certifiers;
- Once accredited, council accredited certifiers are required to keep their skills and knowledge up-to-date by complying with the Board's continuing professional development (CPD) program and to undertake further education or training courses as directed.

Certification of building work is one of only two contestable services that Council provides. It means that Council must deliver the service where private industry also competes in the same market. At Hawkesbury City Council there are four qualified building surveyors undertaking this role in the City Planning Division. Approximately 36 per cent of certification work within the Hawkesbury is undertaken by private certifiers and 64 per cent by Council's employees.

Council's Building Surveyors also provide a range of functions other than certification, including development assessment, advice to owners and builders and complaint investigation.

All councils across New South Wales must provide an option for land-owners to engage the Council to provide certification for their development. A local council must if nominated, accept that nomination and provide the certification service. Therefore Council must comply with the requirements of the Scheme (or alternatively out-source this aspect of service delivery) and provide accredited persons to certify the building work.

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Conformance to Community Strategic Plan

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

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

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

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

The NSW State Government has identified the need to have a consistent approach to the certification of development, as the general community have an expectation that certifiers are appropriately qualified and experienced in carrying out the functions of their position and are accountable for their actions.

Financial Implications

Schedule 2 of the BP Regulation sets the fee for an application for a certificate of individual accreditation as a council accredited certifier. Savings and transitional provisions provide that no application fee will be payable in relation to an application for a certificate of accreditation as a council accredited certifier in the period from 1 March 2010 up to and including 28 February 2013. All accreditation applications and annual accreditation renewals made after 30 September 2013 will attract a fee of \$250.00.

Part of the Scheme requires certifiers to attend and take part in a Continuing Professional Development (CPD) program. This will involve attendance fees payable to the organisation providing the CPD training. The BPB may require a certifier to attend up to 25 hours per year of professional development. This cost will vary depending on the type of professional development. However, Council's training budget will need to take account for this additional training requirement.

Conclusion

It is critical for Council to provide enough accredited certifiers to deliver the certification service to its customers and maintain the CPD obligations for employees to retain their accreditation. In the future it will be appropriate to review how Council delivers its certification function perhaps during the three year transition period.

In the immediate future (before 1 September 2010) it is essential that Council (through its delegate) nominate the employees that are to be Council's Accredited Certifiers. The BPB has indicated that if this does not occur before the end of July that they may not be able to process applications before the 1 September 2010 deadline. Should Council not have its employees accredited by that date it would be obliged to out-source its certification function either to a private certifier or to an adjoining Council's certifier. This would incur additional expense.

RECOMMENDATION:

That the General Manager be delegated authority under Section 377 of the Local Government Act 1993 to endorse applications submitted by Council staff to be accredited under the Building Professionals Board Accreditation Scheme.

ATTACHMENTS:

- AT - 1 Accreditation Categories under the BPB Scheme.
- AT - 2 Classification of buildings under the Building Code of Australia.
- AT - 3 BPB Scheme Code of Conduct.

AT - 1 Accreditation Categories under the BPB Scheme

A1 Accredited certifier - building surveying grade 1

- Issue of complying development certificates for building work or change of use, construction certificates and compliance certificates for building work and occupation certificates for buildings involving all classes and sizes of buildings under the BCA.
- Carrying out of all inspections.

A2 Accredited certifier - building surveying grade 2

- Issue of complying development certificates for building work or change of use, construction certificates and compliance certificates for building work and occupation certificates for buildings involving the following classes of buildings under the BCA:
 - a) All dwellings and garages, carports etc. (Class 1 and class 10 buildings)
 - b) Commercial and Industrial buildings (Class 2 to 9 buildings) with a maximum of three storeys and a maximum floor area of 2,000m²; or
 - c) A three storey walk-up residential flat building with ground floor carpark level and with a maximum floor area of 2000m².
- Carrying out of any inspections for buildings referred to in a), b) and c) above.

A3 Accredited certifier - building surveying grade 3

- Issue of complying development certificates for building work or change of use, construction certificates and compliance certificates for building work and occupation certificates involving:
 - (a) class 1 and class 10 buildings, or
 - (b) class 2-9 buildings with a maximum of 2 storeys and a maximum floor area of 500m², that comply with the deemed-to-satisfy provisions of the BCA.
- Carrying out of any inspections required of buildings referred to in the preceding paragraphs (a) and (b).

A4 Accredited certifier - building inspector

- Carrying out inspections required by the Principal Certifying Authority except for the last critical stage inspection after the building work has been completed and prior to any occupation certificate being issued in relation to:
 - a) class 1 and class 10 buildings and
 - b) class 2 - 9 buildings with a maximum of two storeys and a maximum floor area of 500m² under the BCA.

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AT - 2 Classification of Buildings under the Building Code of Australia

BUILDING CLASS	DESCRIPTION
Class 1a	Dwelling house, duplex, terrace house
Class 1b	A boarding house, guest house, hostel, tourist accommodation or the like (with a total floor area not exceeding 300sqm, and in which not more than 12 people reside)
Class 2	A building containing two or more sole occupancy units, e.g. Residential flats
Class 3	A residential building other than a Class 1 or 2 which is a common place of long-term living for a number of unrelated people, including: boarding house; guest house; lodgings house; backpackers accomodation; the residential part of a hotel, motel, school, health care building, or detention centre;
Class 4	A dwelling associated with a class 5,6,7,8 or 9 if it is the only dwelling in a building, e.g. managers or caretakers residence
Class 5	An office building use for professional or commercial purposes excluding 6,7,8 or 9
Class 6	A shop or other building for the sale of goods by retail, or the supply of services direct to the public including: (restaurant; café; dining room; bar or kiosk part of a motel or hotel; hairdressers; public laundry; undertakers; market; salesroom; service station)
Class 7a	a multi storey car park;
Class 7b	A warehouse building for storage and display of goods or produce for sale by wholesale.
Class 8	A laboratory building used for manufacturing
Class 9a	A health care building, e.g. a hospital
Class 9b	An assembly building including: trade workshop; laboratory within an educational building but excluding any other parts of the building that are of another class, e.g. Church, School, Hall, Club
Class 9c	An aged-care building, e.g. nursing home.
Class 10a	A non-habitable building being a private garage, carport, shed or the like
Class 10b	A structure being: fence; mast; antenna; retaining wall or free-standing wall; swimming pool or the like

AT - 3 BPB Scheme Code of Conduct**Introduction**

This Code of Conduct for Accredited Certifiers (the Code) presents the principles to guide the behaviour of, and the standards of conduct and professionalism expected from, accredited certifiers who hold a certificate of individual accreditation when undertaking certification work. Accredited certifiers must exhibit, and be seen to exhibit, the highest ethical standards in carrying out their duties so as to maintain public confidence in the integrity of the certification system. The Code is a key mechanism to assist accredited certifiers to act honestly, ethically, responsibly and with accountability.

If an accredited certifier is in doubt as to the propriety of any course of action, he or she should seek the guidance of the Board.

Accredited certifiers may be bound by other codes of ethics or professional conduct issued by their respective professional associations/institutes. While those requirements will supplement the principles within this Code, they do not have any legal status under the Act. Where there is an apparent conflict between principles in this Code and in another code of professional conduct, particularly where the public interest is concerned, this Code will prevail for the purposes of the Act.

The Code applies equally and to each individual accredited by the Board as an accredited certifier.

Purpose of the Code

The purpose of the Code is to:

- set standards of conduct and professionalism expected from accredited certifiers when performing their certification work;
- inform the community of the standards of conduct and professionalism expected from accredited certifiers;
- provide consumer, regulatory, government, employment and professional bodies with a basis for making decisions regarding standards of conduct and professionalism expected from accredited certifiers, and
- assist accredited certifiers to:
 - fulfill their statutory duties, and
 - act in a way that enhances public confidence in the process of the certification of development.
- The Code cannot address all possible circumstances that certifiers may face in their public role. The Code also does not attempt to:
 - replicate the requirements placed on accredited certifiers by legislation, or
 - provide standards in relation to business practices.

Relationship of the Code to Legislation

This code is the code of conduct for individual accredited certifiers made in accordance with section 4(2)(b) of the Act.

The definition of unsatisfactory professional conduct under section 19 of the Act includes a failure by the accredited certifier to comply with any relevant code of conduct contained in the scheme. A breach of the

Code may result in disciplinary action being taken against an individual accredited certifier under Part 3 of the Act.

The Code does not stand alone. Accredited certifiers must follow the law, including legislation specific to their responsibilities, such as the Act, the EP&A Act, the Anti-Discrimination Act 1977, Disability Discrimination Act 1992 (Commonwealth), the Independent Commission Against Corruption Act 1988 and the Ombudsman Act 1974.

Nothing in the Code overrides or affects the Act, the EP&A Act or any other law.

Code of Conduct requirements

When working as an accredited certifier and carrying out certification work, an individual accredited certifier shall comply with requirements 1 to 13, inclusive, of the Code, which are the Code of Conduct Requirements.

Acting in the Public Interest

1. An accredited certifier shall carry out his or her functions and duties, and exercise any discretionary powers, in ways that promote or preserve the public interest.

Regard for Interests of Principals and Others

2. An accredited certifier shall take reasonable steps to ensure that the person who engages the accredited certifier (the principal) to provide certification work is made aware of any matters affecting the rights or authority of the accredited certifier to carry out his or her statutory or contractual duties, and that the principal is kept informed of any change in circumstances relating to those rights or authority.
3. An accredited certifier shall not misinform, or otherwise mislead, a principal or any regulatory, government, employment or professional body or any other person about any matter relating to the performance of the accredited certifier's certification work.

Treatment of others

4. An accredited certifier shall act with honesty, good faith and equity, and without discrimination, towards any person in the community.

Duty of care

5. An accredited certifier shall exercise reasonable care and attention in carrying out his or her duties, and in the exercise of his or her powers.

Making decisions and taking actions

6. An accredited certifier shall take all reasonable steps to obtain all relevant facts when making decisions and carrying out certification and other statutory functions.
7. An accredited certifier shall ensure that his or her decisions and actions are reasonable, fair and appropriate to the circumstances, based on consideration of all the relevant facts he or she has obtained, and supported by adequate documentation.

Protecting and using information

8. An accredited certifier shall take care to maintain the integrity and security of confidential documents or information in his or her possession, or for which he or she is responsible, and shall not use

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confidential information gained by virtue of his or her official position for the purpose of securing a private benefit for himself or herself or for any other person.

Acting within his or her competence

9. Notwithstanding the category(s) of accreditation in which an accredited certifier has been accredited, he or she shall carry out certification work only within his or her competence.

Proper exercise of power

10. An accredited certifier shall not take advantage of his or her status, position, power or duties for the purpose of obtaining, either directly or indirectly, any preferential treatment or other improper advantage for himself or herself or for any other person.

Gifts and benefits

11. An accredited certifier shall not seek or accept a gift or benefit that is intended to, likely to, or could be perceived by an impartial observer as likely to, cause him or her to act in a biased or unfair manner in the course of his or her duties.
12. An accredited certifier shall take all reasonable steps to ensure that a person related to the accredited certifier does not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure, or have the effect of influencing or securing, a favour from the certifier. A person is related to an accredited certifier for the purposes of this section if the person is a spouse, de facto partner (whether of the same or the opposite sex), sibling, parent or child of the accredited certifier.

Bias

13. Where an accredited certifier has an affiliation, disposition or any material, pecuniary or other interest that would lead to a reasonable apprehension that the accredited certifier may be biased in carrying out an aspect of his or her professional role, he or she shall not carry out that aspect unless:
 1. the apprehension arises from the fact that the accredited certifier is to receive a fee for carrying out certification work from the applicant or the owner of the land; or
 2. the aspect is dealt with, and is permitted by, Division 3 of Part 6 of the Act (conflicts of interest provisions).

oooO END OF REPORT Oooo

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

REPORT:**Executive Summary**

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

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

This report is for information only.

Consultation

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

Background

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

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

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

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

Implications for the Hawkesbury

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

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

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

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

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

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

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

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

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

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

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Conformance to Community Strategic Plan

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

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

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

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

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

Financial Implications

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

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

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

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

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

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oooO END OF REPORT Oooo

Item: 135 **CP - Metropolitan Strategy Review Submission - (95498)**

Previous Item: 102, Ordinary (25 May 2010)

REPORT:

Executive Summary

Council considered a draft submission to the review of the Metropolitan Strategy at the meeting of 25 May 2010. The resolution of that meeting was that an extension be requested from the Department of Planning and that a revised submission be prepared, based on comments submitted by Councillors, and then considered by Council at a further meeting.

The Department of Planning is unable to grant an extension to fit the Council's requested timeframe. As such it is recommended that Council not submit a submission to the Metropolitan Strategy Review.

Consultation

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

Background

In March 2010 the Premier and Minister for Planning released a discussion paper, *Sydney Towards 2036* which examines how Sydney can address the future challenges that development and conservation will pose. The discussion paper was the first stage in a review of the Metropolitan Strategy - *City of Cities: A Plan for Sydney's Future*, Sydney's long-term Strategy. The Metropolitan Strategy was released by the NSW State Government in December 2005 and was due for review. That Strategy is a high level document that deals with the strategic direction for the entire metropolitan area.

On 25 May 2010 Council considered a report on a draft submission to the Metropolitan Strategy Review. The resolution of that meeting was as follows:

"That:

1. *Council write to the Department of Planning requesting an extension of time to lodge a submission to the Discussion Paper - Metropolitan Strategy Review - Sydney Towards 2036.*
2. *Councillors forward their comments on the Discussion Paper - Metropolitan Strategy Review - Sydney Towards 2036 to the General Manager or the Director City Planning prior to 9 June 2010.*
3. *A revised draft submission be prepared based on the responses and comments provided by Councillors and be submitted to a future Council meeting for further consideration."*

As at 10 June 2010 comments from four Councillors had been received in accordance with part two of the above resolution.

In accordance with part one of the above resolution a request was emailed to the Department of Planning (as there was a dedicated email account for the lodgement of submissions) requesting an extension of time to submit comments on the discussion paper. The request stated that any revised submission would be considered by Council at the meeting of 29 June and would be forwarded to the Department by 1 July 2010.

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The response received from the Department of Planning's Director, Metropolitan and Regional Strategies, Strategies and Land Release was as follows:

"I am sorry to advise that by 1 July our analysis report will have been finalised. It is due for completion by June 30th.

We have already begun collation and analysis of submissions, but if you were able to supply even a draft version of council's comments as soon as possible, every effort would be made to include them.

