

Ordinary Meeting of Council

Tuesday, 27 May 2014

THE HILLS SHIRE COUNCIL

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GENERAL MANAGER

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**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held
in the Council Chambers on 13 May 2014**

204 PRESENT

Clr Dr M R Byrne (Mayor, in the Chair)
Clr A C Jefferies (Deputy Mayor)
Clr A N Haselden
Clr Y D Keane
Clr R A Preston
Clr M O Taylor
Clr M G Thomas
Clr R M Tracey

205 APOLOGIES

Clr P J Gangemi
Clr R K Harty OAM
Clr A J Hay OAM
Clr Dr J N Lowe

206 TIME OF COMMENCEMENT

7.03pm

207 TIME OF COMPLETION

8.05pm

208 DECLARATIONS OF INTEREST

Item 11	Councillor Haselden
Item 11	Councillor Keane

209 ARRIVALS AND DEPARTURES

Nil.

210 DISSENT FROM COUNCIL'S DECISIONS

Nil.

211 ADJOURNMENT & RESUMPTION

Nil.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 13 May 2014

ITEM-1 CONFIRMATION OF MINUTES

A MOTION WAS MOVED BY COUNCILLOR TAYLOR AND SECONDED BY COUNCILLOR JEFFERIES THAT the Minutes of the Extraordinary Meeting of Council held on 29 April 2014 be confirmed.

THE MOTION WAS PUT AND CARRIED.

212 RESOLUTION

The Minutes of the Extraordinary Meeting of Council held on 29 April 2014 be confirmed.

APOLOGIES

A MOTION WAS MOVED BY COUNCILLOR JEFFERIES AND SECONDED BY COUNCILLOR PRESTON THAT the apologies from Councillors Gangemi, Harty OAM, Hay OAM and Dr Lowe be accepted and leave of absence granted.

THE MOTION WAS PUT AND CARRIED.

213 RESOLUTION

The apologies from Councillors Gangemi, Harty OAM, Hay OAM and Dr Lowe be accepted and leave of absence granted.

MAYORAL MINUTE NO. 3/2014 - UDIA CONFERENCE NATIONAL CONGRESS 2014 -26 – 28 MARCH 2014

A MOTION WAS MOVED BY MAYOR COUNCILLOR DR BYRNE AND SECONDED BY COUNCILLOR PRESTON THAT the Mayoral Minute be received.

THE MOTION WAS PUT AND CARRIED.

214 RESOLUTION

The Mayoral Minute be received.

PETITIONS

215 PROPOSED HOUSING DEVELOPMENT COMPRISING OF A 48 RESIDENTIAL DWELLING, SHOP-TOP COMPLEX PLUS CHILDCARE, GYM AND DOCTORS ROOMS AT THE SITE OF THE OLD FRUIT BARN AT ROUSE HILL (DA 1031/2014 HC)

Councillor Preston tabled a Petition from the residents regarding this matter.

COMMUNITY FORUM

There were no addresses to Council during Community Forum.

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ITEM-2

POST EXHIBITION REPORT - PLANNING PROPOSAL FOR BOX HILL NORTH (1/2014/PLP)

SUSPENSION OF STANDING ORDERS

A MOTION WAS MOVED BY COUNCILLOR PRESTON AND SECONDED BY COUNCILLOR TAYLOR THAT Standing Orders be suspended to allow for two objectors to address Council regarding this matter.

THE MOTION WAS PUT AND CARRIED.

216 RESOLUTION

Standing Orders be suspended to allow for two objectors to address Council regarding this matter.

At 7.08pm Standing Orders were suspended.

Proceedings in Brief

Joe Sultana, Objector, of Box Hill addressed Council regarding this matter.

Colin Freeburn, Objector, of Box Hill addressed Council regarding this matter.

RESUMPTION OF STANDING ORDERS

A MOTION WAS MOVED BY COUNCILLOR JEFFERIES AND SECONDED BY COUNCILLOR TAYLOR THAT Standing Orders be resumed.

THE MOTION WAS PUT AND CARRIED.

217 RESOLUTION

Standing Orders be resumed.

At 7.22pm Standing Orders were resumed.

Proceedings in Brief

Alison Smith from APP Corporation, on behalf of the Applicant addressed Council regarding this matter.

A MOTION WAS MOVED BY COUNCILLOR JEFFERIES AND SECONDED BY COUNCILLOR TAYLOR THAT

1. The planning proposal to facilitate the development of Box Hill North precinct for urban purposes be forwarded to Department of Planning & Environment for finalisation and requesting gazettal not to occur until such time as:
 - a) agreement is obtained by the proponent from NSW Office of Water that detention basin 1 can remain as an on-line wet basin;
 - b) the draft Voluntary Planning Agreement is exhibited, signed and executed by both parties;

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- c) the Department of Planning & Environment develop a "satisfactory arrangements" clause to prevent consent from being granted for urban purposes on land zoned under the Planning Proposal being described as Lots 24, 28 and 42 in DP 255616, Lot 1 and Lot 3 in DP 253552 and Lot 1 in DP 782360 but not part of the Voluntary Planning Agreement until such time as either an IPART endorsed Contribution Plan is in force or other such arrangements that are satisfactory to The Hills Shire Council are in place; and
 - d) confirmation is received from the Department of Planning & Environment that funding will be made available for the difference between the capped contribution rate and an IPART approved contribution plan for development on the land not covered by the Voluntary Planning Agreement.
- 2. The draft Development Control Plan – Box Hill North Precinct be placed on public exhibition.
- 3. The draft Voluntary Planning Agreement be placed on public exhibition with the following inclusions:
 - a) Inclusion within the section on Dedication to Council, the zone objectives to ensure that future use of the land is not restricted and may be used in accordance with the applicable zone;
 - b) Provisions that links construction of infrastructure to a staging plan for the rollout of the Box Hill North Precinct;
 - c) Provisions to ensure that any infrastructure is designed and constructed to Council's normal standards;
 - d) Provisions to ensure that any land dedicated to Council is clean and free of contaminants;
 - e) Inclusion of legal descriptions for each parcel of land to be dedicated to Council within the schedule of land to be dedicated;
 - f) Amendments to Clause 23 relating to the "Recoupment of Development Contributions" to specify that Council is only required to recoup the developer the value of contributions actually received (including those collected through the Section 94 Contributions Plan and contribution gap funding amounts received through the Local Infrastructure Growth Scheme) rather than a fixed amount specified in Schedule 4 of the VPA. It should be clearly stated that Council is not liable to recoup the developer any amount greater than the actual funds collected by Council; and
 - g) Amendments to Clause 23 to specify that Council is not required to make any recoupment payment to the Developer until such time as the money has actually been received by Council either through the payment of Section 94 Contributions to Council or the receipt of contribution gap funding from the Local Infrastructure Growth Scheme.
 - h) Requirement for payment of an additional monetary contribution for any dwellings provided above the 4,600 dwellings that would be supported by the level of infrastructure and services identified in the Contributions Plan.
- 4. The draft Section 94 Contributions Plan – Box Hill North be placed on public exhibition.

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5. The General Manager write to the Minister for Planning requesting that Sydney Water forward fund lead-in works to facilitate urban development of land in Box Hill Precinct currently identified for servicing by 2025.

THE MOTION WAS PUT AND CARRIED.

218 RESOLUTION

1. The planning proposal to facilitate the development of Box Hill North precinct for urban purposes be forwarded to Department of Planning & Environment for finalisation and requesting gazettal not to occur until such time as:
 - a) agreement is obtained by the proponent from NSW Office of Water that detention basin 1 can remain as an on-line wet basin;
 - b) the draft Voluntary Planning Agreement is exhibited, signed and executed by both parties;
 - c) the Department of Planning & Environment develop a "satisfactory arrangements" clause to prevent consent from being granted for urban purposes on land zoned under the Planning Proposal being described as Lots 24, 28 and 42 in DP 255616, Lot 1 and Lot 3 in DP 253552 and Lot 1 in DP 782360 but not part of the Voluntary Planning Agreement until such time as either an IPART endorsed Contribution Plan is in force or other such arrangements that are satisfactory to The Hills Shire Council are in place; and
 - d) confirmation is received from the Department of Planning & Environment that funding will be made available for the difference between the capped contribution rate and an IPART approved contribution plan for development on the land not covered by the Voluntary Planning Agreement.
2. The draft Development Control Plan – Box Hill North Precinct be placed on public exhibition.
3. The draft Voluntary Planning Agreement be placed on public exhibition with the following inclusions:
 - a) Inclusion within the section on Dedication to Council, the zone objectives to ensure that future use of the land is not restricted and may be used in accordance with the applicable zone;
 - b) Provisions that links construction of infrastructure to a staging plan for the rollout of the Box Hill North Precinct;
 - c) Provisions to ensure that any infrastructure is designed and constructed to Council's normal standards;
 - d) Provisions to ensure that any land dedicated to Council is clean and free of contaminants;
 - e) Inclusion of legal descriptions for each parcel of land to be dedicated to Council within the schedule of land to be dedicated;
 - f) Amendments to Clause 23 relating to the "Recoupment of Development Contributions" to specify that Council is only required to recoup the developer the value of contributions actually received (including those collected through the Section 94 Contributions Plan and contribution gap funding amounts received through the Local Infrastructure Growth Scheme) rather than a fixed

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amount specified in Schedule 4 of the VPA. It should be clearly stated that Council is not liable to recoup the developer any amount greater than the actual funds collected by Council; and

- g) Amendments to Clause 23 to specify that Council is not required to make any recoupment payment to the Developer until such time as the money has actually been received by Council either through the payment of Section 94 Contributions to Council or the receipt of contribution gap funding from the Local Infrastructure Growth Scheme.
- h) Requirement for payment of an additional monetary contribution for any dwellings provided above the 4,600 dwellings that would be supported by the level of infrastructure and services identified in the Contributions Plan.

- 4. The draft Section 94 Contributions Plan – Box Hill North be placed on public exhibition.
- 5. The General Manager write to the Minister for Planning requesting that Sydney Water forward fund lead-in works to facilitate urban development of land in Box Hill Precinct currently identified for servicing by 2025.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Clr Dr Byrne (Mayor), Clr Tracey, Clr Thomas, Clr Preston, Clr Taylor, Clr Keane, Clr Jefferies (Deputy Mayor), Clr Haselden

VOTING AGAINST THE MOTION

None

ITEM-3

**POST-EXHIBITION DRAFT THE HILLS DCP 2012
PART B SECTION 6 BUSINESS 488-494 OLD
NORTHERN ROAD, DURAL (1/2013/PLP)**

A MOTION WAS MOVED BY COUNCILLOR JEFFERIES AND SECONDED BY COUNCILLOR PRESTON THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

219 RESOLUTION

Amendments to The Hills Development Control Plan 2012 Part B Section 6 – Business, including post-exhibition amendments, be adopted and come into force following the notification of the planning proposal for 488-494 Old Northern Road, Dural.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Clr Dr Byrne (Mayor), Clr Thomas, Clr Preston, Clr Taylor, Clr Keane, Clr Jefferies (Deputy Mayor), Clr Haselden

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VOTING AGAINST THE MOTION

Clr Tracey

ITEM-4

DA NO. 714/2014/LA - ALTERATIONS AND FIRST FLOOR ADDITIONS - LOT 74 DP 882896 - 19 WAROOGA AVENUE, BAULKHAM HILLS

A MOTION WAS MOVED BY COUNCILLOR JEFFERIES AND SECONDED BY COUNCILLOR PRESTON THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

220 RESOLUTION

The Development Application be approved subject to the following conditions of consent.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

DESCRIPTION	SHEET	DATE
Cover Sheet/ BASIX	01	19/02/2014
Existing Site/ Site Analysis Plan	02	19/02/2014
Proposed Site/ Landscape Plan	03	19/02/2014
Proposed Ground Floor Plan	05	19/02/2014
Elevations	07	19/02/2014
Sections	09	19/02/2014
Erosion and Sediment Control Plan	10	19/02/2014

Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent.

The amendments in red require the first floor bathroom window on the north-west elevation to achieve FRL 60/60/60.

REFERENCED PLANS AND DOCUMENTS

DESCRIPTION	SHEET	DATE
First Floor Plans	06	19/02/2014
Elevations	08	19/02/2014

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No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

3. Gutter and Footpath Crossing Application

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the current fee as prescribed by Council's Schedule of Fees and Charges.

4. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website:

<http://www.thehills.nsw.gov.au/>

The proposed driveways must be built to Council's residential standard.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

ii. Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

iii. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge based on a 1 in 10 year ARI storm event. Drainage will be as per the existing system, discharging to the easement at the rear of the property.

iv. Cut and Fill

Building siting and design should consider the topography of the site and if cut and fill is necessary the height of each is to be shown in sections, and the quantity balanced to ensure no fill leaves the site.

Where earthworks are not shown on the engineering drawings, the topsoil within lots must not be disturbed. Where earthworks are shown the extent of cut and fill heights are to be as per the engineering drawings.

The Council's Residential DCP limits filling to 600mm unless a dropped edge beam is used to conceal the fill. Cut in excess of 1 m may be permitted subject to there being no adverse effect on the adjoining properties.

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5. Public Liability Insurance

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

6. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

7. Reflective Qualities

Construction materials are to exhibit low reflective qualities and are to blend in with the surrounding environment.

8. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

9. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Wilkinson Murray Pty Ltd, referenced as Report No.14045 Version A, dated March 2014 and submitted as part of the Development Application are to be implemented as part of this approval.

10. Adherence to Waste Management Plan

All requirements of the Waste Management Plan, dated 19 November 2013 and submitted as part of the Development Application must be implemented during construction and demolition of the development. A copy of the Waste Management Plan together with receipts of all waste / recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

11. Management of Construction and Demolition Waste

Waste materials must be appropriately stored and secured in a designated waste area on site at all times, prior to its reuse on site or removal off site. Any waste material removed from the site must be transported in accordance with the requirements of the *Protection of the Environment Operations Act, 1997* and only to a place that can lawfully be used as a waste disposal or resource recovery facility, or to facilities that can otherwise lawfully receive waste. The separation and recycling of the following waste materials is required: metals, timbers, masonry products, clean waste plasterboard and mixed plastics, cardboard and paper. This shall be achieved by source separation of materials on site, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste materials can be stored in one or more bins and sent to a transfer / sorting station that will sort the waste materials on their premises. Receipts of all waste / recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them. Building waste containers are not permitted to be placed on the public way at any time unless a separate application is approved by Council to locate a building waste container in a public place.

12. Fencing within Front Setback

The fencing located along the front boundary and side boundaries in the front setback must not exceed a top of fence height of 1.2 metres above the natural ground level.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

13. Approved Plans to be Submitted to Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – See building and Developing then Quick Check and
 - Guidelines for Building Over/Adjacent to /Sydney Water Assets – see Building and Developing then Building and Renovating.
- or telephone 13 20 92.

PRIOR TO WORK COMMENCING ON THE SITE

14. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

15. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

16. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

17. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

18. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

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19. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

20. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001* Part 8 and AS 2601-2001. All vehicles transporting demolition materials off site are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the WorkCover Authority, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

DURING CONSTRUCTION

21. Standard of Works

All work must be completed in accordance with this consent and Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works and public utility relocation must incur no cost to Council.

22. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

23. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

24. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. A173227 be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.

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25. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

26. Roof Water Drainage

Gutter and downpipe and/or rainwater tank overflow, to be provided and connected to an approved lawful discharge point (ie. kerb, inter-allotment drainage easement or OSD) upon installation of roof coverings.

27. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work.
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

28. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

29. Post Construction Public Infrastructure Dilapidation Report

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets in the direct vicinity of the development site and the means of rectification for the approval of Council.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Clr Dr Byrne (Mayor), Clr Tracey, Clr Thomas, Clr Preston, Clr Keane, Clr Jefferies (Deputy Mayor), Clr Haselden, Clr Taylor

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VOTING AGAINST THE MOTION

None

ITEM-5

DA NO. 562/2014/LD - A TWO STOREY DWELLING, INGROUND SWIMMING POOL AND RETAINING WALLS - LOT 19 DP 1087299 - 32 YANDIAH PLACE, CASTLE HILL

A MOTION WAS MOVED BY COUNCILLOR HASELDEN AND SECONDED BY COUNCILLOR TRACEY THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

221 RESOLUTION

The Development Application be approved subject to the following conditions of consent.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO	DESCRIPTION	SHEET	REVISION	DATE
S109	Site plan, Elevations, Floor Plan, Sections and Analysis plans	1-4	F	20.01.14

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Commencement of Domestic Waste Service

The property owner or agent acting for the owner must ensure to arrange the commencement of a domestic waste service with Council no later than two days after occupancy and no earlier than two days prior to occupancy of the development. The service is to be arranged by telephoning Council on (02) 9843 0310. All requirements of Council's waste collection service must be complied with at all times.

3. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

4. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

5. Adherence to Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be

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transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Receipts of all waste/ recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

6. Management of Construction and Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area on site at all times, prior to its reuse on site or being sent off site. Building waste containers are not permitted to be placed on the public way at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved off site must be transported to a place that can lawfully be used as a waste facility or to facilities that can otherwise lawfully receive waste. The separation and recycling of the following waste materials is required: metals, timber, masonry products, clean waste plasterboard and mixed plastics and cardboard. This can be achieved by source separation on site, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/ sorting station that will sort the waste on their premises for recycling. Receipts of all waste/ recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

7. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

8. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website:

<http://www.thehills.nsw.gov.au/>

The proposed driveways must be built to Council's residential standard.

The grade, width and profile of the driveway is to be in line with Council's Specifications and Guidelines.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

ii. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge based on a 1 in 10 year ARI storm event. For this development stormwater will be discharged from the OSD tank to an absorption pit at the base of the proposed retaining walls.

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PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

9. Approved Plans to be Submitted to Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – See building and Developing then Quick Check and
 - Guidelines for Building Over/Adjacent to /Sydney Water Assets – see Building and Developing then Building and Renovating.
- or telephone 13 20 92.

10. Onsite Stormwater Detention – Hawkesbury River Catchment Area

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with amended parameters for the site storage requirement and permissible site discharge.

The stormwater concept plan prepared by Burgess, Arnott & Grava PTY LTD Drawing 2013-148-H3 Revision A dated October 2013 is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

- a) The proposed weir height seems to be detailed incorrectly as it is noted as RL 96.20 however drawn approx. RL 94.90. The correct weir height is assumed to be approx. RL 94.90.

Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:

- A completed OSD Drainage Design Summary Sheet;
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes;
- A completed OSD Detailed Design Checklist;
- A maintenance schedule.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council subject to the following being provided:

- i. A completed application form;
- ii. Four copies of the design plans and specifications;
- iii. Payment of the applicable application and inspection fees.

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PRIOR TO WORK COMMENCING ON THE SITE

11. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

12. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

13. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

14. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

15. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

DURING CONSTRUCTION

16. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

17. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all

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boundaries, and shall confirm the floor level prior to any work proceeding on the building.

18. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work.
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

19. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No 501348S_02 be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.

20. Dilapidation Survey

If rock is encountered during excavation works and rock breaking equipment is required, all works are to cease immediately. A practicing professional structural engineer shall carry out a dilapidation survey of the adjoining dwelling at 34 Yandiah Place and submit a copy of the survey both to the PCA and the property owner. Works are not to recommence until this survey has been provided.

21. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

22. Roof Water Drainage

Gutter and downpipe and/or rainwater tank overflow, to be provided and connected to an approved lawful discharge point (ie. kerb, inter-allotment drainage easement or OSD) upon installation of roof coverings.

23. Filtration Motor

The swimming pool filter and pump shall be fully enclosed in a purpose built acoustic enclosure to attenuate noise emitted by the swimming pool equipment. The acoustic enclosure shall reduce the sound pressure level of the swimming pool filter and pump equipment to a level not greater than 5dB (A) above the background noise level in accordance with Protection of the Environmental Operations Act 1997.

24. Pool Discharge Water

Discharge and/or overflow pipe from the swimming pool and filtration unit to be connected to the sewer where available.

All backwash water from the filtration unit is to be similarly disposed, or alternatively, must be piped to an absorption trench.

The pool excavations not to conflict with the position of household drainage trenches or lines, the position of which must be ascertained before pool excavation commences.

25. Swimming Pool Safety Fencing

All pools and safety barriers are to comply with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and Australian Standard 1926.1-2012. A fact sheet titled *Swimming Pool Fencing Requirements* is available from www.thehills.nsw.gov.au.

26. Resuscitation Warning Notice

In accordance with the Swimming Pools Regulation 2008, a Warning Notice is to be displayed in a prominent position, in the immediate vicinity of the swimming pool. The notice is to contain a diagrammatic flow chart of resuscitation techniques, the words:

(i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",

and

(ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and

(iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

and all other details required by the Regulation.

27. Pool not to be Filled Until Occupation

The pool is not to be filled with water until the dwelling is occupied.

28. Temporary Fencing of Pools

This condition applies to unoccupied land.

On excavation and prior to installation of the pool shell or placement of the steel reinforcement, a fence is to be provided around the pool excavation, so as to isolate and prevent access to it.

The fence provided is to be 1.8m high and to no less a standard than correctly joined and secured, temporary fence panels or chainmesh. The fence is to remain in place until the site (dwelling) has been approved for occupation.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

29. Registration of Swimming Pool/Spa

Prior to issue of an Occupation Certificate the swimming pool/spa is to be registered on the NSW state register of swimming pools and spas. To register the swimming pool/spa you are to log onto www.swimmingpoolregister.nsw.gov.au and follow the prompts. A copy of the registration certificate is to be submitted to the PCA to confirm the registration.

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30. Safety Glazing for Pool Fencing

If glazing is chosen to be incorporated into the pool safety fencing system, a safety glazing certificate is to be provided to Council, or the Principal Certifying Authority, indicating all materials and installation are in accordance with AS 1288.

31. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

32. OSD System Certification

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:

- a) Works as executed plans prepared on a copy of the approved plans;
- b) A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- c) A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Clr Dr Byrne (Mayor), Clr Tracey, Clr Thomas, Clr Preston, Clr Keane, Clr Jefferies (Deputy Mayor), Clr Haselden

VOTING AGAINST THE MOTION

Clr Taylor

ITEM-6

**COUNCIL SUBMISSION - EXHIBITION OF
MODIFICATION REQUEST FOR SENIORS HOUSING
DEVELOPMENT - NOS. 34 - 36 MEMORIAL AVENUE,
KELLYVILLE**

A MOTION WAS MOVED BY COUNCILLOR JEFFERIES AND SECONDED BY COUNCILLOR TRACEY THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

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222 RESOLUTION

A submission be forwarded to Planning and Infrastructure NSW detailing the following:-

1. The development as modified is recognised as a valuable community asset providing housing for seniors and people with a disability as well as associated services.
2. The proposed bulk, scale and design is consistent with the envisaged character of the zone.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Clr Dr Byrne (Mayor), Clr Tracey, Clr Preston, Clr Taylor, Clr Keane, Clr Jefferies (Deputy Mayor), Clr Haselden

VOTING AGAINST THE MOTION

Clr Thomas

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR PRESTON AND SECONDED BY COUNCILLOR TAYLOR THAT Items 7, 8, 9, 10, 12, 14 and 15 be moved by exception and the recommendations in the reports be adopted.

THE MOTION WAS PUT AND CARRIED.

223 RESOLUTION

Items 7, 8, 9, 10, 12, 14 and 15 be moved by exception and the recommendations in the reports be adopted.

ITEM-7

DA 276/2012/HA - RELEASE OF DRAINAGE EASEMENT - LOT 1 DP 135802, 794 PENNANT HILLS ROAD, CARLINGFORD

224 RESOLUTION

Council consent to the release of the easement to drain water from the title of Lot 1 DP 135802 and the Section 88B instrument facilitating this release be authorised for execution under Council seal.

ITEM-8

DA 870/2012/JP - RELEASE OF DRAINAGE EASEMENT - LOT 6 DP 1085297, 40-52 BARINA DOWNS ROAD, BAULKHAM HILLS

225 RESOLUTION

Council consent to the release of the easements to drain water from the title of Lot 6 DP 1085297 and the Section 88B instrument facilitating this release be authorised for execution under Council seal.

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ITEM-9

FOOTPATH CONSTRUCTION - LOCATION

226 RESOLUTION

The criteria set out in Attachment 1 for determining the side of the street/road for construction of footpaths, be adopted by Council.

ITEM-10

TENDER T14-07 SCHEDULE OF RATES CONTRACTS FOR ROAD PAVEMENT WORKS 2014 - 2016

227 RESOLUTION

1. Council accept the tenders from:

- 1.1. Borthwick & Pengilly Asphalts Pty Ltd, Downer Edi Works Pty Ltd and J & E Excavations & Plant Hire Pty Ltd as a panel of contractors for Asphaltic concrete work.
- 1.2. SRS Road Services Pty Ltd for Sprayed bituminous surfacing work.
- 1.3. Downer EDI Works Pty Ltd for Stabilisation of road pavement.
- 1.4. Downer EDI Works and SRS Road Services Pty Ltd as a panel of contractors for Road Rejuvenation work
- 1.5. SuperSealing Pty Ltd and SRS Roads Pty Ltd as a panel of contractors for Crack sealing work.
- 1.6. Downer EDI Works Pty Ltd for Microsurfacing work.
- 1.7. Concrete Recyclers (Group) Pty Ltd for Supply and delivery of road materials.
- 1.8. AllState Linemarking Services (NSW) Pty Ltd, Presmount Pty Ltd trading as Ultra Linemarking and Workforce Road Services Pty Ltd as a panel of contractors for Pavement marking.

2. Accept discounts to rates offered by Downer EDI Works Pty Ltd and SRS Roads Pty Ltd.

3. The Contracts be authorised for execution under seal.

ITEM-12

BANKING FACILITY OVERDRAFT AND BANK GUARANTEE

228 RESOLUTION

The National Australia Bank Business Letter of Offer be authorised for execution under seal.

ITEM-14

**MANAGEMENT FEES FOR LEASE AT 265 OLD
NORTHERN ROAD, CASTLE HILL**

Council authorise the payment of a 'one-off' 5% Agent Introduction fee plus GST of the first years rent for the lease of 265 Old Northern Road, Castle Hill, to Dural Realty Pty Limited T/as Dural First National as detailed in this report.

Council enter into a one (1) year Agistment licence with Billy & Elizabeth Tanti over part Lots 13 & 14 DP 833724, Boundary Road, Maraylya on the terms outlined in this report with a licence agreement authorised for execution under seal.

Councillor Haselden declared a less than significant, non-pecuniary conflict of interest in the following Item -11 Permanent Road Pavement Restoration for Lend Lease on Terry Road, Box Hill, as his daughter and Son-in-law are Executives at Lend Lease Corporation. Councillor Haselden signed the Conflicts of Interest Register and stayed in the room.

Councillor Keane declared a less than significant, non-pecuniary conflict of interest in the following Item -11 Permanent Road Pavement Restoration for Lend Lease on Terry Road, Box Hill, as GPT Support the Breakfast with Santa Event. Councillor Keane signed the Conflicts of Interest Register and stayed in the room.

A MOTION WAS MOVED BY COUNCILLOR JEFFERIES AND SECONDED BY COUNCILLOR TAYLOR THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

Council amend the 2013-14 Schedule of Fees and Charges for the restoration of road pavement damaged by water and waste water supply works associated with the North West Growth Centre on the basis that Lend Lease, the Sydney Water contractor, be responsible for:

- the direct cost of the work based on the current Schedule of Rates contracts for road pavement restorations
- a 10% Administration Fee
- a 25% Ongoing Maintenance Fee

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ITEM-13

CASBEE FINAL REPORT

A MOTION WAS MOVED BY COUNCILLOR THOMAS AND SECONDED BY COUNCILLOR HASELDEN THAT the matter be brought to a Councillor's Workshop once the costs are finalised.

THE MOTION WAS PUT AND CARRIED.

232 RESOLUTION

The matter be brought to a Councillor's Workshop once the costs are finalised.

QUESTIONS WITHOUT NOTICE

233 CRACKER RETURN

Councillor Thomas supports the proposal by the Member for Baulkham Hills, Mr David Elliot MP to bring back Cracker Night.

234 POTENTIAL CRIME, SAFETY AND LOSS OF PROPERTY – OATLANDS

Councillor Jefferies advised that he has received correspondence from businesses in the Oatlands relating to potential crime, safety and damage to personal property. He will be attending a meeting with the Mayor of Parramatta Council to discuss this issue.

235 ARTICLE - TREE PRESERVATION POLICY

Councillor Haselden observed that since his article in Hills Shire Times and the Hills Focus Magazine, he has received letters from residents supporting changes to Council's Tree Preservation Policy.

The Minutes of the above Meeting were confirmed at the Meeting of the Council held on 27 May 2014.

MAYOR

GENERAL MANAGER

THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
LODGEMENT DATE:	26 SEPTEMBER 2013
AUTHOR:	PRINCIPAL EXECUTIVE PLANNER KRISTINE MCKENZIE
RESPONSIBLE OFFICER:	MANAGER – DEVELOPMENT ASSESSMENT PAUL OSBORNE

The Development Application is for the construction of a residential flat building development containing 39 units (comprising 28 x 3 bedroom units and 11 x 2 bedroom units). The units are proposed within a seven storey building fronting Caddies Boulevard. Basement style parking is proposed.

The development includes a variation to LEP 2012 in regard to site area for residential buildings. In this regard the LEP requires a 4000m² minimum site area whilst the subject site has an area of 3131m². This is a variation of 21.7%. The site is considered to have an adequate area for an apartment development with appropriate landscape area, parking and built form provided. The site has always been envisaged for residential development since the approval of the Masterplan in 2004 which indicated that the site would be used for multi-storey development. The site is in a Town Centre location suitable for higher density development.

The development proposes variations to DCP Part D Section 6 – Rouse Hill Regional Centre in respect to front and rear setbacks and apartment unit sizes. In addition, variations are proposed to the Town Centre Precinct Plan in regard to height, building depth and mixed use, and also to SEPP 65 – Design of Residential Flat Buildings in relation to balcony area.

The design provides a genuine range of unit sizes to cater for all future occupants. The maximum unit size proposed is 182.5m² which exceeds the DCP requirements and is comparable to a single dwelling on a separate lot. The unit sizes all comply with the requirements of SEPP 65. The site is adjacent to the Rouse Hill Town Centre and therefore has good access to a range of services. The site also adjoins Caddies Creek, Leisure Square and the landscaped area of Tributary 3 and is therefore located in a park setting and is considered reasonable in that context.

The proposal was exhibited and notified to adjoining property owners and no submissions were received.

The proposal is recommended for approval subject to conditions.

BACKGROUND

Applicant:	Insight Capital Pty Ltd
Owner:	Minister Administering the EP and A Act
Zoning:	B4 Mixed Use
Area:	3,131m ²
Existing Development:	Vacant land

MANDATORY REQUIREMENTS

1. LEP 2012 – Permissible with consent. Variation to lot size.
2. Draft LEP 2012 Amendment to Clause 4.1A – Satisfactory – see report.
3. The Hills DCP Part D Section 6 Rouse Hill Regional Centre – Variations required, see report.
4. SEPP 65 Design of Residential Flat Buildings – Satisfactory.
5. SEPP 32 – Urban Consolidation – Satisfactory.
6. SREP 19 – Rouse Hill Development Area – Satisfactory.
7. SREP No. 20 – Hawkesbury Nepean River – Satisfactory.
8. Section 94 Contributions – Currently \$572,403.12

SUBMISSIONS

1. Exhibition: Yes, 14 days.
2. Notice Adj Owners: Yes, 14 days.
3. Number Advised: Eight
4. Submissions Received: Nil

REASON FOR REFERRAL TO COUNCIL

1. Variation to LEP development standard which exceeds 10%.

POLITICAL DONATION – Yes.

HISTORY

- 26/03/2004** Development Application for the Masterplan for Rouse Hill Regional Centre approved by Council (1604/2004/HB).
- 26/07/2005** Development Application for Town Centre Core Precinct Plan approved by Council (1581/2005/HB).
- 26/09/2013** Subject Development Application lodged.
- 15/11/2013** Letter sent to the applicant requesting additional information regarding compliance with DCP, Precinct Plan and Design Guideline requirements, waste collection, landscaping, acoustic report, engineering and drainage matters.

10/12/2013 Report on post-exhibition Planning Proposal (3/2013/PLP) and DCP amendments for Rouse Hill Regional Centre Commercial Precincts considered by Council where it was resolved that:

1. *The planning proposal to remove the maximum building height standard applying to the Rouse Hill Regional Centre commercial precincts (Town Centre Core and Northern Frame) and amendment to Clause 4.1A 'Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings' of The Hills Local Environmental Plan 2012 to introduce criteria upon which to assess a variation relating to minimum lot sizes for multi dwelling housing and residential flat buildings be adopted and forwarded to the Department of Planning & Infrastructure for finalisation.*
2. *Amendments to The Hills Development Control Plan 2012 Part D Section 6 – Rouse Hill Regional Centre including the proposed minor post-exhibition amendments be adopted and incorporated into The Hills Development Control Plan 2012.*

The Planning Proposal is currently with the Department of Planning and Infrastructure for finalisation.

23/12/2013 Additional information submitted from the applicant.

10/02/2014 Acoustic report submitted by the applicant.

26/02/2014 Email sent to the applicant requesting additional information regarding unit areas, unit mix and landscape areas.

21/03/2014 Additional information submitted by the applicant.

10/04/2014 Email sent to the applicant regarding landscape works on natural ground level.

16/04/2014 Updated plan submitted by the applicant.

PROPOSAL

The proposal is for the erection of a seven storey residential flat building containing 39 units comprising:

- 28 x 3 bedroom units; and
11 x 2 bedroom units.
 - Two basement car parking levels with 54 resident parking spaces on Basement Level 1 and 28 resident parking spaces and 16 visitor spaces on Basement Level 2.
 - Vehicular access to the basement provided off the existing cul-de-sac at the end of White Hart Drive.
 - Associated landscaping and infrastructure works.
- The subject site is currently vacant.

The site is adjacent to the Rouse Hill Town Centre and therefore has good access to a range of services. The site also adjoins Caddies Creek, Leisure Square and the landscaped area of Tributary 3 and is therefore located in a park setting.

ISSUES FOR CONSIDERATION

1. Compliance with LEP 2012

a. Permissibility

The subject site is zoned B4 Mixed Use. The proposal is best described as a residential flat building which is defined in LEP 2012 as:

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

A residential flat building is a permissible use in the B4 Mixed Use zone.

b. Minimum Lot Size for Residential Flat Buildings

Clause 4.1A of LEP 2012 'Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings' requires a minimum lot size for residential flat buildings of 4000m². The subject site has an area of 3131m². This is a variation of 21.7%.

The applicant has requested a variation to the minimum lot size and stated the following as justification:

As indicated above the proposed development is on a site which does not meet the minimum lot sizes for residential flat buildings in the B4 Mixed Use zone. In accordance with Clause 4.6 of the THLEP, a variation to development standards for minimum lot size is being sought as part of this application. The justification for seeking a variation to the development standard is set out below.

Clause 4.1A of THLEP 2012 requires the minimum site area for development for the purposes of a residential flat building on land zoned B4 Mixed Use to be 4,000m². Block C site is 3,131m².

The objectives of Clause 4.1A is to achieve planned residential density in certain zones and to set the minimum lot size for residential flat buildings. The proposed development does not comply with the minimum lot size requirement for residential flat buildings in the B4 Mixed Use zone and accordingly, the following is a justification for a variation to the development standards pursuant to Clause 4.6 of the THLEP.

This request for a variation demonstrates:

- that compliance with the development standard is unreasonable and unnecessary in this instance;*
- the variation to the development standard can be justified on environmental planning grounds;*
- the development is in the public interest because it is generally consistent with the desired development for the site and the Rouse Hill Town Centre;*
- the development complies with the other development standards in the THLEP 2012; and*
- the development of the site will not have any adverse impacts on the surrounding*

land uses.

Further, the variations do not raise any matter of significance for State or regional environmental planning nor is there any public benefit in maintaining the development standard in this case.

The proposed variation to the development standard has been considered in light of the above objectives and potential environmental impacts and strict compliance is considered to be unreasonable and unnecessary for the following reasons:

- The proposed development is consistent with the objectives of the zone, which amongst other things seeks to provide a mixture of compatible land uses, provide residential development in accessible locations and to provide for high density housing that is integrated with civic spaces.*
- The proposed development is generally consistent with the provisions of the residential flat design code 'rules of thumb' and The Hills DCP.*
- The site has been earmarked as a development for over 10 years and identified in the 2004 Town Centre Core Precinct Plan DA which has been approved by The Hills Shire Council in 2005.*
- There are no opportunities for amalgamation of the site as it adjoins public roads on two boundaries and public open space, comprising a park and lake, on the other two boundaries.*
- The site is over 3,000m² and is considered to be a large development site capable of accommodating the 39 apartments proposed for the site.*
- There is unlikely to be any adverse visual or acoustic privacy impacts due to site orientation, site width and building form envisaged in the DCP.*
- There will not be any adverse overshadowing, acoustic or privacy impacts on nearby residents given the distance between the site and other (proposed) residential development in the vicinity of the site.*
- The proposal is generally consistent with the future urban and built form envisaged for the site.*
- The proposal is considered to demonstrate good urban design, is not excessive in terms of bulk and scale and provides a positive contribution to the streetscape.*
- The non-compliance will allow for a development that delivers new housing in a town centre that is serviced by public transport.*

It is considered that there are no adverse environmental planning impacts to adjoining properties or other impacts that arise from non-compliance with the development standard. The proposed development is of a scale envisaged by THLEP 2012 and the Town Centre Core Precinct Plan.

Further it is also considered that proposed development and hence variation to the development standard is in the public interest as the development will contribute to the ongoing development of the Rouse Hill Town Centre. Therefore, as detailed above, it is considered that compliance with the development standards is considered unreasonable and unnecessary in the circumstances and the proposed development is reflective of the desired future character of the area.

Comment:

Clause 4.1A of LEP 2012 'Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings' requires a minimum lot size for residential flat buildings of 4000m². The subject site has an area of 3131m². This is a variation of 21.7%.

Clause 4.1A of LEP 2012 lists the following objective:

'The objective of this clause is to achieve planned residential density in certain zones'.

The proposal is considered satisfactory given that the site has been identified since the approval of the Rouse Hill Masterplan in 2004 as being set aside for residential development. The proposed residential flat building will provide a higher density form of living which is suitable for the Town Centre location and which is consistent with the principles in the DCP.

The proposed apartments will also contribute to housing choice in the Rouse Hill Regional Centre by providing an alternative to the predominantly detached single dwellings provided to date.

The site adjoins the Town Centre which provides a high level of access to a variety of retail, commercial and community uses. The site also adjoins the Caddies Creek area, future Leisure Square and Council's Iron Bark Ridge Park. The site is located in a landscape setting.

The proposal is satisfactory in regard to the objectives of the B4 Mixed Use zone in that the proposal is a compatible land use to the adjoining retail and commercial uses, the location is highly accessible in terms of location and access to existing and future public transport, and the proposal is integrated with civic spaces in the area.

Clause 4.6 (4) of LEP 2012 states:

Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

Comment: The applicant has adequately addressed the matters required to be addressed by subclause (3).

- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

Comment: As detailed above, the proposal is an appropriate development outcome in regard to public interest and is consistent with the objectives of the B4 Mixed Use zone.

- (b) the concurrence of the Director-General has been obtained.*

Comment: Council has assumed concurrence under the provisions of Circular PS 08-003 issued by the Department of Planning and infrastructure.

As outlined in the history, Planning Proposal 3/2013/PLP was considered by Council at its Ordinary Meeting on 10 December 2013 where it was resolved in part as follows:

The planning proposal to remove the maximum building height standard applying to the Rouse Hill Regional Centre commercial precincts (Town Centre Core and Northern Frame) and amendment to Clause 4.1A 'Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings' of The Hills Local Environmental Plan 2012 to introduce criteria upon which to assess a variation relating to minimum lot sizes for multi dwelling housing and residential flat buildings be adopted and forwarded to the Department of Planning & Infrastructure for finalisation.

The amended Clause 4.1A with the additional sub-clause 3 shown in bold is as follows:

4.1A Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings

- (a) *The objective of this clause is to achieve planned residential density in certain zones.*
- (b) *Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.*

Column 1	Column 2	Column 3
<i>Dual occupancy (attached)</i>	<i>Zone RU1 Primary Production</i>	<i>10 hectares</i>
	<i>Zone RU2 Rural Landscape</i>	<i>10 hectares</i>
	<i>Zone RU6 Transition</i>	<i>2 hectares</i>
	<i>Zone R1 General Residential</i>	<i>1,800 square</i>
	<i>Zone R2 Low Density Residential</i>	<i>600 square metres</i>
	<i>Zone R3 Medium Density</i>	<i>600 square metres</i>
	<i>Zone R4 High Density Residential</i>	<i>1,800 square</i>
<i>Dual occupancy (detached)</i>	<i>Zone E4 Environmental Living</i>	<i>2,000 square</i>
	<i>Zone R1 General Residential</i>	<i>1,800 square</i>
	<i>Zone R2 Low Density Residential</i>	<i>700 square metres</i>
	<i>Zone R3 Medium Density</i>	<i>700 square metres</i>
<i>Multi dwelling housing</i>	<i>Zone R4 High Density Residential</i>	<i>1,800 square</i>
	<i>Zone R1 General Residential</i>	<i>1,800 square</i>
	<i>Zone R3 Medium Density</i>	<i>1,800 square</i>
	<i>Zone R4 High Density Residential</i>	<i>1,800 square</i>
	<i>Zone B2 Local Centre</i>	<i>1,800 square</i>
<i>Residential flat building</i>	<i>Zone R1 General Residential</i>	<i>4,000 square</i>
	<i>Zone R4 High Density Residential</i>	<i>4,000 square</i>
	<i>Zone B2 Local Centre</i>	<i>4,000 square</i>
	<i>Zone B4 Mixed Use</i>	<i>4,000 square</i>

- (3) ***Despite subclause (2), development consent may be granted for multi dwelling housing or residential flat buildings where the area of the lot is less than the area specified for that purpose and shown in Column 3 of the Table to subclause (2), if Council is satisfied that:***

- (a) *The form of the proposed structures is compatible with adjoining structures in terms of their elevation to the street and building height, and*
- (b) *The design and location of rooms, windows and balconies of the proposed structures, and the open space to be provided, ensures acceptable acoustic and visual privacy, and*
- (c) *The dwellings are designed to minimise energy needs and utilise passive solar design principles, and*
- (d) *Significant existing vegetation will be retained and landscaping is incorporated within setbacks and open space areas.*

This matter has been referred to the Department of Planning and Infrastructure for finalisation and gazettal. The sub-clause 3 matters are addressed below:

- (a) *The form of the proposed structures is compatible with adjoining structures in terms of their elevation to the street and building height, and*

Comment: The site adjoins the existing Rouse Hill Town Centre. The proposed residential flat building will be compatible with the existing development in terms of its bulk, height and built form. The proposed residential flat building provides appropriate articulation and is a modern design which is in keeping with the retail centre. It may be noted that a residential flat building has been approved by the Joint Regional Planning Panel on 30 April 2014 on Lot 7 DP 280013 to the west (on the other side of Leisure Square) and a Development Application is currently under consideration on Lot 12 DP 280013 opposite the subject site. These buildings provide a similar architectural built form. The proposal is considered to be satisfactory in regard to compatibility.

- (b) *The design and location of rooms, windows and balconies of the proposed structures, and the open space to be provided, ensures acceptable acoustic and visual privacy, and*

Comment: The proposed residential flat building is effectively separated from existing and future development due to its location. The site is bounded by Caddies Boulevard to the south, White Hart Drive to the east, Leisure Square to west and Caddies Creek to the north. The proposed development will ensure acceptable acoustic and visual privacy outcomes due to its location which will result in appropriate amenity outcomes for future residents.

- (c) *The dwellings are designed to minimise energy needs and utilise passive solar design principles, and*

Comment: The proposed residential flat building will incorporate energy efficiency measures such as the use of photovoltaic cells and solar panels. The building is designed to receive solar and daylight access and natural ventilation. The application has been accompanied by BASIX Certificate which indicates that the proposal achieves or exceeds the required standards for water, thermal comfort and energy. The proposal is considered to be satisfactory in respect to energy needs and passive design features.

- (d) *Significant existing vegetation will be retained and landscaping is incorporated within setbacks and open space areas.*

Comment: The site does not contain any significant existing vegetation. Currently the site is used for temporary planting pending its development. The proposal will incorporate suitable replacement planting of trees, shrubs and groundcovers within the landscaped area of the site to ensure that the development provides an attractive

landscape outcome. The proposal is considered to be satisfactory in respect to landscape planting.

On the basis of the above comments, the proposed variation to the minimum lot size for residential flat buildings is considered reasonable and will not result in an adverse impact on residential amenity to future residents.

2. Compliance with DCP Part D Section 6 – Rouse Hill Regional Centre

The following criteria applying to residential flat buildings are contained in the Rouse Hill DCP. In terms of the prevailing instrument, the DCP states:

All residential development within the Rouse Hill Regional Centre is required to comply with the provisions of this Section of the DCP. In addition, the provisions of other residential Sections of the DCP will also apply where relevant. Depending upon the type of development proposed the provisions of the following Sections of the DCP may also apply:

- *Part B Section 2- Residential*
- *Part B Section 4 - Multi Dwelling Housing*
- *Part B Section 5 - Residential Flat Buildings*

For example where residential flat buildings are proposed within the Regional Centre, the relevant provisions of this plan will apply in addition to Part B Section 5 – Residential Flat Buildings.

In the event of any inconsistency between this Section of the DCP and any other Section of the DCP, the provisions of this Section of the DCP shall prevail only to the extent of the inconsistency.

It may be noted that during the assessment of the Development Application a revised/updated DCP came into force.

The following table outlines the proposed variations to the DCP requirements:

DEVELOPMENT STANDARD	BHDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Building Setbacks	Ground floor for buildings 5 storeys or greater: 5 metres	Minimum 3.5 metre setback to Caddies Boulevard.	No, however the proposed setbacks are consistent with the approved Precinct Plan.
	Side setback: 1.5 metres	3.05 metres to western (side) boundary to Leisure Square 2.4 metres to eastern (side) with White Hart Drive	Yes
	Rear setback: 4 metres	Approx. 20 metre setback	Yes

Apartment Layout and Design	Minimum floor areas: 1 bed – 75m² 2 bed – 110m² 3 bed – 135m² However, a maximum of 10% of the units can have the following minimum internal floor area: 1 bed – 65m² 2 bed – 90m² 3 bed – 110m²	There are no 1 bedroom units proposed. 2 bedroom – 82 – 139m² 3 bedroom – 144 – 182.5m² 5 units do not comply with the minimum 2 bedroom unit area. 1 unit does not comply with the reduced floor area and has an area of 82m².	No, however a range of 2 bedroom units are provided. All 3 bedroom units comply with the minimum floor area. 34 of the 39 units comply with the minimum area. The standard allows 10% of the 39 units to have a reduced area which is 3.9 units. 5 units have a reduced area and 1 of the units does not meet the minimum reduced area.
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a. Setbacks

The DCP requires the following setbacks:

Ground floor for buildings 5 storeys or greater: 5 metres

Side setback: 1.5 metres

Rear setback: 4 metres

The following setbacks are proposed:

3.5 metre (minimum) setback to Caddies Boulevard to the building.

2.4 metre setback to White Hart Drive.

3.05 metre setback to Leisure Square.

20 metre setback to the rear boundary.

It may be noted that at the time of lodgement of the Development Application, the DCP in force at that time did not contain any specific setback controls for residential flat buildings.

Comment:

The Principles within the DCP relate to defining the built area, provision of solar access to rear yards, minimising impact to adjoining property, streetscape appearance and minimising bulk of garages, and allowing landscape works to be undertaken.

The Precinct Plan and Design Guidelines contain the following setback requirements:

2m setback to Caddies Boulevard, White Hart Drive and the rear boundary and a nil setback to Leisure Square.

It is noted that courtyard areas are located within the setback to Caddies Boulevard and that retaining walls and landscape features are also proposed in the setbacks. The Design Guidelines state that setbacks are a minimum from the property line to the front façade of the ground floor residential uses.

The proposed setbacks are considered satisfactory in that the site is effectively separated from adjoining future residential development to the north and south and is also separated from the Town Centre development opposite (which is across Caddies Boulevard). The site is discrete in that it has two street frontages, and adjoins Leisure Square and Caddies Creek area. The site is therefore considered to be located in a park setting. The variation is considered reasonable in that context.

The proposed design of the development and the setbacks and landscape planting proposed will provide a satisfactory streetscape outcome. The development will effectively define built upon area, minimise impacts to adjoining properties and allows adequate solar access.

As such the proposal is considered satisfactory in regard to the DCP requirements.

b. Apartment Sizes

The DCP requires the following unit areas:

Minimum floor areas:

- 1 bed – 75m²
- 2 bed – 110m²
- 3 bed – 135m²

A maximum of 10% of the units can have the following minimum internal floor areas:

- 1 bed – 65m²
- 2 bed – 90m²
- 3 bed – 110m²

There are no 1 bedroom units proposed. The following unit sizes are proposed:

- 2 bedroom – 82 – 139m²;
- 3 bedroom – 144 – 182.5m².

Five units do not comply with the minimum 2 bedroom unit area comprising one unit with an area of 82m², one unit with an area of 95.5m², two units with an area of 99m² and one unit with an area of 108m². Of these units, one unit is below the 90m² reduced size with an area of 82m².

It may be noted that at the time of lodgement of the Development Application, the DCP in force at that time did not contain any specific unit size controls for residential flat buildings.

Comment:

The objective of the DCP is:

Ensure that there is a diverse range of apartment sizes with a high amenity.

The proposal includes a genuine range of apartment units designs and sizes which will cater for residents. The two bedroom units range from 82m² to 139m² which, at the upper level, exceeds the minimum requirements of the DCP. All of the 3 bedroom units exceed the minimum requirements of the DCP. The maximum 3 bedroom unit size proposed is 182.5m² which exceeds the DCP requirements and is comparable to a single dwelling on a separate lot. The unit sizes all comply with the requirements of SEPP 65.

The proposed units are considered to have a high level of amenity with the units adjoining Caddies Creek open space area, a broad range of commercial, retail and social facilities within the Town Centre.

The apartments are satisfactory in regard to SEPP 65 and are designed to take advantage of view, solar access and cross ventilation. The varied apartment designs will allow a range of choice for future residents.

In this regard, SEPP 65 contains the following minimum apartment sizes:

- 1 bedroom unit – 50m²
- 2 bedroom unit – 70m²
- 3 bedroom unit – 95m²

It is also noted that Clause 30A of SEPP 65 '*Standards that cannot be used as grounds to refuse development consent for residential flat buildings*' states that apartment size cannot be a reason for refusal if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in Part 3 of the Residential Flat Design Code. The apartment sizes all exceed the minimum requirements of the SEPP.

As such the proposed apartment sizes are considered satisfactory.

3. Compliance with the Approved Precinct Plan 1581/2005/HB

a. Compliance with Conditions of Consent

Development Consent 1581/2005/HB was approved by Council on 26 July 2005. The following conditions of consent are relevant to the current proposal.

Condition	Comment	Satisfactory
<u>1. Development In Accordance with Plans</u> The development being carried out in accordance with the approved plans and details, stamped and returned with this consent, being: (list of plans)	The proposal is generally consistent with the approved plans.	Yes

<u>2. Level 3 Development Applications for Construction Works</u> Separate Development Applications (known as Level 3 DA's) are to be submitted for any construction works within the Town Centre Core Precinct Plan and are to be generally in accordance with the Town Centre Core Precinct Plan. All Level 3 Development Applications are to be in accordance with the endorsed Design Guidelines.	The subject application is a level 3 Development Application.	Yes
<u>3. Design Guidelines</u> The draft design guidelines are to be finalised prior to the submission of the first Level 3 Development Application for works within the Town Centre Core Precinct. The guidelines are to be updated to reflect the conditions of consent and Design Review Panel comments. The guidelines relating to shade structures must indicate that the structures must not enclose the Town Centre Core Precinct.	The Design Guidelines have been finalised and are in force.	Yes
<u>4. Development of Trunk Drainage Land</u> The proposed residential and mixed use development on the land adjacent to Caddies Creek and the proposed leisure square is not to form part of Stage 1. Submission of Level 2 Development Applications in this portion of the Precinct is not permitted until the zoning is amended.	The zoning has been amended. The site is zoned B4 Mixed Use.	Yes
<u>9. Cycleways & Pedestrian Links</u> The proposed cycleway and pedestrian links are to connect into the proposed network within the adjoining precincts.	The proposed works will not conflict with the existing established cycleway and pedestrian links.	Yes
<u>12. Safer by Design</u> All Level 3 Development Applications within the Town Centre Core Precinct are to be designed in accordance with the comments contained within Section 3 of the letter from the NSW Police dated 13 January 2004 and the "Safer By Design" Guidelines.	The proposal has been referred to Castle Hill Police for review and comment.	Yes

b. Compliance with Approved Plans

The consent requires future works to be carried out in accordance with documentation and plans submitted with the Development Application.

The proposal is generally consistent with approved Precinct Plan with the exception of the following:

- (i) DA-002, Land Use – Ground Floor – the plans shows the site as predominantly residential with a small mixed use component. The mixed use component is not provided – see comments below.
- (ii) DA-015A, Maximum Building Height Plan (and including various sections) – see comments below.

c. Compliance with Design Guidelines

Condition 2 of Development Consent 1581/2005/HB stated as follows:

2. Level 3 Development Applications for Construction Works

Separate Development Applications (known as Level 3 DA's) are to be submitted for any construction works within the Town Centre Core Precinct Plan and are to be generally in accordance with the Town Centre Core Precinct Plan. All Level 3 Development Applications are to be in accordance with the endorsed Design Guidelines.

Final Design Guidelines were submitted on 08 November 2005. The following table addresses the relevant sections of the Design Guidelines which are specific to the subject site or to residential flat buildings:

Section	Required	Provided	Complies
A02: Siting and Massing: Setbacks	2m setback to Caddies Boulevard, White Hart Drive and the rear boundary and a nil setback to Leisure Square.	All proposed setbacks exceed 2m setback to the front, side and rear boundaries.	Yes
A03: Siting and Massing: Building Heights and Dimensions	Height varies across the site from 19.5m to 6.5m, with the higher built from fronting Caddies Boulevard.	The maximum height is 28.07 metres.	No – see comments below
A03: Siting and Massing: Building Heights and Dimensions	Floor Heights: 2.7m	2.7m floor to ceiling height proposed.	Yes
A03: Siting and Massing: Building Heights and Dimensions	Building Depth: 8-18m deep	Building depth approx. 19.8 metres.	No – see comments below.
A03: Siting and Massing: Building Heights and Dimensions	Building Length: 80m maximum. For buildings more than 40m in length, the façade must be	The building is 47.6m in length. Appropriate articulation is used in	Yes

	articulated.	the design.	
B01: Built Form: Building Uses	The site is identified for SOHO/residential use (single occupancy home office) with a mixed use component at the corner of Caddies Boulevard and Leisure Square.	Mixed use component not provided.	No – see comments below.
B02: Built Form: Facades	Appropriate articulation is to be used to reinforce a modern residential design. Balconies for the apartments are to add to the design of the buildings. All balconies are to have an area of 10m ² and be functional.	The buildings incorporate appropriate articulation. All balconies have a minimum 12m ² area and are functional areas.	Yes
B04: Built Form: Building Entries	Building entries to units are to be defined and identifiable.	The entries provided are appropriate and easily identified.	Yes
B05: Built Form: Grade Changes	There are no grade change requirements for this site.	There are no grade change requirements for this site.	NA
B09: Sun and Shadowing and Energy Use: Built Form	Apartments are to comply with SEPP 65 and have appropriate BASIX outcomes.	The proposal is satisfactory in regard to SEPP 65 and BASIX.	Yes
B11: Built Form: Materials and Colour	Use of a palette appropriate to a contemporary urban character.	The proposed materials and colours are appropriate to a modern character.	Yes
B12: Built Form: Residential Open Space	Each dwelling is to be provided with an appropriate amount of private open space in the form of balconies or at-ground. Each dwelling shall be provided with a minimum of 20m ² of open space/unit (includes common open space and setback areas).	Each dwelling is provided with an appropriate amount of private open space. Communal areas equate to the general 20m ² area required.	Yes
C01: Character: Vision	Plans indicate the site has a 'waterfront esplanade residential' character which is required to respond to the water and natural landscape setting.	The building design responds to the character of the site.	Yes

D01: Public Realm: Public Realm Masterplan	The site does not contain any public realm works.	The site does not contain any public realm works.	NA
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In regard to the Precinct Plan and Design Guidelines, the variations are as follows:

a. Height

The building height plan and various sections indicate that the height across the site varies from RL 62.5 (19.5m) to RL 44.5 (6.5m). The building height plan proposes the higher built form adjacent to Caddies Boulevard and the lower built form adjacent to the pond. The height is also shown in storeys with the height at 6 storeys, 5 storeys, 3 storeys and 2 storeys at various locations across the site. The sections reflect the overall height plans and demonstrate the height reduction across the site from Caddies Boulevard to the pond. The height plans and sections show the full area of the site for development.

The LEP 2012 height limit for the site is 36 metres.

The proposed development is seven storey in height with the building located close to Caddies Boulevard. The proposed height is RL 67.02 to the top of the plant roof area and RL 60.85 to the roof. The maximum height of the building is approximately 28.07 metres.

The applicant has submitted the following to justify the proposed height:

The building proposed is seven storeys, which maximises the opportunity for residential dwellings on the site and is necessary to achieve the 143 dwellings across development Blocks A-D as specified in the Town Centre Core Precinct Plan. The site also has a 36m building height limit under The Hills Local Environmental Plan 2012 (THLEP), which anticipates a development on the site of significantly more than four storeys. The THLEP height limit prevails over any DCP height limit.

Whilst the building height varies from that in Part B5, it is considered that the proposed development satisfies the building height objectives of the DCP as:

- The height of the building reflects the surrounding built form and responds to the local topography.*
- The privacy and amenity of nearby residential lots is protected and not adversely affected and overshadowing of adjoining properties has been minimised.*

The proposed seven storey scheme was presented to the two pre-DA meetings and two DRP meetings where it was agreed that the seven storey scheme ensured the development had a better interface to Caddies Boulevard as proposed units could be provided close to street level.

Comment:

The principle of the DCP is:

To achieve a variety of building forms and building heights that assist in establishing an attractive streetscape. Buildings are to be limited in height to ensure compatibility with adjacent development.

The proposed building varies in height from the proposed height plan contained with the Precinct Plan with development focussed on the Caddies Boulevard frontage. The proposed height is consistent with the LEP 2012 height limit.

The proposed height is considered to be satisfactory in terms of streetscape and relationship to the Town Centre. The height is also similar to the recently approved development to the north-west which has a height of approximately 28.8 metres (approved by the Joint Regional Planning Panel under DA 383/2014/JP on 30 April 2014).

The proposed height is satisfactory and can be supported.

b. Building Depth

The Design Guidelines limit the building depth to 8-18m deep. The proposed depth is a maximum 19.8 metres.

The applicant has submitted the following as justification:

The DCP requires that residential flat buildings in commercial areas should have a maximum building depth of 10m-15m, (which may be exceeded on the first two levels if they have a commercial usage). The DCP also requires at least 50% of residential units achieve cross ventilation.

The Residential Flat Design Code (RFDC) provides that building depths of 10m-18m are appropriate. Further, the RFDC also notes that freestanding tower buildings may have a depth greater than 18m if they can achieve satisfactory daylight access and cross ventilation.

Block C has a building depth of 19.9m on the ground floor and 19.2m on Levels 1-5 and 13.15m on Level 6. Whilst the building depth on the Ground Floor and Levels 1-5 is greater than the DCP, 95% of the apartments are cross ventilated and 96% of apartments receive very good solar access given the north east orientation of the majority of units, with living areas receiving four hours of sunlight between 9am and 3pm in mid-winter.

Comment:

The proposed design of the building is considered satisfactory. The proposed building will provide an appropriate streetscape outcome reflecting the modern development style within the area. The design will provide an appropriate level of internal amenity for future residents with access to light and solar access. The design is considered satisfactory in respect to SEPP 65 and the Residential Flat Design Code.

As such the proposed building depth is considered satisfactory and can be supported.

c. Non-Provision of Mixed Use

In the Design Guidelines the site is identified for SOHO/residential use (single occupancy home office) with a mixed use component at the corner of Caddies Boulevard and Leisure Square. A mixed use component has not been provided.

The applicant has submitted the following as justification:

The Precinct Plan (Land Use Plan DA 02/DA07) identifies a small area of floor space adjoining Leisure Square as Mixed Use which is noted to include commercial and/or residential and/or retail space. This matter was discussed at the pre-DA and DRP meetings where it was agreed that it was not appropriate to provide commercial or retail space on the site. The plan nominates residential uses it is considered the proposed development is appropriate with the Rouse Hill Town Centre.

Comment:

Whilst the development does not provide a mixed use component, the proposed development is supported by the adjoining existing Town Centre which provides appropriate commercial and retail uses for the area. The non-provision of a mixed use component will not adversely impact upon the subject development or the future development of the Town Centre.

As such no objection is raised to the non-provision of a mixed use component.

4. Compliance with State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Buildings

A Design Verification Statement has been prepared. This statement has addressed the 10 matters for consideration under SEPP 65. The proposal is consistent with SEPP 65 with the exception of balcony floor areas for some balcony areas as addressed below:

Primary Controls Part 3 – Building Design	Guideline	Compliance
Apartment mix	If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability; (apartment size is only one factor influencing affordability) • 1 bedroom apartment 50 m² • 2 bedroom apartment 70m² • 3 bedroom apartment 95m²	A variety of unit sizes has been provided. Unit sizes are proposed at: 2 bedroom – 82m² – 139m² 3 bedroom – 144m² – 182.5m² All units comply with the SEPP requirements. Some balcony areas do not meet the unit typology table – see comments below.

The subject Development Application has been assessed against the relevant design quality principles contained within the SEPP as follows:

(i) Context

The development responds to and reflects the context into which it is placed. The site is located at the corner of two roads and is close to public transport. The site is part of the envisaged Masterplan for development of the Rouse Hill Regional Centre. The Town Centre precinct is currently characterised by predominantly retail/commercial land uses with some residential use. The context is likely to change over the coming years as further residential development occurs.

(ii) Scale

The height of the development overall is acceptable in terms of solar access and residential amenity impacts. The proposal complies with floor space requirements. The proposal responds to the existing topography of the site within its context. The height generally ensures that the development responds to the desired future scale and character of the site. The proposed development adopts the principles found within the Development Control Plan provisions by maintaining the development height within the LEP.

The spatial relationship of buildings has been considered. The proposed buildings will maintain adequate separation with appropriate distances between buildings. The building separations and setbacks will provide a sufficient degree of separation and landscaping to ensure privacy and solar access is maintained.

The proposed street setbacks establish the front building alignment and contribute to the public domain by enhancing the streetscape. The street setbacks provide for continuity of the street facades and enhance the setting for the building.

The setbacks allow for landscape areas, entrances and deep-soil zones. The proposed setbacks have been developed to provide a satisfactory distance from surrounding boundaries, to form active street frontages and adequate open space areas for communal recreation spaces. The proposal addresses matters such as visual and acoustic privacy and open space.

(iii) Built Form

The design of the building elements are of a contemporary style with a number of elements being used to provide strong architectural character. The use of blade or fin walls provides vertical segmentation, with balconies, awnings and roof structures providing a contrasting horizontal segmentation. The ultimate form of development is achieved in the articulation of the elevations. The selection of colours and materials enhances the segmented appearance and provides distinct yet harmonious building facades.

(iv) Density

The proposed density has been determined by a number of design factors contained in the planning controls. The main controls provide the limits of height, setbacks and landscaping areas to provide a scale of development which is proportional to the characteristics of the site. The density proposed is appropriate for the Town Centre area.

(v) Resources, Energy and Water Efficiency

The building construction phase will utilize appropriate waste management controls. The design achieves natural ventilation and insulation to minimise the dependency on energy

resources in heating and cooling. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

The energy rating of the residential units has been assessed and the accompanying ratings indicate an achievement of the minimum points being scored.

(vi) Landscape

The landscape plan indicates that all open spaces will be appropriately landscaped with native trees and shrubs to provide a low-maintenance environment. The proposed landscaping integrates with the overall appearance of the development.

(vii) Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The key elements of the building design incorporates satisfactory access and circulation, apartment layouts, floor areas, ceiling heights, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities.

(viii) Safety and Security

The development has been designed with safety and security concerns in mind. The common open spaces are within direct view of occupants to allow passive surveillance. Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private spaces are clearly defined and screened.

The NSW Police have reviewed the Development Application and outlined a number of Crime Prevention Through Environmental Design (CPTED) recommendations.

(ix) Social Dimensions

The location of this development provides dwellings with architectural style and character within a precinct that provides immediate access to community services, retail, recreation and medical services.

(x) Aesthetics

The proposal integrates a number of recesses and projections into the facades of the structure to articulate the overall mass and form into smaller segments. The bulk of the overall building and height is reduced by the articulation of the facades, creating smaller segments in order to minimise the overall bulk and scale of the development. The design is modern in style and appropriate for the area.

a. Balcony Size

The Residential Flat Design Code (RFDC) contains a unit typology table which specifies unit types and the minimum required internal and external floor area. The following variations have been identified to the external areas:

Proposed Development Unit Type	RFDC Apartment Type	RFDC Required Internal Area	Proposed Internal Area	RFDC Required External Area	Proposed External Area

Type 4 - 3 bedroom unit	Type 3.09 3 bedroom	124m ²	182.5m ²	24m ²	17.5m ² – 82m ²
Type 5 - 3 bedroom unit	Type 3.09 3 bedroom	124m ²	142.5m ²	24m ²	17.5m ²

The applicant has submitted the following as justification:

DFP prepared a letter dated 20 December 2013 which provided a table which assessed the proposed units against the table on page 69 of the RFDC. The table indicated that the only variations related to the balcony sizes of the three bedroom units. The RFDC on page 69 provides one example of a three bedroom unit which provides a balcony of 24m². The balcony size for the type 4 and 5 three bedroom units is 17.5m². These balconies are 2.5m in depth and face north east and accordingly have very good solar access during the morning and early afternoon at the winter solstice.

On page 72 of the RFDC detail is provided in relation to balcony requirements. Clause 03.16.8 states "a 2.4m balcony is needed for a table and four chairs." The proposed units' balconies have a minimum depth of 2.5m and an area of 17.5m² which allows a table and six chairs to be accommodated. These units have stackable doors that open from the living room to the balcony which is consistent with point C of Clause 03.16 which states "operable walls may be more appropriate in some contexts."

It is therefore considered that the provision of a 17.5m² balcony with a minimum dimension of 2.5m provides very good opportunities for a BBQ and tables and chairs to be accommodated on the balcony. Furthermore, the stackable doors that open directly onto the living room provide additional entertaining opportunities and provides very good ventilation opportunities.

As stated in Table 3 on page 23 of the SEE, 96% of the units receive 4 hours of sunlight between 9am and 3pm in mid-winter and 95% of the units are naturally cross ventilated which significantly exceeds the requirements of the RFDC of 60% cross ventilation and 70% solar access. Providing a 17.5m² balcony does not impact on the natural daylight or cross ventilation for these units however, as stated above, the stackable doors to the balcony will significantly improve ventilation opportunities compared to a sliding door to the balcony.