Even so, no guarantee can be given that full consideration of late submissions will be possible as it would depend on when that were received."

This response was discussed briefly at the Councillor Briefing Session on 15 June 2010.

It was clear from the debate on the draft submission at the meeting of 25 May that there were a diverse range of views on the Metropolitan Strategy Review and obtaining a consensus on matters for inclusion into the submission would be difficult. Due to the broad range of views it was not possible to forward a "draft version of council's comments" prior to consideration at a Council Meeting.

Given the response received from the Department of Planning's Director, Metropolitan and Regional Strategies, Strategies and Land Release, and the lack of opportunity to achieve a consensus from Council, it is recommended that Council not make a submission on the review of the Metropolitan Strategy.

Conformance to Community Strategic Plan

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

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

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That Council not make a submission to the discussion paper, *Sydney Towards 2036* for the reasons outlined in the report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 136 CP - Interpretive Signage Policy - (96328, 95498)

Previous Item: 55, Ordinary (30 March 2010)
NM1, Ordinary (2 February 2010)

REPORT:**Executive Summary**

This report has been prepared in response to a resolution of Council concerning the development of a policy to provide guidelines for the commissioning and installation of interpretive signage. The report proposes that Council place a Draft Interpretive Signage and Public Art Policy on public exhibition. The Policy has been developed to establish guidelines for the design, location and installation of interpretive signage and public art which reflects best practice design principles and conforms with Council's Asset Management Policy.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. It is proposed that Council undertake the following community engagement process in compliance with Council's policy:

Place the Draft '*Interpretive Signage and Public Art Policy: Telling Hawkesbury Stories*' on public exhibition for a period of 28 days.

Background

At its Ordinary Meeting of 2 March 2010, Council considered a report into a proposal to develop an 'Interpreting the Hawkesbury' interpretive trails community infrastructure project. The report provided information on principles governing the use and design of interpretive signage and noted that effective signage was generally a component of a broader and well-researched integrated interpretive strategy.

The report highlighted relevant industry practices which suggested that well designed and installed interpretive trails are routinely employed to add value to visitor experiences and provide a focus for tourist visitation. In this context, interpretive trails were effective catalysts for heritage conservation, township renewal, tourism, sustainable environmental practice and economic development.

The report also outlined the outcomes of an audit of existing interpretive signage within Windsor which noted that most of the signs and plaques within Windsor existed in isolation and that visitor knowledge of this signage was limited. Most of the signage was of low quality when measured against the good design principles for interpretive signage, and where signage was of a better quality, there appeared to be minimal interpretation or referencing or accompanying written materials to assist visitors to locate and navigate their way around the signage and the wider area. As a result the relevance of the signage to the majority of visitors and residents was debatable.

The report concluded that the distribution and condition of interpretive signage across the Hawkesbury reflected the lack of a consistent approach to the commissioning, design and installation of interpretive signage. It noted that 'planning' for interpretive signage was ad-hoc and driven by individual requests without reference to any discernable project objective or integration within a broader cultural, heritage or tourism policy objective. The report identified a need for Council to establish guidelines to assess and manage requests for interpretive signage and to promote the use of interpretive signage in a way that complemented and added value to Council's strategic objectives.

The Report was prepared in response to a Notice of Motion proposed by Councillor Tree and Councillor Rasmussen at the Council Meeting held on 2 February 2010, which was subsequently adopted by Council.

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In considering the report Council resolved:

"That:

1. (a) *A draft interpretive signage policy be developed for Council's consideration to provide staff, residents and stakeholders with guidelines dealing with the purpose, commissioning, design, installation and maintenance of interpretive signage.*
- (b) *Council approve the proposal to develop an 'Interpreting the Hawkesbury' interpretive trails community infrastructure project, based on the good design principles for interpretive signage as outlined in this report, to be further reported to Council for its consideration.*
- (c) *The gateway site on the corner of Windsor and Park Roads be used to display Macquarie 2010 promotional banners, and that consideration be given to purchase appropriate banners to be installed on a rotational basis (as bookings allow) at Council's banner pole locations at North Richmond, Clarendon and McGrath's Hill.*
2. *Council decline the request from the McDonald Valley Public School for Council to install an interpretive sign at the School but invite the School to submit an application under Council's Community Sponsorship Program if the School wishes to seek a contribution from Council for the cost of installing an interpretive sign at the School."*

In response to Council's resolution a Draft Interpretive Signage and Public Art Policy has been developed and is appended to this report (Attachment 1). The Policy is aimed at encouraging the creation of engaging public spaces which explore Hawkesbury themes and tell Hawkesbury stories through the use of well-researched and integrated interpretive trails which effectively promote visitor and resident understanding of the Hawkesbury's significant sites and landscapes. The Policy also identifies opportunities for reinforcing the meanings and appeal of interpretive trails through the complementary use of public art and the incorporation of specific design elements to everyday objects within the public domain.

The Policy presupposes that proposals for the design and installation of interpretive signage or public art will generally flow out of actions and strategies contained within relevant plans as adopted by Council (i.e. Management Plan, Sec 94A Contributions Plan, Cultural Plan, Tourism Strategy etc.) and that in most cases, an external fund contribution will need to be secured to complete such projects. The Policy nevertheless outlines a process by which community groups may propose interpretive signage and public art projects for assessment by Council staff. The Policy also includes provision for consultation about interpretive trails projects to be undertaken in conformance with Council's Community Engagement Policy and also outlines financial assistance which may be provided under Council's Community Sponsorship Policy. It is proposed that the Policy be placed on public exhibition to allow interested persons to make submissions on the scope and content of the Policy.

In relation to the other parts of Council resolution of 2 March 2010, the following information is provided;

- a. Council staff have undertaken a preliminary assessment of the possible content of an interpretive trail based on one of the precinct walks identified in the *Explore the Hawkesbury* heritage walks project. As previously reported to Council, *Explore the Hawkesbury* has produced four paper-based heritage walks which incorporate well-researched and accurate narrative content. The Peninsula Precinct Heritage Walk has been assessed and audited to determine the number and types of signage which would be required to create an 'on-the-ground' interpretive trail which conformed with the objectives and good design principles outlined in Council's draft policy. A copy of the audit is appended to this Report (Attachment 2). The audit identified a number of matters which would need to be resolved prior to establishing consistent and integrated interpretive trails;

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- securing approvals for the installation of signs and/or the replacement of existing signs and plaques (located on both public or private property);
- use of existing infrastructure (directional signs, poles etc) to carry wayfinding signs to guide visitors along an interpretive trail;
- sourcing appropriate photographs for use on interpretive panels (Council holds some appropriate photographs in its local history collection but some sites have no known historical photos or have photos owned by owner entities whose permission would need to be obtained for their use);
- the desirability of replacing existing signs and plaques (with many different formats, fonts etc) to create an integrated, easily recognised and consistent signed walking trail;
- road/traffic safety and access issues associated with the location of signs (which may direct trail visitors along footpaths and to cross roadways);
- erection of signs on state registered heritage areas may need to comply with specific criteria and/or require permission and may need to preserve sight lines etc;
- the costs of creating an effective interpretive trail are significant and would require the allocation of dedicated funds not currently provided for in Council's financial estimates. As noted in the 2 March 2010 report to Council - the funding of an interpretive trail strategy would probably be dependent on a combination of external grants, Sec 94A developer contributions and Council's general funding, and would most likely need to be considered in conjunction with the determination of Council's annual financial estimates and/or revision of the Sec 94A Plan.

These matters would need to be investigated and resolved prior to erecting any signage and would seem to prevent Council being realistically able to place an interpretive signage project 'on the ground' to coincide with Macquarie 2010 celebrations as suggested by a number of Councillors.

- b. Promotional banners have been designed and approved by the Hawkesbury Macquarie 2010 Committee and will be displayed on a rotational basis at Council's banner pole sites over the next two months.
- c. Council has written to the McDonald Valley Public School to invite the School to submit an application under Council's Community Sponsorship Program should the School wish to seek a contribution from Council for the cost of installing an interpretive sign at the school. To date no applications has been received for processing and reporting to Council.

Conformance to Community Strategic Plan

The proposal is consistent with the "*Looking After People and Place*" Direction statement:

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

And is also consistent with the Strategies in the Community Strategic Plan being:

- Develop plans to enhance the character and identity of our towns and villages
- Develop and implement a plan to conserve and promote heritage

It will also contribute to the Goal within the Supporting Business and Local Jobs element within the Community Strategic Plan:

- Increased patronage of local businesses and attract new residents and visitors

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The preparation of the draft Policy will provide a mechanism by which Council can investigate the installation of interpretive signage to give effect to the goals in not only the Community Strategic Plan but other Council strategies such as the Hawkesbury Cultural Plan and Tourism Strategy (when finalised).

Financial Implications

There are no direct financial implications arising out of this report. If adopted, the Policy may require the allocation of staff hours to meet Council's obligations as set out in the Policy. The allocation of staff resources will be negotiated in conjunction with normal workload demands.

The funding of interpretive trails (as provided for in the draft Policy) would ordinarily be considered in conjunction with the implementation of the actions and strategies within Council's adopted Management Plans, Section 94A Contributions Plan, Cultural Plan, Community Strategic Plan and tourism strategies. The Policy includes provision of financial assistance under Council's Community Sponsorship Program for ad-hoc interpretive signage requests which can be determined by Council in accordance with existing guidelines and processes.

RECOMMENDATION:

That the Draft "Interpretive Signage and Public Art Policy: Telling Hawkesbury Stories" be placed on public exhibition for a period of 28 days.

ATTACHMENTS:

- AT - 1** Draft "Interpretive Signage and Public Art Policy: Telling Hawkesbury Stories" (*distributed under separate cover*).
- AT - 2** Interpretive Trail Case Study - Peninsula Precinct Heritage Walk Audit (*distributed under separate cover*).

oooO END OF REPORT Oooo

Item: 137 CP - Community Gardens Policy - (96328)

Previous Item: 57, Ordinary (30 March 2010)
NM3, Ordinary (08 December 2009)

REPORT:**Executive Summary**

This report has been prepared in response to a resolution of Council concerning the establishment of community gardens in the Hawkesbury. The report proposes that Council place a Draft Community Gardens Policy on public exhibition. The Policy has been developed to provide a mechanism to assist community groups who may be interested in establishing a community garden on Council owned public open space.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. It is proposed that Council undertake the following community engagement process in compliance with Council's policy:

Place the draft Community Gardens Policy on public exhibition for a period of 28 days.

Background

At its Ordinary Meeting of 30 March 2010, Council considered a report into strategies which could be undertaken by Council to support the establishment of community gardens in the Hawkesbury. The report was prepared in response to a Notice of Motion proposed by Councillor Tree at the Council Meeting held on 8 December 2009, which was subsequently adopted by Council.

In considering this report Council resolved:

"That:

- 1. A draft community gardens policy be developed for Council's consideration to provide guidelines for residents or community organisations who may be interested in establishing or sponsoring a community garden on Council-owned land zoned open-space.*
- 2. Council liaise with Wentworth Community Housing to assess the opportunities or possible demand for the sponsorship of a community garden for their community housing tenancies.*
- 3. Council write to government primary schools in the City of Hawkesbury to promote the availability of the Stephanie Alexander Kitchen Garden National Program and to encourage them to apply for funding under the programs where the establishment of a school kitchen garden is considered by the school to be a worthwhile and feasible undertaking.*
- 4. Council write to Peppercorn Services highlighting Council's position on Community Gardens and asking for their interest in partaking."*

In response to Council's resolution a Draft Community Gardens Policy has been developed and is appended to this report (Attachment 1). The Policy sets out a process by which interested community

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groups can be assisted by Council staff to investigate the feasibility of establishing a community garden on land which is owned or managed by Council and which is zoned as public open space.

The Policy includes attachments to facilitate the preparation of a formal written submission by interested community groups to Council and outlines the steps to be taken for Council to undertake a preliminary assessment of a proposal. The Policy also includes provision for consultation to be undertaken with affected persons in conformance with Council's Community Engagement Policy, the assessment of any Development Applications requirements, and the formal reporting of the proposal to Council for determination. The Policy also outlines financial assistance which may be provided to interested community groups under Council's Community Sponsorship Policy. It is proposed that the draft Policy be placed on public exhibition to allow interested persons to make submissions on the scope and content of the Policy.

In relation to the other parts of Council resolution of 30 March 2010, the following information is provided;

- a. Council staff have spoken with the A/Executive Officer of Wentworth Community Housing (WCH) who has advised that at this time there is no appreciable demand from WCH's community housing tenancies for the establishment of community gardens.
- b. Council has written to all primary schools in the City of Hawkesbury and to date has received no advice as to whether individual schools are proposing to apply for funding under the Stephanie Alexander Kitchen Garden National Program to establish a school kitchen garden.
- c. Council has written to Peppercorn Services Inc. and has received the following advice from the Chairperson Mr Geoff Hatch,

"I am writing on behalf of the Board of Peppercorn Services Inc. in regard to the representations made by Council relating to the establishment of Community Garden Schemes.

Peppercorn Services Inc. is directly involved currently in a garden scheme aimed at men – The Man Made Meals project.

In addition we are willing to examine whether it is viable to develop a specific Community Garden scheme that meets the outcomes of current funding specifications in the grants we receive and is wanted by the Community.

We have indicated that we will explore the viability of such a project as the South Windsor family Centre, late in 2010 or early 2011. Viability will be assessed by our Family Day Care and FNSW Community Hub services and reported to the Board.

Please feel free to contact the Board if you wish to discuss the matter further."

Conformance to Community Strategic Plan

The proposal is consistent with the *Looking After People and Place* Direction statement

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

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

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

The preparation of the draft Policy will provide a mechanism by which interested community groups can explore the feasibility of establishing neighbourhood community gardens which, if viable, will increase social capital and connectedness within these neighbourhoods.

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Financial Implications

There are no direct financial implications arising out of this report. If adopted, the Policy may require the allocation of staff hours to meet Council's obligations as set out in the Policy. The allocation of staff resources will be negotiated in conjunction with normal workload demands. The Policy includes provision of financial assistance under Council's Community Sponsorship Program which can be determined by Council in accordance with existing guidelines and processes.

RECOMMENDATION:

That the "Draft Community Gardens Policy" be placed on public exhibition for a period of 28 days.

ATTACHMENTS:

AT - 1 "Draft Community Gardens Policy" - *(distributed under separate cover)*

oooO END OF REPORT Oooo

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

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

REPORT:

Executive Summary

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

Consultation

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

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

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

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

Background

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

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

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

Adopted Customer Service and Communication Strategy

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

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

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

Customer Service Charter

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

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

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

Implementation of the Customer Service Charter

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

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

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

Conformance to Community Strategic Plan

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

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

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

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

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

Financial Implications

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

RECOMMENDATION:

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

ATTACHMENTS:

AT - 1 Hawkesbury City Council Customer Service Charter

AT - 2 Hawkesbury City Council Customer Contact & Service Standards

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AT - 1 Hawkesbury City Council Customer Service Charter

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AT - 2 Hawkesbury City Council Customer Contact & Service Standards

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oooO END OF REPORT Oooo

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Item: 139 CP - Acceptance of Funding Variation, 2009 - 2011 Home and Community Care Program - Peppercorn Home Maintenance Service, Ageing Disability & Home Care, Department of Human Services NSW - (103069, 118436, 78340)

REPORT:

Executive Summary

This report has been prepared to seek Council's approval to execute a variation to an existing funding agreement with Ageing, Disability & Home Care, Department of Human Services NSW for additional funds for the expansion of Peppercorn Home Maintenance Service.

Consultation

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

Background

In 2006, as part of the Home and Community Care (HACC) planning process, a need to establish a lawn mowing service for the HACC target group was identified as a district priority (the HACC target group includes frail older people and younger people with a disability & their carers). The need for this service was raised as a priority during regional planning sessions. A joint Nepean Area survey was conducted to validate the need for this service and the outcome was sent to the then Department of Ageing Disability and Home Care as a priority for regional funding.

In November 2007, Council (through Peppercorn Services Inc) participated in an open tender for the provision of this Service. The tender was designed to establish an integrated lawn mowing service across the Nepean Local Planning Area (LPA) of Penrith, Hawkesbury & Blue Mountains. In June 2008 Council received written advice that its tender bid was successful. Council subsequently entered into a funding agreement with the Department of Ageing, Disability and Home Care to provide this service. An initial amount of \$63,154 was allocated to establish the service. In December a further amount of \$82,252 was received for the service and Council subsequently executed a variation to the initial funding agreement to receive these funds.

Since March 2009 Council (through Peppercorn Services) Inc has provided a subsidised lawn mowing service to over 300 clients across the Nepean LPA. The service issues up to ten vouchers annually to eligible clients with each voucher valued at \$30. Clients are able to engage lawn mowing contractors (assessed and accredited by Peppercorn Services) and use the vouchers to contribute to the cost of the service. The vouchers are then remitted by the contractors to Peppercorn Services for payment. Recently, following negotiations initiated by the funding body, the value of vouchers has been decreased to \$22 with the number of cuts for each eligible client increased to 12 cuts per year. These amendments were made to increase the number of clients using the service and to bring the Hawkesbury service in line with providers in other localities. The service has proven to be very popular and is operating at capacity.

Current Situation

In October 2009, Ageing Disability and Home Care Department of Human Services NSW called for further tenders for the provision of additional lawn mowing services and the establishment of garden maintenance services across the Nepean LPA. Council participated in an open tender for provision of both Services.

In June 2010 Council received advice that its tender bid was successful and that annual funding for the Peppercorn Home Maintenance Service would be increased by \$131,992. In addition to an increased provision for more lawn mowing services, a portion of this funding has been allocated to establish a garden maintenance service aimed at assisting clients to manage their gardens so as to maintain safe access to

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dwellings by clients and service providers. With the expansion of these services, the total annual funding for the Peppercorn Home Maintenance Service amounts to \$283,051.

To facilitate the remittance of these new funds, Ageing Disability and Home Care Department of Human Services NSW requires Council to execute a variation to its existing funding agreement. The variation provides for further funding of \$98,944 in the 2010/2011 financial year which represents 75% of the additional annual allocation of \$131,992 - 75% of the annual allocation is being provided in the 2010/2011 financial year as the expanded service will not become operational until 1 October 2010.

Accordingly, a funding variation has been received for revised funding total of \$250,053 for the Peppercorn Home Maintenance Service for the 2010/11 financial year.

Council has delegated management responsibility for the operation of the Peppercorn Home Maintenance Service to Peppercorn Services Inc. This delegation requires PSI to operate within the policy and operational framework defined by Council's legal and statutory responsibilities as the funding auspice for these services. These responsibilities are clearly outlined in the documents which drive the operations of these services including;

- the funding agreement between Council and Ageing Disability and Home Care Department of Human Services NSW;
- the NSW Guidelines for Home and Community Care (HACC) Funded Services;
- the industrial awards under which staff are employed;
- other legislation relating to workplace safety, anti-discrimination etc
- *The Associations Incorporation Act 2009.*

Peppercorn Services Inc. has established a financial, operational and governance systems to manage and operate the services transferred to its control in compliance with these documents and regulations.

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:

- 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. The operations of the Peppercorn Home Maintenance Service are wholly derived from external grants - there is no requirement for a Council contribution.

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RECOMMENDATION:

That authority be given to execute, under the Seal of Council, a variation to a funding agreement with Ageing Disability and Home Care Department of Human Services NSW to accept funds of \$250,053 for the operation of the Peppercorn Home Maintenance Service for the 2010/2011 financial year.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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INFRASTRUCTURE SERVICES

Item: 140 **IS - Exclusive Use of Governor Phillip Reserve - Upper Hawkesbury Power Boat Club - (79354)**

REPORT:

Executive Summary

The Upper Hawkesbury Power Boat Club is requesting exclusive use of Governor Phillip Reserve Windsor for the 2010 Windsor Spectacular to be held on the weekend of 18 and 19 September 2010.

Non-exclusive use of Governor Phillip Reserve is also requested for Friday 17 September 2010 for setup, registration and scrutineering of the race boats. Further scrutineering will take place on Saturday 18 September 2010 before the commencement of the first race from 9.30am.

Public Boat Ramp Closure will be required on Saturday 18 and Sunday 19 September 2010.

It is recommended that permission be granted for this event.

Consultation

Notice to the General Public - Closure of the Public Boat Ramp is advertised in the Council Notice section of the Hawkesbury Courier Newspaper and Council website for the two week period prior to the event.

Background

The Windsor Spectacular is a circuit boat race on the Hawkesbury River, adjacent to Governor Phillip Reserve with various categories of boats. The circuit is generally along the straight section of the River between the Windsor Bridge and South Creek.

Event Details:

Start and Finish Times:

- 18 September 2010: 9.00 am - 5:00pm
- 19 September 2010: 9.00am - 5:00pm

Set Up and Pack Down Times:

- 17 September 2010: Commencing at 7.00 am
- 20 September 2010: Finishing at 12.00 Midday

The Windsor Spectacular has been held at Governor Phillip Reserve for more than 30 years and is a very popular tourist activity within the Hawkesbury.

No negative feedback has been received in relation to the previous events and thus it is recommended that permission be granted for the event.

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Conformance to Community Strategic Plan

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

- Help create thriving town centres, each with its own character that attract residents, visitors and businesses.

This encourages visitors to the Hawkesbury and promotes sales for local businesses, including food outlets and local markets.

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That:

1. Approval be granted to the Upper Hawkesbury Power Boat Club for "Exclusive Use" of Governor Phillip Reserve for the 2010 Windsor Spectacular to be held on the 18 and 19 September 2010 and be subject to the following conditions:
 - (a) Prior to dates of exclusive use a letter box drop be undertaken by the applicants to all affected residents in proximity to the event with that letter advising full details of the function;
 - (b) The reserve is to be left clean and tidy with the organisation being responsible for collection and disposal of all waste; the applicant is to lodge with Council a damage bond of \$800.00* in relation to each date, which is refundable less any costs incurred by Council, administrative or otherwise, to clean or restore the area;
 - (c) The applicant paying to Council such fees as may be applicable at the time for exclusive use of the reserve being \$1.50 per person or \$895.00* per day (whichever is the greater);
 - (d) A fee of \$63.00* is payable for the cleaning of the toilets prior to the exclusive use;
 - i. *(*The above fees/amounts apply to the current financial year only; these fees/amounts are subject to change in subsequent financial years, as determined by Council.)*
 - (e) A copy of a Public Liability Policy for \$10,000,000 and indemnifying Hawkesbury City Council is to be submitted prior to the first event; in the event of renewal of that policy occurring at some time during the course of the 2010/2011 Racing Calendar, a Certificate of Currency is to be submitted within one week of renewal - this Public Liability Policy is to cover all events conducted as part of the applicant's 2010/2011 Racing Calendar.
 - (f) Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Food Safety Guidelines for Charities and Community Organisations" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officer.
 - (g) If required, the applicant obtaining all necessary permits/approvals in relation to amusement devices/rides and liaising with Integral Energy regarding the supply of power and their proximity to power supply lines.
 - (h) If required, the applicant to obtain appropriate licence from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event.

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- (i) The applicant is to notify details of the 2010/2011 Racing Calendar to the Hawkesbury Local Area Command at Windsor Police Station. Phone: 4587 4099.
- (j) The applicant obtaining appropriate licence from NSW Maritime Authority regarding the conduct of the 2010/2011 Racing Calendar.
- (k) The event manager/applicant must undertake a Risk Assessment of the event to be conducted including pre-event preparations. This assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards. The event manager/applicant is responsible for ensuring that procedures are followed and that they comply with the requirements of the Occupational Health and Safety Regulations 2001.
- (l) The Upper Hawkesbury Power Boat Club is to comply with Council's current policy in regard to noise levels, as listed below.

No competing vessel shall be permitted to emit noise in excess of:

- i. Club Days - 105dB(A) for more than 40 minutes per day;
 - ii. NSW State Titles - 105dB(A);
 - iii. Bridge to Bridge Boat Race - 105dB(A);
 - iv. Unlimited Boat Race (Blown Boats) - 115dB(A). This event is held directly after the Bridge to Bridge Boat Race;
 - v. Noise Test - (prior to the Two Day Spectacular) - 115dB(A) for more than 15 minutes in total through the day;
 - vi. Two Day Spectacular - 115dB(A) for more than 10 minutes in total per day.
2. Approval for Traffic management is to be undertaken under separate cover via a Special Events application.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 29 June 2010

Item: 141 **IS - Proposal to Extend the Hawkesbury Oasis Aquatic Centre - (95495, 79340, 34584)**

Previous Item: 239, Ordinary (10 November 2009)
 123, Ordinary (8 June 2010)

REPORT:

Executive Summary

Council, at its meeting on 8 June 2010, gave consideration to a report regarding a proposal to extend the Hawkesbury Oasis Aquatic Centre. At that meeting, Council resolved that the matter be deferred to a Councillor Briefing Session.

A Councillor Briefing Session was held on 15 June 2010 where the proposal was discussed. The report considered by Council on 8 June 2010, and the recommendation contained in that report endorsing the proposal, are now submitted to Council for consideration. This matter will also need to be taken into consideration when considering a related item included in the Confidential Section of this Business Paper regarding tenders called for the project.

Consultation

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

Background

Council, at its meeting on 8 June 2010, gave consideration to a report regarding a proposal to extend the Hawkesbury Oasis Aquatic Centre gymnasium, which is currently managed and operated by the Young Men's Christian Association of Sydney (YMCA).

The purpose of the report considered by Council on 8 June 2010 was to provide Council with the latest project progress, revised financial estimates, and a business case evaluation of the revised estimates based upon actual tenders received.

At the Council Meeting on 8 June 2010, Council resolved, as follows:

"That the matter be deferred to a Councillor Briefing Session on 15 June 2010".

A Councillor Briefing Session was held on 15 June 2010 and issues relating to this matter were discussed, including the business case evaluations, the latest financial estimates, and the estimated costs of the proposed extension.

Following the Councillor Briefing Session, the report considered by Council at its meeting on 8 June 2010, and recommendations contained in the report endorsing the proposal and outlining the funding for the proposal, are resubmitted to Council for consideration. A copy of the report is attached as Attachment 1 to this report.

It is noted that a separate report is included in the Confidential Section of this Business Paper regarding tenders received in relation to this proposal.

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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 sustainable long term financial framework.

Financial Implications

The attached report identifies funding requirements of \$208,964. These funds are available as part of Council's S94 Internal Reserve.

RECOMMENDATION:

That:

1. The proposal to extend the Hawkesbury Oasis Aquatic Centre as amended which includes an increased floor area to the gymnasium and extension to the crèche totalling approximately 208sqm, with two new toilets and office space being provided within the existing gymnasium area of approximately 26sqm as outlined in the report be endorsed.
2. The proposal be funded as follows:
 - (a) \$110,000 from the YMCA from the grant approved under the NSW Department of Community Services Area Assistance Scheme 2009.
 - (b) \$110,000 from the YMCA from the grant approved under the NSW Community Building Partnership Program.
 - (c) \$117,200 from the Council from the grant approved under Round Two of the Regional and Local Infrastructure Program.
 - (d) The remaining amount of approximately \$209,000 be funded from Council's S94 Internal Reserve.

ATTACHMENTS:

AT - 1 Report to Council Meeting 8 June 2010 (Item 123).

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Meeting Date: 29 June 2010

AT - 1 Report to Council Meeting 8 June 2010 (Item 123)

ITEM: 123 **IS - Proposal to Extend the Hawkesbury Oasis Aquatic Centre - (95495, 79340, 34584)**

Previous Item: 239, Ordinary (10 November 2009)

REPORT:

Executive Summary

In November 2009, Council considered a report in relation to a proposal to extend the Hawkesbury Oasis Aquatic Centre gymnasium. At the time, a business case based on different scenarios was referred to and possible funding sources were identified for the project. Council subsequently approved the proposal.

The purpose of this report is to provide Council with the latest project progress, revised financial estimates and a business case evaluation of the revised estimates.

It is recommended that the information presented be noted and an amended proposal be endorsed. This matter will also need to be taken into consideration when considering a related item included in the confidential section of this Business Paper regarding tenders called for the project.

Consultation

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

Background

The Young Men's Christian Association of Sydney (YMCA) is currently responsible for the management and operation of the Hawkesbury Leisure Centres, being the Oasis Aquatic Centre and the Hawkesbury Indoor Stadium. The YMCA has managed these Centres since 2004 and in late 2008 Council extended the management contract for a further five years to 30 June 2014.