The proposal provides a range of two bedroom units of which Type 3a, Type 6 and Type 9 units are not equivalent to any of the two bedroom units identified in the table on page 69 of the RFDC and were identified in our letter of 1 December 2013.

There is 1 x Type 3a unit which is located on the ground floor and enjoys 52m² of private open space. The unit is orientated to the north east and accordingly the open space and the adjoining living room receive more than 3 hours of solar access at the winter solstice. The stackable door is located adjacent to the living room providing direct access to the private open space area. Therefore, there is good solar access to the living room and the stackable doors provide very good ventilation opportunities to the living room and the rest of the unit.

There are 5 x Type 6 two bedroom plus study units, one each located on the first, second, third, fourth and fifth floors making a total of 5 units. These units are naturally cross ventilated as they are cross flow units. These units are orientated to the north east with the balcony orientated to the north east overlooking Caddies Lake. These units have

balconies of 17.5m² with a minimum dimension of 2.5m allowing a table and six chairs to be accommodated on the balcony.

The living room is located directly adjacent to the balcony and is accessible via the stackable doors. The stackable doors will significantly increase the ventilation opportunities to the unit and provide increased entertainment opportunities for the residents. Accordingly, it is considered that the amenity of these units is very good with all the above mentioned units receiving more than 3 hours of solar access to their balcony level open space and living rooms at the winter solstice.

There is 1 x Type 9 two bedroom plus study adaptable unit which is located on ground floor. The unit is orientated to the north east, thereby receiving more than 3 hours of solar access during the morning to mid-afternoon. The private open space on the ground floor is 52m². The unit is provided with stackable doors from the living area into the private open space area which provides good ventilation opportunities. As the living room is directly adjacent to the private open space, it receives solar access for more than 3 hours of the day at the winter solstice.

It is therefore considered that this submission has addressed the Rule of Thumb on Page 69 of the RFDC that the abovementioned units are provided with adequate solar access and ventilation.

Comment:

The RFDC 'Rules of Thumb' states that '*Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory daylighting and natural ventilation can be achieved, particularly in relation to habitable rooms*'.

The proposal provides a range of unit sizes to cater for a variety of future residents. The proposal achieves satisfactory solar access and daylight to the units and meets the required ventilation requirements.

It is noted that the internal floor area of all of the proposed units complies with the SEPP requirements. As outlined in the table above, the units which seek to vary the balcony area exceed the minimum internal floor area standard of the SEPP. In this respect the Type 4 unit has an additional floor area of 58.5m² and the Type 5 unit has an additional floor area of 18.5m² above the SEPP requirement. This allows additional internal area for passive recreation.

The proposed units have been designed to have regard to the views of the Caddies Creek area and as such have adequate window openings. The design also takes advantage of the site location in regard to the surrounding open spaces. In this regard the site is located in a park-like setting in that it adjoins the Caddies Creek area and future Leisure Square. In addition Council's Iron Bark Ridge Park is located to the east.

As such the reduced sizes of the external areas can be accommodated by common open spaces provided within the development and open space in close proximity to the site.

As such the proposal is considered satisfactory and can be supported.

5. Public Authority Comments

The proposal was referred to the NSW Roads and Maritime Services (RMS) and Castle Hill Police. The following comments were received:

a. RMS Comments

The proposal was referred to RMS given that the proposal exceeds 75 dwellings. RMS have raised no objection to the proposal subject to the following:

- i. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2- 2002 for heavy vehicle usage.
- ii. The proposed development will generate additional pedestrian movements in the area. Consideration should be given to ensuring pedestrian safety.
- iii. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

The above comments have been reviewed. In regard to Comment (ii) above, the proposal is adjacent to the signalised access at the intersection of Caddies Boulevard and White Hart Drive which allows appropriate pedestrian access. As such this component of the condition has not been included in the recommendation. Condition recommended – see Condition 4.

b. Police Comments

The proposal was referred to Police in accordance with Council's Protocol. The Police have raised no objection to the proposal and made the following comments:

- i. Fencing should be vertical style to stop unauthorised access to ground floor units;
- ii. Materials chosen should have regard to the potential for graffiti.
- iii. Potential for unauthorised access to car parks and tenant storage areas. Police suggest a use of a swipe card or keypad access for residents to access these areas. Each garage door should be secured and it is recommended that an alarm system be installed.
- iv. The development is not expected to have an unacceptable impact to key intersections.
- v. It is recommended that during the construction phase security sensor lights be used and security guards monitor the site.

Condition recommended – see Condition 5.

SUBDIVISION ENGINEERING COMMENTS

No objection raised to the proposal. Appropriate conditions are included in the recommendation.

TRAFFIC MANAGEMENT COMMENTS

Council's Manager Infrastructure Planning has reviewed the proposal and advised that sight distances area satisfactory for the access point and intersection capacity will not be affected by the development.

TREE MANAGEMENT COMMENTS

No objection raised to the proposal. Appropriate conditions are included in the recommendation.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection raised to the proposal. Appropriate conditions are included in the recommendation.

WASTE MANAGEMENT COMMENTS

No objection raised to the proposal. Appropriate conditions are included in the recommendation.

SECTION 94 OFFICER

No objection raised to the proposal. Appropriate conditions are included in the recommendation.

CONCLUSION

The proposal has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979 and is considered satisfactory. The development includes variations to LEP 2012 in regard to site area and the DCP Part D Section 6 – Rouse Hill Regional Centre in respect to front and rear setbacks and apartment sizes. In addition, variations are proposed to the Town Centre Precinct Plan in regard to height, building depth and mixed use, and also to SEPP 65 – Design of Residential Flat Buildings in relation to balcony area.

The proposal is satisfactory and is recommended for approval.

IMPACTS**Financial**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future Community Strategic Plan

The proposal is considered satisfactory in regard to The Hills Future Community Strategic plan and will provide housing diversity within the Shire through the provision of a variety of units layouts and sizes in a Town Centre location.

RECOMMENDATION

The Development Application be approved subject to the following conditions of consent.

GENERAL MATTERS**1. Development in Accordance with Submitted Plans**

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	DATE
DA 201A	Cover & Locality Plan	04/19/13

DA203B	Basement Carpark Plans	03/08/13
DA 204D	Ground and Typical Floor Plans	3/04/2013
DA 205B	Sixth Floor & Roof Plans	3/04/2013
DA 206A	Elevations Block C	Sept 2013
DA 207B	Sections Block C	3/04/2013
DA 208A	Shadow Diagrams	3/04/2013
1167	Survey Plan	20/12/2008
0604.LA.03	Landscape Concept Plan – Building C	December 2013 Issue D
0604.LA.05	Plant Schedule and Example Plant Images	December 2013 Issue D
0604.L.06	Landscape Details & Specification	December 2013 Issue D

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

3. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

4. RMS Requirements

The following is required by the RMS, unless otherwise agreed by RMS and Council in writing:

- a. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2- 2002 for heavy vehicle usage.
- b. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

5. Police Requirements

The following is required by the Police, unless otherwise agreed by the Police and Council in writing:

- i. Fencing should be vertical style to stop unauthorised access to ground floor units;
- ii. Materials chosen should have regard to the potential for graffiti.
- iii. There is potential for unauthorised access to car parks and tenant storage areas. Police suggest a use of a swipe card or keypad access for residents to access these areas. Each garage door should be secured and it is recommended that a alarm system be installed.
- iv. It is recommended that during the construction phase security sensor lights be used and security guards monitor the site.

6. Resident and Visitor Parking Spaces and Bicycle Parking

The provision and maintenance thereafter of:

82 resident car parking spaces;

16 visitor car parking spaces; and

A bike rack accommodating a minimum of 10 bikes.

7. Tree Removal

Approval is granted for the removal of trees planted for temporary landscaping as shown on amended landscape concept plan as prepared by Greenland Design dated December 2013 Issue D

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

8. Separate Application for Strata Subdivision

A separate application must be submitted for any proposed strata titled subdivision of the approved development.

9. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

10. Structures Adjacent to Piped Drainage Easements

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

11. Requirements for Council Drainage Easements

No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to:

Provision for overland flow and access for earthmoving equipment must be maintained.

The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.

No fill, stockpiles, building materials or sheds can be placed within the easement.

New or replacement fencing must be approved by Council. Open style fencing must be used.

12. Vehicular Access and Parking

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps is required, with their design and construction complying with:

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) Parking DCP
- d) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.

- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. In urban areas, all driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

13. Gutter and Footpath Crossing Application

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the current fee as prescribed by Council's Schedule of Fees and Charges.

14. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website:

<http://www.thehills.nsw.gov.au/>

The proposed driveway must be built to Council's heavy duty standard.

The driveway must be 6m wide at the boundary splayed to 7m wide at the kerb. The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

ii. Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

iii. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge based on a 1 in 10 year ARI storm event generally in accordance with the plans prepared by CAM Consulting dated 12 December 2013.

15. Supervision of Works

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisor's name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

16. Public Liability Insurance

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

17. Washing of Vehicles

Washing of vehicles/boats is to be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.

18. Stockpiles

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

19. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by EMM Pty Ltd, referenced as J13130RP1, dated 3 February 2014 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Section 6 – Recommendations.

20. Adherence to Waste Management Plan

All requirements of the Waste Management Plan prepared by DFP Planning Consultants, dated 24 September 2013 and submitted as part of the Development Application must be implemented during construction of the development, except where amended by other conditions of consent. A copy of the Waste Management Plan together with receipts of all waste / recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

21. Management of Construction Waste

Waste materials must be appropriately stored and secured in a designated waste area on site at all times, prior to its reuse on site or removal off site. Any waste material removed from the site must be transported in accordance with the requirements of the *Protection of the Environment Operations Act, 1997* and only to a place that can lawfully be used as a waste disposal or resource recovery facility, or to facilities that can otherwise lawfully receive waste. The separation and recycling of the following waste materials is required: metals, timbers, masonry products, clean waste plasterboard and mixed plastics, cardboard and paper. This shall be achieved by source separation of materials on site, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste materials can be stored in one or more bins and sent to a transfer / sorting station that will sort the waste materials on their premises. Receipts of all waste / recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them. Building waste containers are not permitted to be placed on the public way at any time unless a separate application is approved by Council to locate a building waste container in a public place.

22. Surplus Excavated Material

The disposal of surplus excavated material, other than to facilities that can lawfully receive waste, is not permitted without formal approval from Council. Any unauthorised disposal of surplus excavated material is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Receipts of waste / recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

23. Commencement of Domestic Waste Service

The Strata Management must ensure to arrange the commencement of a domestic waste service with Council for the building no later than two days after occupancy and no earlier than two days prior to occupancy of the development. Notifications must be made by the Strata Management by telephoning Council on (02) 9843 0310.

24. Construction of Domestic Bin Room

All work involving construction of the domestic bin room shall comply with the requirements of Council's *Bin Storage Facility Design Specifications* and the room must also be mechanically ventilated. Storage facility is to be provided for a minimum of eight (8) 660 litre and twenty-two (22) 240 litre mobile garbage bins.

25. Property Numbering

The responsibility for property numbering is vested solely in Council.

The property address for this development is:

Units 1-39 / Lot 8 Caddies Boulevard Rouse Hill

Applicant is to contact Land Information Section prior to lodgement of final draft plan of subdivision for street number. Units are to be numbered ascending from each lift well as listed below and as per plans marked by Land Information.

Building C

Lift 7 - Units 1-13

Lift 8 – Units 14-25

Lift 9 – Units 26-39

These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all lift/foyer entrances including basement level.

Clear and accurate external directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lobby entry doors. It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed.

26. Provision of No Parking Signs

Provide 20 metres of No Parking 6:00am to 12:00pm Thursday at the temporary bin stand area located on White Hart Drive.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

27. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

	2br per Unit	3br per Unit	Credit	2 Bedroom: 11	3 Bedroom: 28	Sum of Units	Credits: 1	Section 94
Open Space - Land	\$ 5,739.47	\$ 7,379.32	\$ 10,112.40	\$ 63,134.17	\$ 206,620.96	\$ 269,755.13	\$ 10,112.40	\$ 259,642.73
Open Space - Capital	\$ 2,360.62	\$ 3,035.08	\$ 4,159.19	\$ 25,966.82	\$ 84,982.24	\$ 110,949.06	\$ 4,159.19	\$ 106,789.87
Community Facilities - Land	\$ 123.68	\$ 159.02	\$ 217.91	\$ 1,360.48	\$ 4,452.56	\$ 5,813.04	\$ 217.91	\$ 5,595.13
Community Facilities - Capital	\$ 1,070.75	\$ 1,376.67	\$ 1,886.55	\$ 11,778.25	\$ 38,546.76	\$ 50,325.01	\$ 1,886.55	\$ 48,438.46
Studies and Administration	\$ 164.65	\$ 211.70	\$ 290.11	\$ 1,811.15	\$ 5,927.60	\$ 7,738.75	\$ 290.11	\$ 7,448.64
Roadworks - Land	\$ 945.66	\$ 1,215.85	\$ 1,666.16	\$ 10,402.26	\$ 34,043.80	\$ 44,446.06	\$ 1,666.16	\$ 42,779.90
Roadworks - Capital	\$ 2,248.29	\$ 2,890.66	\$ 3,961.28	\$ 24,731.19	\$ 80,938.48	\$ 105,669.67	\$ 3,961.28	\$ 101,708.39
Total	\$ 12,653.12	\$ 16,268.30	\$ 22,293.60	\$ 139,184.32	\$ 455,512.40	\$ 594,696.72	\$ 22,293.60	\$ 572,403.12

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 8.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

28. Basement Car Park and Subsurface Drainage

The stormwater pump-out system must provide for the following:

- a) A holding tank sized to store the run-off from a 12 hour 1 in 100 year ARI storm event;
- b) A alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a 5 hour 1 in 5 year ARI storm event, whichever is lower;
- c) An alarm system to alert a pump failure;
- d) 100mm freeboard to all nearby parking spaces;
- e) The system must be connected to the Onsite Stormwater Detention system before being discharged to the street, under gravity.

All relevant plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming the design complies with the above requirements.

29. Works in Existing Easement

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate is issued.

30. Works on Adjoining Land

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

31. Draft Legal Documents

Where an encumbrance on title is required to be created as part of this consent, draft copies of all legal documents must be submitted to Council for checking before a Construction Certificate is issued.

32. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$85,680.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (138m) plus an additional 50m on either side (238m) and the width of the road measured from face of kerb on both sides (12m).

The bond must be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

33. Bank Guarantee Requirements (Development)

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 385/2014/HB;

- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

34. Erosion & Sediment Control Plan

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
 - b) Location of the adjoining roads
 - c) Contours
 - d) Existing vegetation
 - e) Existing site drainage
 - f) Critical natural areas
 - g) Location of stockpiles
 - h) Erosion control practices
 - i) Sediment control practices
 - j) Outline of a maintenance program for the erosion and sediment controls
- (NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

PRIOR TO WORK COMMENCING ON THE SITE

35. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

36. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

37. Management of Building Sites – Builder's Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

38. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

39. Pre-Construction Public Infrastructure Dilapidation Report

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

- a) Designated construction access and delivery routes; and
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

40. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

41. Erosion and Sedimentation Controls – Minor Works

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

42. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

43. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

44. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and made available to Council officers on request.

DURING CONSTRUCTION**45. Compliance with BASIX Certificate**

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 483073M be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.

46. Roof Water Drainage

Gutter and downpipes to be provided and connected to an approved drainage system upon installation of the roof covering.

47. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

48. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

49. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

50. Standard of Works

All work must be completed in accordance with this consent and Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works and public utility relocation must incur no cost to Council.

51. Landscaping Works

Landscaping works, associated plantings and the construction of any retaining walls are to be undertaken generally in accordance with the approved plans.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**52. Compliance with Requirements of Development Consent**

Compliance with all conditions of approval of the Development Consent on the subject property.

53. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

54. Post Construction Public Infrastructure Dilapidation Report

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any

damage to public assets in the direct vicinity of the development site and the means of rectification for the approval of Council.

55. Pump System Certification

Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a suitably qualified hydraulic engineer.

56. Creation and Registration of Restrictions and Positive Covenants**a) Creation of Restrictions and Positive Covenants**

The submission to Council of all necessary documentation together with payment of the endorsement fee prescribed in Council's Schedule of Fees and Charges to create the following over the title of the property. The wording must nominate The Hills Shire Council as the authority to release, vary or modify each restriction or positive covenant. Standard wording is available on Council's website and must be used.

i. Positive Covenant – Stormwater Pump Maintenance

A positive covenant to ensure the ongoing maintenance of the constructed stormwater pump-out system at the expense of the property owner.

ii. Restriction – Bedroom Numbers

A restriction must be created on the title of each dwelling limiting the number of bedrooms to that shown on the plans and details approved with this consent. The restriction must also state that no internal alterations are permitted that result in the creation of additional bedrooms.

b) Registration of Request Documents

The request documents endorsed by Council must be registered and a copy of the registered documents submitted to Council before an Occupation Certificate is issued.

57. Final Inspection of Domestic Bin Room

Prior to an Occupation Certificate being issued, a final inspection of the domestic bin room and bin holding areas must be arranged by the Principal Certifying Authority and must be undertaken by Council. This is to ensure compliance with Council's design specifications. The time for the inspection must be arranged with Council at least 48 hours prior to the Principal Certifying Authority's suggested appointment time.

THE USE OF THE SITE**58. Offensive Noise**

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

59. Final Acoustic Report

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's (DECCW) - *Industrial Noise Policy* and submitted to Council for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that activity does not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act 1997*.

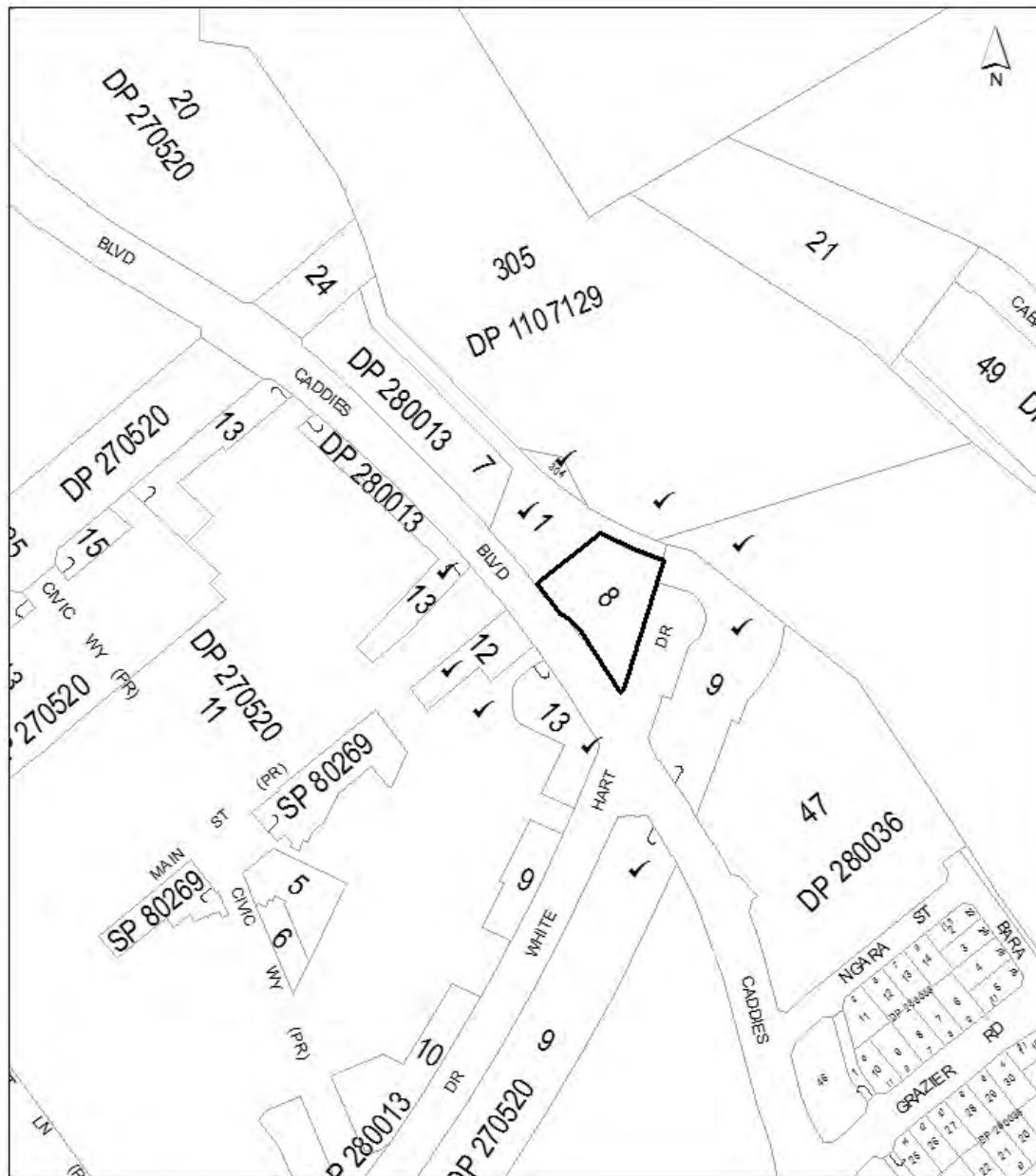
60. Waste and Recycling Collection

Engagement of a caretaker or manager, responsible for the movement of all garbage and recycle bins to and from their respective bin stand area on the allocated day of collection. The empty bins are to be returned to the domestic bin room within 2 hours of collection.

ATTACHMENTS

1. Locality Plan (1 Page)
2. Aerial Photograph (1 Page)
3. Site Plan (1 Page)
4. Elevations (1 Page)
5. Landscape Plan (1 Page)

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LP); CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – SITE PLAN



ATTACHMENT 4 – ELEVATIONS

ELEVATION TO CADDIES BOULEVARD



ELEVATION TO WHITE HART DRIVE



ATTACHMENT 5 – LANDSCAPE PLAN



- Legend**
- Adjoining existing tree plantings
 - Proposed native tree plantings
 - Proposed avenue tree plantings
 - Proposed feature / deciduous tree plantings
 - Large raised steel circular planter with feature plantings
 - Feature planted pots
 - Proposed communal courtyard unit pavement
 - Proposed private courtyard unit pavement
 - Concrete pavement
 - Timber deck
 - Proposed timber bench
 - Feature gabion walling
 - Outdoor kitchen / BBQ
 - Proposed garden bed
 - Proposed planter bed - 600mm depth minimum
 - Proposed turfing area
 - Proposed communal herb garden on roof top - 600mm raised bed with weathering steel walling



ITEM-3	POST EXHIBITION REPORT - (4/2014/PLP) RMB104, 104A, 105 WINDSOR ROAD & PART 1-3 WILKINS AVENUE, BEAUMONT HILLS
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
GROUP:	STRATEGIC PLANNING
AUTHOR:	PRINCIPAL FORWARD PLANNER RAQUEL RICAFORT-BLEZA
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that the planning proposal for land at Wilkins Avenue and Windsor Road, Beaumont Hills proceed to finalisation in accordance with the General Manager's delegation to make Local Environmental Plans under Section 59 of the *Environmental Planning and Assessment Act 1979*. It is also recommended that a further post-exhibition report on the amendments to The Hills Development Control Plan 2012 Part B Section 6 - Business be forwarded to Council at a later stage, to ensure the proposal is developed in such a manner that future development has regard to the amenity impacts on the adjacent residential area.

The planning proposal involves an amendment to Schedule 1 'Additional Permitted Uses' of The Hills Local Environmental Plan 2012 to permit *landscaping material supplies and/or garden centre* on the subject land.

The Gateway Determination was received on 5 March 2014. The planning proposal and proposed amendments to the development control plan were exhibited for a minimum of 28 days from 25 March to 25 April 2014. Consultation was also undertaken with Endeavour Energy, Jemena, Sydney Water, Telstra, NSW Rural Fire Services and Roads and Maritime Services. A total of 18 submissions were received including 16 individual landowner submissions, a petition and comments from two (2) public authorities (Roads and Maritime Services and Telstra). Key issues raised in landowner submissions relate to traffic and access including road safety, amenity impacts and inappropriateness of the site for the proposed business type.

The concerns raised are addressed in Section 7 the report. Given existing and proposed development controls it is considered that impacts on the amenity of nearby residents can be appropriately managed. In terms of traffic, it is considered that the proposal put forward by Roads and Maritime Services for vehicular access to the site will limit the potential traffic impacts. Safe and efficient access will be assisted by the provision of traffic signals and the funding and delivery of such signals is a matter for inclusion into the development control plan and for any future development application. In terms of

the proposal and impacts on the surrounding residential area, the development control plan will include limits for odour, dust, and noise and if the controls are unable to be met the development application would not be approved.

A range of post-exhibition amendments are proposed to the draft development control plan. These amendments include controls relating to car parking, access to the site, landscaping and setbacks, and will be subject to a further report to Council.

If supported, the planning proposal will be forwarded to Parliamentary Counsel's Office for an opinion prior to the plan being made under the General Manager's delegation.

APPLICANT

UPDM Pty Ltd

OWNERS

RMB 104 Windsor Road	Mr D and Ms H Kam
RMB 104A Windsor Road	Mr D and Ms H Kam
RMB 105	Mr J Cann
1-3 Wilkins Avenue	Mr J Cann

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

Zones:	R3 Medium Density Residential
Minimum Lot Size:	450m ²
Maximum Floor Space Ratio:	No applicable FSR
Maximum Height of Buildings:	10 metres

POLITICAL DONATIONS

Nil

HISTORY

19/09/1989	Rural industry approved for RMB104A Windsor Road (D89/248)
14/05/1991	Rural industry approved at RMB104 Windsor Road (D90130/1990)
23/09/2002	Real estate agency approved at RMB105 Windsor Road (224/2003/HA)
28/10/2013	The planning proposal submitted seeking an amendment to The Hills Local Environmental Plan 2012 to rezone the subject land from R1 General Residential and R3 Medium Density residential to B6 Enterprise Corridor on land at RMB104, RMB104A and RMB105 Windsor Road and 1-3, 5 and 7 Wilkins Avenue, Beaumont Hills.
03/12/2013	Planning proposal presented to a Councillor Workshop.
10/12/2013	Council received a report on the planning proposal and resolved

to:

1. *A planning proposal to amend Schedule 1 'Additional Permitted Use' of The Hills Local Environmental Plan 2012 to permit landscaping material supplies and/or garden centre on land at RMB104, RMB104A and RMB105 Windsor Road and 1-3 Wilkins Avenue, Beaumont Hills be forwarded to the Department of Planning and Infrastructure for Gateway Determination.*
2. *The proposed amendments to Part B Section 6 Business of The Hills Development Control Plan 2012 as contained in Attachment 1 be exhibited concurrently with the planning proposal should Gateway Determination be received.*

05/03/2014

Gateway Determination issued by the Department of Planning and Infrastructure. The Gateway Determination included authorisation for Council to exercise delegation to make the plan.

**25/03/2014 -
25/04/2014**

Exhibition of the planning proposal and draft amendments to The Hills Development Control Plan 2012 – Part B Section 6 – Business

BACKGROUND

The planning proposal for Wilkins Avenue and Windsor Road was lodged in October 2014. At Council's ordinary meeting of 10 December 2013, Council considered a report on the planning proposal and resolved:

1. *A planning proposal to amend Schedule 1 'Additional Permitted Use' of The Hills Local Environmental Plan 2012 to permit landscaping material supplies and/or garden centre on land at RMB104, RMB104A and RMB105 Windsor Road and 1-3 Wilkins Avenue, Beaumont Hills be forwarded to the Department of Planning and Infrastructure for Gateway Determination.*
2. *The proposed amendments to Part B Section 6 Business of The Hills Development Control Plan 2012 as contained in Attachment 1 be exhibited concurrently with the planning proposal should Gateway Determination be received.*

On 5 March 2014, the Department of Planning and Infrastructure issued a Gateway Determination for the planning proposal to proceed subject to conditions. The timeframe specified for the completion of the planning proposal was six (6) months from 12 March 2014. The Gateway Determination issued an authorisation for Council to use delegation to make the plan (Attachment 1).

The Gateway Determination required that the following be undertaken:

- The planning proposal be publicly exhibited for a minimum of 28 days, and
- Consultation be undertaken with Endeavour Energy, Jemena, Sydney Water, Telstra, and NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection).

REPORT

The purpose of this report is to consider the outcome of the public exhibition of a planning proposal for land at Wilkins Avenue and Windsor Road, Beaumont Hills.

1. THE SITE

The subject site includes various properties containing uses that are prohibited in the R3 Medium Density Residential zone, including a real estate agent and plant and equipment storage and repairs which are subject to historical approvals.

The subject site consists of four (4) properties known as RMB104, RMB104A and RMB105 Windsor Road and 1-3 Wilkins Avenue, Beaumont Hills and has a total area of 7,501m².

The site is bound by Windsor Road to the south, Millcroft Way to the west, Wilkins Avenue to the north and undeveloped residentially zoned land to the east. It is sited 400m to the east of Old Windsor Road and approximately 1.4km north of the future Kellyville Railway Station.



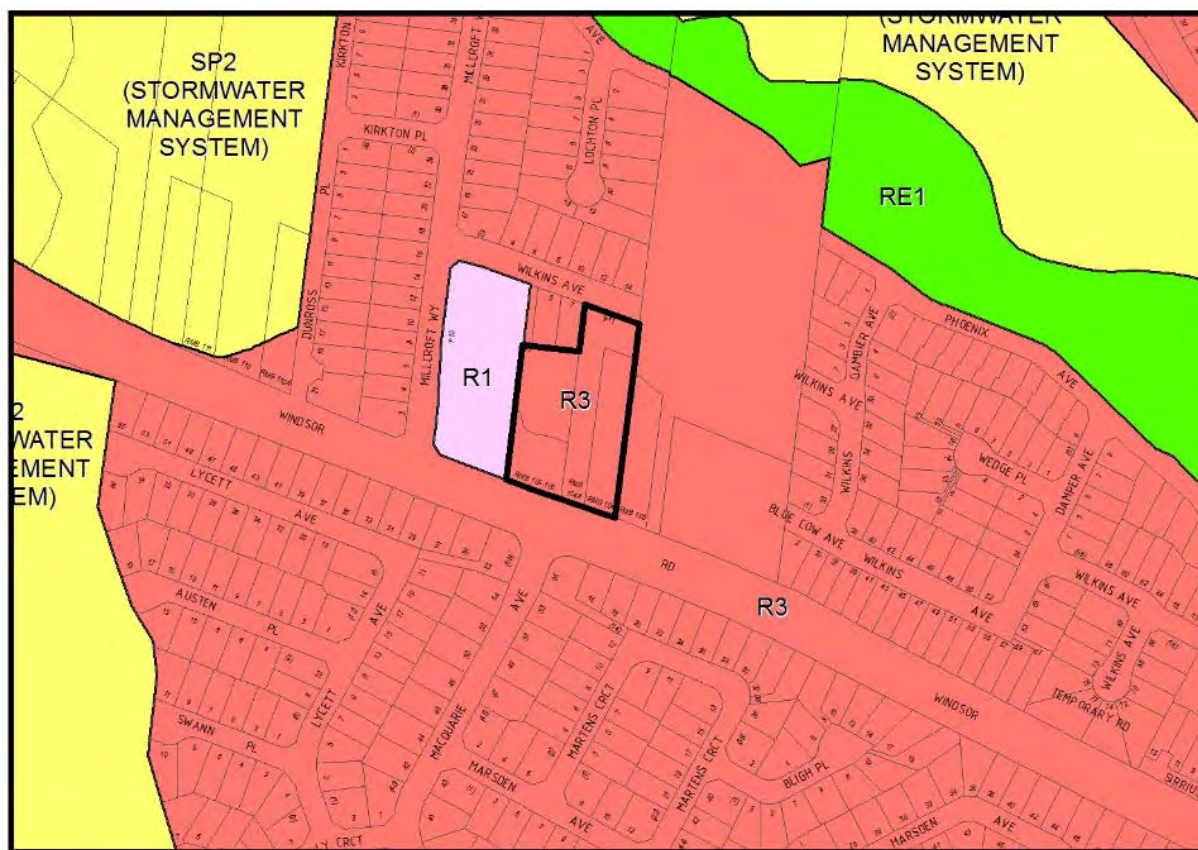
Figure 1
Subject site

The surrounding locality is generally characterised by single and two storey residential dwelling houses. Adjoining the site to the east is RMB 103 Windsor Road occupied by a dwelling, and Lot 32 DP 1121593 Windsor Road which is currently vacant and heavily vegetated. Lot 32 was the subject of a subdivision application (389/2011/ZB) proposing 30 residential lots and was refused due in part to vegetation (endangered ecological community) concerns.

The site is currently zoned R3 Medium Density Residential which is to be retained (Figure 2).

2. SUMMARY OF PROPOSAL

The planning proposal, as exhibited, seeks to amend Schedule 1 "Additional Permitted Uses" of The Hills Local Environmental Plan 2012 to permit *landscaping material supplies and/or garden centre* on RMB 104, RMB 104A and RMB 105 and part 1-3 Wilkins Avenue, Beaumont Hills.



Land Zoning (LZN)

R1	General Residential	RE1	Public Recreation
R3	Medium Density Residential	SP2	Infrastructure

Figure 2
Existing Zoning (LEP 2012)

3. GATEWAY DETERMINATION

On 5 March 2014, The Department of Planning and Environment issued a Gateway Determination to enable the exhibition of the planning proposal for Wilkins Avenue and Windsor Road, Beaumont Hills. An authorisation for Council to exercise delegation to make the plan was issued concurrently with the Gateway Determination.

4. EXHIBITION DETAILS

Notification of the exhibition was placed in The Hills Shire Times and Rouse Hill Times on two separate occasions being 25 March 2014 and 8 April 2014. Council notified 130 adjoining and surrounding property owners advising them where to find the exhibition

material and how to make a submission. In addition, Council received a number of enquiries from residents within the area that were not notified in relation to the planning proposal, Council then wrote to an additional 145 landowners.

In accordance with the Gateway Determination, the following public authorities were notified and provided with a copy of the exhibition material:

- Endeavour Energy;
- Jemena;
- Syndey Water;
- Telstra; and
- NSW Rural Fire Service.

In addition to the above, Council also consulted with the Roads and Maritime Services to determine suitable access arrangements due to previous advice that they do not support Council's intent to provide sole access to the site via Windsor Road due to traffic constraints.

All exhibition materials were available for viewing at Council's Administration Centre, Castle Hill Library and Vinegar Hill Memorial Library. They were also available for viewing and for downloading on the 'Major Plans on Exhibition' page of Council's website.

5. SUBMISSION SUMMARY

In response to the public exhibition, Council received a total of 16 individual submissions and a petition signed by 57 individuals. The following key issues were raised within the public submissions received:

- a) Amenity impacts (odour, noise, dust, dirt);
- b) Traffic and access (including road safety);
- c) Residential character of the area; and
- d) Negative impact on the property values.

These issues are addressed in Section 7 below.

6. CONSULTATION WITH PUBLIC AUTHORITIES

Council received two (2) public authority submissions on the planning proposal. These public authorities include Roads and Maritime Services and Telstra and the following comments are provided to address the issues raised.

a) Roads and Maritime Services (RMS)

Roads and Maritime Services (RMS) reviewed the submitted information and discussed the proposal with the applicant. The RMS advised the following:

RMS would support a left-in/left-out access for heavy vehicles only from Windsor Road to the proposed development subject to the following requirements being met:

- The proposed deceleration along Windsor Road shall be designed in accordance with AUSTROADS and other Australian Codes of Practice.
- The access from Windsor Road shall be designed and sign posted such a way that customer vehicles cannot access the site from Windsor Road
- All customer vehicles access shall be via Wilkins Avenue.

Comment:

The requirements from Roads and Maritime Services will be included with the development control plan.

b) Telstra

Telstra advised that they would not be making a submission on the planning proposal but thanked Council for providing the information to them.

Comment:

Telstra comments have been noted by Council.

7. KEY ISSUES

This section provides an overview of the key issues raised within public submissions and comments addressing each issue. A summary of individual submissions together with comments included is included as Attachment 2.

a) Amenity impacts (odour, noise, dust, dirt)

Concern is raised that the planning proposal will create significant impact on the amenity of the residents, specifically, with respect to odour, noise, dust and dirt as a result of the operation of the proposal. Further concern was raised in relation to the management of the site regarding noise from trucks, earthmovers and other equipment required by the business.

Comment:

The proposed use can co-locate with residential properties and there are other examples where this has occurred. The identified amenity impacts are related to scale and the nature of products displayed and sold. The storage and display of plants, pavers, walling and other landscape supplies in themselves, do not create the impacts identified. Activities such as soil mixing, loading and unloading and noise from forklifts and loaders would give rise to impacts and these activities may to be restricted in a future development application.

b) Traffic and access (including road safety)

Concerns have been raised with increased car parking and the impact of traffic along Millcroft Way and Wilkins Avenue if access is allowed via Wilkins Avenue. Further concern was raised regarding road safety as a family day care centre is currently being operated across the street from the proposed development (i.e. pick-ups and drop-offs and regular practice of fire evacuation and bushfire action plan).

Comment

The issue of access along Windsor Road has been addressed with the Roads and Maritime Services confirming support for left in/left out access for heavy vehicles from Windsor Road. The development concepts submitted as part of the planning proposal indicated truck movements via Millcroft and Wilkins Avenue. As a result of discussions with Roads and Maritime Services truck access will only be permitted via Windsor Road. However, customers will access the site from Wilkins Avenue. Given this, a subsequent amendment to the draft Development Control Plan will be required to ensure that the access arrangements agreed to are enforced.



Figure 3
Indicating left in/left out access

The traffic analysis submitted with the planning proposal concluded that the landscaping materials supply business on the subject site is likely to have a similar peak generation to the existing landscape supply facility on Saturday morning when about 40 vehicles per hour were counted. On weekdays, a peak of about 25 vehicles per hour are generated mostly early in the morning.

The traffic assessment further concluded that planning proposal will have minimal impact on the traffic conditions in the area subject to the following:

- The required car parking and loading facilities be designed in accordance with the relevant standards;
- The traffic signals at the intersection of Windsor Road and Millcroft Way should be designed in accordance with the RMS requirements and installed prior to completion of any development on the subject site; and
- Provision of a deceleration lane along Windsor Road.

As indicated in Section 6(a) of the report, the Roads and Maritime Services have similarly imposed certain conditions in its support for the left in/left out access onto Windsor Road.

c) Residential character of the area

There is concern that the location of the proposal is inappropriate for this type of business and that the existing residential zones must be retained for future residential development.

Comment:

The approach being pursued through this planning proposal will provide Council with greater control over the extent of commercial development which can occur on the site whilst ensuring the long-term residential future as envisaged for the site is maintained. In the interim, allowing additional permitted uses on the site will consolidate the historic

non-compliant uses into a single cohesive development resolving the quasi-commercial setting.

d) Negative impact on the property values

There have been concerns that the relocation of this type of a business will result in the devaluation of the properties due to the potential loss of amenity for the surrounding properties.

Comment:

There is no evidence to suggest that land values will change as a result of the planning proposal. The planning proposal does not propose to change the zoning of the site. The approach being pursued will provide Council with greater control over the extent of commercial development that can occur on the site and will also ensure that the long-term predominant use of the site remains residential by retaining the current zoning.

**8. AMENDMENTS TO THE DRAFT DEVELOPMENT CONTROL PLAN
FOLLOWING EXHIBITION**

In response to the submissions received, a number of amendments are proposed to the draft Development Control Plan to ensure appropriate measures are in place to address any potential impacts that may occur to the existing residential area. These amendments will be reported back to Council at a later stage.

NEXT STEPS

Should Council resolve to adopt the planning proposal, a request will be made to the Parliamentary Counsel's Office for the preparation of the draft legal instrument.

Following the issue of an opinion from the Parliamentary Counsel's Office, the plan will be finalised under the General Manager's delegation to make the draft local environmental plans under section 59 of the Environmental Planning and Assessment Act 1979.

CONCLUSION

It is recognised that the site is somewhat unique due to its position on Windsor Road and its long history of non-residential activity. While the land has been zoned for residential purposes, the current activities on the land are not reflective of this zone and an alternative that retains the long term option of a residential outcome is recommended.

Overall, the proposal is considered to be consistent with objectives related to promoting economic growth and employment opportunities. The proposed development is considered to have strategic merit, subject to appropriate controls on the extent of commercial development and further consideration of amenity and traffic impacts. The use of Schedule 1 will retain the potential for residential development in the long term in proximity to the future railway station.

It is considered that the key issues raised during the public exhibition period have been appropriately addressed by the formulation of development controls which will be reported back to Council at a later stage.

Further, the additional uses proposed in Schedule 1 are justified due to the commercial uses already in place on the land and that the planning proposal will facilitate the continued trading of a viable local business.

IMPACTS**Financial**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future Community Strategic Plan

The planning proposal supports the key objective of achieving balanced urban growth by proposing a land use which will ensure continued employment and business retention close to public transport.

RECOMMENDATION

The planning proposal to amend Schedule 1 "Additional Permitted Uses" of The Hills Local Environmental Plan to permit landscaping material supplies and/or garden centre on land at RMB 104, RMB 104A, RMB 105 and part 1-3 Wilkins Avenue, Beaumont Hills be adopted and the Parliamentary Council's Office be formally requested to prepare a draft legal instrument to amend The Hills Local Environmental Plan 2012.

ATTACHMENTS

1. Gateway Determination (5 pages)
2. Summary of Public Submissions (17 pages)

ATTACHMENT 1

**Planning &
Infrastructure**

Mr Dave Walker
General Manager
The Hills Shire Council
PO Box 7064
Baulkham Hills BC NSW 2153

Contact: Georgina Ballantine
Phone: (02) 9860 1560
Email: Georgina.Ballantine@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2014_THILL_002_00 (14/02795)
Your ref: 4/2014/PLP

Dear Mr Walker,

Planning proposal to amend The Hills Local Environmental Plan 2012

I am writing in response to your Council's letter dated 30 January 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to permit 'landscaping material supplies' and 'garden centre' as an additional permitted use for land at Windsor Road and Wilkins Avenue, Beaumont Hills.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 3.1 Residential Zones, 5.9 North West Rail Link Corridor Strategy and the Norwest Structure Plan and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

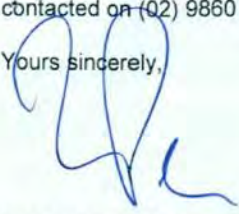
The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to Planning & Infrastructure for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.



Should you have any queries in regard to this matter, I have arranged for Ms Georgina Ballantine of the Planning & Infrastructure regional office to assist you. Ms Ballantine can be contacted on (02) 9860 1560.

Yours sincerely,



5/3/14

Richard Pearson
Deputy Director General
Growth Planning & Delivery

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template



Planning & Infrastructure

Gateway Determination

Planning proposal (Agency Ref: PP_2014_THILL_002_00): to include 'landscaping material supplies' and 'garden centre' as an additional permitted use for land in Beaumont Hills.

I, the Deputy Director General, Growth Planning and Delivery at Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to The Hills Local Environmental Plan (LEP) 2012 to permit 'landscaping material supplies' and 'garden centre' as an additional permitted use for land at Windsor Road and Wilkins Avenue, Beaumont Hills should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Planning & Infrastructure 2013)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Endeavour Energy
 - Jemena
 - Sydney Water
 - Telstra
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

5 day of

March

2014.


 Richard Pearson
 Deputy Director General
 Growth Planning & Delivery
 Planning & Infrastructure

Delegate of the Minister for Planning & Infrastructure

THE HILLS PP 2014 THILL 002 00/14/02795\



Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

The Hills Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_THILL_002_00	Planning proposal to permit 'landscaping material supplies' and 'garden centre' as an additional permitted use for land at Windsor Road and Wilkins Avenue, Beaumont Hills.

In exercising the Minister's functions under section 59, the Council must comply with Planning & Infrastructure's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 5 March 2014

A handwritten signature in blue ink, appearing to read "R. Pearson".

Richard Pearson
Deputy Director General
Growth Planning & Delivery
Planning & Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by Planning & Infrastructure following receipt of the planning proposal
- Planning & Infrastructure will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to Planning & Infrastructure with the RPA's request to have the LEP notified

Table 1 – To be completed by Planning & Infrastructure

Stage	Date/Details
Planning Proposal Number	PP_2014_THILL_002_00
Date Sent to P&I under s56	30/01/2014
Date considered at LEP Review Panel	27/02/2014
Gateway determination date	05/03/2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to P&I requesting notification		

Table 3 – To be completed by Planning & Infrastructure

Stage	Date/Details
Notification Date and details	

Additional relevant information:

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No.	1
Issues raised	1. <i>Concerns have been raised with increased car parking and the impact of traffic along Millcroft Way and Wilkins Avenue if access is allowed via Wilkins Avenue. Further concern was raised regarding road safety as a family day care centre is currently being operated across the street from the proposed development (i.e. pick-ups and drop offs and regular practice of fire evacuation and bushfire action plan).</i> Planning comment: The issue of access along Windsor Road has been addressed with the Roads and Maritime Services (RMS) confirming support for left in/left out access for heavy vehicles from Windsor Road. The development concepts submitted as part of the planning proposal indicated truck movements via Millcroft Way and Wilkins Avenue. As a result of discussions with Roads and Maritime Services, truck access will only be permitted via Windsor Road. However, customers will access the site from Wilkins Avenue. Given this, a subsequent amendment to the draft Development Control Plan will be required to ensure that access arrangements agreed to are enforced. In addition to this, the car parking spaces required for the business operation will be set so that all the required car parking spaces will be provided wholly within the site. 2. <i>Concern about dust, dirt and pollution impacting on the general health of the community.</i> Planning comment: The planning proposal addresses the suitability or otherwise of the proposed land use. A development application has not been lodged for any particular form of development. A development application will need to be lodged in the future for the proposal. The draft Development Control Plan will include measures that will be implemented to mitigate the impact of odours, dust, dirt and noise. 3. <i>The proposal will disturb a quiet, peaceful, homely neighbourhood.</i> Planning comment: The planning proposal will permit the establishment of a landscaping material supplies and/or garden centre establishment on the site. A development application has not been lodged for any particular form of development. A development application will need to be lodged in the future for the proposal. The draft Development Control Plan will include measures that will be implemented to mitigate the impacts of odours, dust, dirt and noise.

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Action	No further action required.
No.	2
Issues raised	1. <i>The resident objects to the proposal due to dust emanating from the proposed landscape material supply business adjoining residential properties and the potential risk to air quality.</i> Planning comment: The draft Development Control Plan will include measures to address the issues of noise, dust, dirt and odour on adjoining properties.
Action	No further action required.
No.	3
Issues raised	1. <i>Concern is raised regarding noise from trucks, earthmovers and other equipment required by the business.</i> Planning comment: The proposed use can co-locate with residential properties and there are other examples where this has occurred. The identified amenity impacts are related to scale and nature of products displayed and sold. The storage and display of plants, pavers, walling and other landscape supplies themselves do not create impact identified. Activities such as soil mixing, loading and noise from forklifts and loaders would give rise to impacts and these activities may be restricted in a future development application. 2. <i>Increased levels of dust will be released in the air from the movement of earth, cement, rubble and other loose materials which will affect the air quality.</i> Planning comment: The draft Development Control Plan will include measures to address the issues of noise, dust, dirt and odour on adjoining properties. The issue of noise, odour, dirt and dust will be addressed in detail and assessed by Council in any future development application that is received. 3. <i>Concern has been raised about the lack of traffic signals and controls at the intersection of Millcroft Way and Windsor Road. This issue will be exacerbated by high levels of traffic resulting from the proposed business operation.</i> Planning comment: The proponent has agreed to fund the installation of the traffic signals on the corner of Windsor Road and Millcroft Way which will improve access for local residents and permit right hand turn movements from Millcroft Way into Windsor Road. A subsequent amendment to the draft Development

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	Control Plan will be required to ensure the access arrangements agreed to are enforced.
Action	No further action required.
No.	4
Issues raised	1. <i>Concern is raised regarding the impact of traffic in the surrounding area of Millcroft Way if the facility is allowed access via Wilkins Avenue.</i> Planning comment: The traffic and access issue will be addressed by the provision of a signalised intersection on Windsor Road and Millcroft Way and a deceleration lane along Windsor Road going into the proposed development. A subsequent amendment to the draft Development Control Plan will be required to ensure the access arrangements agreed to are enforced. 2. <i>Concern is raised regarding noise of the trucks if they are allowed access via Wilkins Avenue.</i> Planning comment: The issue of access along Windsor Road has been addressed with the Roads and Maritime Services (RMS) confirming support for left in/left out access for heavy vehicles from Windsor Road. The development concepts submitted as part of the planning proposal indicated truck movements via Millcroft Way and Wilkins Avenue. As a result of discussions with Roads and Maritime Services, truck access will only be permitted via Windsor Road. However, customers will access the site from Wilkins Avenue. Given this a subsequent amend to the draft Development Control Plan will be required to ensure that access arrangements agreed to are enforced.
Action	No further action required.
No.	5
Issues raised	1. <i>The proposal is indicative of the possibility that other sites such as the vacant land adjacent to this proposal could potentially accommodate a hardware store.</i> Planning comment: In this case, the planning proposal originally sought a rezoning of the site to B6 Enterprise Corridor. However, based on an assessment of a number of options, it was considered appropriate that the site retains the current zoning of R3 Medium Density Residential to ensure the long term residential future as envisaged by Council for the site is maintained. In the interim, allowing additional permitted uses on the site will consolidate the historic non-compliant uses into a single cohesive development resolving the quasi-commercial setting. 2. <i>The issue of the trucks entering and exiting Wilkins Avenue and Millcroft Way has not been resolved.</i>

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	Planning comment: The issue of the trucks entering and exiting Wilkins Avenue and Wilkins Way has been addressed. The Roads and Maritime Services have agreed to a left in/left out access arrangement for heavy vehicles from Windsor Road. Ingress and egress access via Wilkins Avenue is limited to customer vehicles. <i>3. The houses, children, pets and parked cars would be impacted by extra traffic danger, noise and increased traffic flow which is not usually expected in a residential area.</i> Planning comment: The issue of the trucks entering and exiting Wilkins Avenue and Wilkins Way has been addressed. The Roads and Maritime Services have agreed to a left in/left out access arrangement for heavy vehicles from Windsor Road. Ingress and egress access via Wilkins Avenue is limited to customer vehicles. <i>4. The proposal will result in the devaluation of the surrounding properties.</i> Planning comment: There is no evidence to suggest that land values will change as a result of the planning proposal. The planning proposal does not propose to change the zoning of the site. The approach being pursued will provide Council with greater control over the extent of commercial development that can occur on the site and will also ensure that the long term predominant use of the site remain residential by retaining the current zoning. <i>5. The net increase in jobs is nil, not 37.</i> Planning comment: It is acknowledged that the planning proposal will not create further employment but will retain existing staff and retention of business close to public transport. <i>6. Lack of consideration of the traffic impact arising out of the future plans for sporting fields and car park with proposed access via Millcroft Way.</i> Planning comment: The additional traffic generated by the proposed playing fields can be readily accommodated with the proposed signalisation of Windsor Road and Millcroft Way. The traffic report submitted as part of the planning proposal concludes that for this intersection an acceptable level of service is achieved which reflects the ability of the proposed traffic signals to accommodate the additional traffic demand generated by the playing field development
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	and additional right turn from Millcroft Way onto Windsor Road. A subsequent amendment to the draft Development Control Plan will be required to ensure that access arrangements agreed to are enforced.
Action	No further action required.
No.	6
Issues raised	1. <i>Concern about the noise from heavy trucks and machinery exiting via Windsor Road and the volume of cars coming through 7 days a week. There is further concern about road safety with trucks and cars driving through.</i> Planning comment: The issue of access along Windsor Road has been addressed with the Roads and Maritime Services (RMS) confirming support for left in/left out access for heavy vehicles from Windsor Road. The development concepts submitted as part of the planning proposal indicated truck movements via Millcroft Way and Wilkins Avenue. As a result of discussions with Roads and Maritime Services, truck access will only be permitted via Windsor Road. However, customers will access the site from Wilkins Avenue. Given this, a subsequent amendment to the draft Development Control Plan will be required to ensure that access arrangements agreed to are enforced. In addition to this, the car parking spaces required for the business operation will be set so that all the required car parking spaces will be provided wholly within the site. 2. <i>Concern with dust/dirt and debris resulting from the operation of a landscaping business.</i> Planning comment: The draft Development Control Plan will include measures to address the issues of noise, dust, dirt and odour on adjoining properties. The issue of noise, odour, dirt and dust will be addressed in detail and assessed by Council in any future development application that is received. 3. <i>Residents will not tolerate any odours coming from the landscaping business due to manure and other soils on the property. We spend a lot of time in our backyard and will not sacrifice enjoyment of our backyard because of this proposal.</i> Planning comment: The proposed use can co-locate with residential properties and there are other examples where this has occurred. The identified amenity impacts are related to scale and nature of products displayed and sold. The storage and display of plants, pavers, walling and other landscape supplies themselves do not create impact identified. Activities such as soil mixing, loading and noise from

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	forklifts and loaders would give rise to impacts and these activities may be restricted in a future development application. The draft Development Control Plan will include measures to address the issues of noise, dust, dirt and odour on adjoining properties. The issue of noise, odour, dirt and dust will be addressed in detail and assessed by Council in any future development application that is received. <i>4. The landscaping supplies directly next door will cause rodent infestation on the property because of the materials/soils being stored on the site.</i> Planning comment: The draft Development Control Plan will include measures to address the issues of noise, dust, dirt, odour and prevent nuisance insects associated with garden and horticultural products on adjoining properties. <i>5. Concern allowing truck access via Wilkins Avenue will put children at risk – this is an accident waiting to happen.</i> Planning comment: The Roads and Maritime Services have agreed to a left in/left out access arrangement for heavy vehicles from Windsor Road. Ingress and egress access via Wilkins Avenue is limited to customer vehicles. The draft Development Control Plan will include controls relating to car parking spaces requirements, setbacks and access and articulation measures.
Action	No further action required.
No.	7
Issues raised	<i>1. The proposed landscape material supplies development must not be permitted. The residential site must not be rezoned to B6 Enterprise Corridor. The existing residential zones must be retained for future residential development.</i> Planning comment: The planning proposal does not propose to rezone the site to B6 Enterprise Corridor. Rather than rezoning the site to B6 Enterprise Corridor as sought by the proponent, an amendment to Schedule 1 "Additional Permitted Uses" is proposed as an alternative method to ensure that the site maintains the current residential zoning while allowing the particular development type, being landscaping material supplies and/or garden centre on the site. <i>2. Concern is raised that the proposed development will have detrimental impact on the site and surrounding residential areas particularly with regard to noise, dust, parking and movement of</i>

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	<i>heavy trucks, cars and other vehicles.</i> Planning comment: The issue of access along Windsor Road has been addressed with the Roads and Maritime Services (RMS) confirming support for left in/left out access for heavy vehicles from Windsor Road. The development concepts submitted as part of the planning proposal indicated truck movements via Millcroft Way and Wilkins Avenue. As a result of discussions with Roads and Maritime Services, truck access will only be permitted via Windsor Road. However, customers will access the site from Wilkins Avenue. Given this, a subsequent amendment to the draft Development Control Plan will be required to ensure that access arrangements agreed to are enforced. In addition to this, the car parking spaces required for the business operation will be set so that all the required car parking spaces will be provided wholly within the site. <i>3. The landscape material supplies will not create new employment as it is already an established business.</i> Planning comment: The planning proposal will not create new employment but would ensure continued employment of the existing 37 staff and retention of business close to public transport. <i>4. The proposed development will destroy the nature of the local area and its future residential potential.</i> Planning comment: The approach being pursued will provide Council with greater control over the extent of commercial development which can occur on the site and will ensure the long term predominant use of the site remains residential by retaining the current zoning.
Action	No further action required.
No.	8
Issues raised	<i>1. Safety issues due to trucks and increased traffic on Wilkins Avenue and Millcroft Way and increased noise and disturbance due to trucks and forklifts and increase in traffic.</i> Planning comment: The issue of access along Windsor Road has been addressed with the Roads and Maritime Services (RMS) confirming support for left in/left out access for heavy vehicles from Windsor Road. The development concepts submitted as part of the planning proposal indicated truck movements via Millcroft Way and Wilkins Avenue. As a result of discussions with Roads and Maritime Services, truck access will only be permitted via Windsor Road. However, customers will access the site from Wilkins Avenue. Given this, a subsequent amendment to the

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	draft Development Control Plan will be required to ensure that access arrangements agreed to are enforced. In addition to this, the car parking spaces required for the business operation will be set so that all the required car parking spaces will be provided wholly within the site. The draft Development Control Plan will include measures that will be implemented to mitigate the impact of odours, dust, dirt and noise. These issues will be addressed in detail and assessed by Council in any future development application that is received. <i>2. Odour from the landscaping supplies kept on the property and health concerns from circulating dust and increase pollution.</i> Planning comment: The proposed use can co-locate with residential properties and there are other examples where this has occurred. The identified amenity impacts are related to scale and nature of products displayed and sold. The storage and display of plants, pavers, walling and other landscape supplies themselves do not create impact identified. Activities such as soil mixing, loading and noise from forklifts and loaders would give rise to impacts and these activities may be restricted in a future development application. The draft Development Control Plan will include measures to address the issues of noise, dust, dirt and odour on adjoining properties. The issue of noise, odour, dirt and dust will be addressed in detail and assessed by Council in any future development application that is received. <i>3. Possible decline in property values.</i> Planning comment: There is no evidence to suggest that land values will change as a result of the planning proposal and adopting the draft Development Control Plan.
Action	No further action required.
No.	9
Issues raised	<i>1. Concern is raised in relation to safety risks associated with trucks and excess traffic accessing Wilkins Avenue due to having young children.</i> Planning comment: The issue of access along Windsor Road has been addressed with the Roads and Maritime Services (RMS) confirming support for left in/left out access for heavy vehicles from Windsor Road. The development concepts submitted as part of the planning proposal indicated truck movements via Millcroft Way and Wilkins Avenue. As a result of discussions with Roads and Maritime Services, truck access will only be permitted via Windsor Road. However, customers will access the site from Wilkins

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	Avenue. Given this, a subsequent amendment to the draft Development Control Plan will be required to ensure that access arrangements agreed to are enforced. In addition to this, the car parking spaces required for the business operation will be set so that all the required car parking spaces will be provided wholly within the site. <i>2. Disapproval with the proposed 26 storage bins due to odour and possible attraction of insects to manure and other landscaping materials and further concern regarding health due to close proximity to landscaping materials such as manure and dirt.</i> Planning comment: The draft Development Control Plan will include measures that will be implemented to mitigate the impact of odours, dust, dirt and noise. <i>3. Concern about the potential impact on property values given the proximity of the development on the property. This also raises the question of compensation for affected residents.</i> Planning comment: There is no evidence to suggest that land values will change as a result of the planning proposal and adopting the draft Development Control Plan. <i>4. Concern is raised that when the property was acquired the surrounding land was also zoned residential and the expectation that it was earmarked for residential development.</i> Planning comment: The planning proposal will retain the underlying R3 Medium Density Residential zoning which is consistent with the future residential development envisaged by Council for this site. In the interim, allowing additional permitted uses on the site will consolidate the historic non-compliant uses into a single cohesive development resolving the quasi-commercial setting. This approach will provide Council with greater control over the extent of commercial development which can occur on the site and will ensure the long term predominant use of the site remains residential by retaining the current zoning.
Action	No further action required.
No.	10
Issues raised	<i>1. Concern that the road will be filled with trucks dropping off supplies.</i> Planning comment: The proposed use can co-locate with residential properties and there are other examples where this has occurred.

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	The identified amenity impacts are related to scale and nature of products displayed and sold. The storage and display of plants, pavers, walling and other landscape supplies themselves do not create impact identified. Activities such as soil mixing, loading and noise from forklifts and loaders would give rise to impacts and these activities may be restricted in a future development application. The draft Development Control Plan will include measures that will be implemented to mitigate the impact of odours, dust, dirt and noise. It will also include measures relating to hours of operation including delivery times. These issues will be addressed in detail and assessed by Council in any future development application that is received. <i>2. The relocation will cause the value of the house to fall.</i> Planning comment: There is no evidence to suggest that land values will change as a result of the planning proposal and adopting the draft Development Control Plan. <i>3. Concern that dust and dirt will create a health issue for all people.</i> Planning comment: The draft Development Control Plan will include measures that will be implemented to mitigate the impact of odours, dust, dirt and noise. <i>4. Safety concerns for children and young people playing in the neighbourhood with big trucks moving in front of houses.</i> Planning comment: The issue of access along Windsor Road has been addressed with the Roads and Maritime Services (RMS) confirming support for left in/left out access for heavy vehicles from Windsor Road. The development concepts submitted as part of the planning proposal indicated truck movements via Millcroft Way and Wilkins Avenue. As a result of discussions with Roads and Maritime Services, truck access will only be permitted via Windsor Road. However, customers will access the site from Wilkins Avenue. Given this, a subsequent amendment to the draft Development Control Plan will be required to ensure that access arrangements agreed to are enforced. In addition to this, the car parking spaces required for the business operation will be set so that all the required car parking spaces will be provided wholly within the site. <i>5. Customers will use the residential streets for parking.</i>
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	Planning comment: The draft Development Control Plan will set car parking spaces required for the business operation so that all the required car parking spaces will be provided wholly within the site.
Action	No further action required.
No.	11
Issues raised	1. <i>Concern is raised about the length of public exhibition period and the extent of the notification.</i> Planning comment: Notification of the exhibition was placed in The Hills Shire Times and Rouse Hill Times on two separate occasions being 25 March 2014 and 8 April 2014. Council notified 130 adjoining and surrounding property owners advising them where to find the exhibition material and how to make a submission. In addition, Council received a number of enquiries from residents within the area that were not notified in relation to the planning proposal, Council then wrote to an additional 145 landowners. In accordance with the Gateway Determination, the following public authorities were notified and provided with a copy of the exhibition material: • Endeavour Energy; • Jemena; • Syndey Water; • Telstra; and • NSW Rural Fire Service. In addition to the above, Council also consulted with the Roads and Maritime Services to determine suitable access arrangements due to previous advice that they do not support Council's intent to provide sole access to the site via Windsor Road due to traffic constraints. All exhibition materials were available for viewing at Council's Administration Centre, Castle Hill Library and Vinegar Hill Memorial Library. They were also available for viewing and for downloading on the 'Major Plans on Exhibition' page of Council's website. The Gateway Determination issued by the Department of Planning and Environment specified a 28-day exhibition period. The exhibition was consistent with this timeframe and Council practice. 2. <i>Serious concerns on additional heavy vehicles, and motor vehicle traffic coming in and out of Windsor Road and Wilkins Avenue.</i> Planning comment: The issue of access along Windsor Road has been addressed with the Roads and Maritime Services (RMS) confirming support for left in/left out access for heavy

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	vehicles from Windsor Road. The development concepts submitted as part of the planning proposal indicated truck movements via Millcroft Way and Wilkins Avenue. As a result of discussions with Roads and Maritime Services, truck access will only be permitted via Windsor Road. However, customers will access the site from Wilkins Avenue. Given this, a subsequent amendment to the draft Development Control Plan will be required to ensure that access arrangements agreed to are enforced. In addition to this, the car parking spaces required for the business operation will be set so that all the required car parking spaces will be provided wholly within the site. <i>3. Resident's concern with additional noise pollution from heavy vehicles, trailers and motor vehicles traffic. Similar concern with air and dirt pollution from the handling of sand, soil brick and tile dust on and off trucks and trailers. Further concern with impact on general health issues such as breathing resulting from air, dust and noise pollution if this proposal is approved.</i> Planning comment: The draft Development Control Plan will include measures that will be implemented to mitigate the impact of odours, dust, dirt and noise. <i>4. Concern with additional traffic should Wilkins and Phoenix Avenue be joined together.</i> Planning comment: The current Development Control Plan envisages a road layout to support the future residential development opportunity for the precinct. These road layouts are indicative only and are subject to further detailed assessment. For the purposes of this planning proposal, the traffic assessment has indicated that there is additional capacity to accommodate the traffic generated by this development subject to a number of road/traffic infrastructure requirements being provided. Should future residential development be proposed east of the subject site, the development application will require traffic assessment to determine cumulative impacts. This will be addressed in detail and assessed by Council in future development applications. <i>5. Business like this belongs in an industrial area. The relocation of this business into the residential area is inappropriate.</i> Planning comment: Landscaping material supplies and garden centres are not permissible in the light industrial areas. Given the
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	existing and proposed development controls, it is considered that the impacts on the amenity of nearby residents can be appropriately managed. The draft Development Control Plan will include limits for odour, dust, noise and dirt as well as controls for car parking, access to the site, landscaping and setbacks. <i>6. Concern with the property devaluation.</i> Planning comment: There is no evidence to suggest that land values will change as a result of the planning proposal and adopting the draft Development Control Plan.
Action	No further action required.
No.	12
Issues raised	<i>1. Concern is raised that when the property was bought in 2002 they were assured that the area will remain residential.</i> Planning comment: The planning proposal will retain the underlying R3 Medium Density Residential zoning which is consistent with the future residential development envisaged by Council for this site. In the interim, allowing additional permitted uses on the site will consolidate the historic non-compliant uses into a single cohesive development resolving the quasi-commercial setting. This approach will provide Council with greater control over the extent of commercial development which can occur on the site and will ensure the long term predominant use of the site remains residential by retaining the current zoning. <i>2. There is a lot of dirt, dust odour, noise and consequent pollution associated with this type of business. Further concern is raised for elderly parents living in the property having to deal with safety issues, dust, odours from the fertilisers and chemicals and noise. In addition, the resident is very concerned about the impact of our health and quality of life.</i> Planning comment: The proposed use can co-locate with residential properties and there are other examples where this has occurred. The identified amenity impacts are related to scale and nature of products displayed and sold. The storage and display of plants, pavers, walling and other landscape supplies themselves do not create impact identified. Activities such as soil mixing, loading and noise from forklifts and loaders would give rise to impacts and these activities may be restricted in a future development application. The draft Development Control Plan will include measures to address the issues of noise, dust, dirt and odour on adjoining properties.

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	<i>3. Concern with safety of children.</i> Planning comment: The issue of access along Windsor Road has been addressed with the Roads and Maritime Services (RMS) confirming support for left in/left out access for heavy vehicles from Windsor Road. The development concepts submitted as part of the planning proposal indicated truck movements via Millcroft Way and Wilkins Avenue. As a result of discussions with Roads and Maritime Services, truck access will only be permitted via Windsor Road. However, customers will access the site from Wilkins Avenue. Given this, a subsequent amendment to the draft Development Control Plan will be required to ensure that access arrangements agreed to are enforced. In addition to this, the car parking spaces required for the business operation will be set so that all the required car parking spaces will be provided wholly within the site. <i>4. There is enough zoned land available in this area suitable for this type of business.</i> Planning comment: Landscaping material supplies and garden centres are not permissible in the light industrial areas. Given the existing and proposed development controls, it is considered that the impacts on the amenity of nearby residents can be appropriately managed. The draft Development Control Plan will include limits for odour, dust, noise and dirt as well as controls for car parking, access to the site, landscaping and setbacks.
Action	No further action required.
No.	13
Issues raised	<i>1. Concern that the proposal will destroy our quiet, peaceful and clean neighbourhood.</i> Planning comment: The proposed use can co-locate with residential properties and there are other examples where this has occurred. The identified amenity impacts are related to scale and nature of products displayed and sold. The storage and display of plants, pavers, walling and other landscape supplies themselves do not create impact identified. Activities such as soil mixing, loading and noise from forklifts and loaders would give rise to impacts and these activities may be restricted in a future development application. The draft Development Control Plan will include measures to address the issues of noise, dust, dirt and odour on adjoining properties. <i>2. Concern with massive trucks moving on our street and polluting our family-friendly neighbourhood.</i>

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	Planning comment: The issue of access along Windsor Road has been addressed with the Roads and Maritime Services (RMS) confirming support for left in/left out access for heavy vehicles from Windsor Road. The development concepts submitted as part of the planning proposal indicated truck movements via Millcroft Way and Wilkins Avenue. As a result of discussions with Roads and Maritime Services, truck access will only be permitted via Windsor Road. However, customers will access the site from Wilkins Avenue. Given this, a subsequent amendment to the draft Development Control Plan will be required to ensure that access arrangements agreed to are enforced. The draft Development Control Plan will include measures to address the issues of noise, dust, dirt and odour on adjoining properties. <i>3. The relocation will reduce our quality of our environment by noise, dust, dirt, traffic and parking access.</i> Planning comment: The draft Development Control Plan will include measures that will be implemented to mitigate the impact of odours, dust, dirt and noise. These issues will be addressed in detail and assessed by Council in any future development application that is received. <i>4. Concern is raised that the planning proposal will negatively impact on the value of our property.</i> Planning comment: There is no evidence to suggest that land values will change as a result of the planning proposal and adopting the draft Development Control Plan. <i>5. Resident opposes access from Wilkins Avenue.</i> Planning comment: The issue of access along Windsor Road has been addressed with the Roads and Maritime Services (RMS) confirming support for left in/left out access for heavy vehicles from Windsor Road. The development concepts submitted as part of the planning proposal indicated truck movements via Millcroft Way and Wilkins Avenue. As a result of discussions with Roads and Maritime Services, truck access will only be permitted via Windsor Road. However, customers will access the site from Wilkins Avenue. Given this a subsequent amend to the draft Development Control Plan will be required to ensure that access arrangements agreed to are enforced.
Action	No further action required.
No.	14
Issues raised	<i>1. Concern with noise, dirt, odour and rubbish falling off from vehicles and trucks passing through.</i>

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	Planning comment: The draft Development Control Plan will include measures that will be implemented to mitigate the impact of odours, dust, dirt and noise. <i>2. Concern is raised with large trucks and additional traffic as a result of the proposed development and the future development at Caddies Creek.</i> Planning comment: The additional traffic generated by the proposed playing fields can be readily accommodated with the proposed signalisation of Windsor Road and Millcroft Way. The traffic report submitted as part of the planning proposal concludes that for this intersection an acceptable level of service is achieved which reflects the ability of the proposed traffic signals to accommodate the additional traffic demand generated by the playing field development and additional right turn from Millcroft Way onto Windsor Road. A subsequent amendment to the draft Development Control Plan will be required to ensure that access arrangements agreed to are enforced. <i>3. Concern is raised that the planning proposals will negatively impact on the value of their property.</i> Planning comment: There is no evidence to suggest that land values will change as a result of the planning proposal and adopting the draft Development Control Plan.
Action	No further action required.
No.	15
Issues raised	<i>1. Concern is raised with heavy vehicles associated with and utilisation of Millcroft Way and Wilkins Avenue for this proposed development.</i> Planning comment: The issue of access along Windsor Road has been addressed with the Roads and Maritime Services (RMS) confirming support for left in/left out access for heavy vehicles from Windsor Road. The development concepts submitted as part of the planning proposal indicated truck movements via Millcroft Way and Wilkins Avenue. As a result of discussions with Roads and Maritime Services, truck access will only be permitted via Windsor Road. However, customers will access the site from Wilkins Avenue. Given this a subsequent amend to the draft Development Control Plan will be required to ensure that access arrangements agreed to are enforced. <i>2. Concern is raised with the negative impact upon the residential amenities caused by heavy</i>

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	<i>machinery, the refuse and agricultural product spilling onto the road and general damage caused to the road from vehicles travelling constantly along Millcroft Way.</i> Planning comment:
Action	No further action required.
No.	16
Issues raised	1. <i>Concern is raised regarding traffic and access on Wilkins Avenue. Further concern regarding the safety of children and young people due to truck movements.</i> Planning comment: The issue of access along Windsor Road has been addressed with the Roads and Maritime Services (RMS) confirming support for left in/left out access for heavy vehicles from Windsor Road. The development concepts submitted as part of the planning proposal indicated truck movements via Millcroft Way and Wilkins Avenue. As a result of discussions with Roads and Maritime Services, truck access will only be permitted via Windsor Road. However, customers will access the site from Wilkins Avenue. Given this, a subsequent amend to the draft Development Control Plan will be required to ensure that access arrangements agreed to are enforced.
Action	No further action required.

ITEM-4 **POST EXHIBITION REPORT, REZONING OF 221 NORTH ROCKS ROAD, NORTH ROCKS (8/2012/PLP)****THEME:** Balanced Urban Growth**HILLS 2026 OUTCOME/S:** BUG 3 I can work close to home.**COUNCIL STRATEGY /S:** BUG 2.1 Facilitate the provision of diverse, connected and sustainable housing options through integrated land use planning.**GROUP:** **STRATEGIC PLANNING****AUTHOR:** **ACTING COORDINATOR FOWARD PLANNING**
KATE CLINTON**RESPONSIBLE OFFICER:** **MANAGER FORWARD PLANNING**
STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that the planning proposal for Lot 1 DP 792565, 221 North Rocks Road, North Rocks (8/2012/PLP) be adopted by Council and proceed to finalisation in accordance with the General Manager's delegation to make Local Environmental Plans under Section 59 of The Environmental Planning and Assessment Act 1979.

The planning proposal seeks to rezone the land from IN1 General Industrial to R3 Medium Density Residential, change the minimum lot size from 8000m² to 700m², reduce the height of buildings from 16 metres to 9 metres, and delete a requirement for floor space ratio, consistent with adjoining residential land. The exhibited planning proposal differed from the applicant's original proposal which was to rezone the site to R1 General Residential and retain the 16 metre height limit in order to permit residential flat buildings. Council resolved to proceed with an alternative R3 Medium Density Residential zone and 9 metre height limit to be consistent with residential development in the vicinity of the site.

The Planning Proposal and supporting documentation was exhibited for a period of 18 days from 26 March 2013 to 12 April 2013 in accordance with the Gateway Determination which specified a minimum of 14 days. Consultation was also undertaken with the NSW Rural Fire Service. The exhibition attracted nine (9) submissions from residents of the surrounding area, primarily concerned with issues relating to privacy, traffic and access. Comments were also received from the NSW Rural Fire Service. Many of the comments raised within the submissions were based on a residential flat building development concept that was submitted with the originally proposed R1 General Residential rather than the exhibited R3 Medium Density zone. The majority of these concerns have been appropriately addressed by the planning proposal in its current form or are matters for consideration in the assessment of a future development application.

The planning proposal meets local, regional and state strategic planning objectives and is supported on the basis that the proposed conversion from industrial to a medium density

residential zoning is unlikely to have adverse impacts on surrounding development or affect Council's ability to achieve employment targets. It is considered to be appropriate having regard to the location of the site on the fringe of the North Rocks Industrial Precinct.

APPLICANT

Macroplan Dimasi
Level 4, 39 Martin Place
Sydney NSW 2000

OWNERS

Mr Michael Koutsoukos
Ms Christina Anthony

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

Zone:	IN1 General Industrial
Minimum Lot Size:	8000m ²
Minimum Height:	16 metres
Minimum Floor Space Ratio:	1:1

POLITICAL DONATIONS

No disclosures

HISTORY

- 13/06/2012** Planning proposal lodged for rezoning of the subject site to R1 General Residential.
- 27/11/2012** The planning proposal was reported to Council with an alternative recommendation to rezone the site to R3 Medium Density Residential and apply a maximum height limit of 9 metres. Council resolved as per the recommendation to forward the proposal to the LEP Gateway.
- 08/03/2013** A Gateway determination issued by NSW Planning and Infrastructure.
- 26/03/2013 – 12/04/2013** Exhibition of Planning proposal.
- 14/01/14** Request sent to NSW Planning and Infrastructure seeking an extension to the gateway determination.
- 17/02/14** Extension to Gateway determination issued with a new expiry date of 13 December 2014.

BACKGROUND

The site is one hectare in area and roughly rectangular in shape with approximate dimensions of 50 metres x 200 metres. The site falls to the rear or north/west of the site and sits at a higher ground level to the adjoining industrial development to the west.

The site has direct vehicular access to North Rocks Road and benefits from a right of way over the access handle of the adjoining property to the north which is occupied by a large multi dwelling housing development.

The site is occupied by a large, predominantly single level industrial building that is approximately 50 years old, with associated parking to the front and rear of the building. The building is generously set back from North Rocks Road between 43m and 53m in a landscaped setting.

The site is located on the periphery of the 46 hectare North Rocks Industrial Precinct. It is isolated from the rest of the Industrial Precinct due to a number of factors including access to the site via North Rocks Road, its typography, landscaping and setbacks, its close proximity to residential development to the north and east, and an approved non-industrial activity (Sae Soon Korean Church) to the west.

The site is located within 2kms of the North Rocks shopping centre and has good access to the M2/M7 and James Ruse Drive.

Figure 1 illustrates the site's context in terms of the surrounding development.

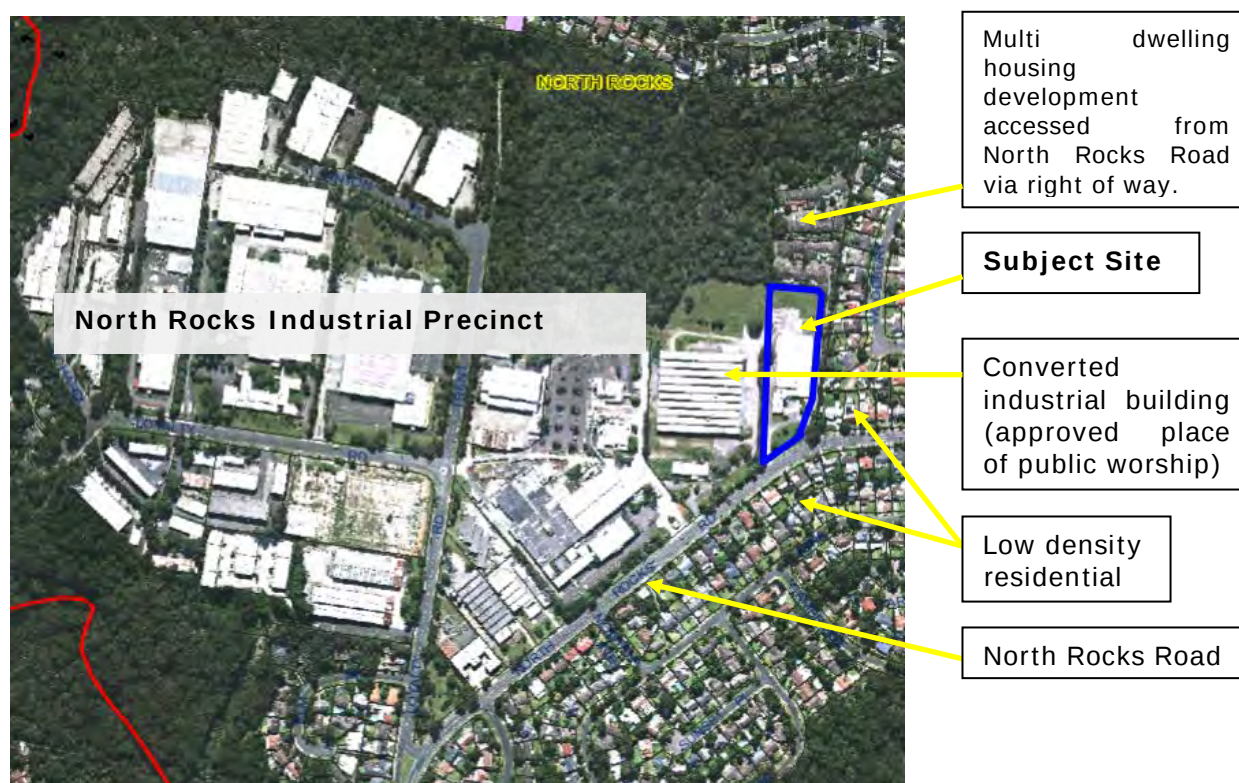


Figure 1
Subject site and surrounding development

In submitting the planning proposal, the applicant advised Council of difficulties in securing tenants in recent years due to a number of factors including the age and size of

the building on site, nature of surrounding development and its location on the fringe of the industrial area.

The planning proposal as originally submitted proposed a rezoning from IN1 General Industrial to R1 General Residential and retention of the existing 16 metre height limit in order to achieve possible residential flat buildings on the site. Council at its ordinary meeting of 27 November 2012 resolved to proceed with a rezoning to R3 Medium Density Residential and a nine (9) metre height limit. This is consistent with the adjoining land to the rear, which is already developed for multi dwelling housing and would be more in keeping with the expectations of residents living in lower density housing in the surrounding area. Further, it is consistent with Council's Housing Strategy by ensuring zonings with high densities are located closer to major centres and transport hubs.

REPORT

The purpose of this report is to consider the outcome of the public exhibition and the submissions received during the exhibition of the planning proposal. The report is structured as follows:

1. Summary of Planning Proposal;
2. Gateway Determination;
3. Exhibition Details;
4. Summary of Submissions;
 - a) Consultation with NSW Rural Fire Service;
 - b) Public Submissions;

1. SUMMARY OF PLANNING PROPOSAL

The planning proposal seeks to amend The Hills Local Environmental Plan 2012 to rezone the land from IN1 General Industrial to R3 Medium Density Residential, change the minimum lot size from 8000m² to 700m², reduce the height of buildings from 16 metres to nine (9) metres, and delete a requirement for floor space ratio.

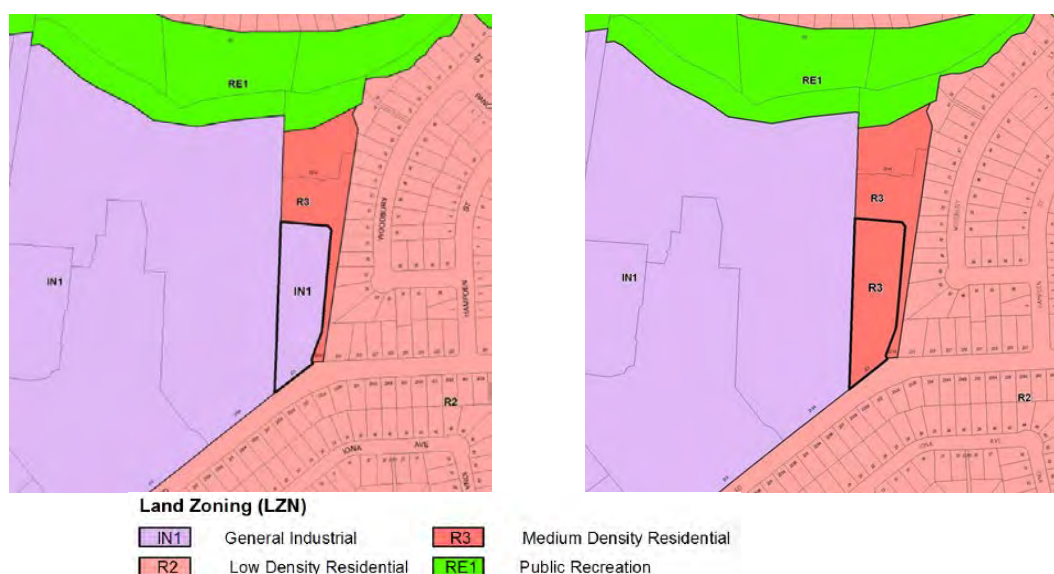


Figure 2
Existing and Proposed Zoning Maps (The Hills LEP 2012)

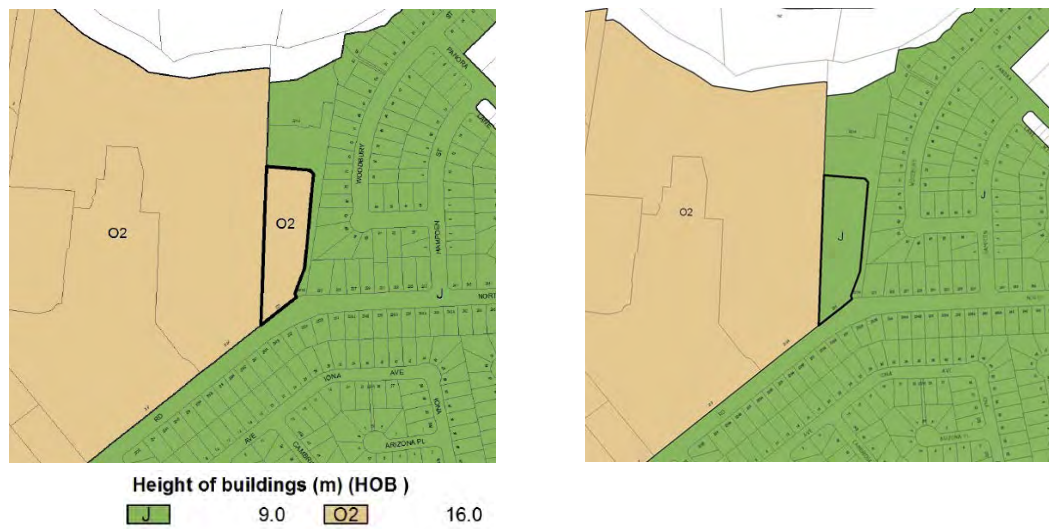


Figure 3
Existing and Proposed Height of Buildings Maps (The Hills LEP 2012)

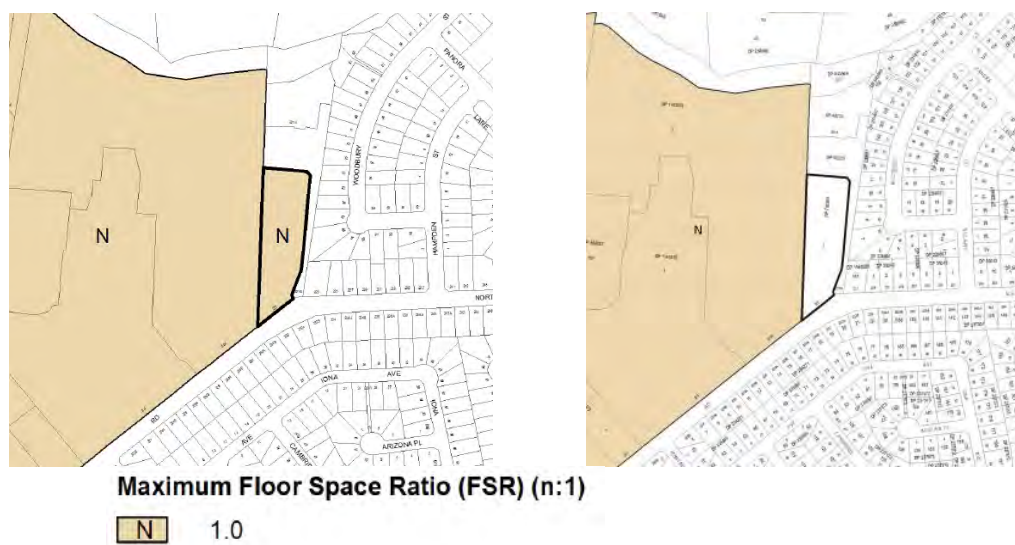


Figure 4
Existing and Proposed Floor Space Ratio Maps (The Hills LEP 2012)

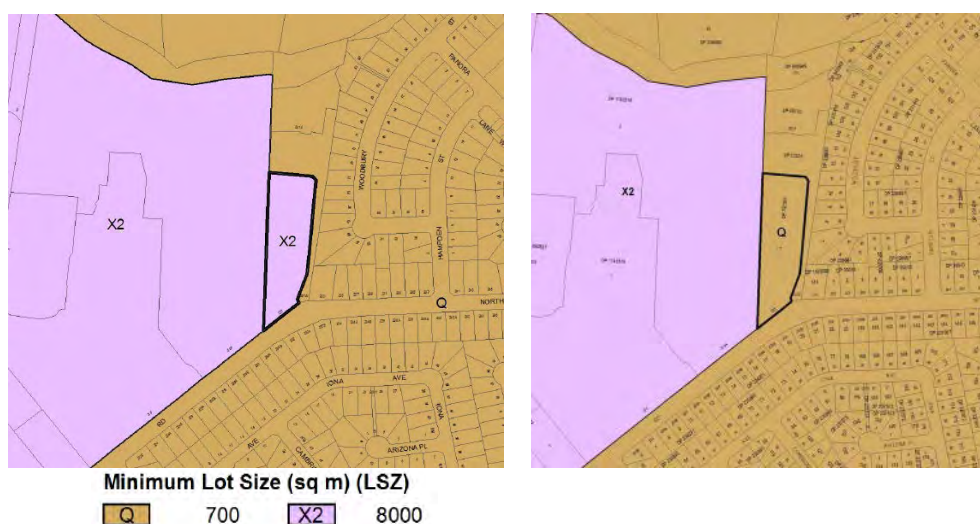


Figure 5
Existing and Proposed Lot Size Maps (The Hills LEP 2012)

2. GATEWAY DETERMINATION

On 8 March 2013, the Department of Planning and Infrastructure issued a Gateway Determination to enable the exhibition of the planning proposal. An Authorisation for Council to exercise delegation to make the plan was issued concurrently with the Gateway Determination. The Gateway Determination required that the following be undertaken:

- A public exhibition period of a minimum of 14 days; and
- Consultation with the NSW Rural Fire Service for 21 days.

3. EXHIBITION DETAILS

The planning proposal and supporting documents were publicly exhibited for a period of 18 days from Tuesday, 26 March 2013 to Friday, 12 April 2013. Notification of the exhibition was placed in The Hills Shire Times on Tuesday, 26 March 2013. Consultation was also undertaken with the NSW Rural Fire Service in accordance with the Gateway Determination.

Council wrote to 75 adjoining and surrounding property owners. The notification advised property owners where to find the exhibition material and how to make submissions.

All exhibition material was available for viewing at Council's Administration Centre and the Carlingford Library. The material was also available for viewing and to download on the 'Major Plans on Exhibition' page of Council's website.

4. SUMMARY OF SUBMISSIONS

In response to the public exhibition, nine (9) submissions were received from adjoining property owners, in addition to comments from the NSW Rural Fire Service. The following key issues were raised in the public submissions:

- Traffic, access and parking
- Garbage collection and letterboxes
- Maintenance of right of carriageway

- iv. Location of the site in relation to a centre and public transport
- v. Amenity (noise, privacy, natural light)
- vi. Character of the area
- vii. Subsidence
- viii. Contamination
- ix. Bushfire risk and emergency services access
- x. Fauna species present on the site

A summary of consultation with the NSW Rural Fire Service and submissions received from the public are summarised below.

a. Consultation with NSW Rural Fire Service

The NSW Rural Fire Service was consulted in writing on 23 December 2013 in accordance with the Gateway Determination and since the site is within a 110m bushfire prone land vegetation buffer (Figure 6).

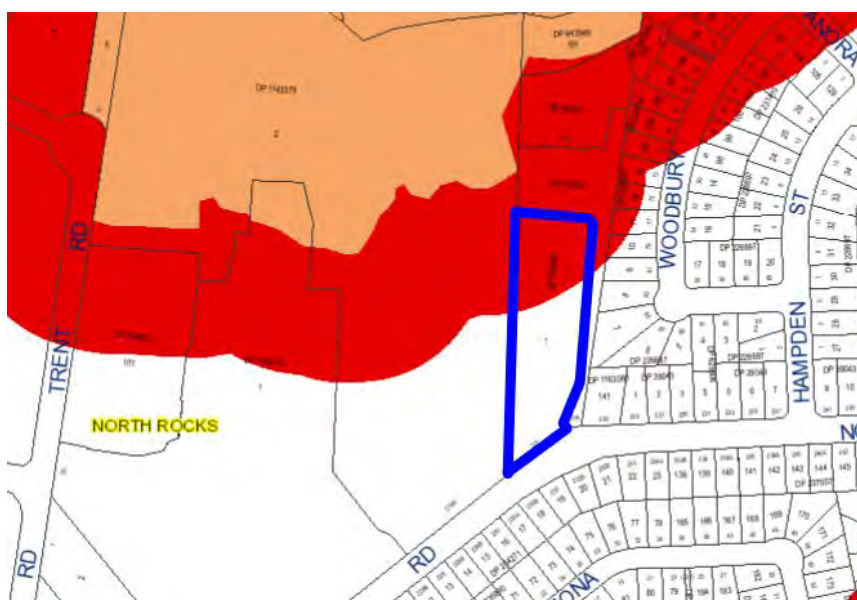


Figure 6

Excerpt from Bush Fire Prone Land Map (May 2012)

The NSW Rural Fire Service notes that the land is partially identified as bush fire prone on Council's Bush Fire Prone Land Map. Any future development application must comply with either section 79BA (residential, commercial or industrial development) or section 91 of the Environmental Planning and Assessment Act 1979 which requires the issue of a Bush Fire Safety Authority as per section 100B of the Rural Fires Act 1997. Future development applications should be supported by a bushfire assessment report which considers Planning for Bush Fire Protection 2006.

In addition, the planning controls for Special Fire Protection Purposes development if proposed (ie. seniors living) within Section 4.2 of Planning for Bush Fire Protection 2006 must be considered in the design stages of development and would require greater separation from bush fire threats and increased construction requirements.

Asset protection zones required by Planning for Bush Fire Protection 2006 should be located wholly within the development site. The hazard vegetation in this instance is located to the north west of the site. An Asset Protection Zone will need to be provided in this location in accordance with Table A2.4 of Planning for Bush Fire Protection 2006.

Proposed public access roads within any future subdivision will need to comply with section 4.1.3 of Planning for Bush Fire Protection 2006. It is noted that a number of the existing public roads surrounding in the vicinity are narrow and an increase in density could lead to a reduction in capacity of the existing access roads to handle traffic generated in the event of an emergency. A traffic report should be prepared which addresses the ability for emergency services to access the site and surrounding area whilst residents are evacuating the area, taking into account the additional traffic generated by a proposed development on the site.

Landscaping within the site should, wherever possible, comply with Appendix 5 of Planning for Bush Fire Protection 2006. There should be no opportunity for direct 'fire runs' to be established within the site which could impact upon future development.

Comment:

The matters raised by the NSW Rural Fire Service can be appropriately addressed in a future development application. Appropriate setbacks can be accommodated at the rear of the site to provide the necessary Asset Protection Zone and separation from the fire threat / vegetation which is located on the adjoining property at 219A North Rocks Road. The design of a future development can also respond to these requirements in proposing suitable landscaping, methods of construction and suitable access arrangements to the site.

b. Public Submissions

This section provides an overview of the key issues raised within the public submissions and comments to address each issue.

Due to the change in planning proposal from an R1 General Residential zone to R3 Medium Density Residential zone, there was some confusion within the submissions as to the form of development that may eventuate on the site, with many believing residential flat buildings would be permitted. Concept plans submitted with the original planning proposal illustrated a possible future development of between two (2) and five (5) storeys with access to basement parking utilizing the existing driveway to the adjoining site 221A North Rocks Road. This form of development would not be permitted under the R3 Medium Density Residential zone. Some residents indicated no opposition to multi dwelling housing but maintained concerns regarding shared access. A full summary of all submissions is provided in Attachment 1.

i. Traffic, access and parking

Residents are concerned with traffic and parking that will be generated by a high density development on the site, the safety of the shared driveway, and delays turning out on to North Rocks Road (and from North Rocks Road on to Windsor Road) associated with the existing 32 unit multi dwelling housing (town house) development to the rear of the site at 221A North Rocks Road and the approved Korean Church at 219A North Rocks Road.

The existing shared driveway (with 221A North Rocks Road) is not wide enough to maintain two cars coming and going. Increased traffic on this road due to development with a capacity of 175 people will be enormous and will have an associated increase in noise compared to the existing industrial use. It is incorrect to state that a residential development will reduce traffic generation as opposed to an industrial use of the property.

Cars parking on the street frontage make it difficult to see oncoming traffic. It is requested that Council erect 'No Parking' signs on the frontage of the subject site and either side of the right of way driveway serving the town house development at the rear.

Comment:

The subject site benefits from a right of way over the access handle of the adjoining property to the north (221A North Rocks Road) which is occupied by a multi-dwelling house development. Seven (7) submissions were received from residents of 221A North Rocks Road and all expressed concerns regarding future use of the shared driveway and believed that residential flat buildings were proposed on the site due to original concept plans submitted with the planning proposal.

The applicant's original planning proposal was to rezone the site from IN1 General Industrial to R1 General Residential, which would permit residential flat buildings. The Hills Development Control Plan 2012 allows a maximum density of 175 persons per hectare for this form of development. The revised planning proposed as exhibited is to rezone the site to R3 Medium Density Residential, which would permit multi dwelling housing (town houses) with a maximum yield of 95 persons per hectare.

Based on the maximum possible yield, and without regard to other applicable controls and site constraints, a maximum of 45 x two (2) bedroom town houses could be achieved on the site. Using the rates provided in the Roads and Maritime Services (RMS) Guide to Traffic Generating Developments, the traffic generation of a development of this type and size would generate approximately 27 peak hour trips (45 x 0.6 trips/dwelling), compared to an estimated 31 peak hour trips (1 trip/100m²) that may be generated by the occupation of the existing 3,050m² industrial building. Whilst the current tenant of the industrial building may not generate this number of vehicular movements, it is possible that another industrial occupant could.

If the planning proposal proceeds to finalisation, the traffic generation of a future development and the proposed access arrangements will be assessed at the development application stage when the design, number of units, and access arrangements are proposed in detail. The Hills Development Control Plan 2012 (Part B Section 4 – Multi dwelling housing) requires that vehicular entry, exit and circulation must be provided in a manner that ensures a safe environment for both pedestrians and vehicles using the site and surrounding road networks and to provide for service vehicles.

With respect to the North Rocks Road / Church Street intersection, Council is aware of the need for improvements in this location. Developments in the vicinity of the intersection will be incorporating some traffic improvements including the provision of a central median turning lane and no stopping restrictions on North Rocks Road. The Roads and Maritime Services have also provided Council with a conceptual design for the proposed slip lane treatment, the construction of which has been imposed as a condition of consent on a number of the larger scale residential developments at the western end of North Rocks Road.

With regard to the installation of traffic signs on North Rocks Road, should sight distance be an issue it is possible that measures such as 'No Stopping' signs could be provided as a condition of consent for any future development on the site.

ii. Garbage collection and letterboxes

Should a future development share the existing driveway access to 221A North Rocks Road, concerns are raised regarding increased congestion of the driveway and the

possibility of accidents associated with garbage collection arrangements, the location of letterboxes at the site entrance and vehicles waiting to turn right on to North Rocks Road. The driveway is already congested on collection day with bins associated with the existing development at 221A North Rocks Road. Additional bin and collections may block the driveway for lengthy periods of time and the collection will generate noise which will impact on the amenity of the area.

Concerns are raised for the safety of pedestrians and that additional traffic will prevent the collection of mail from letterboxes on the front boundary except by vehicle. One submission raised concern about the impacts on their current lifestyle as a result due to their disability and daily exercise along the driveway. There is an existing footpath which runs parallel to the driveway however it is difficult to use due to damage from tree roots and overhanging branches.

It is suggested by a resident that a future driveway be located on the western boundary of the subject site to ensure the safety of pedestrians on the existing access way to 221 A North Rocks Road and to maintain stopping space at letterboxes for this development.

Comment:

The planning proposal under consideration is only for the rezoning of the site. A development application would be lodged in the future if the rezoning of the site is supported. Concept plans for a residential flat building development were submitted with the planning proposal to provide an indication of the form that future residential development may take. However, the concept plans were based on the originally proposed R1 General Residential zone. Council resolved not to proceed with the R1 General Residential zone, but to instead propose an R3 Medium Density Residential zone which would permit future residential development of a reduced intensity, being multi dwelling housing (town houses).

The particulars of a future residential development including the location of access to the site, letterboxes and bin storage areas will be addressed in detail at the development application stage. Bin storage and collection arrangements must comply with Council's Waste Management Information and Bin Bay Design Specifications for multi dwelling housing. These specifications provide requirements for the adequate storage and safe servicing of bins within a development. In addition, The Hills Development Control Plan 2012 (Part B Section 4 – Multi dwelling housing) requires site services and facilities (such as letter boxes and garbage compounds) to be designed to as to provide safe and convenient access for residents and servicing vehicles.

Future access to the site and any proposed use of the right of way would also be subject to negotiations between the subject site and 221A North Rocks Road. The condition and maintenance of the existing footpath that runs parallel to the access driveway is a matter for the strata management of 221A North Rocks Road. It is also noted that the additional vehicular movements generated by a future residential development are likely to be less than those generated by an industrial occupant of the existing building or by an industrial redevelopment of the site.

iii. Maintenance of right of carriageway

Concern is raised regarding who will be responsible for the additional maintenance of the driveway, retaining walls and fences.

Comment:

The existing driveway access to 221A North Rocks Road is currently owned and maintained by 221A North Rocks Road. The subject site benefits from access to the rear of the site using this driveway. Post development access to the site and any proposed use of the right of way and associated maintenance obligations is a civil matter that would be subject to negotiations between the subject site and 221A North Rocks Road.

iv. Location of the site in relation to a centre and public transport

The proposed development is not located in the vicinity of a major transport hub or centre.

Public transport from the site to Parramatta or Epping is quite good due to an existing bus route, however public transport to Castle Hill or Norwest would take 1.5 hours by public transport.

Comment:

The site does not adjoin an existing retail centre and is located approximately 2kms from the North Rocks shopping centre. It is agreed that the site is not a suitable location for high density residential development which would have been permissible under the R1 General Residential zone originally proposed by the applicant.

The limitations of public transport in the locality are recognised. Bus route 549 does provide a regular service between Epping and Parramatta via North Rocks Road however this is the extent of the public transport directly servicing the site. The proposed R3 Medium Density Residential zone will only permit residential development of a similar intensity to existing development in the locality. Therefore the level of available public transport is not considered to be an impediment to the proposed rezoning.

v. Amenity (noise, privacy, natural light)

Concern has been raised that noise caused by neighbours within a high density development is unpleasant for occupants of the development.

Concerns are raised regarding the height of a future development, loss privacy to bedrooms and play areas, natural light and property value. It is suggested that future development should be set back further and reduced in height.

A request was made by a resident of Woodbury Street that rezoning be conditional upon the imposition of a caveat on the land specifying that development be no higher than two storeys in order to protect privacy, and provision of vehicular access via the right of carriageway to 221A North Rocks Road to the rear of a property in Woodbury Street.

Comment:

Acoustic privacy between dwellings in a future development would be addressed at the development application stage and is required to comply with specific requirements of the Building Code of Australia.

The concept plans submitted with the original planning proposal associated with an R1 General Residential Zone indicated possible residential development ranging from two (2) to five (5) storeys in height since the original planning proposal sought to maintain

the existing 16 metre height limit on the site. The planning proposal exhibited by Council is for an R3 Medium Density zone with maximum height of 9 metres, consistent with the controls that apply to the land occupied by the adjoining residential development to the rear of the site. Therefore the height and design of a future residential development would be consistent with development in the vicinity. Privacy concerns would be specifically addressed at the development application stage upon the submission of a detailed design. A future development would be required to comply with Council's minimum set back requirements (six (6) metres to rear boundary for the first floor component of multi dwelling housing) in addition to setbacks required for an Asset Protection Zone due to bush fire threat from vegetation on the adjoining property which may require a setback greater than six (6) metres.

Although it is likely that the form of future development will be no higher than two (2) storeys under the proposed nine (9) metre height limit, it is not appropriate to impose a specific storey limit when an overall height limit is in place. The provision of an alternative access to the rear of an adjoining residential property via the existing access driveway to 221A North Rocks Road is a civil matter that would need to be negotiated by the relevant land owners.

vi. Character of the area

Residential flat buildings are not an appropriate development form in the area which is predominantly single storey residential or two storey town houses.

One resident raised no objection to the development of the site for medium density development as it will enhance the surrounding area.

Comment:

It is agreed that multi dwelling housing (town houses) is an appropriate form of development on the site subject to appropriate design. This will be facilitated under the proposed R3 Medium Density Residential zone and nine (9) metre height limit.

vii. Subsidence

A resident is concerned about subsidence and advises that there is already evidence of subsidence occurring on the site. The Geotechnical Preliminary Site Investigations Report submitted with the planning proposal advises that soil underneath the subject site is highly permeable earthy sand. The resident is concerned that construction activity and the proximity of a future building to the rear boundary will cause further subsidence and undermine a retaining wall in the submitter's rear yard. Subsidence is being monitored and recorded by the resident.

Comment:

The concept plans submitted with the planning proposal were indicative of a possible built form that may have been achieved under the applicant's original proposal to rezone the site to R1 General Residential and maintain the existing 16 metre height limit applicable to the site.

The planning proposal under consideration is for the rezoning of the site from IN1 General Industrial to R3 Medium Density Residential with a reduction in height from 16 metres to nine (9) metres. The proposed zone and height limit will facilitate future development of a similar scale to residential development in the vicinity. Future development will be required to comply with setbacks stipulated in The Hills Development Control Plan 2012 in addition to required Asset Protection Zones.

Development must also be designed in response to a detailed site analysis which would include consideration of soil type and the stability of both the subject site and adjoining properties.

viii. Contamination

Concern is raised regarding the possibility of asbestos which may be buried on the site, potential contamination as detailed in the Preliminary Contamination Assessment and the location of the underground storage tank, due to the topography, type of soil ("earthy sand / high permeable") and previous uses of the site including chemical storage.

Comment:

In accordance with the requirements of State Environmental Planning Policy No 55 – Remediation of Land, when considering the rezoning of land Council must be satisfied that the site is, or can be made suitable for the intended future use enabled by the proposed zone.

A Preliminary Contamination Assessment submitted with the proposal assessed the site's potential risk to harm human health and/or the environment. The scope of work undertaken included a review of the site history, geological and hydrogeological information and a site inspection. No indicators of potential contamination such as petroleum hydrocarbon staining, soil staining, plant distress, toxic odour, chemical storage, air emissions, ash materials or features associated with underground storage tank were identified within the site.

It was concluded that the current land use and site conditions present only a low potential for contamination, however it was recommended further sampling and testing be undertaken at the development stage to determine the level of remediation necessary to render the site suitability for residential development. An underground tank locator should be used to determine the position of decommissioned storage tank/s and be removed by a licensed contractor.

Further investigations to confirm the level of contamination, presence of contaminants such as asbestos and location of tanks would require demolition of some of the built structures on the site. As the premises is currently occupied by an active business and the preliminary investigations indicated a low potential for contamination it is considered reasonable that detailed investigations be undertaken at the development application stage should the planning proposal proceed. A remediation action plan will also be required to ensure that the site is appropriately remediated and that all factors, including impacts on the surrounding area, are appropriately managed.

ix. Bushfire risk and emergency services access

Concerns are raised regarding bushfire risk due to the adjoining bushland and the increased danger for the development to the rear of the site at 221A North Rocks Road due to future development restricting fire truck access.

A resident raises the issue of possible confusion for emergency services and deliveries in differentiating between sites.

Comment:

A future residential development must be sited and designed in accordance with the NSW Rural Fire Service Planning for Bushfire Protection 2006 having regard to the level of bushfire risk. Consideration of a future development application will also address access for emergency services and the location of street numbering/letterboxes in order to minimise confusion. The NSW Rural Fire Service has raised no objection to the planning proposal subject to future development having regard to the provisions of NSW Planning for Bushfire Protection 2006.

x. Fauna species on the site

Grass at the rear of the site is home to red belly black snakes, and Common Planigales (marsupial mouse) are also present on the site.

Comment:

A Flora and Fauna study was not required to be undertaken with the planning proposal due to its existing industrial use and lack of natural vegetation on the site. Vegetation consists of minimal garden plantings and a controlled grass environment to the rear of the building and hard stand area. If snakes or marsupial mice are present on the site it is most likely in association with the dense bushland located on the adjoining site 219A North Rocks Road. Whilst the red belly black snake is not listed as an endangered species, the common planigale is listed as a vulnerable species under the Threatened Species Conservation Act 1995. The rezoning of the site from industrial to residential is not considered to have a detrimental impact on these species if they are located on the site.

NEXT STEPS

Should Council resolve to adopt the Planning Proposal, a request will be made to the Parliamentary Counsel's Office for the preparation of a draft instrument.

Following the issue of an Opinion from the Parliamentary Counsel's Office the Plan will be finalised under the General Manager's delegation to make draft local environmental plans under section 59 of the Environmental Planning and Assessment Act 1979.

CONCLUSION

The planning proposal will rezone the subject site from IN1 General Industrial to R3 Medium Density Residential, together with a reduction in lot size from 8000m² to 700m² and height from 16 metres to 9 metres, and the deletion of a floor space ratio. The planning proposal will facilitate future residential development that is in keeping with the character of the surrounding low to medium density development.

The site's isolation on the periphery of the industrial area, shared access with residential development and topography, which physically separates the subject site from adjoining industrial land (occupied by a place of public worship), provides sufficient merit to support a residential zone. A residential rezoning will facilitate the provision of additional housing in an existing urban area with access to bus services.

The planning proposal will have minimal impact on the capacity of employment lands as the site forms just 0.3% of light industrial land in The Hills Shire and 0.02% of employment land in the North West Sub-Region.

Key issues raised in relation to the exhibition of the planning proposal have been addressed in the body of the report and the NSW Rural Fire Service raised no objection to the planning proposal. It is therefore recommended that Council adopt the planning proposal as exhibited. Given delegation for the making of the planning proposal has been authorised by the Department of Planning and Environment, the planning proposal can be finalised in accordance with delegations issued to the General Manager to make Local Environmental Plans.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future Community Strategic Plan

The planning proposal will assist in the realisation of Hills 2026 outcomes of balanced urban growth through the provision of additional housing in an existing urban area with access to bus services.

RECOMMENDATION

The planning proposal for Lot 1 DP 792565, 221 North Rocks Road, North Rocks, be adopted by Council and progressed to finalisation in accordance with the General Manager's delegation to make Local Environmental Plans under Section 59 of The Environmental Planning and Assessment Act 1979.

ATTACHMENTS

1. Submission summary (13 pages)

ATTACHMENT 1

SUMMARY SHEET OF SUBMISSIONS

No.	1
Issues raised	1. Concern is raised regarding parking associated with the subject site and the adjoining Korean Sae Soon Church. Cars parking on the street frontage make it difficult to see oncoming traffic, particularly due to the resident's disability. It is requested that Council erect 'No Parking' signs on the frontage of the subject site and either side of the right of way driveway serving the town house development at the rear. Planning Comment: The installation of traffic signs on North Rocks Road is a matter that can be considered in the assessment of a future development application for the site. Should sight distance be an issue it is possible that measures such as 'No Stopping' signs could be provided as a condition of consent for any future development on the site. 2. A comment is made that the applicant's planning proposal falsely claims that the building on site is unoccupied. Planning Comment: At the time of preparing the application the building may have been vacant as the tenant has changed a number of times and the building has been vacant for some periods in recent years. This matter does not impact upon the intent of the planning proposal. 3. Comments are made that the existing shared driveway (with the multi dwelling housing development to the rear of the site – 221A North Rocks Road) is not wide enough to maintain two cars coming and going. Increased traffic on this road due to development with a capacity of 175 people will be enormous and will have an associated increase in noise compared to the existing industrial use. The submission questions who will be responsible for the additional maintenance of the driveway and retaining walls and raises concerns regarding increases to strata fees. Planning Comment: The applicant's original planning proposal was to rezone the site from IN1 General Industrial to R1 General Residential, which would permit residential flat buildings. The Hills Development Control Plan 2012 allows a maximum density of 175 persons per hectare for that form of development. The revised planning proposed as exhibited is to rezone the site to R3 Medium Density Residential, which would permit multi dwelling housing (town houses) with a maximum yield of 95 persons per hectare. Based on the maximum possible yield and without regard to other applicable controls and site constraints, a maximum of 45 x two bedroom town houses could be achieved on the site. Using the Roads and Maritime Services (RMS) Guide to Traffic Generating Developments, the traffic generation of a development of this size would generate approximately 27 peak hour trips, compared to an estimated 31 peak hour trips that may be generated by the occupation of the existing 3,050m² industrial building.

ATTACHMENT 1

	Future access to the site and any proposed use / maintenance of the right of way would be subject to negotiations between the subject site and 221A North Rocks Road. <i>4. Concern is raised regarding garbage collection arrangements. The driveway is already congested on collection day with bins associated with the existing development to the rear of the site. Additional bins associated with a future residential development may block the driveway for lengthy periods of time and the collection will generate noise which will impact on the amenity of the area.</i> Planning Comment: The planning proposal under consideration is only for the rezoning of the site. A development application would be lodged in the future if the rezoning of the site is supported. Concept plans for a residential flat building development were submitted with the planning proposal to provide an indication of the form that future residential development may take. However, the concept plans were based on the originally proposed R1 General Residential zone. Council resolved not to proceed with the R1 General Residential zone, but to propose a R3 Medium Density zone which would permit future residential development of a reduced intensity, being multi dwelling housing (town houses). The particulars of a future residential development including the location and servicing of bin storage areas will be addressed in detail at the development application stage. Bin storage and collection arrangements must comply with Council's Waste Management Information and Bin Bay Design Specifications for multi dwelling housing. These specifications provide requirements for the adequate storage and safe servicing of bins within a development. In addition, The Hills Development Control Plan 2012 (Part B Section 4 – Multi dwelling housing) requires site services and facilities (such as letter boxes and garbage compounds) to be designed to as to provide safe and convenient access for residents and servicing vehicles. <i>5. Concern is raised regarding additional traffic generation on the shared driveway as a result of future residential development. The resident believes the driveway will become unsafe for pedestrians and prevent the collection of mail from letterboxes on the front boundary except by vehicle. The resident is concerned about the impacts on their current lifestyle due to their disability and daily exercise along the driveway. The resident is also concerned about future mail boxes on the shared driveway also causing congestion as residents collect mail. No objection is raised to housing being provided on the site, but objection is raised to the concept of a shared driveway.</i> Planning Comment: The planning proposal is to rezone the land from IN1 General Industrial to R3 Medium Density Residential. The particulars of a future residential development including the location of access to the site and letterboxes will be addressed in detail at the development application stage. Future access to the site and any proposed use of
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	the right of way would also be subject to negotiations between the subject site and 221A North Rocks Road. The Hills Development Control Plan 2012 (Part B Section 4 – Multi dwelling housing) requires that vehicular entry, exit and circulation must be provided in a manner that ensures a safe environment for both pedestrians and vehicles using the site and surrounding road networks and to provide for service vehicles. It is also noted that the additional vehicular movements generated by a future residential development are likely to be less than those generated by an industrial occupant of the existing building or by an industrial redevelopment of the site.
Action	No further action required.
No.	2
Issues raised	1. <i>Concerns are raised in relation to sharing the driveway with the proposed 90 residential units and the impact on a peaceful living environment.</i> Planning Comment: As addressed in relation to the previous submission, the concept plans submitted with the original planning proposal (proposing the R1 General Residential zone) indicated a possible future built form of around 90 residential units. However, under the proposed alternative zoning (R3 Medium Density Residential), the potential future yield would be approximately halved. The detailed design of a future development including access, would be addressed as part of a future development should be rezoning be supported. A traffic report will be required and any development must ensure safe and practical vehicular access in accordance with The Hills Development Control Plan 2012. 2. <i>Chaos is predicted if a future residential development will share bins with the existing development at 221A North Rocks Road.</i> Planning Comment: The matter of waste storage and collection will be required to be addressed in detail at the development application stage and will be subject to assessment by Council to ensure arrangements are satisfactory. Bin storage facilities separate to those provided for the existing development at 221A North Rocks Road must be provided. Bin storage and collection arrangements must comply with Council's Waste Management Information and Bin Bay Design Specifications for multi dwelling housing. These specifications provide requirements for the adequate storage and safe servicing of bins within a development. In addition, The Hills Development Control Plan 2012 (Part B Section 4 – Multi dwelling housing) requires site services and facilities (such as letter boxes and garbage compounds) to be designed to as to provide safe and convenient access for residents and servicing vehicles. 3. <i>Concerns are raised regarding the height of a future development, views to the sky and loss of privacy.</i> Planning Comment:

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The concept plans submitted with the original planning proposal associated with an R1 General Residential Zone indicated possible residential development ranging from two (2) to five (5) storeys in height. The original planning proposal sought to maintain the existing 16 metre height limit on the site. The planning proposal exhibited by Council is for an R3 Medium Density zone with maximum height of nine (9) metres, consistent with the controls that apply to the land occupied by the adjoining town house development to the rear of the site. Therefore, the height and design of a future residential development would be consistent with development in the vicinity. Privacy concerns would be specifically addressed at the development application stage upon the submission of a detailed design. A future development would be required to comply with Council's minimum setback requirements (six (6) metres to rear boundary for the first floor component of multi dwelling housing) in addition to setbacks required for an Asset Protection Zone due to bush fire threat from vegetation on the adjoining property which may require a greater setback at the rear of the site. <i>4. The resident is concerned that the planning proposal will result in chaos at the Barclay Road M2 parking area since there is a shortfall of spaces already.</i> Planning Comment: It is not possible to conclude whether or not the residents of a future development on the site will utilise the Barclay Road M2 parking area which is located approximately 3.5kms from the site. The site is considered suitable for medium density residential development. <i>5. The issue of safety and incidence of thefts in high density residential development is raised.</i> Planning Comment: Residential flat buildings will not be permitted under the proposed R3 Medium Density Residential zone. The design and safety measures that are implemented in future residential development are a matter for consideration at the development application stage. The Hills Development Control Plan 2012 (Part B Section 4 – Multi dwelling housing) requires developments to provide natural surveillance, clearly defined pathways and adequate lighting. <i>6. Concern has been raised that noise caused by neighbours within a high density development is unpleasant for occupants of the development.</i> Planning Comment: Under the proposed R3 Medium Density Residential zoning the highest form of residential development that would be permitted is multi dwelling housing. Acoustic privacy between dwellings in a future development would be addressed at the development application stage and is required to comply with specific requirements of the Building Code of Australia. <i>7. The submission states that if future development was to consist of</i>

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	<i>houses or town houses most of the concerns raised would be solved.</i> Planning Comment: It is agreed that multi dwelling housing (town houses) is an appropriate form of development on the site subject to appropriate design. This will be facilitated under the proposed R3 Medium Density Residential zone with nine (9) metre height limit.
Action	No further action required.
No.	3
Issues raised	1. <i>Concern is raised that residential flat buildings is not an appropriate development in the area which is predominantly single storey residential or two storey town houses. Any future development should be a maximum of two (2) storeys.</i> Planning Comment: It is agreed that multi dwelling housing (town houses) is an appropriate form of development on the site subject to appropriate design. This will be facilitated under the proposed R3 Medium Density Residential zone with nine (9) metre height limit. 2. <i>It is requested that access to the new development be direct from North Rocks Road or a new access created within the site. The use of the current driveway should be prevented.</i> Planning Comment: Proposed access to the site will be addressed in detail and assessed by Council as part of a future development application. Future access to the site and any proposed use of the right of way would also be subject to negotiations between the subject site and 221A North Rocks Road. The Hills Development Control Plan 2012 (Part B Section 4 – Multi dwelling housing) requires that vehicular entry, exit and circulation must be provided in a manner that ensures a safe environment for both pedestrians and vehicles using the site and surrounding road networks and to provide for service vehicles. It is also noted that the additional vehicular movements generated by a future residential development are likely to be less than those generated by an industrial occupant of the existing building.
Action	No further action required.
No.	4
Issues raised	1. <i>No objection is raised to the development of the site for medium density development as it will enhance the surrounding area.</i> Planning Comment: Support for the planning proposal is noted.

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	2. Concerns are raised regarding the right of way shared by the subject site which leads to the 32 unit multi dwelling housing complex at the rear of the subject site (221A North Rocks Road). It is suggested that a new driveway be located on the western boundary of the site for the following reasons: • Impact on existing driveway from additional cars; • Safety of pedestrians (elderly and school aged) since the existing footpath to the east of the driveway is difficult to use due to tree root damage and overhanging vegetation; • Possible confusion for emergency services and deliveries in differentiating between sites; • Congestion associated with additional bin collection; • To maintain stopping space at letterboxes on the eastern side of the driveway. Planning Comment: Access to the site will be addressed in detail and assessed by Council as part of a future development application. Future access to the site and any proposed use of the right of way would also be subject to negotiations between the subject site and 221A North Rocks Road. The Hills Development Control Plan 2012 (Part B Section 4 – Multi dwelling housing) requires that vehicular entry, exit and circulation must be provided in a manner that ensures a safe environment for both pedestrians and vehicles using the site and surrounding road networks and to provide for service vehicles. The condition and maintenance of the existing footpath that runs parallel to the access driveway is a matter for the strata management of 221A North Rocks Road.
Action	No further action required.
No.	5
Issues raised	1. The main concern raised is the shared driveway since it is too narrow for two cars to pass at the same time. Therefore, sharing with additional residents will have a significant impact. Also of concern is access to North Rocks Road since it is a busy road. Planning Comment: Access to the site will be addressed in detail and assessed by Council as part of a future development application. The proposed access to a future development has not been determined. Future access and any proposed use of the right of way would also be subject to negotiations between the subject site and 221A North Rocks Road. Driveways and circulation areas must also comply with the requirements of The Hills Development Control Plan 2012.
Action	No further action required.
No.	6
Issues raised	1. Concern is raised with regard to loss of natural light and privacy to

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	<i>the rear (south) of a dwelling adjoining the subject site if future development of 3 – 4 storeys is proposed. It is requested that future development be set back further and reduced in height.</i> Planning Comment: Under the proposed R3 Medium Density Residential zone and nine (9) metre height limit, a future development would be of the same scale of adjoining development and would be required to satisfy minimum setback requirements stipulated in The Hills Development Control Plan 2012 in addition to setbacks required for an Asset Protection Zone in response to bush fire risk. 2. <i>Concern is raised regarding congestion on the access driveway and possibility of accidents associated with the location of letterboxes at the site entrance resulting from an additional 191 vehicles, garbage collection and vehicles waiting to turn right on to North Rocks Road.</i> Planning Comment: A future residential development on the subject site will not result in 191 additional vehicles since residential flat buildings will not be permitted. Based on the proposed R3 Medium Density Residential zone and maximum possible yield of 45 x two (2) bedroom town houses, the likely peak vehicle trip generation is more likely to be 27 according to the Roads and Maritime Services (RMS) Guide to Traffic Generating Developments. Access to the site and garbage collection arrangements will be addressed in detail and assessed by Council as part of a future development application. The design of a development must comply with The Hills Development Control Plan 2012 and Waste Management Information and Bin Storage Bay Design Specifications for multi dwelling housing. Future access to the site and any proposed use of the right of way would also be subject to negotiations between the subject site and 221A North Rocks Road. 3. <i>Public transport from the site to Parramatta or Epping is quite good due to an existing bus route, however public transport to Castle Hill or Norwest would take 1.5 hours by public transport.</i> Planning Comment: The limitations of public transport in the locality are recognised. Bus route 549 does provide a regular service between Epping and Parramatta via North Rocks Road however this is the extent of the public transport directly servicing the site. The proposed R3 Medium Density Residential zone will only permit residential development of a similar intensity to existing development in the locality. Therefore the level of available public transport is not considered to be an impediment to the proposed rezoning. 4. <i>The cost of maintenance associated with the right of way (fences, surfaces etc) should be shared between the sites.</i> Planning Comment: Future access to the site and any proposed use of the right of way and
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	associated maintenance obligations is a civil matter that would be subject to negotiations between the subject site and 221A North Rocks Road. The existing driveway is currently owned and maintained by 221A North Rocks Road. <i>5. The applicant's planning proposal indicates that the rear boundary fence of the subject site is metal. The fence is in fact timber.</i> Planning Comment: The incorrect description of this fence is noted.
Action	No further action required.
No.	7
Issues raised	<i>1. Objection is made to the proposed number of residences and the resultant traffic generation of up to 180 vehicles. Turning on to North Rocks Road in peak hour is already difficult. Concern is also raised regarding the noise generated by a basement garage door.</i> Planning Comment: A future residential development on the subject site will not generate 180 additional vehicles since residential flat buildings will not be permitted. Based on the proposed R3 Medium Density Residential zone and maximum possible yield of 45 x two (2) bedroom town houses, the likely peak vehicle trip generation is more likely to be 27 according to the Roads and Maritime Services (RMS) Guide to Traffic Generating Developments. Access to the site and location of parking spaces or basement parking will be addressed in detail and assessed by Council as part of a future development application. The design of a development must comply with the relevant controls in The Hills Development Control Plan 2012. <i>2. Concerns are raised regarding the possibility of asbestos which may be buried on the site.</i> Planning Comment: In accordance with the requirements of State Environmental Planning Policy No 55 – Remediation of Land, when considering the rezoning of land Council must be satisfied that the site is, or can be made suitable for the intended future use enabled by the proposed zone. A Preliminary Contamination Assessment submitted with the proposal assessed the site's potential risk to harm human health and/or the environment. The scope of work undertaken included a review of the site history, geological and hydrogeological information and a site inspection. No indicators of potential contamination such as petroleum hydrocarbon staining, soil staining, plant distress, toxic odour, chemical storage, air emissions, ash materials or features associated with underground storage tank were identified within the site. It was concluded that the current land use and site conditions present only a low potential for contamination, however it was recommended further sampling and testing be undertaken at the development stage to determine the level of remediation necessary to render the site

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	suitability for residential development. An underground tank locator should be used to determine the position of decommissioned storage tank/s and be removed by a licensed contractor. Similarly, any asbestos cement located in the building, or in the ground, is to be demolished by a licensed contractor and disposed of at an Environmental Protection Authority licensed landfill. Asbestos was listed as one of a number of possible ground contaminants due to possible historical fill, however its presence on the site was not confirmed. This would be subject to confirmation at the detailed investigation stage and dealt with appropriately as part of a remediation action plan.
Action	No further action required.
No.	8
Issues raised	1. <i>A resident is concerned about subsidence as there is already evidence of subsidence occurring on the site. The Geotechnique Preliminary Site Investigations Report submitted with the planning proposed advises that soil underneath the subject site is highly permeable earthy sand. The resident is concerned that construction activity and the proximity of a future building to the rear boundary will cause further subsidence and undermine a retaining wall in the submitter's rear yard. Subsidence is being monitored and recorded by the resident.</i> Planning Comment: A development application for a specific built form has not been lodged. The concept plans submitted with the planning proposal were indicative of a possible built form that may have been achieved under the applicant's original proposal to rezone the site to R1 General Residential and maintain the existing 16 metre height limit applicable to the site. The planning proposal under consideration is for the rezoning of the site from IN1 General Industrial to R3 Medium Density Residential with a reduction in height from 16 metres to nine (9) metres. The proposed zone and height limit will facilitate future development of a similar scale to residential development in the vicinity. Future development will be required to comply with setbacks stipulated in The Hills Development Control Plan 2012 and as required for Asset Protection Zones in response to bush fire risk. A future development must also be designed in response to a detailed site analysis which would include consideration of soil type and the stability of both the subject site and adjoining properties. 2. <i>The resident is concerned with height, privacy and loss of property value based on the development plans submitted with the application and a 10 metre high building in close proximity to the boundary.</i> Planning Comment: The planning proposal under consideration is only for the rezoning of the site for residential purposes. A development application has not been lodged for any particular form of development. A development application would be lodged in the future if the rezoning

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	of the site is supported. Concept plans for a residential development were submitted with the planning proposal to provide an indication of the form that future residential development may take. The plans were based on the original planning proposal for an R1 General Residential Zone and indicated possible residential development ranging from two (2) to five (5) storeys in height. The original planning proposal also sought to maintain the existing 16 metre height limit on the site. The revised planning proposal exhibited by Council is for an R3 Medium Density zone with maximum height of nine (9) metres, consistent with the controls that apply to the land occupied by the adjoining town house development to the rear of the site. The height and design of a future residential development would be consistent with development in the vicinity. Privacy concerns would be specifically addressed at the development application stage upon the submission of a detailed design which would be required to comply with Council's minimum set back requirements (six (6) metres to rear boundary for the first floor component of multi dwelling housing). 3. <i>The resident is concerned with bushfire risk due to the adjoining bushland and the increased danger for the development to the rear of the site at 221A North Rocks Road due to future development restricting fire truck access.</i> Planning Comment: A future residential development must be sited and designed in accordance with the <i>NSW Rural Fire Service Planning for Bushfire Protection 2006</i> having regard to the level of bushfire risk. Consideration of a future development application will also include access for emergency services. The NSW Rural Fire Service has raised no objection to the planning proposal subject to future development having regard to the provisions of <i>NSW Planning for Bushfire Protection 2006</i>. 4. <i>Concern is raised regarding potential contamination as detailed in the Preliminary Contamination Assessment and the location of the underground storage tank within 50m of an adjoining residential property. The resident is concerned due to the topography, type of soil ("earthy sand / high permeable") and previous uses of the site including chemical storage.</i> Planning Comment: A Preliminary Contamination Assessment submitted with the proposal assessed the site's potential risk to harm human health and/or the environment. The scope of work undertaken included a review of the site history, geological and hydrogeological information and a site inspection. No indicators of potential contamination such as petroleum hydrocarbon staining, soil staining, plant distress, toxic odour, chemical storage, air emissions, ash materials or features associated with underground storage tank were identified within the site. It was concluded that the current land use and site conditions present only a low potential for contamination, however it was recommended further sampling and testing be undertaken at the development stage
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	to determine the level of remediation necessary to render the site suitability for residential development. An underground tank locator should be used to determine the position of decommissioned storage tank/s and be removed by a licensed contractor. Further investigations to confirm the level of contamination, presence of contaminants such as asbestos and location of tanks would require demolition of some of the built structures on the site. As the premises is currently occupied by an active business and the preliminary investigations indicated a low potential for contamination it is considered reasonable that detailed investigations be undertaken at the development application stage should the planning proposal proceed. A remediation action plan will also be required to ensure that the site is appropriately remediated and that all factors, including impacts on the surrounding area, are appropriately managed. <i>5. It is noted that grass at the rear of the site is home to red belly black snakes, and that Common Planigales (marsupial mouse) are also present on the site.</i> Planning Comment: A Flora and Fauna study was not required to be undertaken with the planning proposal due to its existing industrial use and lack of natural vegetation on the site. Vegetation consists of minimal garden plantings and a controlled grass environment to the rear of the building and hard stand area. If snakes or marsupial mice are present on the site it is most likely in association with the dense bushland located on the adjoining site 219A North Rocks Road. Whilst the red belly black snake is not listed as an endangered species, the common planigale is listed as a vulnerable species under the Threatened Species Conservation Act 1995. The rezoning of the site from industrial to residential is not considered to have a detrimental impact on these species if they are located on the site. <i>6. Concern is raised with traffic and parking that will be generated by a high density development, the safety of the shared driveway, and delays turning out on to North Rocks Road (and from North Rocks Road on to Windsor Road) associated with the existing development and recently approved Korean Church at 219A North Rocks Road. The resident believes that it is incorrect to state that a residential development will reduce traffic generation as opposed to an industrial use of the property.</i> Planning Comment: Using the rates provided in the Roads and Maritime Services (RMS) Guide to Traffic Generating Developments, the traffic generation of a development of this type and size (maximum of 45 x two bedroom town houses) would generate approximately 27 peak hour trips (45 x 0.6 trips/dwelling), compared to an estimated 31 peak hour trips (1 trip/100m²) that may be generated by the occupation of the existing 3,050m² industrial building. Whilst the current tenant of the industrial building may not generate this number of vehicular movements, it is possible that another industrial occupant could. If the planning proposal proceeds to finalisation, the traffic generation
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	of a future development and the proposed access arrangements will be assessed at the development application stage when the design, number of units, and access arrangements are proposed in detail. The Hills Development Control Plan 2012 (Part B Section 4 – Multi dwelling housing) requires that vehicular entry, exit and circulation must be provided in a manner that ensures a safe environment for both pedestrians and vehicles using the site and surrounding road networks and to provide for service vehicles. With respect to the North Rocks Road / Church Street intersection, Council is aware of the need for improvements in this location. Developments in the vicinity of the intersection will be incorporating some traffic improvements including the provision of a central median turning lane and no stopping restrictions on North Rocks Road. The Roads and Maritime Services have also provided Council with a conceptual design for the proposed slip lane treatment, the construction of which has been imposed as a condition of consent on a number of the larger scale residential developments at the western end of North Rocks Road. <i>7. The resident believes the proposed development will be detrimental to the area's heritage and out of character.</i> Planning Comment: There are no listed heritage items in the immediate vicinity of the site. The proposed R3 Medium Density Residential zone will permit multi-dwelling housing (town houses) within a nine (9) metre height limit. The same zoning and height limit applies to the existing residential development to the rear of the site. The design and siting of a residential development on the site will be the subject of a future development application. <i>8. Comment is made that the proposed development is not located in the vicinity of a major transport hub or centre.</i> Planning Comment: The planning proposal is to rezone the site to R3 Medium Density Residential which would permit multi dwelling housing. This is consistent with the residential development to the rear of the site. It is agreed that the site is not a suitable location for high density residential development which would have been permissible under the zone originally proposed by the applicant (R1 General Residential).
Action	No further action required.
No.	9
Issues raised	<i>1. It is requested that should Council support the rezoning, a caveat be placed on the land specifying that development be no higher than two (2) storeys in order to protect privacy.</i> Planning Comment: It is intended to apply a nine (9) metre height limit to the subject site which is consistent with the height limit of all surrounding land. Although it is likely that the form of future development will be no

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	higher than two (2) storeys under the proposed nine (9) metre height limit, it is not appropriate to impose a specific storey limit when an overall height limit is in place. 2. <i>It is requested that in the light of loss of property value and privacy that will result from a future development, the rezoning be conditional upon the provision of vehicular access via the right of carriageway to 221A North Rocks Road to the rear of a residential property in Woodcroft Street.</i> Planning Comment: The provision of an alternative access to the rear of an adjoining residential property via the existing access driveway to 221A North Rocks Road is a civil matter that would need to be negotiated by the relevant land owners.
Action	No further action required.

THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
AUTHOR:	SUBDIVISION COORDINATOR BEN HAWKINS
RESPONSIBLE OFFICER:	MANAGER SUBDIVISION AND DEVELOPMENT CERTIFICATION ANDREW BROOKS

REASONS FOR REFERRAL TO COUNCIL

Applicant:	Robert Moore and Associates Pty Ltd	1. Section 88B instrument requires authorisation under Council seal.
Owner:	Billyard Homes Pty Ltd	
Zoning:	R2 Low Density Residential	
Area:	0.910ha	
Existing Development:	Partially completed subdivision (roads and drainage)	

The application is to release three easements affecting the parts of the site shown on the plan provided in Attachment 2 as follows:

1. Right of carriageway 6m wide (shaded blue).
2. Easement for services 6m wide (shaded blue).
3. Easement for drainage of water 5m wide (shaded red).