At the meeting of 10 November 2009, Council considered a report regarding a proposal to extend the Hawkesbury Oasis Aquatic Centre gymnasium (the Centre) by approximately 200sqm.

The report was based on an evaluation of a business case prepared by Council's Chief Financial Officer (CFO) to expand the gymnasium at the Centre. The business case was based on an estimated project capital cost, estimated annual additional operating costs, and estimated annual reduction in the Centre's deficit currently funded by Council.

The capital costs included ground works, construction, carpets, lights, air-conditioning, painting, administration costs and a contingency amount. The estimated costs, provided by the YMCA and reviewed by the Chief Financial Officer, were based on the construction cost per square metre of similar projects undertaken by YMCA in other locations.

The operational costs included staffing costs, additional electricity, building maintenance costs and the leasing costs of additional gymnasium equipment to cater for the increased membership numbers.

The estimated annual reduction in the Centre's deficit currently funded by Council was based on three different scenarios with regard to increases in memberships resulting from the extension of the facility.

The report referred to sensitivity analysis on alternative gymnasium membership provided by YMCA.

In this regard, the YMCA expansion base case assumed increases in the gymnasium membership by 35%. The base case was determined in reference to a detailed study of the population catchments, existing

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gymnasiums in the surrounding areas, and YMCA benchmarks of gymnasium membership per square metre of facility.

Increases in gymnasium membership of 25% (medium case) and 18% (low case) were also considered as part of the business case supporting the proposal. The medium case is a discount on membership increases compared to the base case, whilst the low case is a discount of 50% on membership increases compared to the base case.

In the report to Council on 10 November 2009, it was outlined that based on the entire grant funding sought being successful, the Net Present Value (NPV) financial model resulted in a cumulative positive return in Year 1, for both the base case and the medium case. Low case membership projections resulted in a cumulative positive return in Year 2.

Also, in the report to Council on 10 November 2009, various funding source combinations were proposed and adopted based on the acceptance or rejection of grant funding being sought at the time. The report outlined capital costs of \$337,200. At that meeting, Council resolved as follows:

"That:

1. *The proposal to extend the Hawkesbury Oasis Aquatic Centre by approximately 200m² as outlined in the report be approved.*
2. *The proposal be funded as follows:*
 - (a) *\$110,000 from the YMCA, from the grant previously approved under the NSW Department of Community Services Area Assistance Scheme 2009.*
 - (b) *(i) \$110,000 from the grant recently applied for by the YMCA from the NSW Community Building Partnership Program, or*
(ii) If the NSW Community Building Partnership Program grant application is unsuccessful, \$110,000 to be funded Council from the Council's S94 Internal Reserve
 - (c) *(i) \$117,200 from an application under Round Two of the Regional and Local Infrastructure Program, or*
(ii) If the Round Two of the Regional and Local Infrastructure Program application is unsuccessful, \$117,200 to be funded from Council's S94 Internal Reserve."

As indicated in part 2(a) of the above resolution, the YMCA was successful in receiving approval of a grant of \$110,000 under the NSW Department of Community Services Area Assistance Scheme 2009 towards the capital costs of the project. At the time of the Council's resolution both the YMCA and Council had applied for grants to cover the remaining capital costs of \$227,200. If the grants applied for by the YMCA and Council were unsuccessful, Council resolved in parts 2(b)(ii) and 2(c)(ii) above to fund the project from Council's S94 Internal Reserve.

Following Council's resolution of 10 November 2009, the YMCA was successful in receiving approval of a further grant of \$110,000 from the NSW Community Building Partnership Program. Council was also successful in receiving approval of a grant of \$117,200 under Round Two of the Regional and Local Infrastructure Program.

The original proposal for an extension to the Centre of approximately 200sqm was amended due to additional requirements including Building Code of Australia requirements. The amended proposal to extend the Centre includes an increased floor area to the gymnasium and extension to the crèche totalling approximately 208sqm, with two new toilets and office space being provided within the existing gymnasium area of approximately 26sqm. Therefore, the amended proposal is approximately 234sqm compared to the original proposal of approximately 200sqm.

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The report also indicated that subject to the Council approval of the project, appropriate action would be taken to prepare and lodge a Development Application and subsequently call for tenders.

Accordingly, a Development Application was lodged and ultimately approved on 1 April 2010. Subsequently tenders for the construction of the gymnasium expansion were then called.

Council received a number of tenders and a report is included in the confidential section of this Business Paper. As such, no detail regarding the tender, other than an approximate amount, will be referred to in this report.

Following the receipt of tenders for the project, the total estimated project costs were revised for the expansion of the gymnasium. The following table provides a summary of the revised estimated project costs:-

<i>Construction, Project Management and Contingency Costs</i>	<i>\$483,973</i>
<i>Architects Fees</i>	<i>\$ 19,400</i>
<i>Structural Engineering & Supervision</i>	<i>\$ 9,528</i>
<i>Development Approval Costs</i>	<i>\$ 4,451</i>
<i>Fire Safety Requirements</i>	<i>\$ 6,080</i>
<i>Electrical Switchboard Upgrade</i>	<i>\$ 9,024</i>
<i>Air conditioning Design</i>	<i>\$ 3,200</i>
<i>Landscaping</i>	<i>\$ 3,000</i>
<i>Miscellaneous</i>	<i>\$ 7,508</i>
<i>Total Estimated Project Cost</i>	<i>\$546,164</i>

It is noted that the total revised estimated project costs of \$546,164, as outlined in the above table, are approximately \$209,000 more than the original estimated capital costs of \$337,200. The increased costs of the project are due to a number of reasons including the following:

- The Commonwealth Government Infrastructure Program and its effect on market forces.
- Building Code of Australia requirements for additional two toilet facilities.
- Replacement of low retaining wall with a higher wall for emergency exit from the Child Care area.
- Additional footings through fill material and increased steel and concrete required in slab due to existing fill.
- Switchboard upgrade.
- Fire service upgrade to meet Building Code of Australia requirements.
- After hours work to minimise disruption of the operation of the Oasis Centre and Gymnasium during construction.
- Sound reduction between Gymnasium, Weight Room, Office and Child Care area.
- Additional 12 sqm over proposed area due to fitting in with the existing building.
- Matching the existing facade of the building.
- Increased capacity of the air-conditioning units over standard building due to the high heat load of a Gymnasium.

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- Increased building costs nine months from original estimates.

In light of the revised estimated project costs being higher than the estimated capital cost included in the report supporting the proposal submitted to Council at the meeting of 10 November 2009, and confirmation of grant funding availability, a full review of the gymnasium expansion business case has been undertaken by Council's Acting Chief Financial Officer.

As referred to earlier within this report, the main components of the business case are estimated capital costs, estimated additional operational costs, and estimated annual reductions in the Centre's deficit currently funded by Council as a result of increased membership numbers.

The revised business case was based on the same base case, medium case, and low case scenarios used in the previous business case, as no change in these estimates has been identified at this stage. The estimated additional operational costs were also unchanged.

The revised business case, based on total estimated project costs of \$546,164, grant funding of \$337,200 and Council funding of \$208,964 resulted in a cumulative NPV for the three scenarios considered as outlined below.

Base Case

Should the base case of an increase of 35% in gymnasium memberships be achieved, based on the secured grant funding, the NPV financial model results in a cumulative positive return in Year 3.

Medium Case

Should the medium case of an increase of 25% in gymnasium membership be achieved, based on the secured grant funding, the NPV financial model results in a cumulative positive return in Year 4.

Low Case

Alternatively, should the low case projections be achieved, the NPV model results in a cumulative positive return in year 10.

As previously outlined, Council and YMCA have been successful in securing the following funding:

- \$110,000 – (YMCA) from a grant under the NSW Department of Community Services Area Assistance Scheme.
- \$110,000 – (YMCA) from a grant under the NSW Community Building Partnership Program.
- \$117,200 – (Council) from a grant under Round Two of the Regional and Local Infrastructure Program.

The above results in a total of \$337,200 being available to fund the project through grant funds.

Whilst all the grant funding sought and proposed in the report of the 10 November 2009 has been successful, a funding shortfall has been identified as a result of the revised project costs estimates being higher than originally estimated.

This leaves a balance of \$208,964 to be funded through Council funds. As suggested in the previous report to Council, it is proposed that this amount be funded from Council's S94 Internal Reserve. This Reserve currently has \$468,000 available and all identified buildings in the S94 Plan have been completed or are fully funded.

The Acting Chief Financial Officer has prepared a report on the project. The report includes a risk analysis, justification, costs of the project and funding sources available. Attached to the report are a series of NPV's on various sensitivity analysis criteria and alternative funding sources, a breakdown of the capital costs

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and the detailed business case as prepared by the YMCA. The Acting Chief Financial Officer's recommendation was that based on this information a report could be submitted to Council recommending that the project proceed.

It is considered that based on the business case evaluation outlined in the report and the benefits to the community of an expanded Leisure Centre, that this proposal be endorsed.

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 sustainable long term financial framework.

Financial Implications

This report identifies funding requirements of \$208,964. These funds are available as part of Council's S94 Internal Reserve.

RECOMMENDATION:

That:

1. The proposal to extend the Hawkesbury Oasis Aquatic Centre as amended which includes an increased floor area to the gymnasium and extension to the crèche totalling approximately 208sqm, with two new toilets and office space being provided within the existing gymnasium area of approximately 26sqm as outlined in the report be endorsed.
2. The proposal be funded as follows:
 - (e) \$110,000 from the YMCA from the grant approved under the NSW Department of Community Services Area Assistance Scheme 2009.
 - (f) \$110,000 from the YMCA from the grant approved under the NSW Community Building Partnership Program.
 - (g) \$117,200 from the Council from the grant approved under Round Two of the Regional and Local Infrastructure Program.
 - (h) The remaining amount of approximately \$209,000 be funded from Council's S94 Internal Reserve.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

oooO END OF REPORT Oooo

Item: 142 IS - Street Tree Removals within Towns and Villages - (95454)

REPORT:**Executive Summary**

In February 2005 Council resolved that *prior to the removal of any trees in the streets of the Hawkesbury's town and villages* that the possible removal of trees needed to be advertised seeking comments from the public.

Council staff have been advertising village street tree removals for the last five years and during this time eighty nine (89) trees have been advertised with only two comments received. These two comments were received within the first two years and since then no further comments have been recorded.

There is a cost both financially and for staff time to advertise these trees. With little or no interest from the public it is recommended that the current process of advertising village street tree removal be abandoned, except where there are avenues of mature trees that may be regarded as significant.

Consultation

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

Background

Council resolved on 22 February 2005 that:

"Prior to the removal of any trees in the streets of the Hawkesbury's town and villages:

- 1. A notice inviting public comment be put in the Councils notices page of the Hawkesbury Gazette for a period of 2 (two) weeks.*
- 2. A notice explaining why the intended tree is to be removed and inviting public comment be attached to the tree of concern for 2 (two) weeks.*
- 3. Trees deemed to be in a dangerous condition, as assessed by a qualified expert, be exempt from points 1 and 2 above."*

Requests for tree removals vary, from issues relating to access, to aesthetic reasons, but the majority is due to the trees being inappropriate species and are causing damage to private and public infrastructure. When a request is received, an inspection is carried out and if removal is warranted the advertising process is undertaken.

Since this resolution, eighty nine village tree removals have been advertised. A total of two submissions have been received in relation to two of the proposed removals.

The first submission was in relation to a development application that was never approved and thus permission to remove the tree was not required.

The second submission was received regarding the proposal to remove two trees outside 5a Peter Place, Bligh Park. In this instance the owner applied for the trees to be removed on medical grounds. This was reported to Council in December 2006 where it was determined that the trees be removed.

The cost of placing advertisements in local papers for the removal of street trees is currently estimated at \$170.00 for each advertisement. Therefore, over the last five years the total advertising expenditure is approximately \$15,130. In addition, the administration which includes receiving payment for the

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application, an initial site inspection, placement of a sign on the tree, writing and placing an add, dealing with correspondence if any, then writing a permission/ rejection once the process is completed has placed a considerable burden on staff resources.

To ease this impost it is recommended that the current process of advertising village street tree removal be abandoned, except where there are avenues of mature trees that may be regarded as significant.

Conformance to Community Strategic Plan

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

- Take active steps to encourage lifestyle choices that minimise our ecological footprint

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

- Encourage and educate the community to care for their environment

Financial Implications

By removing the advertising process, there will be a financial saving and also staff time which can be distributed into other areas.

RECOMMENDATION:

That the current process of advertising village street tree removal be discontinued, except where there are avenues of mature trees that may be regarded as significant.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

SUPPORT SERVICES

Item: 143 SS - Review of Council's Debt Recovery Policy - (95496,96332)

REPORT:

Executive Summary

Council's current Debt Recovery Policy was adopted in 1999. The Policy details the debt recovery process to be followed in relation to outstanding rates and sundry debtors. The Policy has not been reviewed for a considerable period of time and changes in Council's debt recovery process have occurred in this time.

The purpose of this report is to submit a revised Debt Recovery Policy, in light of changes in the debt recovery process and reflecting current practices, for Council's consideration and approval.

Consultation

It is not proposed to place the amended Debt Recovery Policy on public exhibition. The policy is based on "good practice" industry standards and has been developed to assist Council to put into place a transparent and consistent process for the recovery of funds owed to Council.

Background

Council's current Debt Recovery Policy was adopted in 1999. The Policy has been in operation since then. As a result of changes in legislation and the outsourcing of the debt recovery process, the Policy has been reviewed and proposed to be amended accordingly to reflect current practices and the applicable legislative framework.

The change in the legislative framework mainly relates to the change in the name of the applicable Regulation. At the time of the current Debt Recovery Policy being adopted in 1999, the applicable legislative framework was the Local Government Act 1993, and the Local Government (Rates and Charges) Regulation 1993. The latter legislation was amended to be referred to as the Local Government (General) Regulation 2005. The Local Government Act 1993 remains applicable.

In addition to the legislative changes, Council's practices have also changed since the adoption of the current policy, mainly as a result of the outsourcing of the debt recovery process.

Council will recall that the concept of outsourcing Council's debt recovery process was discussed at a Councillor Briefing Session held on 6 May 2008. The concept was endorsed in principle, and expressions of interest were called for a debt recovery service to be provided to council. This resulted in the appointment of Recoveries and Reconstruction (Aust) Pty Ltd, (R&R) as Council's Debt Recovery Agent in September 2008.

As a result of the appointment of a Debt Recovery Agent, in practice, the process followed to recover outstanding rates, charges and sundry debtors, while within the spirit of Council's current Debt Recovery Policy, varies from that described in the policy. The debt recovery process as described in the proposed policy has been the practice since the appointment of Council's Debt Recovery Agent in 2008.

The current process, as outlined in the proposed policy has proven to be effective and well received by ratepayers and sundry debtors.

The updated Debt Recovery Policy is attached as Attachment 1 to this report.

The objectives of the proposed Debt Recovery Policy are as follows:

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- Ensure effective control over debts owed to Council
- Be sympathetic and helpful to those ratepayers and other debtors suffering genuine financial hardship
- Fulfil the statutory requirements of the Local Government Act, 1993 and the associated Local Government (General) Regulation, 2005 with respect to the recovery of rates and charges; user pays charges and other debts
- Maximise cash flow
- Clear and concise debt recovery process and procedures to follow

The proposed Debt Recovery Policy has been developed within the following legislative framework:

- The Local Government Act 1993
- The Local Government (General) Regulation 2005

As detailed in the attached Policy, the debt recovery process for outstanding rates, charges and sundry debtors commences with a request for payment sent by Council after the initial account/invoice remains unpaid. Failing payment in full or a satisfactory arrangement being entered into, the outstanding debt is forwarded to Council's Debt Recovery Agent. The Debt Recovery Agent will proceed to issue a further notice and if subsequently unpaid will undertake legal action in line with the proposed Debt Recovery Policy and Council's specific direction where required.

Section 564 of the Local Government Act 1993 makes a provision for payment arrangements. The proposed Policy provides for payment arrangements to be entered into in relation to outstanding rates, charges and sundry debtors.

Variations to the debt recovery process undertaken in respect of outstanding amounts apply to eligible pensioners. The criteria for classification as a pensioner, and the debt recovery process applicable, are addressed in the proposed Debt Recovery Policy. The underlying principle with regard to the debt recovery process applicable to pensioners remains as in the current policy. Discretion and compassion should be exercised with pensioner accounts.

The proposed Policy also details the requirements of the Local Government Act 1993 in relation to interest charged on overdue amounts and the provisions relating to the waiving or writing off of such charges.

The proposed reviewed Debt Recovery Policy provides a framework for the process of recovering outstanding rates, charges and sundry debtors. The Policy is aimed at adopting a consistent, fair and effective approach to recovering outstanding amounts owed to Council. This approach will ensure outstanding amounts being maintained at an acceptable level, while being considerate to those ratepayers and debtors suffering genuine financial hardship.

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

There are no funding implications arising from this report.

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RECOMMENDATION:

That Council adopt the Debt Recovery Policy, attached as Attachment 1 to this report.

ATTACHMENTS:

AT - 1 Debt Recovery Policy - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

Item: 144 SS - Review of Council's Investment Policy and Appointment of Investment Advisor - (96332, 95496)

REPORT:**Executive Summary**

On 25 May 2010, the Division of Local Government (DLG) issued Investment Policy Guidelines to assist councils with the preparation of an Investment Policy and the prudent and appropriate management of Council's surplus funds.

Council's current Investment Policy was adopted by Council at the meeting of 28 April 2009.

In May 2010, the DLG released the final Investment Policy Guidelines. Consequently, Council's current adopted Investment Policy has been reviewed to ensure that any changes are taken into account and reflected in Council's Investment Policy.

The revised Investment Policy being submitted for adoption also includes amendments to the approved investments and liquidity requirements. The revised policy also makes reference to the permitted term of Council's Investments. The current policy places no restriction on term.

The purpose of this report is to submit an updated Investment Policy for Council's consideration and adoption. Also, in line with the requirements of the DLG Guidelines, Council's approval is sought to appoint Council's Independent Investment Advisor.

Consultation

The Policy which is the subject of this report is an amended Policy following the issuing of updated Guidelines from the Division of Local Government. These changes are mandatory and in this context provide no opportunity for changes to be made. Under these circumstances it is considered that public consultation is not required.

Background

Council's current Investment Policy was adopted by Council at the meeting of 28 April 2009. In May 2010, the DLG issued Circular No 10-11 advising councils that the final Investment Policy Guidelines have been released. As a result of feedback received on the Draft Guidelines, the main changes to the Investment Policy Guidelines include:

- Clarification on the role of independent financial advisors
- Removal of the term "investment strategy"
- Guidance to councils following a breach of the council's investment policy
- A greater emphasis on councils maintaining legal title of their investments

The Guidelines issued by the DLG are to apply to all general purpose and special purpose councils in New South Wales and are issued under Section 23A of the Local Government Act 1993 (the Act).

The objectives of the Guidelines are to:

- Assist councils in investing funds in a prudent and appropriate manner
- Outline legislation associated with the investment of surplus funds
- Assist councils in preparing a suitable investment policy
- Outline key issues when investing funds
- Define duties and obligations of the council and council officers
- Outline requirements for internal control procedures

- Establish proper reporting and monitoring procedures.

Investment Policy

The Investment Policy Guidelines issued by the DLG include a sample Investment Policy. The Investment Policy being submitted for adoption addresses the requirements of the DLG Investment Policy Guidelines and is similar in format to the sample policy and Council's existing policy.

The purpose of the Investment Policy is to establish the guidelines that Council adopts in investing its surplus funds. The objectives of this policy are:

1. To maximise returns to Council consistent with all requirements of the policy;
2. To comply with the legislative requirements and regulations relevant to the management of Council's investments;
3. To preserve the capital of the investment portfolio. Investments are to be placed in a manner that seeks to ensure the security and safeguarding of the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters;
4. To ensure the investment portfolio has sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment;
5. To establish a framework for monitoring the investments. The investment portfolio is expected to achieve a predetermined market average rate of return that takes into account Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles; and
6. To confirm delegations and other relevant governance matters in relation to Council's investments.

Under Council's Investment Policy all investments are made in accordance with:

- The Local Government Act 1993 - Section 625
- Government Information (Public Access) Act 2009 – Schedule 5
- The Local Government (General) Regulation 2005 – Clause 212
- The Local Government Act 1993 - Order (of the Minister) dated 31 July 2008 and gazetted 15 August 2008
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2)
- The Local Government Code of Accounting Practice and Financial Reporting
- Department of Local Government Circulars
- Australian Accounting Standards
- Council resolutions

The reviewed Investment Policy is attached as Attachment 1 to this report.

The attached Investment Policy provides a framework within which investments decisions are made. Permitted investments, risk management, diversification, term, and liquidity considerations are addressed within the attached policy. The requirements regarding measurement, benchmarking, reporting and reviewing of Council's Investments are also addressed.

Council's Independent Investment Advisor, Spectra Financial Services, has reviewed and endorsed the attached Investment Policy. Written confirmation dated 18 June 2010, has been received as follows:

"I have reviewed the draft Investment Policy dated May 2010 prepared by Council's officers and confirm that it accords with current Department of Local Government guidelines and that it is an appropriate policy for Council's use."

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In our view, the policy is consistent with the conservative approach required for the stewardship of the restricted and unrestricted reserve monies council is responsible for."

Appointment of Investment Advisor

In line with the DLG Investment Policy Guidelines, Council's policy also details requirements in relation to its Investment Advisor.

Council's current Investment Advisor is Spectra Financial Services Pty Ltd. The current appointment commenced on 9 May 2008. In line with the recently issued final DLG Investment Policy Guidelines, the Investment Advisor must be approved by Council.

Council has been provided with the relevant documentation with regards to the Advisor's licensing requirements and independence requirements, in line with the DLG Guidelines.

Spectra Financial Services Pty Ltd was granted the Australian Financial Services Licence (AFS Licence) on 10 March 2004 by ASIC. The licence is current as of June 2010.

In June 2010, Spectra Financial Services Pty Ltd also provided Council with a written confirmation stating that they meet the criteria for an independent financial advisor as defined by the DLG Circular 10-11. Spectra Financial Services Pty Ltd confirmed that they have no direct or indirect association with any institution, product provider or third party that would create a direct, indirect or potential conflict of interest in the execution of their advisory services for council.

Spectra Financial Services representatives meet with Council senior staff on a regular basis to review and discuss Council's investment portfolio, as well as provide advice on the strategy for future investments. Spectra Financial Services have been of great assistance to Council's staff in ensuring that Council's investments are compliant with relevant legislation and policy at all times, whilst achieving an appropriate balance between risk and return when placing investments.

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

The appointment of an Independent Investment Advisor for the financial year ending 30 June 2011 would be funded from the Consultancy budget within the Financial Services Budget currently in the adopted 2010/2011 Management Plan.

RECOMMENDATION:

That Council:

1. Adopt the Investment Policy attached as Attachment 1 to the report.
2. Appoint Spectra Financial Services Pty Ltd. as its Independent Investment Advisor for the financial year ending 30 June 2011.

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ATTACHMENTS:

AT - 1 Investment Policy - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

Item: 145 SS - Review of Privacy Management Plan - (79337, 95496)

REPORT:**Executive Summary**

This report canvasses the review of Council's Privacy Management Plan. The Plan has been amended given the introduction of the Government Information (Public Access) Act 2009 (GIPA Act), to make it more user friendly and more clearly address privacy issues, unsolicited complaints, petitions and Council's responsibilities relating to the Health Records and Information Privacy Act 2002 (HRIP Act).

Consultation

The changes required to the policy are primarily technical in nature and directly arise out of the introduction of GIPA Act. The intent of the policy remains unchanged. The changes to the Council policy address changes in legislation. In this context, while a community communication strategy will be implemented to inform the community of the changes, it is not considered that the matter requires community consultation as the proposed changes are legislatively mandated.

Background

The requirement to have a Privacy Management Plan comes from the Privacy and Personal Information Protection Act 1998 (PPIP Act). In 2000, the Model Plan was developed by Privacy NSW, Department of Local Government and Shires Association with the objective of having a uniform approach to the use of personal information by Councils.

Notwithstanding at the time there had been some issues arise regarding the different interpretations across councils about what personal information is to be made available from a council's public registers e.g. development applications, rates record. A Privacy Code of Practice for Local Government was developed to supplement each Council's Plan and clarified some of the issues. The introduction of GIPA Act and the repeal of the Freedom of Information Act 1989 and Section 12 of the Local Government Act 1993 dealing with access to information has also assisted in improving the understanding of how councils should deal with personal information.

Council at its Ordinary meeting of 11 July 2000 adopted the Model Plan. The commencement of GIPA Act which impacts on the Plan has triggered a review. The review has taken into account "A Guide to Making Privacy Management Plans" issued by Privacy NSW in May 2009.

The revised Plan, which now contains reference to GIPA Act, the information protection principles prescribed by the Health Records and Information Privacy Act 2002 (HRIP Act), and accords with the requirements of the PPIP Act. A copy of the revised Plan is appended as Attachment 1 to this report.

Once the revised Plan is adopted, a copy of the adopted Plan will be provided to Privacy NSW in accordance with Section 33 of PPIP Act.

In summary the amendments are:

- Plain English explanation of the PPIPA Information Protection Principles
- Reference to HRIP Act and to the Information Protection Principles under that legislation
- Reference to the impact of GIPA Act on the Privacy Management Plan

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Conformance to Community Strategic Plan

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

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

The revised Privacy Management Plan will encourage greater community participation in the decision making process thus increasing a sense of belonging to the area.

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That Council adopt the revised Privacy Management Plan attached as Attachment 1 to this report.

ATTACHMENTS:

AT - 1 Revised Privacy Management Plan - *(distributed under separate cover)*

oooO END OF REPORT Oooo

Item: 146 **SS - Review of the Access to Information Policy - (79337, 95496)**

Previous Item: 37, Ordinary (23 February 2010)

REPORT:

Executive Summary

The commencement of the Government Information (Public Access) Act 2009 (GIPA Act) on 1 July 2010 has triggered a review of Council's Access to Information Policy. The revised Policy meeting the new legislative requirements is recommended for adoption. The General Manager is the principle officer for the purposes of the GIPA Act and it is recommended that Council endorse this appointment.

Consultation

The changes required to the policy are primarily technical in nature and directly arise out of the introduction of GIPA Act. The intent of the policy remains unchanged. The changes to the Council policy address changes in legislation. In this context, while a community communication strategy will be implemented to inform the community of the changes, it is not considered that the matter requires community consultation as the proposed changes are legislatively mandated.

Background

The Council's policy on Access to Information was adopted in 2000. The commencement of the Government Information (Public Access) Act 2009 (GIPA Act) on 1 July 2010 has prompted a review of Council's policy.

As mentioned in a previous report to Council on 23 February 2010, the commencement of GIPA will mean the repeal of the Freedom of Information Act 1989 (FOI) as well as Section 12 of the Local Government Act 1993 (S12).

While there is no legislative provision for Council to have an Access to Information Policy it is good administrative practice to do so. Additionally, repeal of FOI and S12 makes this need even more imperative, as the revised Access to Information Policy provides a template for how access to information will deal with formal and informal applications under the GIPA Act. The approach taken with the revised Policy is in line with the model suggested by the Local Government Managers of Australia NSW Governance Network Working Party. The Policy is consistent with the requirements of GIPA Act. A copy of the reviewed Access to Information Policy is attached as Attachment 1 to this report.

In summary the revised policy is:

- More concise with Guidelines attached as Attachment 2 to this report;
- Refers to the impact of GIPA Act;
- Provides a link to the Office of the Information Commissioner which has overriding responsibility for the implementation of GIPA Act in NSW.

Arrangements being made in readiness for the introduction of the GIPA Act include:

1. A Publication Guide - to include information about Council such as structure, functions, types of information held, and details of information made available under the GIPA Act.
2. Disclosure Log - a record of applications made to Council and information released which may be of interest to other members of the public.

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3. Contracts Register - a register of all contracts for a value of \$150,000 or more entered into with a private sector entity for the provision of goods and services or the sale, lease or purchase of real property.
4. Forms and templates – to enable a consistent and systematic way for members of the public to make request for information and for decisions to be communicated.
5. The appointment of officers to carry out certain functions specified in the Act together with the appropriate delegations. These positions are the Principle Officer and the Right to Information Officer.
6. Updating Council's website to ensure that all the relevant information specified in the Act is accessible and up-to-date.
7. Training - to inform staff generally and more detailed training for those who will be involved in the access to information process.
8. Communication Strategy – to inform members of the public about the new Act.