The site is currently being developed under Development Consent DA 1085/2012/ZB for a subdivision creating 12 residential lots. A draft copy of the final plan of subdivision for this development is provided in Attachment 3.

The first two easements were created as part of a facilitating subdivision in 2009 to provide public road access to Lot 22 and Lot 23 DP 1132345 west of the site. Lot 22 DP 1132345 has since been acquired by Council for open space purposes. The subdivision of the subject site renders these easements redundant by providing for direct public road access via the extension of Gormon Avenue. The easements affect the residential lots within the subdivision and need to be removed to facilitate the future development of these lots.

The third easement was created as part of a subdivision in 2011 to encompass a temporary stormwater outlet at the end of Gormon Avenue north of the site. The subdivision of the subject site extends Gormon Avenue, including the road drainage, rendering this easement redundant. This easement does not affect the residential lots within the subdivision however its release will allow the dedication of Gormon Avenue as public road free of burden.

The applicant is seeking to release the subject easements as part of the final plan associated with Development Consent DA 1085/2012/ZB which will ensure the rights afforded by the easements are retained until such time as the missing section of Gormon Avenue is dedicated.

Council is listed as the authority having the rights to release all three easements.

CONCLUSION

No objection is raised to the release of the easements from the title of the subject site subject to the remainder of Gormon Avenue being dedicated as public road concurrently.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future Community Strategic Plan

The release of the easements is required to enable the development of the site for residential purposes in accordance with Development Consent DA 1085/2012/ZB consistent with the planning principles, vision and objectives outlined in the Community Strategic Plan (formerly Hills 2026).

RECOMMENDATION

Council consent to the release of the right of carriageway 6m wide, easement for services 6m wide and easement for drainage of water 5m wide from the title of Lot 236 DP 1149696 and the Section 88B instrument associated with the final plan for Development Consent DA 1085/2012/ZB be authorised for execution under Council seal.

ATTACHMENTS

1. Locality Plan (1 Page)
2. Plan Showing Easements to be Released (1 Page)
3. Final Plan of Subdivision (1 Page)

KELLYVILLE

The map shows a network of streets including Sandlands St, Cardell Rd, Gorman Ave, Hartigan Ave, Wakefield Rse, Burns Ave, Andrews Ave, Barden Wy, Gormon Ave, Memorial Ave, and Cullen Ave. Numerous land parcels are delineated with their respective lot numbers and Development Plan (DP) identifiers. One parcel, located near the intersection of Gormon Ave and Hartigan Ave, is outlined in red.

HILLS
Sydney's Garden Shire

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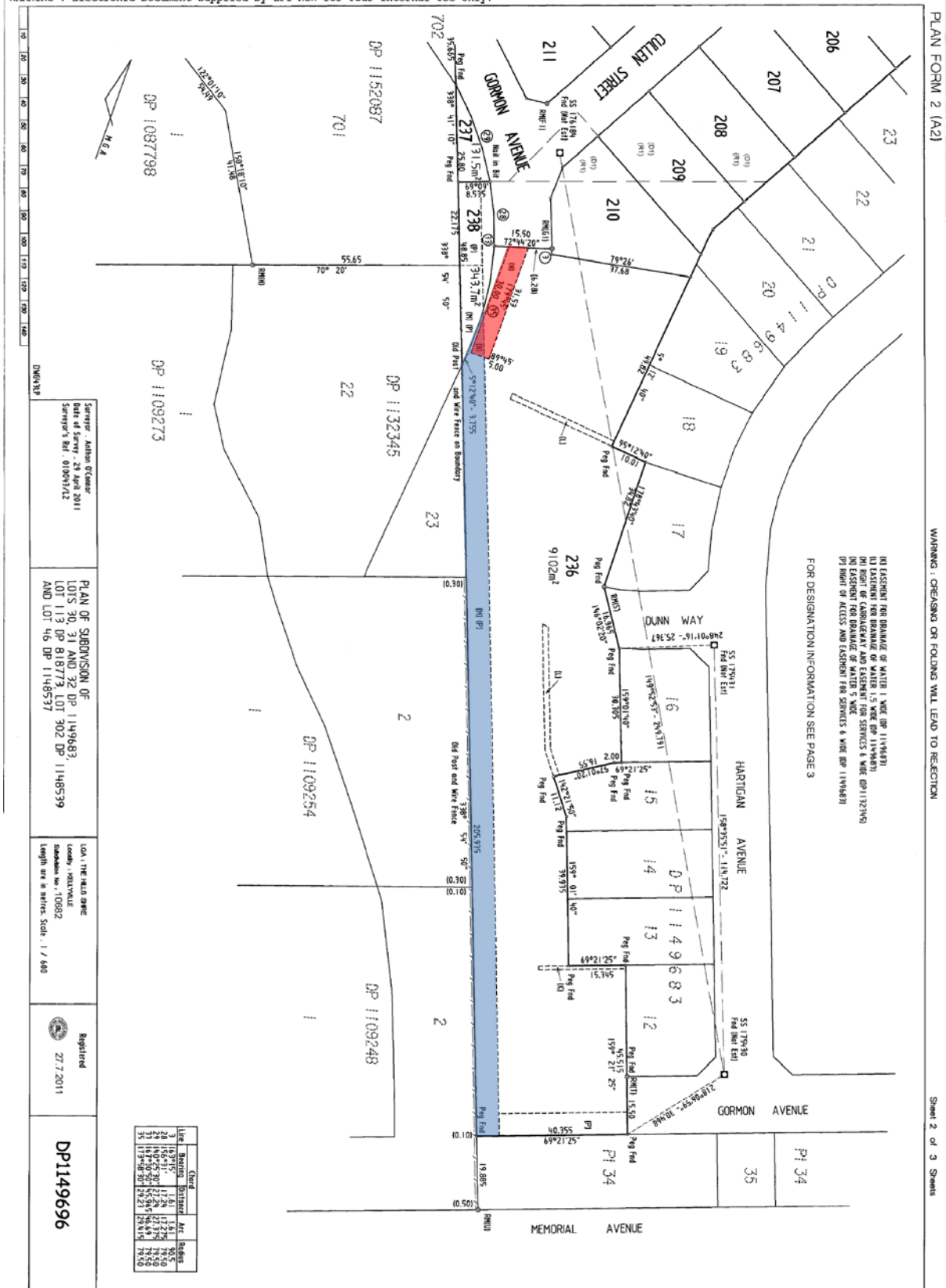
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Date: 8/05/2014

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Prepared by:

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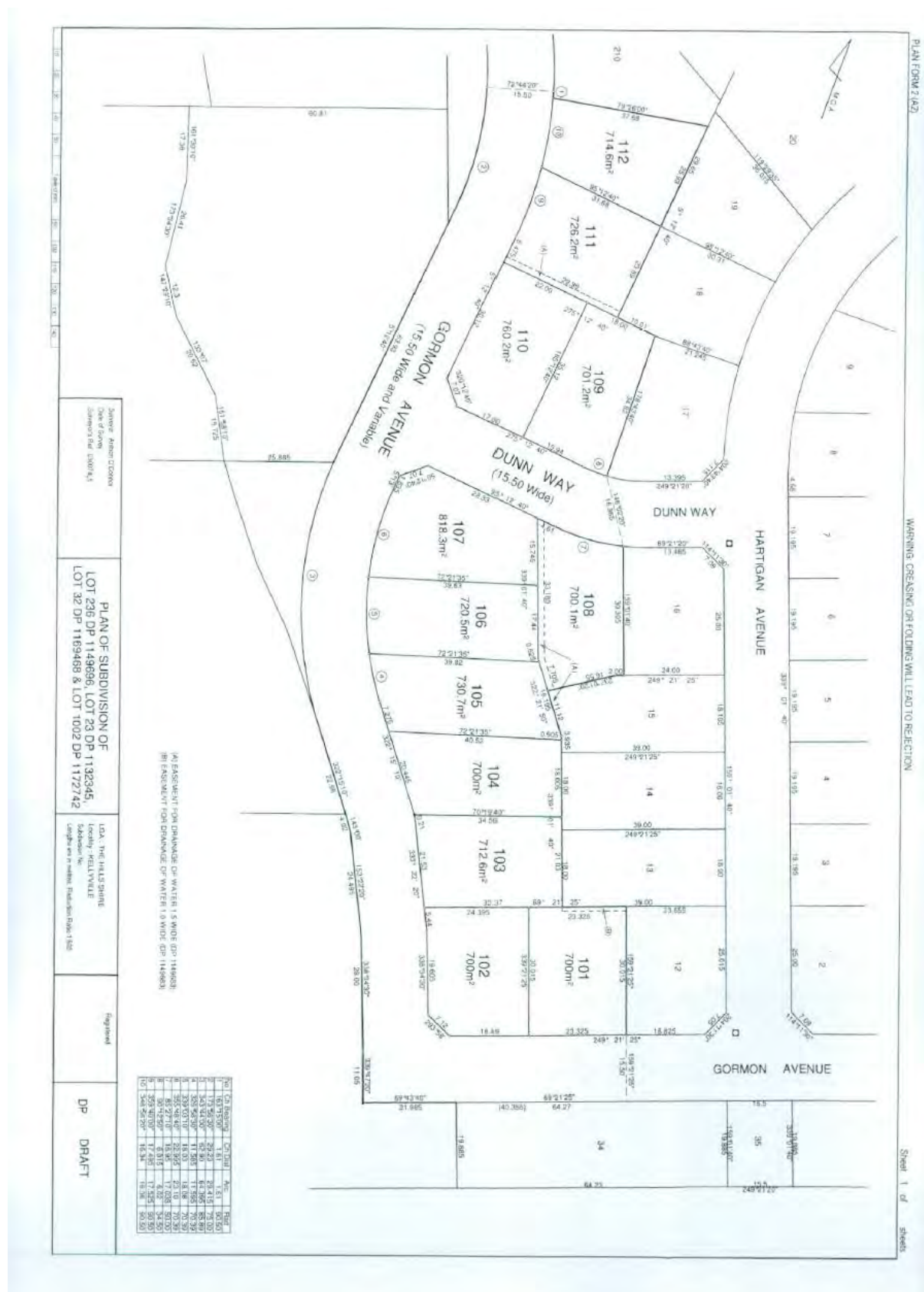
ATTACHMENT 2 – PLAN SHOWING EASEMENTS TO BE RELEASED

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Easement 1 – Right of Carriageway
 Easement 2 – Easement for Services
 Easement 3 – Easement for Drainage of Water

ATTACHMENT 3 – FINAL PLAN OF SUBDIVISION



ITEM-6 **RELEASE OF RIGHT OF CARRIAGEWAY - LOT 32 DP 1172521, 11 GIBBON ROAD, WINSTON HILLS**

THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.
AUTHOR:	DEVELOPMENT ENGINEER CHRISTOPHER BORG
RESPONSIBLE OFFICER:	MANAGER – SUBDIVISION AND DEVELOPMENT CERTIFICATION ANDREW BROOKS

BACKGROUND**REASON FOR REFERRAL TO COUNCIL**

Applicant:	Australand Holdings Ltd	1. Release document require authorisation under Council seal.
Owner:	Australand Industrial No 137 Pty Ltd	
Zoning:	IN1 General Industrial	
Area:	3.08ha	
Existing Development:	Vacant land	

REPORT

The application seeks to release a 6m wide portion of a right of carriageway affecting the part of the site shown (N) highlighted on the plan provided in Attachment 2.

The right of carriageway currently exists over Lot 31 and Lot 32 in DP 1172521 and was created to provide emergency services vehicles (namely, Fire and Rescue NSW) with access to the perimeter of the industrial building constructed on Lot 31 for fire fighting purposes.

A further industrial building has since been approved on Lot 32 by Development Consent DA 919/2014/HA. The approved development on Lot 32 uses part of the area encompassed by the right of carriageway for car parking and an access driveway. This requires an alternative alignment for emergency services vehicle access and renders a section of the right of carriageway redundant. Development Consent DA 919/2014/HA includes Condition 42 which reads:

Prior to issue of an Occupation Certification for any buildings proposed for this development, the existing easement labelled NT on DP 1180323 – Easement for

Emergency Access, must be extinguished and replaced with an easement around the eastern and southern extents of the proposed new building.

The right of carriageway will remain unchanged on Lot 31, however the 6m wide portion on Lot 32 is proposed to be released and replaced by a new restriction on the use of land denoted (NR) shown on the plan provided in Attachment 3 to serve the purpose of emergency services access. The layout and dimensions of (NR) are to suit the approved built form on Lot 32.

Council is the authority having the rights to release the right of carriageway.

CONCLUSION

No objection is raised to the release of part of the right of carriageway from the title of the subject site.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future Community Strategic Plan

The release of part of the right of carriageway is required as this portion of the right of carriageway is not suited to the approved built form on Lot 32, while its proposed replacement (NR) enables the development and use of the site for industrial purposes, consistent with the development consent for the site which was assessed against the planning principles, vision and objectives outlined in the Community Strategic Plan (formerly Hills 2026).

RECOMMENDATION

Council consent to the release of part of the right of carriageway (N) from the title of Lot 32 DP 1172521 and the Section 88B instrument associated with the plan of restriction on the use of land be authorised for execution under Council seal.

ATTACHMENTS

1. Locality Plan (1 Page)
2. Plan Showing Existing Easement (1 Page)
3. Plan Showing Proposed Restriction (1 Page)

The map displays the Baulkham Hills area, including residential streets, a motorway, and various planning zones. Key features include:

- Streets:** Valerie Ave, Baulkham Hills, Gibbon Rd, Madonn Rd, Old Rd, Sierra Rd, Windsor Rd, and others.
- Motorway:** A yellow-shaded area labeled "MOTORWAY" running diagonally across the map.
- Planning Zones:** RE1 (Residential Medium Density), SP2 (Special Purpose), M2 (Major Road), and others.
- Topography:** Green-shaded areas representing hills or parks, including Baulkham Hills and Winston Hills.
- Scale and Orientation:** A scale bar indicating 0 to 200 meters and a north arrow pointing towards the top right.

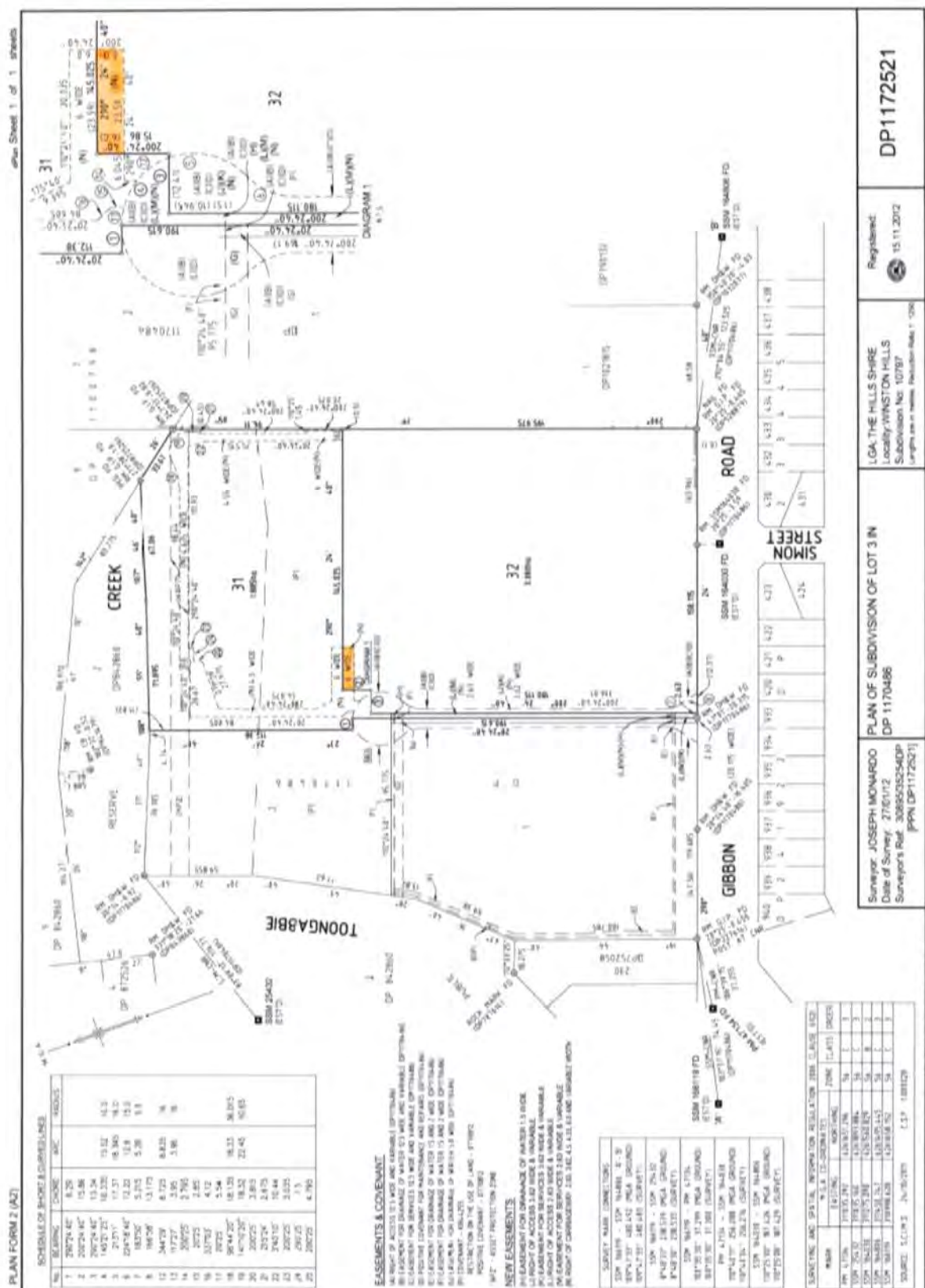
Map Information:

- Scale: 1:4,133
- Date: 5/05/2014
- Prepared for: Austral and
- Prepared by: Chris Borg

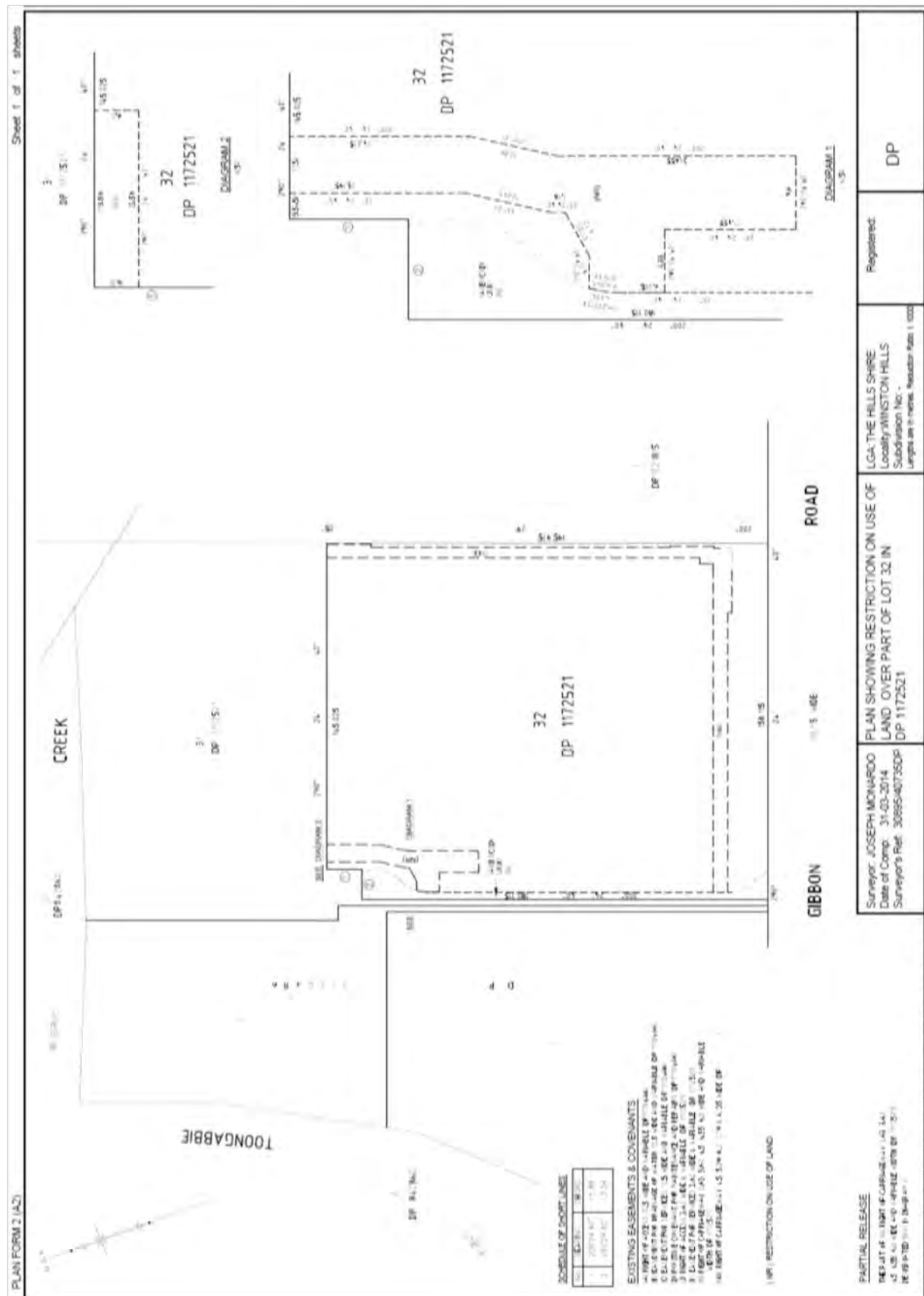
Map Legend:

- RE1: Residential Medium Density
- SP2: Special Purpose
- M2: Major Road
- Winston Hills
- Baulkham Hills

ATTACHMENT 2 – PLAN SHOWING EXISTING EASEMENT



ATTACHMENT 3 – PLAN SHOWING PROPOSED RESTRICTION



ITEM-7 RELEASE OF TEMPORARY RIGHTS OF ACCESS - LOT 1 DP 1183986, 13 CURTIS ROAD, KELLYVILLE

THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
AUTHOR:	SUBDIVISION COORDINATOR BEN HAWKINS
RESPONSIBLE OFFICER:	MANAGER SUBDIVISION AND DEVELOPMENT CERTIFICATION ANDREW BROOKS

BACKGROUND**REASONS FOR REFERRAL TO COUNCIL**

Applicant:	Group Development Services	1. Section 88B instrument requires authorisation under Council seal.
Owner:	Mr M Elesaisawy	
Zoning:	R2 Low Density Residential and RE1 Public Recreation	
Area:	1.982ha	
Existing Development:	Partially completed subdivision (roads and drainage)	

REPORT

The application is to release two temporary 9.5m and variable width rights of access affecting the part of the site shown (M) on the plan provided in Attachment 2.

The site is currently being developed under Development Consent DA 1224/2011/ZB for a subdivision creating 15 residential lots, one residue lot and one open space lot. Development Consent DA 1224/2011/ZB includes the construction and dedication of the eastern portion of Myles Crescent within the site, as shown on the plan provided in Attachment 3.

15 to 17 Curtis Road west of the site was subdivided under Development Consent DA 34/2013/ZD. This subdivision has been completed and a Subdivision Certificate issued, however the final plan of subdivision is yet to be registered at Land and Property Information NSW. That plan of subdivision creates the subject easements, one in favour of Lot 2 DP 270784 as Lot 2 does not have direct lawful access to Myles Crescent until the eastern portion is dedicated, whilst the other is an easement in favour of Council to permit general public access along the constructed formation of Myles Road.

Development Consent DA 34/2013/ZD includes the construction and dedication of the western portion of Myles Crescent within 15 to 17 Curtis Road, as shown on the plan provided in Attachment 2. The full width construction of Myles Crescent across both sites was carried out concurrently. However, due to the delay between the completion and planned registration of the two subdivisions, it was necessary to create the subject easements on the final plan for Development Consent DA 34/2013/ZD within the subject site over the portion of Myles Crescent that was not being dedicated as public road.

So that the remainder of Myles Crescent can be dedicated as public road free of burden, the applicant is seeking to release the subject easements as part of the final plan associated with Development Consent DA 1224/2011/ZB. Releasing the easements and dedicating the road under the one plan will also ensure the rights afforded by the easements are retained until such time as the road is dedicated.

Council is listed as the authority having the rights to release both easements.

CONCLUSION

No objection is raised to the release of the easements from the title of the subject site subject to the remainder of Myles Crescent being dedicated as public road concurrently.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future Community Strategic Plan

The release of the easements is required to enable the development of the site for residential purposes in accordance with Development Consent DA 1224/2011/ZB consistent with the planning principles, vision and objectives outlined in the Community Strategic Plan (formerly Hills 2026).

RECOMMENDATION

Council consent to the release of the rights of access from the title of Lot 1 DP 1183986 and the Section 88B instrument associated with the final plan for Development Consent DA 1224/2011/ZB be authorised for execution under Council seal.

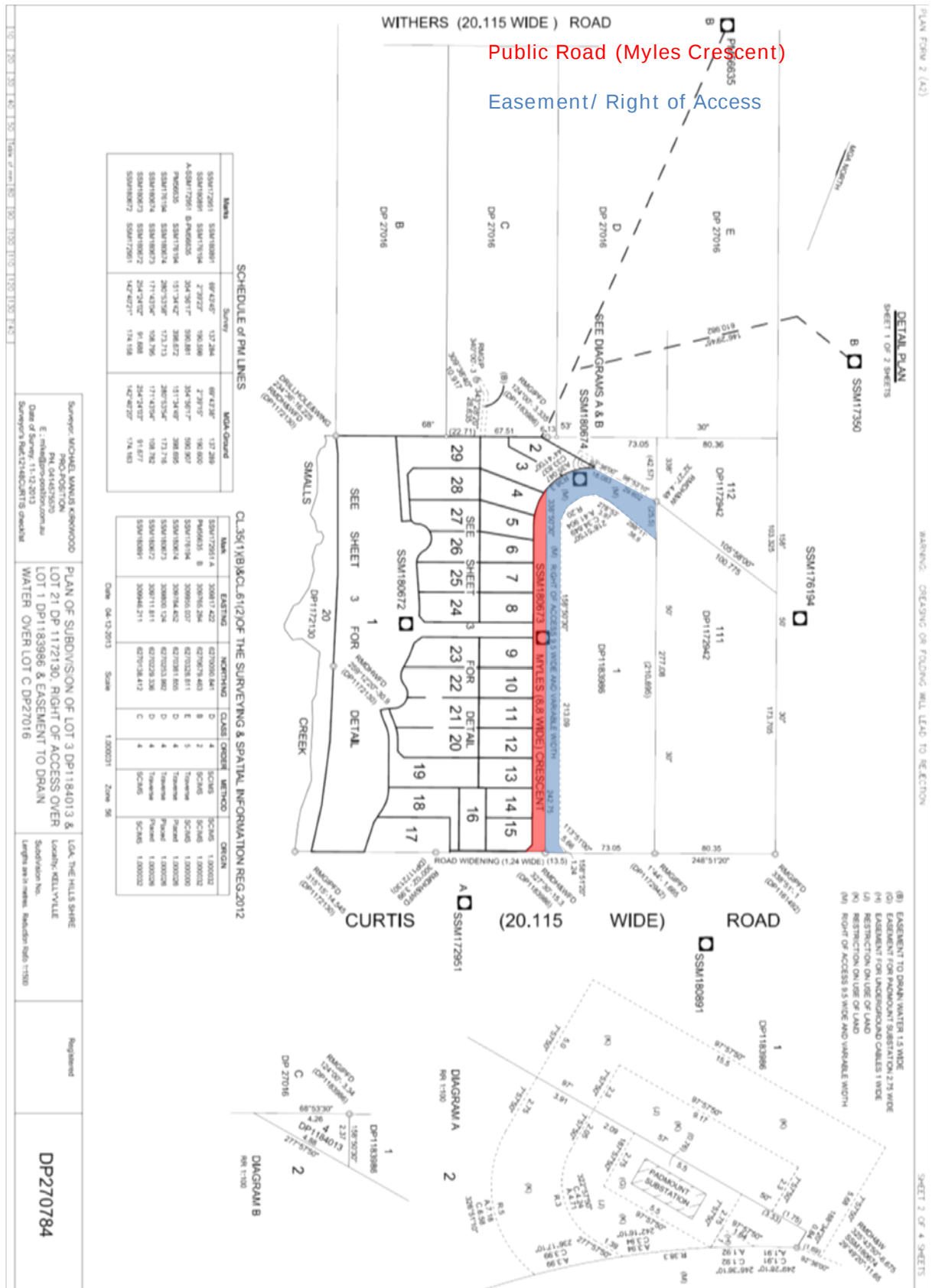
ATTACHMENTS

1. Locality Plan (1 Page)
2. Plan Showing Easement to be Released (1 Page)
3. Plan Showing Road (1 Page)

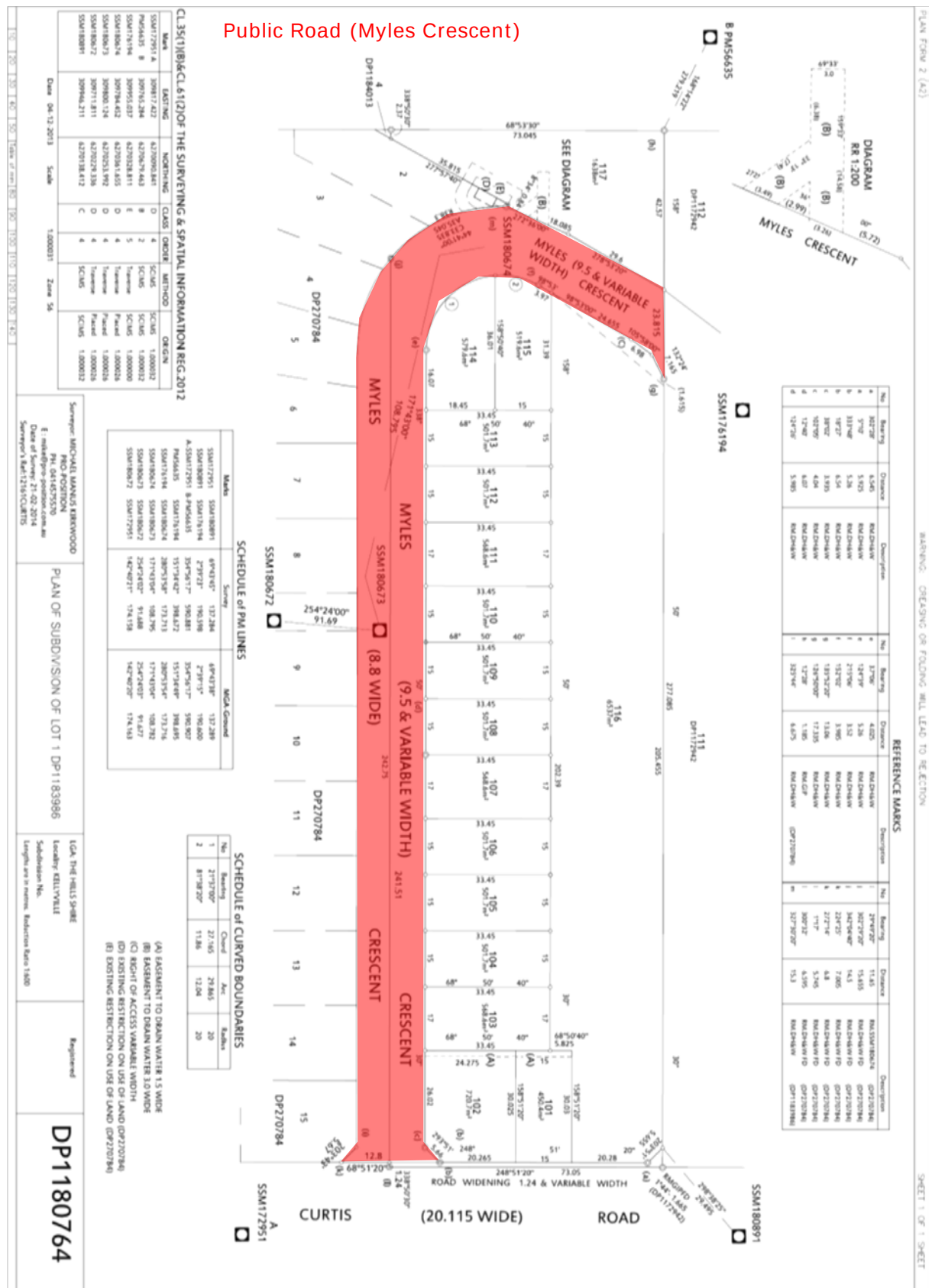
ATTACHMENT 1 – LOCALITY PLAN



ATTACHMENT 2 – PLAN SHOWING EASEMENT TO BE RELEASED



Public Road (Myles Crescent)



ITEM-8 BUDGET REVIEW AS AT 30 APRIL 2014

THEME:	Proactive Leadership
OUTCOME:	2 Prudent management of financial resources, assets and people to deliver the community outcomes
STRATEGY:	2.2 Maintain a strong financial position that supports the delivery of services and strategies and ensures long term financial sustainability.
GROUP:	STRATEGIC PLANNING
AUTHOR:	CORPORATE FINANCIAL ADVISOR ANEESH ZAHRA
RESPONSIBLE OFFICER:	MANAGER FINANCIAL AND CORPORATE STRATEGY CHANDI SABA

REPORT

The purpose of this Report, as required by the Local Government Act and associated regulations, is to enable Council to review its actual Expenditure and Income against the adopted Budget and to consider variations to the Budget

The Division of Local Government (DLG) has developed a set of minimum requirements for the format and content of budget review statements. They will assist Councils in meeting their obligations as set in the Code of Accounting Practice and Financial Reporting and form part of the legislative framework in accordance with clause 203 of the Local Government (General) Regulation 2005.

Although the DLG requires quarterly budget review statements, The Hills Shire Council will continue to provide this information on a monthly cycle. Information is reflected in five main sections, namely **Recurrent Operations, Capital Purchases, Capital Works, Section 94 and Real Estate Assets**.

Attachments to this report are as follows:

- Summary of expenditure and income on Recurrent Operations, Capital Purchases, Capital Works, Section 94 and Real Estate Assets.
- Detail the Recurrent Operations Expenditure and Income by Business Program (Outputs)
- Income Statements (Statutory Accounts Format) with reconciliation to Budget Result
- Statement of Cash & Investments
- Balance Sheet
- Capital Works Expenditure and Comments on Variations on each Job
- Key Performance Indicators
- Listing of Contracts & Other Expenses

Recurrent Operations

The **Original adopted budget** forecasts a **Budget Surplus of \$248k** for this financial year.

Variations proposed in this review will result in a revised **Recurrent Budget Surplus of \$289k** this financial year.

Local Government Code of Practice requires the inclusion of all income received as income for the year, even though the associated expenditure may be incurred in future periods. As such the matching concept is not in place and the Statutory Accounts reflect an operating surplus of \$63.5m (Attachment 1 Page 4) which is somewhat misleading.

This differs from the Budget Format which matches income to the period that the expenditure is to incur. Reconciliation between the Original Operating Surplus \$63.5m and the Original Budget Surplus \$248k is detailed in Attachment 1 Page 4.

Summary Budget Result is detailed below.

Recurrent Operations	Original Budget	Current Budget	Proposed Revised Budget	Proposed Contra variations	Proposed Other Variations	Ref
	\$000	\$000	\$000	\$000	\$000	
Income	(129,447)	(146,479)	(147,642)	20	(1,183)	1-3
Expenditure	108,822	116,405	116,687	(3)	285	4-9
Budget (Surplus)	(20,624)	(30,074)	(30,955)	17	(899)	
Transfer To/(From) Reserves	20,376	34,679	35,549	-	870	10
Transfer from Prior Year Sec 94	-	-	-	-	-	
Transfer from Prior Year Income	-	(4,808)	(4,883)	(17)	(57)	11
Proposed Budget (Surplus)	(248)	(203)	(289)	-	(86)	

Recurrent Operations

All major variations are listed below and also indexed to Attachment 1.

INCOME – Increase \$1,183k

1. Forward Planning – Grant & Contributions – Increase \$79k

Grant funding received from Department of Planning to review the continuation of an industrial site and a contribution to review a target site.

2. Lease Income – Decrease \$23k

Reduced lease income from Telecommunication Towers from Optus and Telstra mainly due to Optus not formalising lease agreement at Bernie Mullane.

3. Restorations Income – Increase \$ 1,127k

Greater than anticipated income due to restoration works carried out for the North West Rail Project. It is proposed to transfer the surplus over expenditure on Restoration activities to the Restoration Reserve to provide for future refurbishment of roads.

EXPENDITURE – Increase \$285k**4. North Rocks Industrial Area Project and Target Site – Increase \$79k**

Expenditure required in reviewing an industrial site and targeting sites as per Note 1 above.

5. Crestwood Reserve and William Joyce Bio banking – Increase \$35k

Bio banking investigations at Crestwood Reserve, William Joyce Reserve as per Council Report 25 February 2014, proposed to be funded from Land Development Reserve.

6. Administration Centre Negotiation Cost – Decrease \$134k

Savings in expenditure due to the finalisation of negotiations with Transport for NSW.

7. Restoration Expenditure – Increase \$683k

Expenditure mainly due to restoration works carried out at Brookhollow Avenue, Baulkham Hills for the North West Rail Project.

8. Tipping Fees – Decrease \$ 404k

The 13/14 budget included a carbon pricing mechanism with a predicted rate, however this rate was amended following negotiations with the Landfill owner resulting in savings. It is proposed to transfer these savings to the Waste Management Reserve.

9. Online Communication Charges – Increase \$25k

Expenditure required for the upgrade of communication links to satellite depots.

10. Transfer to / from Reserves – Increase \$ 870k

- \$404k Transfer to Waste Management Reserve from savings in tipping fees
- \$500k Transfer to Restoration Reserve surplus over restoration expenditure.
- \$35k Transfer from Land Development reserve to Bio banking Investigation.

11. Transfer from Restricted Assets (Prior Years Income) – Decrease \$57k

- \$57k Transfer from unexpended income from last year to fund road restorations carried out this year.

Capital Purchases

Purchase & Sale Of Assets	Original Budget	Current Budget	Proposed Revised Budget	Proposed Contra variations	Proposed Other Variations	Ref
	\$000	\$000	\$000	\$000	\$000	
Capital Purchases	3,042	4,567	4,568	-	1	12
Transfer To/ (From) Reserves	(2,021)	(3,531)	(3,509)	-	22	12
Sale Of Assets	(1,022)	(1,036)	(1,059)	-	(23)	12
Net Purchases / Sales	0	0	0	0	0	

12. Sale of Plant Asset – Increase \$23k

Additional sales income received from the disposal of Hills Community Transport plant asset in Hills Community. It is proposed to transfer this to the Hills Community Care Plant Reserve.

Capital Works

Works Program consists of all Renewal, New Infrastructure Projects and Land Acquisition Projects and they are summarised below. This review will result in a total works program of \$70m.

Capital Works	Original Budget	Current Budget	Proposed Revised Budget	Proposed Contra variations	Proposed Other Variations	Ref
	\$000	\$000	\$000	\$000	\$000	
Infrastructure New & Renewal	24,283	53,953	52,670	-	(1,283)	13-19
Land	18,515	13,675	14,258	-	582	16
Project Dev & Delivery	3,059	3,059	3,059	-	-	
Total	45,856	70,687	69,986	-	(701)	

Works Program Variations – Decrease \$701k

Variations proposed in this review are as follows:

13. New Jobs \$72k

- (A) \$42,000 Drainage installation at Annangrove Park bought forward from 2015/16 to provide additional water supply after the football season, funded from Capital Works Reserve.
- (B) \$5,000 Construction of new roundabout at Kenthurst Road adjacent to Hills Grammar School, funded from Capital Works Reserve initiated by the Traffic Committee and adopted by Council 16/06/2003
- (C) \$25,000 Additional Car Parking at Tamarin Ct, Kellyville, funded from Capital Works Reserve initiated by the Traffic Committee and adopted by Council 16/12/2013

14. Increased funding \$50k for Existing Jobs

- (A) \$8,000 Bank Stability & In stream Maintenance Program design costs, funded from Stormwater Reserve
- (B) \$1,153 Hawkesbury Flood Mitigation Maintenance design costs, funded from Stormwater Reserve
- (C) \$23,007 Castle Hill Heritage Park design costs, funded from Stormwater Reserve
- (D) \$5,343 Lisle Ave, Carlingford Construction design costs, funded from Stormwater Reserve
- (E) \$12,497 Darlings Mills Creek, Ventura Rd design costs, funded from Stormwater Reserve.

15. Deferred Jobs Funds Transferred to Reserves \$236k

- (A) \$80,000 North Rocks Preschool Roof Repairs deferred until further assessment, funds returned to Capital Works Reserve.
- (B) \$16,012 Rental Property 1 Hill Rd, West Pennant Hills demolition work not required in this financial year, funds returned to Capital Works Reserve.
- (C) \$90,000 Rental Property Don Moore Centre Roof Restoration works deferred pending future decision of development of site, funds returned to Capital Works Reserve.
- (D) \$50,000 Carmen Dr to Oakes Rd Catchment construction work deferred until the study is finalised, funds returned to Stormwater Reserve.

16. Jobs complete savings transferred to Section 94 Bulk Vote \$582k

- (A) \$1,285 Reduction in Bella Vista Oval Tennis Courts and Car park.
- (B) \$81,048 Reduction in York Rd Reserve Paths, Turf and Plant as project has been completed through grant funding and additional park embellishment not required due to environmental constraints.
- (C) \$50,000 Reduction in Green Hills Dr, Rouse Hill Landscape Median and Kerb.
- (D) \$50,000 Reduction in design work for Green Hills Dr & Spring Mill Ave, roundabout, Rouse Hill
- (E) \$100,000 Reduction in design work for Arthur St & Seven Hills Rd, Baulkham Hills.
- (F) \$300,000 Reduction in design work for Glenhaven & Old Northern Rd, Glenhaven.

17. Jobs complete \$9k

- (A) \$3,347 Reduced contribution from Maroota South Hall Fire fighting Measures as project was completed below budget.
- (B) \$5,740 reduced net Grant income from RMS on minor traffic facility work

18. Jobs complete \$289k - Savings Transfer to Capital Works Reserve

- (A) \$8,465 Savings in Buildings Jobs transferred to Capital Works Reserve
- (B) \$830 Savings in Parks Jobs transferred to Capital Works Reserve
- (C) \$149,482 Savings in Footpath Jobs transferred to Capital Works Reserve
- (D) \$130,366 Savings in Roads Jobs transferred to Capital Works Reserve

19. Jobs complete savings transferred to Development Costs \$ 288k

- (A) \$288,374 transfer of savings in Withers Road Kerb and Gutter work to Withers Road Development cost as detailed elsewhere in tonight's Business Paper.
- (B) \$178,757 transfer of savings in Withers Road Kerb & Gutter to Netball Court Car Park for capitalisation purposes.

All variations on each project and comments are listed in Attachment 1 Page 7-20.

Section 94

Section 94 of the Environmental Planning Assessments Act enables Councils to prepare Developer Contribution Plans to provide public amenities such as Open Space, Roads, and Community Buildings etc. The Contributions are levied via Development Consents.

There are currently 11 Contribution Plans. Contributions must be treated as revenue when received, but are required to be held as a Restricted Asset until expended. Estimated future expenditure in the next 15 years, will amount to \$536m.

Summary funding position is detailed below.

Section 94	Original Budget	Current Budget	Proposed Revised Budget	Proposed Contra variations	Proposed Other Variations	Ref
	\$000	\$000	\$000	\$000	\$000	
Opening Balance (Surplus) / Deficit	(40,328)	(40,328)	(40,328)	-	-	
Contributions	(16,678)	(16,678)	(16,678)	-	-	
Interest	(683)	(1,863)	(1,863)	-	-	
Expenditure	22,758	16,236	16,236	-	-	
Closing Balance (Surplus) / Deficit	(34,930)	(42,632)	(42,632)	-	-	

Section 94 funds invested as at **1 July 2013 amounted to \$40.3m.**

If all the above expenditure and income materialises in this financial year, it is anticipated that Section 94 funds will amount to **\$42.6 m as at 30 June 2014.**

Real Estate Assets

This section relates to a summary of Property Development Activities, due to the sensitive nature of these transactions.

Real Estate Assets	Original Budget	Current Budget	Proposed Revised Budget	Proposed Contra variations	Proposed Other Variations	Ref
	\$000	\$000	\$000	\$000	\$000	
Development Cost	4,500	6,324	6,613	0	288	20
Funded by Transfer To/ (from) Reserves	(4,500)	(6,324)	(6,613)	0	(288)	
Sales	(65,850)	(42,090)	(59,090)	0	(17,000)	21
Transfer To/ (from) Reserves (Sale Proceeds when realised)	65,850	42,090	59,090	0	17,000	

20. Withers Road Development Cost – Increase \$ 288k

Transfer of funds from savings in Withers Road Capital Works project to Withers Road development cost.

21. Withers Road Sales – Increase \$17,000k

Greater than anticipated income for this financial year, from the Withers road Development as per Council Resolution 11 March 2014. It is proposed to transfer the net returns to the Land Development Reserve.

Reserve Funds (Internal Restrictions)

Reserve funds as at 30 June 2013 amounted to \$91.025m. Balance projected after April Budget Review will total \$128.3m.

All Cash & Investments including Section 94, Trust fund and unrestricted cash is detailed in Attachment 1 Page 5.

CONCLUSION

This Opinion by the Responsible Accounting Officer is required under the Local Government (General) Regulation 2005 – Clause 203(2).

Council's Corporate Strategist, as the Responsible Accounting Officer, advises that the Council's projected financial position is satisfactory.

Furthermore the investments shown in Attachment 1 page 5 has been made is in accordance with the Act, the Regulations and Council's actual Investment Policy.

Council's cash and bank balances are reconciled daily to Council's bank balances.

IMPACTS**Financial**

The proposed variations listed above will result in a Recurrent Budget Surplus of \$289k.

The proposed variations listed above will result in a Total Works Program Budget of \$70m.

The Hills Future - Community Strategic Plan

The impact of this budget will ensure that short term actions are aligned with future direction. It also demonstrates Council's transparency and ability to effectively manage funds.

RECOMMENDATION

The proposed budget variations in Attachment 1, Pages 1 to 5 and the variations detailed in page 7-20 to be adopted.

ATTACHMENTS

Page 1	Summary of expenditure and income on Recurrent Operations, Capital Purchases, Capital Works, Section 94 and Real Estate Assets.
Pages 2-3	Details the Recurrent Operations Expenditure & Income by Business Program (Outputs)
Page 4	Income Statements (Statutory Accounts Format) with reconciliation to Budget Result
Page 5	Statement of Cash & Investments
Page 6	Balance Sheet
Page 7 -20	Capital Works Expenditure and Comments on Variations
Page 21	Key Performance Indicators
Page 22	Listing of Contracts & Other Expenses

The Hills Shire Council

Monthly Budget Review 2013/2014

Budget Summary

Description	Original Budget 2013/14 \$'000	Approved Changes			Current Budget 2013/14 \$'000	YTD Actual Include Commitments \$'000	Projected Revised Budget \$'000	Recommended Changes For Council Resolution		Ref *
		Quarter 1 Review \$'000	Quarter 2 Review \$'000	Quarter 3 Review \$'000				Contra Var. \$'000	Other Var. \$'000	
RECURRENT OPERATIONS										
Income	(129,447)	2,328	(45)	(19,315)	(146,479)	(141,547)	(147,642)	20	(1,183)	1-3
Expenditure	108,822	5,860	199	1,524	116,405	96,316	116,687	(3)	285	4-9
Budget (Surplus)/Deficit	(20,624)	8,188	154	(17,792)	(30,074)	(45,231)	(30,955)	17	(899)	
Transfer to/(from) Reserves	20,376	(3,571)	0	17,874	34,679	34,679	35,549	0	870	10
Transfer from Prior Years Section 94	0	0	0	0	0	0	0	0	0	
Transfer from Prior Years Income	0	(4,592)	(154)	(63)	(4,808)	(3,808)	(4,883)	(17)	(57)	11
Budget Result (Surplus)/Deficit	(248)	25	0	19	(203)	(14,360)	(289)	0	(86)	

CAPITAL PURCHASES

Capital Purchases	3,042	1,490	0	34	4,567	4,176	4,568	0	1	12
Transfer to/ (from) Plant Reserve	(2,021)	(1,476)	0	(34)	(3,531)	(3,531)	(3,509)	0	22	12
Sale of Plant Assets	(1,022)	(14)	0	0	(1,036)	(820)	(1,059)	0	(23)	12
Net Capital Purchases	0	(0)	0	0	(0)	(175)	(0)	0	(0)	

CAPITAL WORKS

New & Renewal	24,283	30,779	442	(1,551)	53,953	45,043	52,670	0	(1,283)	13-19
Land Acquisition	18,515	(102)	(387)	(4,350)	13,675	3,549	14,258	0	582	16
Project Development & Delivery	3,059	0	0	0	3,059	2,521	3,059	0	0	
Total Expenditure	45,856	30,677	55	(5,901)	70,687	51,113	69,986	0	(701)	
Grants and Contributions	(1,435)	(408)	(50)	(477)	(2,370)	0	(2,358)	0	12	17
Transfer to/(from) Reserves	(21,664)	(29,974)	0	(107)	(51,744)	(51,744)	(51,056)	0	689	13-15, 17-19
Transfer from Prior Years Section 94	(22,758)	(295)	0	6,817	(16,236)	0	(16,236)	0	0	
Transfer from Prior Years Income	0	0	(5)	(332)	(337)	0	(337)	0	0	
Total Funding	(45,856)	(30,677)	(55)	5,901	(70,687)	(51,744)	(69,986)	0	701	
Net Capital Expenditure	0	0	0	0	0	(631)	0	0	0	

SECTION 94

Opening Balance (Surplus)/Deficit	(40,328)	0	0	0	(40,328)	(40,328)	(40,328)	0	0	
Income	(16,678)	0	0	0	(16,678)	(18,839)	(16,678)	0	0	
Interest Received/(Paid)	(683)	0	0	(1,180)	(1,863)	(1,579)	(1,863)	0	0	
Expenditure	22,758	295	0	(6,817)	16,236	5,539	16,236	0	0	
Movement for the year	5,397	295	0	(7,997)	(2,304)	(14,879)	(2,304)	0	0	
Section 94 Balance (Surplus)/Deficit	(34,930)	295	0	(7,997)	(42,632)	(55,206)	(42,632)	0	0	

Section 94 of the Environment Planning Assessments Act enables Councils to prepare Developer Contribution Plans to provide public amenities such as Open Space, Roads, Community Buildings etc. The Contributions are levied via Development Consents. There are currently 11 Contribution Plans. Contributions must be treated as revenue when received, but requires to be held as a Restricted Asset until expended. Estimated future expenditure amounts to \$536m.

If all planned expenditure and income materialises in this financial year, it is anticipated that Section 94 funds will amount to \$ 42.6m as at 30 June 2014.

REAL ESTATE ASSETS

Assets at Book Value 1 July 2013	28,385	0	0	0	28,385	28,385	28,385	0	0	
Development Costs	4,500	6,044	0	(4,220)	6,324	6,349	6,613	0	288	20
Transfer from Reserves	(4,500)	(6,044)	0	4,220	(6,324)	(6,349)	(6,613)	0	(288)	
Sales	(65,850)	0	0	23,760	(42,090)	(39,634)	(59,090)	0	(17,000)	21
Transfer to Reserves	65,850	0	0	(23,760)	42,090	39,634	59,090	0	17,000	

Notes

* Comments on above references are detailed in Business Paper Report to this attachment.

The Hills Shire Council

Monthly Budget Review 2013/2014

Statement of Income By Program

PAGE 2

Statement of Income By Program											PAGE 2
Description	Original Budget 2013/14 \$'000	Approved Changes			Current Budget 2013/14 \$'000	YTD Actual Include Commitments \$'000	Projected Revised Budget \$'000	Recommended Changes For Council Resolution		Ref *	
		Quarter 1	Quarter 2	Quarter 3				Contra Var.	Other Var.		
		Review \$'000	Review \$'000	Review \$'000				\$'000	\$'000		
REVENUE - RECURRENT											
10 - General Management	(66,032)	0	0	(200)	(66,232)	(66,247)	(66,232)	0	0		
12 - Internal Audit & Risk Management	0	0	0	0	0	(12)	0	0	0		
13 - Executive Services	(1)	0	0	0	(1)	(2)	(1)	0	0		
22 - Infrastructure & Transport Planning	(2,131)	0	0	(14)	(2,145)	(1,783)	(2,145)	0	0		
24 - Workforce Strategy & Business Improve	0	(28)	(13)	(9)	(49)	(51)	(51)	(2)	0		
25 - Forward Planning	(483)	0	0	(47)	(531)	(574)	(610)	0	(79)	1	
31 - Legal Services	(53)	0	(31)	(151)	(235)	(252)	(257)	(22)	0		
32 - Property Development	(49)	(49)	98	0	0	0	0	0	0		
33 - Property Management	(1,055)	(22)	0	(18,647)	(19,724)	(19,623)	(19,717)	(15)	23	2	
34 - Children's Services	(5,013)	0	0	(14)	(5,027)	(4,411)	(5,070)	(43)	0		
51 - Fire Control	(770)	0	0	246	(524)	(518)	(524)	0	0		
52 - Executive Infrastructure Management	(1,064)	0	0	450	(614)	(531)	(614)	0	0		
55 - Maintenance Service	(426)	(12)	0	12	(426)	(320)	(426)	0	0		
56 - Civil Works	(1,030)	(130)	(2)	(551)	(1,713)	(1,538)	(2,839)	0	(1,127)	3	
57 - Parks & Gardens	(425)	(199)	(2)	(35)	(661)	(201)	(661)	0	0		
71 - Development Assessment Services	(1,512)	(150)	0	(227)	(1,889)	(1,670)	(1,889)	0	0		
72 - Subdivision & Development Certification	(1,883)	0	0	(363)	(2,245)	(1,937)	(2,245)	0	0		
73 - Regulatory Services (Inc Health & Env)	(819)	0	0	(47)	(866)	(733)	(866)	0	0		
74 - Waste Services	(23,061)	0	0	(70)	(23,131)	(22,629)	(23,150)	(20)	0		
82 - Information Technology, Library & Custom	(636)	(7)	0	(17)	(660)	(598)	(628)	33	0		
83 - Financial Services	(10,815)	2,924	(6)	(68)	(7,965)	(6,920)	(7,965)	0	0		
84 - Community Projects and Facilities	(4,392)	0	(3)	415	(3,980)	(3,717)	(3,965)	15	0		
35 - Hills Community Care	(7,797)	0	(87)	23	(7,860)	(7,280)	(7,787)	73	0		
Total Recurrent Revenue	(129,447)	2,328	(45)	(19,315)	(146,479)	(141,547)	(147,642)	20	(1,183)		
Externally/Internally Restricted Income	(18,113)	(408)	(50)	(477)	(19,047)	(22,477)	(19,035)	0	12		
Gain/Loss on Sales of Asset	(45,190)	0	0	11,172	(34,018)	(373)	(34,018)	0	0		
Revenue as Per Income Statement	(192,749)	1,921	(95)	(8,620)	(199,544)	(164,397)	(200,695)	20	(1,171)		

Notes

* Comments on above references are detailed in Business Paper Report to this attachment.

The Hills Shire Council

Monthly Budget Review 2013/2014

Statement of Expenditure By Program

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Description	Original	Approved Changes			Current	YTD Actual	Projected	Recommended Changes		Ref
	Budget	Quarter 1	Quarter 2	Quarter 3	Budget	Include	Revised	For Council Resolution		
	2013/14	Review	Review	Review	2013/14	Commitments	Budget	Contra Var.	Other Var.	
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	
EXPENDITURE - RECURRENT										
10 - General Management	3,242	285	(26)	(80)	3,420	2,468	3,253	(168)	0	
12 - Internal Audit & Risk Management	926	35	0	187	1,148	736	1,141	(7)	0	
13 - Executive Services	2,520	6	(2)	(24)	2,500	1,939	2,483	(17)	0	
20 - Strategic Planning Group Support	359	0	0	13	372	302	372	0	0	
21 - Financial & Corporate Strategy	978	170	0	(21)	1,127	734	1,127	0	0	
22 - Infrastructure & Transport Planning	6,846	1,654	(8)	(182)	8,310	6,449	8,302	(9)	0	
23 - Economic Development & Marketing	1,866	237	0	(99)	2,003	1,603	2,003	0	0	
24 - Workforce Strategy & Business Improveme	1,676	104	11	141	1,931	1,738	1,943	12	0	
25 - Forward Planning	3,888	275	0	(163)	4,000	3,069	4,061	(18)	79	4
30 - Business Services Group Support	407	0	(5)	(3)	399	486	518	119	0	
31 - Legal Services	928	22	14	20	983	1,091	1,207	225	0	
32 - Property Development	339	85	(98)	(1)	325	262	360	0	35	5
33 - Property Management	993	225	(6)	28	1,240	965	1,117	10	(134)	6
34 - Children's Services	5,060	0	0	14	5,075	4,367	5,118	43	0	
51 - Fire Control	3,687	26	0	(254)	3,459	3,199	3,459	0	0	
52 - Executive Infrastructure Management	2,406	0	40	118	2,563	2,541	2,523	(40)	0	
53 - Infrastructure Projects	974	0	39	913	1,927	1,758	1,920	(7)	0	
54 - Infrastructure Special Project	294	100	0	745	1,139	837	1,139	0	0	
55 - Fleet Management	5,539	(125)	0	(10)	5,404	4,531	5,345	(59)	0	
56 - Civil Works	12,545	149	212	153	13,060	10,292	12,887	(856)	683	7
57 - Parks & Gardens	10,938	554	(128)	(93)	11,272	9,781	11,892	621	0	
58 - Community Buildings	5,555	0	0	204	5,759	4,775	5,757	(2)	0	
70 - Environment & Planning Group Support	561	0	0	(29)	532	439	530	(2)	0	
71 - Development Assessment Services	4,977	134	0	(176)	4,935	3,962	4,905	(30)	0	
72 - Subdivision & Development Certification	2,984	48	0	(27)	3,005	2,431	2,967	(39)	0	
73 - Regulatory Services (Inc Health & Env)	4,273	417	(14)	(20)	4,655	3,832	4,626	(30)	0	
74 - Waste Services	23,741	395	0	85	24,221	19,659	23,837	20	(404)	8
80 - Customer Services Group Support	514	28	0	13	555	510	555	0	0	
82 - Information Technology, Library & Custom	13,261	453	0	(9)	13,705	11,684	13,662	(68)	25	9
83 - Financial Services	5,844	0	6	23	5,873	5,050	5,800	(73)	0	
84 - Community Projects and Facilities	10,295	377	6	(157)	10,521	8,657	10,640	119	0	
35 - Hills Community Care	9,502	0	194	92	9,788	8,011	9,715	(73)	0	
Internal Recoveries	(39,094)	207	(37)	123	(38,802)	(31,842)	(38,475)	326	0	
Total Recurrent Expenditure	108,822	5,860	199	1,524	116,405	96,316	116,687	(3)	285	
ELE Adjustments	0	0	0	0	0	0	0	0	0	
Depreciation	20,438	0	0	1,541	21,979	15,710	21,979	0	0	
Expenditure as Per Income Statement	129,261	5,860	199	3,065	138,385	112,026	138,666	(3)	285	

Notes

* Comments on above references are detailed in Business Paper Report to this attachment.

The Hills Shire Council

Monthly Budget Review 2013/2014

Income Statement

Description	Original Budget 2013/14 \$'000	Approved Changes			Current Budget 2013/14 \$'000	YTD Actual Include Commitments \$'000	Projected Revised Budget \$'000	Recommended Changes For Council Resolution		Ref *
		Quarter 1 Review \$'000	Quarter 2 Review \$'000	Quarter 3 Review \$'000				Contra Var. \$'000	Other Var. \$'000	
RECURRENT										
Revenue										
Rates & Annual Charges	(90,137)	0	0	(250)	(90,387)	(90,422)	(90,407)	(20)	0	
User Charges & Fees	(15,051)	(150)	(87)	(271)	(15,558)	(13,492)	(15,514)	45	0	
Investment Revenues - Operational	(4,699)	0	0	17	(4,683)	(4,402)	(4,683)	0	0	
Investment Revenues - Restricted/Capital	0	0	0	0	0	(1,579)	0	0	0	
Other Revenues - Operational	(3,795)	(34)	(42)	(18,402)	(22,273)	(21,474)	(22,291)	(41)	23	2
Other Revenues - Restricted/Capital	0	0	0	0	0	(333)	0	0	0	
Grants & Contributions - Operational	(15,765)	2,512	83	(409)	(13,578)	(11,757)	(14,748)	36	(1,206)	1,3
Grants & Contributions - Restricted/Capital	(18,113)	(408)	(50)	(477)	(19,047)	(20,564)	(19,035)	0	12	17
Profit From Disposal of Assets	(45,190)	0	0	11,172	(34,018)	(373)	(34,018)	0	0	
Total Revenue	(192,749)	1,921	(95)	(8,620)	(199,544)	(164,397)	(200,695)	20	(1,171)	
Expenditure										
Employment Costs	50,230	171	(357)	(337)	49,708	41,083	49,813	106	0	
Materials, Contracts & Plant Running Exp	25,365	1,226	484	1,849	28,925	25,738	29,726	118	683	7
Depreciation and Amortisation	20,438	0	0	1,541	21,979	15,710	21,979	0	0	
Other Expenses	33,227	4,463	72	11	37,773	29,495	37,148	(226)	(399)	4-6, 8-9
Total Expenditure	129,261	5,860	199	3,065	138,385	112,026	138,666	(3)	285	
Operating Result (Surplus)/Deficit	(63,489)	7,781	104	(5,555)	(61,160)	(52,370)	(62,029)	17	(887)	
Add										
Transfer to/(from) Reserves	20,376	(3,571)	0	17,874	34,679	34,679	35,549	0	870	10
Transfer from Prior Years Section 94	0	0	0	0	0	0	0	0	0	
Transfer from Prior Years Grants	0	(4,592)	(154)	(63)	(4,808)	(3,808)	(4,883)	(17)	(57)	11
Sales of Real Estate Assets	0	0	0	0	0	0	0	0	0	
Sale of Fixed Assets	0	0	0	0	0	0	0	0	0	
Sales of Other Assets	0	0	0	0	0	0	0	0	0	
Less										
Depreciation & Amortisation	(20,438)	0	0	(1,541)	(21,979)	(15,710)	(21,979)	0	0	
ELE Adjustment	0	0	0	0	0	0	0	0	0	
Investment Revenues - Restricted/Capital	0	0	0	0	0	1,579	0	0	0	
Other Revenues - Restricted/Capital	0	0	0	0	0	333	0	0	0	
Grants & Contributions - Restricted/Capital	18,113	408	50	477	19,047	20,564	19,035	0	(12)	17
Profit/Loss From Disposal of Assets	45,190	0	0	(11,172)	34,018	373	34,018	0	0	
Net Budget Result (Surplus)/Deficit	(248)	25	0	19	(203)	(14,360)	(289)	0	(86)	

Notes

* Comments on above references are detailed in Business Paper Report to this attachment.

The Hills Shire Council Monthly Budget Review 2013/2014

Cash & Investments

Description	Original Budget 2013/14 \$'000	Approved Changes				Current Budget 2013/14 \$'000	YTD Actual \$'000	Projected Revised Budget \$'000	Recommended Changes For Council Resolution		Ref *
		Quarter 1 Review \$'000	Quarter 2 Review \$'000	Quarter 3 Review \$'000	Quarter 4 Review \$'000				Contra Var. \$'000	Other Var. \$'000	
Externally Restricted											
Section 94	34,930	(295)	0	7,997	0	42,632	57,218	42,632	0	0	
Grants & Contributions	8,291	(4,592)	(159)	(395)	0	3,145	6,455	3,071	(17)	(57)	11
Domestic Waste	4,776	0	0	0	0	4,776	4,776	5,180	0	404	10
Internally Restricted											
Reserves	83,898	(41,065)	0	21,953	0	64,785	65,205	65,673	0	888	10, 12-15, 17-20
Property Development Reserves	65,850	0	0	(23,760)	0	42,090	40,000	59,090	0	17,000	21
Unrestricted											
Trust Fund	8,741	0	0	0	0	8,741	10,638	8,741	0	0	
Unrestricted Cash	16,244	(25)	0	(1,199)	0	15,020	29,907	15,106	0	86	#
Total Cash & Investments	222,730	(45,977)	(159)	4,596	0	181,189	214,198	199,493	(17)	18,321	

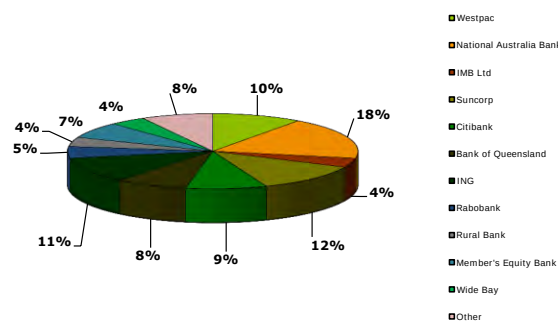
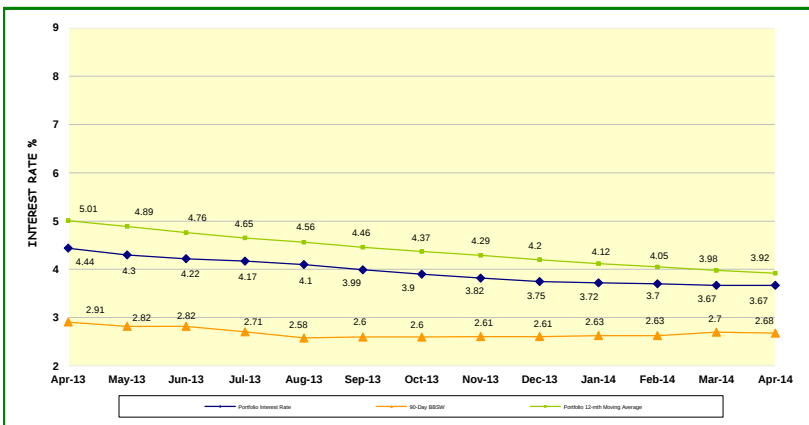
Note :

* Comments on above references are detailed in Business Paper Report to this attachment.

Proposed Budget Surplus for the period

Amounts shown as Unrestricted Cash shown in YTD Actual column is based income received to date and does not have all planned expenditure expended as at this reporting date.

However the Revised Budget Unrestricted Cash column shown assumes that all budgeted income has been received and all budgeted expenditure has been expended.