The principal officer (for local government this position is held by the General Manager) of each agency has a key role under the legislation in promoting the open government objectives of the GIPA Act. Many decisions about access to information will be made with the general or specific authority of the principal officer or their delegate. Council's Manager Corporate Services and Governance will act as the delegate of the General Manager and has been designated as Council's Right to Information Officer (RIO) to take responsibility for compliance with the Act and to arrange for transition from the old access to information regime to the new 'Right to Information' system.

Conformance to Community Strategic Plan

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

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

Financial Implications

There will be some costs associated with training, printing of new forms and advertising, which will be met from existing budget allocations.

RECOMMENDATION:

That Council:

1. Adopt the revised Access to Information Policy attached as Attachment 1 and associated Guidelines attached as Attachment 2 to this report.
2. Appoint the General Manager as the Principle Officer for the purposes of the Government Information (Public Access) Act 2009.
3. Note the appointment of the Manager, Corporate Services and Governance as the Right to Information Officer for the purposes of the Act.

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ATTACHMENTS:

- AT - 1** Draft Revised Access to Information Policy - (*distributed under Separate Cover*).
- AT - 2** Draft Access to Information Guidelines - (*distributed under Separate Cover*).

oooO END OF REPORT Oooo

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Meeting Date: 29 June 2010

Item: 147 **SS - Outstanding Receivables - Bad Debts Write Off for 2009/2010 - (96332, 95496)**

Previous Item: 121, Ordinary (30 June 2009)

REPORT:

Executive Summary

Council has reviewed outstanding sundry debtors for 2009/2010 which have been unable to be recovered.

The debts owed to Council have been subject to recovery action and all avenues have been exhausted in recovering these debts with no success.

Council's Writing Off of Rates and Charges and Other Receivables Policy allows for any debts under the amount of \$500.00 to be written off by the General Manager or the Responsible Accounting Officer under delegated authority. Any debts over the amount of \$500.00 may only be written off by resolution of Council.

It is recommended that Council write off two bad debts for 2009/2010 that are over the amount of \$500.00.

Consultation

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

Background

Clauses 131 and 213 of the Local Government (General) Regulation 2005 provide procedures and restrictions on writing off rates and charges and other debts owed to a Council.

This report deals with debts raised by Council which are unable or unlikely to be recovered.

Council provides credit to individuals and businesses in the enforcement of laws and regulations or for the provision of services. As with all suppliers of credit, some debtors fail to meet their obligations to pay, despite the best efforts of officers to recover outstanding payments.

Council has appropriate debt recovery and collection procedures to ensure adequate controls are in place to minimise bad debts.

Council's Writing Off of Rates and Charges and Other Receivables Policy allows for any debts under the amount of \$500.00 to be written off by the General Manager or the Responsible Accounting Officer under delegated authority. Any debts over the amount of \$500.00 may only be written off by resolution of Council.

Details on debts proposed to be written off have been provided below in a form compliant with Clauses 131(3) and 213(4) of the Local Government (General) Regulation 2005.

The list of bad debts over \$500.00, which cannot be dealt with under Clauses 131(2) and 213(3) by order in writing of Council's General Manager under delegated authority, is as follows:

Name	Amount	Debtor Account No.	Details
Toque Restaurant and Café	\$ 5,144.59	7301290	Commercial sullage charges
Ms Marlene Appo	\$ 6,142.00	7000004	Property rental
TOTAL	\$11,286.59		

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Clauses 131(4)(d) and 213(5)(c) of the Local Government (General) Regulation 2005 indicate that a debt can be written off, if the Council or General Manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.

The above debts owed to Council have been subject to recovery action and all avenues have been exhausted in recovering these debts with no success. There comes a point where it is uneconomical to pursue further recovery action.

Conformance to Community Strategic Plan

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

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

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

- Maintain and review a sustainable long term financial framework

Financial Implications

If the proposed debts are written off, the amount will be funded from the existing Council's provision for doubtful debts.

RECOMMENDATION:

That Council write off the following debts:

1. Toque Restaurant and Café in the amount of \$5,144.59 from Debtor Account No. 7301290.
2. Ms Marlene Appo in the amount of \$6,142.00 from Debtor Account No. 7000004.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 29 June 2010**Item: 148 SS - Monthly Investments Report - May 2010 - (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 \$38.77 million in investments at 31 May 2010.

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 \$38.77 million in investments as at 31 May 2010. 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	31-May-10		5.00%	5,270,000	13.59%	5,270,000
Term Investments								
AMP	A	A1	20-Jan-10	21-Jan-11	6.86%	1,000,000	2.58%	
ANZ	A1+	AA	24-Mar-10	20-Oct-10	6.25%	1,000,000	2.58%	
ANZ	A1+	AA	25-Nov-09	24-Nov-10	6.00%	1,000,000	2.58%	
ANZ	A1+	AA	02-Sep-09	02-Sep-10	5.25%	2,000,000	5.16%	
ANZ	A1+	AA	10-Feb-10	11-Aug-10	6.20%	500,000	1.29%	
ANZ	A1+	AA	03-Mar-10	29-Nov-10	6.30%	2,000,000	5.16%	
Bank of Cyprus	Moody's P-1	A	02-Nov-09	27-Oct-10	5.70%	1,000,000	2.58%	
Bank of Queensland	A-2	BBB+	19-May-10	17-Nov-10	6.15%	1,000,000	2.58%	
Bankwest	A1+	AA	19-Aug-09	19-Aug-10	5.00%	1,000,000	2.58%	

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Bendigo and Adelaide Bank	A-2	BBB+	09-Oct-09	13-Oct-10	5.30%	1,000,000	2.58%	
Citibank	A-1	A+	21-Apr-10	20-Jul-10	5.30%	1,000,000	2.58%	
Credit Union Australia	unrated	BBB	24-Mar-10	22-Jul-10	5.99%	1,000,000	2.58%	
Defence Force Credit Union	unrated	unrated	26-May-10	27-Oct-10	6.19%	1,000,000	2.58%	
Elders Rural Bank	A-2	BBB	15-Jun-09	15-Jun-10	4.64%	1,000,000	2.58%	
IMB	A-2	BBB	10-Feb-10	11-Aug-10	6.25%	1,000,000	2.58%	
Investec Bank	Moody's P-2	BBB	02-Sept-09	02-Sep-10	5.74%	1,000,000	2.58%	
Macquarie Bank	A-1	A	18-Jun-09	15-Jun-10	4.50%	1,000,000	2.58%	
Members Equity	A-2	BBB	03-Mar-10	02-Jun-10	5.75%	1,000,000	2.58%	
NAB	A1+	AA	08-Dec-09	08-Dec-10	6.80%	3,000,000	7.74%	
NAB	A1+	AA	03-Dec-09	03-Dec-10	6.80%	2,000,000	5.16%	
NAB	A1+	AA	02-Sep-09	04-Aug-10	5.20%	1,000,000	2.58%	
Newcastle Permanent	A-2	BBB+	18-Jun-09	15-Jun-10	4.55%	1,000,000	2.58%	
Qantas Staff Credit Union	unrated	unrated	27-Apr-10	25-Aug-10	6.15%	500,00.00	1.29%	
Qantas Staff Credit Union	unrated	unrated	19-May-10	20-Oct-10	6.30%	500,00.00	1.29%	
Suncorp	A-1	A	12-Jun-09	14-Jun-10	4.60%	1,000,000	2.58%	
Westpac	A1+	AA	20-Jan-10	21-Jul-10	6.20%	1,000,000	2.58%	
Westpac	A1+	AA	21-Dec-09	21-Dec-10	7.00%	3,000,000	7.74%	
Westpac	A1+	AA	26-May-09	27-Jan-11	6.10%	1,000,000	2.58%	33,500,000
TOTAL INVESTMENT AS AT 31 MAY 2010								38,770,000

Bench Mark	Bench Mark %	Actual %
UBS 90 Day Bank Bill Rate	4.88%	5.96%
Reserve Bank Cash Reference Rate	4.50%	5.00%

Performance by Type

Category	Balance	Average Interest	Difference to Benchmark	Restriction Type	Amount
Cash at Call	5,270,000	5.00%	0.50%	External Restrictions -S94	6,081,536
Term Deposit	33,500,000	5.96%	1.08%	External Restrictions - Other	12,245,498
				Internal Restrictions	14,068,798
				Unrestricted	6,374,168
	38,770,000	5.83%	0.95%	Total	38,770,000

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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.

In respect of funds subject to internal restrictions, whilst it would “technically” be possible for these funds to be utilised for other purposes such a course of action, unless of a temporary internal loan basis, would not be recommended nor would it be “good business practice,” as these funds have been allocated for specific purposes (information technology, plant replacement, risk management, etc.) or to meet future known expenses that should be provided for on an ongoing basis (employee leave entitlements, election, etc.)

Funds referred to as “unrestricted” are, effectively, Council's daily operational funding for purposes such as the payment of salaries and wages, various works proposed or in progress as adopted in Council's budget, daily operational expenses, etc. These “unrestricted” funds could only be utilised for other purposes by the reduction of a corresponding amount from a service or provision already included within Council's adopted budget. The level of these funds also vary depending upon the business cycle in areas such as the payment of creditors, receipt of rate payments, capital works and/or purchases, etc.

Investment Commentary

The investment portfolio increased by \$0.72 million for the month of May, 2010. During May, various income was received totalling \$6.06 million, including rate payments amounting to \$3.26 million, while payments to suppliers and staff costs amounted to \$4.63 million.

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.

Council, at its meeting on 3 February 2009, considered a report on the Federal Government's Guarantee Scheme on deposits and wholesale funding of eligible authorised deposit-taking institutions and resolved as follows:

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"That:

- 1. In respect of Council funds invested with acknowledged tier one major Australian trading banks (ANZ, CBA, NAB and Westpac), that Council accept the coverage available, without cost, from the Federal Government's "Guarantee Scheme", and not optionally guarantee additional funds.*
- 2. Council's investments in other banking institutions, not referred to in 1 above, and authorised under the current Ministerial Investment Order and Council's Investment Policy, be limited to an amount equivalent to the level of funds that receive coverage under the Federal Government's "Guarantee Scheme" without additional cost to Council.*
- 3. All investments be made in accordance with Council's investment policy.*
- 4. Council receive a further report updating Council's Investment Policy following the release of new investment guidelines by the Department of Local Government."*

Action was taken to comply with the above resolutions, by not optionally guaranteeing amounts invested with the tier one major Australian trading banks (ANZ, CBA, NAB and Westpac), over and above the amounts that are covered by the free Government Guarantee Scheme. Further, at its meeting on 28 April 2009, Council considered a report on a revised Investment Policy and resolved to adopt a revised Investment Policy. Council's revised Investment Policy fully complies with the Department of Local Government Draft Investment Guidelines that were distributed on 25 May 2009.

On 25 May 2010 the Department of Local Government released the Investment Policy Guidelines to assist councils in the preparation of their Investment Policy. A report regarding a review of Council's Investment Policy is on the agenda for the Council Meeting of 29 June 2010.

As at 31 May 2010, Council has invested \$16 million with 2nd tier financial institutions, noting that one of these institutions is a subsidiary of a major Australian trading bank. The investment of \$1 million with sixteen 2nd tier banks is entirely covered by the free Government Guarantee Scheme, and is in accordance with the revised Ministerial Investment Order, Council's Investment Policy, and Council's resolution at its meeting on 3 February 2009.

On 7 February 2010, the Federal Government announced its withdrawal of the Government Guarantee Scheme for Large Deposits and Wholesale Funding on 31 March 2010. Deposits already under the guarantee will be grandfathered up to 2015. This will not affect Council's investments, as Council's investments with 2nd tier institutions do not exceed \$1million, and investments exceeding \$1million with the major banks are not guaranteed. The Financial Claims Scheme (the free guarantee of up to \$1million) still stands until its review in October 2011.

The Governor of the Reserve Bank of Australia released the following statement on monetary policy on 1 June 2010:

"At its meeting today, the Board decided to leave the cash rate unchanged at 4.5 per cent. Since the Board last met, concerns about sovereign creditworthiness in several European countries have been a focus of financial markets. Investors have generally displayed a good deal more caution. As a result, equity prices have fallen and long-term government bond rates have declined outside of the countries most affected by the sovereign concerns. The Australian dollar fell sharply as part of this adjustment. Commodity prices have also softened, though those important for Australia remain at very high levels.

European policymakers have responded by assembling a large package to provide financing for the relevant countries for a period of time, stabilise bond markets and provide liquidity. They have also committed to action to bring budget deficits down and stabilise debt over time.

The effects of these various factors on the world economy will need to remain under review. At this stage, global growth is still expected to be at about trend pace in 2010. Conditions in

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Europe overall have been relatively weak, and the foreshadowed budgetary tightening will probably mean that this will continue, but growth is becoming more established in North America. In Asia, growth has continued to be quite strong and may need to moderate in the year ahead.

In Australia, with the high level of the terms of trade expected to add to incomes and demand, output growth over the year ahead is likely to be about trend, even though the effects of earlier expansionary policy measures will be diminishing. Inflation appears likely to be in the upper half of the target zone over the next year.

Consistent with that outlook, and as a result of actions at previous meetings, interest rates to borrowers are around their average levels of the past decade, which is a significant adjustment from the very expansionary settings reached a year ago. Taking all the available information into account, the Board views this setting of monetary policy as appropriate for the near term."

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 2009/2010.

RECOMMENDATION:

The report regarding the monthly investments for May 2010 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Meeting Date: 29 June 2010

Item: 149 SS - Pecuniary Interest Returns - (79337, 95496)

REPORT:

Executive Summary

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

Consultation

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

Background

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

"450A Register and tabling of returns:

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

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

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

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

Position	Return Date	Date Lodged
Parking Officer – Casual	8/3/2010	9/3/2010
Parking Officer – Casual	22/3/2010	22/6/2010

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The Returns have been lodged prior to the due dates for the receipt of the Returns, being three months after the return dates.

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

Conformance to Community Strategic Plan

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

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

and is also consistent with (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 information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 29 June 2010

CONFIDENTIAL REPORTS

GENERAL MANAGER

Item: 150 GM - Co-Generation Plant - (79351, 95495) **CONFIDENTIAL**

Previous Item: 38, Ordinary (23 February 2010)
 10, Ordinary (2 February 2010)
 184, Ordinary (8 September 2009)
 32, Ordinary (26 February 2008)

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)(g) of the Act as it relates to legal advice concerning possible legal action in relation to Council's Co-Generation Plant and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 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.

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INFRASTRUCTURE SERVICES

Item: 151 IS - Tender No. 01810 - Construction of Additions to Oasis Swimming Centre -
(95495, 79340, 34584) **CONFIDENTIAL**

Previous Item: 124, Ordinary (8 June 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)(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.

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Meeting Date: 29 June 2010

Item: 152 IS - Tender 36-09/10 - Arborist and Other Tree Maintenance Services - (79354)
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 June 2010

Item: 153 **IS - Tender No. 01910 - Tender for the Hire of Plant - (95495, 79344)**
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 June 2010

SUPPORT SERVICES

Item: 154 **SS - Property Matter - Lease to Joseph Topping trading as Shamrock Autos - 20 Bosworth Street, Richmond - (95496) CONFIDENTIAL**

Previous Item: 225, Ordinary (21 October 2008)

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

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Audit Committee Meeting Minutes - 2 June 2010 - (91369, 95496)

The meeting commenced at 3.02pm

Present:	Mike Barry Harry Khouri David Gregory Nisha Maheshwari Councillor Bob Porter Councillor Paul Rasmussen	External Member External Member External Member External Member Hawkesbury City Council Hawkesbury City Council
Apologies:	Nil	
In Attendance:	Peter Jackson - General Manager Laurie Mifsud - Director Support Services Chris Daley - Director Infrastructure Services Emma Galea - Acting Chief Financial Officer Dennis Banicevic - Council's External Auditor Jan Readford - Minute Secretary	Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council PricewaterhouseCoopers Hawkesbury City Council

3.10pm - Councillor Porter arrived.

REPORT:

Attendance Register of Audit Committee

Member	3.03.2010	2.06.2010		
Councillor Bob Porter	A	✓		
Councillor Paul Rasmussen	A	✓		
Councillor Leigh Williams (Alternate)	✓	A		
Mr Mike Barry	✓	✓		
Mr David Gregory (Chair)	✓	✓		
Mr Harry Khouri	✓	✓		
Ms Nisha Maheshwari	✓	✓		

Key: A = Formal Apology ✓ = Present X = Absent - no apology

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr David Gregory and seconded by Mr Mike Barry that the Minutes of the Audit Committee held on the 3 March 2010, be confirmed.

ORDINARY MEETING
Reports of Committees

It was noted by Mr David Gregory, in relation to Council's Code of Conduct that had been distributed by Council prior to the Audit Committee meeting of 3 March 2010, that he had confirmed at the meeting that the Audit Committee members had received Council's Code of Conduct only, and had not confirmed that it had been read.

SECTION 2 - Presentations to the Committee

Presentation: 1 Council's Code of Conduct

Mr Fausto Sut, Manager Corporate Services and Governance, gave a 15 minute presentation on Council's Code of Conduct to the Audit Committee.

In addition, Mr Sut advised the Audit Committee of the following restrictions:

- Audit Committee members are not allowed to voice opinions to the media.
- Audit Committee members are not allowed to release confidential papers provided by Council.

SECTION 3 - Reports for Determination

Item: 1 AC - Review of Waste Management Facility - IAB Services - Final Report dated May 2010 - (91369, 95496, 79351)

Previous Item: 6, Audit Committee (3 March 2010)

DISCUSSION:

- The Audit Committee reviewed the content of IAB Services' (IAB) Final Report dated May 2010, including the Action Plan for the Implementation of the Report Recommendations.
- Mr Jackson advised that, that in the absence of an internal auditor, IAB had been engaged by Council to check if processes are being followed at the Waste Management Facility, in particular cash handling. Mr Jackson advised that pending the timely appointment of an internal auditor, the IAB report will go to MANEX for review of action items and target implementation dates.
- Mr Daley advised that cash holdings at the Waste Management Facility are checked on a daily basis, morning and afternoon. There are 16 cameras at the Waste Management Facility and the CTV footage has been used in the past to check on suspected illegal activity. The location of cameras was discussed in terms of viability and other areas of possible concern i.e. recycling bin and front gate. Mr Daley will investigate the type of recording device used and the film storage capacity i.e. tape or digital.
- Mr Khouri asked that following the appointment of an internal auditor that the high/low risks identified by IAB be reviewed by the internal auditor.
- Ms Maheshwari suggested that the introduction of a receipt system would resolve any reconciliation issues. However, Mr Daley expressed concern that whilst the Gatehouse is usually manned by two persons, in the event that one person is away from the Gatehouse, a person could potentially pocket the money without issuing a receipt. Mr Jackson indicated that camera footage would be used in the event that a customer reported that they did not get a receipt when they paid cash.
- Mr Gregory enquired why the waste tonnage has reduced in the last 12 months and Mr Daley advised that increased recycling by everyone has impacted on volumes and there are concerns that dumping may have increased.

ORDINARY MEETING
Reports of Committees

- Mr Khouri commented that the Waste Management Facility should pay its own way, however at the same time Council needs to ensure that ratepayers are not charged anymore than necessary. Mr Khouri suggested that the costs be reviewed with consideration given to a reduction to reduce the likelihood of dumping.
- Mr Gregory enquired if Council holds a clean-up. Mr Jackson advised there are two pick-ups annually, however Mr Khouri commented that the pick-ups are not in all areas of the Hawkesbury.

RECOMMENDATION TO COMMITTEE:

That the report dated May 2010 from IAB Services outlining the review of internal controls and procedures of Council's Waste Management Facility be accepted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr David Gregory, seconded by Mr Mike Barry.

That:

1. The report dated May 2010 from IAB Services outlining the review of internal controls and procedures of Council's Waste Management Facility be accepted.
2. The Audit Committee be kept up to date regarding the implementation of the various recommendations contained in the report from IAB Services.
3. Recommendation 6.2 in the report from IAB Services regarding the Waste Management Facility be included in Council's annual Internal Audit Program.

SECTION 4 - General Business

1. 2010/2011 Budget Process

Mr Gregory requested that the Audit Committee be updated dated on the budget process.

Mr Jackson advised that the 2010/2011 Draft Budget has been on exhibition for six weeks. An Extra-Ordinary Meeting of Council will be held on 22 June 2010 to discuss the 2010/2011 Draft Management Plan which includes the 2010/2011 Budget, and Council's Strategic and Operational Plans.

2. 2010/2011 Draft Management Plan

Mr Gregory enquired if submissions received from the community in relation to the 2010/2011 Draft Management Plan were reported to Council.

Mr Jackson advised that all submissions received are reviewed and then reported to Council at the Extra-Ordinary meeting to be held on 22 June 2010.

3. Audit Committee Meeting Agenda and Minutes

Mr Gregory enquired when external members of the Audit Committee can provide items to be included on the Audit Committee agenda, and if there was a benefit to circulating the minutes to the Audit Committee prior to the approval of the minutes.

ORDINARY MEETING
Reports of Committees

Mr Mifsud advised that the agenda items can be received up to a week before any meeting.

With regard to the circulation of the minutes, Mr Jackson advised that depending on Council meeting cycles that this may be possible in the future.

4. Risk Assessment and Development of a Strategic Audit Plan

Mr Jackson and Mr Mifsud met with IAB to discuss the process for a Risk Assessment and Strategic Audit Plan for the years ending 30 June 2010 to 2012. Mr Mifsud advised that IAB took the documents they wanted to look at, and have met with some Council staff. A draft report is due to be received in early July 2010 with the final report expected in mid July 2010. It is proposed that the final report will be placed on the agenda of the next Audit Committee meeting on 18 August 2010.

5. Internal Auditor

Mr Jackson advised that provision for an Internal Auditor has been included in the Draft 2010/2011 Budget. If approved by Council, the position will be advertised in July. Mr Jackson noted that he will be taking annual leave until the middle August, so appointment of a candidate will be after that time.

6. Council's Financial Audit

There was discussion on the provision of Council's annual financial reports including the External Auditor's opinion of the final reports.

Mr Banicevic outlined the process for auditing Council's annual financial reports.

It was noted that Clause 7.2 of the adopted Audit Committee Charter outlined the Committee's responsibilities relating to external accountability.

7. Co-Generation Plant

Councillor Porter enquired whether the Business Case currently being developed for the Co-Generation Plant would be forwarded to the Audit Committee.

Mr Jackson indicated that once the Business Case has been completed by Council staff it will be forwarded to Council's External Auditor, Mr Banicevic. Mr Jackson further advised that following consideration of the Business Case by Mr Banicevic it would be forwarded to Council as the Business Case was in response to a Council resolution.

8. Council Rating Structure

Councillor Porter enquired whether any report regarding possible alternate rating structures for 2011/2012 would be considered by the Audit Committee.

Mr Jackson advised that as this was a policy matter any report in this regard would be forwarded to Council.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Local Traffic Committee - 16 June 2010 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Tuesday, 29 June 2010, commencing at 3.00pm.

ATTENDANCE

Present:	Councillor B Bassett (Chairman) Mr J Suprain, Roads and Traffic Authority Mr J Christie, Officer of Messrs A Shearan, MP and J Aquilina, MP Mr R Williams, MP (Hawkesbury)
Apologies:	Snr Constable B Phillips, NSW Police Service
In Attendance:	Rihan Gergis, Roads and Traffic Authority Constable Carl Atkins, NSW Police Service Mr C Amit, Manager, Design & Mapping Services Ms D Oakes, Community Safety Officer Ms K Baillie, Administrative Officer, Infrastructure Services

SECTION 1 - Minutes

Item 1.1 Minutes of Previous Meeting

Resolved on the motion of Mr J Suprain and seconded by Mr J Christie, that the Minutes of the meeting of the Local Traffic Committee held on 19 May 2010 be confirmed.

Item 1.2 Business Arising

Item 1.2.1 LTC - 16 June 2010 – Item 1.2.1 – Intersection of Yarramundi Lane and Crowleys Lane, Agnes Banks - (80245)

Previous Item Item 4.9, LTC (19 May 2010)

REPORT:

At the previous Local Traffic Committee meeting (19 May 2010), Councillor Bart Bassett requested the review of signage/line markings at the intersection of Yarramundi and Crowleys Lane, Agnes Banks.

Chris Amit has advised the following:

“The intersection of Crowleys Lane and Yarramundi Lane is a T-intersection with Crowleys Lane being the terminating road. The site was inspected and it was noted that Crowleys Lane is controlled at Yarramundi Lane with 2 Give Way signs and a Holding Line.

The existing linemarking at this intersection is on the linemarking maintenance program to be re-marked in June 2010”.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor B Bassett, seconded by Mr J Christie.

That the information be received.

Item 1.2.2 LTC - 16 June 2010 - Item 1.2.2 - Installation of a “No left turn” sign in Hawkesbury Valley Way at the Mileham Street (northern leg) Exit - (80245)

Previous Item Item 4.3, LTC (19 May 2010)

REPORT:

At the previous Local Traffic Committee meeting (19 May 2010), Snr Constable Craig Brown reported the concerns of the Windsor Police in relation to vehicles (travelling east on Hawkesbury Valley Way) that are illegally turning left into Mileham Street (northern leg).

An e-mail from James Suprain (RTA) on 21 May 2010 advised that a site inspection had been conducted and arrangements made to have this sign installed.

It has been noted that the No Left turn sign was installed in early June 2010.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Suprain, seconded by Mr J Christie.

That the information be received.

Item 1.2.3 LTC - 16 June 2010 – Item 1.2.3 – Investigation of double lines on Mileham Street, Windsor opposite the new Windsor Police Station - (80245, 1506)

Previous Item Item 4.2, LTC (19 May 2010)

REPORT:

At the previous Local Traffic Committee meeting (19 May 2010), Snr Constable Brad Phillips advised that due to the double lines on Mileham Street, Windsor (opposite the new Windsor Police Station) vehicles are unable to perform U-turns to park their vehicles when visiting the Police Station.

Chris Amit has investigated this issue and advised that based on the available overtaking and site distances, the required changes cannot be undertaken.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Christie, seconded by Mr J Suprain.

That the information be received.

SECTION 2 - Reports for Determination

Item 2.1 LTC - 16 June 2010 - Item 2.1 - Kurrajong Scarecrow Festival 2010 (Londonderry) - (80245, 101906, 83338)

REPORT:

Introduction

An application has been received from the Kurrajong Scarecrow Festival Incorporated seeking approval to conduct the 14th Annual Kurrajong Scarecrow Festival on Sunday, 24 October 2010. This is a full day festival held in Kurrajong and the applicant is seeking a road closure of a section of Old Bells Line of Road within the Kurrajong township.

The event organiser has advised the following:

- The event has been held over the last 13 years.
- The event is a regular feature of the local community calendar and has been successfully run without incident for many years,
- The event covers a 1 day period only, between the hours of 6.00am to 6.00pm,
- Expected number of Spectators: 1000 to 2000,
- Expected number of Participants: 150,
- The safety of the festival will be improved with the removal of through traffic to a 150m long section of Old Bells Line of Road, between the Grose Vale Road intersection and the driveway to the Kurrajong Antique Centre,
- The section of Old Bells Line of Road closed to through traffic will provide a level area for stallholders and the public to walk through, as the local park (Memorial Park) is unsuitable for this purpose due to its varying levels and sloping banks,
- Given that locals and tourists use Old Bells Line of Road to enter and leave the Kurrajong township on the western side of the township, a detour is proposed to direct traffic to alternative entry points,
- The remainder of the town centre is also expected to be involved with bunting and individual shop promotions during the day.
- Application to utilise Memorial Park has been made under separate cover with Council's Parks and Recreation Section

Road Closure Details:

Date: Sunday, 24 October 2010

Time: 6.00am - 6.00pm

Road Closure: Old Bells Line of Road, 150m long road section between the Grose Vale Road intersection and the driveway to the Kurrajong Antique Centre (101 Old Bells Line of Road);

ORDINARY MEETING
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The diversion route for traffic is:

- East - West: Bells Line of Road to the western leg of Old Bells Line of Road, via the eastern leg of Old Bells Line of Road;
Turn Right at Kurrajong Road, and then proceed to Old Bells Line of Road (western leg),
Turn Left or Right at Old Bells Line of Road (western leg)
- West - East: Bells Line of Road to the eastern leg of Old Bells Line of Road, via the western leg of Old Bells Line of Road;
Turn Left at Kurrajong Road, and then proceed to Old Bells Line of Road (eastern leg),
Turn Left or Right at Old Bells Line of Road (eastern leg),
Alternatively Woodburn Road can be utilised.

(Refer to Appendix 1: Plan No TR004/10 - Scarecrow Festival / Road Closure, Old Bells Line of Road, Kurrajong).