The Hills Shire Council

Monthly Budget Review 2013/2014

Balance Sheet

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Description	Actual YTD \$'000	June 2013 \$'000
CURRENT ASSETS		
Cash Assets	11,566	8,529
Investment Securities	202,631	161,991
Receivables	25,083	8,573
Inventories	33,141	28,429
Other	1,529	3,571
TOTAL CURRENT ASSETS	273,950	211,094
NON CURRENT ASSETS		
Receivables	0	0
Inventories	0	0
Property, Plant & Equipment	3,034,671	3,083,460
Investments Property	17,719	17,719
TOTAL NON-CURRENT ASSETS	3,052,389	3,101,178
TOTAL ASSETS	3,326,340	3,312,272
CURRENT LIABILITIES		
Payables	(15,427)	(16,775)
Provisions	(15,947)	(16,161)
TOTAL CURRENT LIABILITIES	(31,374)	(32,936)
NON-CURRENT LIABILITIES		
Provisions	(264)	(293)
TOTAL NON-CURRENT LIABILITIES	(264)	(293)
TOTAL LIABILITIES	(31,638)	(33,229)
NET ASSETS	3,294,702	3,279,043
EQUITY		
TOTAL EQUITY	(3,294,702)	(3,279,043)

THE HILLS SHIRE COUNCIL**Monthly Budget Review 2013 / 2014****Works Program**

Project Description Code	Original Est. Start Date	Est. Start Date	Act. Start Date	Est. Finish Date	Act. Finish Date	Original Budget	Current Budget	% Comp	Revised Budget	Proposed Var	Var Ref
Bridges											
150001 Pitt Town Rd - 2.5km east of Boundary Rd, Maraylya - Bridge Replacement	Jul-13	Jul-13	Jul-13	Jun-14		1,510,240	1,482,415	95	1,482,415	0	
150002 Pitt Town Rd - 1.7km east of Boundary Rd, Maraylya - Bridge Replacement	Jul-13	Jul-13	Jul-13	Jun-14		800,000	762,825	95	762,825	0	
Total For Bridges						2,310,240	2,245,240		2,245,240	0	
Buildings											
210014 Various Buildings - Roof Anchors	Sep-13	Dec-13	Dec-13	Jun-14		0	40,000	75	40,000	0	
210020 Kellyville Park Amenities - Demountable Building Installation	Aug-12	Oct-13	Oct-13	Mar-14	Apr-14	0	30,000	100	24,536	-5,464	18A

Project complete, savings returned to capital works reserve

210021 Columbia Court - Managing Contractor (Fitout)	Sep-12	Sep-12	Sep-12	Jun-14		0	23,543,035	86	23,543,035	0	
210022 Alfred Whaling Reserve - Storage Upgrade Announcing Box	Sep-12	Mar-14	Mar-14	Jun-14		0	15,000	15	15,000	0	
210041 Bella Vista Farm Park - New toilet and sewer connection	Sep-13	Sep-13	Sep-13	Mar-14	Mar-14	250,000	250,000	100	246,999	-3,001	18A

Project complete, savings returned to capital works reserve

210043 Fred Caterson Reserve - Baseball Amenities - Design	Dec-13	Dec-13	Dec-13	Jun-14		0	50,000	75	50,000	0	
210044 Maroota South RFS Station - Portable Building	Feb-14	Feb-14	Feb-14	Jun-14		0	100,000	95	100,000	0	
210045 Balcombe Heights Estate - Building 7 - Playgroup Softfall and Shadetail	Sep-13	Mar-14	Apr-14	May-14		0	15,930	5	15,930	0	
210046 Maroota South Hall - Firefighting Measures	Mar-14	Mar-14	Mar-14	Apr-14	Mar-14	0	8,000	100	4,653	-3,347	17A

Reduced contribution from RFS Neighbourhood Safer Places (NSP), project completed below budget

250004 Fred Caterson Reserve - Tennis Centre	Aug-13	Nov-13	Nov-13	Jun-14		80,000	80,000	50	80,000	0	
250116 Canteen / Amenities Upgrades - Various	Sep-12	Nov-12	Jul-13	Jun-13	Nov-13	0	76,217	100	76,217	0	
250123 Alfred Whaling Reserve - Amenities - Paint, drainage work, minor repairs	Sep-13	Oct-13	Oct-13	Jan-14	Dec-13	49,050	46,111	100	46,111	0	
250124 Alfred Whaling Reserve - Amenities / Change Room - Paint, repair roof, gutter and downpipes	Sep-13	Dec-13	Dec-13	Jan-14	Jan-14	33,800	33,150	100	33,150	0	
250125 Annangrove Park - Meeting Hall - Polish floors, paint and keyless entry	Jul-13	Aug-13	Aug-13	Oct-13	Aug-13	27,200	25,103	100	25,103	0	
250126 Balcombe Heights Childcare Centre - Replace deck and floor	Sep-13	Sep-13	Jul-13	Oct-13	Jul-13	15,000	6,705	100	6,705	0	

THE HILLS SHIRE COUNCIL**Monthly Budget Review 2013/2014****Works Program**

Project Description Code	Original Est. Start Date	Est. Start Date	Act. Start Date	Est. Finish Date	Act. Finish Date	Original Budget	Current Budget	% Comp	Revised Budget	Proposed Var	Var Ref
250127 Balcombe Heights Estate - Building 20 - Roof restoration, paint, minor repairs	Sep-13	Sep-13	Sep-13	Dec-13	Feb-14	151,200	99,335	100	99,335	0	
250128 Balcombe Heights Estate - Building 25 - Roof restoration, paint, upgrade bathrooms, treat floor, minor repairs	Sep-13	Sep-13	Sep-13	Feb-14	Feb-14	150,500	150,500	100	150,500	0	
250129 Balcombe Heights Estate - Building 30 - Roof restoration, paint, upgrade bathrooms, minor repairs	Sep-13	Mar-14	Feb-14	Apr-14	Apr-14	81,800	81,800	100	81,800	0	
250130 Balcombe Heights Estate - Building 31 - Roof restoration, replace ceiling, paint, minor repairs	Sep-13	Mar-14	Mar-14	Jun-14	Jun-14	102,200	102,200	15	102,200	0	
250131 Balcombe Heights Estate - Building 32 - Roof restoration, replace ceiling, paint	Sep-13	Mar-14	Mar-14	May-14	May-14	82,700	82,700	15	82,700	0	
250132 Balcombe Heights Estate - Thompson Hall - Roof restoration, repair windows and doors, paint, minor repairs	Sep-13	Dec-13	Dec-13	Jan-14	Jan-14	56,000	55,714	100	55,714	0	
250133 Baukham Hills Swimming Pool Waves - Gym Building - Repair roof and gutters, pack foundations, minor repairs	Feb-14	Feb-14	Nov-13	Jun-14	Jun-14	123,500	123,500	60	123,500	0	
250134 Baukham Hills Swimming Pool Waves - Marshalling Area and Awning/Shelter - Repairs	Jul-13	Oct-13	Sep-13	Jan-14	Jan-14	60,000	59,336	100	59,336	0	
250135 Beaumont Hills Community Centre - Paint, windows and doors, polish vinyl, minor repairs	Sep-13	Sep-13	Sep-13	Dec-13	Oct-13	110,500	110,500	100	110,500	0	
250136 Box Hill Nelson Community Centre - Polish floors, paint	Oct-13	Oct-13	Oct-13	Oct-13	Nov-13	9,900	9,770	100	9,770	0	
250137 Carlingford Kindergarten - Paint, replace soffit, external drainage, minor repairs	Jul-13	Dec-13	Dec-13	Jun-14	Jun-14	84,700	84,700	25	84,700	0	
250138 Castle Glen Childcare Centre - Paint	Sep-13	Dec-13	Dec-13	Jan-14	Jan-14	10,000	10,000	100	10,000	0	
250139 Castle Glen Community Centre - Paint, minor repairs	Sep-13	Sep-13	Aug-13	Oct-13	Sep-13	58,100	57,370	100	57,370	0	
250140 Castle Hill Preschool - Paint, replace lights, air conditioning, minor repairs	Dec-13	Dec-13	Sep-13	Mar-14	Jan-14	90,000	90,000	100	90,000	0	
250141 Castletown Reserve - Amenities - Paint, replace doors, ceiling and downpipes, minor repairs	Oct-13	Sep-13	Sep-13	Dec-13	Dec-13	59,500	59,500	100	59,500	0	
250142 Coolong Reserve - Amenities - Paint, repair ceiling, replace downpipes	Dec-13	Sep-13	Sep-13	Dec-13	Oct-13	95,500	95,500	100	95,500	0	
250143 Ellerman Park Long Day Childcare Centre - Roof restoration, external paint, replace kitchen, retaining wall	Jan-14	Nov-13	Nov-13	Jun-14	Jun-14	87,700	87,700	25	87,700	0	
250144 Eric Mobbs Reserve - Amenities/Kiosk (Field 1 & 2) - Paint, repair concrete ramp, minor repairs	Oct-13	Oct-13	Aug-13	Dec-13	Sep-13	44,700	43,908	100	43,908	0	
250145 Euramby Park Childcare Centre - Replace floor, soffit	Sep-13	Dec-13	Nov-13	Feb-14	Feb-14	25,000	24,325	100	24,325	0	
250146 Excelsior Ave Childcare Centre - Replace vinyl, retaining wall	Dec-13	Dec-13	Nov-13	Feb-14	Jan-14	32,000	31,937	100	31,937	0	
250147 Forgotten Valley Preschool - Paint, repairs	Mar-14	Mar-14	Mar-14	Jun-14	Jun-14	90,500	150,000	75	150,000	0	

THE HILLS SHIRE COUNCIL**Monthly Budget Review 2013 / 2014****Works Program**

Project Description Code	Original Est. Start Date	Est. Start Date	Act. Start Date	Est. Finish Date	Act. Finish Date	Original Budget	Current Budget	% Comp	Revised Budget	Proposed Var	Var Ref
250148 Fred Caterson Reserve - Amenities (Field 1 & 2) - Repairs	Aug-13	Apr-14	Apr-14	Jun-14		50,400	50,400	25	50,400	0	
250149 Fred Caterson Reserve - Amenities (Field 4) - Repairs	Aug-13	Apr-14	Apr-14	Jun-14		16,600	16,600	20	16,600	0	
250150 Fred Caterson Reserve - Amenities (Field 6) - Repairs	Aug-13	Apr-14	Apr-14	Jun-14		13,400	13,400	20	13,400	0	
250151 George Suttor Park - Amenities - Paint, upgrade toilets, drainage	Oct-13	Apr-14	May-14	May-14		35,000	35,000	30	35,000	0	
250152 George Thornton Reserve - Sun Valley Preschool - Repair gutters, paint, bathroom upgrade, repair ceiling	Dec-13	Sep-13	Sep-13	Nov-13	Nov-13	50,100	32,060	100	32,060	0	
250153 Greenup Park - Amenities - Roof restoration, replace gutters and downpipes	Jul-13	Jul-13	Jul-13	Aug-13	Aug-13	50,000	47,190	100	47,190	0	
250154 Kenhurst Park - Amenities - Returbish toilets, minor repairs	Oct-13	Apr-14	May-14	May-14		25,825	25,825	5	25,825	0	
250155 Les Shore Reserve - Tennis Hut - Roof restoration, replace gutters and downpipes, level pathways, paint	Jul-13	Mar-14	Mar-14	Mar-14	Mar-14	6,000	6,000	100	6,000	0	
250156 Les Shore Reserve - Tennis Shelter - Roof restoration, paint, benches	Jul-13	Mar-14	Mar-14	Apr-14	Mar-14	32,500	30,972	100	30,972	0	
250157 Mackillop Drive Reserve - Amenities - Paint, renew gutters and downpipes	Nov-13	Mar-14	May-14	May-14		6,500	6,500	90	6,500	0	
250158 North Rocks Childcare Centre - Roof restoration, structural rectification, replace floor and soffit	Jul-13	Sep-13	Nov-13	May-14	Mar-14	145,000	144,823	100	144,823	0	
250159 North Rocks Preschool - Roof repairs, minor repairs	N/A	N/A	N/A	N/A	N/A	80,000	80,000	N/A	0	-80,000	15A

Project deferred until further assessment, funds returned to capital works reserve

250160 North West Disability Service (HADPAC) - Roof restoration, minor repairs	Feb-14	Feb-14	Dec-13	May-14		113,775	113,775	95	113,775	0	
250161 Rental Property - House - 1 Hill Rd. West Pennant Hills - Demolish	Jul-13	Dec-13	Dec-13	Mar-14	Apr-14	20,000	20,000	100	3,988	-16,012	15B

Remaining funds not required as demolition will be carried out in future development application, funds returned to capital works reserve

250162 Rental Property - House - Don Moore Centre - Roof restoration, minor repairs	N/A	N/A	N/A	N/A	N/A	90,000	90,000	N/A	0	-90,000	15C
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Project deferred pending future decision of development of site, funds returned to capital works reserve

250163 Rural Fire Service Station - Glenhaven - Roof restoration, paint	Aug-13	Feb-14	Jan-14	Jun-14		30,000	30,000	85	30,000	0	
250164 Rural Fire Service Control Centre - HQ - Minor repairs	Aug-13	Mar-14	Mar-14	May-14		20,000	20,000	5	20,000	0	
250165 Ted Horwood Reserve - Amenities (Field 2 & 3) - Roof restoration, upgrade bathroom, paint, repair stairs	Apr-14	Nov-13	Nov-13	Jan-14	Jan-14	33,800	33,800	100	33,800	0	

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Project Description Code	Original Est. Start Date	Est. Start Date	Act. Start Date	Est. Finish Date	Act. Finish Date	Original Budget	Current Budget	% Comp	Revised Budget	Proposed Var	Var Ref
250166 Ted Horwood Reserve - Netball Building - Repair roof gutters, paint, minor repairs	May-14	Jan-14	Dec-13	Apr-14	Jan-14	23,400	23,400	100	23,400	0	0
250167 Winston Hills Childcare Centre - Paint, repair play area and refurbishment	Aug-13	Nov-13	Oct-13	Dec-13	Nov-13	30,000	15,846	100	15,846	0	0
250168 Wisemans Ferry Park - Amenities - Paint, upgrade toilets	Mar-14	Mar-14	Aug-13	Apr-14	Sep-13	25,000	25,000	100	25,000	0	0
250169 Wisemans Ferry Park - Kiosk - Replace roof, refurbish kitchen (including equipment)	Mar-14	Mar-14	Sep-13	May-14	Oct-13	75,000	74,990	100	74,990	0	0
250170 Baulkham Hills Swimming Pool - Canteen Refurbishment	Jan-14	Mar-14	Mar-14	May-14	May-14	0	100,000	80	100,000	0	0
250171 Harvey Lowe Pavilion - Repair works and kitchen upgrade	Nov-13	Apr-14	Apr-14	May-14	May-14	0	75,000	75	75,000	0	0
250172 Ironbark Ridge - Toilet Block	Apr-14	May-14	May-14	Jun-14	Jun-14	0	56,303	0	56,303	0	0
Total For Buildings						3,033,350	27,096,430		26,898,606	-197,824	
Parks											
310041 Kellyville Memorial Park Reserve - Playing field embellishment	Feb-14	Feb-14	Feb-14	May-14	Apr-14	0	302,000	100	302,000	0	0
310054 Arnold Ave District Park Sports Complex	Jul-13	Jul-13	Jul-13	Jun-14	Jun-14	0	139,724	75	139,724	0	0
310056 Balmoral Rd District Park Sports Complex	Jul-13	Jul-13	Jul-13	Jun-14	Jun-14	0	161,675	75	161,675	0	0
310073 Rutherford Avenue Reserve - Masterplan	Jul-13	Jul-13	Sep-13	Jun-14	Jun-14	0	112,000	60	112,000	0	0
310075 Bella Vista Oval - Tennis Courts and Carpark - Extension including earthworks, tennis court construction, fencing, signage, parking, access, lighting, cycleway, picnic shelter, reserve fixtures, landscaping, irrigation, fees, drainage and services	Aug-13	Aug-13	Aug-13	Mar-14	Mar-14	0	75,700	100	74,415	-1,285	16A

Project complete, savings returned to section 94 bulk vote, contribution plan 94A

310076 Bella Vista Farm Park - Amphitheatre	Jul-13	Jul-13	Jul-13	Nov-14		0	489,800	40	489,800	0	
310077 York Road Reserve - Paths, Turf and Planting - Major Open Space Link 20	Apr-14	Apr-14	Feb-14	Jun-14	Mar-14	81,408	81,408	100	360	-81,048	16B

Cycleway and boardwalk works completed using grant funding, additional park embellishment not feasible due to environmental constraints.**Funds returned to section 94 bulk vote, contribution plan Rouse Hill**

310078 Wrights Road Reserve - Paths, Turf and Planting - Major Open Space Line 22	Apr-14	Aug-13	Feb-14	Jun-14	Mar-14	193,770	103,795	100	103,795	0	0
310079 Castle Hill Heritage Park - Carpark Lighting	Jan-14	Jan-14	Oct-13	Mar-14	Dec-13	0	21,670	100	21,670	0	0
310080 Charles McLaughlin Reserve - Carpark Lighting	Jan-14	Jan-14	Oct-13	Mar-14	Dec-13	0	27,910	100	27,910	0	0
310081 Balcombe Heights Estate - Lighting	Aug-13	Mar-14	Feb-14	Apr-14	Mar-14	0	10,000	100	10,000	0	0

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Project Code	Project Description	Original Est. Start Date	Est. Start Date	Act. Start Date	Est. Finish Date	Act. Finish Date	Original Budget	Current Budget	% Comp	Revised Budget	Proposed Var	Var Ref
310082	Dog agility equipment at various parks - Balcombe Heights, Crestwood and Connie Lowe	Feb-14	Dec-13	Dec-13	Jun-14		0	33,500	50	33,500	0	
310083	Castle Hill Heritage Park - Barracks Interpretation	Jan-14	Jan-14	Jan-14	Sep-14		0	100,000	25	100,000	0	
310084	Kellyville Memorial Park Reserve - Masterplan	Mar-14	Mar-14	Jan-14	Jun-14		0	85,000	65	85,000	0	
310085	Wisemans Ferry Park Pontoon/Marine Facility	Mar-14	May-14		Jun-14		0	120,000	0	120,000	0	
310086	Baulkham Hills Town Centre - Stage 1 Concept and Design	Feb-14	Feb-14	Feb-14	Dec-14		0	180,000	10	180,000	0	
310088	Withers Rd Netball Courts Carpark	May-14	May-14		Jun-14		0	0	0	178,757	178,757	198

New project funded from savings in 510011 Withers Rd Kerb & Gutter

350022	Various Sportsgrounds - instal SMS remote lighting controls	Feb-14	Feb-14	Aug-13	May-14	Sep-13	15,000	14,940	100	14,940	0	
350044	Baulkham Hills Town Centre Minor Improvements	Jul-13	Jul-13	Jul-13	Jun-14		0	75,180	90	75,180	0	
350045	Beaumont Drive Reserve - Replace shade over playground	Sep-13	Sep-13	Aug-13	Nov-13	Nov-13	35,000	35,000	100	35,000	0	
350046	Bernie Mullane Sports Complex - Playing field light cabinets	Oct-13	Oct-13	Sep-13	Nov-13	Oct-13	45,000	45,000	100	45,000	0	
350047	Col Sutton Reserve - Install drainage	Aug-13	Aug-13	Aug-13	Oct-13	Oct-13	78,000	76,181	100	76,181	0	
350048	Col Sutton Reserve - Reuse water tank	Aug-13	Aug-13	Aug-13	Oct-13	Oct-13	55,000	53,796	100	53,796	0	
350049	Connie Avenue Reserve - Park embellishment and playground	Sep-13	Feb-14	Sep-13	Jun-14		161,000	61,000	25	61,000	0	
350050	Gooden Drive Reserve - Install drainage	Aug-13	Aug-13	Oct-13	May-14		65,000	65,000	50	65,000	0	
350051	Hammond Court, Baulkham Hills - Replace playground	Jan-14	Jan-14	Nov-13	Mar-14	Apr-14	60,000	60,000	100	60,000	0	
350052	John Wearne Reserve - Replace shade cloth	Oct-13	Oct-13	Sep-13	Dec-13	Dec-13	20,000	20,000	100	20,000	0	
350053	Macquarie Avenue Reserve - Replace shade cloth	Oct-13	Oct-13	Sep-13	Dec-13	Dec-13	10,000	10,000	100	10,000	0	
350054	North Rocks Park - Resurface three (3) courts	Jan-14	Jan-14	Oct-13	Mar-14	Mar-14	105,000	105,000	100	105,000	0	
350055	Northmead Reserve - Irrigation, water supply	Jul-13	Sep-13	Sep-13	May-14		75,000	75,000	55	75,000	0	
350056	Roy Dudley Reserve - Replace playground	Jan-14	Jan-14	Nov-13	Mar-14	May-14	70,000	70,000	100	70,000	0	

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Project Description Code	Original Est. Start Date	Est. Start Date	Act. Start Date	Est. Finish Date	Act. Finish Date	Original Budget	Current Budget	% Comp	Revised Budget	Proposed Var	Var Ref
350057 Sherwin Ave, Castle Hill - Replace playground	Feb-14	Nov-13	Nov-13	Apr-14	Jan-14	60,000	56,769	100	56,769	0	
350058 Ted Horwood Reserve - Lighting upgrade	Oct-13	Oct-13	Oct-13	Jan-14	Dec-13	0	125,000	100	124,170	-830	188
Project complete, savings returned to capital works reserve											
350059 Hills Centenary Reserve - Field Drainage	Sep-13	Sep-13	Oct-13	Dec-13	Mar-14	0	250,000	100	250,000	0	
350060 Bella Vista Oval - Install drainage	Jan-14	Feb-14	Feb-14	Feb-14	Mar-14	0	60,000	100	60,000	0	
350061 George Thornton Reserve - Playground security fence	Oct-13	May-14		Jun-14		0	30,000	0	30,000	0	
350062 Gooden Drive Reserve - Laser levelling	Feb-14	Apr-14	Apr-14	May-14		0	79,169	80	79,169	0	
350063 Gooden Drive Reserve - Sport and Kitchen Upgrade	Mar-14	May-14	May-14	Jun-14		0	29,000	5	29,000	0	
350064 Annangrove Park - Install Drainage	Jun-14	Jun-14		Sep-14		0	0	0	42,000	42,000	13A

Project bought forward from 2015/16 - to provide additional water supply with works to commence after the football season, funded from capital works reserve

Total For Parks Pathways											
410052 Castle Hill Rd, West Pennant Hills from Coonara Avenue to Glen Road (1.8km)	Jul-12	Apr-14	Apr-14	Jun-14		1,129,178	3,440,217		3,577,811	137,594	
410115 Gawain Court - Citadel Cres, Glenhaven	Jan-13	Mar-13	May-13	May-14		0	141,606	50	141,606	0	
410119 Fairway Drive, Kellyville - Partial Cycleway Construction	Sep-13	Sep-13	Sep-13	Oct-13	Sep-13	0	16,622	100	16,622	0	
410120 Alanas Ave, Oatlands - Charles St to Belmore St (East)	Oct-13	Oct-13	Aug-13	Nov-13	Sep-13	100,000	100,000	100	100,000	0	
410121 Amphitheatre Cct, Baulkham Hills - House 9 to House 99	Jul-13	Jul-13	Jul-13	Sep-13	Jul-13	187,000	143,550	100	143,550	0	
410122 Astoria Park Rd, Baulkham Hills - Amphitheatre Cct to Appian Way (both sides)	Jul-13	Jul-13	Jul-13	Aug-13	Jul-13	85,000	71,794	100	71,794	0	
410123 Bettington Rd, Oatlands - Kissing Point Rd to Belmore St (East)	Jul-13	Jul-13	Jul-13	Aug-13	Aug-13	155,000	155,000	100	155,000	0	
410124 Booral St, Baulkham Hills - school side from Kalimna Dr to Peel Rd	Sep-13	Jan-14	Jan-14	Feb-14	Jan-14	60,000	27,010	100	27,010	0	
410125 Bounty Ave, Castle Hill - Full Length	Aug-13	Feb-14	Jan-14	Apr-14	Jan-14	100,000	79,861	100	79,861	0	
410126 Carramar Rd, Castle Hill - Castle St to Tuckwell Rd (western side 800m)	Oct-13	Oct-13	Aug-13	Dec-13	Sep-13	140,000	96,017	100	96,017	0	

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Project Description Code	Original Est. Start Date	Est. Start Date	Act. Start Date	Est. Finish Date	Act. Finish Date	Original Budget	Current Budget	% Comp	Revised Budget	Proposed Var	Var Ref
410127 Chapel Ln, Baulkham Hills - opposite high school from wombat crossing to Mackillop Dr roundabout (100m) including modify splitter islands	Sep-13	Sep-13	Aug-13	Sep-13	Sep-13	20,000	14,900	100	14,900	0	
410128 Don Moore Reserve, North Rocks, Tiernan Ave to amenities (170m)	Aug-13	Aug-13	Aug-13	Aug-13	Aug-13	30,000	26,450	100	26,450	0	
410129 Evans Rd, Glenhaven - Full Length	Aug-13	Jan-14	Feb-14	Mar-14	Feb-14	153,000	153,000	100	83,250	-69,750	18C
Project complete, savings returned to capital works reserve											
410130 Glanmire Rd, Baulkham Hills - Full Length	Mar-14	Mar-14	Feb-14	Jun-14	Mar-14	300,000	226,603	100	226,603	0	
410131 Kerrs Rd, Castle Hill - Old Northern Rd to Coolong St	Sep-13	Mar-14	Jan-14	May-14	Feb-14	110,000	64,815	100	64,815	0	
410132 Middleton Ave, Castle Hill - Carrington Rd to Parsonage Rd	Jul-13	Jul-13	Jul-13	Sep-13	Aug-13	140,000	140,000	100	140,000	0	
410133 Munro and Cary St, Baulkham Hills - Edward St to Girralong Ave	Oct-13	Feb-14	Jan-14	Apr-14	Jan-14	153,000	103,420	100	103,420	0	
410134 Orange Gr, Castle Hill - Crane Rd to Francis St (both sides)	Nov-13	Feb-14	Dec-13	Apr-14	Jan-14	125,000	76,154	100	76,154	0	
410135 Owen Ave, Baulkham Hills - Arthur St to Charles St	Nov-13	Nov-13	Sep-13	Dec-13	Sep-13	40,000	28,425	100	28,425	0	
410136 Palace Rd, Baulkham Hills - Windsor Rd to Vanessa Ave	Jan-14	Jan-14	Jan-14	Mar-14	Feb-14	140,000	102,438	100	102,438	0	
410137 Ridgectop Dr, Castle Hill - Excalibur Ave (South) to Excalibur Ave (Nth)	Feb-14	Feb-14	Jul-13	Apr-14	Jul-13	280,000	280,000	100	200,268	-79,732	18C
Project complete, savings returned to capital works reserve											
410138 St Michaels Pl, Baulkham Hills - Full Length (both sides)	Mar-14	Oct-13	Sep-13	Jan-14	Sep-13	51,000	37,849	100	37,849	0	
410139 Vista St and Wyoming Ave, Oatlands - Missing sections	Jul-13	Feb-14	Dec-13	Mar-14	Dec-13	84,000	32,335	100	32,335	0	
410140 Windsor Rd, Baulkham Hills - House 430 to House 434	Feb-14	May-14		May-14		15,900	15,900	0	15,900	0	
410141 Windsor Rd, Baulkham Hills - Wrights Rd to President Rd	Feb-14	Feb-14	Nov-13	Apr-14	Dec-13	120,000	84,170	100	84,170	0	
410142 Carnival Way - James Mileham Dr, Kellyville - Cycleway Stage 1	Dec-13	Mar-14	Mar-14	May-14		0	210,000	95	210,000	0	
410143 Farnell Ave, Carlingford - North Rocks Park to Lindsfarne Ave / Hunts Creek Reserve	Oct-13	Dec-13	Dec-13	Jan-14	Dec-13	0	71,408	100	71,408	0	
410144 Lindsfarne Cres, Carlingford - Parkland Rd to Farnell Ave	Oct-13	Jan-14	Dec-13	Feb-14	Dec-13	0	32,459	100	32,459	0	
410145 Robbie Cres, Carlingford - Jenkins Rd to Wattle Cl	Oct-13	Nov-13	Nov-13	Dec-13	Dec-13	0	38,393	100	38,393	0	

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410146 Windsor Rd, Castle Hill - Wrights Rd to Showground Rd	Nov-13	Jan-14	Nov-13	Feb-14	Dec-13	0	278,500	100	278,500	0	
410147 Parkland Rd, Carlingford - Robbie Cres to Jenkins Rd	Feb-14	Feb-14	Dec-13	Mar-14	Dec-13	0	52,514	100	52,514	0	
410148 3-5 Curtis Rd, Kellyville - Cycleway	Nov-13	Nov-13	Nov-13	Nov-13	Nov-13	0	36,960	100	36,960	0	
410149 Arcadian Cct, Carlingford - Felton Rd to Felton Rd	Apr-14	Apr-14	Apr-14	May-14	Apr-14	0	75,000	100	75,000	0	
410150 Bass Dr, Baulkham Hills - Full length	Apr-14	Apr-14	Apr-14	Jun-14		0	172,000	50	172,000	0	
410151 Blackett Dr, Castle Hill - Full length	May-14	May-14	Apr-14	Jun-14		0	93,200	30	93,200	0	
410152 Edinburgh Ave, Carlingford - Full length	Apr-14	Apr-14	Apr-14	May-14	Apr-14	0	60,000	100	60,000	0	
410153 Haines Ave, Carlingford - Full length	Apr-14	May-14	May-14	May-14		0	60,000	0	60,000	0	
410154 Lawndale Ave, North Rocks - existing path to Jason Pl	May-14	May-14	Apr-14	Jun-14	Apr-14	0	55,000	100	55,000	0	
410155 Wrights Rd, Castle Hill - La Vista Gr to Kings Rd	May-14	May-14	Apr-14	Jun-14	Apr-14	0	17,000	100	17,000	0	
410156 Windsor Rd, Castle Hill - Retaining Wall	May-14	May-14	May-14	Jun-14		0	21,500	0	21,500	0	
Total For Pathways						2,588,900	3,602,635		3,453,153	-149,482	
Roads											
510011 Withers Rd Kerb & Gutter and Pavement Work	Jul-13	Jul-13	Jul-13	Jun-14		0	1,640,058	95	1,172,927	-467,131	19A & B

Project complete; contra \$178,757 to new project 310088 Withers Rd Netball Court carpark, and balance \$288,374 transferred to development costs

550001 AC Resheeting Program	Jul-13	Jul-13	Jul-13	Jun-14	Mar-14	1,250,000	1,250,000	100	1,248,272	-1,728	18D
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Project complete, savings returned to capital works reserve

550002 Crack Sealing Program	Aug-13	Oct-13	Sep-13	Jun-14		50,000	50,000	83	50,000	0	
550003 Linemarking Program	Jul-13	Jul-13	Aug-13	Jun-14		75,000	75,000	90	75,000	0	
550004 Road Rejuvenation Program	Sep-13	Sep-13	Sep-13	Apr-14	Mar-14	150,000	150,000	100	150,000	0	
550005 Road Reseal Program	Jul-13	Sep-13	Sep-13	May-14	Mar-14	615,000	615,000	100	615,000	0	
550112 Annangrove Rd, Annangrove - Various locations	Aug-13	Feb-14	Feb-14	May-14	Mar-14	216,176	216,176	100	216,176	0	

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550133 Kalinna Dr, Baulkham Hills - Nalya Ave to Peel Rd	Sep-13	Oct-13	Oct-13	Nov-13	Oct-13	160,000	154,301	100	154,301	0	
550134 Kanangra Ave, Baulkham Hills - Merindah Rd to Chapel Ln	Sep-13	Sep-13	Sep-13	Oct-13	Sep-13	95,000	95,000	100	95,000	0	
550135 Kanili Ave, Baulkham Hills - Tamboura Ave to Gooden Dr	Sep-13	Oct-13	Oct-13	Nov-13	Oct-13	75,000	75,000	100	75,000	0	
550136 Kyle Ave, Glenhaven - Glenhaven Rd to end	Oct-13	Oct-13	Nov-13	Dec-13	Dec-13	150,000	150,000	100	150,000	0	
550137 Mungerie Rd, Kellyville - Withers Rd to Brampton Dr	Jul-13	Jul-13	Jul-13	Aug-13	Jul-13	118,000	119,602	100	119,602	0	
550138 Old Castle Hill Rd, Castle Hill - Garthowen Cres to Old Northern Rd	Jan-14	Apr-14	Apr-14	May-14	May-14	590,000	595,281	90	595,281	0	
550139 Talisman Ave, Castle Hill - Roxborough Park Rd to Rondelay Dr	Feb-14	Mar-14	Mar-14	Apr-14	Mar-14	100,000	100,000	100	100,000	0	
550140 Tamboura Ave, Baulkham Hills - Gooden Dr to Gooden Dr	Feb-14	Nov-13	Nov-13	Nov-13	Nov-13	160,000	160,000	100	122,437	-37,563	18D

Project complete, savings returned to capital works reserve

550141 Watton Rd, Carlingford - Carmen Dr to Sylvia Ave	Apr-14	Apr-14	Nov-13	Jun-14	Nov-13	150,000	150,000	100	138,382	-11,618	18D
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Project complete, savings returned to capital works reserve

550142 Wrights Rd, Kellyville - St Pauls Ave to Harrington Ave	Oct-13	Oct-13	Oct-13	Nov-13	Oct-13	145,000	145,000	100	145,000	0	
550143 Acres Rd, Kellyville - Diana Ave to Spring Rd	Jul-13	Jul-13	Aug-13	Sep-13	Sep-13	169,000	128,155	100	128,155	0	
550144 Adelphi St, Rouse Hill - Aberdour St to Mile End Rd	Nov-13	Nov-13	Nov-13	Nov-13	Nov-13	30,000	25,708	100	25,708	0	
550145 Alexandra Pl, Carlingford - North Rocks Rd to Dryden Ave	Jul-13	Jul-13	Jul-13	Jul-13	Jul-13	60,000	53,889	100	53,889	0	
550146 Alkira Rd, Carlingford - North Rocks Rd to Dryden Ave	Jul-13	Jul-13	Jul-13	Jul-13	Aug-13	60,000	56,744	100	56,744	0	
550147 Baulkham Hills Rd, Baulkham Hills - Gooden Dr to House 18	Nov-13	Mar-14	Mar-14	Mar-14	Mar-14	15,000	15,000	100	15,000	0	
550148 Bingara Cres, Bella Vista - Seven Hills Rd to Providence Dr	Aug-13	Sep-13	Sep-13	Oct-13	Oct-13	270,000	255,222	100	255,222	0	
550149 Boundary Rd, Maraylya - Pitt Town Rd to Catral Ridge Rd	Aug-13	Feb-14	Nov-13	Jun-14	Apr-14	318,000	318,000	100	318,000	0	
550150 Brisbane Rd, Castle Hill - Old Northern Rd to Mercer St	Sep-13	Sep-13	Sep-13	Oct-13	Oct-13	180,000	179,899	100	179,899	0	
550151 Candlebush Cres, Castle Hill - Darcey Rd to Darcey Rd	Oct-13	Jul-13	Jul-13	Jul-13	Jul-13	185,000	171,327	100	171,327	0	

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550152 Carolyn Ave, Carlingford - Murray Farm Rd to Lynette Ave	Feb-14	Feb-14	Jan-14	Mar-14	Feb-14	160,000	152,193	100	152,193	0	
550153 Charles Ct, North Rocks - Wentworth Ave to end	Feb-14	Feb-14	Jan-14	Mar-14	Feb-14	45,000	45,000	100	37,388	-7,612	18D

Project complete, savings returned to capital works reserve

550154 Coral Tree Dr, Carlingford - Timbertop Ave to Murray Farm Rd	Oct-13	Nov-13	Oct-13	Dec-13	Nov-13	40,000	33,222	100	33,222	0	
550155 Coronation Rd, Baukham Hills - Mulgray Ave to Windsor Rd	Feb-14	Oct-13	Oct-13	Nov-13	Nov-13	200,000	197,247	100	197,247	0	
550156 Darcey Rd, Castle Hill - Crane Rd to Silky Oak Pl	Oct-13	Jul-13	Jul-13	Jul-13	Jul-13	195,000	187,163	100	187,163	0	
550157 Davidson Ave, North Rocks - Meckliff Ave to Somerset Dr	Aug-13	Aug-13	Aug-13	Oct-13	Sep-13	166,000	159,186	100	159,186	0	
550158 Ellerslie Dr, West Pennant Hills - Hill Rd to House 45	Nov-13	Jul-13	Jul-13	Aug-13	Aug-13	100,000	85,138	100	85,138	0	
550159 Emily Clarke Dr, Kellyville - Connaught Cct to Wrights Rd	Jul-13	Jul-13	Jul-13	Aug-13	Jul-13	85,000	70,552	100	70,552	0	
550160 Highs Rd, West Pennant Hills - Daveney Way to Coonara Ave	Nov-13	Nov-13	Nov-13	Nov-13	Nov-13	103,575	103,575	100	103,575	0	
550161 Kenhurst Rd, Dural - Old Northern Rd to Pitt Town Rd	Sep-13	Mar-14	Mar-14	Apr-14	Apr-14	300,000	300,000	100	300,000	0	
550162 Kerrs Rd, Castle Hill - Coolong St to Old Northern Rd	Nov-13	Feb-14	Feb-14	Mar-14	Mar-14	110,000	110,000	100	110,000	0	
550163 Kirriford Way, Carlingford - Coral Tree Dr to end	Oct-13	Nov-13	Oct-13	Nov-13	Oct-13	30,000	29,230	100	29,230	0	
550164 Marie St, Castle Hill - Exelsior Ave to Kerrs Rd	Nov-13	Feb-14	Feb-14	Mar-14	Mar-14	150,000	150,000	100	150,000	0	
550165 Murray Farm Rd, Carlingford - Oakes Rd to Pennant Hills Rd	Feb-14	Feb-14	Jan-14	Apr-14	Feb-14	215,000	215,000	100	184,814	-30,186	18D

Project complete, savings returned to capital works reserve

550166 North Rocks Rd, North Rocks - Darling Mills Creek to Statham Ave	Oct-13	Jan-14	Jan-14	Jan-14	Jan-14	200,000	200,000	100	200,000	0	
550167 North Rocks Rd, North Rocks - House 230 to Loyalty Rd	Oct-13	Jan-14	Jan-14	Jan-14	Jan-14	240,000	240,000	100	240,000	0	
550168 North Rocks Rd, North Rocks - House 296 to Barciay Rd	Oct-13	Jan-14	Jan-14	Jan-14	Jan-14	185,000	185,000	100	185,000	0	
550169 North Rocks Rd, North Rocks - Loyalty Rd to House 150	Oct-13	Jan-14	Jan-14	Jan-14	Jan-14	300,000	300,000	100	300,000	0	
550170 Parraweena Ave, Baukham Hills - Munro St to House 15	Jan-14	Jan-14	Jul-13	Mar-14	Jul-13	105,500	97,018	100	97,018	0	

THE HILLS SHIRE COUNCIL**Monthly Budget Review 2013/2014****Works Program**

Project Description Code	Original Est. Start Date	Est. Start Date	Act. Start Date	Est. Finish Date	Act. Finish Date	Original Budget	Current Budget	% Comp	Revised Budget	Proposed Var	Var Ref
550171 Parsonage Rd, Castle Hill - Wilton Cl to House 134	Jan-14	Nov-13	Oct-13	Jan-14	Nov-13	340,000	340,000	100	340,000	0	
550172 Pearce St, Baukham Hills - Edward St to Henry St	Mar-14	Dec-13	Dec-13	Feb-14	Dec-13	280,000	276,025	100	276,025	0	
550173 Pellizzer Blvd, Kellyville - Road Construction	Nov-13	Nov-13	Oct-13	Nov-13	Nov-13	25,000	12,678	100	12,678	0	
550174 President Rd, Kellyville - Windsor Rd to Queensbury Ave	Jan-14	Jan-14	Dec-13	Feb-14	Jan-14	250,000	250,000	100	226,930	-23,070	18D

Project complete, savings returned to capital works reserve

550175 Runnymede Way, Coral Tree Dr to end	Oct-13	Nov-13	Oct-13	Nov-13	Oct-13	30,000	29,230	100	29,230	0	
550176 Sagaris Rd, Kenthurst - Kenthurst Rd to end	Oct-13	Mar-14	Mar-14	Apr-14	Apr-14	85,000	85,000	100	85,000	0	
550177 Statham Ave, North Rocks - Meckiff Ave to Becky Ave	Mar-14	Mar-14	Mar-14	Apr-14	Mar-14	135,000	135,000	100	135,000	0	
550178 Tracey Ave, Carlingford - Murray Farm Rd to House 17	Mar-14	Sep-13	Sep-13	Nov-13	Oct-13	120,000	114,371	100	114,371	0	
550179 Victoria Ave, Castle Hill - Packard Ave to Gladstone Rd	Mar-14	Apr-14	Apr-14	May-14	May-14	210,000	210,000	95	210,000	0	
550180 Victoria Ave, Castle Hill - Salisbury Rd to Showground Rd	Mar-14	Apr-14	Apr-14	May-14	Apr-14	170,000	170,000	100	165,455	-4,545	18D

Project complete, savings returned to capital works reserve

550181 Wentworth Ave, North Rocks - North Rocks Rd to end	Apr-14	Jan-14	Jan-14	Feb-14	Feb-14	85,000	72,998	100	72,998	0	
550182 Wrights Rd, Kellyville - Green Rd to end	Jul-13	Sep-13	Aug-13	Nov-13	Oct-13	200,000	200,000	100	200,000	0	
550183 Salisbury Downs Dr, West Pennant Hills - Daveney Way to Glenhope Rd	Nov-13	Mar-14	Mar-14	Apr-14	Mar-14	0	180,000	100	165,956	-14,044	18D

Project complete, savings returned to capital works reserve

550184 Britannia Rd, Castle Hill - Showground Rd to Tuckwell Rd	Dec-13	May-14	May-14	Jun-14	Jun-14	0	300,000	0	300,000	0	
550185 Excelsior Rd, Castle Hill - Old Northern Rd to Drayton Ave	Nov-13	Nov-13	Dec-13	Dec-13	Dec-13	0	93,076	100	93,076	0	
550186 Glenhaven Rd, Glenhaven - Samantha Riley Dr to Old Northern Rd	Jan-14	Feb-14	Feb-14	Mar-14	Feb-14	0	270,000	100	270,000	0	
550187 Providence Dr, Bella Vista - Bingara Cres to Bella Vista Dr	Sep-13	Mar-14	Apr-14	May-14	May-14	0	120,000	5	120,000	0	
550188 Road Reseal Preparation Works	Sep-13	Oct-13	Oct-13	May-14	Dec-13	0	349,474	100	349,474	0	

THE HILLS SHIRE COUNCIL

Monthly Budget Review 2013/2014

Works Program

Project Description Code	Original Est. Start Date	Est. Start Date	Act. Start Date	Est. Finish Date	Act. Finish Date	Original Budget	Current Budget	% Comp	Revised Budget	Proposed Var	Var Ref
550189 Pitt Town Road - Reconstruct Road approach at two new bridges	Oct-13	Oct-13	Dec-13	Jun-14		0	980,000	90	980,000	0	
Total For Roads						10,246,251	13,991,728		13,394,231	-597,497	
Traffic Facilities											
610005 Bus Shelter Construction and DDA Compliance	Jul-13	Jul-13	Sep-13	Jun-14		178,725	178,725	30	178,725	0	
610011 Minor Traffic Facilities - Various locations	Jul-13	Sep-13	Sep-13	May-14	Apr-14	55,000	100,000	100	94,260	-5,740	17B
Reduced grant income \$8,553 from RMS M2 Public Benefit funding and balance \$2,813 funded from capital works reserve as project complete											
610044 Seven Hill Rd and Cropley Drive, Baulkham Hills - Roundabout	Jul-13	Jul-13	Jul-13	Jun-14	Feb-14	2,000,000	586,150	100	586,150	0	
610048 Cook St/Orchard St. Baulkham Hills - Roundabout	Jan-14	May-14		Jun-14		0	160,000	0	160,000	0	
610054 Merindah Road/Lukes Lane. Baulkham Hills - Roundabout	Jul-13	Sep-13	Sep-13	Jun-14		0	200,000	95	200,000	0	
610061 Chelsea Avenue, Baulkham Hills - Local Area Traffic Management	N/A	N/A	N/A	N/A	N/A	20,990	0	N/A	0	0	
610062 Green Hills Drive, Rouse Hill - Landscape Median and Kerb	Feb-14	Jul-13	Jul-13	Jun-14		102,685	102,685	40	52,685	-50,000	16C
Reduction in design work, funds returned to section 94 bulk vote, contribution plan Rouse Hill											
610063 Green Hills Drive and Spring Mill Avenue, Rouse Hill - Roundabout	Jul-13	Aug-13	Aug-13	Jun-14		110,544	110,544	40	60,544	-50,000	16D
Reduction in design work, funds returned to section 94 bulk vote, contribution plan Rouse Hill											
610064 Burns Road (Memorial) and Arnold Ave (Free Settlers), Kellyville - Traffic Signals	Jul-13	Jul-13	Jul-13	Jun-14	Nov-13	1,083,615	9,605	100	9,605	0	
610065 Samantha Riley Drive, Kellyville - four lane upgrade design	Jul-13	Oct-13	Sep-13	Jun-14		100,000	130,000	70	130,000	0	
610066 Arthur Street and Seven Hills Road, Baulkham Hills - Traffic Signals	Jul-13	Jul-13	Jul-13	Jun-14		150,000	150,000	50	50,000	-100,000	16E
Reduction in design work, funds returned to section 94 bulk vote, contribution plan 94A											
610067 Glenhaven Road and Old Northern Road, Glenhaven - Traffic Signals	Jul-13	Jul-13	Jul-13	Jun-14		400,000	400,000	50	100,000	-300,000	16F
Reduction in design work, funds returned to section 94 bulk vote, contribution plan 94A											
610068 Bannerman Road, Annangrove Road & Glenhaven Road, Glenhaven - 2km Blacklength	Oct-13	May-14	May-14	Jun-14		0	195,000	15	195,000	0	
610070 Harrington Avenue, Castle Hill - Wombat Crossing	Sep-13	Jan-14	Jan-14	Feb-14	Jan-14	0	70,000	100	70,000	0	

THE HILLS SHIRE COUNCIL**Monthly Budget Review 2013 / 2014****Works Program**

Project Code	Description	Original Est. Start Date	Est. Start Date	Act. Start Date	Est. Finish Date	Finish Date	Original Budget	Current Budget	% Comp	Revised Budget	Proposed Var	Var Ref
610074	Jenkins Rd and Penman Hills Rd, Carlingford - Intersection Upgrade - Survey and Design	May-14	May-14	May-14	Jun-14	Jun-14	0	22,000	0	22,000	0	
610075	Kenthurst Rd Roundabout - adjacent to Hills Grammar School	Jun-14	Jun-14	Jun-14	Jun-14	Jun-14	0	0	0	5,000	5,000	13B

The roundabout design has been audited by Council's traffic team following concerns regarding the speed of traffic entering and exiting the roundabout along Kenthurst Rd. It was found that additional concrete islands are required to meet current design standards and reduce the traffic speed. Initiated by the Traffic Committee and adopted by Council 16/06/2003, funded from capital works reserve

610076	Tamarin Ct, Kellyville - Additional Car Park	Jun-14	Jun-14	Jun-14	Jun-14	Jun-14	0	0	0	25,000	25,000	13C
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Recommendation to install roll top kerb and 90 degree parking spaces along the eastern kerbline of Tamarin Ct to facilitate parking to the school. Initiated by the Traffic Committee and adopted by Council 16/12/2013, funded from capital works reserve

650002	North Rocks Rd - Wombat Crossing reconstruction	May-14	May-14	May-14	Jun-14	Jun-14	0	20,000	0	20,000	0	
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Total For Traffic Facilities

Waterways							4,201,559	2,434,709		1,958,969	-475,740	
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750009	Bank Stability and Instream Maintenance Program	Jul-13	Jul-13	Jul-13	May-14	May-14	50,000	50,000	50	58,000	8,000	14A
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Design costs funded from Stormwater Reserve

750025	Hawkesbury Flood Mitigation Maintenance	Jul-13	Sep-13	Oct-13	May-14	Oct-13	3,500	2,623	100	3,776	1,153	14B
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Design costs funded from Stormwater Reserve

750034	Castle Hill Heritage Park [156] - Design and Environmental / Archaeological Assessment - Siream Restoration Implementation	Sep-13	Jan-14	Jan-14	Jun-14	Jun-14	20,000	20,000	75	43,007	23,007	14C
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Design costs funded from Stormwater Reserve

750062	Lisle Ave, Carlingford - Construction	Oct-13	Aug-13	Aug-13	Oct-13	Nov-13	10,000	9,441	100	14,784	5,343	14D
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Design costs funded from Stormwater Reserve

750074	18 Valencia St, Round Corner - Construction	Aug-13	Nov-13	Dec-13	May-14	May-14	165,000	165,000	100	165,000	0	
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750076	38 Ashford Ave, Castle Hill - Design & Construction	Jul-13	Jul-13	Jul-13	May-14	May-14	120,000	120,000	60	120,000	0	
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750077	Burnside Reserve, North Parramatta - Construction Stage 3 & 4 - Waterway Improvement and Amenity Landscaping	Jul-13	Jul-13	Jul-13	May-14	May-14	285,004	285,004	95	285,004	0	
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750078	Carmen Dr to Oakes Rd, Carlingford - Design Stage 1	N/A	N/A	N/A	N/A	N/A	50,000	50,000	N/A	0	-50,000	15D
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Deferred until the study is finalised, funds returned to Stormwater Reserve

ATTACHMENT 1 PAGE 20

THE HILLS SHIRE COUNCIL**Monthly Budget Review 2013/2014****Works Program**

Project Description Code	Original Est. Start Date	Est. Start Date	Act. Start Date	Est. Finish Date	Act. Finish Date	Original Budget	Current Budget	% Comp	Revised Budget	Proposed Var	Var Ref
750079 Darling Mills Creek, Ventura Rd - Plant and Maint	Jul-13	Jul-13	Jul-13	Jun-14		25,000	25,000	95	37,497	12,497	14E

Design costs funded from Stormwater Reserve

750081 Tailout Channel Maintenance & Remediation Program	Jul-13	Jul-13	Jul-13	Jun-14		45,000	45,000	50	45,000	0	
750082 River Road Bank Stabilisation	Apr-14	Apr-14	Apr-14	Jun-14		0	370,000	10	370,000	0	
Total For Waterways Land						773,504	1,142,068		1,142,068	0	

Total For Land

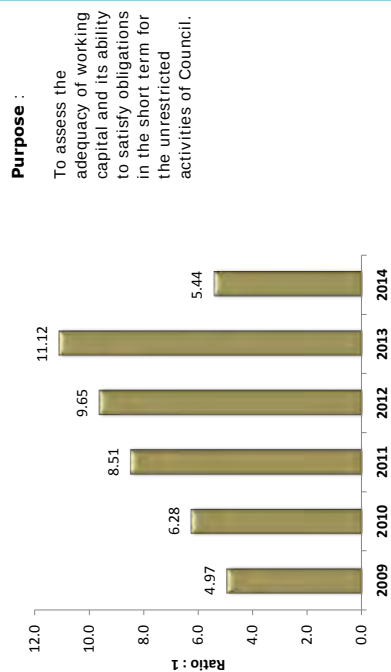
Deferment in section 94 land acquisitions as funds are not required this financial year, various contribution plans						18,514,653	13,675,180		14,257,513	582,333	16A-16F
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Project Development & Delivery

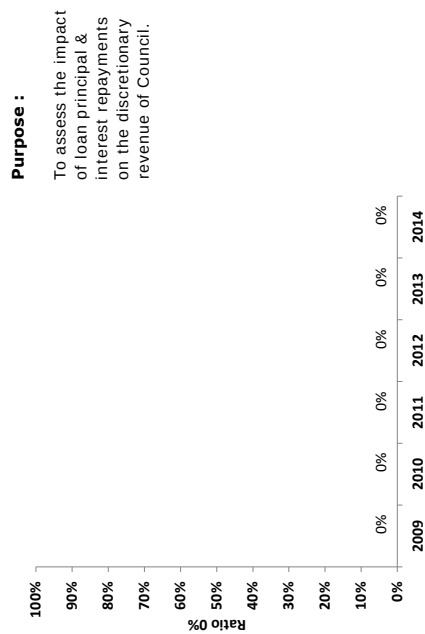
Project Development & Delivery	N/A	N/A	N/A	N/A	N/A	3,058,718	3,058,718		3,058,718		
Total for Project Development & Delivery						3,058,718	3,058,718		3,058,718	0	
Grand Total						45,856,353	70,686,925		69,986,309	-700,616	

Key Performance Indicators

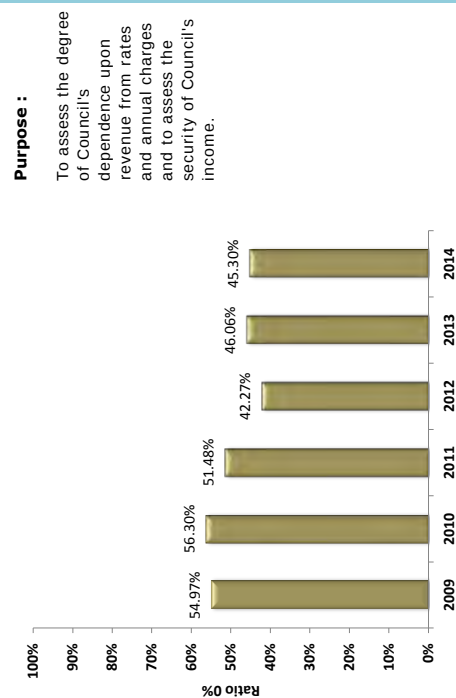
UNRESTRICTED CURRENT RATIO (Based on Actuals)



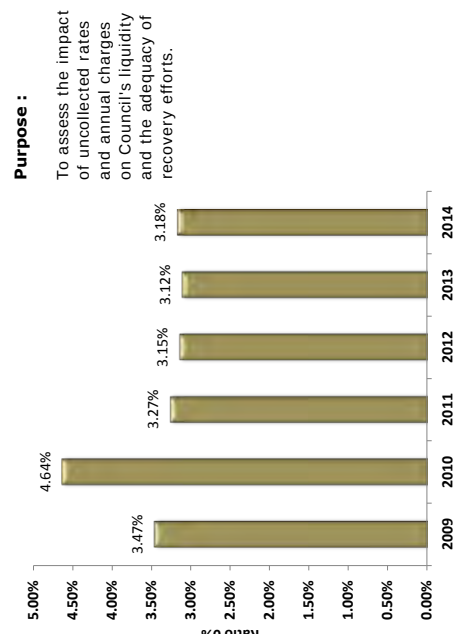
DEBT SERVICE RATIO



RATES & ANNUAL CHARGES COVERAGE RATIO (Based on Current Budget)



RATES, ANNUAL CHARGES, INTEREST & EXTRA CHARGES OUTSTANDING RATIO



The Hills Shire Council**Monthly Budget Review 2013/2014****PAGE 22**

Contractor	Contract Detail & Purpose	Contract Value \$ Exc GST	Commencement Date	Duration of Contract	Budgeted Y/N
TURF DRAIN AUSTRALIA	Slit Drainage - Gooden Drive Reserve Project No. 350050	\$60,976.00	9/04/2014	1 Month	Y
MID-WEST EXCAVATIONS	No18, Valencia St, Dural - Stormwater pipe replacement	\$89,910.00	2/04/2014	1 Month	Y

Part B Consultancy & Legal Expenses

Expense	Expenditure YTD \$	Budgeted Y/N
Consultancies	1,022,951.94	Y
Legal Fees	550,598.50	Y

* Excludes Commitments

ITEM-9 **EOI 14-06 APPOINTMENT OF MANAGING AGENT - RESIDENTIAL PROPERTY PORTFOLIO**

THEME:	Proactive Leadership
OUTCOME:	2 Prudent management of financial resources, assets and people to deliver the community outcomes
STRATEGY:	2.3 Provide and maintain sustainable infrastructure and assets that enhance the public domain, improve the amenity and achieve better outcomes for the community.
GROUP:	BUSINESS SERVICES
AUTHOR:	PROPERTY AND RESEARCH OFFICER LINDA HEWITT
RESPONSIBLE OFFICER:	MANAGER SPECIAL PROPERTY PROJECTS STEPHEN CULLEN

EXECUTIVE SUMMARY

On 10 May 2011 Council resolved to appoint Dural Realty Pty Ltd T\as Dural First National as managing agents for Council's residential property portfolio. This engagement will expire on 30 June 2011. Requests for '*Expression of Interest*' for the management of the portfolio were invited through advertisements in local newspapers which closed on 23 April 2014.

Council received five (5) complying submissions.

Council's authorisation to appoint a managing agent for the next three (3) year term is now sought.

REPORT

Annual rental income from the twenty six (26) residential properties within the current portfolio is approximately \$615,000 with a 3% per annum increase. Incoming, periodic and outgoing inspections and tenant liaison is managed by the agent. Repairs and maintenance are managed by Council. The portfolio consists of various residences acquired in the purchase of land for recreation\open space and operational land. The occupancy rate for the portfolio is approximately 100%.

Licenced Real Estate Agents were requested to provide residential property management services for 26 urban and rural premises, for a three year period commencing 1 July 2014.

Tender submissions were received from the following companies (in alphabetical order):

1. BTC Real Estate Pty Ltd t\as Richardson and Wrench
2. Dural Realty Pty Ltd T\as Dural First National
3. Guardian Real Estate (NSW) Pty Ltd
4. Pure Rentals and Management
5. The Complete Real Estate Castle Hill t\as Century 21

Evaluation Process

The expressions of interest have been assessed by a panel on the basis of the nominated evaluation criteria as follows:

- Conformity of tender submission
- Past performance and experience with similar types of contracts
- Technical, managerial and physical resources proposed to be used to carry out the work
- Size of current rental roll
- References

Additionally, Agents were requested to submit a Fee Schedule (exclusive of GST) which included:-

- Commission on Rent (Fee);
- Letting fee;
- Re-letting fee;
- Lease preparation fee
- Statement fee;
- Document preparation and attendance at Tribunal Fees; and
- Evidence of Public Liability and Professional Indemnity Insurance.

CONCLUSION

As assessment panel consisting of Council's Manager – Special Property Projects; Property Manager; Property and Research Officer using the aggregate average of weighted criteria scores determined that the submission from Dural First National was the most advantageous to Council.

IMPACTS**Financial**

The Managing Agent's costs will be deducted from the Gross Rental income to Council. \$600,000 has been budgeted as rental income in the 2014/15 draft Budget.

The Hills Future - Community Strategic Plan

Council's assets are managed to meet the current and future needs of our community.

RECOMMENDATION

Dural Realty Pty Ltd T/as Dural First National be appointed as the Managing Agent for Council's Residential Property Portfolio for a three (3) year period commencing 1 July 2014 to 30 June 2017.

ATTACHMENTS

1. Confidential Tender Evaluation Report – Appointment of Managing Agent – Residential Property Portfolio **(Forwarded to Councillors under separate cover)**

ITEM-10 LOCAL GOVERNMENT REMUNERATION TRIBUNAL

THEME:	Proactive Leadership
OUTCOME:	3 Sound governance based on transparency and accountability.
STRATEGY:	3.1 Ensure Council is accountable to the community and meets legislative requirements and support Council's elected representatives for their role in the community.
GROUP:	BUSINESS SERVICES
AUTHOR:	MANAGER – EXECUTIVE SERVICES PETER DOYLE
RESPONSIBLE OFFICER:	GENERAL MANAGER DAVE WALKER

EXECUTIVE SUMMARY

Council must fix the annual fee payable to the Mayor and Councillors for the 2014/2015 financial period in accordance with the appropriate determination of the Remuneration Tribunal.

REPORT

The Local Government Remuneration Tribunal has determined that a 2.5 per cent increase in fees for Councillors and Mayors is appropriate for the next twelve months commencing 1 July, 2014. The same increase was granted last year.

The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the minimum and maximum fees that apply to Councillors and Mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.

The Tribunal's deliberations have resulted in the following determination of minimum and maximum fees for 2014/2015.

"Pursuant to s.241 of the Local Government Act 1993, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2014 are determined as follows:

Category	Councillor / Member Annual Fee		Mayor / Chairperson Additional Fee *	
	Minimum	Maximum	Minimum	Maximum
Principal City	\$24,430	\$35,820	\$149,460	\$196,660
Major City	\$16,280	\$26,880	\$34,600	\$78,300
Metropolitan Major	\$16,280	\$26,880	\$34,600	\$78,300
Metropolitan Centre	\$12,210	\$22,800	\$25,950	\$60,580
Metropolitan	\$8,130	\$17,930	\$17,310	\$39,110
Regional Rural	\$8,130	\$17,930	\$17,310	\$39,110
Rural	\$8,130	\$10,740	\$8,640	\$23,440

County Council – Water	\$1,620	\$8,960	\$3,460	\$14,710
County Council – Other	\$1,620	\$5,360	\$3,460	\$9,780

**This fee must be paid in addition to the fee paid to the Mayor as a Councillor (s.249(2))*

As The Hills Shire Council is classified in the category Metropolitan Centre pursuant to Section 239 of the Act, the permissible annual fees will be within the following range:

- All Councillors from a minimum \$12,210 to a maximum of \$22,800 (currently \$22,240)
- In addition for the Mayor, from a minimum of \$25,950 to a maximum of \$60,580 (currently \$59,100)

In past years and reflecting the Council's stated position in submissions to the Remuneration Tribunal over an extended period on the level of fees paid to Councillors and Mayors, Council has historically chosen to set the fee at the maximum allowable rate determined by the Tribunal. The recommendation has been established on that basis.

IMPACTS

Financial

Proposed fees for the coming financial year will amount to \$334,180 and funds have been provided in the draft 2014/2015 Budget.

The Hills Future - Community Strategic Plan

The fixing of an annual fee by Council in accordance with the appropriate determination of the Local Government Remuneration Tribunal ensures that it is complying with its legal obligations.

RECOMMENDATION

1. The maximum fee for Councillors in Councils classified as Metropolitan Centre (\$22,800) be adopted for 2014/2015
2. The maximum fee for Mayors in Councils classified as Metropolitan Centres (\$60,580) be adopted for 2014/2015.

ATTACHMENTS

Nil

ITEM-11	AMENDMENTS TO LEASE STARTING DATE - EXHIBITION SPACE AT VINEGAR HILL COMMUNITY CENTRE
THEME:	Vibrant Communities
OUTCOME:	4 Public spaces are attractive, safe and well maintained providing a variety of recreational and leisure activities that support an active lifestyle.
STRATEGY:	5.1 Facilitate the provision of services across the community.
GROUP:	CUSTOMER SERVICES
AUTHOR:	SENIOR CO-ORDINATOR COMMUNITY PROJECTS AND ENGAGEMENT GAYNOR CORFIELD
RESPONSIBLE OFFICER:	GROUP MANAGER-CUSTOMER SERVICES JOHN DEAN

EXECUTIVE SUMMARY

The purpose of this report is to recommend to Council that the starting date of the licence to Hills Community Aid (HCA) for the exhibition space at Vinegar Hill Community Centre be amended from 1 March 2014 to 16 June 2014.

REPORT

Council offered to the market a 1 year licence with a 1 year option at Council's discretion. While in their original application HCA included a 1+1 offer they also indicated a preference for a longer term. The longer term could not be considered by Council as only a 1+1 option was originally offered to the market.

Council resolved at the meeting of 11 February 2014 to endorse a 1-year licence (plus GST) with CPI and a 1-year option at Council's sole discretion to Hills Community Aid and Information Service Inc. for use of the Exhibition Space within the Vinegar Hill Community Centre as detailed in the report with Licence executed under seal.

Following the resolution Hills Community Aid subsequently withdrew their interest in a letter to Council on the 10th March 2014 citing a preference for a longer agreement.

The Licence was then offered to the second expression of interest organisation who also declined.

Following further discussions with HCA, the issue identified was that they were concerned with the cost of the fit-out for what in effect could be a 12 months arrangement with no guarantee of the 2nd year.

To achieve a resolution to this issue, the General Manager proposed to provide a letter confirming the year 2 option would be exercised, subject to HCA meeting all the year one licence requirements.

HCA have now agreed to accept the licence. As the original start date of the licence has now passed, HCA is seeking a new start date at the original 1 plus 1 option as detailed below.

CONCLUSION

It is recommended that Hills Community Aid and Information Services Inc be offered a licence agreement under the following terms:

Commencement Date:	16 June 2014
Expiry Date:	16 June 2015
Option:	1-Year at Council's sole discretion subject to satisfactory performance
Rent:	\$18,000 GST exclusive
Increase:	CPI
Premises:	Exhibition Space, Vinegar Hill Community Centre, 29 Main Street Rouse Hill
Outgoings:	Licensee
Maintenance & Repairs:	Licensee
Public Liability Insurance:	Minimum \$5m for non-profit/community groups

IMPACTS**Financial**

Revenue from this will amount to \$18,000 per annum exclusive of GST. This revenue has not been budgeted and will be reflected in a future Budget Review.

The Hills Future - Community Strategic Plan

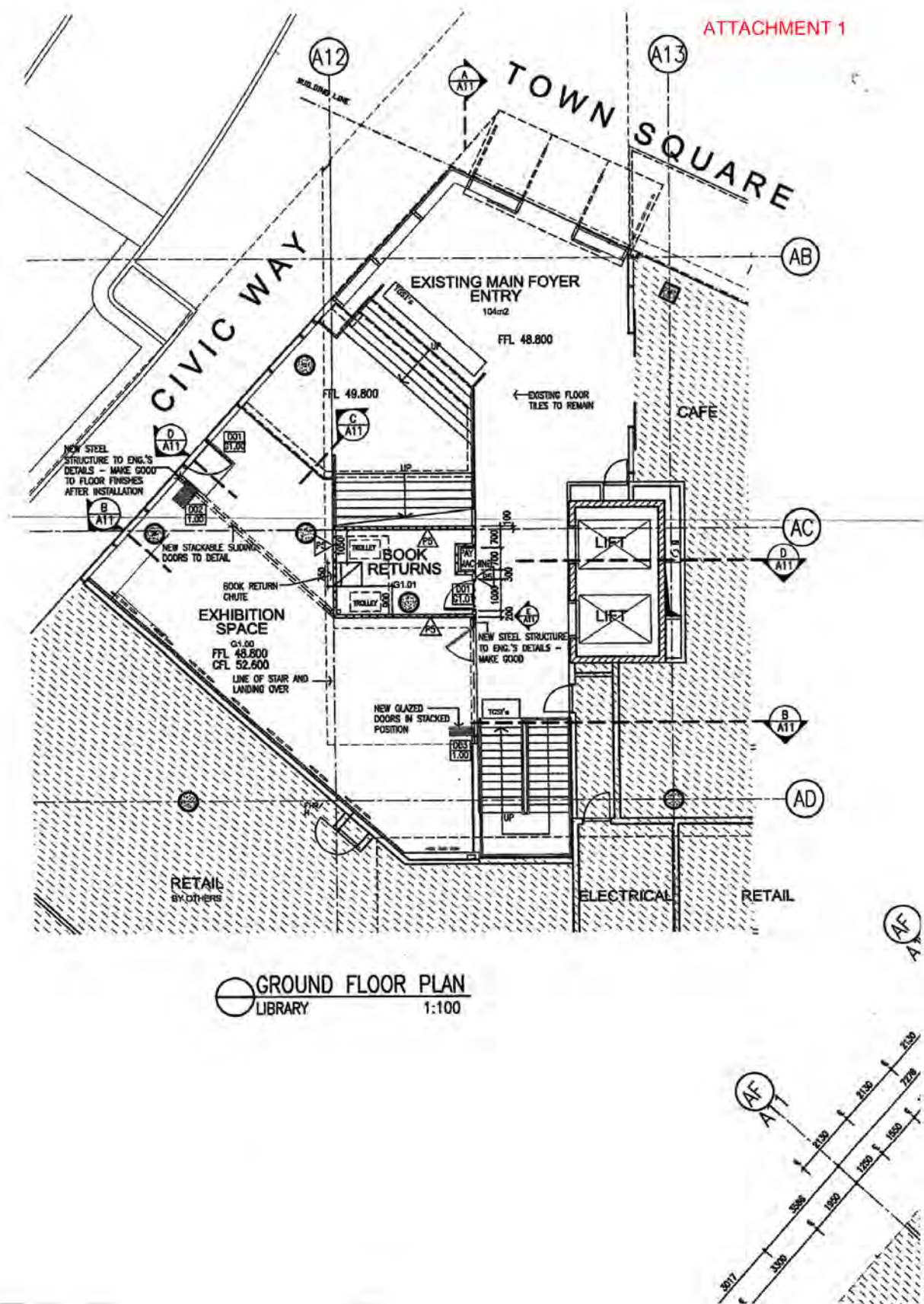
This report facilitates the provision of services to the community and enhances the utilisation of Council facilities.