Where traffic is coming into the township via the eastern leg of Old Bells Line of Road and wish to turn right at the intersection of Old Bells Line of Road and Grose Vale Road to exit the town (and have missed the detours in place), drivers can make a 'u' turn at the Kurrajong Public School bus bay to return back down the road to utilise the detours set up.

The regulatory speed limit on Old Bells Line of Road in the vicinity of this event is 50kph with the approaching eastern leg of Old Bells line of Road and Grose Vale Road having a speed limit of 40kph.

Discussion

It would be appropriate to classify the event as a "Class 2" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads & Traffic Authority as the event may impact minor traffic and transport systems due to the proposed road closure and there is a low scale disruption to the non-event community.

The Transport Management Plan (TMP) and the associated Traffic Control Plan (TCP) is to be submitted to the RTA for authorisation due to the proposed road closure.

The event organiser has provided the following information in relation to the event: Appendix 2 (Dataworks Document No 3391331, 3396968 & 3425627);

1. Special Event – Traffic – Initial Approval Application Form - HCC; Details of Special Event – Traffic;
2. Special Event Transport Management Plan Template – RTA;
3. Draft Transport Management Plan (TMP) - referred to in the application as Draft Traffic Management Plan;
4. Copy of correspondence to be forwarded to the Residents and Businesses;

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Christie, seconded by Mr J Suprain

That:

1. The Kurrajong Scarecrow Festival 2010 event planned for 24 October 2010 be classified as a "**Class 2**" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.

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3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package that explains the responsibilities of the event organiser in detail.

4. No objection be held to this event subject to compliance with the following conditions:

Prior to the event:

- 4a. the event organiser is to obtain approval to conduct the event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser is to obtain approval from the RTA as a road closure is proposed; **a copy of the RTA approval to be submitted to Council;**
- 4c. the event organiser **is to submit a Transport Management Plan (TMP) for the entire event incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4e. the event organiser is to advertise the event in the local press stating the entire extent of the event - including the road closure and the detour routes - and the traffic impact/delays expected due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4f. the event organiser is to notify the details of the event to the NSW Ambulance Service, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4g. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event - including the proposed road closure - for at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**
- 4h. the event organiser is to directly notify all the residences and businesses which may be affected by the event - including the proposed road closure - for at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event (minimum extent outlined in Appendix 1: Plan No TR004/10); **a copy of the correspondence has been submitted to Council;**
- 4i. the event organiser is to obtain written approval from Council's Parks and Recreation section for the use of Memorial Park;
- 4j. the event organiser is to carry out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and design and implement a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4k. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

During the event:

- 4l. access is to be maintained for businesses, residents and their visitors;
- 4m. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4n. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4o. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the detour route, during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
- 4p. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4q. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately upon completion of the activity.

APPENDICES:

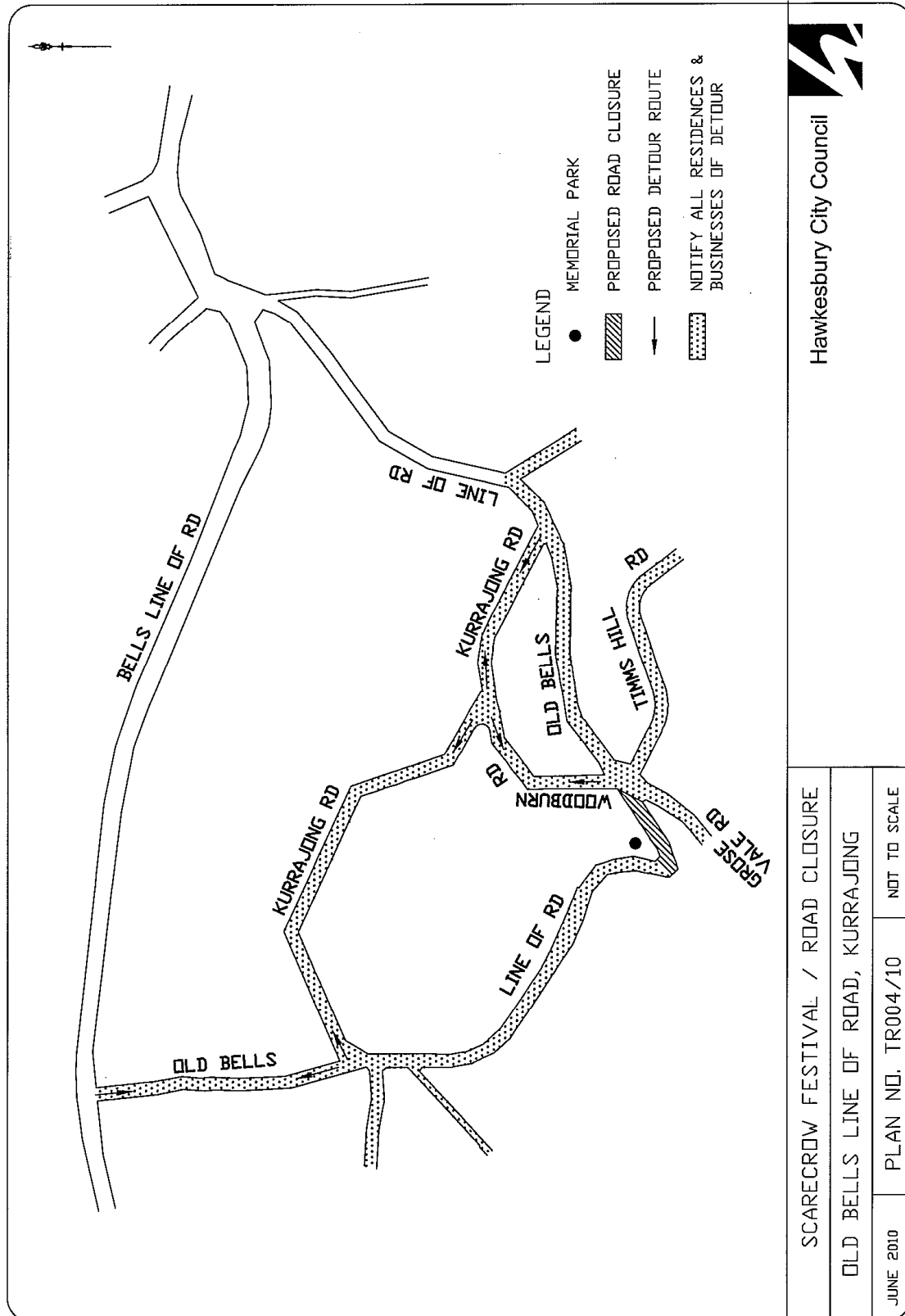
AT - 1 Plan No TR004/10 - Scarecrow Festival / Road Closure, Old Bells Line of Road, Kurrajong.

AT - 2 Special Event Application - (Dataworks Document Nos. No 3391331, 3396968 & 3425627) - see *attached*.

ORDINARY MEETING

Reports of Committees

AT 1 - Drawing No TR004/10 - Scarecrow Festival / Road Closure, Old Bells Line of Road, Kurrajong



Hawkesbury City Council

Item 2.2 LTC - 16 June 2010 - Item 2.2 - The Windsor Spectacular 2010 - Upper Hawkesbury Power Boat Club - (Hawkesbury, Londonderry & Riverstone) - (80245, 73829)

REPORT:

Introduction

An application has been received from the Upper Hawkesbury Power Boat Club (UHPBC) seeking approval to conduct the Windsor Spectacular 2010 on Saturday, 18 and Sunday, 19 September 2010.

The event is a circuit boat race on the Hawkesbury River, adjacent to Governor Phillip Reserve with various categories of boats. The circuit is generally along the straight section of the River between the Windsor Bridge and South Creek.

The event organiser has advised the following;

Event Details:

Start and Finish Times:

- 18 September 2010: 9.00 am - 5:00pm
- 19 September 2010: 9.00am - 5:00pm

Set Up and Pack Down Times:

- 18 September 2010: 7.00 am - 6:00pm
- 19 September 2010: 7.00am - 6:00pm

i) **Affected Streets are:**

George Street, Windsor: between Bridge Street and Palmer Street from around 7:00am on 18 September 2010, and 7:00am on 19 September 2010,

Arndell Street, Windsor: the full length from around 7:00am on 18 September 2010, and 7:00am on 19 September 2010,

Palmer Street, Windsor: the full length from around 7:00am on 18 September 2010, and 7:00am on 19 September 2010,

North Street/Court Street, Windsor: the full length from around 7:00am on 18 September 2010, and 7:00am on 19 September 2010,

- ii) The effect on traffic is not expected to be significant.
- iii) It is expected that the event will impact only marginally on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road compared to the normal traffic during weekends.
- iv) As no road closures will be in place, there will be little effect on traditional afternoon peak hour southeast bound traffic on Windsor Road.
- v) Expecting approximately 4000 spectators for the event.
- vi) Parking will be at Governor Phillip Reserve with additional parking available off street utilising vacant land adjacent to Governor Phillip Reserve. Parking is available for approximately 4000 vehicles.

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- vii) The number of competitors expected is approximately 120 for the event. There will be 6 boats per group competing, per race, in various categories, with up to 20 groups competing.

The event organiser has provided the following information in relation to the event: Appendix 1 (Dataworks Document No 3421371);

1. Special Event – Traffic – Initial Approval Application Form - HCC; Details of Special Event – Traffic;
2. Special Event Transport Management Plan Template – RTA;
3. Copies of correspondence forwarded to the NSW Ambulance Service, NSW Police Service, SES and Windsor Fire Brigade;
4. Course Map/Plan.

Discussion

Even though the event will be held along the Hawkesbury River and in the Governor Phillip Reserve, the event and the spectators travelling to and from the event may impact heavily on the state road network on Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street and in particular the local roads such as George Street and Court Street. It would be appropriate to classify the event as a **“Class 1”** special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads & Traffic Authority given that perceived impact

The event organiser has made application under separate cover to Councils' Parks and Recreation section for exclusive use of Governor Philip Reserve.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Christie, seconded by Snr Constable C Atkins.

That:

1. The Windsor Spectacular 2010 – Upper Hawkesbury Power Boat Club - event planned for Saturday, 18 and Sunday, 19 September 2010, be classified as a **“Class 1”** special event under the “Traffic and Transport Management for Special Events” guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package that explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

Prior to the event:

- 4a. the event organiser is to obtain approval to conduct the event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser is to obtain approval from the RTA as this is a **“Class 1”** event; **a copy of the RTA approval to be submitted to Council;**
- 4c. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the RTA to satisfy the requirements of the relevant Work Cover legislation;

ORDINARY MEETING

Reports of Committees

- 4d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities**;
- 4e. the event organiser is to obtain the relevant approval to conduct the event from NSW Maritime; **A copy of this approval to be submitted to Council**;
- 4f. the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact/delays expected due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4g. the event organiser is to notify the details of the event to the Rural Fire Service at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4h. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event for at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**
- 4i. the event organiser is to directly notify all the residences and businesses which may be affected by the event for at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**;
- 4j. written approval is required from Councils' Parks and Recreation section for the use of Governor Philip Reserve;
- 4k. the event organiser is to assess the risk and address the suitability of the entire route as part of the risk assessment considering the possible risks for all; This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;
- 4l. the event organiser is to carry out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and design and implement a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4m. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

During the event:

- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4p. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4q. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
- 4r. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,

ORDINARY MEETING
Reports of Committees

- 4s. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately upon completion of the activity.

APPENDICES:

AT - 1 Special Event Application - (Dataworks Document No. 3421371) - *see attached*.

SECTION 3 - Reports for Information

Nil Reports for Information.

SECTION 4 - General Business

Item 4.1 **LTC - 16 June 2010 - QWN 4.1 – Extension of No Stopping zone on the north-western side of the intersection of March/Bosworth Street, Richmond (adjacent to the Colonial Motel, 161 March Street, Richmond) - (80245)**

REPORT:

Mr J Christie

Mr John Christie requested the extension of the No Stopping zone on the north-western side of the intersection of March/Bosworth Street, Richmond (adjacent to the Colonial Motel, 161 March Street, Richmond). Mr Christie indicated that there are vehicles parking at this location blocking traffic in the kerb lane and causing traffic problems.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Christie, seconded by Mr J Suprain.

That the RTA investigates the possibility of extending the no stopping zone on the north-western side of the intersection of March/Bosworth Street (adjacent to the Colonial Motel, 161 March Street, Richmond).

Item 4.2 **LTC - 16 June 2010 - QWN 4.2 – Safety concerns at Ebenezer Public School, 531 Sackville Road, Ebenezer - (80245)**

ORDINARY MEETING
Reports of Committees

REPORT:

Mr Ray Williams, MP (Hawkesbury) joined the meeting at 3.25pm.

Mr R Williams, MP

Mr Williams tabled correspondence (DataWorks Document Number 3456291) in relation to a number of issues at Ebenezer Public School. The issues are:

- Speed limits
- Existing signage and lines
- School Zone Flashing lights
- School Crossing Supervisor

The committee discussed the matters raised. The speed limit at this location is 40km/h during the school zone times of 8.00am -9.30am and 2.30pm-4.00pm. The existing signage and lines have been inspected/reviewed by Council's maintenance section and are satisfactory. The installation of flashing school zone lights at this location is on a four year program and will be completed in due course – a definite date has not been provided by the RTA. An application has been made by the School to the RTA for a Children's Crossing Supervisor on two separate occasions however both applications were rejected due to the lack of pedestrian and vehicle movements at the location.

It appears that numerous enquiries are made on behalf of the school but not through the proper channels of the School Principal. These enquiries are made by parents, P&C etc. The committee felt that a site meeting (possibly Friday 25 June 2010) should be undertaken to discuss any concerns held by the school and the meeting be attended by the Principal (and other school reps), RTA, Council, Bus Companies, Member for Hawkesbury, NSW Police .

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr R Williams, MP, seconded by Mr J Christie.

That an on-site meeting at Ebenezer Public School to be organised (Friday 25 June 2010) with the following representatives to attend:

- Council Representatives
- Ebenezer Public School – Principal and relevant representatives
- Roads and Traffic Authority
- Westbus
- Mr Ray Williams, MP (Hawkesbury).
- NSW Police (Windsor Station)

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Wednesday, 21 July 2010 at 3.00pm in the Large Committee Room.

The meeting terminated at 3.50pm.

oooO END OF REPORT Oooo



ordinary
meeting

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