RECOMMENDATION

Council endorse a revised start date 1-year licence (plus GST) with CPI and a 1-year option with CPI at Council's sole discretion, subject to performance satisfactory to the General Manager, to Hills Community Aid and Information Service Inc. for use of the Exhibition Space within the Vinegar Hill Community Centre as detailed in this report with Licence executed under seal.

ATTACHMENTS

1. Plan Vinegar Hill Community Centre Ground Floor (1 page)



ITEM-12	KELLYVILLE MEMORIAL PARK RECREATION CENTRE LICENCE EXTENSION
THEME:	Vibrant Communities
OUTCOME:	5 A connected and supported community with access to a range of services and facilities that contribute to health and wellbeing.
STRATEGY:	5.1 Facilitate the provision of services across the community.
GROUP:	CUSTOMER SERVICES
AUTHOR:	SENIOR CO-ORDINATOR COMMUNITY PROJECTS AND ENGAGEMENT GAYNOR CORFIELD
RESPONSIBLE OFFICER:	GROUP MANAGER – CUSTOMER SERVICES JOHN DEAN

REPORT

Kellyville Memorial Park Sports and Recreation Centre Lot 60 DP 10702 is located within Kellyville Memorial Park. There is a current agreement between Council and Lance and Sandra Chaloner for its operation. They have run the centre since 2008. Due to the intended redevelopment of Kellyville Memorial Park at the Council meeting 7 August 2012 it was resolved that:

The licence agreement for the management of Kellyville Memorial Park Sports and Recreation Centre be held over on a month by month basis for a period of up to two years.

The Licence Agreement between Council and Lance & Sandra Chaloner for the operation of the Kellyville Memorial Park Sports and Recreation Centre, is due to conclude 1 August 2014. This site is freehold and classified Community Land. Council currently receives \$37,696 per annum from Licence fees.

The Kellyville Memorial Park is about to be reconfigured as part of the Balmoral Road Release Area development with a draft Master Plan being prepared for the site. It is considered that the first stage may take up to 5 years. At the conclusion of stage one the Recreation Centre will be demolished. It will not be replaced.

It is considered that based on the current level of ongoing patronage of the Recreation Centre and the age and condition of the building, that the licence be held over on a month by month basis for a period of up to three (3) years. Should the stage one work conclude sooner the agreement can be terminated, providing three (3) month's written notice.

IMPACTS

Financial

Income has been budgeted and is reflected in the draft 2014 budget.

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This report enhances the provision of community facilities used to deliver services to the community

RECOMMENDATION

Subject to compliance with section 47 of the Local Government Act, Council enter into a Licence to Lance and Sandra Chaloner within Kellyville Memorial Park Sports and Recreation Centre for a month by month basis for up to three (3) years with a Licence executed under seal.

ATTACHMENTS

Nil

RESPONSIBLE OFFICER: **MANAGER – INFRASTRUCTURE PLANNING**
KEN WILLIMOTT

ISSUES FOR CONSIDERATION

ISSUE	COMMENT	OUTCOME
Two (2) requests for dog off leash area in the park	Dog off leash areas are incompatible with sports grounds	Council are currently reviewing their dog off leash policy with the aim of including 1 dog off leash area in each suburb. There are a number of other new reserves (not sports fields) planned within the Balmoral Road Release Area (BRRA) where this could potentially occur. Suitability for these areas will be determined in future open space reviews. Dog owners are still able to utilise the planned trails system in the park to walk their dogs on a leash.
Two (2) requests for a basketball court to be included at the new sporting complex	No basketball courts are proposed to be included at the complex	Residents were advised that new multipurpose courts accommodating basketball are proposed to be built at Arnold Avenue Sports Complex which is situated approximately 1.5km from Balmoral Road Sports Complex.
One (1) request for exercise equipment to be installed in the new park	No exercise equipment is planned to be installed in the new park.	The provision of exercise equipment in the park was not included in Council's contributions plan for BRRA so cannot be included in the initial works at the park. The installation of exercise equipment will, however, be listed for consideration for inclusion in future capital works programs.
One (1) question as to whether the proposed overflow parking area will become a 'dustbowl'	The overflow carparking area will only be used when required for major events at the park. The access gate to this area will be locked at all other times.	Resident notified of restricted use of this area.

ISSUE	COMMENT	OUTCOME
One (1) enquiry as to whether there was a consultation process which Council undertook when designing the park which was informed by community needs.	The design of the park was guided by the findings of a Recreational Needs Study commissioned for Balmoral Road Release Area. This study incorporated public consultation to assist in determining the findings of the report.	The recently completed public consultation for Balmoral Road Sports Complex is the final stage of community consultation.
One (1) enquiry as to when Free Settlers Drive will be constructed	Free Settlers Drive cannot be constructed until the Department of Education resolves their site to enable connection to Fairway Drive. This is some time away at present – possibly 2 or more years.	Request is noted
Three (3) enquiries as to when the park will be constructed.	At this stage the park is scheduled for construction in the 2017/2018 financial year.	Request is noted

There is no matter raised in the submissions that would prevent Council from adopting the Draft Landscape Master Plan.

REVISION OF THE EXHIBITED MASTERPLAN

A review of the masterplan following public consultation revealed that a number of improvements could be made to the masterplan without changing the intent or the general arrangement of the exhibited masterplan. As a result a revised masterplan is presented to Council incorporating these improvements, including:

- Rationalisation of the trails system within the park in accordance with the ecological recommendations to improve the protection of the existing Cumberland Plain Woodland to be retained as part of the works
- Improvements to vehicular circulation including redesign of the roundabout from Balmoral Road, separation of the pedestrian/cycle trail and redesign of the carparking layout to improve bus movements and pedestrian safety

Copies of both the original masterplan and the revised masterplan have been attached to this report. Amendments to the original masterplan have been highlighted on the revised masterplan for Councillor's information.

IMPACTS

Financial

The project is estimated to cost \$10.5M and is scheduled for construction in the 2017/2018 financial year.

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While it appears that construction of this new community facility is some time away, there are considerable early works to complete prior to the commencement of construction. The main component of these early works will be extensive earthworks to level the site for the new playing fields. It is planned to combine the fill requirements of the site with Council's other operations to achieve cost saving for the disposal of spoil.

RECOMMENDATION

The revised masterplan for Balmoral Road Sports Complex be adopted.

ATTACHMENTS

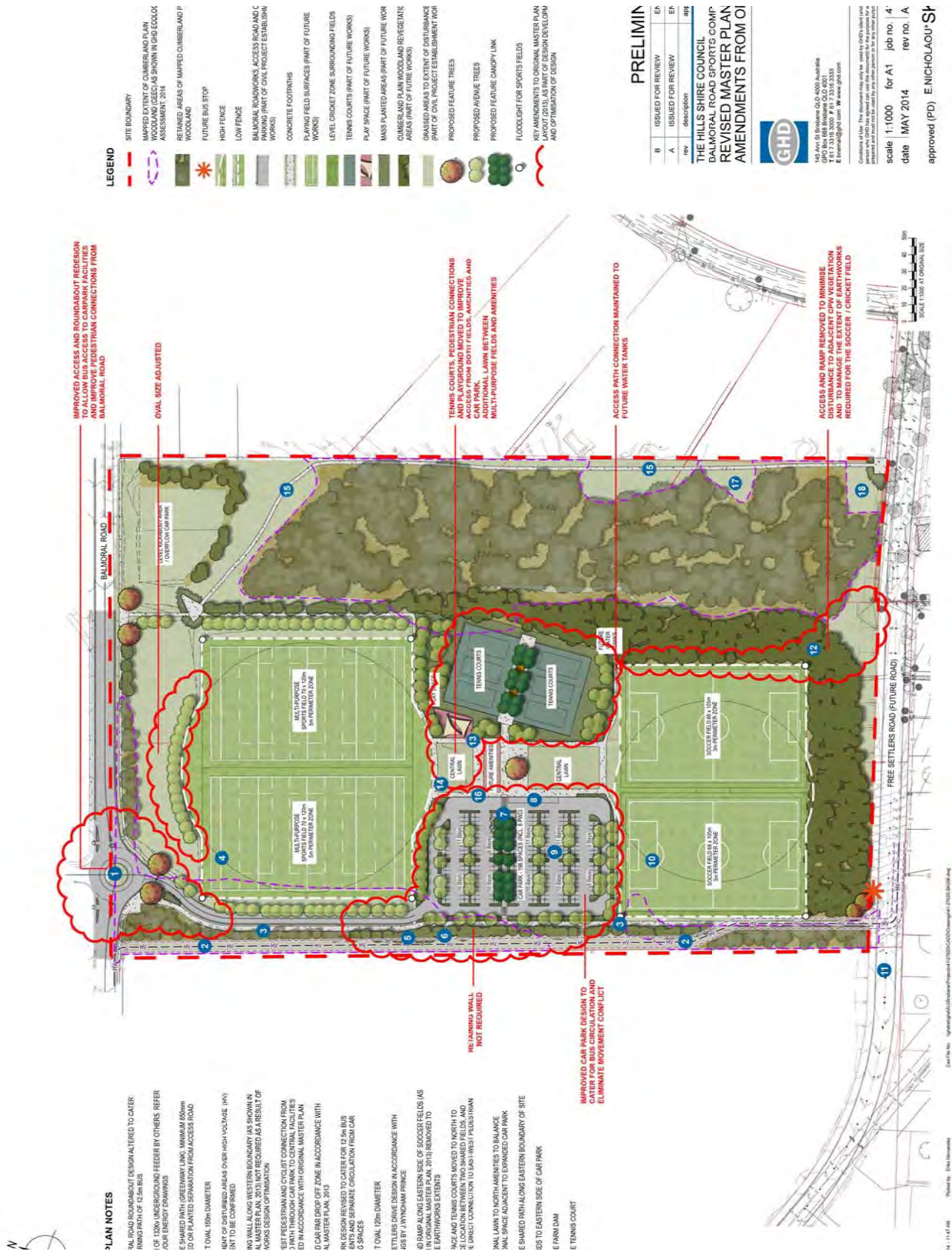
1. Balmoral Master Plan – original version (1 page)
2. Balmoral Master Plan – revised version (1 page)

ATTACHMENT 1



LEGEND

Study Area	Proposed Feature Tree	Existing Cumberland Plain Woodland Retained	Amenities Building (30m x 10m)
High Fence	Proposed Feature Canopy Link	Mass Planting	Play Space
Low Fence	Proposed Avenue Trees	Ramp (1:14 max.)	Picnic Shelter
Future Bus Stop	Proposed Cumberland Plain Woodland Extension	Bollards	Floodlight for Sports Fields



ITEM-14 PROPOSED TRANSFER OF COUNCIL OWNED SES VEHICLES TO THE NSW SES

THEME:	Vibrant Communities
OUTCOME:	5 A connected and supported community with access to a range of services and facilities that contribute to health and wellbeing.
STRATEGY:	4.3 Through strong partnerships provide and support safety activities in relation to bush fire management and other emergency services to foster a safe community.
GROUP:	INFRASTRUCTURE
AUTHOR:	MANAGER – INFRASTRUCTURE SPECIAL PROJECTS MICHAEL LATHLEAN
RESPONSIBLE OFFICER:	GENERAL MANAGER DAVE WALKER

EXECUTIVE SUMMARY

Funding has been provided by the NSW Government under the *Strategic Disaster Readiness Package* to assist in standardising and centralising the ownership of SES vehicles across the state. This will require all Councils to transfer their Council owned SES vehicles to the NSW SES. The funding is available over a five year period, concluding in the 2016/17 financial year. As part of the package all Councils have been provided with three options to transfer their Council owned SES vehicles to the NSW SES. The options offered are by way of gift, at a nominal sale value or at a market based value. It is recommended that Council agree in principle to transfer ownership of its SES vehicles to the NSW SES at a market based value, subject to consideration of a further report on the outcome of the market valuation process.

REPORT

In June 2012 the NSW Government announced a \$96 million *Strategic Disaster Readiness Package* as part of the 2012/13 State Budget. Approximately half of the package is to progressively standardise and centralise the ownership of SES vehicles across the state over a five year rollout period.

Details of all Council owned SES vehicles, including insured value, are provided in the table below.

Asset Number	Description	Reg. No.	Insured Value
FS330997	Toyota Hi-Lux 4 X 4	SES 004	\$32,357
FS334012	Toyota Dyna 200 Dual Cab	SES 002	\$65,000
FS339425	Isuzu NPS300 Crew 4 X 4	SES 040	\$140,100
FS339455	Isuzu NPR450	SES 001	\$139,498
FS339496	Isuzu NQR450 Crewcab Rescue	SES 014	\$149,186
FS339497	Ford PK Ranger 4 X 4 Crewcab Utility	SES 051	\$30,727
FS339498	Ford PK Ranger 4 X 4 Crewcab Utility	SES 052	\$45,880
FS339617	Toyota Prado VX	SES 000	\$67,113

As part of the package, all Councils have been offered the option of transferring ownership of their Council owned SES vehicles to the NSW SES by:

- gift
- nominal fee
- market value

The SES vehicles currently owned by Council are in excellent condition thanks to a fully funded plant replacement program, as well as the efforts of the SES members and Council staff who maintain the vehicles. Therefore if Council was agreeable to transferring ownership of the vehicles to the NSW SES, it should be at market value.

The NSW SES has advised that the market value will be determined by professional vehicle assessors from the NSW Government's StateFleet fleet management organisation with the actual transfer price to be negotiated based on each vehicle's valuation less any financial contributions made by volunteer fundraising or grants.

Once the market valuations have been determined and agreed to by Council, a Vehicle Acquisition Priority Listing will be finalised. That Listing will be used by the NSW SES to determine the actual date of the acquisition.

In accordance with Delegation 13.1.10, the General Manager has been delegated approval to dispose of surplus plant and equipment by:

- auction
- inviting tenders, or
- trade-in (provided that three quotations are received).

As the proposed method of valuing the SES fleet by professional vehicle assessors from the NSW Government's StateFleet is not in accordance with the current delegation to the General Manager, the outcome of the valuation process will be referred to Council for determination.

Should it not be possible to reach an agreement on the actual transfer price, NSW SES representatives have indicated that replacement vehicles would be purchased for The Hills SES unit with Council then free to utilise or dispose of the existing vehicles as it sees fit.

IMPACTS

Financial

The total revenue from the sale of all Council owned SES vehicles is not known at this stage. It has not been budgeted for but will be reflected in a future Budget Review.

A net amount of \$51,500 has been included in the Draft 2014/15 Budget for the replacement of Plant 339617. It is proposed that this replacement be deferred pending the finalisation of the vehicle transfer arrangement with the SES. The funds will be returned to the Plant Reserve at a future budget review.

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The recommendation in this report will have no impact on Council's support of The Hills SES Unit or their ability to assist the community in times of need.

RECOMMENDATION

1. Council agree in principle to the transfer of Council owned SES vehicles to the NSW SES at market value.
2. The outcome of the market valuation of Council owned SES vehicles by the NSW Government's StateFleet fleet management organisation be referred to Council for determination.

ATTACHMENTS

Nil

ITEM-15 **REVIEW OF THE OPERATION OF LOCAL TRAFFIC COMMITTEE**

THEME:	Proactive Leadership
OUTCOME:	3 Sound governance based on transparency and accountability.
STRATEGY:	2.3 Provide and maintain sustainable infrastructure and assets that enhance the public domain, improve the amenity and achieve better outcomes for the community.
GROUP:	STRATEGIC PLANNING
AUTHOR:	GROUP MANAGER – STRATEGIC PLANNING MICHAEL EDGAR
RESPONSIBLE OFFICER:	GENERAL MANAGER DAVE WALKER

EXECUTIVE SUMMARY

At its Ordinary Meeting of 12 November 2013, The Hills Shire Council resolved:

1. The Group Manager - Strategic Planning conduct a thorough review of the operations and performance of The Hills Local Traffic Committee, paying particular attention to the process in which items come before the LTC.
2. Identify and propose options to improve the process for when action items are presented to the Committee and develop a methodology and framework to determine future recommendations that provides clarity and direction for The Hills Shire community, Councillors and State Members of Parliament.

In line with Council's resolution, a thorough review of the performance of the Local Traffic Committee (LTC) has been conducted using the second half of 2013 as the case study. This review has highlighted areas for improvement around the Agenda and the conduct of the LTC business. The investigation included the following action by the Group Manager - Strategic Planning:-

- A review of each LTC agenda, reports and resolutions from July through to December 2013.
- Investigations into how other Council's operate with their LTC's including Blacktown, Parramatta, Hornsby, North Sydney and Camden using personal communications and web based searches.
- A review of previous reports on traffic management by the RMS, Productivity Commissions, Australian Local Government Association.
- Personal inquiry with the technical and policy section of the RMS.
- A review of the relevant Acts, Regulations and Guidelines relating to the management of traffic by Local Government.
- Internal interview with Council's traffic management staff.

The LTC is managed through Council's traffic team who reports to the Manager - Infrastructure. During the study period the team dealt with 419 letters and 938 tasks relating to the management of traffic throughout our local road network. What has not been included in these results are the letters, tasks and correspondence relating to our road network from an asset management function. In all there were seventy two (72) matters reported to the LTC during the second half of 2013.

HISTORY

1976	NSW Parliament passed the Traffic Authority Act to establish a single decision making statutory authority to assume full responsibility for road traffic control in NSW.
1976/1977	Delegation to approve certain traffic facilities on local roads only, was given to NSW Metropolitan Councils.
March 2009	The RMS issued in March 2009 a publication "A guide to the delegation to Council's for the Regulation of the Traffic", including the operation of the Traffic Committees to clarify the role and delegated responsibilities of Local Traffic Committees (LTC) (<i>Attachment 2</i>)
14 July 2009	Council Report "Review of Local Traffic Committee"
9 August 2011	Council Report "Operation of Local Traffic Committee Meetings"

INTRODUCTION

Local Governments own and manage local roads which constitute around eighty per cent (80%) by length of Australia's total local road network. In most cases, the constitutional power over road transport resides with the States however the Commonwealth, with the States, has established national bodies, rules and guidelines to promote national consistency. In NSW, roads fall within the Department of Transport portfolio and the relevant traffic authority is the Roads and Maritime Services (RMS). The RMS is legislated as the organisation responsible for the control of traffic on all NSW roads. The relevant legislation is the Road Transport (Safety and Traffic Management) Act 1999 and traffic is controlled by the installation of prescribed traffic control devices such as regulatory signs or traffic control facilities such as medians.

Given the extensive network of roads throughout NSW, to efficiently and effectively deal with traffic related matters, the RMS has delegated certain aspects of the control of traffic on local roads to Local Government. The delegation does not extend to the control of traffic on the State's classified road network (main roads, motorways, freeways and the like) nor to the control of traffic signals (lights) on any road. The use of the delegation by Council is limited and restricts the type of prescribed traffic control devices and traffic control facilities that Council can authorise and install. The delegation instrument in its entirety is included in Attachment 1 of this report. The RMS has issued Guidelines which covers the use of delegations including the operation of Local Traffic Committees (LTC) which is reproduced in Attachment 2.

While all the restrictions, limitations and conditions of the delegation are important, one of the more significant restrictions is that Council must not exercise any of its delegated functions without Council first obtaining the advice of the RMS and the NSW Police. This advice is usually sought through the establishment of a Local Traffic Committee (LTC) however it doesn't have to be. Council could seek the advice of the NSW Police and RMS

without referring to the LTC. Notwithstanding this, the RMS Guidelines Clause 5.1 states that *“the Council must refer all traffic related matters to the LTC prior to exercising its delegation functions”*. This aspect of the guideline and the Delegation Instrument in general needs to be reviewed by the RMS for clarity.

In brief, the LTC is comprised of four (4) formal members each with one (1) vote being Council's representative and representation for the NSW Police, the RMS and the Local State Member of Parliament or their nominee. It is therefore possible for a local Council to have more than one (1) LTC depending upon how many State electorates are contained within the local government area.

The Hills Shire has established an LTC that comprises the State electorates of Parramatta, Baulkham Hills, Castle Hill and Hawkesbury. It currently meets at 2pm on the third Monday of each month providing there are matters to be dealt with. A thorough review of the operation of Council's LTC has been undertaken. This report outlines the review and makes recommendations about possible changes to the LTC. These recommendations include:-

1. Routine matters be circulated to members of the LTC electronically and, if no objection is made, then the matter be dealt with. Should there be any objection by any of the four (4) voting members of the LTC, then it be referred to the monthly LTC meeting for review.
2. Council develop a policy in relation to the use of prescribed traffic control devices and traffic control facilities similar to the “warrants” process for pedestrian crossings and traffic signals. Any request that fails to meet those policies or “warrants” is not acted upon.
3. Council makes representation to the RMS about amending the limits imposed on Councils given they are minor in nature, statutory in nature and that Council employees are competent, trained, qualified traffic engineers.
4. That by way of Policy, Council will not regulate commuter carparking in residential streets other than on the grounds of traffic safety and measures required to comply with relevant traffic standards.
5. Council write to the Director General of the RMS requesting that the Delegation to Councils be reviewed to provide more delegation to Councils to act without referral to the LTC and to clarify whether a LTC is required at all.

REPORT

To understand Council's authority and accountability under the delegation instrument, a few specific definitions are important;

Prescribed traffic control device – a sign, signal, marking, structure or other device to direct or warn traffic on a road or road related area (or part of a road or road related area) that is prescribed by the regulations for the purposes of this definition.

Traffic control facility means:-

- (a) Traffic control lights and equipment used in connection with traffic control lights; or
- (b) Any sign, marking, structure or device containing or relating to a requirement or direction, contravention of which is an offence arising under:-
 - (i) The *Transport Administration Act, 1988* or the regulations; or

- (ii) Any other Act, regulation or by-law prescribed for the purposes of Section 45E of the *Transport Administration Act, 1988*; or
- (c) Any sign, marking, structure or device that is intended to promote safe and orderly traffic movement on roads or road related areas or to warn, advise or inform the drivers of vehicles or pedestrians of any matter or thing in relation to vehicular or pedestrian traffic or road conditions or hazards; or
- (d) Any bridge or subway or other facility for use by pedestrians over, across, under or alongside a road or road related area; or
- (e) Any other thing prescribed as a traffic control facility by the Regulations under the *Transport Administration Act, 1988*.

RMS Delegation to Councils

As mentioned earlier in this report, the ultimate responsibility for the control of traffic lies with the RMS. The RMS recognises that the management of regional and local roads is effectively managed at the local level and has delegated certain functions on Council's local road network to Council. The delegation to Council does not remove the RMS' ability to exercise delegated functions themselves should circumstances so warrant.

Councils are subject to a number of conditions and limitations as set out in Schedule 4 of the Delegation Instrument. It is considered that the way Schedule 4 is written causes confusion with conflicting requirements. It is considered that Councils are more than competent and responsible for managing traffic on its local roads and referral of matters to Police, RMS and LTC should only be necessary if the matter involves a structure (media, pedestrian, refuge) a local area traffic management scheme, a Traffic Management Plan (TMP) for a major event or a matter that relates to the RMS road network. It is recommended that Council write to the RMS asking for the delegation and limitation be amended to reflect this outcome.

The RMS disseminated the publication "A guide to the delegation to Council's for the Regulation of the Traffic" to ensure that the functions delegated by the RTA are correctly exercised by Councils. In examining the performance of other Councils in conducting this report, there are many differences in how LTC's function and, in some cases, the LTC or other Local Government areas is acting beyond what was ever envisaged by the RMS.

This Guide is the definitive document for the operation of any Traffic Committee in NSW. It is a requirement of the RMS Guide and Delegation that all Traffic Committee recommendations be referred to Council for resolution. Essentially, the LTC cannot spend or commit Council to spend money, it is meant to be a technical advisory Committee to Council and is meant to be a means to ensure it is exercising the delegated powers appropriately.

The functions delegated to Councils in Schedule 3 of Attachment 1 are:-

1. Division 2 of Part 8 (Regulation of traffic by roads authorities) of the Roads Act 1993;
2. Division 1 of Part 4 (Traffic control devices) of the Road Transport (Safety and Traffic Management) Act 1999; and
3. Division 2 of Part 5 (Special event parking schemes) of the Road Transport (Safety and Traffic Management) Regulation 1999.

Councils may sub delegate their powers to Councillors or the General Manager for Items 2 and 3 above but cannot sub delegate Item 1 which relates to matters that can only be authorised by the RMS.

In all traffic related matters, however, for Council to use the delegation it must first seek the advice of the RMS/NSW Police which is recognised through the LTC. In summary, the guidelines from the RMS provides the following with respect to the operational aspects of the LTC (*Attachment 2*):

1. The LTC has no decision making powers. It is primarily a technical review committee.
2. Where the Council/Delegated Officers wish to use the powers delegated by the RMS, it must seek the advice of the LTC (or the police/RMS).
3. The LTC only considers the technical merits of matters referred to it by Council/Delegated Officer. The LTC must, in turn, provide Council with its recommendation and the status of the voting on that recommendation (unanimous/not unanimous).
4. In cases where the LTC advice is unanimous and Council intends to follow that advice, Council may authorise the implementation of the facility or device without further notifying the RMS or the NSW Police.
5. If the elected Council/Delegated Officer wishes to exercise a delegated function where the LTC advice is not unanimous or the elected Council wishes to act contrary to the unanimous LTC advice, then the Council must notify in writing both the NSW Police and the RMS representatives on the LTC (allowing 14 days before implementation).
6. Where Council/delegated officer decides not to proceed with any proposal for any reason then it does not need to notify the NSW Police or the RMS.

The Hills Shire Council has sub delegated the RMS delegations to the General Manager and then on to relevant staff. Accordingly, Council staff responds in the first instance to customer service requests about traffic control matters and, where road safety interventions are considered necessary, a report is prepared for the LTC in accordance with Council's delegations to the LTC and the RMS Guidelines. It is open to Council to remove those sub delegations meaning all reports in relation to traffic management would need to be referred to Council for a decision prior to reporting to the LTC. The removal of the sub delegations is not recommended for the following reasons:-

- The number of reports to Council would significantly increase as all traffic matters would be referred, whether a traffic control facility is warranted or not.
- The increased reporting would increase the time taken to deal with traffic matters which may not meet customer expectations.
- Under current delegations, all recommendations of the LTC are already referred to Council for authorisation prior to them being implemented.
- Council already has the role and responsibility to direct its resources and, should traffic matters not be managed appropriately, escalation to Council is available.

Does Council need a LTC?

An option considered by this report is to reject the delegation from the RMS and therefore have no part in any LTC in its area. According to the RMS, no Council has exercised this option and there are no RMS resources or processes in place to deal with such a scenario. This could presumably mean all customer service requests, letters or

Council's own requests would be referred to the RMS to investigate and deal with. It would mean that Council could not install regulatory signage, restrict parking, install traffic control devices or line marking on any of its local roads without first getting permission from the NSW Police and RMS to do so.

While an option, the consequences of taking that option are largely unknown as no Council has done it. In any event, the RMS puts in place LTC's to ensure Councils are using their delegations appropriately and it is unknown whether the RMS would agree to no longer having matters dealt with through the LTC. It most likely will result in disgruntled residents, removal of RMS bulk funding for regulatory signage and traffic control facilities and a poorer response to traffic safety matters. The Hills Shire has, to date, accepted the delegation and based on the significant number of requests about road safety matters, the community has an expectation that Council deals with road safety and management requests on its local road network and in many cases the State road network, for example Showground Road.

Council's traffic section has four (4) staff who primarily deals with the requests to manage traffic on our local network. The additional cost of preparing for and conducting LTC's is minimal given that the reports and investigations are required before doing anything under the delegation. Overall, there would be fewer cost savings should the LTC never meet.

On balance, there appears little to be gained by not accepting the RMS delegation. Instead, opportunities to streamline and improve the assessment of road management requests and by extension, the operation of the LTC seems more reasonable and consistent with the roles and responsibilities expected of Council under the Local Government Act but more relevantly, the residents.

The operation of The Hills Shire LTC

The operation of the Hills Shire LTC has been thoroughly reviewed. The Hills Shire has four (4) LTC's as there are four (4) State electorates serving The Hills LGA. The four (4) LTC's meet at the same time being a monthly meeting providing there are items on the agenda. The agenda is broken up into the four (4) State seats being Hawkesbury, Castle Hill, Baulkham Hills and Parramatta.

There are four (4) voting members being Council (the Mayor who also chairs the LTC meeting), a representative from the NSW Police, a representative for the RMS and the relevant Local State MP or their nominee. Also in attendance are Council officers, representatives from Hills Bus and NSW Fire & Rescue Services. The general conduct of the attendees and the voting process complies with the RMS Guidelines.

In the last half of 2013, the LTC's met each month and considered 72 agenda items. Council receives numerous requests for traffic control devices throughout its road network in addition to the normal management of our roads. During the last half of 2013 Council's traffic team received and completed 1,000 tasks relating to traffic matters. Less than ten percent (10%) of the requests were assessed as needing to exercise Council's delegations to manage traffic. If Council is not of a mind to do anything, a report to the LTC is not required. It's only when Council is seeking to undertake a delegated function that needs the advice of the LTC before Council proceeds. There were no instances of reports to the LTC that were recommending that nothing be done in response to a request however it has happened in the past and that practice is outside of the RMS Guidelines and needs to cease.

The Council has delegated the preparation of the LTC Business Paper, through the General Manager, to the Manager – Infrastructure Planning. Given the importance of

road infrastructure and the importance of strategically managing roads to meet population growth, it is an appropriate location within Council's structure for it to occur. While the use by Council of the RMS delegation is quite operational, it needs to be considered within the strategic asset and policy framework of Council. The sub delegation is therefore considered appropriate however a greater focus is needed to develop strategic policies to clearly spell out when Council will use some of its delegations and more importantly, when it will not.

Meeting Date	Agenda Items	LTC advice was different to that recommended in the report	Questions Without Notice
15 July 2013	7 Reports	2	4
19 August 2013	9 Reports	1	6
16 September 2013	15 Reports	7	6
21 October 2013	16 Reports	3	7
18 November 2013	20 Reports	4	8
16 December 2013	7 Reports	3	4

The adopted minutes of LTC meetings have highlighted a non-compliance with the RMS guidelines that should be addressed. Matters are raised in Questions Without Notice and General Business. This activity is outside the RMS Guidelines and, in future, all General Business or Questions Without Notice should be referred to Council outside of the LTC meeting. Furthermore, only Agenda items where Council is intending to exercise its delegations ought to be considered and should there be a need to seek technical advice on matters outside those delegated functions, a separate session of the LTC meeting should be used for that purpose as outlined in the guidelines.

During the case study period there were two (2) items that arguably are outside of the scope that would require a report to the LTC. They were to construct footpaths to support commuter safety. The footpath construction should not have been a matter for the LTC but rather Council. According to RMS Guidelines, the LTC Agenda should be confined only to matters related to prescribed traffic control devices or traffic control facilities for which Council has delegation. The footpath is considered outside the scope.

Of the 72 Agenda items considered by the LTC between 1 July 2013 and 31 December 2013, the items were about the following matters:-

Install pedestrian crossing, refuge island, bus zone	8
Review collision data, traffic conditions	8
Classify community event and endorse TMP	3
Intersection works, road infrastructure, roundabouts, linemarking, signals and temporary closures	16
Parking restrictions	35
Information reports	2

The data shows that, by far, the biggest item considered was for parking restrictions. Nearly fifty per cent (50%) of the reports relate to parking restrictions and, of these, nine (9) related to commuter carparking in streets while the rest related to school zones and other reasons. Clearly there exists an opportunity to be more strategic about this issue and it is recommended that Council adopt a policy on commuter carparking that is based on safety reasons alone rather than amenity considerations. There is also an opportunity to prepare policy that details circumstances where Council will use its delegation or, more importantly, where it doesn't.

LTC Meeting format

The current Business Paper is circulated to Councillors and LTC members in hard copy format. This is consistent with other Business Papers for Council's Ordinary Meeting, Development Assessment Unit and the Councillor Workshop. Council trialled electronic business papers early in this term of Council. At this time, the hard copy Business Paper format is preferred however opportunities to utilise new technologies, as they emerge with greater functionality, will continue to be considered.

The meetings are generally attended by all four (4) voting members together with representatives from relevant bus companies. The meetings occupy up to two (2) hours from 2pm on the third Monday of each month (except January) with as many as twenty (20) items discussed on both the formal agenda and during "Questions Without Notice". There are also usually at least two (2) members of the public in attendance to hear the discussions and recommendations.

It has been suggested that the majority of items reviewed by the Committee could be expeditiously dealt with by direct electronic contact with the voting members as soon as an issue is raised and, subject to no objections being raised, the recommendation be referred to the next Council meeting - in accordance with the RTA Delegation for the operation of Local Traffic Committees. This would then reduce the matters before the LTC.

It is open for Council to change the frequency of LTC meetings. As mentioned earlier, the LTC meets each month, on the third Monday, commencing at 2.00pm and that frequency is supported by the Local Members of Parliament (MP) that are members of our LTC. This is consistent with the frequency of most LTC's operating in adjoining Local Government Areas however, the LTC in Hornsby Shire rarely meets. In Hornsby, technical reports are prepared by Council staff and then referred to the members of the LTC individually. They only meet as a collective if there is disagreement on the recommendation. Kurin-gai Council never conducts a formal meeting and relies on correspondence with LTC members to deal with matters. Parramatta Council deals with some matters electronically and only refers significant matters to the regular face-to-face meeting of its LTC.

In terms of meeting format, potential exists to implement alternative meeting formats that include:

- Electronic meetings – where the advice of the members is sought via facsimile or email. This allows items to be considered as they arise and may reduce response time.
- A combination of electronic (for minor issues) and face-to-face meetings. This allows minor issues to be addressed between meetings. The response time for minor issues may be reduced using this format and this format can result in shorter fact-to-face meetings.

While reverting to a model like Hornsby or Kurin-gai LTC is an option, it is considered the meeting schedule and format as used by The Hills Shire LTC does allow an opportunity for members of the public to participate and hear firsthand the deliberations and thoughts of the LTC members on matters important to them. It also allows for face-to-face interaction on matters that can lead to improved outcomes for traffic management in the Shire. It also means that all parties that are needed attend so that Council's actions can be considered to allow Council to implement its works. On the evidence found to date, a combination of electronic and face-to-face seems to be the best practice. It is recommended that Council trial dealing with matters electronically and only using the monthly LTC meeting to deal with matters where the RMS or NSW Police have not responded or agreed, TMP's, LATM's, the installation of physical traffic control facilities on local roads or matters relating to the State road network.

On average, there are approximately twelve (12) items considered each month by the LTC. That excludes items raised by members of the LTC about traffic issues that have occurred within their jurisdictions over the month and matters of general discussion that contribute to understanding traffic management issues throughout the Shire. It is usual that the LTC meeting is conducted with all business finalised within the allotted time frame.

It is considered that the monthly meeting cycle is appropriate for the workload and efficient management of Council's delegated powers from the RTA however on the basis of the evidence found through this investigation, electronic approval for many items would represent a more efficient way of dealing with delegated functions. Given that Council cannot utilise its delegations without first obtaining approval from the NSW Police and the RMS, an electronic request for approval should be sought in the first instance and should Council not receive a response, then the matter be the subject of a report to the LTC. A similar response could occur for matters that do not gain the support of the NSW Police and the RMS. Amending Council's process in this way would be similar to that of Parramatta Council which has been found to improve efficiency and time frames.

Major items requiring deliberation by all the members may therefore be limited in number to the extent that Local Traffic Committee meetings need only occur on a quarterly basis. The RTA Delegation permits individual Councils to determine this option.

As outlined above, it is recommended that Council commence circulating matters electronically to the RMS and NSW Police. The only matters that would then come before Council's LTC's are those that are more complex, involve significant impacts upon a wider community, or are concerned with impacts onto the RMS road network upon which Council has no delegation. As Council cannot act without comments and agreement from the NSW Police and RMS, any matters where the NSW Police and/or the RMS do not agree with Council's intent, or have not responded to Council, could also be referred to the LTC.

Suggested Changes to The Hills LTC.

Any change to LTC meeting formats needs to be agreed by the formal members of the LTC. The review of the LTC and this report has found that it would be an efficient step for Council to start to deal with matters electronically where possible. It is recommended that where Council intends to install regulatory signage to manage local roads, that the matter be circulated electronically for a response and only those matters that cannot be agreed electronically, be referred to the LTC monthly meeting for consideration.

Other changes to the operation of the LTC do not require further consultation. General Business and Questions Without Notice should not be part of the LTC meeting. This is beyond the scope and jurisdiction of LTC's and such issues should be formerly submitted to Council by normal correspondence like all other requests

CONCLUSION

A thorough review of the operation and performance of The Hills Local Traffic Committee has been undertaken. This report has highlighted improvement in the following areas:-

1. The RMS delegation should be reviewed by the RMS to remove many of the limitations placed on Councils when it wishes to exercise delegation. Furthermore, the RMS should restrict the use of LTC's further to cover matters of significance as outlined in this report.
2. Council needs to develop policies around where it will and will not use its delegation in relation to customer service requests and tasks received particularly when the matter is relatively minor or is principally covered with amenity rather than safety.
3. The LTC Agenda be confined to matters where Council intends to use its delegation and never for matters where it does not. The LTC is not the forum to canvass public opinion as it is a technical advisory committee to Council. It is also not the forum to deal with matters that are not subject to the RMS delegation to Council.
4. The LTC meeting should be confined only to matters on the Agenda that have been the subject of a Council Officer written report. General Business and Questions without notice are outside the RMS Guidelines for the operation of LTC's.
5. Many matters could be dealt with electronically in the first instance therefore minimising the Agenda items.
6. Council review the frequency of LTC meetings after the measures recommended in this report have been implemented.

IMPACTS

Financial

This report has identified measures that will improve efficiency in exercising Council's delegations from the RMS in relation to Council's local road network. This report and its recommendations do not require additional financial reserves of Council.

The Hills Future - Community Strategic Plan

Council is a responsible manager of its local road network to improve the safety of all users and enable people to get where they need to go.

RECOMMENDATION

1. The General Manager consult with the formal members of the LTC to introduce an electronic referral and approval process so that routine matters be circulated to members of the LTC electronically and, if no objection is made, then the matter be dealt with. Should there be any objection by any of the four (4) voting members of the LTC, then it be referred to the monthly LTC meeting for advice.
2. Council develop a policy in relation to the use of prescribed traffic control devices and traffic control facilities similar to the "warrants" process for pedestrian crossings and traffic signals. Any request that fails to meet those policies or "warrants" is not acted upon.
3. The General Manager on behalf of Council makes representation to the RMS about amending the limits imposed on Councils in Schedule 4 of the Delegation to enable

Council to use the delegation for many minor matters without the need to seek the advice of the LTC.

4. That by way of Policy, Council will not regulate commuter carparking in residential streets other than on the grounds of traffic safety and measures required to comply with relevant traffic standards.
5. The General Manager ensure that the LTC Agenda complies at all times with the RMS Guidelines and keeps the performance and operation of the LTC under review.

ATTACHMENTS

1. RMS Delegation to Councils Regulation of Traffic (11 pages)
2. RMS Publication – “A Guide to the Delegation to Councils for the Regulation of Traffic” (32 pages)
3. Council Report (14/7/2009) – Review of Local Traffic Committee (3 pages)
4. Council Report (9/8/2011) – Operation of Local Traffic Committee Meetings (5 pages)

ROADS AND MARITIME SERVICES

DELEGATION TO COUNCILS

REGULATION OF TRAFFIC

TRANSPORT ADMINISTRATION ACT**DELEGATION - SECTION 50**

I, **PETER DUNCAN**, Chief Executive of Roads and Maritime Services ("RMS") pursuant to Section 50 of the *Transport Administration Act 1988* and all other enabling powers delegated by instruments of delegation to councils dated 23 February 2009 ("the delegation") HEREBY REVOKES the delegation and DELEGATES to the councils constituted under the *Local Government Act 1993* listed in Schedule 1 and Schedule 2 respectively ("delegates") the functions of RMS set out in Schedule 3 ("the functions") subject to the limitations set out in Schedule 4 and authorises delegates to sub-delegate the functions to the persons in Schedule 5 ("sub-delegates") subject to the limitations in Schedule 4.

Dated this ~~31~~ day of ~~October~~ 2011.

The SEAL of ROADS AND MARITIME SERVICES
was hereunto
affixed in the presence of:) L. S.

SIGNED

Peter Duncan
Chief Executive
Roads and Maritime Services



SCHEDULE 1**(Delegates)**

The Council of the Municipality of Ashfield
Auburn Council
Bankstown City Council
The Council of the Shire of Baulkham Hills
Blacktown City Council
Blue Mountains City Council
The Council of the City of Botany Bay
Burwood Council
Camden Council
Campbelltown City Council
City of Canada Bay Council
Canterbury City Council
Fairfield City Council
Hawkesbury City Council
Holroyd City Council
The Council of the Shire of Hornsby
The Council of the Municipality of Hunters Hill
Hurstville City Council
Kogarah Municipal Council
Ku-ring-gai Council
Lane Cove Council
Leichhardt Municipal Council
Liverpool City Council
Manly Council
Marrickville Council
Mosman Municipal Council
North Sydney Council
Parramatta City Council
Penrith City Council
Pittwater Council
Randwick City Council
Rockdale City Council
Ryde City Council
Strathfield Municipal Council
Sutherland Shire Council
The City of Sydney
Warringah Council
Waverley Council
Willoughby City Council
Woollahra Municipal Council

SCHEDULE 2

(Delegates)

A council other than those listed in Schedule 1 constituted under the *Local Government Act 1993*

SCHEDULE 3

(Functions)

The exercise of all the functions of RMS under:

- 1 Division 2 of Part 8 (Regulation of traffic by roads authorities) of the *Roads Act 1993*.
- 2 Division 1 of Part 4 (Traffic control devices) of the *Road Transport (Safety and Traffic Management) Act 1999*.
- 3 Division 2 of Part 5 (Special event parking schemes) of the *Road Transport (Safety and Traffic Management) Regulation 1999*.

SCHEDULE 4**(Limitations)**

1. A council and its sub-delegate must not exercise a function:
 - (1) Outside the area constituted under the *Local Government Act 1993* for which council is the council, or
 - (2) On a road classified as a Freeway, Controlled Access Road, Tollway, Transitway or those roads classified under the *Roads Act 1993*, which are indicated as State Roads in the *Schedule of Classified Roads and State and Regional Roads* published on the RMS internet website (except where exercising a function in respect of portable traffic control light signals).
2. A council and its sub-delegate may only exercise a function in respect of any prescribed traffic control device (defined in clause 131 of the *Road Transport (Safety and Traffic Management) Regulation 1999* for the purposes of section 50 of the *Road Transport (Safety and Traffic Management) Act 1999*) being –
 - (1) any prescribed traffic control device contained in RMS's *Traffic Signs Database* located on its internet website and indicated as "Delegated to Council for Authorisation – Yes", and
 - (2) any portable traffic control lights,and under no circumstances, that is, despite (1) above, will a council or its sub-delegate be permitted to exercise a function in respect of any internally illuminated traffic control device.
3. A council and its sub-delegate must not exercise a function in respect of the following signs:
 - Permissive parking signs
 - No Parking signs
 - No Stopping signson any public road or road or road related area (or any part thereof), which falls within a 1 km radius of any train station listed in RMS's document published on its internet website, titled *Schedule of Nominated Train Stations*, and which has current unrestricted parking, without the approval of RMS.
4. (1) A council listed in Schedule 1 and its sub-delegate must not exercise a function in respect of the following activities including the referral of the matter to the Local Traffic Committee until a Traffic Management Plan, which must include an assessment of the impact of the exercise of the function and proposed measures to ameliorate such impact, has been approved by RMS:

(a) The prohibition of the passage of traffic on a public road or road or road related area to any one or more of the following classes of traffic:

- pedestrians
- vehicles
- motor vehicles

by physical means or regulatory signs (whether a prescribed traffic control device or otherwise) or both;

(b) the installation or display of the following traffic control signs on roads or road related areas:

- No Right Turn
- No Left Turn
- No Entry
- No Turns
- Left Turn Only
- Right Turn Only
- No Trucks
- No Buses
- No Pedestrians

or the installation or display of any other sign or road marking prohibiting or compelling a turning movement;

(c) changing a two-way street into a one-way street or reversing the direction of a one-way street;

(d) the construction of a median strip including a painted island which prevents a turn by a vehicle at the intersection of public roads or roads or road related areas;

(e) reduction in the number of traffic lanes on a public road or road or road related area by physical means or regulatory signs (whether a prescribed traffic control device or otherwise) or both.

(2) A Traffic Management Plan is not required if council certifies to RMS in writing that a No Trucks or No Buses traffic control sign is to be erected solely for the purpose of protecting a road from damage by the passage of motor vehicles.

5. A council and its sub-delegate must not exercise a function in respect of portable traffic control light signals unless:
 - (1) the signals are used in connection with the carrying out of road work on public roads as authorised by the *Roads Act 1993*; and
 - (2) no fixed equipment or fixed cables are used.
6. A sub-delegate must not exercise a function in respect of Division 2 of Part 8 (Regulation of Traffic by Roads Authorities) of the *Roads Act 1993*.
7. A council or its sub-delegate must not exercise a function until they have notified the Commissioner of Police and RMS of any decision taken to exercise a function except where:
 - (1) the advice of the Local Traffic Committee is unanimous; and
 - (2) the council or its sub-delegate propose to follow such advice.
8. Where a council or its sub-delegate has notified or should have notified the Commissioner of Police and RMS of a decision to exercise a function, the council or its sub-delegate must not exercise a function for a period of fourteen (14) days from the date of notification.
9. Where an appeal has been made to the Chairperson of a Regional Traffic Committee in respect of a decision taken by a council or its sub-delegate to exercise a function, a council or its sub-delegate must not exercise the function until the Chairperson of the Regional Traffic Committee determines the appeal.
10. Where the Chairperson of the Regional Traffic Committee has determined an appeal, the council and its sub-delegate must not exercise the function in respect of which an appeal has been made, otherwise than in accordance with the determination of the Chairperson.
11. Before installing or displaying a prescribed traffic control device, a council and its sub-delegate must authorise installation or display (or interference with, alteration or removal) of the device in writing in accordance with section 51 of the *Road Transport (Safety and Traffic Management) Act 1999*.
12. A council or its sub-delegate shall keep a record of installation, display, alteration or removal of a traffic control device. Such a record must include the following:
 - Type and location of the traffic control device;
 - Time and date of completion of installation, display, alteration or removal of the traffic control device.

13. Where a council or its sub-delegate wishes to exercise a function in respect to a "Roadwork Speed Limit" traffic sign (Speed Series (R4) Sign No. R4-212 contained in RMS's Traffic Signs Database located on its internet website, the following conditions apply:
- (1) When the installation period of a 'Roadwork Speed Limit' sign is to be for 6 working days or less:
 - a) authorisation of the use of the 'Roadwork Speed Limit' sign must be carried out by council or a sub-delegate who holds a current Traffic Control at Worksites certificate issued by RMS; and
 - b) the nearest office of RMS is to be notified in writing of Council's intention to implement a roadwork speed limit prior to works commencing; and
 - c) the nearest Police Station is to be notified in writing of Council's intention to implement a roadwork speed limit prior to works commencing.
 - (2) When the installation period of a 'Roadwork Speed Limit' sign is to be for more than 6 working days:
 - a) authorisation of the use of the 'Roadwork Speed Limit' sign must be carried out by council or a sub-delegate who holds a current Traffic Control at Worksites Certificate issued by RMS, and
 - b) the nearest office of RMS is to be notified in writing of Council's intention to implement a roadwork speed limit 7 days prior to works commencing; and
 - c) the nearest Police Station is to be notified in writing of Council's intention to implement a roadwork speed limit 7 days prior to works commencing.
 - (3) The need for a 'Roadwork Speed Limit' sign shall be determined in accordance with the document, "*Traffic Control at Worksites*" Version 3.1 dated April 2006 (RTA Publication No 03.290) issued by the former Roads & Traffic Authority of NSW;
 - (4) 'Roadwork Speed Limit' signs shall be installed in accordance with the "*Traffic Control at Worksites*" document (as already referred to);
 - (5) Records maintained by a council and its sub-delegate in respect to a 'Roadwork Speed Limit' sign must include:
 - a) council's or its sub-delegate's written authorisation of the installation [The sub-delegate's Traffic Control at Worksites Certificate number must be shown.],
 - b) the location,
 - c) the installation time and date, and
 - d) the removal time and date.

- (6) The 'Roadwork Speed Limit' sign is to be removed as soon as practicable after the road works have been completed.
14. A council and its sub-delegate must not exercise a function in respect to any of the roads within Sydney Olympic Park including the roads that are coloured mauve on the drawing marked "Sydney Olympic Park Authority, Sydney Olympic Park, Drawing Number HS-J-L-006" dated 29 May 2001 and deposited in the Office of the Sydney Olympic Park Authority (being all the roads referred to in section 41 of the *Sydney Olympic Park Authority Act 2001*).

SCHEDULE 5

(Sub-delegates)

- 1 A councillor.
- 2 The general manager.
- 3 An employee of the council.



A guide to the delegation to councils for the regulation of traffic

Including the operation of Traffic Committees



**A Guide to
the Delegation to Councils
for the Regulation of Traffic**
(including the operation of
Traffic Committees)





Roads and Traffic Authority
www.nsw.rta.gov.au

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ISSUED: March 2009

APPROVED BY:

SIGNED

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Traffic Management

AUTHORISED FOR USE BY:

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Network Management

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www.rta.nsw.gov.au/trafficinformation/downloads/technicalmanuals_d11.html

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Delegation to Councils for the Regulation of Traffic

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Delegation to Councils for the Regulation of Traffic

Amendment record

Please note that the following updates have been made to this document.

Version Number	Page(s)	Description	Issued
1.1	8-11	Sections 5.3, 5.3.2, 5.3.4 & 5.3.5 amended to introduce optional public galleries	December 2007
1.2	Various	Hyperlink to Council Delegation Reference document updated	February 2009
1.3	Various	Sections 1.0, 2.0, 3.1, 5.1, 7.1, 7.2 & Flowcharts amended to reflect release of a new Delegation	March 2009



Delegation to Councils for the Regulation of Traffic

1. Introduction

The Roads and Traffic Authority is legislated as the organisation responsible for the control of traffic on all roads in New South Wales. Traffic is controlled by the installation of prescribed traffic control devices, such as regulatory signs, or traffic control facilities, such as medians.

New South Wales has many roads, which range from freeways to local streets. All these roads require the control of traffic. The RTA believes that the most effective means of dealing with the number and range of traffic related matters, particularly those which arise on regional and local roads, is to deal with them at the local level. The RTA has therefore delegated certain aspects of the control of traffic on regional and local roads to the Councils of Local Government areas.

The RTA continues to manage NSW's State road network. However, local government continues to also play an important role in the management of this road network by providing traffic input and advice when necessary.

These guidelines provide the policy and framework for Councils to exercise the traffic functions delegated to them by the RTA. They outline the delegated functions, the limitations that apply to Councils when exercising their delegated functions, the responsibilities of the various parties involved in the process, and the roles of the local and regional traffic committees.

Note: These guidelines do not cover B-double route approvals as they are the subject of a separate delegation.

These guidelines have been prepared by the RTA:

- (i) in accordance with current NSW legislation; and
- (ii) in consultation with RTA's Legal Branch, the NSW Police, LGSA, and representatives from a number of metropolitan Councils.

It is important to note that the legislative power to control traffic through the authorisation of traffic control devices, lies with the RTA and the delegation of this power does not remove the RTA's ability to exercise those delegated functions should circumstances warrant action.

2. Definitions and abbreviations

classified road – any of the following: a main road, a State highway, a freeway, a controlled access road, a secondary road, a tourist road, a tollway, a State work. See *Roads Act 1993, Part 5* for further details.

Council – the council of a local government area and includes an Administrator.

Delegation – 'Delegation to Councils – Regulation of Traffic' document.

LGSA – Local Government Association of NSW and the Shires Association of NSW.

LTC – Local Traffic Committee.



Delegation to Councils for the Regulation of Traffic

prescribed traffic control device - a sign, signal, marking, structure or other device to direct or warn traffic on a road or road related area (or part of a road or road related area) that is prescribed by the regulations for the purposes of this definition.

regulate traffic - for the purposes of the *Roads Act* means to restrict or prohibit the passage along a road of persons, vehicles or animals.

Roads Act - *Roads Act 1993*.

roads and road related areas - have the same meaning as in *ARR Rules 12 and 13*. Each reference to a road includes reference to a road-related area unless otherwise expressly stated.

Regional Road - a road shown to be a Regional road in the RTA's *Schedule of Classified Roads and State and Regional Roads*.

RR - NSW Road Rules 2008.

RTA - Roads and Traffic Authority, NSW.

RTC - Regional Traffic Committee.

State Road - a road declared to be a State Road under the *Roads Act 1993* and documented in the RTA's *Schedule of Classified Roads and State and Regional Roads*.

STMA - *Road Transport (Safety and Traffic Management) Act 1999*.

STMR - *Road Transport (Safety and Traffic Management) Regulation 1999*.

Sub-delegate - any Councillor, the General Manager or an employee of the Council who has been formally delegated by the Council.

TMP - Traffic Management Plan.

Traffic control facility - means:

- (a) traffic control lights and equipment used in connection with traffic control lights; or
- (b) any sign, marking, structure or device containing or relating to a requirement or direction, contravention of which is an offence arising under:
 - (i) the *Transport Administration Act, 1988* or the regulations; or
 - (ii) any other Act, regulation or by-law prescribed for the purposes of Section 45E of the *Transport Administration Act, 1988*; or
- (c) any sign, marking, structure or device that is intended to promote safe and orderly traffic movement on roads or road related areas or to warn, advise or inform the drivers of vehicles or pedestrians of any matter or thing in relation to vehicular or pedestrian traffic or road conditions or hazards; or
- (d) any bridge or subway or other facility for use by pedestrians over, across, under or alongside a road or road related area; or
- (e) any other thing prescribed as a traffic control facility by the Regulations under the *Transport Administration Act, 1988*.



Delegation to Councils for the Regulation of Traffic

3. Delegation of functions

Traffic control facilities and prescribed traffic control devices may be authorised for use on a road or road related area, whether a public road or on private land, only by the RTA or Councils. In addition, traffic may be regulated for various purposes by means of notices or barriers erected by a roads authority.

The *Transport Administration Act, 1988* confers the following powers to the RTA:

- to exercise the functions relating to safety and traffic management set out in Section 52A;
- to delegate its functions to other public agencies such as councils (Section 50);
- to give directions to public authorities in relation to RTA functions under Part 6 (Section 53A).

The *Road Transport (Safety & Traffic Management) Act, 1999* provides for a system of traffic laws relating to all vehicles (motorised and non-motorised) and pedestrians found in subordinate legislation made under the Act. Principally, these are:

- *Road Transport (Safety and Traffic Management) Regulation 1999*, and
- *Road Rules 2008*.

Part 8 (Sections 114 to 124) of the *Roads Act, 1993* deals with the regulation of traffic on public roads by erecting notices or barriers or taking any other action which may be necessary in order to manage traffic. The reference to regulating traffic in Part 8 should not be confused with the authorisation of prescribed traffic control devices under Division 1 of Part 4 (Sections 50 to 55) of the *Road Transport (Safety and Traffic Management) Act, 1999*. For the purposes of Part 8, regulating traffic includes such things as implementing road closures and other physical restrictions. Road closures effected by this part of the legislation remain as public roads after the road closure.

Note: Road closures effected under Part 4 of the *Roads Act, 1993* do not remain as a public road.

A Council can regulate traffic for the specific reasons set out in Division 1 of Part 8 (Section 115) of the *Roads Act, 1993* such as carrying out work on a road, etc. whereas the RTA can regulate traffic for any purpose.

If a Council wishes to regulate traffic for purposes other than those specified in Division 1 of Part 8 (Section 115) of the *Roads Act, 1993*, (e.g. for amenity reasons) it must seek the advice of its Local Traffic Committee. The procedures for regulating traffic covering road closures, traffic calming, etc. are detailed in Division 2 of Part 8 (Sections 116 to 119) of the *Roads Act, 1993*.

The delegation of these functions is carried out by the RTA, issuing Councils the RTA document, [*Delegation to Councils – Regulation of Traffic*](#).



Delegation to Councils for the Regulation of Traffic

The functions delegated to Council in the *Delegation* are:

1. authorisation of prescribed traffic control devices covered under Division 1 of Part 4 (Sections 50 to 55) of the *STMA*;
2. regulation of traffic under Division 2 of Part 8 (Sections 116 to 119) of the *Roads Act*;
3. authorisation of special event parking schemes under Division 2 of Part 5 (Clauses 122 and 123) of the *STMR* on public roads other than classified roads.

The Council may sub-delegate their powers to Councillors, the General Manager or an employee of the Council for Items 1 and 3 above.

The Council **may not** sub-delegate Item 2.

Note: There is a separate delegation for B-double route approvals.

3.1 Limitations

The exercise of functions delegated to Council is subject to a number of conditions or limitations as documented in Schedule 4 (Limitations) of the *Delegation*.

Councils:

- are only permitted to authorise the implementation of certain traffic control facilities / prescribed traffic control devices on roads and road related areas within their area of operations. Council cannot exercise a function on a State Road as defined in the RTA document *Schedule of Classified Roads and State and Regional Roads*.
- may only authorise prescribed traffic control devices as nominated in the RTA's online *Traffic Signs Database* indicated as "Delegated to Council for Authorisation – Yes".
- listed in Schedule 1 of the *Delegation*, must not exercise delegated functions listed in Schedule 4 of the *Delegation* including referral of issues for formal advice until a TMP has been assessed by the RTA. Refer to Section 3.1.1 TRAFFIC MANAGEMENT PLANS.
- must not exercise a function in respect of the following signs:

Permissive parking signs

No Parking signs

No Stopping signs

on any public road or road or road related area (or any part thereof), which falls within a 1 km radius of any train station listed in the RTA's document *Nominated Train Stations with Commuter Parking*, and which has current unrestricted parking, without the approval of the RTA.

- are not empowered to authorise traffic control lights.
- are not empowered to interfere with traffic control lights, including the addition of any signs.



Delegation to Councils for the Regulation of Traffic

- may authorise portable traffic control lights for roadworks, see RTA's document, *Portable Traffic Signals Guide to Use*.
- cannot authorise an internally illuminated traffic control device.
- must obtain the advice of the NSW Police and the RTA prior to exercising their delegated powers.
- must establish an LTC. Refer to Section 5 LOCAL TRAFFIC COMMITTEE.
- may authorise "Roadwork Speed Limit" signs under the conditions outlined in the [Delegation](#).
- may sub-delegate traffic management powers (delegated functions), in respect of Division 1 of Part 4 (Traffic control devices) of the *STMA*, and Division 2 of Part 5 (Special Event parking schemes) of the *STMR*.
- **may not** sub-delegate traffic management powers (delegated functions), in respect of Division 2 of Part 8 (Sections 116 to 119) of the *Roads Act*.

3.1.1 Traffic Management Plans

A Council, listed in Schedule 1 (*Delegates*) of the RTA's [Delegation](#), must develop and submit to the RTA, a TMP if it intends to do any of the following:

- prohibit the passage of pedestrian, vehicle or motor vehicle traffic on a road or road related area by physical means or regulatory signs or both;
- install or display any road sign, marking or physical device that prohibits or compels a vehicle with respect to a turning movement;
- change a two-way street into a one-way street or reversing the direction of a one-way street; and
- reduce the number of traffic lanes on a road or road related area by physical means or regulatory signs or both.

A TMP is not required if a council certifies to the RTA in writing that a NO TRUCKS or NO BUSES traffic control sign is to be erected solely for the purposes of protecting a road from damage by the passage of motor vehicles.

Where a Council seeks to exercise its delegated powers in respect of a function that requires a TMP, the Council must submit the TMP to the RTA for review prior to the matter being referred to the LTC for formal advice.

The TMP must outline the scope of the traffic management changes proposed. It must also include an assessment of the impact of those changes and proposed measures to ameliorate any potential impact arising from the proposal.



Delegation to Councils for the Regulation of Traffic

See the RTA document, [*Procedures for use in the preparation of a Traffic Management Plan*](#).

Note: The RTA's acceptance of the TMP merely indicates that due process has been followed and does not indicate its position on the proposal when it is referred to the LTC for consideration.

4. Exercising delegated functions

Councils may only exercise their delegated functions in accordance with the [*Delegation*](#). Councils may sub-delegate certain powers to Councillors, the General Manager or an employee of the Council. Refer to Section 3 DELEGATION OF FUNCTIONS.

The *Delegation* requires Council to seek the advice of the NSW Police and the RTA prior to exercising their delegated functions. This is usually done via the LTC.

In cases where the LTC advice is unanimous, and Council intends to follow that advice, Council may authorise the implementation of the facility or device without further notifying the RTA or the NSW Police.

If the elected Council wishes to exercise a delegated function when the LTC advice is not unanimous, or the elected Council wishes to act contrary to unanimous LTC advice, then Council must notify in writing, both the NSW Police and the RTA representatives on the LTC.

Note: Council does not need to notify the NSW Police or the RTA if Council decides not to proceed with any proposal for any reason.

Council then must refrain from taking any action for 14 days so that the NSW Police or the RTA is given an opportunity to appeal to the Chairperson, Regional Traffic Committee should they wish.

In the case of an appeal, the decision of the Chairperson, Regional Traffic Committee is binding and final for matters under the STMA. For matters under the Roads Act, further appeals may be made to the Minister for Roads. Refer to Section 6 REGIONAL TRAFFIC COMMITTEE, for more details.

5. Local Traffic Committee

5.1 General

The LTC has no decision-making powers. The LTC is primarily a technical review committee, which is required to advise the Council on matters referred to it by Council. These matters must be related to prescribed traffic control devices and traffic control facilities for which Council has delegated authority.

The LTC should consider the technical merits of the proposal and ensure that the proposal meets current technical guidelines.



Delegation to Councils for the Regulation of Traffic

The Council must refer all traffic related matters to the LTC prior to exercising its delegated functions. Matters related to State Roads or functions that have not been delegated to the elected Council must be referred directly to the RTA or relevant organisation. Such matters must not be referred to the LTC. However, the RTA will generally seek the views of the Council on State Road traffic issues via the informal items process.

A Council is not bound by the advice of its LTC. Refer to Section 4 EXERCISING DELEGATED FUNCTIONS.

Where required, a TMP must be submitted to, and reviewed by, the RTA before that matter can be referred to the LTC. Refer to Section 3.1.1 TRAFFIC MANAGEMENT PLANS.

The LTC should not consider any proposal requiring a TMP prior to the review of the TMP by the RTA.

Similarly, the LTC should not consider any proposal to alter unrestricted parking to permissive or restricted parking on roads within a 1 km radius of any train station nominated in the RTA's document [*Nominated Train Stations with Commuter Parking*](#), without the prior approval of the RTA.

Note: The LTC should not be confused with a separate Council Traffic Committee, formed by Council under the Local Government Act. The establishment of which is a Council prerogative. Refer to Section 8 TRAFFIC ENGINEERING ADVICE.

5.2 Members

The LTC is to be made up of four formal members. The members are as follows:

- one representative of Council
- one representative of the NSW Police
- one representative of the RTA
- the local State Member of Parliament (MP) or their nominee.

The Council's representative may be any Councillor or Council officer. The Council representative may be a sub-delegate if Council has formally approved this.

Where a Council LGA is represented by more than one MP, or covered by more than one NSW Police LAC, MPs or NSW Police officers representing the relevant electorate or LAC are entitled to be members of the LTC. However they are only permitted to vote on matters, which effect their electorate or LAC. Refer to Section 5.3.6 VOTING.

The Council (in consultation with the formal members of the LTC) may also decide to have additional informal (non-voting) advisors to the LTC who can provide input into the process. These additional advisors can include a:

- Road Safety Officer



Delegation to Councils for the Regulation of Traffic

- Ministry of Transport representative
- Fire Brigade representative
- Ambulance Service representative
- Bus operator representative
- Transport Workers Union representative
- Chamber of Commerce representative

Generally, informal advisors are not required to attend every LTC meeting. Their attendance is only required when items appear on the Agenda which effect their area of expertise or responsibility.

The informal advisors of the committee are not entitled to a vote. Refer to Section 5.3.6 VOTING.

5.3 Meetings

The LTC is not a committee within the meaning of the *Local Government Act, 1993*. The operating arrangements for the LTC are contained in these guidelines.

At LTC meetings the following are at the discretion of Council:

- conduct at meeting
- frequency of meetings
- format of meetings. [Within the following guidelines.]
- provision for a public gallery.

5.3.1 Meeting Formats

The most common format for LTC meetings is a monthly face to face meeting held in the offices of the Council.

The meeting is to be convened by a Council representative. The convenor may be the Council's voting member or may be an additional non-voting member of the LTC.

While there is no need for a specific quorum to allow an LTC meeting to proceed, it must be remembered that any advice can only be returned to the elected Council by the LTC if the views of the RTA and the NSW Police have been obtained.

Acceptable alternative meeting formats include:

- Electronic meetings – where the advice of the members is sought via facsimile or email. This allows items to be considered as they arise and may reduce response time.
- A combination of electronic (for minor issues) and face-to-face meetings. This allows minor issues to be addressed between meetings. The response time for minor issues may be reduced using this format and this format can result in shorter face to face meetings. It may even be possible to increase the interval between meetings.



Delegation to Councils for the Regulation of Traffic

Note: Should Council wish to adopt these (or any other) alternate formats then they should seek the advice of the RTA prior to making a final decision."

It is strongly recommended that any format where the LTC and the normal Council meeting are held concurrently is to be avoided. The LTC is principally a technical review committee, and due consideration and debate is required when considering a proposal. This particular meeting format does not lend itself to this process.

Note: Any change to the meeting format must be agreed to by the formal members of the LTC. When proposing to discuss a format change, reasonable advanced notice must be provided.

5.3.2 Agendas, minutes and reports

All LTC meetings require the preparation of an agenda.

An LTC agenda must be prepared by Council and circulated to all formal members and informal advisors of the committee a minimum of one week prior to the meeting. This will allow members to fully consider the issues and determine their response on each item. This period will also allow a site visit if necessary.

For each agenda item, Council must prepare a report which must contain a brief summary of the issue, details of the proposed solution including a plan if the proposal involves signs, lines or structures, details of the policies / guidelines / standards used (if any) and the proposed recommendation to the elected Council. This report must be sent to the members of the LTC with the Agenda.

Note: For the information of the members of the LTC, the meeting papers should also include a summary of the final decisions made by the elected Council (or their sub-delegate) on items addressed at the previous meeting or on any items addressed since the last meeting.

The LTC agenda should only contain items, which require the elected Council to exercise its delegated functions. If no action is required, or advice only is being sought, or the issue does not require the exercise of delegated functions then the issue should not appear on the LTC agenda. Such issues should be dealt with as general traffic advice. Refer to Section 8 TRAFFIC ENGINEERING ADVICE.

Items, which do not appear on the agenda (i.e. items without notice), must only be considered if the elected Council has referred the issue and Council officers have been able to prepare a report on the proposal in the normal manner. Items raised without notice must be referred to the next meeting (or dealt with separately between meetings) if any member of the committee requests time to consider the issue.

All LTC meetings require the preparation of minutes.



Delegation to Councils for the Regulation of Traffic

Council must prepare the minutes of the meeting. Copies of the LTC minutes must be forwarded to all LTC members for their concurrence prior to the recommendations either being presented to the elected Council or acted on by the Council's sub-delegate.

Note: B-double routes are the subject of a separate delegation and should have a separate agenda and minutes.

Note: The RTA members of the LTC must keep a copy of all minutes for the future reference of the RTA.

Councils may also need to prepare a report to the elected Council. This report must indicate the type of support from the LTC (i.e. unanimous or not unanimous). Where the advice is not unanimous, dissenting votes should be noted. Refer to Section 5.3.6 VOTING.

Note: All proposals recommended by the LTC must still be formally approved by the elected Council (or their sub-delegate), subject to certain limitations. Refer to Section 3.1.

5.3.3 Site visits

It is recommended that each member of the LTC undertake a site visit prior to considering any proposal. This site visit may be undertaken individually by LTC members, or may be organised by Council as a joint visit of all members of the LTC.

Where this is not practical due to issues such as time or distance, then it is recommended that modern electronic alternative methods be used.

5.3.4 Public participation

The role of the LTC is to consider the technical aspects of any proposal and make a recommendation to the Council. The merits of the scheme, from a public perspective, is the responsibility of the Council and thus residents views should be taken into account by the Council rather than the LTC.

However, there is nothing preventing the LTC members from agreeing to allow residents, or other interested stakeholders, to address the committee, if it so chooses. In addition, the LTC members may agree to limit the number of public presenters on any particular item and/or place time limits on them. Any such constraints should be conveyed to the presenters at the time they are notified of the LTC's agreement for them to address the committee.

The LTC's advice to Council is not binding upon the Council therefore ideally this advice should not be released to the public until the Council has decided whether or not to exercise its delegated authority. However, where Council has decided to allow the public to be in attendance at the LTC meetings, the convenor must make it clear to the public gallery that the Council is still required to accept the recommendation of the LTC to finalise the issue. This should be done after each item to cater for members of the public who may only attend the meeting for a specific item.



Delegation to Councils for the Regulation of Traffic

5.3.5 Media participation

The role of the LTC is to consider the technical aspects of proposals and provide their advice to Council. Media involvement, or interest, in the process should be addressed through the normal Council meeting process.

However, should the media be interested in a proposal, they can attend the LTC meeting if the Council has decided to allow a public gallery. Again as with the general public, the convenor must make it clear that the Council is still required to accept the recommendation of the LTC to finalise the issue. This should be done after each item to cater for the media who may only attend for a single item. The media is not permitted to address the LTC.

5.3.6 Voting

While an organisation, which is a voting member, may choose to send more than one representative, that organisation is still limited to one vote only. For example:

- Where the LTC is chaired by a convenor who is a member of the elected Council and the LTC also has a Council staff member on the committee, the Council as an organisation is still only entitled to one vote [i.e. the Council representatives are not entitled to a vote each]
- Where the Council representative is also the convenor, the Council is still only entitled to one vote. There is no casting vote available to the convenor in the case of a tied vote.
- Where a Council LGA is represented by more than one State MP, only the MP representing the State electorate containing the proposal is permitted to vote. However, if the proposal is actually contained in more than one State electorate, then each State MP for those electorates may vote.
- Where a Council LGA has more than one NSW Police LAC, only the NSW Police officer representing the LAC containing the proposal is permitted to vote. However, if the proposal is actually contained in more than one LAC, then each NSW Police officer for those LACs may vote.

Council must consult with the Ministry of Transport where public passenger transport matters are affected.

LTC advice to Council on a proposal referred to it by Council must be one of the following:

- 1) unanimous support;
- 2) majority support;
- 3) split vote;
- 4) minority support; or
- 5) unanimous decline.



Delegation to Councils for the Regulation of Traffic

A Council's action on the above LTC advice will be:

- (a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC, consequently there is no need for Council to inform the RTA or the NSW Police representatives of the decision.
- (b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- (c) If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform the RTA or the NSW Police representatives of the decision.
- (d) If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, then the Council must first advise the RTA and the NSW Police representatives in writing of their intention to approve the proposal. The RTA or the NSW Police may then lodge an appeal to the RTC. Refer to Section 5.4, APPEALS.
- (e) If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise the RTA and NSW Police representatives in writing of their intention to approve the proposal. The RTA or the NSW Police may then lodge an appeal to the RTC. See Section 5.4, APPEALS.

Flowcharts have been provided to assist with the understanding of this process.

Refer to the relevant flowcharts in Appendix A for:

- the *Road Transport (Safety and Traffic Management) Act, 1999*; or
- the *Roads Act, 1993*.

Due to the fact that the RTA and the NSW Police have the power to appeal certain decisions of the Council, the LTC cannot provide its advice to Council until both the RTA and the NSW Police have provided their vote on the issue.

5.4 Appeals

5.4.1 Road Transport (Safety and Traffic Management) Act 1999

Where a determination of Council to proceed is contrary to a unanimous decline or is based on the non-unanimous advice of the LTC, then Council must notify both the NSW Police and the RTA representatives of its decision. Council must not exercise any of the functions, in relation to the subject proposal, for a period of 14 days from the date of notification in writing.

An appeal, may only be lodged by either the NSW Police or the RTA. The appeal is made to the Chairperson, RTC and must be lodged within the 14 day period. As a matter of courtesy, it is expected that the appellant informs Council in the initial stages of their intention to lodge an appeal.



Delegation to Councils for the Regulation of Traffic

To assist with the process the appeal should be lodged using RTC Form 1 Regional Traffic Committee – Appeal. A copy of this form can be found in Appendix A of this document.

The RTA provides secretarial services to the RTC and appeals must be forwarded to:

Secretariat
Office of the Chairperson
Regional Traffic Committees
Level 16 101 Miller Street
Locked Bag 928
NORTH SYDNEY NSW 2059

Facsimile: 8588 4164
Email: regional_traffic_committee@rta.nsw.gov.au

The Secretary will then notify all parties in writing that an appeal has been lodged.

The Chairperson, RTC notifies Council regarding the outcome of the appeal hearing. It is important that Council does not act until further advice has been received from the Chairperson, RTC about the issue under appeal.

The Chairperson's decision may:

- (i) uphold the appeal, i.e. not support the Council's decision, or
- (ii) reject the appeal. Rejection of the appeal could either support the Council's decision unconditionally or apply conditions.

Refer to Appendix A of this document for the Terms of Reference for the RTC and flowcharts indicating the process involved in the implementation or rejection of a proposal.

5.4.2 Roads Act 1993 – Division 2 of Part 8

The appeal process is similar to that specified above for *Road Transport (Safety and Traffic Management) Act, 1999* matters. However, in cases where Council is not satisfied with the determination by the Chairperson, RTC, Council may further appeal to the Minister for Roads.

The Minister's decision may be:

- (i) rejection of the Council appeal, or
- (ii) approval of the Council proposal either unconditionally or with conditions.

See the flowcharts in Appendix A which indicate the process involved in the implementation or rejection of a Council proposal.



Delegation to Councils for the Regulation of Traffic

6. Regional Traffic Committee

The RTC operates across the state. Meetings are generally held in the offices of the local Council.

The purpose of the RTC is to deal with appeals from the RTA or the NSW Police members of the LTC on matters delegated to Councils.

The members of the RTC are:

- Independent Chairperson (appointed by the RTA with concurrence from the LGSA)
- LGSA nominee (usually a Local Government Engineer from the region)
- RTA representative (usually the Regional Traffic Manager)

It should be noted the LGSA and RTA representatives merely provide advice as required by the Chairman.

In addition, nominees of the NSW Police, Council and the local State MP may attend as observers.

When a notice of appeal and relevant information is lodged with the RTC, the Chairperson will convene a meeting and the appeal matter is discussed. The Chairman shall determine who, if anyone, shall be permitted to address the appeal based on the documented evidence presented by each party prior to the Appeal. Generally the members of the RTC and each party to the appeal attend the meeting only.

The decision of the Chairperson, RTC in regard to such matters is final, except in matters relating to the *Roads Act, 1993*, wherein Council may further appeal to the Minister for Roads. Refer to Section 5.4.2.

Note: The RTC should not be confused with the Regional Development Committee, which deals with SEPP11 issues under the *Environmental Planning and Assessment Act 1979*.

7. Responsibilities

7.1 Council

The Council has responsibility for:

- exercising the delegated functions related to the *Roads Act 1993*
- documenting the sub-delegation of Council powers

Note: Councils cannot sub-delegate their Roads Act powers.

- seeking the advice of the NSW Police and the RTA prior to exercising delegated functions.
- obtaining the views of local residents affected by any proposal, if necessary. [This is to be done outside the LTC process]
- preparing any TMP required under Schedule 4 of the *Delegation* or when considered necessary by Council.



Delegation to Councils for the Regulation of Traffic

- seeking the approval of the RTA to any proposal to alter unrestricted parking to permissive or restricted parking on any road within a 1 km radius of any train station nominated in the RTA's document [*Nominated Train Stations with Commuter Parking*](#). [This is to be done outside the LTC process]
- convening meetings of the LTC.
- referring items to the LTC.
- providing secretarial services to the LTC.
- preparing the LTC meeting agenda.
- preparing a technical report on each issue.
- documenting the LTC advice (including providing a report to the elected Council)
- providing minutes of meetings to all LTC members
- providing a summary of the final decisions made by Council on items addressed at previous LTC meetings or any addressed since the last meeting.
- notifying the RTA and the NSW Police if the elected Council intends to exercise its delegated functions contrary to the advice of the LTC.

Note: Deciding not to proceed does not constitute exercising a function and therefore does not require notification.

7.2 RTA

The RTA has responsibility for:

- reviewing any TMP submitted to it.
- approving any proposal to alter unrestricted parking to permissive or restricted parking on any road within a 1 km radius of any train station nominated in the RTA's document [*Nominated Train Stations with Commuter Parking*](#).
- providing advice on Council proposals referred to the LTC.
- appointing the Chairperson of the RTC (with the concurrence of LGSA)
- providing secretarial services to the RTC.

7.3 NSW Police

The NSW Police have responsibility for:

- providing advice on Council proposals referred to the LTC.

7.4 Local State Member of Parliament

The local State Member of Parliament has responsibility for:

- providing advice on Council proposals referred to the LTC.
- nominating someone to represent them if necessary.



8. Traffic engineering advice

Councils often require advice on, or investigation of options for, difficult traffic problems. Council may also wish to consider traffic issues, which are outside the *Delegation* (e.g. installation of speed limits or traffic control signals). As these problems or issues do not require the exercise of delegated functions at that point in time (though they may or may not require it in the future) they should not be dealt with as formal items by the LTC.

Council may take advantage of the knowledge and experience of the LTC members to help them to resolve or clarify an issue. When wishing to utilise the expertise of the LTC members in this manner, Council could either include items on the agenda under a separate Informal Items section or produce a separate agenda.

Informal items should be dealt with following the completion of formal LTC items where Council intends to exercise a delegated function. Any outcomes from discussions on informal items cannot be included in the LTC report to the Council. However, Council can use any outcomes from these discussions in their deliberations on such issues.

Delegation to Councils for the Regulation of Traffic



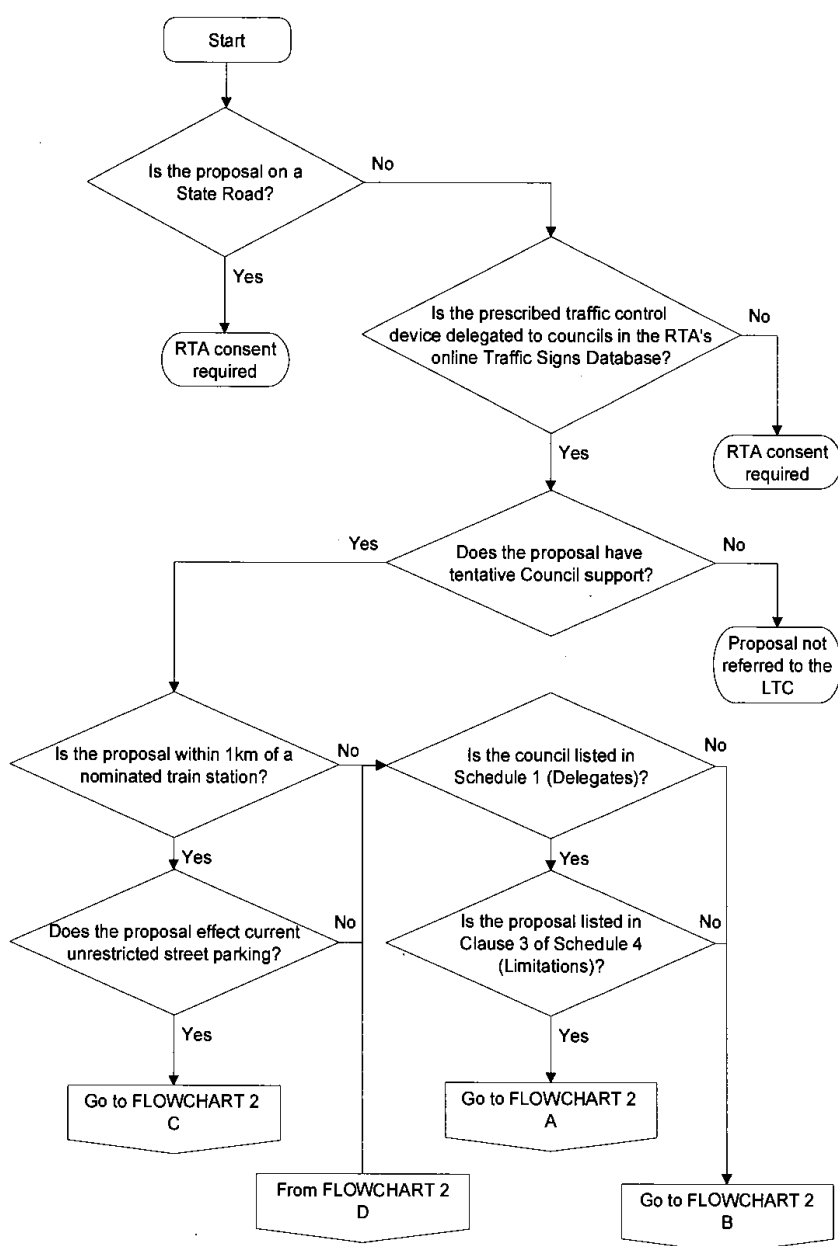
APPENDIX A



Delegation to Councils for the Regulation of Traffic

Process for Exercising Delegated Road Transport Powers

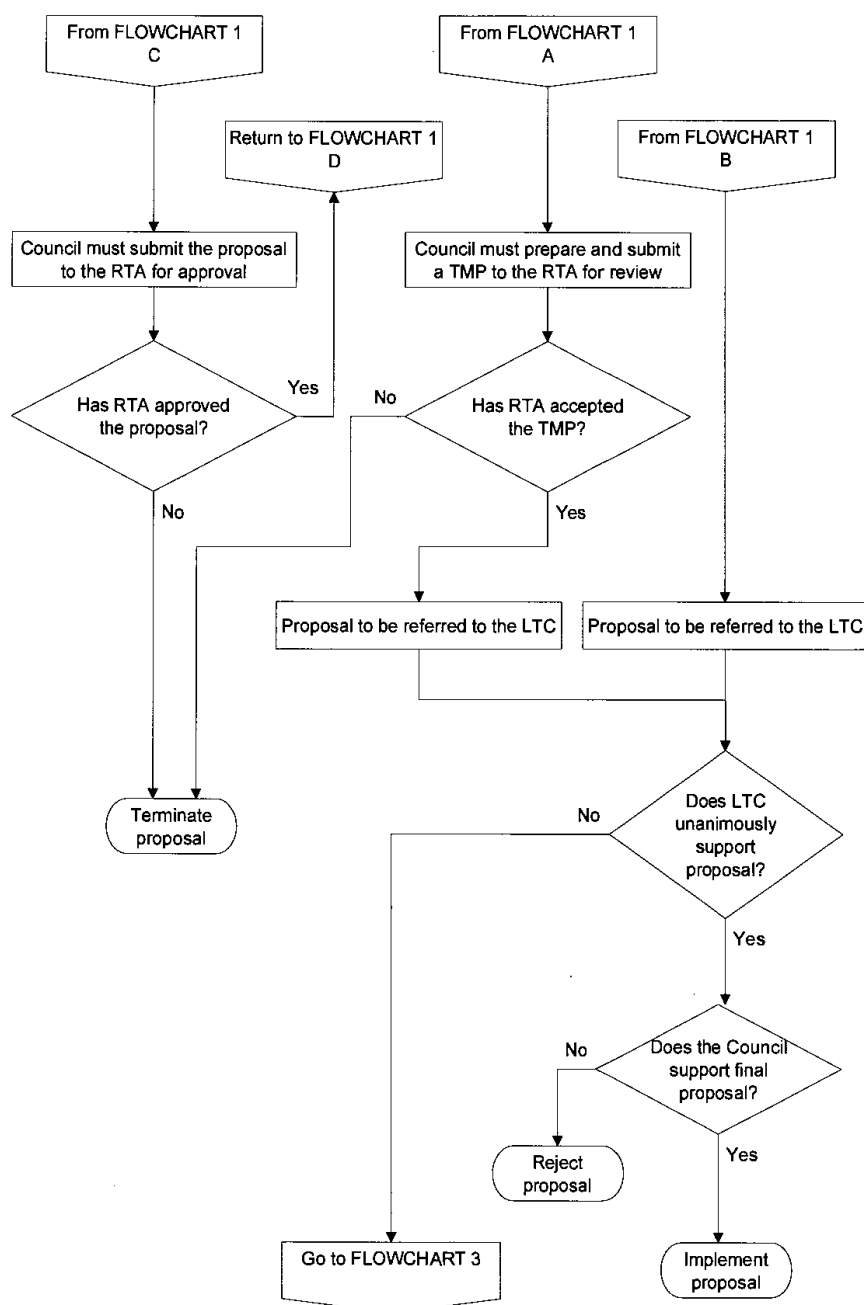
FLOWCHART I
(Road Transport (Safety and Traffic Management) Act, 1999)





Delegation to Councils for the Regulation of Traffic

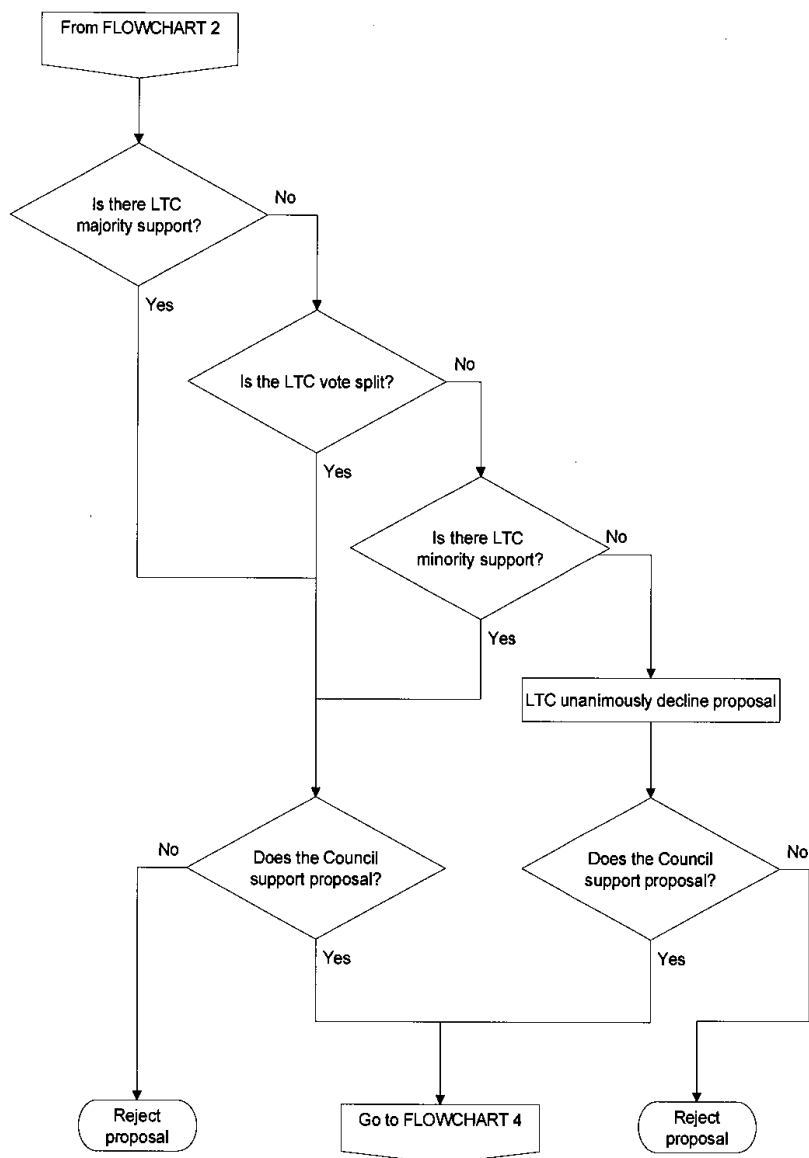
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(Road Transport (Safety and Traffic Management) Act, 1999)





Delegation to Councils for the Regulation of Traffic

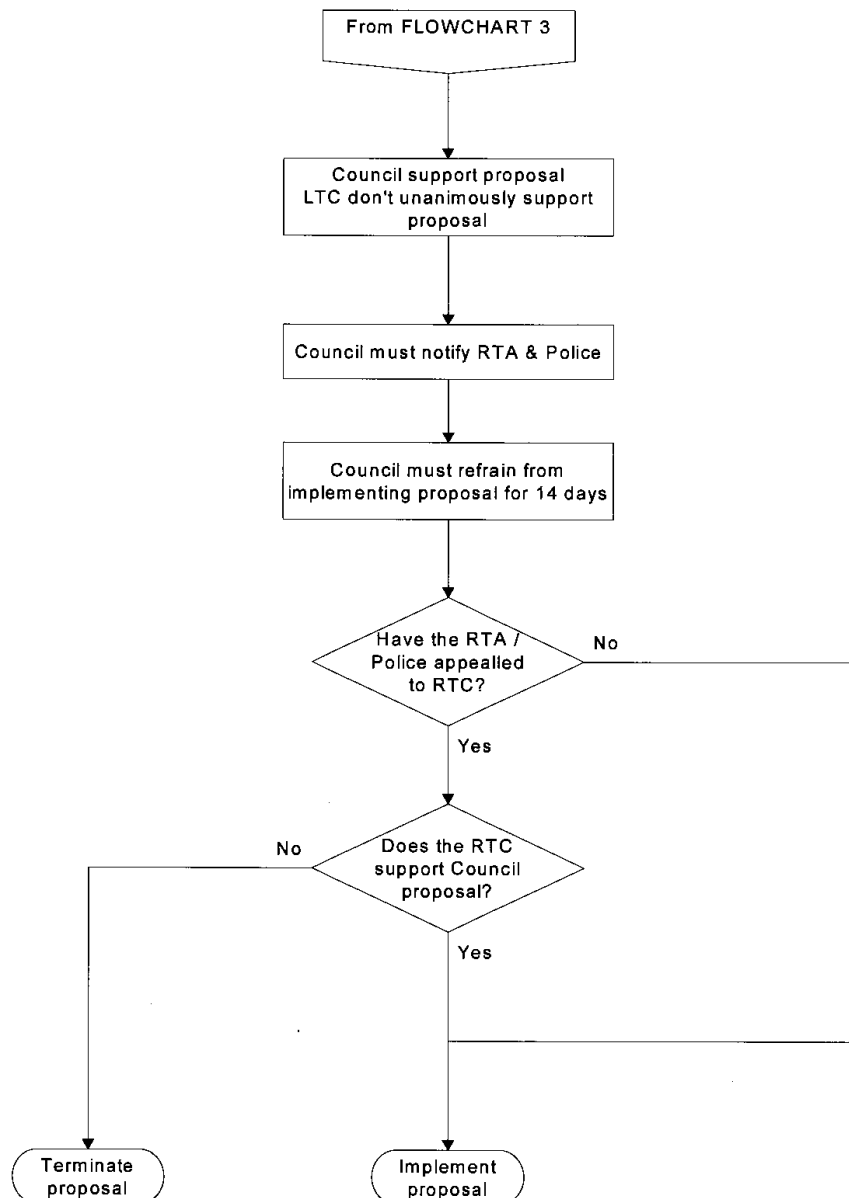
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(Road Transport (Safety and Traffic Management) Act, 1999)





Delegation to Councils for the Regulation of Traffic

FLOWCHART 4
(Road Transport (Safety and Traffic Management) Act, 1999)

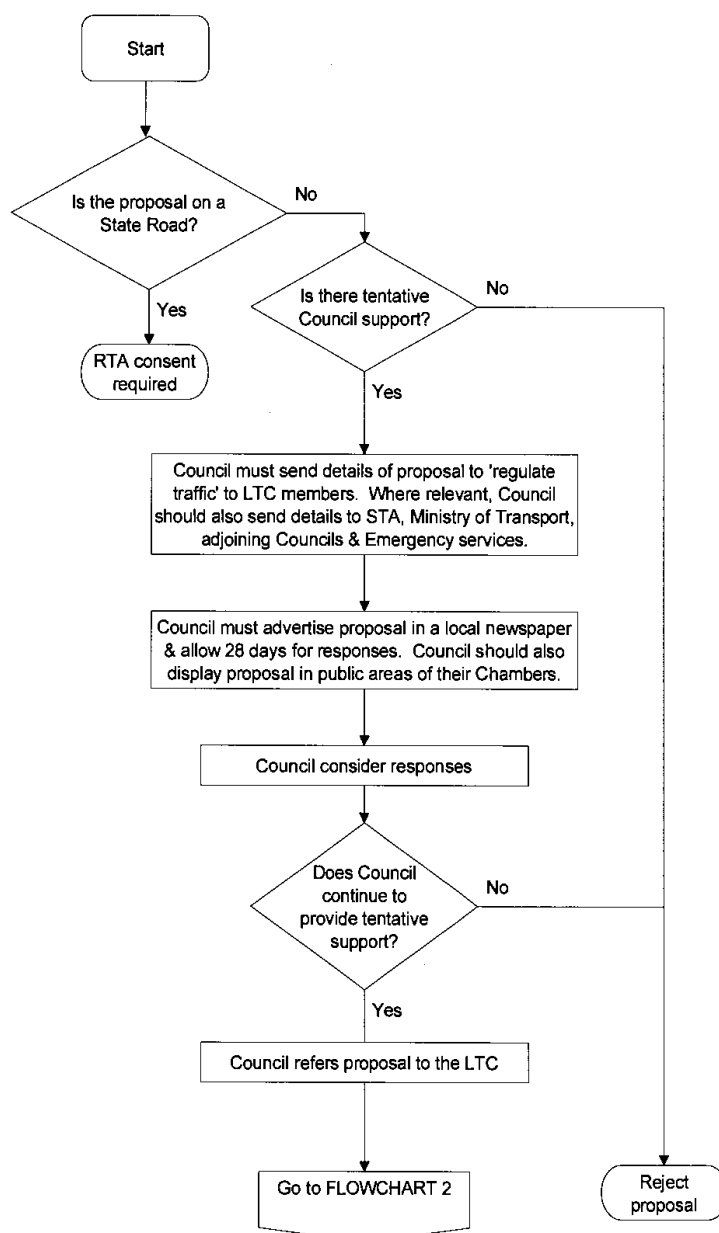




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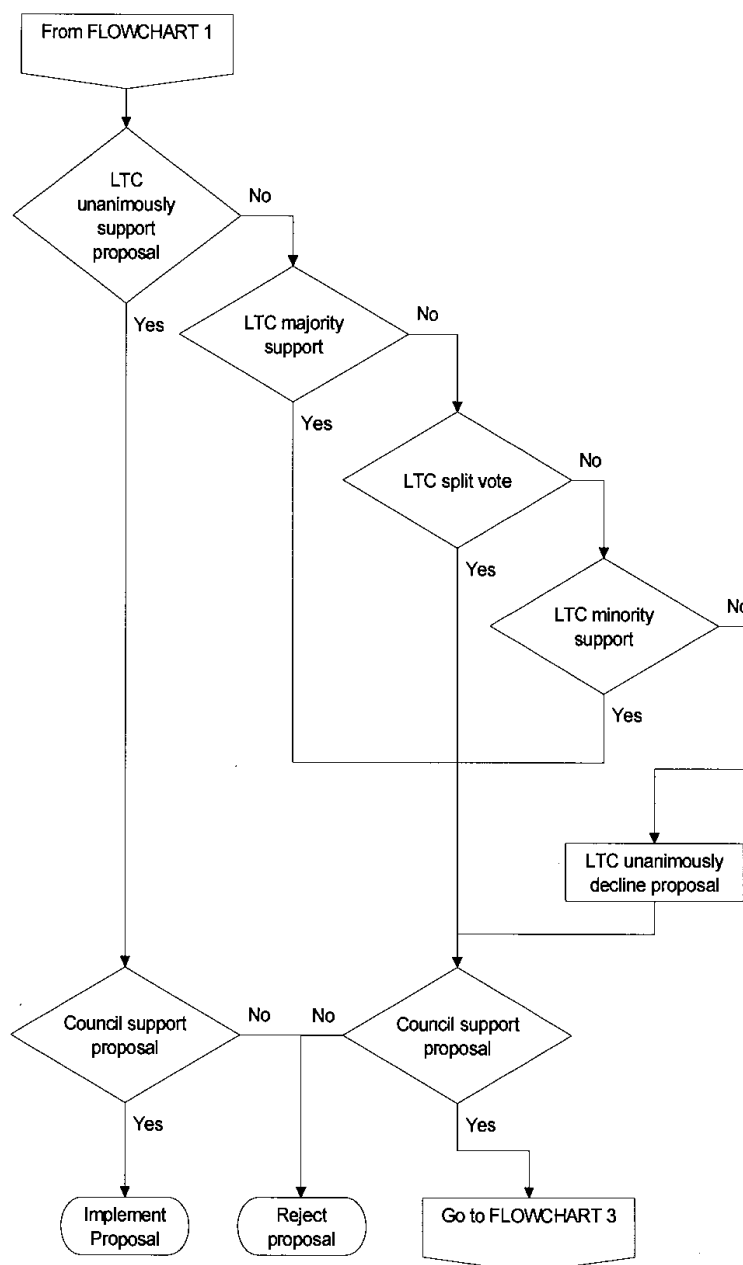
Process for Exercising Delegated Roads Act Powers

FLOWCHART I (Roads Act, 1993)



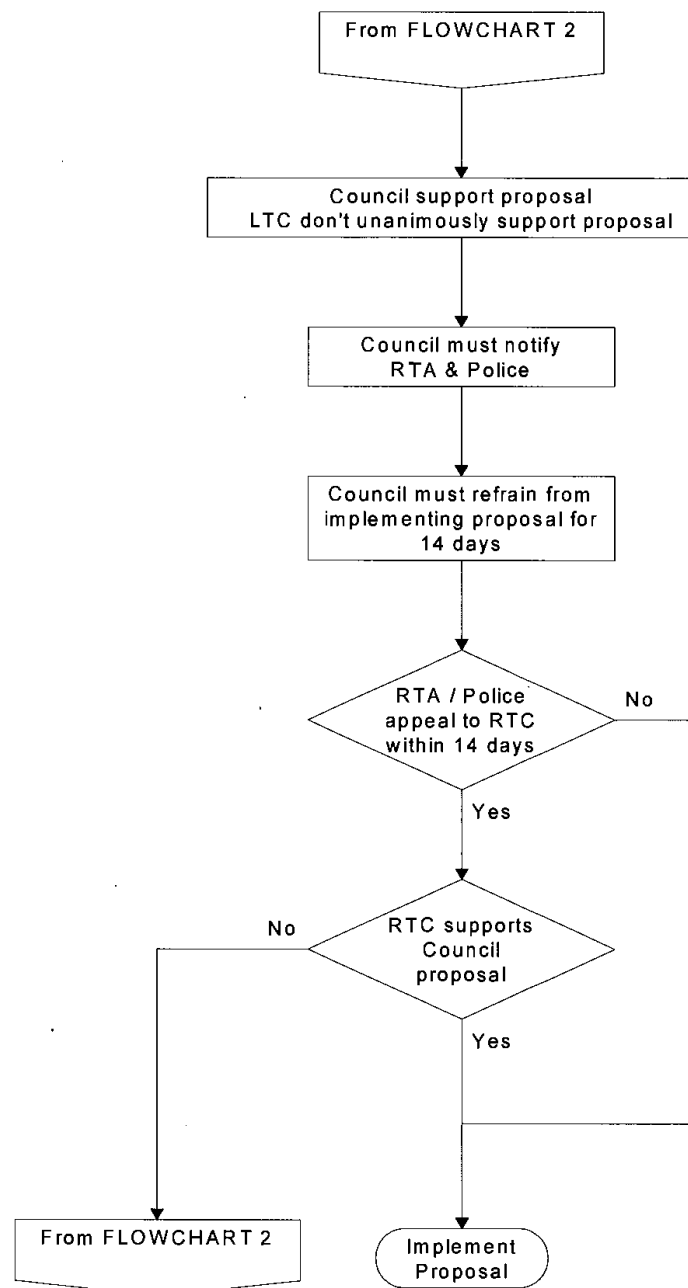


Delegation to Councils for the Regulation of Traffic

FLOWCHART 2
(Roads Act, 1993)

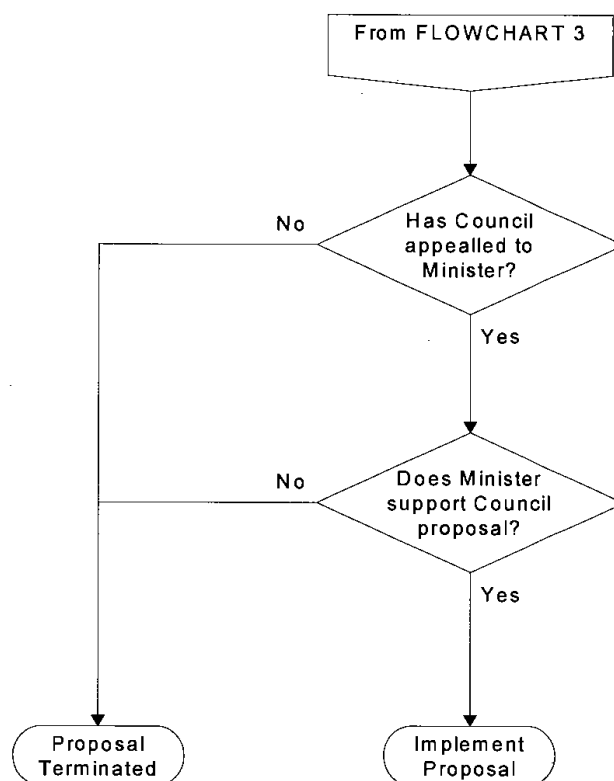


Delegation to Councils for the Regulation of Traffic

FLOWCHART 3
(Roads Act, 1993)



Delegation to Councils for the Regulation of Traffic

FLOWCHART 4
(Roads Act, 1993)



Delegation to Councils for the Regulation of Traffic

RTC TERMS OF REFERENCE

SCOPE	The Regional Traffic Committee deals with appeals from members of the Local Traffic Committees (RTA and NSW Police only) on matters delegated to Councils by the Roads and Traffic Authority.
ROLES	- The Roads and Traffic Authority (hereinafter called "the Authority") pursuant to Section 50 of the Transport Administration Act 1988 and all other enabling powers hereby delegates to the chairperson of a Regional Traffic Committee appointed by the Authority. -- The exercise of all those functions of the Authority necessary to determine appeals by a member of the Local Traffic Committee in connection with the exercise of any of the functions delegated by the Authority to a council, or any of the functions sub-delegated by it, in respect of: - Division 2 of Part 8 (Regulation of traffic by roads authorities) of the Roads Act 1993. - Division 1 of Part 4 (Traffic control devices) of the Road Transport (Safety and Traffic Management) Act 1999. - Division 2 of Part 5 (Special event parking schemes) of the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999.
MEMBERSHIP	- Independent Chairperson, Regional Traffic Committees - Local Government and Shires Associations for each RTA Region - Roads and Traffic Authority for each RTA Region
ENQUIRIES	Should you have any further enquires please do not hesitate to contact the Secretary, Regional Traffic Committees by Facsimile on 8588 4164 or Email: regional_traffic_committee@rta.nsw.gov.au



Delegation to Councils for the Regulation of Traffic

REGIONAL TRAFFIC COMMITTEE APPEAL FORM

SUBJECT OF APPEAL:		
APPELLANT (APPEAL) CONTACT:	Title: Name: Organisation: Phone: Fax: E-mail:	
DATE APPEAL SUBMITTED:	•	
REASON FOR APPEAL:	•	
RELEVANT HISTORY:	• • • •	
SUPPORTING DOCUMENTS:	• • (Please attach documents)	
PARTIES TO APPEAL:	• • •	
DATE RECEIVED		
RTC use only		

Forward to:

Secretariat
 Office of the Chairperson
 Regional Traffic Committees
 Level 16 101 Miller Street
 Locked Bag 928
 NORTH SYDNEY NSW 2059

Facsimile: 8588 4164
 Email: regional_traffic_committee@rta.nsw.gov.au

ITEM-10

REVIEW OF LOCAL TRAFFIC COMMITTEE

THEME:

Proactive Leadership

HILLS 2026 OUTCOME/S:

PL 1 Council works together with the community.

COUNCIL STRATEGY/S:

PL 1.3 Involve our community in the planning and decision making processes of Council.

GROUP:

GENERAL MANAGER

AUTHOR:

MANAGER - EXECUTIVE SERVICES
PETER DOYLE

RESPONSIBLE OFFICER:

GENERAL MANAGER
DAVE WALKER

REPORT

On 16 June 2009 the Finance, Infrastructure and Governance Policy Development and Review Task Group considered a report on the outcomes of a review of Council's Local Traffic Committee that was undertaken to ensure that all requirements of the RTA were in place.

The catalyst for the review was the issue in March, 2009 of an RTA publication "A guide to the delegation to Council's for the Regulation of the Traffic", including the operation of the Traffic Committees to clarify the role and delegated responsibilities of Local Traffic Committees (LTC) (*Attachment 1*).

It would appear that the RTA disseminated the publication to ensure that the functions delegated by the RTA are correctly exercised by Councils.

Results of the Review

The review highlighted that Council's current delegation instrument with respect to the Local Traffic Committee does not capture the requirements of the RTA delegation or the guidelines documentation. In particular, Council's delegation instrument does not appropriately reflect the advisory nature of the LTC and the role that the Council has in the implementation of advice received from the LTC.

The functions delegated to Councils in Schedule 3 of Attachment 1 are :

1. Division 2 of Part 8 (Regulation of traffic by roads authorities) of the Roads Act 1993;
2. Division 1 of Part 4 (Traffic control devices) of the Road Transport (Safety and Traffic Management) Act 1999; and
3. Division 2 of Part 5 (Special event parking schemes) of the Road Transport (Safety and Traffic Management) Regulation 1999.

Councils may sub delegate their powers to Councillors or the General Manager for Items 2 & 3 above but cannot sub delegate Item 1 which relates to Councils making application to the RTA for consent to :

ORDINARY MEETING OF COUNCIL**14 JULY, 2009**

- (a) the erection of any notice or barrier, the carrying out of any work or the taking of any other action for the purpose of regulating traffic on a public road for purposes other than those referred to in Division 1, or
- (b) the removal any notice or barrier, the demolition of any work or the ceasing of any action for which it has been given consent under this Division.

In all traffic related matters, however, for Council to use the delegation it must first seek the advice of the RTA/NSW Police. For convenience the Council can use the LTC.

In summary, the guidelines from the RTA outlines the following with respect to the operational aspects of the LTC (*Attachment 2*):

1. The LTC has no decision making powers. It is primarily a technical review committee.
2. Where the Council/Delegated Officers wish to use the powers delegated by the RTA, it must seek the advice of the LTC (or the police/RTA)
3. The LTC only considers the technical merits of matters referred to it by Council/Delegated Officer. The LTC must in turn provide Council with its recommendation and the status of the voting on that recommendation (unanimous/not unanimous).
4. In cases where the LTC advice is unanimous and Council intends to follow that advice, Council may authorise the implementation of the facility or device without further notifying the RTA or the NSW Police.
5. If the elected Council/Delegated Officer wishes to exercise a delegated function where the LTC advice is not unanimous or the elected Council wishes to act contrary to the unanimous LTC advice, then the Council must notify in writing both the NSW Police and the RTA representatives on the LTC (allowing 14 days before implementation).
6. Where Council/delegated officer decides not to proceed with any proposal for any reason then it does not need to notify the NSW Police or the RTA.

It is apparent that these requirements differ from the current operation of the Council's LTC and the following changes are required:

1. The Council delegation to the LTC needs to be modified to reflect the RTA delegations and the requirements specified in the Guidelines
2. The Council needs to amend the delegations to the General Manager to reflect the RTA delegations and the requirements of the Guidelines

The Task Group recommended that a report be submitted to Council recommending suggested amendments to the Local Traffic Committee and the General Manager's delegations to ensure that the Council complies with the relevant legislation and the RTA guidelines.

The Council delegation to the Local Traffic Committee with the amendments suggested to the Task Group are shown in (*Attachment 3*). (*Red = delete and Blue = replace*)

The suggested Council amendment to the General Manager's delegations is shown in (*Attachment 4*).

IMPACTS**Financial**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

ORDINARY MEETING OF COUNCIL**14 JULY, 2009**

Hills 2026

This demonstrates Council's aim of achieving a safer road network through the installation, renewal and modification of traffic facilities.

RECOMMENDATION

The Council delegations to the Local Traffic Committee and to the General Managers be amended to reflect the RTA Guidelines as shown in Attachment 3 and 4.

ATTACHMENTS

1. RTA's delegation to Council (10 Pages)
2. Guidelines issued by the RTA (36 Pages)
3. Current and suggested amendments to delegated functions of the Local Traffic Committee (3 Pages)
4. Current and suggested amendment to the General Manager's delegations (9 Pages)

ORDINARY MEETING OF COUNCIL

09 AUGUST, 2011

ITEM-12	OPERATION OF LOCAL TRAFFIC COMMITTEE MEETINGS
THEME:	Balanced Urban Growth
HILLS 2026 OUTCOME/S:	BUG 1 I can get where I need to go.
COUNCIL STRATEGY/S:	BUG 1.1 Facilitate the provision of integrated transport alternatives that link residents to their home, places of work and services and facilities.
GROUP:	STRATEGIC PLANNING
AUTHOR:	MANAGER – INFRASTRUCTURE PLANNING ANDREW KING
RESPONSIBLE OFFICER:	GROUP MANAGER – STRATEGIC PLANNING MICHAEL EDGAR

EXECUTIVE SUMMARY

The Hills Shire Council Local Traffic Committee (LTC) is an advisory group that provides technical information and recommendations to Council on matters related to prescribed traffic control facilities for which Council has been given delegated authority by the Roads and Traffic Authority (RTA). The LTC has no decision making powers other than to make recommendations to Council. The Committee is required to advise the Council on matters referred to it by Council as a result of using the delegations given to Council and staff by the RTA. Council then needs to formally resolve on any recommendation of the Committee.

The Council has delegated the preparation of the LTC Business Paper, through the General Manager, to the Manager – Infrastructure Planning. In accordance with the RTA delegation, matters related to prescribed traffic control facilities are assessed and then incorporated into reports for the LTC.

The operation of the Local Traffic Committee has been reviewed to investigate performance and suggest options for increased effectiveness. On 8 February 2011 Council considered a report on the operation of the Local Traffic Committee and resolved as follows:

"The matter be deferred to allow a meeting to be arranged between all Councillors and State Members regarding performance and the role of the Local Traffic Committee."

All four Members of Parliament (at the time) were invited to attend the Council Briefing session on 1 March 2011 to discuss this matter. Those who attended were;

Mr Wayne Merton – Baulkham Hills
Mr Michael Richardson – Castle Hill
Mr Ray Williams – Hawkesbury

ORDINARY MEETING OF COUNCIL**09 AUGUST, 2011**

All three Local MP's indicated substantial support for the Traffic Committee to continue in its current format and monthly cycle of meetings. A State Government election was held on 26 March 2011 and the new Members for Castle Hill and for Baulkham Hills are Mr Dominic Perrottet and Mr David Elliot respectively. Both of these Members of Parliament attend the Traffic Committee and have indicated their continued support for the monthly meeting cycle.

BACKGROUND

The RTA has holds the legislative power and responsibility to control traffic in New South Wales. This responsibility extends to all roads, and traffic is controlled by the installation of traffic control devices such as signs and medians. The RTA has delegated powers to Local Government to allow it to undertake some traffic control functions within its LGA. As is usual, Council has sub delegated some functions to the General Manager and then to relevant qualified staff. The RTA has prepared and issued Guidelines that set out the policy and framework for Council's to exercise its delegated functions.

The Guidelines and use of delegated power required the establishment of a Local Traffic Committee (LTC). The delegations require Council's to seek the advice of the RTA and the NSW Police prior to exercising those delegated functions. The most practical way of doing this is through the LTC. The LTC is comprised of four formal members being one representative of Council, one representative of the NSW Police, one representative of the RTA and the local State Member of Parliament (MP) or their nominee. Council has adopted Delegations to the LTC in its Delegations Register, a copy of which is reproduced in Attachment 2 of this report.

At the Traffic Committee meeting of 15 November 2010 the Committee considered a request from the General Manager for advice regarding the operation and frequency of the meetings, and the general value of the Local Traffic Committee deliberations.

At the meeting, the attending Members of Parliament indicated their support for monthly Committee meetings. Correspondence has been received from the Members for Hawkesbury, Castle Hill and for Baulkham Hills formalising their support.

The next scheduled meeting of the Traffic Committee was held on 21 February where voting members including the Local MP'S, the Police and the RTA suggested that the current monthly meeting schedule was effective in dealing with road safety issues.

REPORT

A copy of the 'RTA Guide For The Regulation Of Traffic And The Operation Of Local Traffic Committees' is included as Attachment 1 of this report. Section 5 of the Guide contains prescriptive information in this regard.

This Guide is the definitive document for the operation of any Traffic Committee in NSW. It is a requirement of the RTA Guide and Delegation that all Traffic Committee recommendations be referred to Council for resolution.

Council receives numerous requests for traffic control devices throughout its road network in addition to the normal management of our roads. The Hills Shire Council Local Traffic Committee currently meets on a monthly basis. The RTA Guide permits individual Councils to determine the meeting frequency but monthly meetings are the most common format used by Councils across NSW.

ORDINARY MEETING OF COUNCIL

09 AUGUST, 2011

The Guide has a series of flow charts that are to be followed as part of the consultation and approval process for any prescribed traffic facility, but in simple terms one of the following five outcomes will occur;

- a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC; consequently there is no need for Council to inform the RTA or the NSW Police representatives of the decision.
- b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- c) If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform the RTA or the NSW Police representatives of the decision.
- d) If Council decides to proceed with the proposal where the advice of the LTC is not unanimous support, then the Council must first advise the RTA and the NSW Police representatives in writing of their intention to approve the proposal. The RTA or the NSW Police may then lodge an appeal to the RTA. Refer to Section 5.4, APPEALS.
- e) If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise the RTA and NSW Police representatives in writing of their intention to approve the proposal. The RTA or the NSW Police may then lodge an appeal to the RTA. See Section 5.4, APPEALS.

Council prepares an Agenda and Business Paper that includes a report and recommendation to the LTC. The structure of the Business Paper is similar to a normal Council Business Paper and the meetings generally run as a formal Council meeting, but with some latitude for open discussion between members of the Committee, and with residents attending the meeting - in accordance with the Delegations given to it by Council.

The Business Paper has previously been completed and delivered to the members of the Committee on the Thursday preceding the Monday meeting. All Councillors then have the same Business Paper delivered on the Friday preceding that same Monday meeting.

OPTIONS**Delegations**

Council has sub delegated the RTA delegations to the General Manager and then on to relevant staff. Accordingly, Council staff respond in the first instance to customer service requests about traffic control matters and where road safety interventions are considered necessary, a report is prepared for the LTC in accordance with Council's delegations to the LTC and the RTA Guidelines. It is open to Council to remove those sub delegations meaning all reports in relation to traffic management would need to be referred to Council for a decision prior to reporting to the LTC. The removal of the sub delegations is not recommended for the following reasons;

- The number of reports to Council would significantly increase as all traffic matters would be referred, whether a traffic control facility is warranted or not.

ORDINARY MEETING OF COUNCIL**09 AUGUST, 2011**

- The increased reporting would increase the time taken to deal with traffic matters which may not meet customer expectations.
- Under current delegations, all recommendations of the LTC are already referred to Council for authorisation prior to them being implemented.
- Council already has the role and responsibility to direct its resources, and should traffic matters not be managed appropriately, escalation to Council is available.

Frequency of meetings

It is open for Council to change the frequency of LTC meetings. As mentioned earlier, the LTC meets each month, on the third Monday, commencing at 2.00pm and that frequency is supported by the Local Members of Parliament (MP) that are members of our LTC. This is consistent with the frequency of most LTC's operating in adjoining Local Government Areas however, the LTC in Hornsby Shire rarely meets. In Hornsby, technical reports are prepared by Council staff and then referred to the members of the LTC individually. They only meet as a collective if there is disagreement on the recommendation.

While reverting to a model like Hornsby LTC is an option, it is considered the meeting schedule and format as used by The Hills Shire LTC allows an opportunity for members of the public to participate and hear firsthand the deliberations and thoughts of the LTC members on matters important to them. It also allows for face to face interaction on matters that can lead to improved outcomes for traffic management in the Shire.

On average, there are approximately ten items considered each month by the LTC. That excludes items raised by members of the LTC about traffic issues that have occurred within their jurisdictions over the month and matters of general discussion that contribute to understanding traffic management issues throughout the Shire. It is usual that the LTC meeting is conducted with all business finalised within the allotted time frame.

It is considered that the monthly meeting cycle is appropriate for the workload and efficient management of Council's delegated powers from the RTA.

Meeting format

Potential alternative meeting formats include:

- Electronic meetings – where the advice of the members is sought via facsimile or email. This allows items to be considered as they arise and may reduce response time.
- A combination of electronic (for minor issues) and face-to-face meetings. This allows minor issues to be addressed between meetings. The response time for minor issues may be reduced using this format and this format can result in shorter fact-to-face meetings.

The current Business Paper is circulated to Councillors and LTC members in hard copy format. This is consistent with other Business Papers for Council's Ordinary Meeting, Development Assessment Unit and The Councillor Workshop. Council trialled electronic business papers early in this term of Council. At this time, the hard copy Business Paper format is preferred however opportunities to utilise new technologies, as they emerge with greater functionality, will continue to be considered.

ORDINARY MEETING OF COUNCIL**09 AUGUST, 2011**

CONCLUSION

The operation and function of the LTC has been reviewed. For the reasons outlined in this report, the current operation of the LTC as delegated by Council is the preferred approach for efficiently managing traffic throughout The Hills Shire having regard to the RTA Guidelines. As outlined in this report it remains open to Council to review the authority it has delegated to the LTC and the General Manager.

IMPACTS**Financial**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

Hills 2026

The recommendation of this report demonstrates Council's aim of achieving a safer road network through the deliberations of the Local Traffic Committee.

RECOMMENDATION

1. The Local Traffic Committee continues to operate on a monthly meeting frequency.
2. Council's delegation to the Local Traffic Committee remain as delegated by Council resolution of the 14th September 2010.

ATTACHMENTS

1. RTA Guide to the delegation to Councils for the regulation of traffic.
2. Local Traffic Committee delegations as adopted by Council on the 14th September 2010.

THEME:	Vibrant Communities
OUTCOME:	5 A connected and supported community with access to a range of services and facilities that contribute to health and wellbeing.
STRATEGY:	5.1 Facilitate the provision of services across the community.
GROUP:	BUSINESS SERVICES
AUTHOR:	PROPERTY AND RESEARCH OFFICER LINDA HEWITT
RESPONSIBLE OFFICER:	MANAGER SPECIAL PROPERTY PROJECTS STEPHEN CULLEN

Council at the meeting of 8 October 2013 resolved:

"Pursuant to Section 46 and 47 of the Local Government Act 193, a licence agreement for the operation of Bella Vista and Glenhaven Childcare Centres be entered into for a five (5) year period with KU Children's Services as detailed in this report with licences authorised for execution under seal."

The term Licence used in the resolution of Council was in error as it should have referred to a 'Lease'. The Expression of Interest (EOI) that closed on 28 August 2013 referred to a Lease being entered into, and the Council Report dated October 2013 referred to a Lease however this was not reflected in the recommendation.

Council is requested to endorse a 5 year 'Lease' to KU Children's Services for the operation of the Bella Vista and Glenhaven Child Care Centres.

Financial

Revenue from this will amount to \$87,881. This revenue has been budgeted in Account Number 842 1000 3417/8. Any variations to the budget due to this report will be reflected in a future Budget Review.

The Hills Future - Community Strategic Plan

Council is facilitating a connected and supported community with access to a range of services and facilities that contribute to health and wellbeing.

RECOMMENDATION

Pursuant to Section 46 & 47 of the Local Government Act 1993, a lease for the operation of Bella Vista and Glenhaven Childcare Centres be entered into for a five (5) year period with KU Children's Services as detailed in this report with Leases authorised for execution under seal.

ATTACHMENTS

1. Previous Council Report & Resolution dated 8 October 2013 (*provided to Councillors under separate cover*)

THEME:	Vibrant Communities
OUTCOME:	5 A connected and supported community with access to a range of services and facilities that contribute to health and wellbeing.
STRATEGY:	5.1 Facilitate the provision of services across the community.
GROUP:	CUSTOMER SERVICES
AUTHOR:	VOLUNTEER DEVELOPMENT CO-ORDINATOR JANE WORSLEY
RESPONSIBLE OFFICER:	GROUP MANAGER CUSTOMER SERVICES JOHN DEAN

The Grants and Donations Program provides organisations with financial assistance. This report recommends donation requests for Council's endorsement since the Council meeting held 29 April 2014.

This report advises of requests that Council has received for financial assistance from individuals, teams and community groups. Section 356 of the Local Government Act allows Council to grant financial assistance in relation to these requests.

Criteria:

- (i) Those individuals seeking a donation must reside in the Council area to be eligible.
- (ii) Funds approved by Council must be used for the purpose stated and if necessary documentary evidence be provided by the individual or the funds donated must be returned to Council.
- (iii) Funds to be paid to the sponsoring organisation (a recognised legal or corporate entity - school, sporting club, community group).
- (iv) The General Manager shall have delegated authority to approve donations to sponsoring organisations (e.g. sporting, cultural and artistic) to assist local members according to the following scale up to the maximum total annual allocation of \$15,000:

- \$150.00 for an individual selected to compete outside the metropolitan area in NSW
 - \$200.00 for an individual selected to compete interstate
 - \$300.00 for an individual selected to compete internationally
 - \$350.00 for a team with selected Shire residents competing outside the metropolitan area in NSW
 - \$500.00 for a team with selected Shire residents competing interstate
 - \$750.00 for a team with selected Shire residents competing internationally
- (v) All applications are to be made on the standard application for financial assistance form with supporting documentation from the organising body.
- (vi) Applicants are only eligible for a donation to attend one event in any twelve month period.
- (vii) Council will only provide assistance for attendance at a recognised competition that is being conducted at district, state or international level.

The General Manager has approved the following applications received since 29 April 2014.

	Applicant	Organisation	Event / Program	Donation
(a)	Curtis Kraus	NSW PSSA	School Sport Australian Swimming Championships Melbourne Sports and Aquatic Centre 20-26 July 2014 Melbourne, Vic	\$200.00
(b)	Joel Harding	Castle Hill BMX	9 Year Old Boys BMX 2014 National Championships 29 April 2014 Shepparton, Vic	\$200.00
(c)	Joshua Clarke	Athletics Australia	World Junior Athletics Championships 22-27 July 2014 Eugene, Oregon, USA	\$300.00
(d)	Paige Harding	Castle Hill BMX	11 Year Old Girls 2014 National Championships 22-27 April Rotterdam, The Netherlands	\$300.00
(e)	Cooper Starling	Castle Hill BMX	BMX 2014 National Championships 29 April 2014 Shepparton, Vic	\$200.00
(f)	Leah Ward	Gymnastics NSW	Gymnastics Australia National Championships 26 May – 2 June 2014 Melbourne, Vic	\$200.00
(g)	Saray Stojanovic	Gymnastics NSW	Gymnastics Australia National Championships 26 May – 2 June 2014 Melbourne, Vic	\$200.00
(h)	Curtis Kraus	School Sport	School Sport Australia	\$200.00

	Applicant	Organisation	Event / Program	Donation
		Australia	Swimming Championships 20 – 26 July 2014 Melbourne, Vic	
(i)	Emma Brogden	School Sport Australia	School Sport Australia Swimming Championships 20-26 July 2014 Melbourne, Vic	\$200.00

The above applications complied with Council's policy and, where necessary, supporting documentation was provided.

SECTION 2 – REQUESTS FOR MINOR DONATIONS TO BE DETERMINED BY COUNCIL

The objective of the Minor Donation category is: "to assist community groups or individuals with pursuits that benefit the overall community in terms of social welfare, cohesion or image, maximum donation \$100.00".

Local organisations applying for donations should be a recognised legal or corporate entity, non-profit, have a minimum of 75% local content of membership on enrolment and a community based charter.

No applications have been received.

SECTION 3 – SPECIAL CIRCUMSTANCES (TO BE CONSIDERED ON A CASE BY CASE BASIS)

No Applications have been received.

SECTION 4 – ROOM HIRE SUPPORT DONATION

Registered charitable organisations or individuals fundraising for charitable organisations are eligible to apply for an in-kind donation of up to \$1,000 for the hire of a Hills Shire Council venue for a fundraising event. A refundable bond (subject to post-function inspection) will be required.

No applications have been received.

SECTION 5 – ART PRIZES

	Applicant	Organisation	Event / Program	Donation
(a)	Can Assist Cootamundra	Can Assist Cootamundra	35 th Wattle Time Art Exhibition	\$1,750.00

SECTION 6 – GRANT PROGRAMS

Grant programs in the categories of general, volunteer and events will be conducted annually.

Donation Applications received

Since 29 April 2014 eight applications have been approved under delegated authority and one for consideration under art prize.

IMPACTS**Financial**

Following the 22 April Council meeting, approved donations were \$188,012.54 and have been expended or committed which represents 72.2% of the current adopted Budget (\$255,272). There are sufficient funds available to accommodate this proposal.

The donations and grants in this report for May 2014 are:

MAY 2014

Approvals under Delegated authority to General Manager	\$2,000.00
Minor Donations	\$0.00
Art Award	\$1,750.00
Special Circumstances	\$0.00
Room Hire Support Donations	\$0.00
Total donations and grants following approval of this report to Council (73.6 % of adopted budget).	\$188,012.54

Hills 2026

This report will positively impact Council's contribution to supporting community connection and partnerships.

RECOMMENDATION

The donations recommended in this report be approved.

ATTACHMENTS

1. 2013-2014 Approved Community and Individual Donations – May 2014 (7 pages)

Approved Community and Individual Donations – May 2014

Organisation / Name	Purpose	Donation	Actual Paid
1st Kellyville Scouts	Water Safety Activity - personal flotation devices, catering, leaders costs etc	\$550.00	\$550.00
2nd Baulkham Hills Scouts	Data Projector and screen	\$1,147.00	\$1,042.73
Aminya Centre for Aged Care	Volunteer training, infection control, dementia care, emergency response, death and the grieving process with morning tea being provided	\$300.00	\$272.73
Anglicare Westlink Respite	Client Wellness Seminars	\$700.00	\$636.36
Annangrove Progress Assoc	Defence Service and Memorial Board update	\$3,050.00	\$3,050.00
Australia Breastfeeding Assoc	Training - workbooks, trainer fees and expenses, childminding and venue hire	\$900.00	\$900.00
Baulkham Hills Hockey Club	Training for coaches and umpires, field hire, BBQ and drinks	\$850.00	\$850.00
Bella Vista Probus	AV equipment	\$1,000.00	\$1,000.00
Bonsai Society of Australia	Orange Blossom Festival Bonsai Show - Brochures, banners etc.	\$500.00	\$500.00
Castle Hill Amateur Boxing	Marketing Program through partnership with local Schools	\$2,200.00	\$2,200.00
Castle Hill Art Society	Orange Blossom Exhibition - Awards, Stationery and Advertising	\$2,200.00	\$2,200.00
Castle Hill Men's Shed	Defibrillator and First Aid Training	\$3,750.00	\$3,409.09
Castle Hill Rotary	Tour de Hills Cycle Classic	\$1,500.00	\$1,363.64
Combined Scottish Societies	Highland Gathering	\$1,861.00	\$1,861.00
Community Foundation	Recruitment and training	\$2,000.00	\$1,818.18
Crestwood Lions	Carols	\$775.00	\$775.00
Cumberland Community Radio	Digital Console Upgrade - Balcombe Heights Estate	\$5,170.00	\$4,700.00
Diverse Community Care	Info session for PWD and carers	\$216.00	\$196.36
Glenhaven Rural Fire Service	Carols	\$750.00	\$681.82
Gremmo Community Foundation	Orange Blossom Touch Football Carnival	\$1,150.00	\$1,150.00
Hills Chinese Seniors	Dragon Boat Festival and 14th Anniversary	\$775.00	\$775.00
Hills District Athletics	Orange Blossom Festival Fun Run	\$1,500.00	\$1,500.00
Hills IWD Committee	International Women's Day	\$2,300.00	\$2,300.00
Hills SIP	Youth Mental Health Forum	\$4,000.00	\$3,636.36
Historical Society	Museum Open Days - advertising, display boards and soft furnishings	\$200.00	\$200.00
Indian Seniors Group	Laughter Yoga Workshops - Transport, Catering, Trainer's Fees, Advertising etc.	\$800.00	\$800.00
Kellyville Baseball	High Pressure cleaner, wheelbarrow, easyloader, blower vac and edger	\$700.00	\$700.00
Kellyville Lions	BBQ trailer shelters	\$1,400.00	\$1,400.00
Kellyville Rotary	Carols	\$750.00	\$750.00
Kenthurst Rotary	Orange Blossom Fair	\$7,500.00	\$7,500.00
Kenthurst Seniors Tai Chi	Seniors Week - Catering, Advertising and Shirts	\$220.00	\$220.00
Men In Action	Billy Cart Derby	\$2,300.00	\$2,090.91
North Rocks Rotary	Carols	\$750.00	\$750.00
North Rocks/Castle Hill Seniors	OBF Bowling Competition. Trophies and catering	\$310.00	\$310.00

Organisation / Name	Purpose	Donation	Actual Paid
North West Disability Services	First Aid Training LR Licences, shirts, badges etc.	\$2,600.00	\$2,363.64
Norwest Disability Services (on behalf of several services)	Access2Art	\$2,947.00	\$2,679.09
Playgroup NSW	Balcombe Heights Playgroup Outdoor Area - Soft Fall and Shade Sail	\$5,000.00	\$4,545.45
Power House Discovery Centre	Amazing Science Circus	\$5,000.00	\$4,545.45
Pyjama Foundation	The Long Road 10km Walk	\$2,000.00	\$1,818.18
Radio Active Live	Sound Equipment	\$1,100.00	\$1,100.00
Reach for the Rainbow	New Years Eve in the Hills	\$10,340.00	\$10,340.00
Redbacks FC	Freezer and pie warmer	\$842.00	\$842.00
Riding for the Disabled Box Hill	Workshop, Mental Health 1st Aid and volunteer booklets	\$1,200.00	\$1,090.91
Riverlink Interchange	Respite	\$1,600.00	\$1,454.55
Rouse Hill Rotary	Graffiti Removal Project - trailer, equipment and signage	\$2,500.00	\$2,500.00
Rouse Hill Rugby	Level 1 coaches course for 25 coaches	\$1,650.00	\$1,650.00
Salvation Army	Carols - Stage Hire	\$775.00	\$775.00
St Gabriel's	Mobile Learning Resource	\$800.00	\$727.27
St John Ambulance	Training Equipment	\$1,800.00	\$1,636.36
St Matthews Preschool	Munch and Move Resource Kit	\$1,000.00	\$1,000.00
St Matthew's Soccer	Nets, equipment and sprinkler	\$1,032.00	\$1,032.00
Sydney Newcomers Club	Public awareness, banner pole hire, brochures and displays	\$396.00	\$396.00
The Art Therapy Cottage	Furniture and fittings	\$1,015.00	\$1,015.00
Trevor Leslie Real Estate	Orange Blossom Festival Classic Car Meet	\$1,500.00	\$1,363.64
Uniting Church Hills Zone	Youth Film Festival	\$1,000.00	\$909.09
Vishva Hindu Parishad	First Aid Training - venue hire, travel costs and out of pocket expenses	\$1,400.00	\$1,400.00
Wisemans Ferry Sunshine Group	Seniors Week Lunch 2014	\$1,000.00	\$909.09
Youth Insearch Foundation	Weekend program for youth development	\$1,000.00	\$909.09
Crestwood Fair	Crestwood Fair	\$15,966.55	\$15,966.55
Black Dog Ride	Black Dog Ride - Signage	\$1,140.00	\$1,140.00
	SUB TOTAL ACCEPTED GRANTS	\$120,677.55	\$116,197.54
	GRANTS NOT ACCEPTED - Salvation Army	\$775.00	\$775.00
	Grants not yet committed	\$42,840.00	\$42,840.00
	GRANTS NOT PAID		
	TOTAL Bi-Annual Grants	\$164,292.55	\$159,812.54
	LESS GRANTS NOT ACCEPTED	\$43,615.00	\$43,615.00
	TOTAL Bi-Annual Grants	\$120,677.55	\$116,197.54
Minor Donations			
The Rotary Club of Ryde	Baulkham Hills residents with special needs to attend "Circus Quirkis" at Blacktown Workers Club	\$100.00	\$100.00
Parramatta Lions Club	15th Annual Christmas Show "Kids Big Fun Day Out"	\$100.00	\$100.00

Organisation / Name	Purpose	Donation	Actual Paid
Hills Harmony Chorus	Performing at Perth National Convention Centre, Perth, WA	\$100.00	\$100.00
Sophia Wakeling	UN Youth NSW State Conference, 15-17 March 2014	\$100.00	\$100.00
Brendan Ma	YMCA Youth Parliament Camp, 13-16 April and 29 June - 5 July 2014	\$100.00	\$100.00
Symret Singh	YMCA Youth Parliament Camp, 13-16 April and 29 June - 5 July 2014	\$100.00	\$100.00
Castle Hill Women's Bowling Club	Trophies for Orange Blossom Festival 2014	\$100.00	\$100.00
	TOTAL Minor Donations	\$700.00	\$700.00
Art Prizes			
Castle Hill Art Society	Orange Blossom Festival Annual Art Award 2013	\$1,500.00	\$1,500.00
Castle Hill & Hills District Agricultural Society Inc	Art Award - "Best Painting in Show"	\$1,500.00	\$1,500.00
	TOTAL Art Prizes	\$3,000.00	\$3,000.00
ROOM HIRE			
North West Sydney Multiple Birth Assoc	Trivia Night - 30 August 2014, Rebellion Room, Castle Grand	\$800.00	\$800.00
	TOTAL Room Hire	\$800.00	\$800.00
Special Circumstances			
University of Western Sydney	University of Western Sydney Scholarship	\$5,000.00	\$5,000.00
	TOTAL Special Circumstances	\$5,000.00	\$5,000.00
Individual / Team Donations			
Ciaron Fitzgerald	U16 National Basketball Championships, 6-13 July, Adelaide, SA	\$200.00	\$200.00
Michael Carruthers	Open Men's BMX World Championships, 24-25 July 2013, Auckland, New Zealand	\$300.00	\$300.00
Julian Carruthers	7 year old boys BMX World Championships, 24-25 July 2013, Auckland, NZ	\$300.00	\$300.00
Brandon Clark	NSW All Schools AFL Football Competition, 10-18 August 2013, Darwin, NT	\$200.00	\$200.00
Avi Bansal	U11 Sydney Junior Hockey Championships, 29 June - 1 July 2013, Tamworth, NSW	\$150.00	\$150.00
Aaron Pereira	NSW State U13 Hockey Championships, 11-14 July 2013, Taree, NSW	\$150.00	\$150.00
Josh Katz	Cadet World Championships, Miami, Florida, USA	\$300.00	\$300.00
Zoe Burke	School Sport Australia Basketball Championships, Perth, WA	\$200.00	\$200.00
Ella Broome	Dazzling Diamonds, Glenhaven Public School, National School Aerobic Championships, 17-18 August 2013, Gold	\$500.00	\$500.00

Organisation / Name	Purpose	Donation	Actual Paid
	Coast, QLD		
Kaitlyn de Belle	Dazzling Diamonds, Glenhaven Public School, National School Aerobic Championships, 17-18 August 2013, Gold Coast, QLD	Team	Team
Hannah Olsen	Dazzling Diamonds, Glenhaven Public School, National School Aerobic Championships, 17-18 August 2013, Gold Coast, QLD	Team	Team
Jaimee Hall	Dazzling Diamonds, Glenhaven Public School, National School Aerobic Championships, 17-18 August 2013, Gold Coast, QLD	Team	Team
Madison Hawes	Dazzling Diamonds, Glenhaven Public School, National School Aerobic Championships, 17-18 August 2013, Gold Coast, QLD	Team	Team
Madeline Mercieca	Dazzling Diamonds, Glenhaven Public School, National School Aerobic Championships, 17-18 August 2013, Gold Coast, QLD	Team	Team
Catalina Mathews	Dazzling Diamonds, Glenhaven Public School, National School Aerobic Championships, 17-18 August 2013, Gold Coast, QLD	Team	Team
Lauren Ivory	Dazzling Diamonds, Glenhaven Public School, National School Aerobic Championships, 17-18 August 2013, Gold Coast, QLD	Team	Team
Madison Rogers	Glenhaven Primary Pairs, Glenhaven Public School, National School Aerobic Championships, 17-18 August 2013, Gold Coast, QLD	\$200.00	\$200.00
Georgina Hedges	Glenhaven Primary Pairs, Glenhaven Public School, National School Aerobic Championships, 17-18 August 2013, Gold Coast, QLD	\$200.00	\$200.00
Laura Baker	Shooting Stars, Glenhaven Public School, National School Aerobic Championships, 17-18 August 2013, Gold Coast, QLD	\$500.00	\$500.00
Lucy Nichols	Shooting Stars, Glenhaven Public School, National School Aerobic Championships, 17-18 August 2013, Gold Coast, QLD	Team	Team
Madison Swan	Shooting Stars, Glenhaven Public School, National School Aerobic Championships, 17-18 August 2013, Gold Coast, QLD	Team	Team
Estelle Fragale	Shooting Stars, Glenhaven Public School, National School Aerobic Championships, 17-18 August 2013, Gold Coast, QLD	Team	Team
Halle McEwen	Shooting Stars, Glenhaven Public School, National School Aerobic Championships, 17-18 August 2013, Gold Coast, QLD	Team	Team
Benjamin Graham	School Sports Australia Basketball Championships, Perth, WA	\$200.00	\$200.00
Jonathan Lu	International Taekwondo Championships, Perth, WA	\$300.00	\$300.00
Georgia Garnett	Sydney West Touch Football, Tamworth, NSW	\$150.00	\$150.00
Robyn Winn (Council Employee)	2013 World Age Group Triathlon Championships, 11-15 September 2013, London, UK	\$300.00	\$300.00
Imogen Florian	2013 World Age Trampolining Championships 14-17 November 2013, Sofia, Bulgaria	\$300.00	\$300.00

Organisation / Name	Purpose	Donation	Actual Paid
Josh Green	Australian U14 Basketball Championships, 30 Sept – 5 Oct 2013, Darwin, NT	\$200.00	\$200.00
Craig Bridement	2013 World Indoor Cricket Federation Masters World Series, 19-26 October 2013, Darwin, NT	\$300.00	\$300.00
Jacob Harrington	NSW Combined High School Sports Touch Football Championships, 13-18 October 2013, Darwin, NT	\$500.00	\$500.00
Ryan Papenhuyzen	NSW Combined High School Sports Touch Football Championships, 13-18 October 2013, Darwin, NT	Team	Team
Luke Osborne	NSW Combined High School Sports Touch Football Championships, 13-18 October 2013, Darwin, NT	Team	Team
Adonijah Norman	2013, 7 th Commonwealth Karate Championships, 11-13 October 2013, Montreal, Canada	\$300.00	\$300.00
Kaitlyn Lee	National Hockey Championships, 26 Sept – 6 Oct 2013, Hobart, Tasmania	\$200.00	\$200.00
Emily Bennett	2013 New Zealand Gym Sport Championships, 9-12 October, 2013, New Zealand	\$300.00	\$300.00
Paul Kuchin	2013 Open Nationals, 3-9 November 2013, Joondalup, WA	\$200.00	\$200.00
Aston Wypych-Coles	2013 Trans Tasman BMX Championships, 19-26 October 2013, New Zealand	\$300.00	\$300.00
Kathryn Banks	AASCF Nationals, 22-24 November 2013, Melbourne, VIC	\$200.00	\$200.00
Dominic Clarke	U17 Men's World Age Trampoline Championships, 14-17 November 2013, Sofia, Bulgaria	\$300.00	\$300.00
Leane Janse van Rensburg	U17 Women's World Age Trampoline Championships, 14-17 November 2013, Sofia Bulgaria	\$300.00	\$300.00
Kira Ward	U15 Women's World Age Trampoline Championships, 14-17 November, Sofia, Bulgaria	\$300.00	\$300.00
Daniel Hancock	Gymnastics Australia, U15 Men's World Age Trampoline Championships, 14-17 November 2013, Sofia, Bulgaria	\$300.00	\$300.00
Justin Berthold	Tournoi International de Hockey Pewee De Quebec, 12-23 February 2014, Quebec, Canada	\$300.00	\$300.00
Laura McInnes	Australian Handball Federation, Intercontinental Challenge Cup 2013, 23-30 November 2013, Monterrey, Mexico	\$300.00	\$300.00
Luke Perkin	NSW PSSA Cricket National Championships, 3-11 January 2014, Bendigo, Victoria	\$200.00	\$200.00
Georgina Zec	Scholastic Australian All Star Cheerleading Federation National Championships 22-24 November 2013, Melbourne, Victoria	\$500.00	\$500.00
Hayley Bridge	Scholastic Australian All Star Cheerleading Federation National Championships 22-24 November 2013, Melbourne, Victoria	Team	Team
Ashley Bridge	Scholastic Australian All Star Cheerleading Federation National Championships 22-24 November 2013, Melbourne, Victoria	Team	Team
Chloe Hogan	Scholastic Australian All Star Cheerleading Federation National Championships 22-24 November 2013, Melbourne, Victoria	Team	Team
Lucy Siera	Scholastic Australian All Star Cheerleading Federation National Championships 22-24 November 2013, Melbourne, Victoria	Team	Team
Heather McLoughlin	Scholastic Australian All Star Cheerleading Federation National Championships 22-24 November 2013, Melbourne, Victoria	Team	Team
Chloe Pike	Scholastic Australian All Star Cheerleading Federation National Championships 22-24 November 2013, Melbourne, Victoria	Team	Team
Isabella Bezzina	Scholastic Australian All Star Cheerleading Federation National Championships 22-24 November 2013, Melbourne, Victoria	Team	Team
Alysia Conditis	Scholastic Australian All Star Cheerleading Federation National Championships 22-24	Team	Team

Organisation / Name	Purpose	Donation	Actual Paid
	November 2013, Melbourne, Victoria		
Kelly Pike	Scholastic Australian All Star Cheerleading Federation National Championships 22-24 November 2013, Melbourne, Victoria	Team	Team
Chelsea Zec	Scholastic Australian All Star Cheerleading Championships, 22-24 November 2013, Melbourne, Victoria	\$500.00	\$500.00
Brooke Weinert	Scholastic Australian All Star Cheerleading Championships, 22-24 November 2013, Melbourne, Victoria	Team	Team
Madeleine Wahab	Scholastic Australian All Star Cheerleading Championships, 22-24 November 2013, Melbourne, Victoria	Team	Team
Jessica Wahab	Scholastic Australian All Star Cheerleading Championships, 22-24 November 2013, Melbourne, Victoria	Team	Team
Daniella Jurcevic	Scholastic Australian All Star Cheerleading Championships, 22-24 November 2013, Melbourne, Victoria	Team	Team
Annalise Ogilvie	Scholastic Australian All Star Cheerleading Championships, 22-24 November 2013, Melbourne, Victoria	Team	Team
Lily Baranic	Scholastic Australian All Star Cheerleading Championships, 22-24 November 2013, Melbourne, Victoria	Team	Team
Angel Khalil	Scholastic Australian All Star Cheerleading Championships, 22-24 November 2013, Melbourne, Victoria	Team	Team
Reneis Barnett	Scholastic Australian All Star Cheerleading Championships, 22-24 November 2013, Melbourne, Victoria	Team	Team
Jasmine Davey	Scholastic Australian All Star Cheerleading Championships, 22-24 November 2013, Melbourne, Victoria	Team	Team
Kimberley Marchant	Open Elite Level 5 Cheerleading Australian All Star National Championships, 23-24 November 2013, Melbourne, Victoria	\$200.00	\$200.00
Alana Marchant	Open Elite Level 5 Cheerleading Australian All Star National Championships, 23-24 November 2013, Melbourne, Victoria	\$200.00	\$200.00
Sarah Tan	2013 Table Tennis World Junior Championships, 1-8 December 2013, Rabat, Morocco	\$300.00	\$300.00
Vanessa Tan	2013 Table Tennis World Junior Championships, 1-8 December 2013, Rabat, Morocco	\$300.00	\$300.00
Kyle Maher	Trans-Tasman Miniature Horse Youth Challenge, 28 February - 3 March 2014, Hawera, New Zealand	\$300.00	\$300.00
Phoebe Ooi	U13 Badminton Championships, 17-18 January 2014, Altona, Victoria	\$200.00	\$200.00
Daniel Guda	World Junior Championships, 7-18 April 2014, Malaysia	\$300.00	\$300.00
Catherine Kennedy	World Indoor Netball Assoc Open World Cup 2014, 21 May - 3 June 2014, Johannesburg, South Africa	\$300.00	\$300.00
Bradley Halton	World Indoor Netball Assoc, Open World Cup 2014, Johannesburg, South Africa	\$300.00	\$300.00
Kaitlin O'Grady	Cheerleading and Dance World Championships, 26-28 April 2014, Orlando, Florida	\$750.00	\$750.00
Monique Denyer	Cheerleading and Dance World Championships, 26-28 April 2014, Orlando, Florida	Team	Team
Jade Sammut	Cheerleading and Dance World Championships, 26-28 April 2014, Orlando, Florida	Team	Team
Natalie Caran	Cheerleading and Dance World Championships, 26-28 April 2014, Orlando,	Team	Team

Organisation / Name	Purpose	Donation	Actual Paid
	Florida		
Christopher Bednar	2014 Australian National Age Diving Championships 11-13 April 2014, Albert Park, Vic	\$200.00	\$200.00
Liam Carruthers	2014 BMX National Championships, 10-17 April 2014, Canberra, ACT	\$200.00	\$200.00
Jay Green	Australian U18 Basketball Championships, 10-17 April 2014, Ballarat, Vic	\$200.00	\$200.00
Anjie Lees	Australian Canoeing Marathon National Championships, 18-20 April 2014, Ballarat, Vic	\$200.00	\$200.00
Lachlan Pereira	Sydney Junior Hockey Carnival, 25 May 2014, Lithgow, NSW	\$150.00	\$150.00
Celeste Lee	2014 June Bevan Trophy & U17 Nationals, 18-26 April 2014, Auckland New Zealand	\$300.00	\$300.00
Chloe Lee	2014 June Bevan Trophy & U17 Nationals, 18-26 April 2014, Auckland New Zealand	\$300.00	\$300.00
Hannah Eagleton	NSW HS Girls Hockey Championships, 20-22 May 2014, Bathurst, NSW	\$150.00	\$150.00
Kaitlyn Eagleton	NSW HS Girls Hockey Championships, 20-22 May 2014, Bathurst, NSW	\$150.00	\$150.00
Joel Randell	U14, 2014 BMX National Championships, 29 April - 4 May 2014, Shepparton, VIC	\$150.00	\$150.00
Annie Randell	Open Women's 2014 National BMX Championships, 29 April - 4 May 2014, Shepparton, VIC	\$150.00	\$150.00
Barry Randel	Open Men's 2014 National Championships, 29 April - 4 May 2014, Shepparton, VIC	\$150.00	\$150.00
	TOTAL for Individuals & Teams	\$15,400.00	\$15,400.00
	TOTAL APPROVED FOR 2013/2014 FINANCIAL YEAR – APRIL 2014		\$184,262.54
	TOTAL DONATIONS AND GRANTS 2013/2014 FOLLOWING APPROVAL OF MAY 2014 APPLICATIONS		\$188,012.54

ITEM-18 STATUS REPORT - LEGAL MATTERS

THEME:	Proactive Leadership
OUTCOME:	3 Sound governance based on transparency and accountability.
STRATEGY:	3.1 Ensure Council is accountable to the community and meets legislative requirements and support Council's elected representatives for their role in the community.
GROUP:	BUSINESS SERVICES
AUTHOR:	SENIOR LAWYER CRAIG WINN
RESPONSIBLE OFFICER:	GENERAL MANAGER DAVE WALKER

REPORT

The purpose of this report is to provide the Council with an updated status report on legal matters that are currently before the Courts as at 22 May 2014.

Financial

For Land & Environment Court appeals, funds have been provided within the Environment & Planning Budget. Legal costs for Land & Environment Court appeals for this financial year are as follows:

<u>Financial Year</u>	<u>Expended</u>	<u>Committed</u>	<u>Total</u>
• 2013/2014	\$407,862.39	\$238,651.53	\$646,513.92

For Civil Proceedings, Applications and Criminal Prosecutions, funds have been provided by each relevant Service Group of Council and the costs are charged against each relevant group.

Legal costs for matters relating to Service Groups for the financial year are as follows:

<u>Department</u>	<u>Expended</u>	<u>Committed</u>	<u>Total</u>
• General Manager	\$95,721.01	\$0	\$95,721.01
• Infrastructure	\$961,608.02	\$28,842.87	\$990,450.89
• Strategic Planning	\$7,117.82	\$0	\$7,117.82
• Business Services	\$49,892.49	\$22,748.98	\$72,641.47
• Customer Services	\$173,163.97	\$82,882.32	\$256,046.29
• Environment & Planning	\$15,499.73	\$2,780.70	\$18,280.43
• Total			\$1,440,257.91

To date, a total of \$2,086,771.83 has been expended or committed representing 95% of the adopted Budget.

Hills 2026

This demonstrates Council's ability to effectively determine litigious matters and when necessary defend proceedings in the Courts.

RECOMMENDATION

Status of legal matters before all Courts be noted.

ATTACHMENTS

1. Planning Appeals as at 22 May 2014 (1 page)
2. Civil Proceedings as at 22 May 2014 (1 page)
3. Applications and Criminal Prosecutions as at 22 May 2014 (2 pages)

ATTACHMENT 1

PLANNING APPEALS AS AT 22 MAY 2014

PROPERTY:	20-22 Balmoral Road, Kellyville (Malcolm Smith Pty Limited)
MATTER:	Class 1 Appeal against Council's imposition of a condition of development consent.
STATUS:	• Council served with a Class 1 Application on 2 May 2014. • Listed for call over on 28 May 2014.
LEGAL REPRESENTATION:	In-house with Senior Lawyer.
CONSULTANTS/ EXPERTS:	N/A.
EXTERNAL COSTS TO DATE:	Costs: Nil. Estimate of Costs: In-house, Senior Lawyer.
GENERAL COMMENT:	Matter likely to resolve itself via conciliation.

PROPERTY:	269 Pennant Hills Road, Carlingford (Millennium Design Consultants)
MATTER:	Class 1 Appeal against Council's deemed refusal of Development Application No. 838/2014/HB.
STATUS:	• Council served with a Class 1 Application on 8 May 2014. • Listed for call over on 3 June 2014.
LEGAL REPRESENTATION:	Wilshire Webb Staunton Beattie, Lawyers.
CONSULTANTS/ EXPERTS:	External Town Planner.
EXTERNAL COSTS TO DATE:	Costs: Nil. Estimate of Costs: \$80,000.00 for defended hearing.
GENERAL COMMENT:	Council, at present, to defend it's decision to refuse the development application.

ATTACHMENT 2

CIVIL PROCEEDINGS AS AT 22 MAY 2014

1. MATTER:	The Hills Shire Council ats Rossi (Summons to Invalidate a Consent on the basis of Council's failure to notify and failure to properly assess and determine a Development Application for a Seniors Living Development) Land & Environment Court
STATUS: First Action	• Council served with a Class 4 Summons on 13 December 2011. • Court delivered judgment in favour of Rossi on 12 April 2013. • Court delivered Judgment in respect of orders as to ameliorative landscape measures on 18 November 2013. • Rossi filed appeal in the Supreme Court of NSW Court of Appeal on 25 February 2014.
Current Status	
Next Step	• Court of Appeal matter adjourned for further mention on 25 June 2014. • Part heard costs hearing on 21 May 2014. Matter to be relisted for further hearing.
LAWYER:	Maddocks, Lawyers
EXTERNAL COSTS TO DATE:	Costs: \$655,274.93. (first costs order in favour of Council in the amount of \$3,500.00) (second costs order in favour of Council in the amount of \$13,500.00) (third costs order in favour of Council in the amount of \$22,500.00) Estimate of Costs: \$700,000.00.
GENERAL COMMENT:	The outcome of the costs hearing is likely to determine if Rossi progresses the Court of Appeal proceedings.

2. MATTER:	The Hills Shire Council ats MacDougall (Statement of Claim for Damages. Damage caused to Motor Vehicle Windscreen \$479.00 claimed in damages.) Local Court
STATUS: First Action	• Statement of Claim filed 17 April 2014. • Matter settled on 30 April 2014.
Current Status	• Matter closed.
LAWYER:	In-house, Senior Lawyer.
EXTERNAL COSTS TO DATE:	Nil.

ATTACHMENT 3

APPLICATIONS & CRIMINAL PROSECUTIONS AS AT 22 MAY 2014

1. MATTER:	CF Pye Pty Limited ('Brindabella', Birds Lane Maraylya) (Failure to Comply with Clean Up Notice)
STATUS:	- Land & Environment Court. (Offence against s91 of the POEO Act 1997) - Summons (x3). - Mention on 26 July 2013 with pleas of guilty entered for the summons. - Sentencing hearing on 10 December 2013 vacated. - Matter listed for sentencing hearing on 23 April 2014. - Defendant reversed plea and Court dismissed the prosecutions. - Defendant agreed to pay Council's costs in the amount of \$75,000.00. Matter closed.
LEGAL REPRESENTATION:	In-house, Senior Lawyer.
RESULT:	Proceedings, by consent, dismissed.
EXTERNAL COSTS:	\$64,000.00

2. MATTER:	Paul Mouawad (704 Old Northern Road, Dural) (Failure to Comply with a Clean Up Notice)
STATUS:	- Land & Environment Court Summons (Offence against s91 of the POEO Act 1997) - Hearing on 19 May 2014 vacated. - Proceedings listed for directions hearing on 6 June 2014.
LEGAL REPRESENTATION:	Matthews Folbigg Lawyers.
RESULT:	TBA.
COSTS TO DATE:	\$20,000.00. - Estimate of costs if matter proceeds to defended hearing: \$80,000.00.
GENERAL COMMENT:	Prospects advice to be provided to Council by Counsel. A negotiated outcome to the proceedings will be further explored.

3. MATTER:	Funnell (338 Old Northern Road, Castle Hill) (Failure to comply with Dangerous Dog Control Orders)
STATUS:	- Court elected PIN. (Offence against s51 of the Companion Animal Act) - Proceedings listed for first mention on 27 March 2014. - Pleas of not guilty entered. - Proceedings listed for hearing on 2 June 2014.
LEGAL REPRESENTATION:	In-house, Senior Lawyer.
RESULT:	TBA.
COSTS TO DATE:	In-house, Senior Lawyer.

GENERAL COMMENT:	Negotiated outcome has been agreed between the parties. Prosecution to be withdrawn on 2 June 2014.
4. MATTER:	Pascal Mouawad (11 Porters Road, Kenthurst) (Transport Waste Offence – Director Liability)
STATUS:	- Local Court Prosecution. (Offence against s143 and s169 of the POEO Act 1997) - Proceedings listed for first mention on 10 April 2014. - Proceedings adjourned to 29 May 2014.
LEGAL REPRESENTATION:	In-house, Senior Lawyer.
RESULT:	TBA.
COSTS TO DATE:	In-house, Senior Lawyer.
GENERAL COMMENT:	Defendant to provide written representations. Prosecution may be withdrawn if the Defendant can demonstrate that offending fill material has been removed and site remediated.
5. MATTER:	FCG Australia Pty Limited (11 Porters Road, Kenthurst) (Transport Waste Offence – Company Liability)
STATUS:	- Local Court Prosecution. (Offence against s143 of the POEO Act 1997) - Proceedings listed for first mention on 10 April 2014. - Proceedings adjourned to 29 May 2014.
LEGAL REPRESENTATION:	In-house, Senior Lawyer.
RESULT:	TBA.
COSTS TO DATE:	In-house, Senior Lawyer.
GENERAL COMMENT:	Defendant to provide written representations. Prosecution may be withdrawn if the Defendant can demonstrate that offending fill material has been removed and site remediated.
6. MATTER:	KDV Trading Pty Limited (Memorial Avenue, Kellyville) (Development Without Development Consent - Signage)
STATUS:	- Local Court Prosecution. (Court Elect Penalty Notice) - Proceedings withdrawn. Matter closed.
LEGAL REPRESENTATION:	In-house, Senior Lawyer.
RESULT:	Discontinued.
COSTS TO DATE:	In-house, Senior Lawyer.
7. MATTER:	Clarendon Homes Pty Limited (Memorial Avenue, Kellyville) (Development Without Development Consent - Signage)
STATUS:	- Local Court Prosecution. (Court Elect Penalty Notice) - Proceedings discontinued on 1 May 2014.
LEGAL REPRESENTATION:	In-house, Senior Lawyer.
RESULT:	Discontinued.
COSTS TO DATE:	In-house, Senior Lawyer.

THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
GROUP:	ENVIRONMENT AND PLANNING
AUTHOR:	MANAGER DEVELOPMENT ASSESSMENT PAUL OSBORNE
RESPONSIBLE OFFICER:	GROUP MANAGER ENVIRONMENT AND PLANNING CAMERON MCKENZIE

A list of matters refused between 12 April 2014 to 14 May 2014 is provided in Attachment 2.

Financial

Hills 2026

This demonstrates Council's transparency and ability to effectively manage development applications.

The report be received.

1. Environment and Planning Group – Applications over 40 days under consideration as at 14 May 2014 (2 Pages)
2. Development Applications refused between 12 April 2014 to 14 May 2014 (1 Page)

Environment & Planning Group - Applications Over 40 Days Under Consideration



Application Number	Lodged Date	Application Description	Formatted Address	Application Status
1028/2014/LA	26/02/2014	Rural Shed	15 Campbell Road KENTHURST NSW 2156	Evaluation
1030/2014/HB	26/02/2014	Construction of a Four Storey Residential Flat Building containing 36 Units	334-338 Windsor Road BAULKHAM HILLS NSW 2153	Listed for Meeting
1295/2013/MA/A	26/02/2014	An Amendment to Alterations and Additions - Changes to Floor Plan Layout	18 Yetholme Avenue BAULKHAM HILLS NSW 2153	Evaluation
1031/2014/HC	27/02/2014	The Development Application is for the demolition of existing structures and construction of a shop top housing development comprising of retail space, a child care centre, gymnasium, medical centre, forty-eight (48) residential dwellings (3 x 1 bedroom and media room, 43 x 2 bedroom and 2 x 3 bedroom) and 168 car parking spaces.	2-4 Aberdour Avenue ROUSE HILL NSW 2155	Information Required
1039/2014/HD	28/02/2014	A Health Care Premises	17 Windsor Road KELLYVILLE NSW 2155	Evaluation
1049/2014/LD	28/02/2014	Single Storey Dwelling and Retaining Walls	17A Pearce Street BAULKHAM HILLS NSW 2153	Evaluation
1051/2014/LD	03/03/2014	A Two Storey Dwelling and Retaining Walls	10 White Gum Place KELLYVILLE NSW 2155	Evaluation
1073/2014/HB	07/03/2014	Alterations and Additions to an existing RSL Club including; new internal and external gaming rooms, new administration area, new dining and covered bistro area, new kitchen and back of house and upgraded amenities.	3A Post Office Road GLENORIE NSW 2157	Evaluation
1075/2014/LD	07/03/2014	A Two Storey Dwelling	19 Patya Circuit KELLYVILLE NSW 2155	Information Required
1374/2011/P/B	07/03/2014	Section 96 (2) modification to amend the approved Integrated Housing Development.	RMB 49A Windsor Road BAULKHAM HILLS NSW 2153	Evaluation
2244/2007/HA/G	11/03/2014	Section 96 (1A) to continue operating hours of an approved service station	217-219 Seven Hills Road BAULKHAM HILLS NSW 2153	Evaluation
1100/2014/HA	14/03/2014	Use of Existing Gallery to hold Dining Functions within the Gallery Area	39 Kenthurst Road KENTHURST NSW 2156	Evaluation
1101/2014/LA	14/03/2014	Alterations and Additions	11 Julian Close KELLYVILLE NSW 2155	Information Required
1105/2014/LD	14/03/2014	A Two Storey Dwelling	Lot 114 DP 1168691 Fairway Drive KELLYVILLE NSW 2155	Evaluation
1108/2014/LD	17/03/2014	A Two Storey Dwelling and Retaining Walls	1 Half Penny Avenue KELLYVILLE NSW 2155	Information Required
1112/2014/LA	17/03/2014	Alteration and Additions	8 Ferngreen Way CASTLE HILL NSW 2154	Evaluation

Report executed on: 19/05/2014 07:42:45 AM

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Environment & Planning Group - Applications Over 40 Days Under Consideration				
				
Application Number	Lodged Date	Application Description	Formatted Address	Application Status
1113/2014/MA	17/03/2014	Alterations and Additions	2 Cambewarra Avenue CASTLE HILL NSW 2154	Evaluation
1114/2014/MD	17/03/2014	A Two Storey Dwelling and Retaining Walls	35 Edgewater Drive BELLA VISTA NSW 2153	Information Required
1115/2014/HA	17/03/2014	Alterations and additions to the existing shopping centre to incorporate a restaurant/cafe.	1-7 Olive Street BAULKHAM HILLS NSW 2153	Information Required
Total Applications for Development Assessment				92



Environment & Planning Group - Applications Over 40 Days Under Consideration

Application Number	Lodged Date	Application Description	Formatted Address	Application Status
Subdivisions				
150/2014/ZB	08/08/2013	Subdivision creating four rural residential lots	285 Maguires Road MARAYLYA NSW 2765	Evaluation
369/2014/ZB	24/09/2013	Subdivision creating seven rural residential lots including new road in two stages	60 Nelson Road NELSON NSW 2765	Evaluation
412/2014/ZB	01/10/2013	Subdivision creating four rural residential lots	360 Maguires Road MARAYLYA NSW 2765	Evaluation
440/2014/ZE	10/10/2013	Subdivision and integrated housing development creating nine residential lots/ dwellings, nine community title lots/ dwellings and one community association lot over three stages	2 Hillview Road KELLYVILLE NSW 2155	Evaluation
450/2014/ZD	11/10/2013	Subdivision creating four community title rural residential lots and one community association lot accompanied by an application to vary a development standard (rural cluster subdivision)	69-71 Cattai Ridge Road GLENORIE NSW 2157	Evaluation
491/2014/ZA	21/10/2013	Subdivision creating three residential lots	146 Old Castle Hill Road CASTLE HILL NSW 2154	Evaluation
601/2014/ZD	08/11/2013	Subdivision creating five community title rural residential lots and one community association lot including demolition (rural cluster)	28-30 Neich Road GLENORIE NSW 2157	Evaluation
829/2014/ZB	20/12/2013	Subdivision creating 18 residential lots and five residue lots including new road and demolition over two stages	4 Foxall Road KELLYVILLE NSW 2155	Evaluation
1023/2014/ZA	25/02/2014	Subdivision creating one residential lot including new road	76 St Pauls Avenue CASTLE HILL NSW 2154	Report Prepared
Total Applications for Subdivisions				9
Total For Environment and Planning				101

ITEM-20**LETTERS OF APPRECIATION - APRIL 2014****THEME:**

Proactive Leadership

HILLS 2026 OUTCOME /S:

1 Value our customers, engage with and inform our community and advocate on their behalf

COUNCIL STRATEGY /S:

1.1 Facilitate strong two way relationships and partnerships with the community, involve them in local planning and decision making and actively advocate community issues to other levels of government.

GROUP:**BUSINESS SERVICES****AUTHOR:****EXECUTIVE SERVICES LIAISON OFFICER**

MARY PEREIRA

RESPONSIBLE OFFICER:**MANAGER - EXECUTIVE SERVICES AND PUBLIC OFFICER**

PETER DOYLE

REPORT

Council has received letters of appreciation from the following individuals and organisations and copies are attached:

CORRESPONDENT	REASON
Jennifer MacDonald	Thanking Council's for the Hills Community Care Information Event. It had so much of useful information.
Hugh Crawford	Thanking Council and Council's Officer Richard Scholz for arranging the tree removal and information regarding the quotes for fence repairs.
Heather Sosa	Thanking Council's Officer James Laidler for the professional and prompt way in which her traffic complaint/concern was handled on Green Road, Kellyville
Pevlin Price, Chairman, The Hills Shire Bushland Conservation Committee	Thanking Council's General Manager for arranging Council Officer Stephen Barnes to address the meeting on 17 March 2014 and give feedback on draft paper for "Best Practice Bushland Cycle" track construction and use.
Heather Lyberopoulos, Castle Hill Basketball Club	Thanking Council's Officer Don Higginbottom for his unwavering and continual support of Castle Hill Basketball Club.
Kim Roughan, President, Baulkham Hills Hawks Australian Football Club	Thanking Council Officer's Don Higginbottom and Raquel Bloom for support given to Baulkham Hills Hawks at Charles McLaughlin Reserve.
Mr & Mrs O'Keeffe	Thanking Council on the fantastic initiative in producing a leaflet to track down the owners of dogs involved in an attack.
Nick Yates, Secretary, Hills Musical Theater Company	Thanking Council for the significant renovations and safety improvements at 30 Balcombe Heights Estate and also a special thanks to Council's Officer Scott Cumming for his hard

	work, dedication and excellent customer skills.
Lisa Warnocks	Thanking Council for the On-line system on the Website to check bin collection dates.
Lisa Nili, Director, Time4Fusion Concierge & Lifestyle Management	Thanking Council's Officer Stephen Garrard for organising the Smart Start Workshop. It was very informative.
Christine Simonsen	Thanking Council's Officer Ann Tomlinson for her excellent Customer Service.
Christine Simonsen	Thanking Council's Officer Saleh Amiri for dealing efficiently with concerns raised about the footpath crossing near Castle Towers.
Louise Godwin	Thanking Council's Officer Rae Woolnough for her generous contribution towards the Sponsorship of the 2013 College Graduation Ceremony.
Marianne Di Giallonardo, Chair, Infor Public Sector User Forum Executive	Thanking Council's Officer Lesa Robinson for her contribution to Infor Public Sector User Forum and nominations for awards.
Margaret Maingay	Thanking Council's Officer Michael Doyle for the prompt action to change the signage at the corner of Mercer Street and Crane Road, Castle Hill.
Julie Jones	Thanking Council staff involved in assisting with the tree removal at North Rocks.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future - Community Strategic Plan

The impact of the community's appreciation reinforces Council's commitment to community outcomes.

RECOMMENDATION

The report be received.

ATTACHMENTS

1. Letters of Appreciation received April 2014 (11 pages).

ATTACHMENT 1

HILLS COMMUNITY CARE
19th March '14

Dear All

What a splendid day you put on
THANK YOU!

I (JENNY MacDonald) have been so grateful throughout the years for what you've provided for the community. I was a volunteer for many years with M. on Wheels, however am now a client. Do so appreciate the Medical Transport which simplifies access to my many appointments.

Thanks to the many "uniformed" assistants who were so helpful & very pleased to listen.

What wide ranging groups you had for us to explore. I appreciated the Hearing Checks... need to follow it up!

Have so much useful information from such groups as:

- SES
- COMPUTER PALS
- HOME SAFETY
- SENIORS SAFETY
- DO THE RIGHT BIN - garbage disposal / composting / worm farms / kerbside clean up service et al.

Special thanks to Master Catering - they did a mammoth job! What a tasty, easy to manage variety of food. And of course the easy access to TEA / COFFEE / JUICE!

I was so impressed with the whole set-up.

Thanking you
Jenny

From: Dave Walker [DWALKER@thehills.nsw.gov.au]
Sent: Friday, 4 April 2014 12:46:45 PM
To: Diana Crawford; The Hills Shire Council; Fiona Coad
CC: Steve price; ElectorateOffice Hawkesbury; Kerrie Wilson; Cllr Michelle Byrne
Subject: RE: Attn: Mr Richard Scholz

Mr Crawford the second quote has been received, Fiona Coad will contact you Monday re deed of release and payment, I note the second quote somewhat less than the first,
thanks
Dave Walker

-----Original Message-----
Sent: Friday, 4 April 2014 12:23 PM
To: The Hills Shire Council
Cc: Dave Walker; Steve price; ElectorateOffice Hawkesbury
Subject: Attn: Mr Richard Scholz

Afternoon,

Contractors this morning took out the tree which, in my opinion, posed the biggest threat to my property; my fence, pump shed and pool safety fence and anyone who happened to be in the area. It was riddled with white ants and the central trunk compromised.

Again, the guys in the fluoro vests with the dangling chainsaws who climbed these trees (up to 22 metres) did an absolutely awesome job and made every effort to avoid further damage and to leave my property clean and tidy.

Another three big gums considered dangerous were also felled.
The threat of further damage and possible injury has been dramatically eased. Thank you.

In relation to the fence repair we appear to moving slowly towards a resolution. I am awaiting a second quote.

Thank you for your help.

Regards,

Hugh Crawford.

[REDACTED]

4th April 2014

To whom it may concern,

I want to express my thanks and appreciation for the professional and prompt way in which Mr James Laidler handled my traffic complaint/concern. I contacted the council with concerns for the safety of my children whilst crossing at the traffic lights on Green Road in Kellyville.

Consequently, I spoke with James and told him of my concerns, not only for my children's safety, but also for the safety of the local community of Kellyville. On two separate occasions, my children were nearly hit by drivers who failed to stop at the red traffic signal, even though pedestrians were given the green light to cross. As I'm sure you can understand, two near misses were very distressing for my children and our family.

I would like to highlight the genuine and swift nature in which James addressed my concern. He was thoughtful and proactive in applying "zig zag" markings on the road to draw attention to the crossing/intersection. Furthermore, he methodically ordered the cutting back of surrounding trees to facilitate a clear view of the traffic lights (and any pedestrians) ahead.

As a result of James' proficiency, I have no doubt that my children are now safer on their journey home from school. For this, I say thankyou. I will have no hesitation in giving both The Hills Shire Council and James Laidler glowing reviews.

Kind Regards,

Heather Sosa

The Hills Shire Bushland Conservation S355 Committee
1 Kristine Ave, Baulkham Hills, 2153
Email attendavis@iprimus.com.au Phone 9639 7494
8th April 2014



BCC Ref: 2014 – 014

Mr Dave Walker
General Manager
The Hills Shire Council
PO Box 7064
BAULKHAM HILLS BC NSW 2153

**Best practice bushland cycle track construction and use &
review of the Hills Shire Council Cycleways Plan (2009 Review)**

Dear Mr Walker,

The Committee wish to thank Council for arranging for Mr Steve Barnes to address the meeting on 17 March. He was able to discuss issues relating to cycleways and their planning in an informative and frank way which was greatly appreciated.

We are grateful to Mr Barnes and also to our Point-of-Contact Ms Lisa Willock for providing initial feedback on a draft paper which has now been completed and is enclosed for consideration. Mr Barnes indicated to the Committee he wished to respond to the paper which we look forward to.

Mr Barnes also provided the Committee with a copy of the document '2009 Review of the Hills Shire Council Bike Plan'. This is quite a thick document and the Committee will respond once it has had the opportunity to read and review the content.

Your attention and response to this request will be greatly appreciated.

Yours sincerely,



Pavlin Price
Chairperson

The Hills Shire Bushland Conservation Committee

Encl: Best practice bushland cycle track construction and use; a position paper prepared for the BCC (V5)



Sent: Friday, 11 April 2014 9:07 AM
To: Don Higginbotham

Subject: Unwavering Support

Hi Don,

I just wanted to thank you personally for your unwavering and continual support of Castle Hill Baseball Club. From the beginning you have steered me in the right direction with arranged meetings and a wealth of knowledge almost to the letter that day I came in and made notes of 'what to do next' thankfully we are almost there.

I have had the pleasure of meeting a couple of wonderful characters of late due to the Major League Baseball coming to the SCG. Bob Doyle and I shared shifts as volunteers on the bus driving.

Stan Robson's and I have just opened our homes to a visiting Japanese Baseball team which we billeted for a week. Your name was mentioned 'often' with the upmost respect during these 2 weeks of volunteering, and here you are again with a further grant to our cause. Thank you Don, as the build gets closer it is starting to become much less a dream and more a reality for this I am truly grateful.

Our presentation is on this Saturday, may I welcome you for a pop in visit? Nothing official I know there are a couple of members that would just like to thank you as well. I am cooking Souvlaki !

Anyway we will be at Castle Glen weather permitting or Samuel Gilbert is Plan B under the Colah, from 4 pm till late.

Regards Heather Lyberopoulos
C.H.B.C

Good Morning Michelle, Don and Raquel,

I just wanted to say thank you both for your support to Baulkham Hills Hawks at Charles McLaughlin Reserve.

In the off season, the Council constructed some stairs from the top oval to the bottom oval because of previous issues with people slipping down the hill. Yesterday we had a full day of games, and given the weather of the past few weeks, the stairs were an absolute necessity!

Also, the drainage on the top oval is working a treat and we were still able to play the scheduled games. Had we have gotten rain on Saturday, we would not have played, and we were watching the weather yesterday intently. We received a lot of compliments yesterday from the away Clubs on how good our grounds were looking and how good it is to come to Charlie.

This is something we can all be proud of and I just wanted to share some good news with you, for a change.

Have a great Easter.

Kind Regards,
Kim Roughan
President , **Baulkham Hills Hawks Australian Football Club**
PO Box 6610, Baulkham Hills Business Centre, Baulkham Hills, 2153

Sent: Thursday, 10 April 2014 3:28:03 PM
To: The Hills Shire Council
Subject: Re DO YOU KNOW leaflet in our letterbox

To Mr David Walker
Hills Council

Congratulations on the fantastic initiative taken by the council to track down the owner of the dogs who attacked that innocent woman. Too often we are very quick to be critical of Council decisions but I think this is one of the most positive acts I have seen come from council. We support your actions and we will be on the lookout for this mongrel. Keep up such positive actions and I am sure you will receive more support to keep our streets and neighbourhoods free of such things

Peter and Patricia O'Keeffe



c/- The Secretary
PO Box 820
WINSTON HILLS 2153 NSW
ABN: 37 812 449 307
contact@hillsmtc.com

Mr Dave Walker
General Manager
Hills Shire Council
PO Box 7064
BAULHAM HILLS BC NSW 2153

DOC. No.:
BOX No.:
11 APR 2014
THE HILLS SHIRE COUNCIL

Dear Mr Walker

We are permanent hirers of council facilities at Building 30, Balcombe Heights Estate. Recently the site has undergone significant renovations and safety improvements, for which we wish to show our appreciation and gratitude.

We would also like to especially thank Mr Scott Cumming for his hard work, dedication and excellent customer service skills. Scott was always available to answer our questions and kept us updated very well with our building works. He minimised the time we weren't able to use our site in a very professional way. Please pass on our gratitude to him.

Thanks again.

Yours sincerely,



Nick Yates
Secretary

Sent: Thursday, 17 April 2014 9:48:58 AM
To: The Hills Shire Council
Subject: Waste Bins

Hi there,

I just wanted to say the online system to check which bin goes out it great. I just used it because my neighbours seem to be all confused and have different bins out! So, just a note to say great job on the website.

Cheers,
Lisa

From: Time4Fusion [<mailto:admin@time4fusion.com.au>]
Sent: Tuesday, 15 April 2014 9:19 AM
To: Stephen Garrard
Subject: Thank you for the Smart Start workshop

Hi Stephen

I came to your workshop last Thursday morning and wanted to say thank you for creating such a wonderful resource and best of all for free!

I am quite specific in my marketing in targeting professional working mums who have to be part of an affluent household for my Domestic Concierge services and so the demographic research tools are perfect. I am just getting a flyer designed so I can do a drop in specific clusters of streets and will let you know if I have any success.

I will also say, just for the networking opportunities alone, the workshop was great. I am quoting for a job for one person who was there and another took my card. I am also meeting John Glover this week to pick his brains for pointers as he is in a similar business sector to me.

Having only started my business in Sydney at the beginning of March and having been to lots of workshops and networking, I can say this workshop has been the most useful to me to date so thanks once again.

I will look out for future workshops.

Kind regards

Lisa Nili
Director
Time4Fusion Concierge & Lifestyle Management
Mob: 0415 358750
www.time4fusion.com.au

Sent: Tuesday, 22 April 2014 3:24:13 PM
To: The Hills Shire Council
Subject: Regards Ann Tomlinson

Attention
Customer Service Manager

Thank you for employing such an amazing person Ann Tomlinson who answered my call on 15th April 2014 regarding my concerns of safety with a crossing near Castle Towers

Ann listened patiently to my concern/problems with the footpath crossing and suggested I file a 'Customer Request - 12675748' and then processed to fill this form out to set the wheels in motion, all while I listened to her kind and caring manner and nothing seemed more important than me at that time.

The Hills Council are indeed lucky to have Ann Tomlinson working and representing them in such a professional and caring manner. Thank you for employing her and please give her some award because she deserves one.

Even today when I rang to compliment the caring manner I was treated to, the lady who answered today was just as sweet.

Good on you Hills Council we need more people who care in the front line and you seem to have that covered with your staff.

Thanks again

Christine Simonsen

Sent: Tuesday, 22 April 2014 3:06:47 PM
To: The Hills Shire Council
Subject: Mr Saleh Amiri

Attention Operational Manager

Firstly I am so impressed with the operational section and the response you gave to my concern which I lodged on 15th April 2014 (CRN: 12675748).

On Thursday morning I received a telephone call from Mr Saleh Amiri regarding my concern of the safety with the footpath crossing and we arranged to meet later that day at the footpath/kerb crossing in question near Castle Towers.

After been told (friends/neighbours) I was wasting my time telling the council about the problem, I keep saying no they will look into the safety of this problem.

Well you sent an amazing person to assess my request, who listened patiently to my concern/problems with the footpath crossing whilst I was sitting in my motorised chair, Mr Amiri understood and took the time to suggest a solution even took lots of photos

The Hills Council are indeed lucky to have Mr Amiri working and representing them in such a professional and caring manner.

Thank you for employing him and I have been busy correcting friends and neighbours about the fantastic response from the council and their great workers

Regards

Christine Simonsen



15 April 2014

Rae Woolnough
Community Services Project Officer
The Hills Shire Council
PO Box 7064
Baulkham Hills BC NSW 2153

Dear Rae

On behalf of the students and staff of The Hills College, I would like to thank you for your generous contribution towards the sponsorship of the 2013 College Graduation Ceremony.

In recognition of your support, your organisation was listed in our Program of events and a note placed with each prize informing the prize winner of the organisation that donated their prize.

The acknowledgment of success and the recognition which students receive by participating in the ceremony are positive incentives for both students and members of the audience to initiate and/or further their education.

Once again I would like to thank you for your sponsorship and commitment to vocational education and training and look forward to our continued association.

Yours sincerely

A black rectangular box redacting the signature of Louise Godwin.

Louise Godwin
Director Education Business & Financial Services and The Hills College



15th April, 2014

Baulkham Hills Council.

Dear Michael Doyle,

Thank you so much to you and the other councillors for the prompt action to change the signage at the corner of Mercer Street and Crane Road.

It is very much appreciated by myself and other residents.

Regards

Margaret Maingay



Sent: Tuesday, 29 April 2014 3:49:48 PM

To: The Hills Shire Council

Subject: Thank you

In early April I had two Liquid Amber trees removed from my nature strip, after branches fell from both trees. While this was a few weeks ago now, I have intended to write to say how nice it was to speak to the ladies on the switchboard who were so pleasant and helpful. Then the man from that department, I think it was Peter, called me to let me know what was happening as I was quite concerned more branches would fall. This was very courteous and informative, as I was made aware of what was happening straight away - who would imagine they would both loose branches at the same time? This I believe was bought on by the pruning by Telstra, which I am certain was unavoidable.

While I am relieved the trees are gone, I will miss the birds they attracted and I look forward to tending whatever native trees that are planted in their place.

Also I should mention that the tree removal people were very nice and efficient, they cleaned up after themselves beautifully.

We all seem to complain so often about everything, I wanted to be sure to pass on my compliments to the people involved

WELL DONE!!!

Regards
Julie

THEME:	Proactive Leadership
OUTCOME:	1 Value our customers, engage with and inform our community and advocate on their behalf
STRATEGY:	1.1 Facilitate strong two way relationships and partnerships with the community, involve them in local planning and decision making and actively advocate community issues to other levels of government.
GROUP:	BUSINESS SERVICES
AUTHOR:	SENIOR EXECUTIVE SERVICES OFFICER BERNADETTE WOOLACOTT
RESPONSIBLE OFFICER:	MANAGER – EXECUTIVE SERVICES PETER DOYLE

Attached is a schedule which details by Group the various matters that have been before Council, yet remain unresolved or uncompleted pending additional tasks or events.

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

This has no direct impact on any other Hills 2026 themes.

The report be received.

1. Schedule of Outstanding Resolutions (5 Pages)

ATTACHMENT 1

**SCHEDULE OF OUTSTANDING RESOLUTIONS
GENERAL MANAGER**

DATE OF MEETING: 28.08.2007	SUBJECT: UPGRADE TO SHOWGROUND ROAD
BACKGROUND: 1. The upgrade of Showground Road to a minimum of four (4) lanes from Carrington Road to Pennant Street is a priority issue for Council. 2. The General Manager provide a report as a matter of urgency on the utilisation of any proceeds received from the sale, closure or access rights to any roads arising out of the redevelopment of Castle Towers to assist in prioritising the upgrade of Showground Road. 3. The General Manager evaluate the feasibility of entering into a Planning Agreement with QIC to adequately meet the infrastructure and community facility needs, in particular the upgrade of Showground Road as a result of the proposed expansion of Castle Towers. 4. The Mayor seek, as a matter of urgency, a meeting with the Minister for Roads to ascertain the State Government's financial contribution to the upgrading of Showground Road.	
CURRENT STATUS: 1. Reported to Council on 25/9/2007. 2. QIC has now appealed this Condition of Consent. 3. Awaiting advice from Minister's Office. 4. First letter sent on 11/9/07. Follow up letter forwarded 9/11/07. Acknowledgement from Minister's office received on 12 December 2007 but no further correspondence received. Further requests from Mayor for deputation has been forwarded to the Premier. 5. Media Release from Minister of Roads 27/11/09 advising \$1million will be allocated to Council for the design of the Showground Road upgrade. 6. RMS has released the funds for the design. Councillors will be advised by memo when a date has been determined for completion of the design. Discussions continue with the RMS concerning the design. QIC & RMS in discussion concerning design. 7. At the Ordinary Meeting of Council on 14 May 2013, it was resolved to exhibit the Voluntary Planning Agreement. 8. VPA approved Council Meeting held 27 August 2013. 9. Item 2 is addressed through Section 94 contribution and the proceeds of any sale or lease of Council roads will be the subject of future reports.	
TARGET COMPLETION DATE: The RMS and State Government are responsible for Showground Road. Its upgrade has been linked to QIC development outcomes via the VPA. This upgrade remains a priority for our community as this regional link not only serves Castle Hill Town Centre but also as a link through it onto other regions. Completed.	

**SCHEDULE OF OUTSTANDING RESOLUTIONS
STRATEGIC PLANNING**

DATE OF MEETING: 12.02.2013	SUBJECT: NOTICE OF MOTION - STUDY INTO NORTH ROCKS ROAD INDUSTRIAL AREA
BACKGROUND: 1. Council's General Manager initiate a Study into North Rocks Road Industrial Area to determine: - its capacity and capability to sustain industrial activities and urban support services; and - provide Council with options that could revitalise the Precinct for either job growth or housing outcomes. 2. The outcomes of the Study be reported back to an Ordinary Meeting of Council.	
CURRENT STATUS: The timeframe & scope of the project has altered as a result of a funding agreement under Round 8 of the Planning Reform Fund. Council was successful in obtaining grant funding and the following work is to be undertaken: Stage 1 - Review and audit of employment sites completed. Stage 2 – Industrial Floor Space Supply & Demand Analysis and Traffic & Access Study commenced. Stage 3 – Presentation of draft master plan anticipated in August 2014.	
TARGET COMPLETION DATE: August 2014	

DATE OF MEETING: 23.07.2013	SUBJECT: MAYORAL MINUTE NO. 13/2013 - SYDNEY WEST REGIONAL PLANNING PANEL MEETING 18TH JULY 2013
BACKGROUND: 1. The General Manager write to the Director General of the Department Of Planning and Infrastructure to discuss our concerns about the application of SEPP 65 and ask for a dispensation on apartment size provisions to the Hills Shire. 2. The General Manager prepare a report at his earliest opportunity to suggest amendments to our DCP and planning controls for Carlingford to insist medium and high density development of this type identify and respond to desired social outcomes and to ensure they deliver a diversity of housing product suitable for a variety of families. 3. The General Manager write to the NSW Minister for Planning and Infrastructure expressing our total dissatisfaction with the operation and role of JRPP's in our planning system.	
CURRENT STATUS: 1. Received response from Director General, NSW Planning & Infrastructure which did not address Council's concerns and further clarification sought. 2. No response received from the Minister Planning & Infrastructure. Follow up request sent. 3. Presentation on review of apartment type, mix and size for medium and high density development to ensure housing diversity anticipated in May 2014.	
TARGET COMPLETION DATE: June 2014	

DATE OF MEETING: 13.08.2013	SUBJECT: ENERGY EFFICIENT STREET LIGHTING
BACKGROUND: 1. Council accept the WSROC initiative to participate in the “<i>Light Years Ahead – the Western Sydney Energy Efficient Street Lighting Project</i>”. 2. In accordance with the Funding Agreement conditions, Council delegate the Western Sydney Regional Organisation of Councils Ltd the legal authority to deal with the Department of Climate Change and Energy Efficiency in relation to all aspects of the Funding Agreement for <i>Light Years Ahead – the Western Sydney Energy Efficient Street Lighting Project</i>. 3. A further report be submitted to Council regarding the results of negotiations by WSROC with the Department and with Endeavour Energy and Ausgrid, including the expected street light replacement rollout program and final financial impact.	
CURRENT STATUS: Letter sent to WSROC, await outcome of application. Application has been held in abeyance due to caretaker provisions for the Federal Elections. No further advice has been received to date regarding the Federal Government funding arrangements but WSROC is pursuing the matter on behalf of all participating Councils.	
TARGET COMPLETION DATE: Unknown.	

DATE OF MEETING: 10.12.2013	SUBJECT: DEED OF AGREEMENT - 70 HEZLETT ROAD, KELLYVILLE (FP187)
BACKGROUND: 1. Council proceed with discussions with the Developer and prepare a draft Deed of Agreement to provide reimbursement for the part construction of the town centre bypass road (NKNR04) and dedication of land to Council at 70 Hezlett Road, Kellyville. The draft Deed of Agreement should: a) not impact on the requirement for the Developer to pay contributions under the North Kellyville Precinct Section 94A Contributions Plan in accordance with any Development Consent issued; b) not impose any obligation on Council to reimburse the Developer prior to 30 June 2019; c) require the Developer to undertake the relevant tendering process which Council would otherwise be subject to under the <i>Local Government Act 1993</i> and associated Regulations; d) specify that Council will not reimburse the Developer for the part construction of the bypass road for any amount greater than the quote that best addresses the tender specifications and provides the best value for money, identified through the tendering process; and e) specify maximum reimbursement amounts for the capital works and land acquisition. 2. Following the preparation of the draft Deed of Agreement, a report be submitted to Council for consideration.	

CURRENT STATUS:

1. Deed of Agreement amended as per Council resolution.
2. Discussions held between Woolworths and Council's valuers to provide an agreed land valuation. Woolworth has been offered (March 2014) a fixed value for the land and has been given the standard 90 days to indicate acceptance of the offer.
3. Following agreement to land value and amendments to the Deed of Agreement a report will be prepared for consideration of the final Deed of Agreement by Council.

TARGET COMPLETION DATE: Unknown as it depends on the applicant's response.

**SCHEDULE OF OUTSTANDING RESOLUTIONS
BUSINESS SERVICES**

DATE OF MEETING: 13.05.2014	SUBJECT: Casbee Final Report
BACKGROUND: The matter be brought to a Councillor's Workshop once the costs are finalised.	
CURRENT STATUS: Final costs to be subject of "Cost Assessment" review.	
TARGET COMPLETION DATE: Date to be advised.	

THEME:	Proactive Leadership
OUTCOME:	1 Value our customers, engage with and inform our community and advocate on their behalf
STRATEGY:	1.1 Facilitate strong two way relationships and partnerships with the community, involve them in local planning and decision making and actively advocate community issues to other levels of government.
GROUP:	BUSINESS SERVICES
AUTHOR:	SENIOR EXECUTIVE SERVICES OFFICER BERNADETTE WOOLACOTT
RESPONSIBLE OFFICER:	MANAGER – EXECUTIVE SERVICES PETER DOYLE

As advised to Council on 22 November 2005, it is proposed to report to Council the responses from questions asked by the public in Community Forum and Councillors during Questions Without Notice.

Attached to this report are the responses for the questions asked at the Council Meetings held on 8 and 29 April 2014.

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

This matter has a significant impact on raising social capital within the community and giving people a voice regarding issues that will affect their well-being.

The report be received.

1. Questions & Answers - Meetings 8 and 29 April 2014 (3 Pages)

ATTACHMENT 1

COUNCILLORS QUESTIONS WITHOUT NOTICE

MEETING 8 APRIL 2014

MINUTE NO.	QUESTION	REFERRED TO
163	NEWSPAPER ARTICLE "HAZZARD LOOKS WEST FOR HIGHRISE PLANS"	STRATEGIC PLANNING
	Councillor Hay referred to an article in Tuesday's Sydney Morning Herald stating that the Planning Minister Brad Hazzard was soon to release plans for greater density housing and businesses along the North West Rail Link and that buildings up to 30 stories high could be erected along the rail corridor from Epping to Rouse Hill. Mayor Clr Dr Byrne was also quoted in the article stating our Council's policy regarding appropriate height of developments along transport nodes. Councillor Hay advised that 30 storeys is too high and hopes that other Councillors share that view. Councillor Thomas advised he was also alarmed at this news item and asked for clarification and the direction of planning on this matter.	
RESPONSE	<i>No response required.</i>	
MINUTE NO.	QUESTION	REFERRED TO
164	CARLINGFORD PRECINCT – INFRASTRUCTURE ISSUES	STRATEGIC PLANNING
	Councillor Tracey asked when can the constituents in the Carlingford Precinct expect improvements to infrastructure in Carlingford and a timeframe for use of development funds? <i>The Group Manager – Strategic Planning advised that the railway, buses and Pennant Hills Road are issues for the State Government to address. In terms of local road improvements there is a Contribution Plan that supports local road improvements arising out of the increase yield and development. The timeframe is determined on the delivery of those developments and when the contribution is paid. In Council's draft delivery program some roadworks are being bought forward to help alleviate congestion. Some of the approvals for development have not been acted upon as the undergrounding of the high voltage power lines is still to be completed. It really depends on the rate of development by that developer under that Precinct Plan.</i>	
RESPONSE	<i>Answered at meeting.</i>	
MINUTE NO.	QUESTION	REFERRED TO
165	LEGAL COSTS	BUSINESS SERVICES
	Councillor Thomas requested that the Internal Auditor review the legal expenditure on the Casbee matter to see if there is any opportunity to clawback any of those costs. <i>The General Manager advised that the issue of Casbee will be the subject of a further report to Council on 29 April 2014 and the Internal Auditor is reviewing the whole process because the initial outcome of the review does indicate that there were some contract management issues as well as legal handling issues.</i>	

RESPONSE	<i>Matter still under review, a separate report will now be done on 13 May 2014.</i>	
MINUTE NO.	QUESTION	REFERRED TO
166	BUS STOPS ALONG OLD NORTHERN ROAD	STRATEGIC PLANNING
	Councillor Thomas raised the recent incident of a woman who was killed while crossing the road at Old Northern Road Baulkham Hills after she got off a bus and, in relation to this, requested that all the bus stops along Old Northern Road be investigated and considered at a meeting of the Local Traffic Committee, as the traffic along Old Northern Road grinds to a halt at peak hour. Councillor Keane asked what we can do in regard to providing pedestrians with greater safer access and entry/exit from buses along that busy route? Can Council revisit the option of an overhead pedestrian crossing to be funded by advertisement and consider other initiatives?	
RESPONSE	<i>This matter will be referred to the Local Traffic Committee on 19 May 2014 to discuss options for improving pedestrian safety at the Cross St intersection. However the discussion will also canvas similar situations at popular bus stops along Old Northern Rd and Windsor Rd</i>	
MINUTE NO.	QUESTION	REFERRED TO
167	CONGRATULATIONS TO COUNCILLOR TRACEY	GENERAL MANAGER
	Councillor Taylor congratulated Councillor Tracey on his recent marriage.	
RESPONSE	<i>No response required.</i>	
MINUTE NO.	QUESTION	REFERRED TO
168	MISQUOTE IN THE ROUSE HILL / STANHOPE NEWSPAPER	STRATEGIC PLANNING
	Councillor Taylor advised that he was misquoted in the local newspaper on page 5 in relation to development that gets approval, wherein he was quoted as saying “I look forward to Rouse Hill becoming the Paddington of the Shire”. He did not say those words and was misquoted.	
RESPONSE	<i>No response required.</i>	

ATTACHMENT 1

COUNCILLORS QUESTIONS WITHOUT NOTICE

MEETING 29 APRIL 2014

MINUTE NO.	QUESTION	REFERRED TO
201	ROAD ISSUES ALONG ANNANGROVE ROAD	CUSTOMER SERVICES
	Councillor Preston advised that following her attendance at the Annangrove Progress Association meeting recently, the members have requested a meeting with Council's North Ward Place Manager, Richard Scholz. She asked if Mr Scholz could meet the members at the hall and be shown the issues regarding overgrown verges and the roadway along Annangrove Road. Councillor Preston will provide the General Manager with member's names.	
RESPONSE	<i>Richard Sholtz has arranged to meet with the Annangrove Progress Association to discuss maintenance issue and road verges.</i>	
MINUTE NO.	QUESTION	REFERRED TO
202	FOOTPATH – ANNANGROVE ROAD	STRATEGIC PLANNING
	Councillor Preston referred to a footpath along Annangrove Road that has been erected by the volunteers from the Rotary Club of Kenthurst. A new volunteer is interested in working with Council in getting a group together to do voluntary work on that path. She will provide the contact details to Andrew King, Manager – Infrastructure Planning.	
RESPONSE	<i>Advice has been provided to Cllr Preston and the local community in this regard.</i>	
MINUTE NO.	QUESTION	REFERRED TO
203	ANZAC DAY COMMEMORATION SERVICES	STRATEGIC PLANNING
	Councillor Preston expressed her appreciation for the volunteers and others who ran the commemoration services around the shire on Anzac Day.	
RESPONSE	<i>No response required.</i>	

THEME:	Proactive Leadership
OUTCOME:	1 Value our customers, engage with and inform our community and advocate on their behalf 2.2 Maintain a strong financial position that supports the delivery of services and strategies and ensures long term financial sustainability.
GROUP:	BUSINESS SERVICES
AUTHOR:	MANAGER SPECIAL PROPERTY PROJECTS STEPHEN CULLEN
RESPONSIBLE OFFICER:	GENERAL MANAGER DAVE WALKER

At the meeting of Council held on 11 March 2014 it was resolved that:

In accordance with Council practice, Expressions of Interest (EOI) for the letting of Building C were advertised on 25 March 2014.

One submission was received from Idameneo (No. 123) Pty Ltd for levels two and three.

The EOIs have been assessed by an Assessment Panel on the basis of the nominated evaluation criteria as follows:

- Conformity of Tender
- Rental Return to Council
- Financial Capacity
- References

After initial review of the submission, it was determined by the Panel that the submission was '*non-conforming*' as the offer requested a Licence for ten (10) years with an option of ten (10) years, and a final option of five (5) years which was not provided for under the EOI.

Future Leasing

In the report to Council dated 11 March 2014 it was indicated that in keeping with Council practice, it is proposed to invite '*Expressions of Interest*' (EOI) to the public for the lease of the respective areas rather than engage a sole agent to manage the process as it would involve substantial commissions.

Council currently appoints a Managing Agent for the Residential Property Portfolio to manage Council's interest that includes the following:-

- Commission on Rent (Fee);
- Letting fee;
- Re-letting fee;
- Lease preparation fee
- Statement fee;
- Document preparation and attendance at Tribunal Fees; and
- Evidence of Public Liability and Professional Indemnity Insurance.

Within 3 Columbia Court there is surplus lettable areas contained within Building C, and the top floors of Buildings A and B that have the potential to generate substantial long term income for Council. It is not envisaged in the short or medium terms that Council will require Level 3 of Buildings A and B for future expansion as there is capacity within the current occupied space for 50 plus staff.

It is recognised that the leasing of commercial space within the Norwest Business Park requires a demonstrated understanding of leasing needs, negotiation skills and expertise by professionals in this field, which are skillsets not possessed by Council staff.

On this basis it is proposed that Council proceed with requests for '*Expression of Interest*' for the appointment of a Managing Agent for the Commercial Property Portfolio responsible for prospective tenant liaison, lease negotiations and preparation, incoming, periodic and outgoing inspections, lease management, and other matters to protect Council's interest. All negotiated lease agreements must be reported to, and authorised by Council prior to the letting of any lease.

IMPACTS

Financial

This matter has not financial impact upon Council's adopted budget to forward estimates.

The Hills Future - Community Strategic Plan

Council is providing equitable access to range of community services.

RECOMMENDATION

1. The submission received for the letting of the ground floor, level 2 and level 3 of Building C at 3 Columbia Court, Baulkham Hills be declined as it was non-conforming for the reasons outlined in this report.
2. Council invite '*Expressions of Interest*' for the appointment of a Managing Agent – Commercial Property Portfolio for the leasing of the vacant lettable space contained within 3 Columbia Court, Baulkham Hills with a further report to be submitted on submissions received.

ATTACHMENTS

1. Confidential Tender Evaluation Report - Letting of the Ground Floor, Level 2 and Level 3 of Building C at 3 Columbia Court, Baulkham Hills **(Forwarded to Councillors under separate cover)**

CONFIDENTIAL MATTERS**CLOSED COUNCIL****REPORTING OFFICER****GENERAL MANAGER**

DAVE WALKER

The Hills Shire Council is committed to open government and decision-making. Some matters do, however, require confidentiality and therefore the exclusion, during their discussion, of the press and public. The nature of these matters is set out in the following guidelines as specified by Section 10A Clause (2) of the Local Government Act, 1993:-

- (a) personnel matters concerning particular individuals;
- (b) the personal hardship of any resident or ratepayer;
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret;
- (e) information, that would, if disclosed, prejudice the maintenance of the law;
- (f) matters affecting the security of the council, councillors, council staff or council property;
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

RECOMMENDATION

1. The press and public be excluded from the proceedings of Closed Council in respect of Items 24 & 25 pursuant to the relevant Clauses of Section 10A, Clause 2 of the Local Government Act, 1993, as detailed in the following table.
2. Council withhold access to Items 24 & 25 in accordance with the following table and Section 11(2) of the Local Government Act.

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GENERAL MANAGER**ATTACHMENTS**

1. Table of matters referred to Closed Council.

TABLE OF MATTERS REFERRED TO CLOSED COUNCIL

ITEM NO.:	24
SUBJECT:	FINAL REPORT - COMPLETION OF CONSTRUCTION WORKS AND PROPERTY SALES - GREY GUM ESTATE, WITHERS ROAD, KELLYVILLE
Associated Report:	N/A
Reason for Confidentiality:	Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
Section:	10A(2)(c)
Public Interest	On balance, the public interest in preserving the confidentiality about the financial and other details mentioned in the report outweighs the public interest in maintaining openness and transparency in Council decision making because the disclosure of this information would put the Council at a competitive disadvantage in its negotiations with prospective purchasers, preventing it from achieving a 'best value for money' outcome for the wider community.
ITEM NO.:	25
SUBJECT:	ORGANISATION STRUCTURE - REVIEW
Associated Report:	N/A
Reason for Confidentiality:	Personnel matters concerning particular individuals;
Section:	10A(2)(a)
Public Interest	On balance, the public interest in preserving the confidentiality about staff position changes and structure of the organisation mentioned in the report outweighs the public interest in maintaining openness and transparency in Council decision making.